

Public-Private Dialogue

INTERNAL REPORT

Impact Assessment of the Public-Private Dialogue Initiatives in Cambodia, Lao PDR, Vietnam

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Acronyms

ADB	Asian Development Bank
AMCHAM	The American Chamber of Commerce in Vietnam
ASEAN	ASEAN South East Asia Nations
ASMED	Agency for Small and Medium Enterprise Development
AUSCHAM	The Australian Chamber of Commerce in Vietnam
B&F	Banking & Finance
BEE	Business Enabling Environment
BMO	Business Membership Organization
BOT	Build Operate Transfer
BWG	Business Working Group
CAMFEBA	Cambodian Federation of Employers and Business Associations
CDC	The Council for Development of Cambodia
CG	Consultative Group
CIL	Common Investment Law (Vietnam)
CMA	Cambodian Midwives Association
CMWG	Capital Markets Working Group
CPI	Committee for Planning & Investment (Lao PDR)
DP	Development Partner
DPM	Department of Preventive Medicine
E&I	Energy & Infrastructure
EC	European Commission
EI	Expert Interview
EL	Enterprise Law
EMF	Export Management Fees
EP&TF	Export Processing & Trade Facilitation
EU	European Union
EUROCHAM	The European Chamber of Commerce in Vietnam
FDI	Foreign Direct Investment
FIAS	Foreign Investment Advisory Services
GDP	Gross Domestic Product
GMAC	The Garment Manufacturers' Association of Cambodia
GoL	Government of Lao PDR
GoV	Government of Socialist Republic of Vietnam
G-PSF	Government-Private Sector Forum
GTZ	German Agency for Technical Cooperation
HYBA	Hanoi Youth Business Association
HCMC	Ho Chi Minh City
HKBAV	Hong Kong Business Association
ICA	Investment Climate Assessment
ICT	Information and Communication Technologies
IFC	International Finance Corporation
IMT	Inter-Ministerial Team
IWG	Infrastructure Working Group
JBA	Japan Business Association
LBF	Lao Business Forum
LNCCI	The Lao National Chamber of Commerce and Industry
LT&GG	Law, Tax & Good Governance
M&E	Monitoring and Evaluation
MDWG	Manufacturing and Distribution Working Group
MEF	Ministry of Economy and Finance
MFI	Micro Finance Institution
MOC	Ministry of Commerce
MOU	Memorandum of Understanding
MPDF	Mekong Private Sector Development Facility
MPI	Ministry of Planning & Investment (Vietnam)
MPWT	Ministry of Public Work and Transport
MSME	Micro, Small and Medium Enterprises
NBC	National Bank of Cambodia

PM	Prime Minister
PPD	Public Private Dialogue
PPDIA	Public Private Dialogue Impact Assessment
PS	Private Sector
PSD	Private Sector Development
PSF	Private Sector Forum
PSS	Private Sector Survey
PSWG	Private Sector Working Groups
RGC	Royal Government of Cambodia
RPPDC	Regional Public Private Dialogue Coordinator
SRV	Socialist Republic of Vietnam
TA	Technical Assistance
TAF	The Asia Foundation
TF	Trade Facilitation <i>or</i> Task Force
UEL	Unified Enterprise Law (Vietnam)
UN	United Nations
UNDP	United Nation Development Program
VAFI	Vietnam Association of Financiers
VBF	Vietnam Business Forum
VCCI	Vietnam Chamber of Commerce and Industry
WB	The World Bank
WG	Working Group
YBA	Youth Business Association

Acknowledgements:

This study was conducted under the co-funding of the following partners:

IFC MPDF

IFC Capacity Building Trust Fund supervision

WBG BEE program on Public-Private Dialogue

AUSAID

The study was administered and managed by Benjamin Herzberg & Lili Sisombat of the WBG. It was implemented during six months by a lead consultant company based in Cambodia, HR. Inc. and a second consultant company serving as field support, MCG Management Consulting, Inc., based in Vietnam. The team wishes to thank the following individuals, to which earlier versions of this report were distributed for review and comments: Geeta Batra, Irina Niederberger, Warrick Smith, Adam Sack, Sin Foong Wong, Trang Nguyen, James Brew, Pascale Rouzies, Lien Anh Pham, Peter Lindermayer (Ausaid).

Introduction

Study Objectives¹

The objective of this impact assessment study is to evaluate and report on the impact of the work of the Private Sector Forums². The evaluation team aimed at:

- Assessing the impacts on the Private Sector Forums in three different manners: effectiveness of organizational process of each Private Sector Forum, impacts on the reform process, and economic impacts;
- Identifying lessons learned from each Private Sector Forum process, pointing to good practice that could be duplicated in other locations;
- Providing guidance on how the IFC and donors should further support the Private Sector Forums.

Specifically, the recommendations addressed by the report and informed by the research aim at:

- Pointing to key experiences gained from the Private Sector Forums and advising how those experiences could be duplicated for other such initiatives.
- Advising on how to improve the Private Sector Forums effectiveness (inputs, activities, process, outputs).
- Indicating if and how the Private Sector Forums should further integrate with other public and/or private institutions to better fulfill their mandate.
- Addressing sustainability issues related to the Private Sector Forums including (but not limited to): funding, staff, political capital, participation of key stakeholders, regulatory impacts and required support.
- Assessing the representative nature of the Private Sector Forums.
- Assessing the balance in private sector representation in the Private Sector Forums (FDI versus local, capital v. provinces, exporters v. non-exporters, small v. large companies) within the context of each Private Sector Forum's objectives and working group structure.
- Evaluating the causality between the priorities identified through the dialogue platforms and the directions of funding programs of donors trying to impact the private sector development in these countries
- Identifying the scope for improving collaboration and coordination by the IFC with other donors and multilateral agencies in public-private dialogue.
- Evaluating whether the Forum directly contributed to the development of the Bank Group PSD program in each country.

¹ Quoted with minor edits from the Terms of Reference for International Consultants

² This document refers to the Private Sector Forum as being the comprehensive process of Public-Private Sector dialogue managed by IFC or MPDF that encompasses the Forum meeting, Working Groups, Private Sector Working Groups, Task Forces, Executive Co-Chair meetings and other meetings conducted within the auspices of the Secretariats' responsibilities.

Report Structure/ Overview

The evaluation and impact assessment content of this report comprises three parts. Each may be viewed as a different method of evaluation, independent of the others. However, this report also seeks to present a logic running through Parts 1 to 3.

Part 1 examines the organization and processes of the Public Private Dialogue (PPD) in each country, in particular testing each for its alignment with the 12 points of the Charter on Public Private Dialogue³. This provides a means for comparing the three PPDs and describing some key aspects which might impact performance, such as the effectiveness and balance of participation of different stakeholders and the extent to which the PPD fits in with existing institutions.

Given the organization and processes that have evolved and are described in the first Part, Part 2 examines the impact of the PPD on the process of achieving reforms relevant to private sector development. This Part considers the steps that are actually or conceptually required to identify, advocate for, agree, implement and maintain a reform. It then assesses the degree to which the organization and process of PPD enables the private sector and other stakeholders to complete each of these steps. This latter assessment is compared to the counterfactual of a non-PPD environment. For example, it may be shown that appropriate alignment with existing institutions enables the private sector to better leverage existing lobbying arrangements, vis-à-vis unaligned dialogues, or it may be that the well-balanced participation that a given PPD achieves is important to building private sector consensus and therefore a stronger position. Part 2 establishes the extent to which PPD can be seen as having impacted the reform process, both by examining a few selected reforms and by analyzing each step of the reform process. In doing so, this Part implicitly determines to what extent reforms can be in part, main or whole, attributed to PPD.

Part 3 assesses the results of the PPD initiatives. Given the organization and processes of each PPD and the impact each of these is able to have on the private sector's ability to achieve reforms, what actual benefits has each PPD been able to bring to the private sector – in terms of regulatory and economic impact? The analysis in this section is necessarily partial⁴ in that a complete calculation of the full cost-benefit of any given reform, taking into account all impacted stakeholders, is beyond the scope and resources of this impact assessment project⁵. However, Part 3 aims to set out whether or not PPD is a cost-effective instrument for support to private sector development by identifying and valuing a number of achievements which can in some part be attributed to the PPD's impact on the reform process. A basic assessment of the costs of each PPD is also included in Part 3, which the authors suggest, provides a basic framework for the potential more comprehensive analysis.

The report concludes with a section (Part 4) reviewing the lessons learned from the first three Parts of the study, including recommendations for each of the PPDs and for donor involvement in PPD more generally. The section also provides some feedback and proposals on the evaluation methodology that has been piloted through this study.

The methodology for the study is described per Part, at the beginning of each relevant section. The overall methodology for the study can be summarized as the logical sequence of phases (or three alternative and independent approaches) described above set against the three broad research and

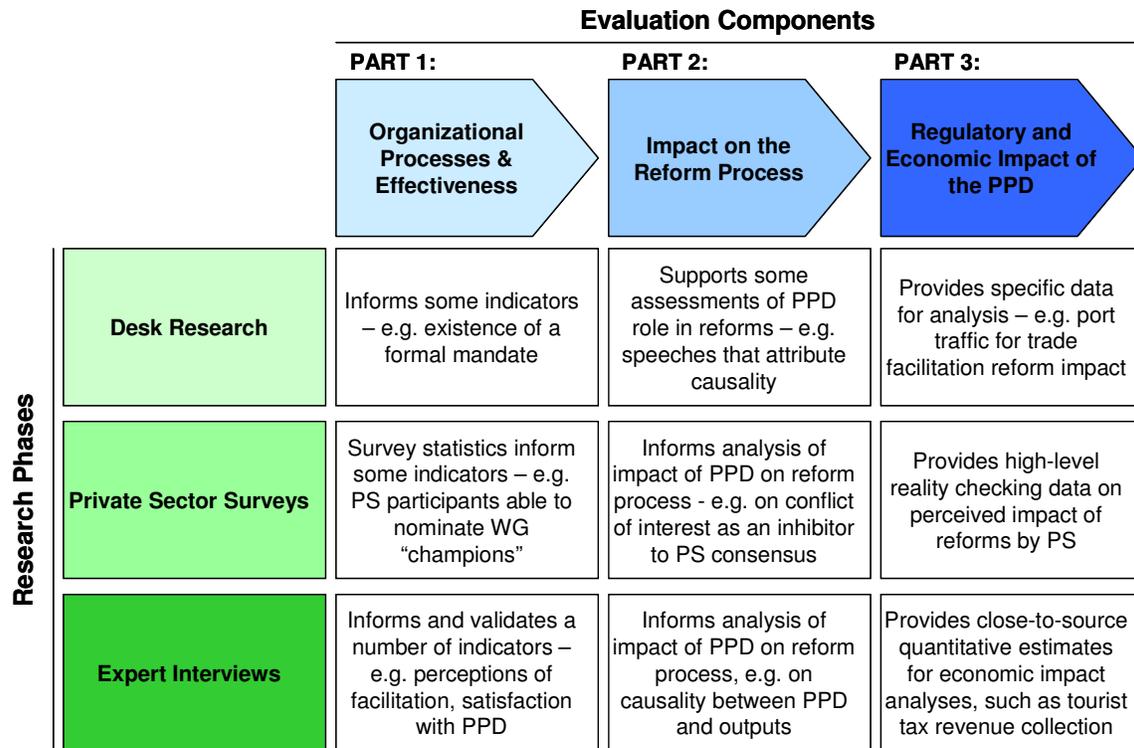
³ <http://www.publicprivatedialogue.org/charter/>

⁴ In the sense of being non-general, rather than non-impartial

⁵ The argument is presented, however, that a more sophisticated and embedded approach to on-going evaluation - perhaps initiated at the issue proposal stage of each dialogue, and linked to M&E - would be a useful development for all three PPDs in the study and its wider practice.

analysis approaches used during the study. Figure 1 presents such a summary in schematic, while the main research activities are described in the next paragraphs.

Figure 1: Schematic of Project Research and Evaluations



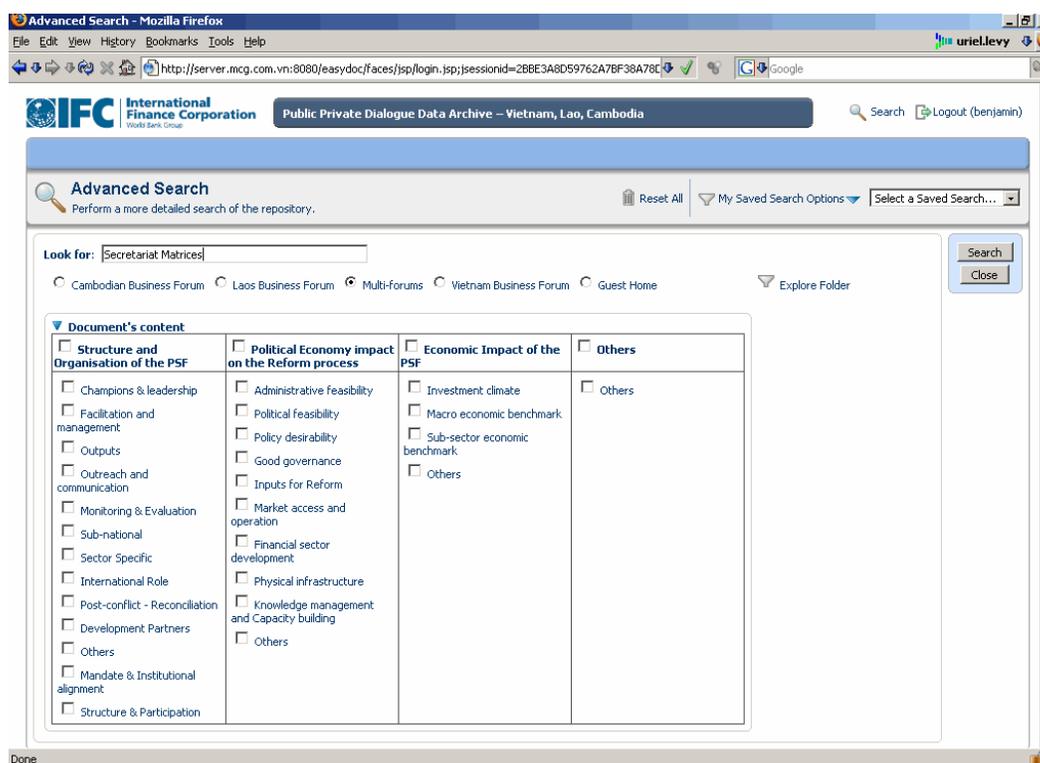
Research Phases

The study was built around three distinct research phases including desk research based on the **indexation and review of 1034 documents** (Cambodia: 210 documents Laos: 126 documents Vietnam: 698 documents), **surveys of 246 private sector companies** in the three countries and **interviews of 71 senior experts** from government, donor community, private sector and civil society.

- Phase 1: Desk Research

Desk research sought to collect documentation on the three PPDs as extensively as possible. Diverse sources of information were included, namely international agency reports and documents, PPD outputs (internal and external communications, working papers and issue matrices/agendas), national statistics for the three countries, press reviews and clippings. The data collected for Lao PDR and Vietnam has been aggregated into a database. The database is available online for consultation of documents referenced in the report. The database offers search facilities per country, per theme and for text strings which proved particularly useful during the research. A username and password is necessary to access the data in order to protect the confidentiality of some internal documents - interested readers are invited to contact the Task Managers for access details.

Figure 2: PPDIA Online Reference Document Database - Screenshot



- Phase 2: Private Sector Surveys

The second research element consisted of a survey of the private sector in the three countries. Respondents were drawn from a sample of company owners and business executives, both participants and non-participants in the PPD.

The team rapidly acknowledged large variance in level of involvement with the partnerships among the participating businesses. In order to control for variations of perception due to participation differences, the PS participants were categorized as Tier 1 – business membership organizations (BMOs) and Tier 2 (private companies) in Vietnam and Lao PDR where BMOs animate the Working Groups (WG) of the PPD. In Cambodia active participants were interviewed as a priority from a list distinguishing between active and occasional participants communicated by the IFC-led Secretariat. A two stage sampling was then performed to ensure representation of all WGs. Additionally in all countries *non-participants* randomly selected from telephone directories were included to the sample to represent about a quarter of the sample size (23% of non-participants vs. 77% of participants over the 246 respondents).

The total sample size was 246 across the three countries as presented in the table below.

Table 1: Breakdown of Private Sector Survey Sample

Country * Forum Participant Crosstabulation

Count

		Forum Participant		Total
		No	Yes	
Country	Vietnam	20	82	102
	Lao	11	39	50
	Cambodia	24	70	94
Total		55	191	246

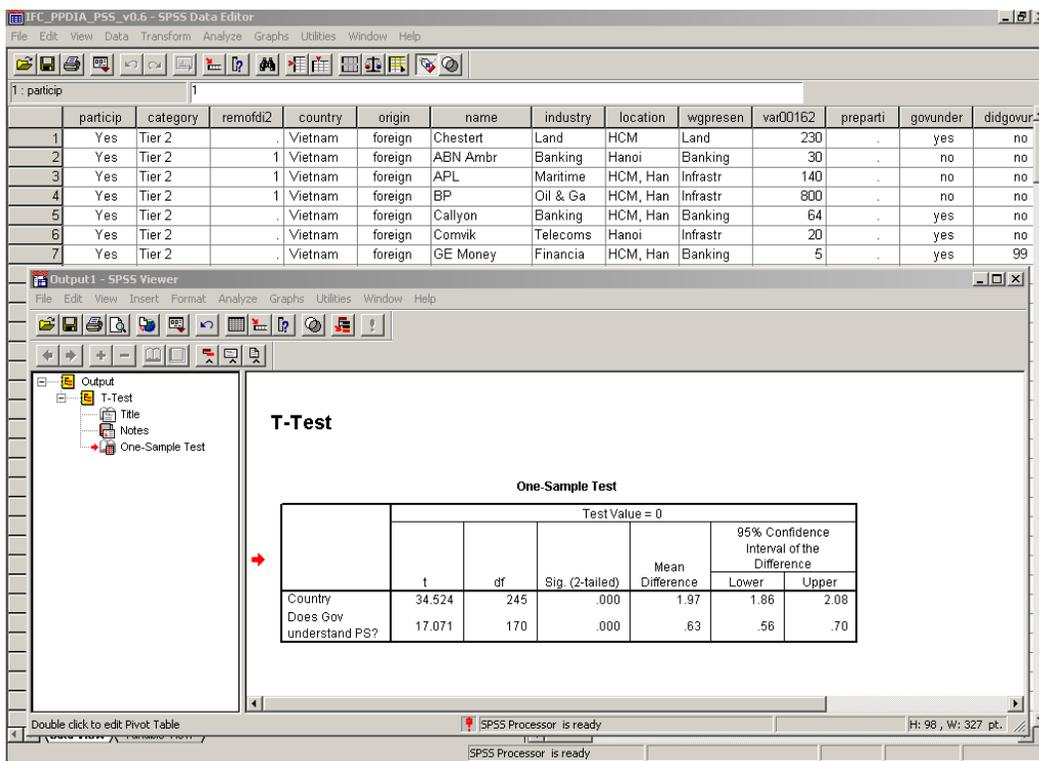
Survey interviews were conducted face-to-face. It was found that small businesses have in the recent past been exposed to a number of surveys from international agencies, which created a certain 'survey fatigue' and posted hurdles in the attainment of the full survey size in the two countries with more limited private sector depth.

The questionnaires mostly included closed-ended questions in the form of a statement regarding the PPD organizational effectiveness, impact on the reform process and economic impact. To capture respondents' perception proposed values originally ranged from "0 – Absolutely disagree" to "10 – Absolutely agree". During the questionnaire translation and adaptation to the Lao and Vietnam settings several values were modified to a Yes/No format. This likely resulted in partial information granularity loss, as suggested by an unusually high share of positive answers by LBF participants on variables whose intent was obvious. To maintain consistency and allow for cross-country comparison the Cambodian data was re-coded similarly, where a value of 6 was selected as threshold for positive answers. To provide retrospective data for comparison purposes in the absence of baseline survey, several questions addressed identical topics with different time horizons (e.g. "Do you agree with the statement that the Government understands Private Sector (Private Sector) issues?" and "Do you agree that Government understood Private Sector issues 5 years ago?"). The questionnaire is presented in Annex 4.

The questionnaires were translated into local languages, tested and eventually delivered in the period of October to December 2006. The data was entered, cleaned and analyzed with the statistical software SPSS for Windows⁶. The database is deposited with the IFC task leader. Over 35 variables from the PSS have been analyzed to inform the evaluation wheels and analyses presented in part 1 and part 2 of the document. For tests of statistical significance a confidence interval of 95% was considered as demonstrative unless otherwise specified.

⁶ Standard version, Release 11.0.0.

Figure 3: SPSS Database for Private Sector Survey Analysis - Screenshot



- Phase 3: Expert Interviews

The third research phase consisted of interviewing over 69 senior experts in the three countries⁷ in order to gain deeper insight from practitioners into the evaluation topics. Expert Interviews took place primarily during the months of November and December 2006. The investigation included representatives from the following groups: senior public officials, private sector, including Chambers of Commerce and BMOs and most WG (Co-)Chairs, civil society (media, NGOs) and the donor community, as well as the facilitators of the dialogues themselves. Two impact assessment team members attended interviews in most cases (including one report writer) to ensure accurate note taking.

Interview guidelines were developed around a number of “modules” where feedback from the Expert Interview was seen as important. An exhaustive list of evaluation categories totaling over 25 modules was built and an average of 4 modules was assigned to each interviewee - given the large number of evaluation components only a portion of interview modules could be tackled during each interview.

The utilization of a proprietary MS-Excel-based Expert Interview Tool guaranteed rigorous analyses of the large quantity of information collected. After input of interview notes across the 25 modules, the tool offers a convenient snapshot of respondents’ exhaustive answers for the theme and the country under scrutiny.

⁷ The list of experts interviewed is proposed in the Annexes

Figure 4: MS-Excel Tool for Expert Interview Analysis - Screenshot

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Ctrl	Cambodia	Description												
Thm	Reform Process Module	Indicator												
Thm#	3	Group												
	Respondent Name 1	D												
	Respondent Name 2	D												
	Respondent Name 3	D												
	Respondent Name 4	D												
	Respondent Name 5	D												
	Respondent Name 6	D												
	Respondent Name 7	G												
	Respondent Name 8	G												
	Respondent Name 9	G												
	Respondent Name 10	G												
	Respondent Name 11	G												
	Respondent Name 12	G												
	Respondent Name 13	G												

PART 1: Evaluation of Organizational Processes & Effectiveness

This first of three parts of the evaluation seeks to benchmark each PPD along 12 dimensions drawn from the PPD Charter of Good Practice⁸ (“PPD Charter”) agreed upon by development partners at the international workshop on PPD, held in Paris in February 2006.

1.A Methodology

The analysis broadly follows that set out in the PPD Toolkit, in which an “evaluation wheel” enables ready comparison across different PPDs, or across different stakeholder perspectives, time periods etc. Two indicators are derived for each of the 12 elements of the Charter, with one or more indices defined – each scored from 0 to 10 – to be combined in the calculation of each indicator.

The evaluation wheel is intended to provide comparison and benchmarking, rather than an evaluation of aspects of performance of a PPD *per se*. We present assessments of the 12 elements in the sections that follow in order to provide a backdrop for further commentary on the most relevant elements for evaluation. The objective of this part of the evaluation is therefore to understand the performance of the processes and structures put in place in support of PPD and to link this to the latter’s effectiveness.

Data from which to develop scores for each index is obtained from the full range of research inputs to this evaluation – desk research, statistics from the Private Sector Survey and feedback during the Expert Interviews.

Since each of the 12 elements comprises 2 or more indicators and these in turn may each be derived from one, two or more indices, a natural question is how the constituent values should be weighted to achieve an overall score for each element.⁹ Further, individual indices are in some cases informed by more than one source or technique. The approach taken in this study is to apply equal weights at all points, unless specified below. The rationale for this, aside from the challenges of deriving justifiable weights, arises from the abovementioned nature of the evaluation wheel as a comparative and benchmarking tool. It is not necessarily the case that a higher score is always better – perhaps only different. As a stimulus for deeper comparison – and evaluation – then, we feel that the neutral (unweighted) approach is most appropriate. Figure 5 provides an example of the structure of a data point for the evaluation wheel – in this case, the Leadership & Champions element.

Figure 5: Example of Composition of a Charter Element (Illustrative)

12-Point Element	Leadership & Champions				
Indicators	The presence and clear involvement of champions who are recognized as such by stakeholders		Continuity of involvement of champions in dialogue or partnership		
Indices	Turnover rate of champions. (high, staying on only a few months=0 to low, continuous presence=10)		Existence of at least one champion in each of the participating stakeholder groups (none=0, all =10)	% of respondents that identify the same champion(s) - (all different =0, all the same = 10)	% of respondents satisfied with the Champions in their WG
Techniques	Expert Interviews	Desk Research, including Meeting Minutes	Survey and Participant Lists	Expert Interviews & Survey	Survey

⁸ Reproduced in “The PPD Handbook: A Toolkit For Business Environment Reformers,” Benjamin Herzberg and Andrew Wright, World Bank, 2006. This document is also referred to in the current text as “PPD Toolkit”

⁹ The same question does not arise, in the view of the team, with respect to weighting the various elements in an overall “score” for each PPD, since we view the “evaluation wheel” approach as being comparative and therefore relevant at the element level, rather than relevant at the level of such an overall score.

Several limitations of this approach can be pointed out, including:

- **Differential relevance.** Because of the unique circumstances of each country, different elements of the 12-point charter may be more or less relevant. For example, post-conflict-reconciliation may or may not apply, or might be considered as “crisis prevention and mitigation” in some cases rather than “post-conflict”;
- **Interpretation.** As described above, the indicators derived cannot always be interpreted as “more is better,” although higher scores are in general a sign that a PPD is more closely aligned in design and function with the ideal PPD implicit in the toolkit and charter;
- **Judgment.** Some of the indices are developed as a judgment of the evaluator or his interpretation and combination of, for example, a range of stakeholder views. This presents challenges both because of the *judgment* and because of the *range of stakeholder views*;

In each of these cases, further explanation is provided in the commentary accompanying each indicator, which seeks to provide mitigation, justification and explanation of the reported value as relevant.

1.B Assessment of the Twelve PPD Charter Points by Country

This section presents pertinent assessment elements of each PPD against a combination of indicators defined in the PPD toolkit with a small number of modifications by the evaluation team to the standard indicators in the toolkit. The table is followed by some commentary and supporting rationale for each assessment. Each section is introduced with a boxed extract from the Charter of Good Practice in using Public Private Dialogue for Private Sector Development, in order to provide some guidance on the meaning of each set of indicators.

1. Mandate and Institutional Alignment

“A statement of objective is helpful for clarity. A formal or legal mandate can be an important help in some political and economic contexts, but mandates are never sufficient to establish good PPD. Wherever hosted and whenever possible, PPD should be aligned with existing institutions to maximize the institutional potential and minimize friction.”¹⁰

Cambodia

Table 2: Indicators for “Mandate and Institutional Alignment” in Cambodia

Point 1: Mandate	Indicator	Assessment	8.0
Existence of mission statement and capacity of participants to explain this mission statement	Does the PPD have a shared mission statement	No mission statement for overall G-PSF structure but Prakas for its component structures.	7.5
		% of Private Expert Interview respondents that state the mission correctly	7.5
Adequacy of the PPD mission	10 minus % ¹¹ of EI respondents who believe the PPD mission should be modified/improved	Moderate number of comments to the need to modify PPD mission (30%). Comments focused on increase management and TA	7.0

¹⁰ PPD Toolkit, 2006

¹¹ i.e. equivalent proportion out of 10

Point 1: Mandate	Indicator	Assessment	8.0
Degree of anchorage of the partnership into existing public institutions, as per its mandate	Participants with decision-making power in their home institutions	Participants to the WG and forums hold senior position in their institutions - WGs are chaired by Ministers.	9
	Mandate formally accepted and signed by relevant public institutions	Yes, 2 Prakas nominate to positions and outline mandates and duties	10

The G-PSF, headed by the Prime Minister and attended by Ministers of State, other high Government officials including the military and the police has the status of a Government Cabinet Meeting. As such the G-PSF has executive powers, and its outcomes have the force of “binding” governmental decisions. Consequently the G-PSF has an implicit formal mandate that is sufficient to establish credibility and enable dialogue to be integrated into the existing institutional framework. Additionally, several official documents referred to below (Sub-decrees), commonly describe the different G-PSF structures. The overall G-PSF structure and mandate description is not however captured by these documents.

On January 2001, the Government issued a *“Decision on the Creation of Sectoral Working Group for Partner Discussion with Private Sector (No. 07 SSR)”*. The document defines the WG objectives, duties and modus operandi. The goal of the WG structure is *“to encourage the performance of existing investment enterprises as well as attract new investment into Cambodia”*. Their duties include the facilitation of the dialogue between the private and public sector *“in order to resolve any pending issues within their sectoral responsibilities expediently and, if necessary, submit it to the relevant competent authorities,”* reporting to the PM regarding the status of their work and providing a necessary basis for recommendations at the G-PSF. The Government’s WG Co-Chairs and other cross-Ministerial delegates are nominated later in the Decision.

The same document (*No.07 SSR*) assigns a formal mandate as process facilitator to a body to be established under the IFC (today known as the “Coordinating Bureau”). The Council for Development of Cambodia (CDC) is tasked with reporting directly to the PM and with liaising between the WGs and the PM when necessary.

In 2004, the Decision was updated (No. 47 SSR, 2004). The two most significant updates refer to the frequency of the G-PSF, set to be held every six months, and to the expansion of the group of WG Chairpersons. In the same year, the Government went on to further strengthen the PPD structure with the *Decision on the Establishment of the Sub-Steering Committees for Private Sector Development (No. 46 SSR, 11th August, 2004)*.

The G-PSF is hosted by the CDC and Chaired by Prime Minister Hun Sen. Given the strong government hierarchical structure, top-level political backing is a key requirement for the partnership to be successful in Cambodia, reflected in the findings of Part 2, below.

Perhaps more important than a formally documented mission is the one (or many) which stakeholders collectively agree on – even informally. The expert interview research suggests that stakeholders also share a common view of the mission of the PPD. Virtually all respondents on this issue nominated core elements such as: government and private sector working and having dialogue together; resolving private sector issues; a sense of common good or; the private sector as

a growth engine to broader benefit. PPD as a means to enhance FDI was raised by only a few respondents, however¹².

The team added a further indicator to assess the extent to which stakeholders felt the mission as they (commonly) understood it was appropriate. No expert interview stakeholders strongly challenged the substance of the mission as they understood it. However, three broad themes around how the mandate might be improved emerged from these discussions¹²:

- That the PPD could take on a more *strategic* role – this particularly advocated by senior government figures;
- That the PPD could play an important role in building the capability of Business Membership Organizations (BMOs);
- That PPD should have a closer link with and role in the delivery of technical assistance, both in the sense of providing research, expertise and support to the private sector side of the dialogue (articulated mainly by the private sector); and through
- Linking other donor activities to the PPD so as to improve coordination and relevance of those activities (raised by donors).

Vietnam

Table 3: Indicators for “Mandate and Institutional Alignment” in Vietnam

Point 1: Mandate	Indicator	Assessment	7.1
Existence of mission statement and capacity of participants to explain this mission statement	Does the PPD have a shared mission statement	Non-existence of formal mandate but MOU with government and clear link to CG. Mandate not sufficiently official as proven by Private Sector aborted attempt to develop formal charter	5
		% of survey respondents agreeing on core objectives of PPD as platform for discussion and problems resolution between Private Sector and Gov; vague answers regarding role of foreigners vs. domestic	8.2
Adequacy of the PPD mission	10 minus % of EI respondents who believe the PPD mission should be modified/improved	Overall satisfaction of respondents. 1/3 of respondents requested additional provincial and HCMC focus. 1 comment from high level official on the need to stick to CG key points	6.0
Degree of anchorage of the partnership into existing public institutions, as per its mandate	Participants with decision-making power in their home institutions	Participants to the WG and forums hold senior and top positions in their institutions.	10
	Mandate formally accepted and signed by relevant public institutions	Clear endorsement by MPI and Government but lack of formal piece of regulation defining roles and duties	7.5

¹² Expert Interview analysis

The Vietnam Business Forum was initially recommended by the International Finance Corporation (IFC) and by December 1998, the VBF became part of the Consultative Group (CG) process¹³. As a result of this integration, Government's commitment is high, with the participation of the (Deputy) Prime Minister and the Minister of Planning and Investment. The Government also recognized the Forum as an effort to improve the business climate by stakeholders¹⁴.

Both the Private Sector Survey and the Expert Interviews reveal a high degree of unprompted recall of the substance of the mission. 100% of "first tier" survey participants (working group members and those with active involvement) and 63% of "second tier" respondents (those who participate via business associations) could recall the mission. Similar identification of the mission was possible in the Expert Interviews, though only the IFC representative was specific about attracting FDI. Moreover, Expert Interviews respondents in Vietnam were prone to ascribe linking with and coordination of donors – in particular via the CG – as a part of the goal of the VBF.

The Foreign Investment Agency (FIA) of the Ministry of Planning and Investment (MPI) is the institution housing the VBF on the Vietnamese Government's behalf, while the Banking and Finance WG deals directly with the State Bank of Vietnam (SBV). This arrangement was seen generally as appropriate¹⁵, as indicated by 69.3% of the PSS sample not seeing the need to further integrate the partnership with additional governmental institutions. Among those suggesting additional institutional linkages, the Ministry of Finance and General Tax Department was the most common answer, suggesting limitations to the Inter-Ministerial Team's performance in achieving coordination among Government bodies. The Expert Interviews provide additional insights. Several experts highlighted the anchorage within MPI with the FIA as a sign of VBF prioritization of foreign companies' interests, at least from a chronological perspective. The same experts suggested the involvement of additional MPI departments and Ministry of Finance, which would be more in line with domestic business interests. It should be pointed out, however, that none believed MPI-FIA should be replaced as this would damage the CG link, seen by virtually all respondents as critical to the VBF's past and future achievements¹⁶.

The VBF has a Charter drawn up by the secretariat and available on its website¹⁷. It does not represent a formal or official mandate as it has not been endorsed by the other parties. It is however a significant and pragmatic document that highlights the role of the VBF as seen by the secretariat. It defines the mission through a purpose, "*to improve the business environment to stimulate economic development in Vietnam to increase employment and improve people's lives,*" and five specific objectives. A couple of years ago, the Private Sector attempted to draft a formal VBF Charter with the view of strengthening its status and further institutionalizing its operations. The project was, however, never completed as the Private Sector felt that the resources/efforts it implied outweighed the moderate benefits.

¹³ Wolfgang Bertelsmeier, "Case Study 7a - Vietnam, Launching the Vietnam Private Sector Forum, 1997-2000", International Workshop on Public-Private Dialogue, Paris, 2006.

¹⁴ Expert Interview analysis

¹⁵ Ref: Expert Interview Results Sheet Vietnam-Anchorage into Institutions. The Country Manager of IFC also recognized this foreign sector bias and the need to involve another institution if domestic business involvement were to be encouraged.

¹⁶ Ref: Expert Interview Result Sheet Vietnam-Improvement Recommendation. Note that we don't specifically recommend making a shift of institution because of the potential cost of disruption to an institution currently working well. Better is to find means to further involve other parts of the business sector, including through involving other partner institutions.

¹⁷ www.vbf.org.vn

Lao PDR

Table 4: Indicators for “Mandate and Institutional Alignment” in Lao PDR

Point 1: Mandate	Indicator	Assessment	8.0
Existence of mission statement and capacity of participants to explain this mission statement	Does the PPD have a shared mission statement	MoU defines objectives. IFC Project document also has objectives.	10
		% of Private Expert Interview respondents that state the mission correctly	7.2
Adequacy of the PPD mission	10 minus % of EI respondents who believe the PPD mission should be modified/improved	Only one mandate changing issue identified - inclusion of provinces	9.0
Degree of anchorage of the partnership into existing public institutions, as per its mandate	Participants with decision-making power in their home institutions	WGs seen as not attracting such senior decision makers (no longer DPM, few ministers but mostly Department heads). Question about new LBF Chair and whether it will involve a DPM under a new MOU	2.5
	Mandate formally accepted and signed by relevant public institutions	MoU between CPI and IFC as well as between IFC and LNCCI	10

The IFC’s project document for the Lao Business Forum states that its objectives are to *“improve the business enabling environment, to provide a platform for an effective dialogue process between the business community and the Government and to facilitate information-sharing with potential investors. Among others, the Forum intends to address the following key issues: promoting consistent enforcement and non-discretionary interpretation of laws and regulations; removing barriers for business to entry and exit; providing feedback on various Government policies affecting the Private Sector, and; providing feedback on draft Government laws and regulations, which could affect the Private Sector”*.

The mandate of the forum was officially recognized in a Memorandum Of Understanding between the Lao PDR government – specifically, with the Committee for Planning and Investment (CPI) – and the IFC on 9 May 2005 as broadly as 1) providing a platform for an effective dialogue process between the business community and the Government, and 2) facilitating information sharing with potential investors.

Respondents to the Expert Interview research were generally able to capture the spirit of the mandate, particularly in nominating dialogue between Private Sector & GoL and adding an emphasis on solving business problems (considered aligned with “improving the business environment”). Less respondents referred to the second objective of facilitating information sharing with potential investors.

Further, a review of respondents’ responses on potential improvements¹⁸ does not suggest dissatisfaction with the mandate. Eight of the interviewees suggested that the facilitation role should include more technical assistance and analysis – though *“assist working groups to analyze*

¹⁸ Ref: Expert Interview Results Sheet Lao PDR-Improvement Recommendations

issues constraining growth and make suggestions based on best practices in the region and elsewhere¹⁹” is already part of the mandated technical support defined in the IFC-CPI MoU. There was also feedback from several donor respondents that the provinces should be more involved – something which may require a renewed mandate and separate MoUs with provincial leaders.

The Lao Business Forum does not carry any institutional status, only acting as a facility to achieve the mandate. Instead, the Committee for Planning and Investment has assumed the forum leadership role, and also acts as the representative from the government. On the other side, the Lao National Chamber of Commerce and Industry along with other business groups – associations and individuals - are the representatives of the business community.

An inter-ministerial team was also formulated, representing the Department of Domestic and Foreign Investment, Prime Minister’s Office, Ministry of Finance, Ministry of Industry and Handicraft, Ministry of Commerce, Ministry of Justice, Bank of Lao PDR, Lao National Tourism Authority, and Ministry of Agriculture and Forestry, to directly work with the representatives from business community.

Although the LBF event itself attracts high-ranking officials and Private Sector representatives of some seniority, the associated working groups are seen by some as lacking the involvement of senior decision makers²⁰. It is further suggested that the Forum event would be energized and more effective, as well as attractive to the Private Sector, if Vice Ministers were mandated to attend, rather than predominantly department heads.

The Lao Business Forum currently faces a challenge with respect to the government institution in which it is embedded. The MoU between IFC and the CPI previously nominated the “Deputy Prime Minister and President of CPI” as the Chair of the Forum²¹. At the time, the President of the CPI was indeed one of Lao PDR’s 4 Deputy Prime Ministers. However, this DPM has now been moved from CPI. It will be seen as demotivating for the Private Sector and diminishing the Forum’s opportunities to make decisions if a renewed MoU (due in late February 2007) is not interpreted as meaning that the Chairmanship of the Forum would be shared between the President of the CPI and a Deputy PM when they are not one and the same person²². Consistent feedback from the expert interview research suggests that the DPM level of authority is important to achieving the LBF’s goals – in particular with respect to coordination.

→ Recommendation #1:

The new MoU should address the institutional realignment of the LBF with an appropriate Deputy PM. Encouraging early discussions have taken place and it is believed that the Government would agree to a transfer to Deputy PM Somsavath Lengsavad. It is suggested that this will foster greater intra-governmental coordination as a benefit of the Forum.

2. Structure and Participation

“PPD’s structure should be manageable while flexible, enable participation to be both balanced and effective, and reflect the local private sector context.”²³

¹⁹ IFC-CPI MoU on Lao Business Forum, 2005

²⁰ Ref: Expert Interview Result Sheet Lao PDR-Anchorage into Institutions

²¹ IFC-CPI MoU (2004), Article 2.1

²² Discussions during the Expert Interview research phase suggest that the decision in principle has in fact been made to share the Chairmanship for the Forum with an appropriate Deputy PM on an on-going basis, as was evident in the second LBF in March 2007

²³ PPD Toolkit, 2006

Cambodia

Table 5: Indicators for “Structure and Participation” in Cambodia

Point 2: Participation	Indicator	Assessment	6.1
Existence of rules and regulations in the partnership, including formal mechanisms in place to balance power	Non-existence of documents with rules and regulations=0; complete set of clear rules and regulations=10	A number of written regulations are available. Noticeable are the regulation for election of Co-Chairs and documents presenting G-PSF structures by the Bureau and the Prakas defining Co-chairs' role.	7.5
	Equal participation of each stakeholder group (as per PPDIA TOR: Size, Sectors, Geography, Foreigners/local): maximum of 2.5 per dimension	Unequal participation among the WG but overall satisfactory representation of various sectors (2.5/2.5), company size (2/2.5) and local businesses (1.5/2.5); geographical representation relatively weak (1/2.5).	7
Degree of participatory decision making	Decision making mechanism within WG is written, formal and accepted	Decision making is largely formalized (3/4), partially written (1.5/3) and accepted (2/3)	6.5
	% of WG “regular” members that believe their voice is heard	% of private sector Survey respondents answering Yes OR above 5/ 10	5.4
Active contribution of all different stakeholder groups in developing proposals (none=0; all=10)	Assessment of contribution within each WG	Analysis of participation at WG level shows 3 WG with high to very high participation, 3 WG with very low to low and 1 medium	5.0

This section summarizes the structure and roles of the key bodies taking active part in the Cambodian PPD.

- The Government - Private Sector Forum (G-PSF)

Initially called Private Sector Forum, and renamed G-PSF for the 7th Forum meeting, the Forum is held bi-annually and chaired by the Prime Minister of Cambodia. The G-PSF has the status of a Cabinet Meeting and the decisions made in the Forum are binding as such. The Forum is attended by the RGC ministers in charge of private sector related topics. The G-PSF is a platform for the private sector and the Government to report on the progress of the seven Working Groups (now 8) and to consider the outstanding issues that remain unresolved from the WG meetings.

- The Working Groups

To date, eight WGs are operational: Law, Tax & Good Governance (LT&GG); Export Processing & Trade Facilitation (EP&TF); Services Including Banking & Finance (B&F); Tourism; Manufacturing & SMEs; Agriculture & Agro Industry; Energy & Infrastructure (E&I) and; the newly created Industrial Relations WG²⁴.

²⁴ Working Group 9 Case Study, Cambodian Government-Private Sector Forum, International Workshop on Public-Private Dialogue, www.publicprivatedialogue.com

Each WG is co-chaired by a Minister of the RGC and a representative from the private sector. The WG meetings discuss an agreed agenda of information inquiries, issues and recommendations that relate to either policy or direct operational hindrances confronted by the private sector. Outstanding issues that are not resolved within the Working Group meetings are referred to the G-PSF for Cabinet review, on a prioritized basis. As the WG meetings are attended by representatives of ministries, a key function of the G-PSF is to provide an opportunity for intra-government coordination and information exchange on private sector development matters.

- Private Sector Working Groups (PSWGs)

In preparation for the various WG meetings, the Private Sector conducts Private Sector Working Group Meetings. The agendas are prepared following a broad consultation process²⁵. Agendas consist of prioritized issues and recommendations. The IFC organizes and hosts many of these meetings, coordinates the nominations and elections of Co-Chairs and encourages input from the national and international Private Sector.

- PSWG Secretariats

Secretariats have been established for the WGs with a view to facilitate the involvement of business associations over time²⁶. Some WG such as LT&GG, B&F and EP&TF are supported by associations that provide a leading role in managing the group activities and reporting to their constituents. The Cambodian business associations, and in particular the Chamber of Commerce, have gradually begun to taking over roles and duties that used to be filled by the IFC Coordinating Bureau, such as the aggregation of constituents' demands and the minute taking at the WG meetings. Despite this, the WG process is still largely built upon the participation of individual business representatives and the IFC facilitation.

The Draft Statute on the Election of Co-Chairs reads: *"The members of each PSWG Secretariat will meet on a regular basis to agree on a WG agenda. Once a Secretariat member association has nominated an issue and recommendation that has been agreed upon by the Secretariat, it is the responsibility of the association that has nominated the issue to consequently represent that issue during the forthcoming WG meeting. The association will act on behalf of their membership and are responsible for canvassing their members to insure that the issues and recommendations raised in the Working Group are those of the membership base²⁷."*

- Executive Co-Chairs Working Group

This group consists of the seven Private Sector Co-Chairs from each WG, who meet to discuss issues that are of significance to each Working Group and to decide on a mutual agenda for the G-PSF. Recognizing their leadership in promoting matters considered to be of primary importance to the Private Sector, the Cambodian PM has offered to meet this group at short notice upon request.

- Council for Development of Cambodia (CDC)

²⁵ See Part 2 - Evaluation of Impact on the Reform Process for more details on the consultation process by the business associations and the WGs' secretariats.

²⁶ *"The Secretariats encourage associations to be responsive to their membership by providing adequate feedback to and from the Forum process whilst providing the Working Group with an agenda that is representative of the issues confronting each sector"* in Draft Statute for the Roles, Responsibilities and Election process for the Cambodian Government-Private Sector Forum Private Sector Co Chairs, Deputy Private Sector Co Chairs, PSWG Secretaries, Finance Officers and Board Members, August 2006

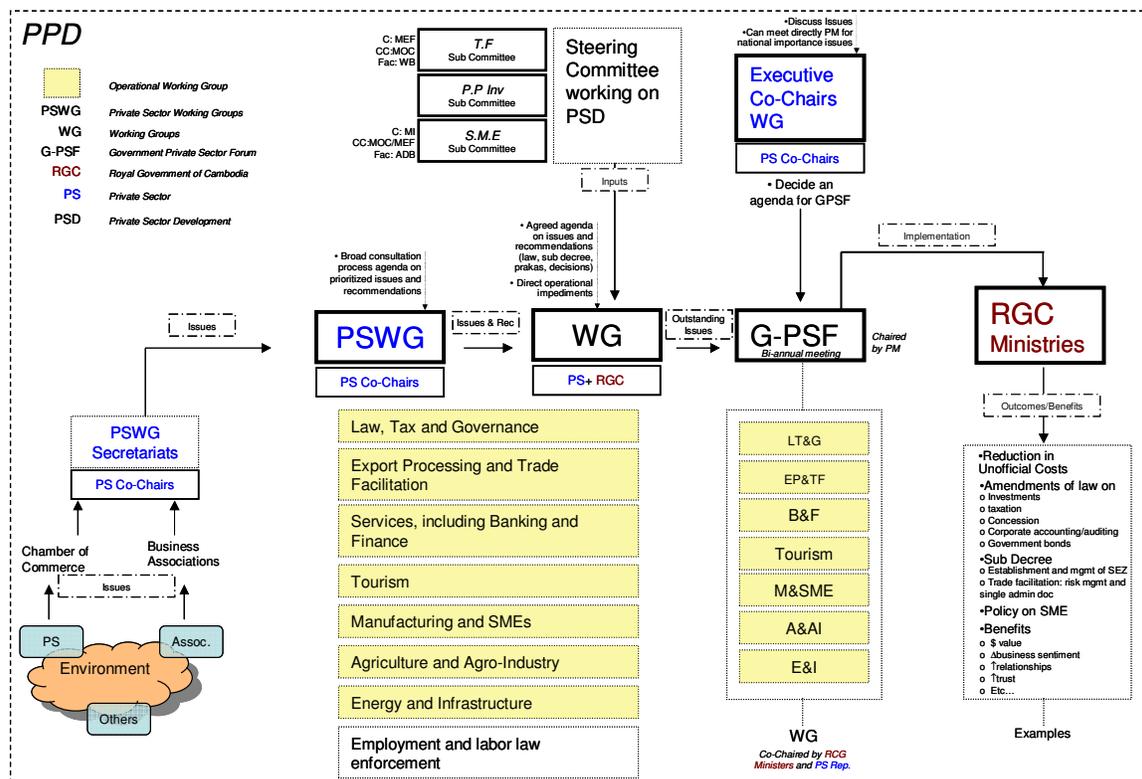
²⁷ Draft Statute for the Roles, Responsibilities and Election process for the Cambodian Government-Private Sector Forum Private Sector Co Chairs, Deputy Private Sector Co Chairs, PSWG Secretaries, Finance Officers and Board Members.

A prime minister's Sub-Decree²⁸ stated the role of the CDC as a General Secretariat for facilitation of the G-PSF mechanism and as focal point for all working groups. The CDC is also responsible for collecting outputs and preparing summaries for the PM. It should be noted that the CDC used to organize and finance all G-PSF expenditures. As some of the CDC functions are now executed by the IFC Coordinating Bureau, the CDC nowadays manages the information flow and coordination for the Government and it provides the logistical and organizational support required for the Forum event, as well as the venue.

- IFC Coordinating Bureau

The IFC, with financial support from AusAid, provides a bureau with secretarial and coordinating functions for the whole G-PSF process since 2002. The Bureau supports and works in close collaboration with the G-PSF Secretariat. Its role is to facilitate interactions within and between the PSWGs, and the WGs. The Bureau coordinates its activities with the CDC and assists the later in organizing WG meetings and the G-PSF.

Figure 6: Overview of G-PSF Structure²⁹



²⁸ Sub-Decree on the Establishment of Sectoral Working Groups for Dialoging with Private Sector, 7-SSR, 2004.

²⁹ Source: Evaluation Team

Vietnam

Table 6: Indicators for “Structure and Participation” in Vietnam

Point 2: Participation	Indicator	Assessment	6.2
Existence of rules and regulations in the partnership, including formal mechanisms in place to balance power	Non-existence of documents with rules and regulations=0; complete set of clear rules and regulations=10	WG formally established. Task forces (sub-working group) are continuously created but lack an official mandate. No written rules and mechanisms to balance powers	5.0
	Equal participation of each stakeholder group (as per PPDIA TOR: Size, Sectors, Geography, Foreigners/local): maximum of 2.5 per dimension	Uneven participation. Few sectors are represented (manufacturing, export and finance -- 1/2.5), over-representation of large companies (size 1/2.5) and foreign businesses (1/2.5); geographical representation largely focused on Hanoi (1/2.5).	4.0
Degree of participatory decision making	Decision making mechanism within WG is written, formal and accepted	Decision making is fully formalized through role of BA (4/4), fully accepted (3/3), but mostly un-written (0.5/3)	7.5
	% of WG “regular” members that believe their voice is heard	% of respondents stating the PPD represent them	5.9
Active contribution of all different stakeholder groups in developing proposals (none=0; all=10)	Assessment of contribution within each WG	All WG have relatively high capacity and contribution to proposals. Key role played by foreign lawyers and accountants but little participation by domestic businesses.	7.5

The donor community is an integral part of the Forum, which was the initiative of the IFC Country Manager in 1997. The VBF is now co-chaired by the World Bank Country Director and the IFC Country Manager together with officials from the highest rank of the Government of Vietnam³⁰.

The Vietnam Business Forum (VBF) includes representatives from the donor community, the Government and Private Sector businesses and business associations. The VBF operates with four working groups: Manufacturing and Distribution (M&DWG), Infrastructure (IWG), Capital Markets (CMWG) and Banking (BWG). The WGs are assigned respective line Government ministries and institutions: MPI-led Inter-Ministerial Team (IMT) for M&DWG and IWG, the Ministry of Finance for CMWG and the State Bank of Vietnam for BWG.

Initially, a WG on legal issues was established but it was later fused into the sectoral WGs to provide these with direct cross-cutting legal expertise³¹. Over the years M&DWG and IWG further sub-divided into task forces tackling a large set of specific issues including land and property, labor, tax, intellectual property rights and technology transfer, tourism, administrative reform, ICT, import-export and customs, power, transportation, air/sea port, water and telecommunication.

The VBF WGs are run by the major foreign and domestic businesses associations. The most active BMOs include the Vietnam Chamber of Commerce and Industry (VCCI), Hanoi Youth Business

³⁰ The next PPDIA phase will attempt to clarify the reasons for such a high involvement of the development partners over such a long period of time.

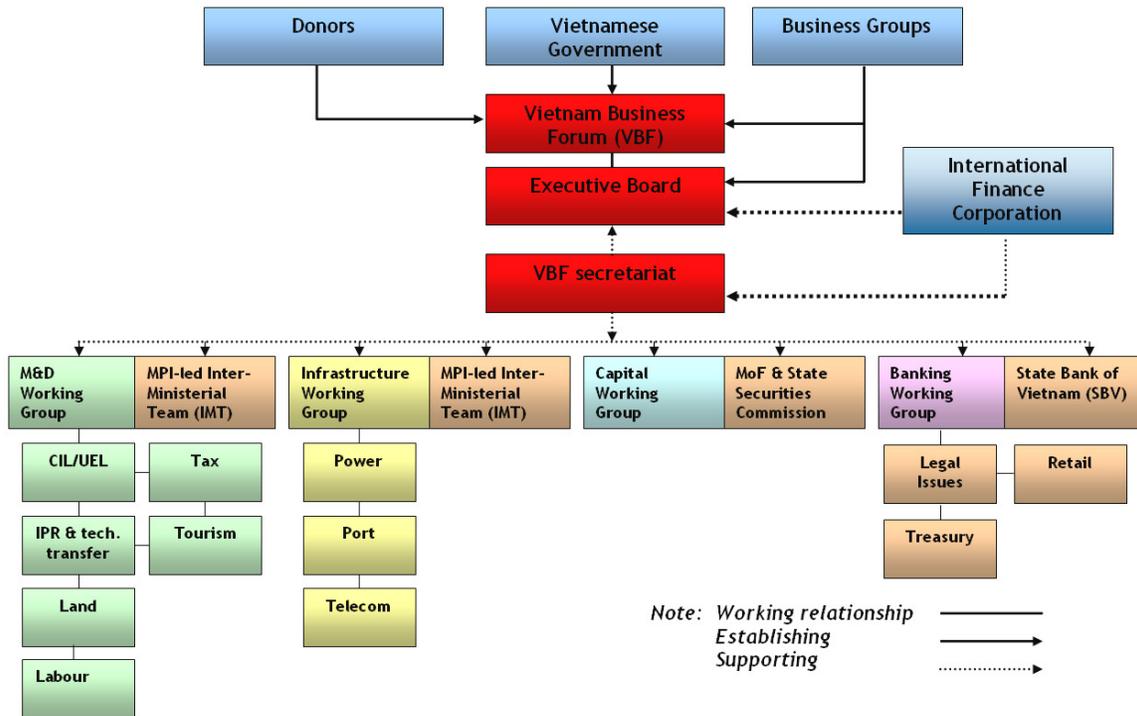
³¹ Wolfgang Bertelsmeier, “Case Study 7a - Vietnam, Launching the Vietnam Private Sector Forum, 1997-2000”, International Workshop on Public-Private Dialogue, Paris, 2006.

Association (HBA), Ho Chi Minh City Youth Business Association (YBA), Hanoi Commerce and Industry Association, Vietnam Association of Financiers (VAFI), Hong Kong Business Association (HKBAV), AUSCHAM, AMCHAM, EUROCHAM and Japan Business Association (JBA)³².

In the early stages, only foreign investors attended the Forum. Local business participation was gradually encouraged since 1999, with Vietnamese-based (in the sense of membership base) BMOs taking part in the WG process. Nowadays, participation in and registration to the Forum are open to all via the associations and working groups. Although these moves introduced fairer balance between the domestic and foreign sector participation, international business associations remain represented well in excess of their share of the domestic economy. The participation of private businesses in the partnerships remains to this day biased towards international businesses and towards businesses based in the capital city.

The WGs and the Executive Board are supported by a secretariat, which was established in 2000 to ensure effective coordination among working groups and efficient organization of the Forum.

Figure 7: Overview of VBF Structure³³



³² As evidenced by the numerous internal correspondence and position papers available on the PPDIA online database.

³³ Source: VBF IFC-led Secretariat

Lao PDR

Table 7: Indicators for “Structure and Participation” in Lao PDR

Point 2: Participation	Indicator	Assessment	3.3
Existence of rules and regulations in the partnership, including formal mechanisms in place to balance power	Non-existence of documents with rules and regulations=0; complete set of clear rules and regulations=10	No documents setting out formal mechanisms for decision making process. MOU provides some background	2.5
	Equal participation of each stakeholder group (as per PPDIA TOR: Size, Sectors, Geography, Foreigners/local): maximum of 2.5 per dimension	Expert Interviews suggest foreign dominance in early stages ³⁴ and the absence of provincial and small firms. Foreign/local 1.5, Sectors 1.5, Size 1, Geography 0.5	4.5
Degree of participatory decision making	Decision making mechanism within WG is written, formal and accepted	No formal mechanism, the approach in choosing issues to raise has been ad hoc ³⁵ , based on which issues someone in the Private Sector will stand for. Issues advanced based on commonality, existence of a presenter and real need, informally.	2.5
	% of WG “regular” members that believe their voice is heard	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.1
Active contribution of all different stakeholder groups in developing proposals (none=0; all=10)	Assessment of contribution within each WG	The invitation is open to Private Sector participants to develop papers etc. However, few do. Relatively few Laotians are involved in this step. But some committed individuals do get involved. The most recent Forum event suggests greater role and a number of position papers being presented by Lao people	2.5

In its first year of existence, the LBF has been successful in attracted a critical mass of participants from the private and the public sector. Among the Private Sector, participation is concentrated among business associations and SMEs (domestic and foreign). The LBF has nonetheless not yet demonstrated its added value to larger and trans-national companies, which will need to see some positive results, especially from input to and before the second forum, to maintain and develop their interest. As per its mandate with the central Government, the LBF caters mostly to the needs of the businesses established in Vientiane, although issues faced elsewhere by Vientiane-based businesses are raised and addressed and Business Associations and the Facilitator make some efforts to bring issues from provincial centers.

The LBF structure highly resembles the VBF structure. The LBF consists of a main event (the Forum) and a number of sectoral Working Groups with IFC-MPDF facilitation.

³⁴ The most recent Forum event suggested greater Lao involvement than feedback on the previous Forum and the Working Group meetings revealed

³⁵ Expert Interview with facilitator

- The Working Groups

The LBF was designed with four Private Sector Working Groups, but started with only three: Manufacturing, Trade & Services, and Tourism. An Energy and Mining Working Group was proposed initially, and has recently become operational, presenting at the Second Lao Business Forum³⁶.

Inter-Ministerial Team members then meet within each Working Group, where they respond to the issues raised and the solutions proposed. The issues and solutions are debated in these meetings to finally arrive at a mutual agreement on a proposed solution.

- The Forum

The Forum is held twice a year, and is chaired by the Deputy Prime Minister - President of the Committee for Planning and Investment. At the forum meeting, the top-level government³⁷ officials listen to the achievements of Working Groups in term of issues raised, solved, in progress, and outstanding.

It is necessary to note that the consensus reached at these Working Groups and / or Forum does not carry any legal obligation. However, once the consensus is reached, it is considered a pledge from the involved government officials to push the issues to propose amendments to current regulations, and finally to changes in legislation.

The picture shown here has representatives of the private and public sector facing each other during a conference-type event, with the high-level political and international sponsors sitting in the middle table³⁸.

Picture 1: First Lao Business Forum, 2006



- The Donors and the Secretariat

The donors are invited as observers in all meetings of the Private Sector Working Groups, Working Groups, and the Forum.

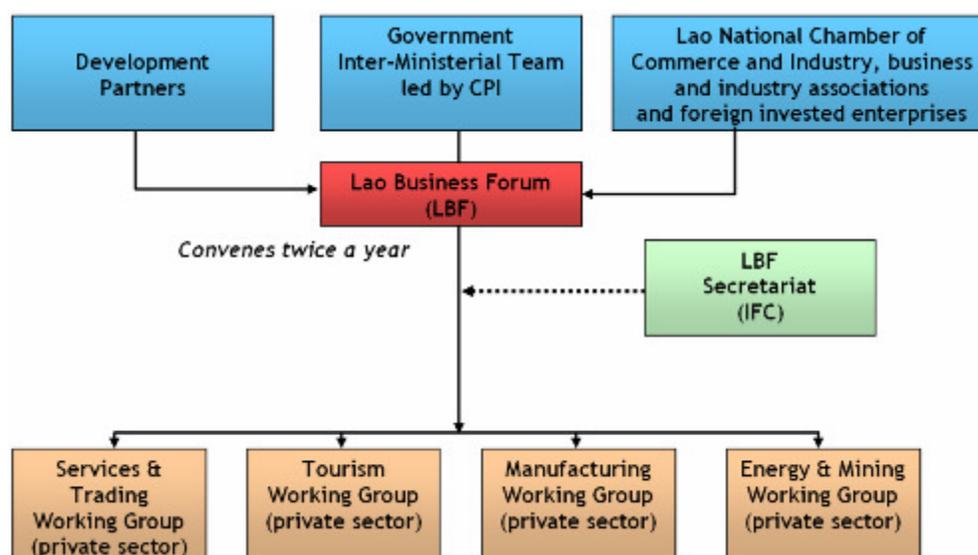
³⁶ Evaluation team observation at the 2nd Lao Business Forum, March 2007

³⁷ Not all relevant Ministries are represented at the highest levels, there being no specification in the MOU that Ministers or Vice-Ministers should attend - and the latter is seen as desirable.

³⁸ See second Lao Business Forum folder, "Sitting Arrangement" page

The IFC-MPDF acts as the Secretariat for the Forum. The role of the Secretariat is to coordinate activities of the Forum³⁹, to ensure that appropriate constraints to Private Sector development are identified, researched and presented in a constructive manner. As with Cambodia, the role also includes a significant amount of motivating and encouraging to ensure the right level and manner of participation.

Figure 8: Overview of LBF Structure⁴⁰



3. Champions and Leadership

“It is difficult to sustain dialogue without champions from both the public and Private Sectors who invest in the process and drive it forward.⁴¹”

Cambodia

Table 8: Indicators for “Champions and Leadership” in Cambodia

Point 3: Leadership and Champions	Indicator	Assessment	5.8
The presence and clear involvement of champions who are recognized as such by stakeholders	Existence of at least one champion in each of the participating stakeholder groups (none=0, all =10)	% of Private Sector Survey respondents answering Yes OR above 5/ 10 Consistent with EI for which most WG have very clear and identified champions	7.1
	Respondents that identify the same champion(s) (all mention different champions=0, all mention the same one(s)= 10)	50 % of PSS respondents have named a champion that had been identified by at least one other person	5
Continuity of involvement of champions in dialogue or partnership	Turnover rate of champions (high, staying on only a few months=0 to low, continuous presence=10)	Based on a WG count, 50% of champions have showed continuity of involvement.	5.0

³⁹ Case Study #8, Lao Business Forum - Improving the Business Environment through Constructive Dialogue, International Workshop on Public-Private Dialogue, www.publicprivatedialogue.com

⁴⁰ Source: LBF IFC-MPDF-led Secretariat

⁴¹ PPD Toolkit, 2006

The following people are the formal leaders of the Cambodian PPD.

- Prime Minister, Chair of the G-PSF:

The Prime Minister acts as arbitrator and sole Chair of the G-PSF. The PM takes and announces the final decisions on unresolved/outstanding issues. The PM's endorsement of the G-PSF is a crucial signal of the government's commitment to the partnership.

The PM's involvement is crucial not just for the credibility of the forum in the eyes of the Private Sector but also, and perhaps mostly, for committing the government to genuine cooperation. Prior to the 6th G-PSF for instance, several co-chairs had been subjected to intimidation⁴² and resorted to publicly requesting the PM for protection. In the aftermath of this forum, the PM strongly instructed the Government to put the process back on track at a time when officials felt strongly threatened by the Private Sector's demands⁴³. Given the strong hierarchical structure of the Cambodian political system, the Prime Minister's public commitment to the G-PSF is arguably the key motivator for all officials. As a RGC minister puts it *"The PM keeps us on our toes and we cannot afford to be seen as not being responsive to the Private Sector"*.

The PM tends to sometimes use the Forum as a platform to showcase public decisions unrelated to the economic and legal issues at hand. On a related note some participants report that over the years the forum has lost most of the original spontaneity in the dialogue between the Private Sector and the Government as the speeches are written and communicated ahead of the main event. The G-PSF live broadcast on national television has only increased these trends. This however was described by a PSWG Co-Chair as a moderate and acceptable price to pay for the PM's strong support to the partnership. The Co-Chair further commented that 'scripting' of the forum is far from being complete with occasional occurrences of the PM reversing Ministerial decisions during the public event.

- Co-Chairs of the Working Group:

The Co-Chairs lead the WG sessions and decide agendas for the coming meetings/forums. The public sector Co-Chairs are designated by the government, while the first elections⁴⁴ for the Private Sector will soon be organized⁴⁵. The Private sector Co-Chairs are the leading points of contact for the Government⁴⁶. They undoubtedly are the key leaders of the forum from the Private Sector's perspective.

⁴² Source: Expert Interviews Cambodia. The kind of intimidation mentioned above is reported to have largely ceased since, which is addressed in Part 2 on the Reform Process

⁴³ Expert Interviews

⁴⁴ Plans are to proceed to the first elections before the first quarter of 2007

⁴⁵ "Draft Statute for the Roles, Responsibilities and Election process for the Cambodian Government-Private Sector Forum Private Sector Co Chairs, Deputy Private Sector Co Chairs, PSWG Secretaries, Finance Officers and Board Members", Unpublished, IFC internal document 2006.

⁴⁶ Recent/current private sector co-chairs include: President/Chairman of Cambodian Federation of Employers and Business Associations and GMAC, International Business Club, SME Association, Tourism Association, Chamber Of Commerce (First Secretary of Executive Board)

Picture 2: G-PSF Private Sector Co-Chairs



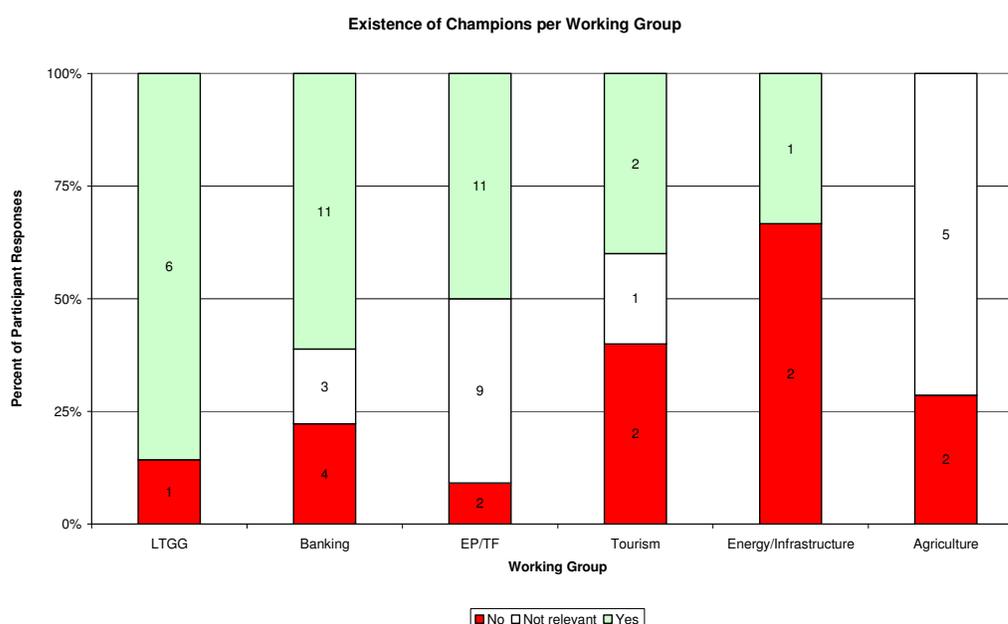
Evidence from Expert Interviews and the Private Sector Survey suggest that there is a large disparity in the participation and commitment of the various champions, as illustrated in the following figure. First, significant variation in the recognition that there are champions across the six working groups for which responses were received, including those from the Agriculture Working Group mostly finding the question irrelevant. Second, a count of nominated champions suggests just a few who are widely recognized as such: Brett Sciaroni, Co-Chair of LTGG (8 mentions), Van Sou Ieng (7, now EPTF but previously involved with LTGG) and David King (3, LTGG) are the only individuals who get more than two mentions⁴⁷. Similar names come up in the Expert Interview research – along with the feeling that champions are to some extent, per issue. Finally, a leading government figure in the PPD bemoaned the turnover of champions, with the foreign businesspeople that he sees as key to presenting issues moving on every few years⁴⁸.

Perhaps not surprisingly, the three WG with the highest percentage of Champion recognition are also the WG with the highest overall capacity level and arguably the most efficient at obtaining tangible outputs from the G-PSF. This likely provides a key element of guidance to those considering the establishment of PPD mechanisms elsewhere – Champions need to be identified and encouraged to be involved.

⁴⁷ There are another 20 distinct suggestions, some of which are as vague as “the whole working group.” Four of the mentions for Brett Sciaroni came from people who see themselves as primarily participating in other Working Groups.

⁴⁸ Ref: Analysis of Private Sector Survey Cambodia Data; Expert Interview Result Sheet Cambodia-Champions

Figure 9: Recognition of Champions in the Cambodian Working Groups



- Coordinating Bureau Manager:

The Coordinator plays a pivotal role, and could do more so, as explained in greater detail in the “Facilitation and Management” section.

From the IFC perspective, although the Forum is a public-private dialogue process that is increasingly institutionalized within Government and provides a key advocacy platform for associations and individual business people, the process is essentially one of managing people. In the Forum this means high and lower ranking Government officials, leading business people with high levels of education and international experience and business people with limited education and narrow business experience.

Vietnam

Table 9 Indicators for “Champions and Leadership” in Vietnam

Point 3: Leadership and Champions	Indicator	Assessment	7.6
The presence and clear involvement of champions who are recognized as such by stakeholders	Are there any Champions in PPD? Existence of at least one champion in each of the participating stakeholder groups (none=0, all =10)	% of Private Sector Survey respondents answering Yes OR above 5/ 10. PSS figure seems low given the high leadership involvement perceived by evaluators	7.4
	Respondents satisfied with the Champions in their WG	% of Private Sector Survey respondents answering Yes OR above 5/ 10	N/A
Continuity of involvement of champions in dialogue or partnership	Turnover rate of champions (high, staying on only a few months=0 to low, continuous presence=10)	High consistency of involvement by leaders, coupled to healthy Co-Chairs rotation (banking)	8.0

At present, the VBF is co-chaired by (Deputy) Prime Minister, the Minister of Planning and Investment, the World Bank Country Director, and the IFC Country Manager. Government officials and key bilateral and multilateral donors, including the World Bank and IFC, remain to this day, substantive participants in the partnership. From the government side, the most prominent figures are Mrs. Pham Chi Lan, Dr. Le Dang Doanh⁴⁹, Minister Tran Xuan Gia, and Vice Minister Nguyen Nhac.

Initially, mostly foreign investors were invited to the meeting in 1998, where they took the chance to raise issues of their own to the highest level of the Government of Vietnam. Later, it became clear that the issues should be raised through business associations and groups since these groups represented the concerns of the business community rather than of a particular enterprise. It was also seen as important that the domestic Private Sector should be involved directly. As a result, business associations of both foreign and local firms are now taking part in the Forum.

Several prominent figures emerged as VBF champions on behalf of the Private Sector. During most expert interviews, business representatives would either name their business association delegate or the WG Chairs as key leaders. The Private Sector Survey suggests that 74% of active participants recognize their WG has a champion and that 71% of respondents are satisfied with the Champion's performance. Alain Cany, Tony Foster and Fred Burke were repeatedly named as key individuals to the VBF WG operations, while several respondents referred to former VCCI Deputy Mrs. Pham Chi Lan as influential on core reforms such as the Common Enterprise Law.

Lao PDR

Table 10 Indicators for "Champions and Leadership" in Lao PDR

Point 3: Leadership and Champions	Indicator	Assessment	4.4
The presence and clear involvement of champions who are recognized as such by stakeholders	Are there any Champions in PPD?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	6
	Respondents that identify the same champion(s) \	In Expert Interviews only a couple of interview respondents felt that champions exist, but were unable to give particular suggestions. In both instances it was felt that there are "a number of champions" involved. Only one name arose, an association head. Several potential champions were seen as divisive - able to present issues but unable to unite the business groups	4.3
Continuity of involvement of champions in dialogue or partnership	Turnover rate of champions.	Limited feedback from the expert interviews suggests turnover is a problem in the WGs	2.0

As per the LBF MoU, the formal leaders are: the President of Committee for Planning and Investment as the leader of the Forum; the Director of Department for Domestic and Foreign Investment as the head of Inter-Ministerial Team, and the President of the Lao National Chamber of Commerce and Industry.

⁴⁹ Previously with the Research Institute of Economics Policy

At this early stage of development, few figures have emerged as clear champions for reform, from the government sector or the Private Sector. However, the Expert Interview research did suggest a small number of (mostly, but not entirely, expatriate) figures who seemed to have played championing roles inside and outside of the Forum process over time. A number of them provided details of their efforts on one reform effort or another over several years – including through the PPD process. To the extent that there are champions within the LBF at this stage, they are likely active more on a per issue basis – as appears to be the case in the more effective working groups in Cambodia.

The LBF process is young and it’s perhaps too early for champions to have emerged in a way that is recognized by peers, with the exception of Ralph Child from Phu Bia and Alain Daout from Exotissimo, each of whom have been nominated twice or more as Champions by the 39 Private Sector Survey respondents (participants). Instead, the Facilitator appears to have played this role in urging both the Private Sector and government officials to participate in the process. Discussions with the facilitator show some frustration with public and Private Sector’s lack of willingness to “get on board” the LBF. It is apparent that finding people to present issues has been, in general, a challenge⁵⁰.

4. Facilitation and Management

“A facilitator who commands the respect of stakeholders can greatly improve the prospects of PPD.”⁵¹

Cambodia

Table 11: Indicators for “Facilitation and Management” for Cambodia

Point 4: Facilitation	Indicator	Assessment	8.3 ⁵²
Quality of facilitation of the PPD	Existence of Terms of Reference for facilitators and other members of the Secretariat?	Terms of Reference for the Coordinator were issued by AusAID. TOR for other Secretariat members issued by the Secretariat itself.	9.0
	Respondents who indicate that facilitators perform well	% of Expert Interview respondents stating the facilitator performs well	8.6
		% of Private Sector Survey respondents answering Yes OR above 5/ 10	8.4
Timely availability of project plans and timelines for all stakeholders	Satisfaction of respondents with communications and material issued by PPD	% of Private Sector Survey respondents answering Yes OR above 5/ 10 for satisfaction with Secretariat correspondence	7.3

Between 1999 and 2002, the Secretariat of the Private Sector Forum was hosted by the Council for the Development of Cambodia (CDC), the government agency in charge of managing international

⁵⁰ The LBF is young and evolving quickly. Some evidence apparent at the Second Lao Business Forum suggests an improving involvement of local businesspeople, including in roles that may at some point soon be described as Champions. Discrepancies between this most recent LBF performance and this report are unfortunately, unavoidable in this fast-moving context.

⁵¹ PPD Toolkit, 2006

⁵² The score is weighted 4 for quality indicators to 1 for timely availability

aid and promoting foreign investments in the country. The CDC Vice-Chairman acted as the PSF Secretary General, while the CDC provided core administrative and logistical resources.

As prominent government members animated the PPD, it was felt a more Private Sector focused facilitation would lead to greater participation by the Private Sector and more openness. Recognizing this, the CDC supported the decision to create an independent Coordinating Bureau and ensured a smooth Secretariat handover of the coordinating functions, with a particular emphasis on facilitating the Private Sector.

In 2002, the Coordinating Bureau was formally established as an IFC project with 2-year funding from AusAid. The Bureau operates daily secretarial, coordination, facilitation and management functions with the objective to support the PPD. As per its mandate, the Bureau is a neutral and process-oriented body lacking any policy-making power. Its main responsibility is to facilitate and promote the Government-Private sector dialogue by acting as a neutral honest broker⁵³.

The Bureau is composed of three full-time employees. An expatriate Project Manager, James Brew, has been in charge of the Bureau since its inception in 2002. Prior to joining the IFC, he worked for the UN in East Timor and in the Private Sector as a business consultant for the mining, airline and engineering industries. The Project Assistant plays a leading role in the Bureau's communication with G-PSF actors. Among other things, she provides interpretation services during the WGs. She also summarizes and disseminates WG minutes. A further Bureau staff member has recently been hired as Project Analyst. His main tasks relate to progress tracking and updating of the progress matrices⁵³.

The vast majority of PPD participants from the private and public sector are pleased with the IFC facilitation. Among the Private Sector Survey, 84% of respondents declared being either satisfied or very satisfied. During expert interviews, three quarters of interviewees had distinctly positive feedback whereas the remaining 25% regretted a lack of TA and resources. Above all they consensually agreed that the facilitation was fair and honest. Some experts highlighted the facilitator's acumen in balancing competing interests not only between the Private Sector and the Government but also between the various Government bodies.

It should be highlighted that in practice the function of facilitation often implies tasks beyond the secretarial and pure administrative process role. A facilitator is regularly put in a decision-making position regarding the progress of the Working Group activities and issues. He/She further provides frequent technical and subject matter input on legal and economic affairs. The multi-faceted nature of the facilitator role is further addressed in later sections.

⁵³ The other duties of the Bureau are to "Develop private sector participation in the process, especially from local businesses; Coordinate the activities and inputs of the WG the PSF to ensure that the interests of all private sector players are fairly and adequately reflected in PSF activities; Monitor progress and evolution of issues and recommendations; Disseminate information to the working groups and the broader community of businesses, multilateral institutions and donors" in Sub-Decree on the Establishment of Sectoral Working Groups for Dialoging (sic) with Private Sector, 2004

Vietnam

Table 12: Indicators for “Facilitation and Management” for Vietnam

Point 4: Facilitation	Indicator	Assessment	7.0
Quality of facilitation of the PPD	Existence of Terms of Reference for facilitators and other members of the Secretariat?	MOU present facilitator task description, although succinct	7.5
	Respondents who indicate that facilitators perform well	% of Private Sector Survey respondents answering Yes OR above 5/ 10 Expert interviews suggest participants are expecting more than process-oriented support, in contradiction with the facilitator mandate	8
		% of Private Sector Survey respondents answering Yes OR above 5/ 10	7.1
Timely availability of project plans and timelines for all stakeholder	Satisfaction of respondents with communications and material issued by PPD	% of respondents satisfied with Secretariat's communication correspondence (>5/10)	5.1

In 1999, as the VBF's activity increased and meetings were held in both Hanoi and Ho Chi Minh City, it became increasingly necessary to have an entity to coordinate work in progress and avoid duplicative tasks between the WGs. The IFC established a Secretariat in 2000 to formalize the role of Coordinator that it was already playing in practice.

As defined in the TOR for the VBF Secretariat, it consists of a Project Coordinator, a Project Officer and a Team Assistant under the direct management of the Country Manager of IFC. The Secretariat is located at the IFC office and the officers are hired as IFC consultants. It is currently headed by Lien Anh Pham.

The objectives of the Secretariat are to support the Forum and working groups. Its main tasks are to promote a strong private/public partnership between the government of Vietnam, the donor community and the Private Sector; to work closely with the Government counterparts, business groups and donors to organize the semi-annual Forum and working group meetings; and to act as a resource centre and single contact point for the Private Sector.

The first Secretariat member - Coordinator - Mr. Phan Vinh Quang, significantly contributed to the success of the Forum. His work supported the Secretariat in becoming a single point for communication between working groups and government institutions and the development of a monitoring process for issues of consideration by designing the working process of the current Forum. It was suggested that the progress report/matrix of each working group was first developed by the Coordinator and his work encouraged involvement of local business associations into the Forum⁵⁴.

⁵⁴ In addition, the Secretariat also conducted a Business Sentiment Survey to identify main obstacles to the business environment so as to ensure issues for discussion at the Forum would be beneficial for the business community as a

With the work of the IFC-led Secretariat, the Forum has been organized in a more structured way. It was recognized that coordination among working groups and government institutions goes more smoothly, issues for discussion are better screened and selected, documents on the Forum and working groups are more systematically archived, and importantly, reform progress is more closely monitored.

Over 70% of the Private Sector Survey respondents rated their level of satisfaction with the IFC facilitation as high to very high. Expert interviews confirmed this view. Two Private Sector representatives perceived the IFC as having conflicting interests between its local investments on the one hand and its impartial broker function on the other hand.

Lao PDR

Table 13: Indicators for “Facilitation and Management” for Lao PDR

Point 4: Facilitation	Indicator	Assessment	7.0
Quality of facilitation of the PPD	Existence of Terms of Reference for facilitators and other members of the Secretariat?	Task description only	5
	Respondents who indicate that facilitators perform well	3 quarters of EI are satisfied to very satisfied with facilitator % of respondents satisfied with facilitation	7.5
		% of Private Sector Survey respondents answering Yes OR above 5/ 10	9.7
Timely availability of project plans and timelines for all stakeholders	Satisfaction of respondents with communications and material issued by PPD	% of PSS respondents satisfied with Secretariat's communication correspondence (>5/10) Some Expert Interview respondents suggested that emails to small businesses were too late or not in Lao language, leading to some exclusion	7.9

IFC-MPDF acts as the Secretariat for the LBF. Its role is that of a facilitator to ensure that appropriate constraints to Private Sector development are identified, researched and presented in a constructive manner. Formally, the Secretariat's functions are to: ensure the smooth functioning and enhance the effectiveness of the LBF and the working groups; facilitate the continued development of the working groups; develop good working relations between the business groups and Government counterparts to resolve issues of concern to Private Sector; ensure that the LBF is fully representing the views and issues of the business community through a dialogue between the business community and the Government; ensure effective dissemination of information generated from the LBF to all members, the Government and donor community⁵⁵.

In May 2005, Pascale Rouzies, a Coordinator with considerable experience in the Private Sector in Laos, as well as relationships with government was recruited and in September 2005, an assistant joined the Secretariat. As facilitators of the forum, the actual role of these members is (i) to maintain a database of active participants in the Forum, (ii) to facilitate the discussion of Private Sector Working Groups and the Working Groups, (iii) to liaise with the Lao PDR government, (iv)

whole. The Coordinator is also the developer of the first Vietnam Business Forum website. The Cambodian facilitator has also played a role in developing the key progress-tracking infrastructure of the PPDs

⁵⁵ The use of technical expertise and fact-based analyses will be considered under Impact on the Reform Process

to assist in the compilation and distribution of issues matrices and other documents; (v) to solicit comments from Working Groups on draft laws and regulations; and (vi) to enhance the activities of the LBF by facilitating the participation of the domestic and foreign business communities.

In reality, the Secretariat also assumes the role of arranging meetings between government and the Working Groups, and assisting both the Government and the Private Sector to analyze issues constraining growth, and provides recommendations where appropriate. The Facilitator also provides advice on parties' prioritization of different issues, for government response.

To start the Forum, the Secretariat has met with more than 300 companies to introduce the Lao Business Forum and encourage participation. The Secretariat is present in all meetings of the Private Sector Working Groups, Working Groups, and most importantly, pushing forward for the establishment of the Inter-Ministerial Team, and their first meetings as Working Groups.

Feedback from the Expert Interviews was largely positive about the Facilitator and IFC's coordinating role. About 10 positive reviews of the Facilitator/IFC were shared, praising aspects including leadership and pushing issues forward, selecting issues, being well connected and knowing the local culture and showing good management and organization. Only a couple of negative comments were received, pertaining to selection and prioritization of issues and a broader comment about the perceived relevance of "MPDF's questions" for an SME group. Several constructive suggestions for improvement were provided, including: improving issue selection and getting some help for the facilitator to develop longer term vision and more technical support. However, the strong weight of feedback is positive: *"[The Facilitator] is very organized. She follows everything, does good reports and pushes the Private Sector and has initiative to go to government. She is exactly the right woman in exactly the right place for what she has to do. We need a good servant of the LBF - and she is," Private Sector Business Representative.*

5. Outputs

"Outputs can take the shape of structure and process outputs, analytical outputs or recommendations. All should contribute to agreed Private Sector development outcomes.⁵⁶"

The PPDs generate a range of outputs that can be grouped into 4 broad categories: (i) structural outputs or PPD institutions; (ii) process outputs; (iii) reform outputs and (iv) intangible outputs.

Intangible outputs, including for instance increased trust between the private and public sectors, form a distinct category that is addressed in Section 12: Post-conflict and in Part 2: Impact on the Reform Process. Structural outputs and PPD institutions were described in Section 2: Structure and Participation. The section below describes the process and reform outputs for the three forums.

Process Outputs

The PPD process and its numerous preparatory meetings generate a large amount of working documents that ultimately support the decision making process. A large portion of these outputs have been collected by the PPDIA team and for Vietnam and Lao PDR have been incorporated into a database. The Cambodian G-PSF has recently launched the first iteration of a website, on which documents are also being made available for public access.

Among the various process outputs, the position papers should be highlighted. The VBF mechanism produces position papers which are prepared by the business associations. These

⁵⁶ PPD Toolkit, 2006

papers start by raising concerns about specific issues which are considered obstacles to business environment. The diagnostic is usually backed up with facts and statistics. Recommendations for reforms are then developed, often with cost-benefit analyses of potential impact. The fast-evolving Lao Business Forum has also recently begun to develop formal position papers. These are distributed in an agenda-matched package to all participants of the forum and provide a concise (most are only one or two pages and many correspond closely with presenters' speeches to the Forum) record of the Private Sector's position on each issue, as well as previous progress and backup papers (e.g. government decisions).

The position papers are central to the Private Sector advocacy with the Government. It allows the dialogue to focus on real issues with technical and economic arguments. It also increases Government accountability as the Government counterparts are expected to issue responses to the position papers.

→ Recommendation #2:

It is strongly recommended to generalize the practice of position papers by the Private Sector across the three Forums. We also suggest systematic branding of the concept papers by the PPD itself rather than the particular BMO the paper originates from (or at least, co-branding). These would likely be followed by greater Government accountability due to (i) increased traceability of suggested reforms and (ii) increased advocacy impact by presenting the proposals as consensual Private Sector recommendations. In addition, and as importantly, we could expect greater quality of dialogue between the private and public sector by focusing on fact-based and cost-benefit analyses of recommended reforms⁵⁷.

Additional process outputs take many forms and include:

- Monitoring Tools: Progress matrices and indicators are being updated by the Coordinating Bureau and are continuously shared with stakeholders. This enables some level of ongoing monitoring of issues at hand and progress made⁵⁸;
- Comments and responses from the government counterparts: the respective government agencies provide their opinions on the issues raised by the working groups, what can be done and what needs further consideration;
- Short analytical pieces, for some issues, produced either by the Private Sector or a supporting donor agency – though this is infrequent and presents an opportunity for donors as discussed below;
- Agendas: Prior to any meetings, draft agendas prioritizing issues to address will be circulated, amended and finalized in an iterative process. Agendas are issued by the PSWG/Secretariat, WG Co-Chairs, and the Coordinating Bureau;
- Speeches and official statements: Speeches made during the forum are often crucial, in Cambodia and Lao PDR at least, as they announce government decisions and priorities. Speeches tend to be printed and distributed to the audience;
- Media: Press reports, TV and radio news relate to the Forum's key outputs. The PPD issue booklets for each bi-annual Forum presenting speeches, discussion papers and other presentations (the VBF publication stands out for its quality and professional look);

⁵⁷ The Lao Business Forum provides an excellent example of organized position papers and supporting materials at the Forum events. The other Forums perhaps provide for greater quality of supporting analysis, which can be embedded in progress tracking.

⁵⁸ The Monitoring and Evaluation functions are addressed in greater detail in section 7 below.

- Administrative communications: this category includes all correspondence pertaining to the WG organization such as WG minutes disseminated via email or invitations to stakeholders;
- VBF report to CG: this is considered an important input to the CG meeting which describes the issues being discussed at the Forum, what and how the issues are solved, what remains unsolved and what the response of the Government is.

Reform Outputs

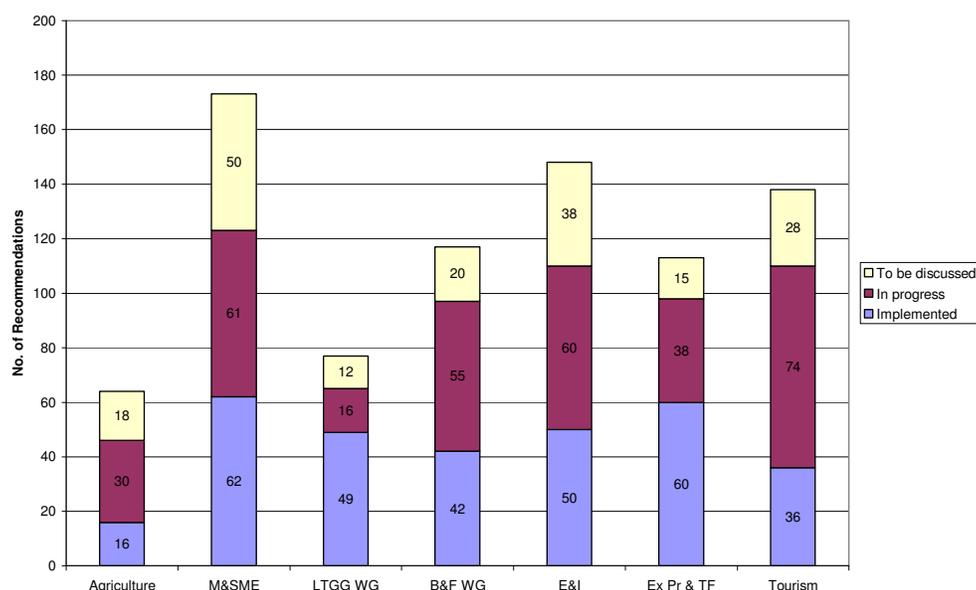
Reform outputs are probably the main PPD outcome, and the one by which they are mainly evaluated.

Table 60: Sample of VBF Economic Reforms and Table 61: Sample of G-PSF Economic Reforms in Part 3 of this report, provide a snapshot of reform outputs believed to have translated into significant economic gains for their country.

The following figure, proposed by the Cambodian IFC Coordinating Bureau, breaks down the 826 recommendations made in the various WGs during August 2004-June 2006. Among those, 315, representing 38 percent of all recommendations, were deemed implemented in the Coordinating Bureau matrices.

Although these figures are useful from a monitoring perspective, there are however two methodological considerations that suggest that the total number of implemented meaningful reforms is significantly lower. First, for internal monitoring purposes *the Bureau considers as implemented any recommendation that will no longer be addressed by the WGs regardless of the objective implementation status* (e.g. a Private Sector recommendation re-directed to a third party will be deemed implemented). Second, Recommendations include a wide range of Private Sector requests for information, including appropriate contact points to which an issue should be addressed. Whilst this latter type of request and answer are seen as valuable outputs of the Forum, they may not universally be seen as solutions to the underlying question.

Figure 10: Breakdown of Recommendations, per Status and WG (Cambodia, 2004-2006) ⁵⁹



The PPDIA team analyses suggest that taxonomy of the PPD reforms would provide a more accurate picture. The team revisited the progress matrices of the seven Cambodian WGs for the year 2006. Each request was categorized according to the following taxonomy:

- Law: The Private Sector requests the Government to modify, issue or refine an existing law. Law is understood in the sense of any legal enactment by the legislative branch;
- Regulation: The Private Sector requests the government to modify, issue or refine an existing regulation. Regulation is understood in the sense of any administrative or legal document issued by the executive branch and includes Circulars, Decrees and Sub-Decrees and other decisions;
- Enforcement: The Private Sector requests the government to dedicate appropriate political will and resources to the enforcement of existing laws, regulations and institution operating guidelines;
- Institution: The Private Sector requests a change of scope or the establishment of a new Government agency or institution;
- Infrastructure: The Private Sector requests the Government to develop existing or new infrastructure;
- Clarifications: The Private Sector turns to the WG's RGC representative with request for clarifications and/or interpretation of existing administrative and legal procedures.

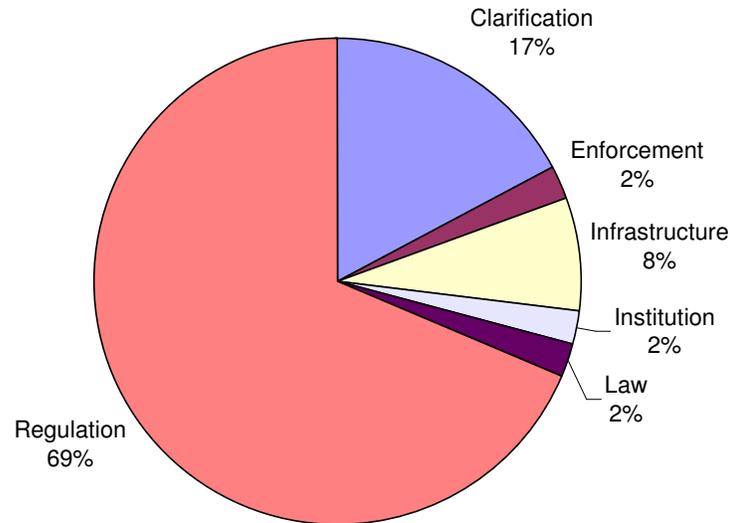
It was seen that a full re-categorization of the implementation status would require extensive time and resources, well beyond what the PPDIA team saw as feasible. The categorization of implementation status is therefore similar to the original G-PSF progress matrices. A request will for instance be "implemented" if the Private Sector representative obtained relevant information (that may include referral to a third party).

Several key findings emerged from the taxonomy analyses.

⁵⁹ Source: IFC Coordinating Bureau

- Finding #1: The G-PSF reform outputs are centered on regulations and clarifications while the other 4 types of reforms account for less than 15% of requests as shown in the figure below.

Figure 11: Breakdown of G-PSF per Type of Reforms, 2006, Percent⁶⁰

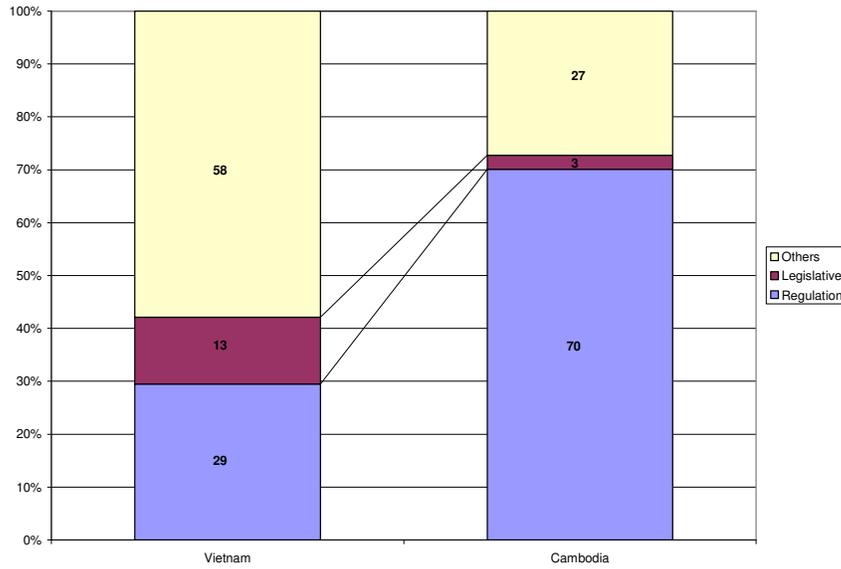


Similar analyses were conducted for the VBF but could not be performed with the same level of granularity. Indeed, the VBF progress matrices are constructed differently and are much more focused in their scope. The taxonomy for VBF reform requests is therefore limited to Law, Regulation and Others.

- Finding #2: A comparison of “implemented” reforms between Vietnam and Cambodia highlights that both forums concentrate on Regulations (70% of all reforms in Cambodia versus 29% in Vietnam) and that the VBF has a higher focus on Laws (13% of all reforms versus 3% in Cambodia). The following figure presents a visual comparison of the implemented reform categories in both countries.

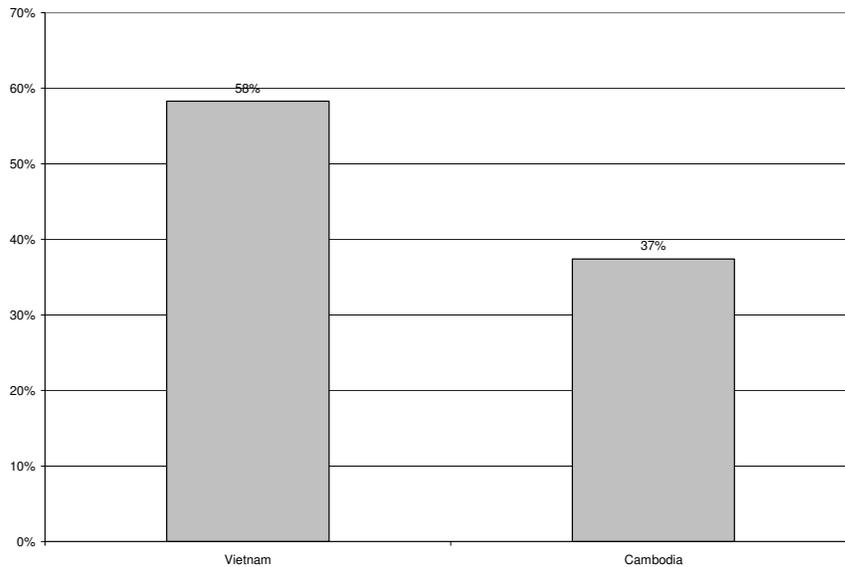
⁶⁰ Sources: Team analyses, IFC Progress Matrices

Figure 12: Comparison of Reform Outputs per Taxonomy, Cambodia and Vietnam, Percent⁶¹



- Finding #3: Percentage of reforms “implemented” varies between the countries. It reaches 58% in Vietnam and 37% in Cambodia.

Figure 13: Rate of Reform Implementation in Vietnam and Cambodia, 2006, Percent⁶²



- Finding #4: Percentage of reforms implemented varies greatly between the different Cambodian WGs⁶³. The analysis suggests that the better organized WGs with greater capacity (and as we

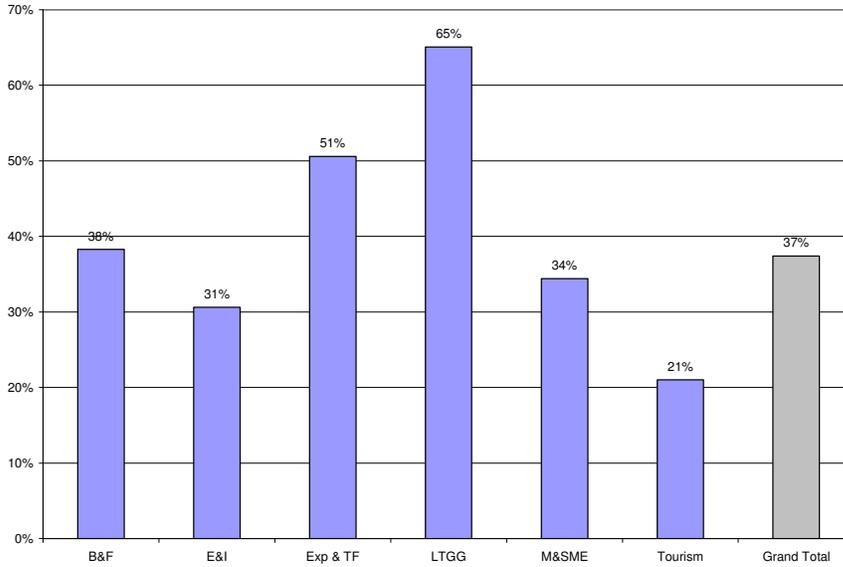
⁶¹ Source: Team Analyses, IFC Progress Matrices

⁶² Source: Team Analyses, IFC Progress Matrices

⁶³ The PPDIA team did not extend the analyses to the impact of the reform taxonomy mix difference among the WGs.

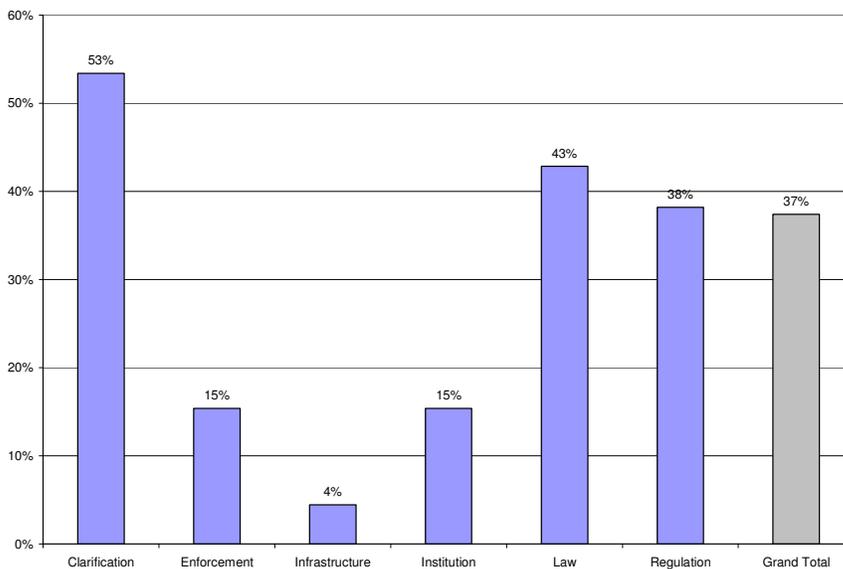
have seen, more readily identifiable champions) achieve higher implementation rates than the smaller, less resource-intensive WG⁶⁴.

Figure 14: Implementation Rates per Working Group



- Finding #5: Percentage of reforms implemented varies greatly by type of reform. The analysis suggests that Clarification requests are solved in a majority of cases but that the Enforcement, Institutions and Infrastructure Private Sector requests are seldom implemented.

Figure 15: Implementation Rates per Type of Reforms, Cambodia 2006, Percent⁶⁵



⁶⁴ The Agriculture and Agro-Processing WG, with 31% of implementation, was removed from the graph as it did not offer sufficient sample size.

⁶⁵ Source: Team Analyses, IFC Progress Matrices

Table 14: Indicators for “Outputs” for Cambodia

Table 5: Outputs	Indicator	Assessment	5.1
Amount, kind and quality of economic and/or reform proposals	Quality of proposals	Few fact-based (1.5/4) and cost-benefit analysis (0.5/2.5) and few written position papers (1/3).	3
		% of PSS respondents stating quality of proposals is high and very high	4.7
	Usefulness of proposals and reforms	% of PSS respondents stating they have taken advantage of at least one reform	4.8
	Capacity of the dialogue to get decisions implemented	% of PSS respondents stating that reforms decided are implemented (>5/10)	3.4
Appreciation expressed by external stakeholders on the performance of the PPD (no knowledge at all/low appreciation=0; detailed knowledge and high appreciation=10)	% of respondents believing the G-PSF should be maintained	% of Private Sector Survey respondents answering Yes OR above 5/ 10	8.3
	% of respondents stating willingness to personally contribute to the G-PSF funding	% of Private Sector Survey respondents answering Yes OR above 5/ 10	3.7

Table 15: Indicators for “Outputs” for Vietnam

Table 5: Outputs	Indicator	Assessment	7.3
Amount, kind and quality of economic and/or reform proposals	Quality of proposals	Largely fact-based (3/4) and cost-benefit analysis (2/3) and written position papers (3/3).	8.0
		% of respondents stating satisfaction with quality of proposals	6.4
	Usefulness of proposals and reforms	% of respondents stating they have taken advantage of at least one reform	6.8
	Capacity of the dialogue to get decisions implemented	% of respondents stating that reforms decided are implemented (>5/10)	5.0
Appreciation expressed by external stakeholders on the performance of the PPD (no knowledge at all/low appreciation=0; detailed knowledge and high appreciation=10)	% of respondents believing the PPD should be maintained	% of Private Sector Survey respondents answering Yes OR above 5/ 10	9.8
	% of respondents stating willingness to personally contribute to the PPD funding	% of Private Sector Survey respondents answering Yes OR above 5/ 10	7.0

Table 16: Indicators for “Outputs” for Lao PDR

Table 5: Outputs	Indicator	Assessment	5.9
Amount, kind and quality of economic and/or reform proposals	Quality of proposals	Fact-based (2/4) and cost-benefit analysis (2/3) and written position papers (1/3).	3.5
		% of respondents stating satisfaction with quality of proposals	7.2

Table 5: Outputs	Indicator	Assessment	5.9
	Usefulness of proposals and reforms	% of respondents stating they have taken advantage of at least one reform	N/A
	Capacity of the dialogue to get decisions implemented	% of respondents stating that reforms decided are implemented (>5/10)	6.4
Appreciation expressed by external stakeholders on the performance of the PPD (no knowledge at all/low appreciation=0; detailed knowledge and high appreciation=10)	% of respondents believing the PPD should be maintained	% of Private Sector Survey respondents answering Yes OR above 5/ 10	10
	% of respondents stating willingness to personally contribute to the PPD funding	% of Private Sector Survey respondents answering Yes OR above 5/ 10	3.8

6. Communication and Outreach

“Enabling communication of a shared vision and understanding through the development of a common language is essential for building trust among stakeholders.”⁶⁶

The PPD communication is aimed at two audiences. The following section first considers internal communication among PPD partners before turning to external communication to the larger national audience.

Internal PPD Communication

The IFC Secretariats act as the PPD focal points and are responsible for internal communication and all partners’ technical inquiries. Their main internal communication duties are to: disseminate invitations and agendas prior to WG meetings in coordination with the BMOs; summarize and distribute progress matrices per sector and; centralize and dispatch information from Private Sector and government counterparts.

In Vietnam and Lao PDR the three main stakeholders (the government, the Private Sector and the donor community) communicate with each other via the IFC Secretariat. The government and the Private Sector counterparts exchange ideas on issues for consideration via correspondence or regular meetings among themselves. Governments’ communication with the partnership is conducted by the Inter-Ministerial Team (IMT).

In both Cambodia and Lao PDR, the Private Sector Survey indicates respondents’ satisfaction with the communication and material issued by the Secretariats (respectively 73% and 79%). Similarly, private businesses rated high their familiarity with PPD process and outputs.

The surprisingly high score of the relatively young LBF may find its source in over 300 visits to local companies made by the IFC-Secretariat to present the Forum objectives and to encourage participation in the PSWG process. The Secretariat has coupled this outreach effort with practical documentation (user handbook) in English and Lao detailing the various phases of partnership participation process⁶⁷. Likewise, continued efforts with the Lao National Chamber of Commerce and Industry improves the communication between WG and regular members. However, by the Facilitator’s own admission, on-going communication to members is expanded only at the rate at

⁶⁶ PPD Toolkit, 2006

⁶⁷ Untitled document, referenced “LBF Document User Handbook- SEC -06.pdf” on the PPDIA online documentation database.

which new enquiries are provided to the Secretariat – there being no other means to develop the email database.

In Vietnam, the Private Sector Survey shows mixed results. Tier 1 respondents, active WGs and BMO members, score their satisfaction with the IFC-Secretariat’s communication highly (85%). In contrast, very few Tier 2 surveyed businesses (‘ordinary’ participants, often domestic companies) rate their familiarity with the VBF’s process, outputs and its communication (18%) as high. This suggests that the BMOs only partially relay the information and that better communication is necessary.

Both the VBF and the G-PSF have internet websites respectively available at vbf.org.vn and www.cambodia-gpsf.org, while LBF does not yet have one. The G-PSF website has gone live in late 2006 with the view of strengthening internal communication, until then solely based on an email list composed of several thousands individual companies (to which the PPD facilitator would send regular updates). Indeed the site proposes updates on upcoming meetings⁶⁸ and is used as a tool to disseminate working documents from the different WGs to the largest possible audience of interested businesses. It moreover offers access to archives dating back to 1999 and feedback forms for direct input to work in progress. The evaluation team could not review usage statistics given the short website lifetime. The VBF site has been running for the past three years. Its content includes general information on the partnership, a partial selection of position papers presented by the BMOs, as well as VBF documentation. Improvements of the website functionalities and lay-out could however increase the efficiency of the PPD internal communication. The three Secretariats have recently discussed the option of adopting the Cambodian website platform in Laos and Vietnam, which the evaluation team would encourage.

Figure 16: VBF (left) and G-PSF (right) Website Home Page - Screenshot



⁶⁸ It further offers the opportunity to set-up email alerts regarding updates and meetings for any given Working Group.

External Communication

External communication of the PPDs is channeled through: archiving of process outputs; the mass media (radio, press, television); internet websites; and formal and informal networking by the facilitators.

In Vietnam and Cambodia the IFC Secretariats archive process outputs, press clippings and other Forum related documentation. The archive is available for consultation.

The three Forums get a moderate level of media coverage. The national press seldom report on the PPD process⁶⁹. It should be noted that if the Forums are open to the press and the general public, it was not the practice in Vietnam prior to 2000.

Interviews with the journalists in charge of the partnership reporting in the Vietnam Economic Times and Rasmey Kampuchea Daily illustrated their familiarity with the Forum events; at the same time they acknowledged superficial understanding of the PPD inner operating mechanisms and reform outputs. As a result, their reports lack clarity about the process taking place behind the public scenes. They tend to limit their reporting to the ‘tip-of-the iceberg’ main Forum event only. Anecdotally, the evaluation team accumulated over 100 press clippings published pertaining to the G-PSF in the past 3 years, yet was unable to find more than a couple of direct references to the WG groundwork. The general public is therefore likely to perceive the Forums as a “black box” rather than a transparent process welcoming stakeholders’ inputs.

Figure 17: Kampuchea Thmey on 10th G-PSF⁷⁰



⁶⁹ On the other hand, there is a reasonable amount of reporting on the G-PSF content by Cambodian media, not credited to the Forum or recognizing the Forum’s role - i.e. “Senior Minister....said today.”

⁷⁰ “10th G-PSF: Report on 2005 Economic Growth”

Figure 18: Vientiane Times on 2nd LBF (left) & Vietnam Economy on June 2005 VBF (right)



Business forum: a useful information channel for the Government

VIENECONOMY updated: 02/06/2005

The Vietnam Business Forum has become a useful information channel, helping the Government to timely address businesses' difficulties, and contributing to boosting production and business, said Minister of Planning and Investment (MPI) Vo Hong Phuc.

Opening the forum in Ho Chi Minh City on June 1, Phuc said feedback opinions given by businesses have helped state management agencies refine the legal framework and raise the attractiveness of Viet Nam's business environment.

This year, Viet Nam will continue improving its business environment, increasing the speed and quality of economic growth, accelerating the process of restructuring and equitising State-owned enterprises, and enhancing measures to manage investment, said MPI Deputy Minister Nguyen Bach Dat.

Dat also stressed the need to accelerate the promulgation of legal documents to meet requirements for WTO admission, speed up administrative reform, and enhance the fight against corruption.

Regional Director of the International Financial Corporation Deepak Khama said that Government policies to improve the business environment are already resulting in a resurgence of foreign direct investment (FDI) and domestic private investment. Many visionary business leaders are preparing themselves for the fierce competition and new opportunities ahead.

Delegates from the Vietnam-based American Chamber of Commerce (AmCham), the European Chamber of Commerce (EuroCham), the Japanese Business' Association (JBA), the Australian Chamber of Commerce (AusCham), and various associations of Vietnamese businesses discussed with representatives of Government agencies on issues relating to the Enterprise Law, the Common Investment Law, the Law on Anti-corruption, the Minerals Law and a decree guiding the implementation of the Competition Law. They also exchanged views on the private sector's investment in infrastructure, land, capital market, taxes, banking and

Unlike the other PPDs, the G-PSF is broadcast live on local television and radio. Furthermore WG meetings are periodically reported in the local nightly news. In these the reporter will note the WG meeting and some of the issues discussed. The television coverage is beneficial to the transparency of PPD decisions and establishes the Government commitment to reform implementation publicly – an important aspect of G-PSF's impact on the reform process.

Feedback from media in relation to the first Lao Business Forum suggested little coverage – an article or two at the time of the Forum and little media showing. At the second Forum it was possible to observe journalists from several newspapers (all of which are state run) among the participants.

The facilitators engage in both formal networking with development partners (CG in Vietnam, donor Private Sector working group in Cambodia, strangely not promoted in Laos) and informal networking with visiting international experts (Cambodia).

Finally, as part of a branding and awareness raising effort the three partnerships have designed logos used by the Secretariat on external and internal correspondence and documentation⁷¹.

⁷¹ During Expert Interviews with non-participating businesses, it appeared that some confusion may exist between the VCCI Forum with Government and the VBF. Indeed, VCCI forum brand name is also Vietnam Business Forum, as illustrated from their website logo <<http://vibforum.vcci.com.vn/>>



Figure 19: VBF, G-PSF and LBF Logos



Communication Strategy

The Private Sector survey analysis highlights surprisingly weak awareness on behalf of non-participating businesses to the partnerships' outputs and processes in Cambodia and Vietnam (less than 15% of non-participants declare familiarity with the PPD and its outputs).

The PPDs do not engage in press conferences or other regular communication sessions. From expert interviews with civil society, private and public sector, leading newspapers and NGOs it is clear that the Bureaus have no target communication strategy to these audiences. The three PPDs lack a documented communication strategy that would for instance prioritize key messages to selected audiences. In Cambodia the facilitator describes this as a conscious decision until the pre-requisites for an efficient communication strategy are met.

→ Recommendation #3:

The PPDIA team estimates that in Vietnam and Cambodia pre-requisites to active communication by the Secretariats have long materialized in the form of (i) reasonable level of trust, (ii) frequent interactions between all parties and (iii) strong PPD institutionalization that could mitigate the shocks that press exposure may cause to a more vulnerable partnership. It is advised to develop a structured communication strategy prioritizing key messages - PPD outputs and economic impact- to target audiences within the Private Sector and Government susceptible to increased participation and commitment to the partnerships. Commitment to communication aspects would require additional management time.

Table 17: Indicators for “Communication and Outreach” for Cambodia

Point 6: Communication and Outreach	Indicator	Assessment	4.3
Quality and frequency of communication with participants (i.e. internal communication)	Are you adequately informed by the communications, emails and material issued by PPD?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	7.3
	Are you familiar with the way the PPD functions and with its results?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	6.7
Amount and kind of outreach and communication activities to civil society and media (i.e. external)	Amount of external communication (TV; Radio; Newspapers; Forum publication ; Website)	TV:1/2 ; Radio 1/2; Newspapers 0/2; Forum publication 1/2; Website 1/2	4.0

communication)	Archiving of PPD outputs for stakeholder consultation (Forum publication; Archiving performed; Available online)	Forum publication 2/4; Archiving performed 2/3; Available online 1/3	5.0
Awareness of non-participants to the PPD process	% of external stakeholders stating familiarity with the PPD and its operations	% of Private Sector Survey respondents answering Yes OR above 5/ 10	1.3

Table 18: Indicators for “Communication and Outreach” for Vietnam

Point 6: Communication and Outreach	Indicator	Assessment	3.4
Quality and frequency of communication with participants (i.e. internal communication)	Are you adequately informed by the communications, emails and material issued by PPD?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	4.5
	Are you familiar with the way the PPD functions and with its results?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	4.8
Amount and kind of outreach and communication activities to civil society and media (i.e. external communication)	Amount of external communication (TV; Radio; Newspapers; Forum publication ; Website)	% of Private Sector Survey respondents answering Yes OR above 5/ 10 TV:0/2 ; Radio 0/2; Newspapers 0/2; Forum publication 2/2; Website 1/2	3.0
	Archiving of PPD outputs for stakeholder consultation (Forum publication; Archiving performed; Available online)	Forum publication 4/4; Archiving performed 2/3; Available online 1/3	7.0
Awareness of non-participants to the PPD process	% of external stakeholders stating familiarity with the PPD and its operations	% of Private Sector Survey respondents answering Yes OR above 5/ 10	0.4

Table 19: Indicators for “Communication and Outreach” for Lao PDR

Point 6: Communication and Outreach	Indicator	Assessment	6.1
Quality and frequency of communication with participants (i.e. internal communication)	Are you adequately informed by the communications, emails and material issued by PPD?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	7.9
	Are you familiar with the way the PPD functions and with its results?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	9.1
Amount and kind of outreach and communication activities to civil society and media (i.e. external)	Amount of external communication (TV; Radio; Newspapers; Forum publication ; Website)	TV:0/2 ; Radio 1/2; Newspapers 1/2; Forum publication 2/2; Website 0/2	4

	Archiving of PPD outputs for stakeholder consultation (Forum publication; Archiving performed; Available online)	Forum publication 3/4; Archiving performed /3; Available online /3	4
Awareness of non-participants to the PPD process	% of external stakeholders stating familiarity with the PPD and its operations	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.6

7. Monitoring and Evaluation Framework

“Monitoring and evaluation is an effective tool to manage the public private dialogue process and to demonstrate its purpose and performance.”⁷²

Monitoring and evaluating a PPD is a challenging endeavor, with specific methodological difficulties. The PPD process ownership ultimately must rest with national stakeholders, independent of international donors. As owners of the PPD, the domestic stakeholders will program their own set of objectives and quantified targets, which may significantly differ from the M&E framework established at a project onset (although none except the sweeping aim of improving the investment climate was prescribed for the G-PSF). Also, intangible - and sometimes long-term - benefits such as improved atmosphere of cooperation and trust are hard to quantify.

The Secretariats are tasked with the ongoing monitoring of Private Sector requests in progress matrices. Following the example set by the GPSE, the three partnerships have adopted a system focused on progress-monitoring through a series of matrices. With differences in their level of granularity among the three countries, the matrices list issue descriptions, suggested reforms and implementation status. The progress matrix tool is therefore purely PPD output-focused, as would be expected from an ongoing monitoring tool. This nonetheless means that the PPD outcome (the implementation of reforms) is beyond the matrices’ scope. The monitoring by the Secretariats is therefore limited to the WG process and does not extend to the full life-cycle of a Private Sector recommendation from diagnostic to implementation – much less to incorporation of estimated value/cost-benefit.

M&E components (for instance a log frame with target outputs, outcomes and impact) have not been integrated into any of the PPDs at the program outset. The Team could not source any project document defining the monitoring logical framework *ex ante*. The MoU between the IFC and the Governments in Lao PDR and Vietnam, as well as the government decisions that mandate the Coordinating Bureau in Cambodia, refer to reporting duties to the constituents and to the government, yet fall short of specifically mentioning a “proper M&E role.” The three PPDs further lack a schedule for monitoring reports and sets of clearly defined and measurable goals, objectives and activities⁷³. The lack of M&E is partially attributable to the IFC’s lack of PPD management experience and to the PPDs’ status, independent from technical assistance programs.

No formal evaluation of the PPD has previously been conducted. An evaluation seeks to evaluate process, outputs and outcomes and attempts to quantify long term benefits. The current PPD Impact Assessment is the first such evaluation.

⁷² PPD Toolkit, 2006

⁷³ Consequently, there also cannot be a framework for objectives and targets to be iterated to take into account lessons learned.

Table 20: Indicators for “Monitoring and Evaluation Framework” for Cambodia

Point 7: Monitoring and evaluation	Indicator	Assessment	1.8
Quality of reporting and documentation on activities of the partnership	Number and frequency of monitoring reports (comprehensive M&E reports /4; Annual reporting /3; Reporting to stakeholder groups /3)	No comprehensive M&E report (0/4); Reporting for funding every 2 years (1/3). Limited reporting to donor community (1/3) ⁷⁴	2.0
Quality and coherence of a monitoring and evaluation plan	Comprehensive plan /3; Pre-established M&E plan /4; Donor reporting/3	No structured M&E plan. Reporting to donors for funding requests only (1.5/3)	1.5

Table 21: Indicators for “Monitoring and Evaluation Framework” for Vietnam

Point 7: Monitoring and evaluation	Indicator	Assessment	1.3
Quality of reporting and documentation on activities of the partnership	Number and frequency of monitoring reports (comprehensive M&E reports /4; Annual reporting /3; Reporting to stakeholder groups /3)	No comprehensive M&E report (0/4); Limited reporting (1/3). No reporting to other stakeholder groups (0/3)	1.0
Quality and coherence of a monitoring and evaluation plan	Comprehensive plan /3; Pre-established M&E plan /4; Donor reporting/3	No structured M&E plan. Reporting to donors for funding requests only (1.5/3)	1.5

Table 22: Indicators for “Monitoring and Evaluation Framework” for Lao PDR

Point 7: Monitoring and evaluation	Indicator	Assessment	1.5
Quality of reporting and documentation on activities of the partnership	Number and frequency of monitoring reports (comprehensive M&E reports /4; Annual reporting /3; Reporting to stakeholder groups /3)	No comprehensive M&E report (0/4); Donor reporting (1/3). reporting to other stakeholder groups (1/3)	2.0
Quality and coherence of a monitoring and evaluation plan	Comprehensive plan /3; Pre-established M&E plan /4; Donor reporting/3	No structured M&E plan	1.0

→ Recommendation #4:

The M&E functions are largely overlooked by the three Secretariats, with the exception of the progress matrices, probably playing more the function of a reporting and management tool than an M&E framework. The lack of proper M&E systems surely stems from the absence of donors’ requirements to set clear objectives. Setting up such systems would allow for increased accountability, hence quality of outputs as argued above. As importantly it would create the opportunity to define tangible objectives for the PPD by imposing the identification of

⁷⁴ Ironically, the Cambodia Coordinating Bureau has played a highly significant role in encouraging donor coordination with the private sector on issues that face it and has perhaps, through this role, provided better informal information for donors to assess the PPD’s meeting of goals than many formal monitoring programs do, were it their choice to do so.

measurable and quantifiable outputs, therefore forcing a more strategic prioritization of issues. Integrated M&E could contribute significantly to the proposed more strategic approach to PPD activities advocated in this paper.

8. Sub-National

“Public-private dialogue is desirable at all levels of decision-making down to the most local possible level, especially as this is likely to be more practically capable of involving micro-entrepreneurs, SMEs and other local stakeholders.”⁷⁵

Cambodia

The G-PSF has a mandate to foster the dialogue at the national level. Provincial businesses are invited to become active in the partnership. With the participation of provincial Governors to the forum, the PPD has formalized some consultation mechanisms with local Governments. The G-Private Sector Forum seems to achieve a respectable level of “sub-national” outreach in terms of structure and participation.

The Coordinating Bureau has been developing efforts to include rural businesses into the WG and the PPD process. In recognition of the difficulty in encouraging provincial participation in the Forum the IFC undertook a survey of business throughout the country in 2003-2004. Contact was made with each province and municipality. Evidence of this can be found in its email distribution lists, which include a significant portion of registered provincial businesses. Such forays into the provinces are on-going.

There appears to be a nascent but growing recognition in Cambodia that the PPD may be a tool for development inclusive of provincial business owners and officials, in a country where nearly 85% of the population live in rural areas. Some international donor agencies have adopted the view that PPDs have the potential for spearheading initiatives aimed at greater Private Sector participation in policymaking at provincial level. These programs directly support the establishment of provincial partnerships and include strong components of development and capacity building of provincial business associations. The most notable support to regional PPD comes from The Asia Foundation (TAF), with USAID funding. Since 2004 TAF has organized forums in three provinces (Kampong Cham, Kampong Chhnang, and Kampot). The public and Private Sector responded positively⁷⁶. The provincial PPD aims at building synergies with, and linking to the national PPD, with the view of using the existing consultation structure at the national level to promote issues that cannot be solved at the local level. UNDP is also considering local PPDs as part of its TRADE project. UNDP’s approach consists of focusing on and solving one issue per province. The PPDs would then become a tool to demonstrate that public and Private Sector can achieve reforms together with the objective of gathering momentum and integrating stakeholders to other components of the larger TRADE project.

The regional PPD do no yet feed adequately into the national dialogue. The key challenge remains the representation of the rural businesses within the Phnom Penh-based WG structures and business associations. Without a means to champion provincial issues and recommendations, the provincial PPD topics are not likely to be advanced at the national level.

⁷⁵ PPD Toolkit, 2006

⁷⁶ Attendance: 150 businesses and 20 officials at Deputy Governor level and below. Source: “PPD: A concept note for coordination and support the process of the G-PSF and other PPD in Cambodia”, Brew J., undated, IFC internal document.

Table 23: Indicators for “Sub-National” for Cambodia

Point 8: Sub-national	Indicator	Assessment	5.6
Existence of local and regional structures or consultation mechanisms for the dialogue or partnership	Consultation of PPD through formal structures/channels at further decentralized geographical levels (Provincial governors' participation /2.5; Role of Bus. Assoc. /2.5; Formal PPD mechanism /2.5; Proportion of provincial participants /2.5)	Provincial Governors' Participation: 1.5; Business associations have limited sub-national consultation with few exceptions (transport, tourism) 1.5; Formal PPD mechanism 1.5; Proportion of provincial participants 0.5	5.0
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey provincial businesses answering Yes OR above 5/ 10	5.5
Existence of activities of the PPD at other levels (local, regional or national) through ad hoc activities or dedicated programs or working groups	Number of activities at other levels than the dialogue and partnership itself (2 points per category of activity)	Provincial PPD by TAF/UNDP 2; field trips to provinces 2; email list 2	6.0

Vietnam

VBF and the working groups are organized at the national level only. The VBF has by design no regional structures or consultation mechanism for “sub-national” dialogue, with the exception of WG meetings sometimes taking place in HCMC.

In the absence of formal provincial participation mechanisms, the BMOs and mass unions are expected to interface between their constituents and the VBF structures. The BMOs that have sufficient capacity to efficiently serve their members at the national level are mostly international BMOs. The VCCI does encourage local dialogue at the lower level but is limited by the common perception that it is still part of the Government, attached to the Ministry of Trade, not an independent business association.

The large base of HCMC businesses are not optimally integrated to the WG process. The Private Sector Survey illustrates this fact, with a much greater share of Hanoi-based enterprises considering the VBF to be adequately representing businesses like theirs (68% versus 46% for Hanoi businesses⁷⁷). The geographical distance between HCMC and Hanoi has been reported to be a deterrent for many of the smaller companies to be present at the main Forum event⁷⁸. All forums save one, have to this day been organized in the capital, Hanoi.

In the early days of the VBF, the Government resisted allowing domestic business’ participation in the Forum. Domestic enterprises were encouraged to dialogue with the central Government through the local BMOs (including VCCI) and through forums promoted by the regional authorities. This practice is still in effect nowadays.

Strong local business associations such as the Hanoi Youth Business Association or Ho Chi Minh Youth Business Association can generate dialogue directly with the local authority without going through the forum. As a result, the forum is considered primarily as a national level tool, concerned with issues of country-wide nature. The provincial Forums were described, however, as

⁷⁷ Statistically significant with 95% confidence interval

⁷⁸ Three HCMC business owners’ report. They believed it was also true for significant part of their peers.

lacking a systematic prioritization and recommendation development process as well as the backing of the donor community which has been singled out by most private and public sector interviewees as a key factor for the Forum’s effectiveness. There seem to be some potential for instance in building upon the USAID-funded Vietnam Competitiveness Initiative (VNCI) which seeks to build sub-national competitiveness rankings.

Table 24: Indicators for “Sub-National” for Vietnam

Point 8: Sub-national	Indicator	Assessment	3.5
Existence of local and regional structures or consultation mechanisms for the dialogue or partnership	Consultation of PPD through formal structures/channels at further decentralized geographical levels (Provincial governors' participation /2.5; Role of Bus. Assoc. /2.5; Formal PPD mechanism /2.5; Proportion of provincial participants /2.5)	By design limited provincial Government participation: 1; Solid business associations consulting with constituents 2; No formal PPD mechanism 0.5; Proportion of provincial participants 0.5	4
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey HCMC respondents answering Yes OR above 5/ 10	5.8
Existence of activities of the PPD at other levels (local, regional or national) through ad hoc activities or dedicated programs or working groups	Number of activities at other levels than the dialogue and partnership itself (2 points per category of activity)	Some attempts by the Secretariat to contact local and provincial businesses	2.0

Lao PDR

LBF and its associated WGs are organized at the national level only. Individual enterprises are allowed to participate as individual companies or through their business associations. The LBF does not have any *formal* mechanism to ensure outreach to sub-national level enterprises. As for Vietnam, such enterprises’ participation is therefore somewhat contingent upon their BMO capacity. However, there are business associations which make efforts to bring issues from their provincial members (particularly in tourism, for example) via email to be presented within the PPD⁷⁹. The Facilitator also makes admirable efforts both to visit and solicit input from some regional centers as well as to address some of their issues through the forum.

The LBF status prevents it effectively working with provincial businesses. The MoU signed between the IFC and the central Government does not cover a mandate to liaise with the provincial Governors. Given the highly de-centralized structure of the political system, the absence of a mandated dialogue mechanism with the provincial Governors actually precludes the LBF from fully reaching out to the ‘sub-national’ level⁸⁰. This circumstance is recognized by Private Sector representatives too, who called for the involvement of provincial Governors at the Forum. The second Lao Business Forum, it should be noted, included among its participants, Vice Governors from several provinces. There is reason to believe that some provincial issues will be better addressed in the future – even sensitive inter-provincial tax discrepancies were raised at LBF2.

⁷⁹ There are also provincial forum activities organized by GTZ and in partnership with CPI and LNCCI, though these are not at this point integrated with the IFC-supported event, in spite of a GTZ-expressed preference for complementarity.

⁸⁰ It should be noted that results have been achieved in Luang Prabang on transport issues; this was possible thanks to particularities in the structure of the Ministry of Transport and its consequent authority over entities local to Luang Prabang.

Table 25: Indicators for “Sub-National” for Lao PDR

Point 8: Sub-national	Indicator	Assessment	4.0
Existence of local and regional structures or consultation mechanisms for the dialogue or partnership	Consultation of PPD through formal structures/channels at further decentralized geographical levels (Provincial governors' participation /2.5; Role of Bus. Assoc. /2.5; Formal PPD mechanism /2.5; Proportion of provincial participants /2.5)	Provincial governors' participation 0.5/2.5; Role of Bus. Assoc. 1.5/2.5; Formal PPD mechanism 1.5/2.5; Proportion of provincial participants 1.5/2.5)	5.0
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.1
Existence of activities of the PPD at other levels (local, regional or national) through ad hoc activities or dedicated programs or working groups	Number of activities at other levels than the dialogue and partnership itself (2 points per category of activity)	Only through ad-hoc Ministry of Tourism provincial representation	3.0

→ Recommendation #5

In order to increase ‘sub-national’ participation, the VBF should consider:

- Introducing a greater level of rotation between Hanoi and HCMC for the main event organization (to the extent it wouldn't jeopardize Government participation). This would signal a willingness to be inclusive to all companies regardless of geography.
- Introducing a WG specifically dedicated to serving the needs of SMEs

→ Recommendation #6

In Lao, separate negotiations with provincial Governors will be necessary in the future to ensure outreach to the sub-national level. It is suggested that discussions at this point reflect the sensitivity of the political central-periphery relationships – appropriate advice should be taken. Development of regional MOUs should certainly be considered once the LBF has demonstrated its value to all stakeholders and has achieved a stronger institutionalization. Further engagement with the 4-province GTZ PPDs should also be investigated.

9. Sector Specific⁸¹

“Sector-specific or issue-specific public-private dialogues should be encouraged because they provide more focus, greater incentive to collaborate, and more opportunity for action⁸².”

A comparison of the organizational structure of the three partnerships suggests that given the appropriate circumstances different models may be appropriate for the PPD to serve the specific

⁸¹ IFC Internal Progress Report January 2002 - January 2004

⁸² PPD Toolkit, 2006

needs of important economic sectors. In the ‘pure sectoral’ approach all WGs are sector specific, i.e. they address the needs of a given sector. This is the case of Vietnam. The ‘mixed approach’ includes both sector specific and cross-cutting WG and is best illustrated by Cambodia.

Vietnam made the choice of following the ‘pure’ sectoral approach. The VBF operates with four sectoral WGs: Manufacturing and Distribution WG, Infrastructure WG, Capital Market WG and Banking WG. Initially, a working group on legal issues had been created. However, it was decided to merge it with the other working groups with the view of injecting legal expertise directly where needed, within the PSWG.

It should be noted that not only are the WGs sector specific, but two out of four serve the financial industry. However, one important feature of the VBF lies in its capacity to generate sub-groups or task forces to tackle specific **or cross-cutting** issues. Over the years, the M&D Working Group and IWG further sub-divided into task forces on land and property, labor, tax, intellectual property rights and technology transfer, tourism, administrative reform, ICT, import-export and customs, power, transportation, air/sea port, water, telecommunication and possibly some others.

Cambodia has adopted the other model, with both sectoral and cross-cutting WGs. Among the eight G-PSF WGs, five are dedicated to economic sectors representative of Cambodia’s economic landscape (Services/Banking & Finance, Tourism, Manufacturing & SMEs, Agriculture & Agro Industry, and to a lesser extent Energy & Infrastructure). They address in priority issues related to their own sectors. Occasionally, they will champion cross-cutting issues shared by several sectors at the request of the Executive Co-Chairs. The other three WGs (Law, Tax & Good Governance, Export Processing and Trade Facilitation and, recently, Industrial Relations) have a broader and more generalist scope⁸³. Following the subject at hand they will invite on an ad-hoc basis members of sector-specific WGs to contribute to the dialogue⁸⁴.

The LBF follows the Vietnamese model. It currently operates 4 sectoral WGs only: Service & Trade WG, Manufacturing WG; Tourism WG and; the recently added Energy and Mining group. The LBF has however a lesser capacity to generate task forces than Vietnam. As such, several key topics of interest to the national economy are not covered by the WG process. Expert Interviews suggested that a Law and Tax WG and a WG addressing access to finance were necessary, though the LBF held subsequent to Expert Interviews saw several tax issues raised.

Table 26: Indicators for “Sector Specific” for Cambodia

Point 9: Sector Specific	Indicator	Assessment	7.2
Degree to which the dialogue or partnership addresses specific problems of participants	Number of (sub)sector or issue-specific working groups in the PPD (1 point per WG + 2 points for task forces)	8 WG of which 5 represent the main economic sectors, plus task forces within WG. 3 cross-cutting WG including Labor and Governance.	9.0
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.2
Capacity of the dialogue or partnership to generate concrete solutions to specific problems of participants	Number of (sub)sector or issue specific proposals generated (none=0, at least one per year for each (sub)sector or issue=10)	At least one sector/issue specific proposal generated for all main economic sector	10

⁸³ Though EPTF may be seen as largely serving the interests of the garment sector

⁸⁴ The economic sector-specific WG have a similar practice

Point 9: Sector Specific	Indicator	Assessment	7.2
	Quality of these proposals rated by the evaluator(s) (on a scale from 0-10)	High variation of proposals quality per WG. 3 WG have good quality, 2 WG medium, 2 WG low ((3*1.5+2)/14)	4.5

Table 27: Indicators for “Sector Specific” for Vietnam

Point 9: Sector Specific	Indicator	Assessment	6.5
Degree to which the dialogue or partnership addresses specific problems of participants	Number of (sub)sector or issue-specific working groups in the PPD (1 point per WG + 2 points for task forces)	4 WG, of which 2 financial. Does not cover large number of key topics (Labor, etc.) yet capacity to develop new task forces when necessary within the existing WG	6.0
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.8
Capacity of the dialogue or partnership to generate concrete solutions to specific problems of participants	Number of (sub)sector or issue specific proposals generated (none=0, at least one per year for each (sub)sector or issue=10)	Each sector represented in WG has several proposals 4/4; no cross-cutting WG 0/2; VBF addresses wide and macro issues and therefore indirectly affects many sub-sectors (2/2)	6.0
	Quality of these proposals rated by the evaluator(s) (on a scale from 0-10)	High quality of proposals in all 4 WG (4*2)	8.0

Table 28: Indicators for “Sector Specific” for Lao PDR

Point 9: Sector Specific	Indicator	Assessment	5.8
Degree to which the dialogue or partnership addresses specific problems of participants	Number of (sub)sector or issue-specific working groups in the PPD (1 point per WG + 2 points for task forces)	4 WG that are sector specific	6.0
	Do the PPD adequately represent businesses like yours?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.1
Capacity of the dialogue or partnership to generate concrete solutions to specific problems of participants	Number of (sub)sector or issue specific proposals generated (none=0, at least one per year for each (sub)sector or issue=10)	No cross-cutting WG but the WGs had several proposals each	6.0
	Quality of these proposals rated by the evaluator(s) (on a scale from 0-10)	Average quality of proposals. Lack of technical resource input is evident in a number of reforms.	5.0

10. International

“Broad and inclusive public-private dialogue can effectively represent and promote national and regional interests of both public and private actors in international negotiations and international dialogue processes.”⁸⁵

The International organizational effectiveness dimension captures the contribution by the PPDs (i) to the advancement of the domestic economic interests in the international arena and (ii) to the advancement of PPD good practices and sharing of lessons learned with foreign public-private partnerships.

Advancement of Domestic Economic Interests

As the three countries increasingly recognize the importance of integrating their economy into the global and regional spheres, they have increased their participation in international trade agreements. Successful integration has huge potential benefits for economic growth and poverty reduction, but it also presents significant challenges given the sometimes limited government capacity to negotiate, prepare and implement a multitude of technical measures.

The WTO, which Cambodia joined in 2005 and Vietnam in 2006, is perhaps the best case in point. On the one hand, it offers the countries’ enforceable contractual relationships with almost every other nation with whom they engage in trade. If managed appropriately the WTO accession could translate into exceptional trade and growth opportunities. The four areas of law and regulation that the WTO agreement⁸⁶ will mostly affect are the general business environment, trade in goods and in services and the protection of intellectual property. On the other hand, the level of effort required to adapt the legislation to comply with WTO regulations is seen by many as overwhelming.

As the impact of WTO will be high on PPD core sectors, the partnerships have strong interest in playing a central role in the implementation and monitoring of compliance.

In Cambodia, the Sub-Steering committee on Trade Facilitation⁸⁷ has been a key player in carrying out the complex and lengthy processes at ministerial/institutional level related to import and export by companies⁸⁸. It is further assisting the government in abolishing duplication of tasks between several ministries/institutions in order to ensure central and effective examination of goods for import/export (i.e. developing the "Single Window" mechanism⁸⁹).

In Vietnam, the VBF’s contributions to the WTO accession were twofold: the VBF contributed moderately to the WTO accession negotiation; and the PPD played an important role in assisting the Government in transitioning Vietnam towards a free market economy.

The Vietnamese Government did not wish the VBF to play any official representation role in the WTO negotiation. Furthermore the Government released little information on the WTO accession negotiation process, hence the VBF could only provide input and negotiation recommendations when requested to do so. Recorded instances demonstrate that it has occurred. Among others, the

⁸⁵ PPD Toolkit, 2006

⁸⁶ < [http: www.adbi.org](http://www.adbi.org) >

⁸⁷ Decision on The Establishment of Sub-Steering Committees for Private Sector Development

⁸⁸ Expert Interview with Senior Minister HE Cham Prasidh on Private Sector reform proposals and actions

⁸⁹ At time of writing the Single Window as planned under the World Bank’s Trade Facilitation & Competitiveness Project was no longer being taken up. However, RGC maintains stated objectives to implement a version of Single Window consistent with commitments under ASEAN

M&DWG presented a position paper on export subsidies and WTO accession to the workshop called by the Government on WTO subsidies/incentives elimination obligations in March 2006.

Advancement of PPD Good Practices

The team assesses that the IFC could leverage additional synergies between the three Forums to ensure constant learning and application of best practices among the three forums. So far synergies took the form of informal contacts between the facilitators of the three forums, often initiated by the GPSF facilitator. Due to the relatively low cost, the participation of a facilitator from one country to a main event in another of the three should be encouraged to increase knowledge transfer. Part 4 of the PPDIA will detail the type of structure and management required to achieve this.

The VBF was considered as the model for replicating first in Cambodia and in particular Lao PDR. Participants of the forums in Cambodia and Lao were invited to a study trip to observe the VBF in action and disseminate lessons learned to their home institutions. The guests included representatives from both the government and the Private Sector side. A section of seating at the second LBF was made available for a Vietnam delegation.

VBF and G-PSF facilitators and participants have participated in international forums on PPD. They also contributed case studies on their PPD experience.

Table 29: Indicators for “International” for Cambodia

Point 10: International	Indicator	Assessment	7.4
Presence and participation of participants in the dialogue or partnership at international forums and conferences	Events in which representatives of the PPD participated (presentation /4; knowledge transfer /3; learning /3)	Presentation 2.5; knowledge transfer (Lao, Ethiopia, case study) 3; learning 2	7.5
	Internal stakeholders participation to international forums and conferences (Facilitator /4, +3/Stakeholder groups)	Numerous participations by facilitator 4/4; Co-chairs participation 2/3; Government participation 2/3	8.0
Assistance to the country's integration into regional and international commercial treaties	Identifiable PPD assistance to the Government in preparation of international negotiations	Assistance with regulation compliance for WTO 2.5/4; ASEAN 1/3; Cross-border Trade Agreement with Vietnam, Laos PDR 2/3	5.5
Active consultation and contacts made by international actors to learn from the dialogue or partnerships	Number of international actors who made inquiries with the PPD regarding BEE and PSD	Constant inquiries to the Facilitator regarding PSD and PPD	9.0

Table 30: Indicators for “International” for Vietnam

Point 10: International	Indicator	Assessment	7.1
Presence and participation of participants in the dialogue or partnership at international forums and conferences	Events in which representatives of the PPD participated (presentation /4; knowledge transfer /3; learning /3)	Presentation 1.5; knowledge transfer (to Cambodia, case study) 3; learning 2	6.5

Point 10: International	Indicator	Assessment	7.1
	Internal stakeholders participation to international forums and conferences (Facilitator /4, +3/Stakeholder groups)	Participation by facilitator 3/4; Co-chairs participation 2/3; Government participation 1.5/3	7
Assistance to the country's integration into regional and international commercial treaties	Identifiable PPD assistance to the Government in preparation of international negotiations	High level of assistance with regulation compliance for WTO 2/2.5, Common Investment Law 2, level-playing field 2, banking sector 2	9.0
Active consultation and contacts made by international actors to learn from the dialogue or partnerships	Number of international actors who made inquiries with the PPD regarding BEE and PSD	CG presentation but limited additional coordination role for PSD in Vietnam.	5.5

Table 31: Indicators for “International” for Lao PDR

Point 10: International	Indicator	Assessment	3.0
Presence and participation of participants in the dialogue or partnership at international forums and conferences	Events in which representatives of the PPD participated (presentation /4; knowledge transfer /3; learning /3)	Presentation 0.5; knowledge transfer (Cambodia) 1.5/3; learning 2	4.0
	Internal stakeholders participation to international forums and conferences (Facilitator /4, +3/Stakeholder groups)	participation by facilitator 2/4; Co-chairs participation 1/3; Government participation 1/3	4.0
Assistance to the country's integration into regional and international commercial treaties	Identifiable PPD assistance to the Government in preparation of international negotiations	N/A	N/A
Active consultation and contacts made by international actors to learn from the dialogue or partnerships	Number of international actors who made inquiries with the PPD regarding BEE and PSD	Little visibility of the Forum and the IFC secretariat	2.0

11. Post-conflict

“Public-private dialogue is particularly valuable in post-conflict and crisis environments – including post-natural disaster – to consolidate peace and rebuild the economy through Private Sector development.⁹⁰”

PPDs play, to some extent, a role of catalyst for bringing changes in their society beyond the direct economic impact and impact on the reform process. In particular, they may prove instrumental in (i) strengthening the democratization process and the rule of Law, (ii) assisting their countries with the transition to market-based economy and (iii) providing a platform to pro-actively address

⁹⁰ PPD Toolkit, 2006

conflicts that may otherwise escalate in post-conflict societies. This section captures the broad concept of PPD contribution to societal changes under the header of post-conflict.

There are signs that the Forums may be providing a platform for peacefully solving conflicts. In particular, the PPDs' capacity to put nascent controversies on the agenda may allow proactively solving conflicts that would otherwise escalate in post-conflict societies. In Cambodia, the post-conflict role may be more apparent than the other countries. The IFC proposal to AusAid for support to the G-PSF identifies the reinforcement of peace and security as a primary objective of the partnership. Analyses of the Private Sector Survey seem to indicate that the Private Sector acknowledges the conflict resolution or crisis mitigation role, as 63% of respondents stated that they believed *the G-PSF contributed to peacefully resolving conflicts in the country* and 54% *that the G-PSF contributed to reinforce peace and stability in the country*⁹¹. To the same questions Lao and Vietnamese entrepreneurs offered marginal positive answers (in all cases smaller than 22%).

For 30 years Cambodia has successively been in a state of civil war, under a genocidal regime and occupied by a foreign power before the 1991 Paris agreement. Cambodia only regained full sovereignty over the national territory in 1998. The exhausted country was facing the daunting challenge of bringing peace and security, while rebuilding political and economic systems and their institutions in the context of a destroyed social fabric. To a reasonable extent the fledgling democracy has realized those objectives over the past 15 years. Following the introduction of the first forum in 1999 several political crises were still to come, such as the year-long political impasse following the 2003 election. Those events, and some perceived shortcomings of the current political structure by onlookers, demonstrate that establishing a rule of law post-conflict is a long process during which feelings of general distrust extend to the state, its institutions, and within the community.

The 6th G-PSF represented a turning point in the PPD's ability to put conflicts on the agenda. There, the sensitive issue of corruption was brought up in a public forum for the first time⁹² and was nonetheless broadcast live on national television. In the climate of very low confidence between the Private Sector and the Government pervasive at the time, declarations of that nature were associated with high potential for retaliation. Several Co-chairs had been subject to intimidation⁹³, fearing both for their business' future and their personal security. The Co-Chairs resorted to publicly requesting the PM for "protection". Four years later, intimidation of this sort seems at least much more limited, if present at all; the word "corruption" is no longer taboo in a public debate; trust and confidence have grown between the public and Private Sectors, albeit with room for improvement.

The LBF has probably not yet reached a sufficient stage of maturity to be helpful in addressing existing conflicts, in a country which is described as very stable politically by respondents. A renewed LBF mandate may, however, extend its duties to a formal dialogue with provincial Governors, which in turn could provide an opportunity for tackling issues related to the relations between central and provincial Government⁹⁴, including as it would, relations between large foreign investors and provincial governments and, in turn, provincial governments and their populations.

⁹¹ i.e. percentage of respondents answering 6 or more on a scale of 10 where 0 meant "absolutely disagree with the statement" and 10 "absolutely agree with the statement".

⁹² Bibliography for "6th PSF General Summary.doc"

⁹³ Source: Expert Interviews Cambodia. The kind of intimidation mentioned above is reported to have ceased since which is addressed in Part 2 on the Reform Process

⁹⁴ One interviewee for instance mentioned that the forum process had informed regional custom officials to the prevailing rules, such that the officials were better able to resist Governors' suggestions to raise undue taxes.

In Vietnam, the VBF opened channels for dialogue between the HCMC business community and officials from Hanoi. The Private Sector Survey does not, however, support the view that the VBF plays a role in conflict resolution and peace building in the country (similar marginal positive answer rate between Hanoi and HCMC-based businesses).

There are also signs that the PPDs strengthen the democratization process and the rule of Law. Indeed, as a forum for continued and transparent dialogue between civil society and Government officials, the PPD contribute to the democratic process and to some extent to increased accountability by the executive branch. A G-PSF Co-chair stated that, “*the forum may be the sole forum for open discussion with the Government; it is an exercise of democracy.*” In Cambodia, the judicial system is probably the weakest link in strengthening the rule of law in Cambodia. The World Bank’s Investment Climate Assessment⁹⁵ study found that over 80 percent of firms perceive the judiciary negatively. The lack of a dependable, efficient, and neutral justice system strongly impacts the business climate. According to the same study, the fifth ranking constraint for businesses is weak legal systems and lack of formal conflict resolution mechanisms. Those issues have been identified and are being addressed by the PPD⁹⁶, which is attempting to make contributions to conflict resolution and peace building. The WG on Law, Tax and Good Governance is playing a role in developing the Law on Commercial Courts, which will offer a forum for efficient and peaceful commercial conflict resolution. The WG on Industrial Relations is expected to improve the legal framework for avoiding pervasive workplace related violence and clarifying the rights and limitations of workers’ strikes.

“Logic says, inclusive, broad-based development is more pro-peace than income disparity and poverty. That is developed by transparent, rules-based systems (private investors, to enforce rights vis-à-vis corruption, powerful people). The Forum is a means to achieve transparent rule-based PS - a mechanism for good governance. So yes, it’s pro-peace,” Donor PSD Representative

Finally, the PPD contribute to their country’s transition to a market economy. In Vietnam, dozens of PPD-led reforms have increased compliance with WTO accession requirements (such as the reforms removing dual pricing systems between nationals and foreigners for electricity, travel and communications).

Table 32: Indicators for “Post-conflict” for Cambodia

Point 11: Post-conflict	Indicator	Assessment	5.9
Contribution made by the dialogue or partnership to conflict resolution and peace building in its external environment.	Contribution to peacefully resolving conflicts in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	6.3
	Contribution to reinforcing peace and stability in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.4

Table 33: Indicators for “Post-conflict” for Vietnam

Point 11: Post-conflict	Indicator	Assessment	1.8
Contribution made by the dialogue or partnership to conflict resolution and peace building in its	Contribution to peacefully resolving conflicts in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	N/A

⁹⁵ “Cambodia- Seizing the Global Opportunity: Investment Climate Assessment and Reform Strategy for Cambodia”, World Bank, 2004

⁹⁶ A WG on Employment and Labor Law Enforcement is under development.

	Contribution to reinforcing peace and stability in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	1.8
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Table 34: Indicators for “Post-conflict” for Lao PDR

Point 11: Post-conflict	Indicator	Assessment	1.5
Contribution made by the dialogue or partnership to conflict resolution and peace building in its external environment.	Contribution to peacefully resolving conflicts in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	N/A
	Contribution to reinforcing peace and stability in the country	% of Private Sector Survey respondents answering Yes OR above 5/ 10	1.5

12. Development Partners

“Public-private dialogue initiatives can benefit from the input and support of donors (development partners) when their role is determined by the local context, demand driven, and based on partnership, coordination and additionality.”⁹⁷

In Vietnam and Lao PDR, Development Partners played a crucial role in the establishment of the PPD. In the two countries, development partners were highly instrumental in establishing the Forum. The VBF was initiated by the IFC Country Manager in 1997, and the LBF by the IFC-MPDF in 2005. Since inception the IFC provides continued financial and operational support through the Secretariats. Additional development partners are contributing to the project funding including: the Canadian Government, the Royal Dutch Government and DANIDA in Vietnam; the Grand Duchy of Luxembourg’s Lux-Development in Lao PDR⁹⁸; and AusAID in Cambodia.

In Cambodia, the G-PSF was initiated by the RGC in 1999 without the involvement of development partners. Only in 2002 was their support officially accepted to assist the CDC with a facilitation structure that would be recognized by all as fair and honest.

In the three countries, the development partners are by far the largest financial contributors to the PPDs with annual budgets ranging from US\$90,000 (Vietnam) to US\$160,000 (Cambodia). The PPDIA team could not obtain financial data related to the Governments’ cost associated with the PPD process. On the other hand, estimates of the Private Sector contribution in-kind to the process taking into account BMO financial contribution (in Vietnam), value of professional members’ time and logistics show values by far higher than the IFC-led Secretariats’ budgets.⁹⁹ It does not seem however that any of the PPDs is yet capable of sustaining operations without Development Partners’ contributions (with the possible exception of some VBF’s WGs)¹⁰⁰.

Besides their financial contributions, the donor community may interact with the PPDs in at least two ways. Donors, particularly the Private Sector development programs, may contribute technical assistance upon request; they may also utilize the Private Sector’s diagnostics and recommendations to design their own PSD programs.

In Cambodia, the PSD Technical WG of the Donor Technical Coordination Group framework¹⁰¹ acknowledged the G-PSF in 2006 as a mechanism that could inform their programming¹⁰². The

⁹⁷ PPD Toolkit, 2006

⁹⁸ IFC-CPI MoU

⁹⁹ See Part 3: Economic Impact for more on this analysis.

¹⁰⁰ The topic of exist strategy for donors is addressed in Part 4: Recommendations and Lessons Learned

¹⁰¹ Donor agencies coordinate their strategies and activities in 18 Technical Working Groups. These are independent from the G-PSF Working Groups.

Technical WG gathers ADB, AusAid, USAID, GTZ, EC, IFC, UNDP and The Asia Foundation (TAF). Under this umbrella structure coordinated by the IFC, donors agreed to work collectively to provide inputs to G-PSF. In Lao PDR and Vietnam, bilateral and multilateral donor agencies that are members of the CG Meeting are invited to attend the bi-annual Forum so as to promote an effective link between the Private Sector needs and the donors' PSD agenda setting.

Despite these structural mechanisms for donor PSD coordination and input to the forum, there has been a limited amount of direct TA injected to the PPD when required. The most notable instances include the IFC-MPDF support to the Unified Enterprise Law in Vietnam and the decriminalization of Breach of Trust or the proposed Tourism Marketing & Promotions Board in Cambodia)¹⁰³. Also, with the possible exception of Vietnam, the PPDs have had limited impact on driving donors' PSD strategies. Part 4: Recommendations and Lessons Learned, will address ways to increase synergies between Development Partners and the partnerships.

Table 35: Indicators for “Development Partners” for Cambodia

Point 12 : Development Partners	Indicator	Assessment	5.5
Degree of independence of the PPD on financial support of development partners (DPs)	Amount of financial support from DPs as a percentage of the total costs of the dialogue or partnership (total budget provided by DPs=0, more than 50% of budget provided by own resources=10)	DP participate 150K/year. Gov provides 50K in kind (order of magnitude). Private Sector provides logistics and participant time over 200K (order of magnitude).	9.0
	Demonstrated ability of the PPD to find resources from non-DP sources	Prior to the IFC the government was supporting it, and would still do it through the CDC. The BMOs and the Private Sector however are unlikely to be able to meet total costs	7.0
	Would Government engage in PPD without DP support?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	3.0
Development Partners exhibit supportive and demand driven response to the PPD (excluding IFC)	DP provide input to agenda /3; drive programs following Private Sector issues /4; provide TA and support /3	Input 2; support and TA 0.5; drive their program 1 (on trade facilitation, some successes can probably be linked to the DP agenda, but rather as a by-product, i.e. DP didn't integrate PPD to their strategies).	3.5
	Do the Development Partners tend to capture the LBF agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10 is 5.9	4.1
	Do the Development Partners provide support to the PPD and to its agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	6.6

¹⁰² “Public Private Dialogue: A concept note for coordination and support the process of the Government - Private Sector Forum and other public - private dialogues in Cambodia”, IFC Secretariat.

¹⁰³ In the final period of preparation of this report, some additional responsiveness with targeted TA by the IFC was evident, via the MPDF. This has included support for development of a booklet to clarify export procedures in Cambodia and a short study to clarify visa and aviation policy issues, apparently in response to the Deputy Prime Minister's request at the Forum, in Laos

Table 36: Indicators for “Development Partners” for Vietnam

Point 12 : Development Partners	Indicator	Assessment	6.4
Degree of independence of the PPD on financial support of development partners (DPs)	Amount of financial support from DPs as a percentage of the total costs of the dialogue or partnership (total budget provided by DPs=0, more than 50% of budget provided by own resources=10)	DP contributes just over US\$100K per year. As per Economic Impact section, the Private Sector contributes far more	10
	Demonstrated ability of the PPD to find resources from non-DP sources	Limited, save for moderate contribution / annual fees of Business Associations	5.0
	Would Government engage in PPD without DP support?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	5.6
Development Partners exhibit supportive and demand driven response to the PPD (excluding IFC)	DP provide input to agenda /3; drive programs following Private Sector issues /4; provide TA and support /3	Dependable input of DP 2; Limited support and TA 1; PPD drive DP agenda: CG link should ensure direct link to DP programs but not fully effective 2	5.0
	Do the Development Partners tend to capture the LBF agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	4.4
	Do the Development Partners provide support to the PPD and to its agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	8.3

Table 37: Indicators for “Development Partners” for Lao PDR

Point 12 : Development Partners	Indicator	Assessment	4.7
Degree of independence of the PPD on financial support of development partners (DPs)	Amount of financial support from DPs as a percentage of the total costs of the dialogue or partnership (total budget provided by DPs=0, more than 50% of budget provided by own resources=10)	Private Sector contribution in kind is probably in line with IFC contribution	6.0
	Demonstrated ability of the PPD to find resources from non-DP sources	No demonstrated ability, only suggested by some experts interviewed	2.0
	Would Government engage in PPD without DP support?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	3.3
Development Partners exhibit supportive and demand driven response to the PPD (excluding IFC)	DP provide input to agenda /3; drive programs following Private Sector issues /4; provide TA and support /3	input of DP 1; Limited support and TA 0.5; PPD drive DP agenda: 0	1.5
	Do the Development Partners tend to capture the LBF agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	6.3

	Do the Development Partners provide support to the PPD and to its agenda?	% of Private Sector Survey respondents answering Yes OR above 5/ 10	8.8
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1.C Evaluation Wheels

The “evaluation wheels” presented below use a standardized comparative approach to depict PPD of various levels of maturity, in different political and economic settings. The wheels are therefore not used to cast a judgment on the respective PPD’s performance *per se*. For instance, the one-year old LBF’s score will by nature of the indicators be lower than the VBF and the G-PSF on several dimensions.

Figure 20: G-PSF Evaluation Wheel

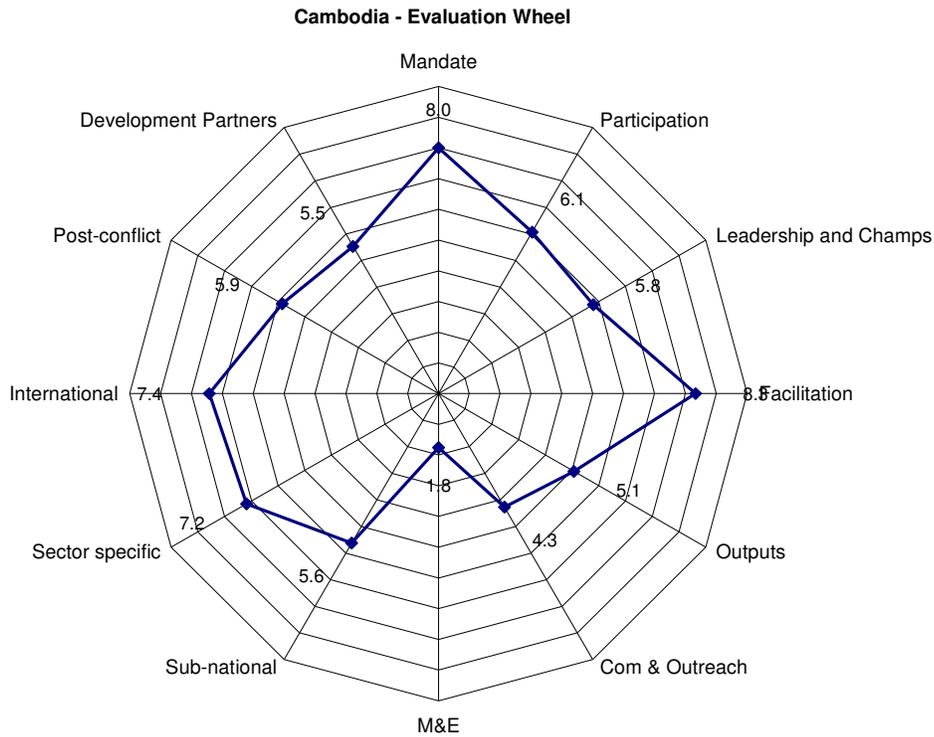


Figure 21: LBF Evaluation Wheel

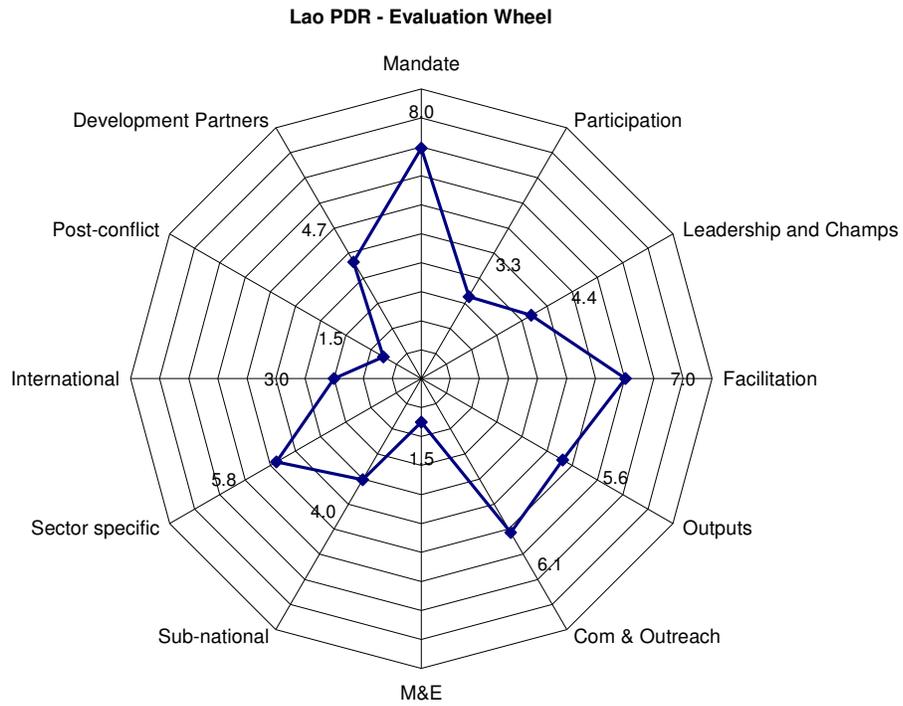


Figure 22: Vietnam Evaluation Wheel

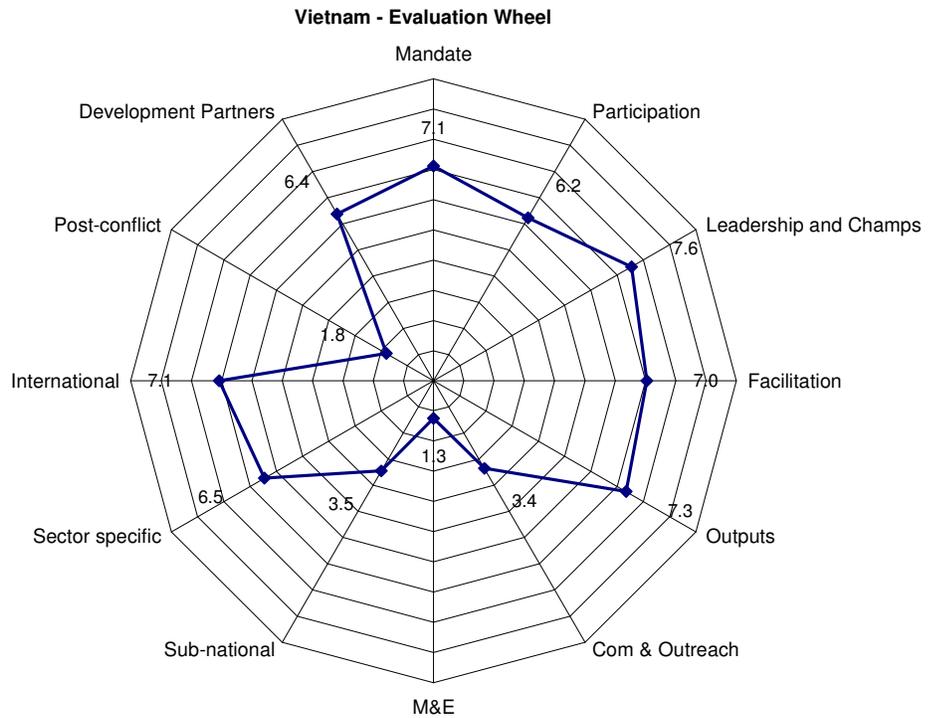


Figure 23: Combined Three-Country "Evaluation Wheels"

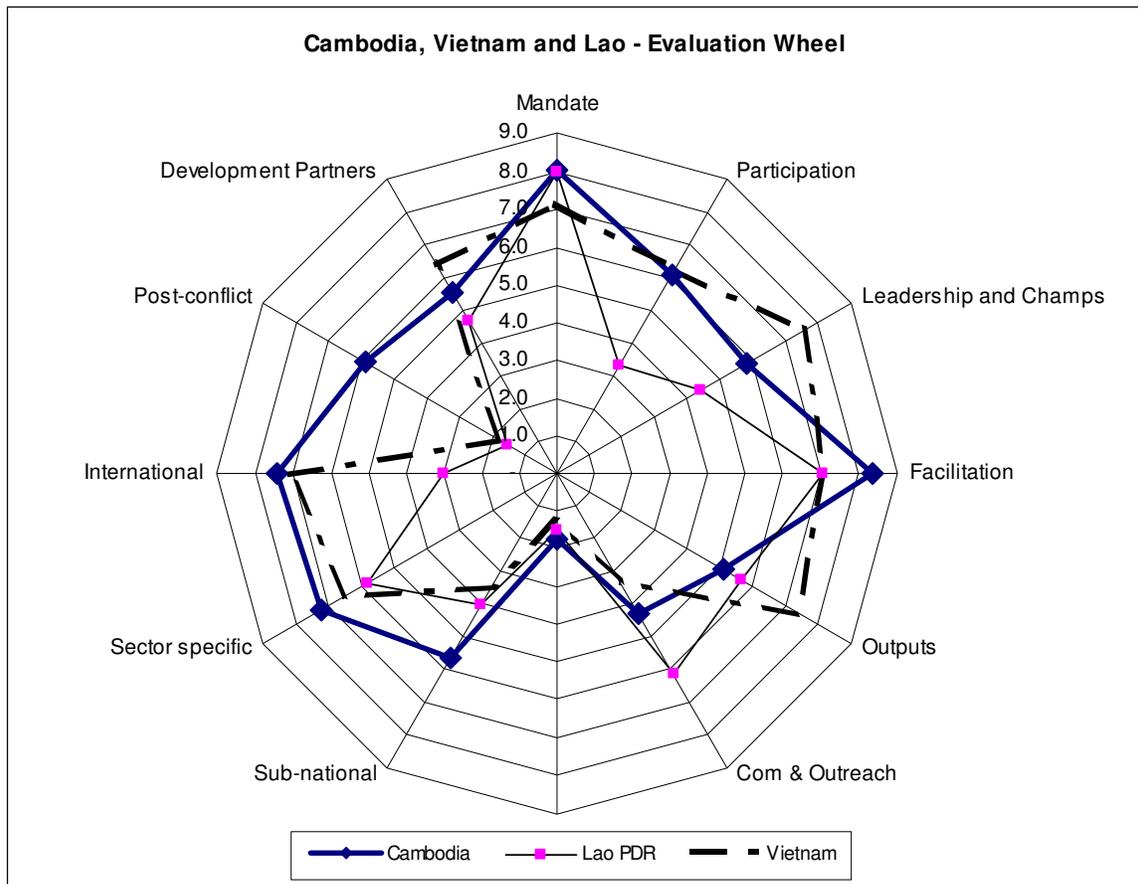


Figure 24: 12 Points Ranked by Decreasing Performance - Vietnam

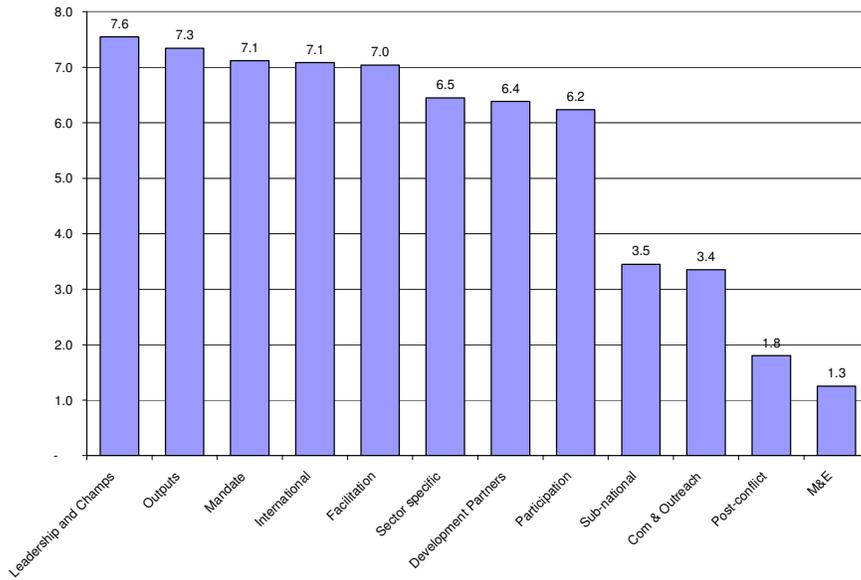


Figure 25: 12 Points Ranked by Decreasing Performance - Lao PDR

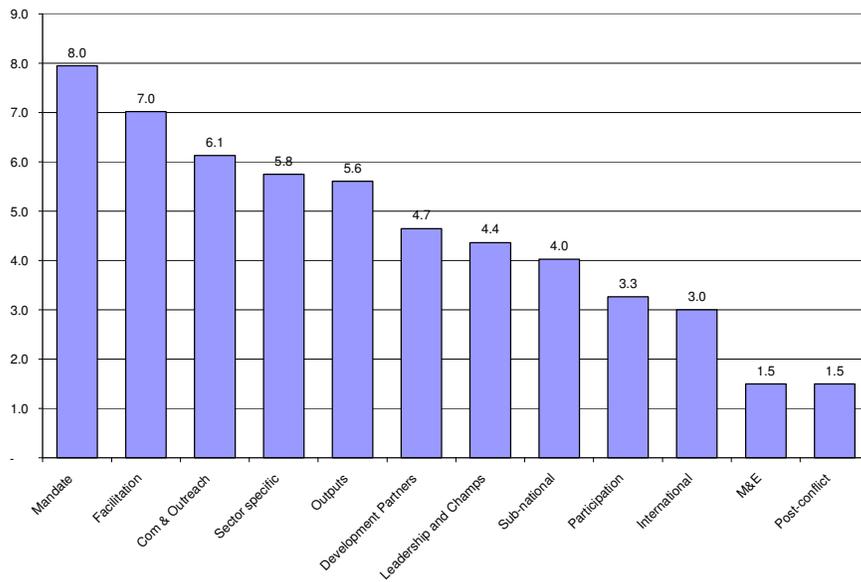
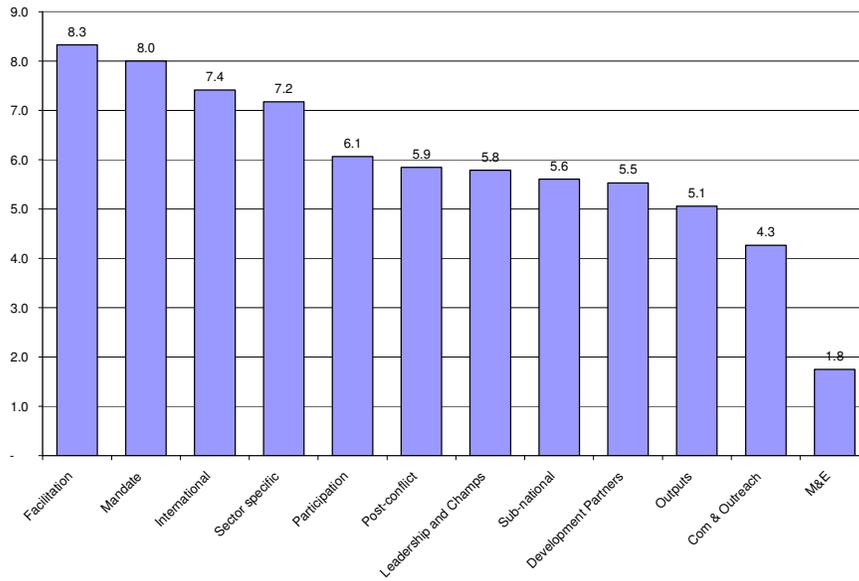


Figure 26: 12 Points Ranked by Decreasing Performance - Cambodia



PART 2: PPD Impact on the Reform Process

In Part 2, we consider the impact that each PPD has had on the *process of reform* in each country. That is, we seek to evaluate what effect the PPD has had on the ability of the Private Sector to perceive/identify issues affecting it, articulate them, advocate for them with government, achieve change both in principle and practice, actually derive value from the reforms and, finally, see any reforms maintained over time¹⁰⁴.

2.A Methodology

A generic process of reform has been developed, with a limited degree of customization for each country. In practice, the Cambodia process was more completely mapped out and it was felt that the detail of this combined with the more generic framework would be sufficient for much of the analysis for the other countries. The process is characterized by both informal and formal steps, the latter including the stages some types of reforms must go through in the legislative and executive processes. Just as important are informal and conceptual steps, such as achievement of consensus on an issue by the Private Sector or the absence of vested interests on the part of government or the Private Sector;

Figure 27 and Figure 28, below, illustrate generic reform processes – i.e. independent of PPD – including the steps required (i.e. the numbered boxes) for achievement of a reform from the Private Sector’s perspective and the steps required for legal and regulatory changes seen from the Government perspective.

In practice, the reform process could be viewed from several such perspectives – in particular, from government and donor perspectives. For efficiency’s sake, the parallel government perspective is provided for in this analysis largely through the government perspective taken on the Legal Reform Process shown for Cambodia in Figure 28, the government preconditions in the Opportunity row of Figure 27 and the catch-all On-going Internal Government Conferral indicated along the top of the process. Alongside the latter is an indication that there is (at least in principle) a continuous process of donor interaction on PSD matters, international circumstances (such as WTO and ASEAN developments and changes in country competitiveness) and other Private Sector lobbying, each of which may have bearing on the Private Sector perspective.

Upon successful enactment of a reform, an issue may be seen as exiting the process. However, steps to the far right of the process describe how the Private Sector may continue to monitor and ensure it derives benefit from the reform, with the potential of recommencing the process if the government is unable or unwilling to maintain the reform.

¹⁰⁴ The methodology applied to assessment of impact on the reform *process* was therefore essentially to treat PPD as a “process improvement exercise.”

Figure 27: Generic Reform Process and Preconditions, Private Sector Perspective

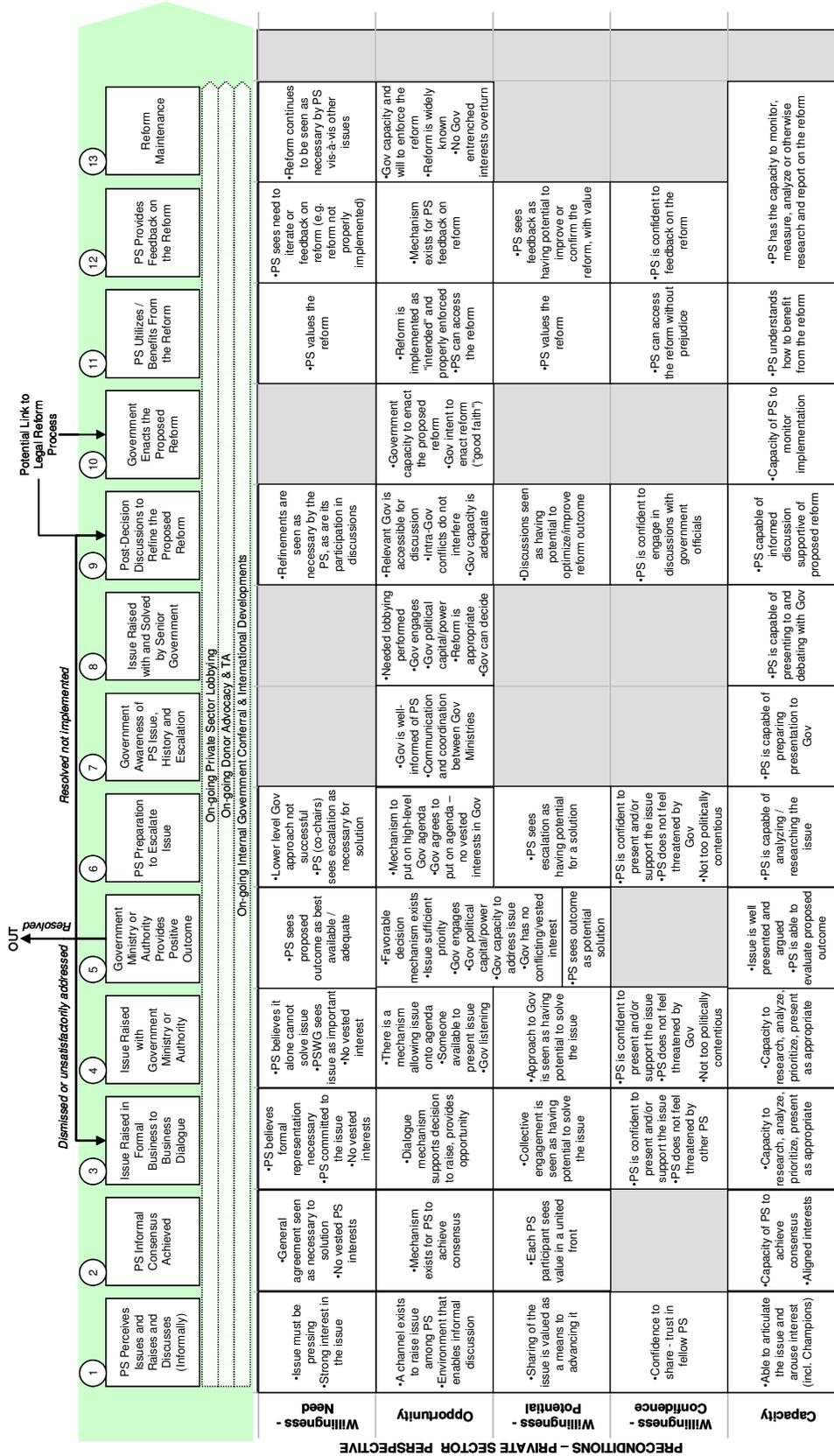
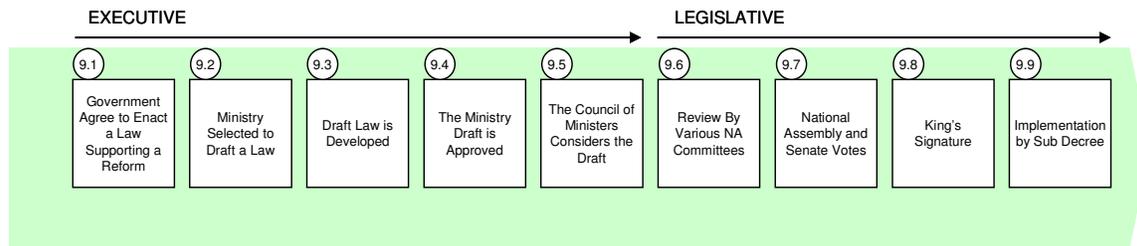


Figure 28: Cambodia Legal Reform Process



At each step, preconditions were identified – i.e. conditions which must be met before a given reform in the process could achieve that step and thus be ready to move to the next. These are included in Figure 27, above. For example, the Private Sector must have the ability to achieve any necessary degree of consensus on the issues to present to any given Government audience and must have the capacity to analyze, present and argue its issues at various stages. It must not feel intimidated in presenting issues and must have the opportunity of an audience with relevant, capable and engaged Government officials lacking overpowering vested interests. There are some mainly inconsequential differences between the treatment of, for example, consensus achievement, as a precondition to move between steps versus a step in its own right. We have not found it important to be rigorous in choosing between the two, since either provides adequate guidance for the analysis.

The preconditions can be grouped under several headings:

- **Willingness.** The Private Sector must be willing to conduct each step. This in turn is seen as comprising three conditions;
 - **Need.** The Private Sector must feel a need to carry out each step, or that a step is necessary to reach a subsequent step;
 - **Potential.** The Private Sector must feel that there is potential in remaining in the reform process, such that each step has the potential either to provide – at reasonable cost – a solution, or is a positive means to reach subsequent solution-providing steps.
 - **Confidence.** The Private Sector must have confidence to carry out each step. That is, having perceived a need for the step and recognizing that it may efficiently contribute to a solution, the Private Sector must not feel intimidated or threatened by taking each step;
- **Opportunity.** There must be an opportunity for the Private Sector to take each step. Note that the process described in Figure 27: Generic Reform Process and Preconditions, Private Sector Perspective is from the Private Sector’s perspective, so that the government’s capacity to, for example, enact a reform, is listed under Opportunity, not Capacity. Figure 30: Cambodian Legal Reform Process - Government Perspective, on the other hand, is from the Government’s perspective, so that capacity issues are dealt with in the Capacity row;
- **Capacity.** The Private Sector must have the capacity to carry out each step. Importantly, this capacity may be “bought in” through the provision of some external assistance, or otherwise developed (e.g. via Business Membership Organizations);

A framework for assessment of how the PPD has impacted the process of reform is derived from these understandings of the reform processes in each country. Questions in the Private Sector Survey as well as question modules for some respondents to the Expert Interviews sought to test the impact of PPD on addressing the range of preconditions required to move through the reform process. Further, circumstances where the PPD “short circuited” steps in the process or perhaps

provided new and improved steps or sub-processes that avoided some preconditions were looked for. In essence, the evaluation took the approach of assessing the PPD as a “process improvement exercise.”

Whilst some of the assessment is derived from respondents’ experiences on the chosen set of example reforms, use is also made of feedback and research which provides information directly about a step in the reform process independent of a particular reform. Reforms tracked through the process may in some instances be seen as providing supporting evidence or examples for assessments which are made based on desk research and interviewees’ comments directly on the reform process steps. The approach to evaluating impact on the reform process detailed in the PPD Handbook is thus supplemented with the more general feedback - in part to ensure that findings were not biased by only considering *successful* reforms and to generalize away from their small number. Whilst the pure “process against sample reform” analysis is useful, it misses broader potential impacts of the PPD. A number of the preconditions and steps in the process may be impacted by the dialogue yet not clearly arise in the context of any given reform¹⁰⁵. Evidence from Desk Research, Expert Interviews and the Private Sector Survey can thus be used to fill these gaps.

In principle, the methodology described could be applied to the development of an “overall” economic impact assessment for the PPD. Data from the progress matrices of the various working groups enables a reasonable quantification of the various issues by type (e.g. Clarification, Request for Regulatory Change, Request for Institutional Change etc.) and sector. Rather than choosing a very small, “representative” set of issues, a broader sample could be studied, randomly selected in the proportion to their number in the PPD. The stratified sampling approach might enable some more global estimates of PPD value. Such a version of the approach differs from the one this study has taken primarily in volume. Whilst the approach is beyond the scope of the current work, the recommendations below include developing substantially improved M&E which better embeds a valuation system in the process.

The following section looks at example reforms and general feedback on the reform process for each country. This is followed by a more concise summary of findings across the three countries.

For each reform and step, a score is allocated with the following interpretation, as provided for in the PPD Handbook:

- 0 – The PPD had no impact on this step;
- 1 – This step benefited from input from the PPD;
- 2 – The role of the PPD was crucial in the accelerating this step;
- 3 – The PPD was solely responsible for this step.

2.B Cambodia

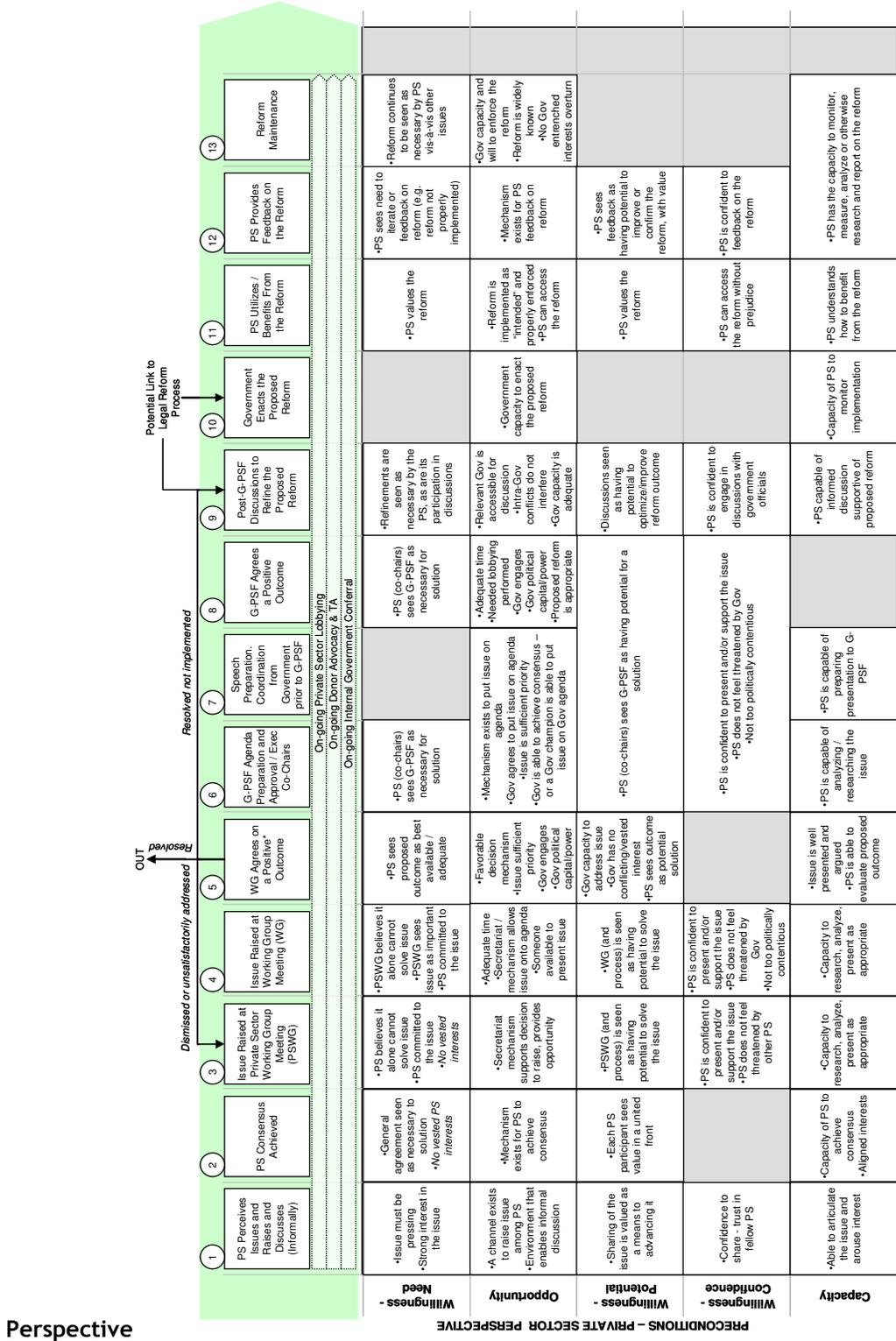
2.B.1 The Reform Process

The reform process for Cambodia (including the presence of a PPD), seen from the Private Sector’s perspective, is shown in Figure 29, below. This process is the sequence of steps a successful reform must pass through. Some steps in the process may be omitted, for example if discussions with a relevant government department do not require escalation. Depending on the nature of the reform it might also be necessary to branch from the “General Reform Process” to the “Legal Reform

¹⁰⁵ E.g. in Cambodia it is evident that discussion of corruption (including use of the word itself rather than euphemisms) has become much more acceptable and commonplace, particularly since the pivotal 6th G-PSF. The “politically contentious” preconditions are clearly all eased by such a development, though it may not be apparent for a particular issue.

Process” shown in Figure 30. It is in this process that reforms requiring new or modifications to legislation are carried out.

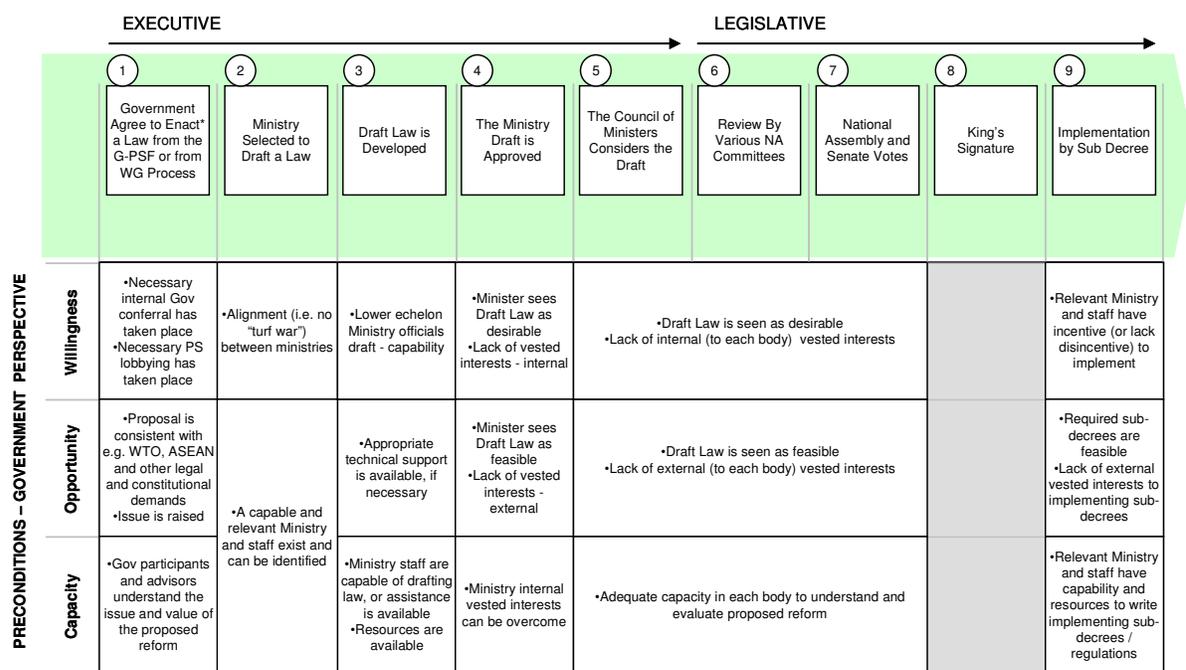
Figure 29: Cambodian General Reform Process - Private Sector



* i.e. one which maintains the issue in the reform process (non-rejection)

Perspective

Figure 30: Cambodian Legal Reform Process - Government Perspective



* Or to Modify etc.

2.B.2 Cambodian Reform Cases

This section briefly summarizes the reforms considered for Cambodia, pointing out some of the key implications each has for relevant steps in the reform process. It should be noted that not every step is relevant to each reform and, even for relevant steps, it was not possible to gather information for every step for each reform. In general, the accompanying tables below point out only the specifically PPD-relevant issues and preconditions, rather than justifying or otherwise elaborating on each of the reform points. Whilst a “perfect” overall score for a given issue, from the perspective of PPD influence might be seen as a value of 3, it’s important to recognize of the methodology that not every step in the process *necessarily* should require PPD involvement. For example, while there are opportunities for PPD to assist the Private Sector in actually realizing benefits from an implemented reform, this may not in practice be needed.

Reform 1 - Scanning at Sihanoukville Port (Regulation)

Prior to the 9th forum the Ministry of Economy and Finance (MEF) announced that scanning would be implemented on 100% of containers exported from the Sihanoukville port in an effort to curb contraband and fight terrorism. The price for scanning, charged by a Private Sector operator with links in high levels of government, was set at \$45 and \$72 for 20 and 40 foot containers respectively.

A GMAC respondent noted during the research that the 100% scanning policy was costing the industry \$7M per week and threatened to “kill the industry.” Delays caused meant that cargo was sent by air at significant cost. The sector aims to reduce its lead times for delivery to be competitive and many of its competitor countries are already at a 1-2 week time (about 30% of total allowable lead time) advantage because they can source raw materials locally. There was thus considerable sensitivity to the scanner

The Garment Manufacturers' Association of Cambodia (GMAC) in particular, through the WG and the 9th Forum, advocated for the introduction of risk management with random sampling of 5-15% of containers rather than 100%, as per the recommendation of the World Bank-supported trade facilitation program. GMAC also pointed out that 100% scanning was not feasible as there was inadequate capacity to manage it. The association noted the large number of people reliant on the industry's employment (estimated by GMAC to total 3 million people including dependants) and to the political stabilization factor that jobs represented.

No progress was made in the WG with MEF refusing to modify its position. The issue was forwarded to the G-PSF. At the 9th G-PSF Prime Minister Hun Sen announced that since 100% scanning was not feasible the whole scanning procedure would be cancelled until increased capacity could ensure 100% scanning. Since then the issue has not been raised again.

Table 38: PPD Impact Assessment for Scanning at Sihanoukville Port Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	GMAC played an important role among satisfying the pre-conditions, independent of PPD, providing through its membership, a channel to confidently share and discuss a common issue.	0
2	GMAC also provided the capacity to achieve consensus and to analyze the issue (GMAC respondent had clear understanding of impact on industry) Considerable PS conflict of interest was overcome, given the political links of the scanning company (note the conflict can also be characterized as with government) and its financial interest in maintaining the scanning regime. However, this was achieved through the choice of a sector-specific BMO as initial channel	0
3	PPD (PSWG) provided opportunity for formal business to business dialogue. Formal B2B dialogue was already feasible under GMAC for at least the garment sector.	1
4	PPD (PSWG) provided mechanism to elevate issue to WG (and ultimately G-PSF) discussion and was seen as having the potential to solve the issue ¹⁰⁶ . Government was available to listen as a result of PPD, due to the existence of the WG process. Other means of access, if available to GMAC, were either not "automatic" or not functional, including would-be advocacy by the Chambers of Commerce Experience of the G-PSF process may have enabled GMAC confidence to present the issue in spite of it being politically contentious. Further, historical presentation of trade facilitation issues by the Private Sector (e.g. in the momentous 6 th Forum) led to the succession of analyses ¹⁰⁷ which were persuasive in, among other things, having risk management adopted as policy by RGC	2

¹⁰⁶ Note that even at the G-PSF, the PS did not seek cancellation of the policy, just the introduction of risk management

Process Step	Assessment of PPD Impact	PPD Impact Score
5	<p>WG could not provide positive outcome, probably because the Line Ministry lacked the political power to make a politically contentious decision</p> <p>GMAC enabled presentation of the issue</p>	1
6	<p>The Forum provided an opportunity to engage with government at the highest level and put the issue on the agenda. Potentially, GMAC also has other means of access, given its economic and political weight</p> <p>PPD (WG) provided the escalation mechanism to high level, <i>non-ad hoc</i> government audience</p> <p>Government agreed, through the PPD process, to allow a highly contentious issue in which there are vested interests, on the agenda</p>	2
7	<p>PPD substantially contributed to government knowledge of the issue from PS perspective, Trade Facilitation reform strategy having been developed closely with the PPD participants and institutions</p> <p>Other developments, such as Integrated Framework also provide background on TF knowledge for government</p> <p>PPD is the only event/mechanism in which senior government officials from across Ministries devote time specifically to discussion of PS</p>	2
8	<p>PPD provides access to highest level of government, with political capital/power to provide a positive decision for the PS. In fact, the decision went beyond the request of the PS¹⁰⁸</p> <p>GMAC provided capability for analyzing and presenting the argument – including framing of the issue in the context of GMAC members’ important place in employment generation¹⁰⁹</p>	3
9	Not required	
10	No further refinement needed	

¹⁰⁷ Value Chain Analysis; Streamlining Trade Facilitation; ICA etc.

¹⁰⁸ GMAC had only requested the introduction of risk management which would reduce scanning to 5-15%. However, whereas risk management would be a change in policy with on-going benefits, under the PM’s decision there remains the risk that scanning is re-imposed once capability has been developed/acquired for 100% scanning

¹⁰⁹ Indeed, some feedback during the research suggests that through its influence, the “all-powerful GMAC” is able to achieve reforms benefiting its sector, with the PPD playing a less important role. This view was not shared by GMAC respondents, however.

Process Step	Assessment of PPD Impact	PPD Impact Score
11	The reform has been implemented and PS now realizes substantial benefits - time and cost savings. ¹¹⁰ Public pronouncements by the PM increase government accountability and the likelihood of reforms being implemented as intended. <i>“We don’t want to be embarrassed at the forum in front of the PM,”</i> RGC Minister	2
12	No feedback provided yet, but PPD WG would be the likely channel for GMAC to provide feedback	2
13	PPD provides a means for reforms to be widely known – televised announcement by PM – and hence contributes to reform maintenance	1
Overall	PPD provided access to the Prime Minister which, while GMAC could potentially otherwise achieve, is clearly made easier by the PPD because PPD provided a means for a highly contentious issue to be raised and addressed in spite of high-level vested interests PPD provided the practical means for escalation, including for a positive decision which overturns a Line Ministry ruling However, considerable influence on the preconditions was achieved by GMAC ¹¹¹	1.67

Reform 2 - VAT Refund on Goods Destined for Export (Regulation)

The Garment Industry raised the topic of VAT refunds in 2004 and again as a priority topic during EP&TF WG in Jan 2005, arguing that not being able to recover input-VAT for export products puts them at a disadvantage versus the international competition. A context for this, as well as for a number of other “garment sector issues,” was the fear shared by both PS and government of a breakdown of the industry with the end of the Multi-Fiber Agreement.

The Senior Minister for Commerce noted that the issue was for MEF to address but that MOC and CDC agreed in principle, at least for 100 items commonly used in the industry. It was agreed to discuss the issue with the Chairman of the public Financial Management Program (PFMP). Two months after discussion with PFMP, the Tax Department wrote new procedures for VAT refund—apparently arising from communication within government¹¹². Procedures were circulated to GMAC members; they commented and most of their comments and items proposed for VAT refund were accepted, according to interview feedback. The Prakas was written in late 2005 and it stipulates that VAT refund should take place within 28-33 days.

¹¹⁰ Risk Management Sub-Decree and Guidelines have also been adopted, with assistance from AusAID

¹¹¹ A question to be considered later is whether, over time, PPD has also enhanced the capabilities of GMAC (and other BMOs). If such an outcome of PPD is demonstrated, then GMAC from this example may provide evidence of substantial long term value from PPD.

¹¹² The team has no evidence of advocacy with the tax authority by GMAC, beyond the PFMP meeting

GMAC re-raised the topic in 2006 at the WG because the revised process was “inefficient and non-transparent” and asked for improved implementation.

The VAT Refund issue is interesting because some in the Private Sector see it as reflecting the power of GMAC, rather than the impact of PPD. Because of GMAC’s power, it is suggested, the underlying issue of a “broken VAT refund process,” further kept in place because it enables rent seeking by government officials, was not addressed. Rather, a special agreement was made to serve the garment sector. *“GMAC is all powerful. Therefore they can negotiate concessions, deals, changes to legislation at the expense of other sectors. GMAC negotiated special rules [on VAT Refund] for garments. Other sectors are neglected. The Government had no guts to address the issue of a poor VAT Refund Process because some officials are making lots of money off it. The 2-year extra garment tax exemption has no basis in law,”* leading Private Sector PPD participant.

Table 39: PPD Impact Assessment for VAT Refund for Goods Destined for Export Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	GMAC played an important role among satisfying the pre-conditions, independent of PPD, providing through its membership, a channel to confidently share and discuss a common issue.	0
2	GMAC also provided the capacity to achieve consensus and to analyze the issue	0
3	PPD (PSWG) provided opportunity for formal business to business dialogue, though formal B2B dialogue was already feasible under GMAC.	1
4	GMAC provided the capacity to research (other country comparisons) and present the issue. Any opportunity there might have been to address the issue of refund process in the context of government vested interests was not pursued PPD provided the mechanism for putting the issue on MEF and PFMP agendas (but did not apparently enable discussion of the broader reform needed – fixing the VAT process)	1
5	Some intra-governmental coordination and communication was performed as an outcome of PPD (MOC-MEF)	1
9	Post-decision refinements were conducted directly by GMAC with the Tax Department, which invited and responded to GMAC comments	0
10	No PPD role	0
11	PS failed to obtain the expected impact from the reform	0
12	GMAC has provided feedback on the “inefficient and non-transparent” reform, again gaining access via the PPD	2

Process Step	Assessment of PPD Impact	PPD Impact Score
13	<p>The reform is maintained as implemented, potentially ineffectively because of government entrenched interests. PPD provides an entry point for monitoring.</p> <p>Absence of communication about the reform may contribute to its sub-optimal implementation. PPD could play a greater role in such communication, in principle.</p>	1
Overall		0.60

Reform 3 - Garment Tax Holiday Extension (Regulation)

A prior Amendment on the Law on Investment granted an automatic three-year tax holiday to factories investing in the country. For most factories this 3 year period would have come to an end by early 2005. GMAC raised the issue at several WGs over the final year. At the 8th G-PSF, the PM announced the extension of two more years of tax holiday until October 2007, which was supported by a following MEF Prakas. Follow-up by GMAC and the WG ensured that the tax holiday would be extended to all factories that were considered “pioneers” while those whose license expired after Jan 1 2006 would apply on a case by case basis.

The reform provides an additional example of GMAC’s considerable economic and political power. The GMAC position wasn’t argued with the support of any deep economic analysis. Rather, the threat of factories looking to relocate to Vietnam or China and the claimed political stabilizing role of a 300,000 employee sector provided weight to GMAC’s “request.”

Table 40: PPD Impact Assessment for Garment Tax Holiday Extension Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	GMAC satisfies preconditions	0
2	GMAC satisfies preconditions	0
3	<p>GMAC provides an opportunity for formal business dialogue</p> <p>PPD (PSWG) also provides a mechanism to raise the issue and the WG process is seen by GMAC as having the potential to provide a solution</p> <p>GMAC provides professional and full time resources which provide capability for analysis and presentation, as well as being a home for sector champions</p>	1

Process Step	Assessment of PPD Impact	PPD Impact Score
4	<p>GMAC sees the Government advocacy channel of PPD as a necessary and beneficial step towards finding a solution</p> <p>PPD provides a mechanism, via the PSWG, to present the issue to Government in the WG – GMAC did so several times on this issue</p> <p>GMAC provides the capacity for research and analysis</p>	2
5	<p>PPD, via the WG, provided a mechanism which eventually led to a positive outcome, by escalating the issue to the Prime Minister at the G-PSF</p>	2
6	<p>PPD (Co-Chairs) saw escalation to G-PSF as necessary and having potential, as well as being of suitable priority within the existing list of potential issues</p> <p>PPD provided the opportunity for high level escalation and time on the Prime Minister’s agenda</p> <p>The issue was not seen as politically contentious against vested interests</p>	2
7	<p>Communication within government on this issue is not clear, though advisors to the PM/CoM were clearly made aware of the issue and provided advice to the PM</p>	1
8	<p>GMAC lobbying on this issue outside of the PPD is not known</p> <p>PPD (G-PSF) provided a forum in which the Government engaged on the issue at the highest level, providing the political power to make a decision which was positive for garment manufacturers</p> <p><i>“We proposed [the extension] at the WG with the Minister. The Minister raised it at the Council of Ministers and advised the PM. Some Ministers were against it. PPD was critical as this got it to the PM,” Private Sector WG Participant</i></p>	3
9	<p>GMAC was able to follow up with the Government (MEF) on refining the proposed reform and ensuring implementation and managed to broaden application of the ensuing Prakas to the additional “case by case” group of factories, although the introduction of a discretionary (and therefore potential rent seeking) element would not be seen positively by all</p>	1
10	<p>MEF produced a Prakas. PPD provides the public commitment and authority of the PM to encourage implementation</p>	2
13	<p>On-going potential for GMAC to re-raise the issue if it is not consistently implemented</p>	1

Process Step	Assessment of PPD Impact	PPD Impact Score
Overall	PPD has provided useful support to GMAC in resolving the issue, though much of the preconditions are satisfied because of the power and degree of development of the association	1.36

Reform 4 - Banking Sector Ratios and Licensing Requirements (Regulation)

Banking regulations are determined by the National Bank of Cambodia (NBC). The Banking and Finance WG is particular in the sense that the agency in charge (NBC) and the main BMO (ABC) play major roles and have direct interaction (EP&TF WG also has GMAC and MoC that work as closely but NBC seems more independent and with a more streamlined decision making process). The B&F Working Group has also been a “closed shop” in the sense that not everybody can attend, as they are free to do in other Working Groups, which may have generated efficiencies relative to some of the other groups by involving only a select and sophisticated participant list. Also, the banking sector has relatively small numbers of Laws and is largely governed by regulations – which are easier to modify than National Assembly legislation.

Reduction of Solvency and Liquidity ratios

These two regulation changes highlight that significant changes can be implemented smoothly by the NBC, based on request by the ABC (1:1 dialogue/negotiations) and without having to escalate the issue. After being championed by the ABC Co-Chair at the WG, the NBC accepted to reduce the Solvency Ratio from 20% to 15% (B&F WG Aug. 17th 2004, thought the PS had asked for 8%). At the request of the Private Sector at the WG, the liquidity ratio was reduced from 80% to 50%. (B&F WG meeting February 24th 2005)

Revocation of the Licensing Certificate

This regulation is an example of a WG turning to the Forum for arbitration and ultimately having an issue solved in the WG itself. At a WG meeting in early 2005 the Private Sector recommended the revocation of the Licensing Certificate by the NBC, arguing it wasn’t best international practice and was hurting business – damaging the trust of international banks, raising the cost of commercial loans and being expensive to renew. The issue wasn’t solved in the WG and was brought to the 8th G-PSF for the PM’s arbitration in March 2005. The PM asked for a comparative international study of regulations. The study was completed (by NBC itself) and referred back to the PM shortly thereafter. In September 2005 the NBC reported back to the WG that the issue was solved. Interestingly, the same process was followed for a proposal on withholding taxes on savings by MFIs at the 9th GPSF, where the issue was not accepted.

Table 41: PPD Impact Assessment for Banking & Finance Ratio and Licensing Issues

Process Step	Assessment of PPD Impact	PPD Impact Score
1	A relatively strong association in terms of technical capability (and apparently able to achieve consensus on issues in the PSWGs in spite of a degree of disharmony internally), ABC provides a channel and environment for discussion, as well as capability to articulate issues.	1
2	<p>The issues described (solvency and liquidity ratios and licensing) are not contentious for the Private Sector and consensus was readily achieved, although the ABC itself has recently experienced some factional differences). It is postulated that the PSWG and closed shop working group provided some discipline to organize during a period when workings inside the ABC were not harmonious</p> <p>Consensus was also achieved, independent of PPD, between the banks and the few MFI participating in the WG on the licensing issue (though not CMA, the MFIs' BMO), suggesting that PPD did play a role in bringing these different players together and in balancing the more significant banking sector.</p>	1
3	<p>PPD (PSWG) has provided an effective means for PS to raise issues among itself formally, for the purpose of determining which issues to raise to government and organizing appropriate analysis and presentation</p> <p>It is not clear the extent to which PPD is duplicative of, supplementary to or necessary for ABC members in this regard</p> <p>Non-ABC members can be included in the discussion, which might otherwise be dominated by the association, via the PPD channel</p> <p>The PPD is credited with improving the Private Sector's ability to work together in unison, even if not very decision is universally popular.</p>	1
4	<p>PPD (WG) provided an opportunity for ABC and other B&F participants to raise issues directly with the NBC. However, whilst senior WG participants note that the WG process has been useful in amending a number of reforms during implementation, they also point out that most of the significant banking sector reforms were underway prior to the PPD.</p> <p>The ABC provided the analytical strength to prepare and present the issues,</p>	1
5	The NBC was able to provide a positive outcome for the PS after the issue was raised in the WG, for solvency and liquidity ratios. The PPD provided the means to raise the issue and have it considered, though it is possible that such a mechanism was otherwise available directly.	2

Process Step	Assessment of PPD Impact	PPD Impact Score
6	The PPD did, however, provide the mechanism for placing the unresolved (at the WG) licensing certificate issue on the G-PSF agenda. The ABC provided the PS champion to present the licensing issue at the G-PSF and, while a position paper or similar document was not developed, international practice was researched in support of the Private Sector's argument.	2
7	Although it was subsequent to the G-PSF in the instance of the licensing certificate issue, the Prime Minister requested that the NBC (i.e. government side) prepare technical research in support of the issue to better inform a decision, something which the NBC had the technical capability to do.	1
8	The ratio issues were solved at NBC level. PPD brought Government engagement by introducing the licensing issue in the G-PSF, enabling an action step to be taken (comparative research) which ultimately led to the NBC's revised decision	2
9	NBC reported back to the Prime Minister as mandated during the G-PSF, before resolving the licensing issue to the Private Sector's satisfaction	2
10	All these reforms were subsequently enacted by the NBC.	0
11	All these reforms have been utilized by the Private Sector.	0
12	ABC has re-raised the ratio issue, seeking to reduce the requirement further, but it has not been seen as of sufficient priority for active advocacy	1
13	No overt role for PPD, though see general (issue independent) analysis below re the potential role of PPD in maintaining reforms.	0
Overall	As with the garment sector, banking has a capable sector representative organization, which reduces the need for PPD in the early steps of the process (identification, consensus, analysis). However, PPD may have provided opportunity to smaller parties (MFIs) to have a voice as well as the opportunity to escalate a previously unresolved issue.	1.08

Reform 5 - Siem Reap Ring-Road No. 6 (Infrastructure and Regulation)

Private sector trucking companies are only allowed to pass through Siem Reap during night time, following a 2004 decision by the Siem Reap Governor to limit traffic. After unsuccessful attempts to solve the perceived problem locally, the Trucking Association turned to the June 2005 Energy &

Infrastructure WG¹¹³, asking for full removal of the limitation. Ministry of Public Works and Transport announced that the longer term solution of a ring-road is being considered and requested time to verify the issue with local government representatives. It was announced at the November 2005 WG meeting that the local government had agreed to considerably shorten the limitations to rush hour only.

During a subsequent WG meeting, the PS reported that the measure had only partially been implemented and that a solution still needed to be found – the PS further requested the Government to communicate the restricted hours to local government in an effort to improve application of the restrictions. MPWT then proposed an early 2006 meeting with the Siem Reap Governor (cost of travel to be borne by PS). Agreement was reached for a limitation of only 3 hours per day but the Private Sector soon declared the agreement neither sufficient nor fully implemented.

The Private Sector reiterated its support for the construction of a ring-road - timing was appropriate as the government was under pressure due to a cross-border Trade Agreement with Vietnam, Lao PDR and Thailand and had already planned a technical evaluation. In the June 2006 WG, MPWT reported on ring-road options and discussed potential sources of funding for the first time, including a BOT option funded by a consortium of freight forwarding/trucking companies. The funding options, also including allocation from the national budget for 2007 and funds from the Apsara Authority were also presented at the 10th G-PSF, with the Prime Minister recommending the BOT option. Subsequently, it is understood that funds have been made available from the Apsara Authority.

Table 42: PPD Impact Assessment for Siem Reap Access and Ring Road Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	BMOs provided an environment to raise and discuss the issue, although it was evident for some time before collective action was chosen	1
2	No role for PPD in achieving initial (i.e. out of Association) consensus but the sequence of improvements over time enhanced the likelihood that PS participants would use the association and PPD process to seek the later, incremental improvements	1
3	G-PSF enhanced capacity and credibility of the Private Sector representative organization (including as a consensus generating organization) as government reiterated during the forum that all transport companies should be members of the association PPD PSWG apparently not utilized, with formal B2B discussion happening in the association before direct referral to the WG meeting Initial consensus was achieved in spite of the potential conflict between the interest of the tourism sector and the non-tourism trucking companies ¹¹⁴	1

¹¹³ To the team's knowledge the issue was not first raised at a PSWG meeting

¹¹⁴ It seems that the government was the main advocate of this concern on behalf of the tourism sector

Process Step	Assessment of PPD Impact	PPD Impact Score
4	<p>PPD, through the WG and subsequent meetings, provided an opportunity for the Private Sector to access a number of government authorities, both centrally and in Siem Reap</p> <p>Capacity was lacking on the Private Sector side for analysis, position paper etc., thus it was dependent upon the MPWT's analysis – at least in relation to the ring road</p>	2
5	<p>The Siem Reap access issue was raised several times and achieved incremental changes through this process. PPD was seen – by government – as having some influence on responsiveness to the access issue.</p> <p><i>“The government [is] more responsive to needed reforms because the G-PSF is chaired by Prime Minister Hun Sen, who keeps us on our toes,” Senior Government official, MPWT.</i></p> <p>PPD provided a mechanism to escalate the ring-road issue, for which there was a lack of funds, to senior levels of government.</p> <p>The Co-Chair for the E&I WG lists the ring road and access combination as one of the key achievements of the PPD process.</p>	2
6	<p>Ministry-level discussants agreed that the ring-road issue, largely around access to funding for the road, was beyond the Ministry's power to influence, hence raised it through the PPD mechanism to the Prime Minister.</p>	3
7	<p>The PS speech for the E&I WG to the G-PSF was prepared by the Private Sector and provided ahead to government ahead of time. Although it was very mild in tone and did not highly prioritize the ring-road, it did give Government advance knowledge of the issue for the PS.</p> <p>The Government also conducted a study on the potential ring-road, as an outcome (it is claimed) of the E&I WG meeting.</p> <p>Continual approaches by the PS through the working group process on the issue of Siem Reap transport made government in several departments/jurisdictions aware of the issues and brought about improved communication and coordination between them.</p>	2
8	<p>The cross-border trade agreement also provided a point of leverage for the government, demonstrating as per several of the “GMAC issues” that the advocacy role of PPD can be effective when in conjunction with other elements.</p> <p>The Co-Chair for the E&I WG lists the ring road and access combination as one of the key achievements of the PPD process</p>	2

Process Step	Assessment of PPD Impact	PPD Impact Score
9	PS involvement in discussions beyond the Forum and in relation to the ring-road are not known.	0
10	<p>Government has obtained funding for the road, through the Apsara Authority which manages the Angkor Wat temple park. The appetite of the PS for BOT funding was tested at the G-PSF.</p> <p>The Private Sector reports that the access situation is improved, but not yet fully (i.e. 3 hour limitation) implemented.</p>	1
11	PS is now utilizing the improved access to Siem Reap .	0
12	<p>There has been feedback at each incremental stage on the issue of access and successive implementation of the agreements in this regard. Feedback has been provided through the regularly scheduled WG mechanism.</p> <p>A challenge for providing feedback and monitoring is that it requires these issues to be re-presented in a Forum meeting. The PS is unwilling to re-raise the same issue but if it does not do so, the shortfall implementation will not be raised in front of the PM.</p>	2
13	This reform is relatively new and it is not clear if PPD has impact on its continued (degree of) implementation. Implementation of the earlier agreements is partial.	0
Overall	<p>The PS was independently capable of organizing around the issue eventually. PPD may have aided BMO credibility in this regard.</p> <p>The PPD was effective in providing access to multiple government parties, including prompting a joint Government-PS mission to provincial Siem Reap for discussion with the provincial Governor.</p> <p>PPD also provided access to the Prime Minister, which is seen as influential in developing the responsiveness of other Ministry figures.</p> <p>However, lack of a means for G-PSF-level M&E, short of fully re-raising issues may put some limit on impact.</p>	1.31

Reform 6 - Postponement of Accommodation Tax for the Tourism Industry(Regulation)

An additional 2% Accommodation Tax was to be imposed and collected on all hotel accommodation. The PS raised the topic at the Tourism WG in July 2005 and argued that given the fixed structure of the tourism packages with international agencies (i.e. price fixed for 2-3 years) and the very low margins, the burden of this additional tax would be significant despite its relatively small size.

The Tourism Minister suggested the PS meet with the MEF and give them a chance to consult on this matter before raising it at the Government Private Sector Forum. The MEF considered the matter but did not agree, so the topic was included on the 9th G-PSF agenda by the Tourism WG. The PM delayed the implementation of the tax until 2007. MEF issued Prakas¹¹⁵ to postpone the implementation of the tax until December 31st 2006. Despite additional attempts to postpone the tax by the PS in the Tourism WG, it seems that it will now be put in practice in 2007.

Table 43: PPD Impact Assessment for Accommodation Tax for the Tourism Industry Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	The issue was recognized when MEF announced that the new tax would be implemented (2005) - no prior consultation was made either through the working group process or otherwise. There was no evident conflict of interest within the PS and the issue was perceived as legitimate for advocacy by all parties.	0
2	Consensus was independently achieved within the tourism industry	0
3	The issue was not raised within the Tourism PSWG, perhaps because the role of consensus builder and the “authority” to raise an issue to the WG lay with the tourism-related associations themselves.	0
4	The issue was raised to Government (Ministry of Tourism, initially) through the Tourism WG by BMOs (e.g. CATA). The PPD enabled raising the issue with the Ministry of Tourism, who recommended discussion with another Ministry – MEF. The capacity of the PS did not extend to development of a position paper - a business logic was developed in response.	2
5	Ministry of Tourism did not provide any facilitation role with MEF and did not have the capacity/authority to rule on the issue itself. However, PPD provided a background within which the referral could be made and the PS granted an audience. <i>“It’s easier than before to address non-line Ministries - but still not enough. You get easier access, so lower entry barriers to reform,” Tourism PS Co-Chair</i>	1
6	The issue, a priority for the Tourism WG, was quite contentious with MEF, yet managed to be put on the agenda for G-PSF.	2
7	No data	

¹¹⁵ No. 602, September 23rd, 2005

Process Step	Assessment of PPD Impact	PPD Impact Score
8	Prime Minister Hun Sen decided during the 9th GPSF that the tax would be postponed to 2007. The basis for the decision is unknown. However, the Forum clearly played an incisive role in addressing the issue for the PS.	3
9	Apparently there was no opportunity to re-discuss cancellation	0
10	MEF issued a Prakas after the G-PSF, postponing the implementation, as ordered by the Prime Minister.	2
11	PS has utilized the reform, although the tax is to have been implemented on 1 st January, 2007	0
12	The PS came back to WG following 9th Forum asking for a permanent cancellation. The original decision to postpone and rationale have not been explained and it remains unclear why the Government has postponed in the first place then refuses.	3
13	MEF is refusing to further cancel, though the reform as originally described has been fully implemented.	0
Overall		1.33

2.B.3 The Role of PPD in Cambodian Reform

The above analysis can be summarized as in **Table 44**, below, to give an indication as to where the PPD has had the most impact across these considered reforms. As discussed in the Methodology section, the reforms have not been chosen randomly. In fact they have been chosen because they seem to be some of the significant reforms, they reflect several different working groups' (though not all) proposals and different types of proposals and information is available on them. The table is not intended as a statistical presentation, rather it seeks to illustrate where the PPDs have had more or less impact in the reform process, following the approach of the PPD Handbook. More on the per-step impact as outcomes of the research is provided below, unattached to particular reforms listed above and providing a more intensive evaluation of PPD's impact.

However, **Table 44** suggests that the PPD has been particularly helpful in pushing reforms through by i) increasing access to Ministry-level authorities, ii) providing a mechanism for escalating issues to senior government, and iii) providing a feedback opportunity on on-going reforms. It has played less of a role in developing Private Sector consensus and facilitating *informal* (i.e. *prior* to PSWG) discussion and planning within the Private Sector¹¹⁶. The summary analysis also suggests that, for these reforms, PPD had little impact in assisting the Private Sector to benefit from enacted reforms. This may reflect a lack of need from a PS already well-informed of reforms and able to

¹¹⁶ A more sophisticated analysis incorporating aspects of institutional assessment of the various BMOs might make the link from involvement in the *formal* PPD steps to increased capacity of BMOs and, through improved ensuing relationships, greater and more critical *informal* discussion among BMO members in unstructured dialogue.

access them by default (e.g. tax submissions which happen anyway), or may reflect in part limited marketing of the outcomes of the process, as found in Part 1.

Finally, as with the analysis in Part 1, the data presented in the table below (and the per issue tables above) is non-weighted. This is in spite of the fact that at Step 8, for example, an issue which is raised with and solved by senior government (or Forum) would seem to be a much more important and decisive step for the PPD to have influence than Step 1 (where the Private Sector perceives and informally discusses an issue). As with Part 1, our approach here is to insist that the analysis of the section is illustrative and indicative, rather than mathematical. Further, if one quite reasonably chooses to take a more confined view of the role of PPD, specializing in steps 4-8, for example, then the overall “score” for PPD’s influence on each reform is significantly higher. As BMOs develop (better executing Steps 1-3) and there is less of an implicit capacity building role for PPD, this may become the correct view, more strongly highlighting the influence of PPD in its areas of specialization. The same can be said of Steps 9-13 as government capacity to implement and accountability improve. The degree of specialization of a PPD in this dimension *may* be seen as a reflection of the progress and maturity of the dialogue over time – newer PPDs requiring a broader cross-process involvement that assists both Private Sector and government through the process, whilst more developed PPDs focus on efficient management of the key steps of high level dialogue.

Table 44: Summary PPD Impact Scores for Cambodia

Issue	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	Average
1.0	-	-	1.0	2.0	1.0	2.0	2.0	3.0	-	-	2.0	2.0	1.0	1.5
2.0	-	-	1.0	1.0	1.0	-	-	-	-	-	-	2.0	-	0.5
3.0	-	-	1.0	2.0	2.0	2.0	1.0	3.0	1.0	2.0	-	-	1.0	1.4
4.0	-	1.0	1.0	1.0	1.0	2.0	1.0	2.0	2.0	-	-	1.0	-	0.9
5.0	-	1.0	1.0	2.0	2.0	3.0	2.0	2.0	-	1.0	-	2.0	-	1.2
6.0	-	-	-	2.0	1.0	2.0	-	3.0	-	2.0	-	3.0	-	1.1
Average	-	0.3	0.8	1.7	1.3	2.2	1.5	2.6	0.6	1.0	0.4	2.0	0.3	1.1

The sections below provide brief findings from the research for each step in the process (steps are grouped for the sake of efficiency of analysis and presentation), with a view to testing and challenging the issue-specific findings presented above.

Steps 1-3: Private Sector Perception of Issues and Consensus Building

Steps 1 to 3 describe the important process which initiates a reform, whereby members of the Private Sector note an issue which affects them, discuss it informally¹¹⁷ and come to a consensus on pursuing a solution collectively. It is possible for this capability for sharing and achieving consensus on issues to be enhanced either by strengthening these informal discussions or by shifting them into formal discussions. The third step then describes formalization of the issue, when it is raised and discussed in a Business Association meeting, Chamber of Commerce or other Private Sector entity – including, under PPD, a PSWG meeting.

The challenge of the local Private Sector in Cambodia overcoming preconditions such as an environment enabling informal discussion, lack of vested interests, confidence to share with fellow Private Sector members and ability to articulate the issues, was addressed by a senior government figure during the interviews: “*The Private Sector cannot organize [by themselves] as they have internally conflicting interests,*” RGC Minister. Such conflicting interests have their roots deep in

¹¹⁷ By informal we refer to discussions which take place outside of a business association or similarly organized group of private sector representatives. The informal step seems an important one to specify in post-conflict countries or countries with young private sectors, where PS collaboration and information sharing may not be well-developed, especially among erstwhile competitors.

Cambodia's recently troubled past and represent, *ex ante*, a real challenge to *intra-Private Sector* dialogue.

The PPD has not sought to play a systematic role in helping the Private Sector to identify issues or educating the latter on each issue's importance, independent of those issues being raised in the PPD process, which may be upon the facilitator's request for issues to discuss.

However, there are several aspects for which PPD has played an important role in supporting these initial informal steps:

- ***The PPD promotes PS consensus by providing a formal mechanism or channel*** (the PSWGs and Secretariats comprising Business Association heads) within which to achieve consensus on collective representation (including under the Executive Co Chairs approach), under Step 3. Increasing the perceived potential for collectively raising an issue, such as through the highly public (i.e. televised) 6th Forum, which was an early instance of public discussion of corruption by senior government and Private Sector representatives;
- ***The PPD raises interest in and perceived importance of an issue within the Private Sector***, through research and analysis activities that emanate from previously PPD-raised concerns and through sharing of such research via the Working Groups - the World Bank's Value Chain Analysis report requested by the Ministry of Commerce as part of the response to the 6th Forum (but not *by* the Forum), provided quantitative evidence and stimulated discussion on issues in trade facilitation, particularly rent-seeking behavior, elevating its perceived importance for both PS and government;
- ***On-going small-scale fieldwork, visiting provincial businesses and governments to raise issues affecting these firms, has been conducted*** – though this may be considered soliciting issues from business rather than identification of them.

In each case, the impact of the PPD varies by sector (and WG) - sectors supported by one of the few strong associations (GMAC, ABC) have less need for PPD in these early consensus-building steps, but the weaker sectors or groups such as agriculture and Cambodian SMEs have more to gain from the availability of a formal process and awareness-raising on the importance of key issues. BMOs strengthened via their role in the process (e.g. through the exposure of leadership to the workings of the PPD and via occasional government public recognition of these entities) nevertheless have developed some enhanced capacity for working with members to solicit issues within BMO meetings.

Consensus and Cooperation

The PPD is credited with improving the Private Sector's ability to work together and achieve consensus This is in the context of business groups which have not historically been strong at working together. The increasing role (including increasingly demanded role) of the Chamber over time reflects some perceived value in business to business collaboration through the example and opportunity of the Forum. Example has been provided by the (mostly non-Chamber) businesses of the LTGG for whom such cooperation is more natural, but has been followed by Cambodian Chamber members as Co Chairs.

"It's a consensus basis - a very structured process. LTGG PSWG meets monthly at Private Sector's premises, picks topics - who raises the topic must speak to it. We only table things with wide support," LTGG PSWG Participant

“The bosses of the Chamber of Commerce are all oknha¹¹⁸ – they have no academic knowledge and are far from thinking of benefit to the community. They’re all competitors. [PPD provides] a mechanism to bring oknhas together - e.g. on highway 4 and scanning,” RGC Minister

Private Sector Capacity

Capacity varies but is low in a number of groups at least. Bringing the foreign Private Sector to bear on issues of broader relevance is a positive outcome of the PPD. Some question whether there is knowledge transfer going on, versus substitution but, reflected in the increased number of Cambodians as Co-Chairs (all but one are Khmer), the argument that PPD has helped to address the capacity precondition is well-supported – yet there is some way to go.

“Capacity for presenting and arguing their [SME business peoples’] case is low. They’re not sophisticated businesspeople in [M&SME WG], as opposed to LTGG and TF which are more foreign and sophisticated. It’s hard for (local) PS to talk to Ministers,” Donor PSD Representative

“[The Private Sector’s capability to analyze/present has not got better. Foreigners do it,” RGC Minister

“The Private Sector’s input varies a lot in quality by Working Group. The Chamber of Commerce insists on having some Co-Chairs – but they are less competent. We must change this,” Private Sector Co-Chair

“The Business Associations have a capacity issue. They lack funds and manpower. It would be good to build their capacity and get them involved in the Working Groups,” Long term expatriate Private Sector WG Participant

“There’s a lack of knowledge and skills. [Private sector capacity] is very, very limited. The Private sector’s capacity is rising, but foreigners are still needed to speak up.” Three Private Sector Co-Chairs

“BMOs’ capacity is limited, they cannot replace the secretariat,” RGC Minister

“There is low capacity in this industry, apart from 1-2 groups. It’s unclear how to proceed,” RGC Minister

The more general analysis of the reform steps therefore provides support for the concept – evident in the per-reform analysis – that **PPD has improved the quality of and capability for business to business discussion, in part through bringing foreign businessmen together with (or at least, in view of) local counterparts**. Greater cooperation has arisen in the latter because the perceived value of consensus has been raised.

Steps 4-5 - Seeking Outcomes with Government Ministries and Authorities

Steps 4 and 5 describe the Private Sector raising an issue with a Government Ministry or other authority and such an authority providing a response which is positive for the Private Sector, respectively.

Preconditions for Step 4 include the Private Sector as a group seeing a need to raise the issue with government in order to obtain a solution, that the issue is important enough to warrant whatever political and other capital is required and that there are not vested interests within the Private

¹¹⁸ Title bestowed by the King to people who have contributed significantly to the community. These titles can nowadays be obtained in providing financial “donations” to social projects.

Sector sufficient to overcome its collective resolve. The opportunity for raising the issue with government must also present itself, requiring in turn, a mechanism for raising the issue, the availability of someone to communicate or present the issue and a relevant government authority that is prepared to listen in good faith. Presentation of the issue must be made in spite of any perceived threat of retaliation and requires confidence of a Private Sector representative in describing the issue to government. Underlying this presentation, the Private Sector needs the capacity to research, analyze and prioritize issues as appropriate.

Meeting the Step 4 preconditions would enable the Private Sector to put a well-researched, sufficiently important issue in front of government. Obtaining a positive response (Step 5, which may fall short of a solution but provide, for example, access to further channels) requires some further hurdles to be overcome. These include the existence of a mechanism and involvement of government representatives capable of providing a positive decision (for example, that Ministry participants have the political power to make a decision) and a true willingness and capacity on the part of government to engage and address the issue, including lack of vested interests in government which are counter to a solution. The Private Sector must also have the capability to present and argue the issue as well as to properly assess any proposed outcome.

Opportunity

From a purely practical perspective, it is clear that the PPD in Cambodia has provided access to Government that was not formerly available. The Working Groups involving Government and Private Sector representatives are an opportunity which both sides accept are new to Cambodia. Private sector representatives have raised a significant number of issues through the Working Groups (about 740 in the current progress matrix, of which about a third have been categorized as solved). Few respondents questioned the role of PPD in providing and appropriately channeling access. Even those who questioned the results of the dialogue or felt that access could be improved, seldom felt that it had no useful role in providing access.

“You get easier access, so lower entry barriers to reform. It’s easier than before to address non-line Ministries - but still not enough,” Private Sector Co-Chair

“This is one of the few post-conflict countries to allow PS to have access to government. There’s a feel good factor... the process is important..” Senior Private Sector Participant

“At WG level, [the PS] often got offers from Ministries to follow-up outside the group. I don’t know if follow up ever happened or what it did but in principle a further audience was offered to solve problems,” Donor PSD Representative

Capability

The PPD is credited with enhancing both the Private Sector’s capability to organize and prioritize (albeit in large part through the work of the Coordinator) and the Government’s capability to respond.

“Although capacity is limited, [the Private Sector] all understand the potential [of collective action]. In early days, there was no consciousness of the potential of collective action on the Private Sector side,” RGC Minister

“[An achievement of the forum is] to teach the Private Sector to organize and prioritize. If they raise 100 issues, how can we address them? It’s a tremendous achievement that one guy will speak for a whole Private Sector group,” RGC Minister

“The Private Sector is better at directing the right questions to the right people,” General Director, National Bank of Cambodia

The PPD is also seen as having driven improvements in the Government’s capability to understand and respond to Private Sector issues.

“The G-PSF has changed behavior. [The] Minister has changed over time. He’s now better briefed - this has helped the dialogue. Ministers’ presentation has got better – they have the policy matrix in advance and have responses ready,” Donor PSD Representative

“The Government knew nothing about the Private Sector in the ‘90s. They had no experience whatsoever,” Private Sector Co-Chair

“Now it’s better because the regulators understand the Private Sector. But we still have many things to address,” Private Sector Co-Chair

Confidence

PPD has also increased confidence, up to a point. Figure 33 (see below) notes the RGC’s early recognition of sensitivities’ potential to hold up progress on (or even raising of) certain issues. Yet, from the Private Sector Survey, respondents present an extremely positive view of the G-PSF’s Working Groups in this regard. More than 60% of participants surveyed do not feel that issues are significantly blocked because they are too politically contentious to raise with government officials in the Working Groups. There remain lingering concerns but the overall picture is of a very open dialogue even on sensitive matters.

Figure 31: Treatment of Politically Contentious Issues by the Working Group

Country * Are issues prevented from being raised at the WG because they are politically contentious? Crosstabulation

			Are issues prevented from being raised at the WG because they are politically contentious?		Total
			no	yes	
Country	Vietnam	Count	8	15	23
		% within Country	34.8%	65.2%	100.0%
	Lao	Count	7	10	17
		% within Country	41.2%	58.8%	100.0%
	Cambodia	Count	25	14	39
		% within Country	64.1%	35.9%	100.0%
Total		Count	40	39	79
		% within Country	50.6%	49.4%	100.0%

“The confidence of the Private Sector to address issues is the most important thing,” Private Sector Participant and Co-Chair

“The Forum does help to raise issues but only to a certain point, after which RGC is sovereign and makes own decisions...we will not solve issues of corruption unless Government decides. Yes, the

Private Sector is absolutely more confident as a result of the Forum process,” Donor PSD Representative

“It’s much easier than years ago to speak up, but from time to time, when targeting large issues you still get intimidation - but much less than 5 years ago. Once you have tried to go the Working Group route for politically contentious issues, if you had a rebuttal you cannot try the WG again – it’s too loaded,” Private Sector WG Co-Chair

“The perception of what is political has changed, been reduced,” Private Sector Co-Chair

“There is always political will and reform. It is just a matter of degree of willingness to reform and control. I did observe that RGC has conflict of interest when deciding on issues for a specific sector / industry,” Private Sector Co-Chair

“It’s very important. PPD gives confidence to the Private Sector to trust the government to serve them,” Private Sector Co-chair

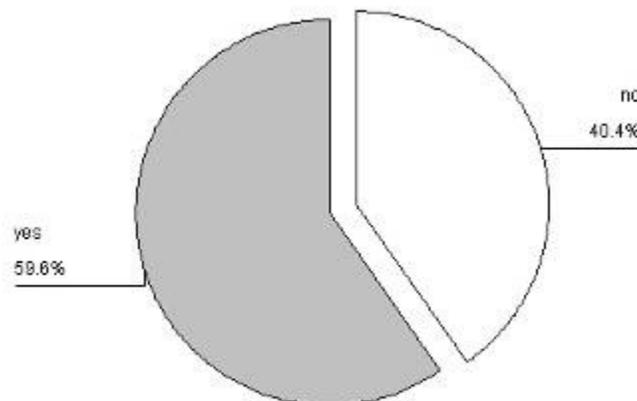
“There’s a lack of confidence. Some threat. Think it’s mainly perception, not fact, but is in back of people’s minds.,” Private Sector WG Participant

“I have been personally hurt by declarations I made to the G-PSF, where all kind of licenses would all of a sudden be refused, inspections raised. I economically suffered from speaking up - they took revenge. Sensitive topics cannot really be tackled,” Private Sector Co-Chair

Government Engagement & Accountability

At least when it comes to issues which seek clarification, the PPD process has been a valuable one and RGC has engaged. Cambodian Working Groups are not seen as being as effective in this regard as the Vietnam and Lao equivalents, yet approximately 60% of participants questioned in the Private Sector Survey were positive about the role of G-PSF WGs in clarifying policy matters.

Figure 32: Effectiveness of the WGs in Clarifying Policy



PPD has created not just an opportunity to address government, but a culture of engagement on both sides. The government is clearly engaged at multiple levels.

“Now the Private Sector can discuss sub-decrees. Tremendous! If you work in Government you will see how hard this is to accept,” RGC Minister

"It shows the lower echelons of Government that they have to take the Private Sector seriously," RGC Minister

"The dialogues bring more discipline for senior officials and make them more accountable," Private Sector Co-Chair

"6-7 years ago no BAs were authorized. There was oppression by the government not to form BAs. They were scared of the public agenda. The Chamber was different as it is linked to Govt. When business organizes and talks to Government, Government comes to have confidence," Private Sector Co-Chair

The engagement is partly explained by the role the Forum process plays in enhancing accountability.

"The Forum provides a constant carrot and stick – we can go to Forum if Government does not solve problems," Private Sector Co-Chair

"[The WG was very helpful for us. We were stuck at lower levels of the Ministry. Public presentation got the Minister's public response. He assigned a Secretary of State to work on it to find a solution. We agreed a template with the Ministry and a Prakas was issued. But it's not yet fully implemented," Donor PSD Representative

"His Excellency could have achieved the same in a meeting with the team, but he used the Working Group to get a result for the process and to push his guys to act," Donor PSD Representative

"It brings a culture of dialogue. Once a month we sit down. We don't want to be embarrassed by the Prime Minister at the Forum," RGC Minister

"It gets the government more responsive to needed reforms because the G-PSF is chaired by Prime Minister Hun Sen, who keeps us on our toes," RGC Minister

"The presence of the Forum is the signal to the government that agencies have to work in a transparent manner and can not impose everything as they want. All regulations and guidelines on laws have to be put into consultation. It is very different from what happened before. Now the consultation process gives a voice to the PS that is heard. All reasonable propositions from the PS will be included," General Director, National Bank

Examination of the progress matrices reveals that ***a considerable amount of issues are resolved in the "sub-Forum" Working Group dialogues between government and the Private Sector.*** Thus the government is – for most Working Groups – engaged, capable and empowered to resolve a number of business' issues.

"Lots is done at the Working Group level to solve issues before they go to the top," Donor PSD Representative

A more general review of the reform process then, underlines the importance of G-PSF and its associated PPD process suggested in the per-reform analysis. Aside from providing a significant opportunity for dialogue with Ministers and Ministry-level officials, the dialogue has developed capability on both sides for engaging in a better quality of dialogue. It has also brought a degree of government accountability to that dialogue and increased the Private Sector's confidence to raise its most important and sensitive issues.

Steps 6-8 - Escalation and Senior Government Response

Steps 6-8 in our reform process describe the sub-process of having issues addressed and solved by senior government officials. Specifically, they describe the Private Sector's preparation to escalate

an issue, government’s awareness and preparedness to hear the issue, including understanding of its history and the actual raising and solving of the issue with senior government, respectively. These steps might be considered to form the “core” of PPD activities.

Opportunity

It is clear that an important role of the G-PSF (and this is consistent with the per-reform analysis described above) is in providing access where before there was none. Respondents are almost unanimous in valuing the dialogue in its own right – many nominating the existence of a dialogue as the key achievement of this PPD.

In principle, the Forum has long been held up as providing an opportunity to address the Private Sector’s issues. However, in early days, even RGC recognized the roadblocks to complete engagement between government and Private Sector.

Figure 33: The Council of Ministers’ early recognition of PS sensitivities¹¹⁹

18. Create a core team representing the private sectors to directly discuss key issues with the Prime Minister during the interval period of each Royal Government-Private Sector Forum and this core team shall handle without delay also a very sensitive that can't be resolved at the individual working group.

The Core-team, whose elements were selected from among private sectors, might have a meeting with the leaders of the Government in complying with the agreed schedules that might be every two weeks, monthly or quarterly.

Responses from the Private Sector survey (Table 45) suggest that there remain issues that are difficult to raise for reasons of political contentiousness – though substantially less so at the Lao Forum.

Table 45: Politically contentious issues at the PPD Forums

Country * Are issues blocked from being raised at the PPD because they are politically contentious? Crosstabulation

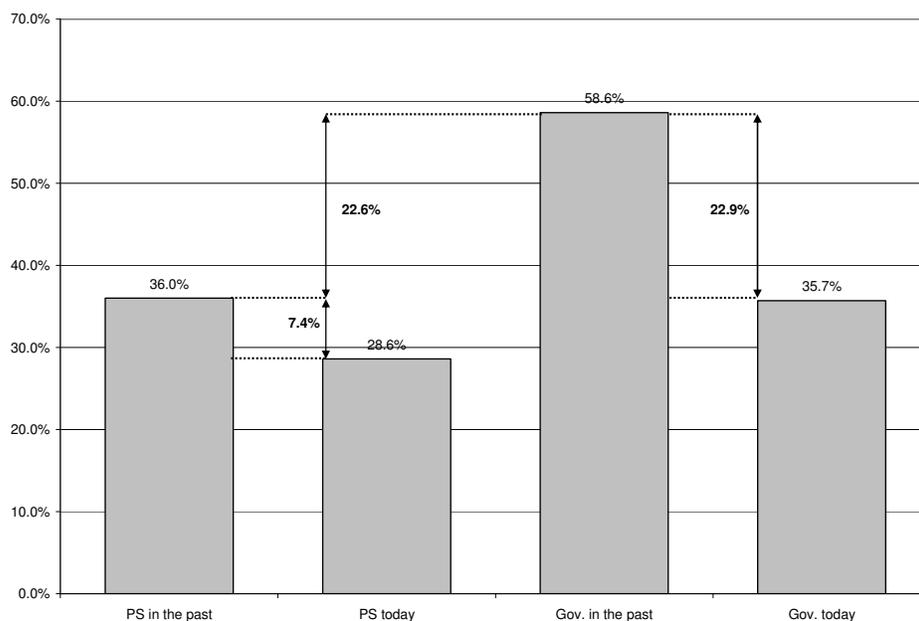
			Are issues blocked from being raised at the PPD because they are politically contentious?		Total
			no	yes	
Country	Vietnam	Count	13	14	27
		% within Country	48.1%	51.9%	100.0%
	Lao	Count	13	3	16
		% within Country	81.3%	18.8%	100.0%
	Cambodia	Count	28	24	52
		% within Country	53.8%	46.2%	100.0%
Total		Count	54	41	95
		% within Country	56.8%	43.2%	100.0%

However, there is evidence of significant government political will and engagement in the G-PSF, with conflicts of interest being overcome by the process to some extent. The following

¹¹⁹ Extract from "Notification on the Outcome of the Sixth Royal Government-Private Sector Forum Held on August 7, 2002", Office of Council of Ministers, No. 1281 Sar Chor Nar, Unofficial Translation

figure illustrates the share of respondents believing that conflicts of interest originating from the PS or the Government *hamper* the G-PSF from addressing certain issues. We observe in Cambodia that (i) conflict of interests are seen as having declined over the past 3 to 5 years for both categories and (ii) although the gap between Government and PS conflict of interest was significant (22.6%), it has disappeared over the past 3 to 5 years. The dialogue has thus become more balanced, in the Private Sector's perception, with respect to this set of underlying factors which might inhibit discussion. The Private Sector could not reasonably accuse the government of stifling issues to serve its own interests. However, feedback from the expert interviews suggests that whilst the G-PSF has significantly lowered the barriers to dialogue, there remain some difficult areas to tread – albeit progress can sometimes be made short of a full solution.

Figure 34: Perception of Conflicts of Interest Blocking G-PSF from Addressing Issues¹²⁰



“There are a lot of issues that involve RGC conflict of interest which cause issues to be sensitive to discuss or resolve,” Private Sector Co-Chair

“On large issues like Breach of Trust, [we’ve achieved] no law but a modification of mindset, for example the Prime Minister declaring at the Forum that ‘criminalization shouldn’t be used as a tool for commercial purposes,’ following which the Ministry of Justice issued a letter to judges [re Breach of Trust],” Private Sector Co-Chair

A general conclusion from both government and Private Sector participants is that PPD has brought minds closer together.

“[PPD gets the government thinking from the Private Sector’s perspective],” RGC Minister

“It is the first time with the Forum that government officials accept to discuss draft laws with the Private Sector,” RGC Minister

The preparation step is important too. There is much discussion about whether the G-PSF is really a Forum where decisions are made, or rather just announced. In particular, there is the suggestion

¹²⁰ Source: Private Sector Survey, Cambodia

that the Forum is instrumentalised by the Prime Minister. Yet given the accountability that the Forum introduces, this is not necessarily a bad outcome for the Private Sector. Evidence suggests that Ministers and the Private Sector alike have been surprised by Forum decisions. A number of measures on tax and over-ruling of the port scanning policy provide examples of changes in key policies made at (or made for) the Forum. It has been suggested that a Forum specifically on tax issues might be held and the Ministry of Finance has also expressed interest in having tax issues further discussed outside of (i.e. prior to) the Forum – a clear success for the process regardless of whether the Forum is used for announcements or decisions.

*“Recently, things have been resolved in advance. The G-PSF has just been a reporting of outcomes,”
Private Sector Co-Chair*

Steps 9-10 - Refining and Enacting Reforms

Steps 9 and 10 deal with responses to decisions made in the PPD, with respect to implementation. Step 9 deals with discussions, meetings and other activities which properly define a reform after its announcement in principle. This draws upon government and the Private Sector to varying degrees in refining the reform. Step 9 might also lead – for certain types of reform output – to the legal reform process which involves the National Assembly in editing or creating laws.

Step 10 is the enactment (i.e. proper implementation) of the reform. A key criteria for Steps 9 and 10 are that decisions are made in good faith and those in government who would be responsible for their implementation are committed to carrying it out. The Forum has provided some means for the Prime Minister to strengthen this commitment, through use of the public pronouncement it affords him. Subsequent Ministerial actions refer to the Forum announcements specifically, as the root of particular reform actions¹²¹.

Potential

Accountability and follow-up are improved by the forum. The Private Sector is more involved after the decisions and if these are clearly announced, they are responded to. Law revision by the Private Sector provides “free TA” to Government, better enabling Government engagement on some issues where consultation is invited. However, ***the mechanism sometimes leaves room for interpretation and lacks a means to verify and clarify decisions under the same conditions as they are announced.*** Room for interpretation can be used to stall implementation if there remain competing interests.

“There was already momentum on key issues to address, in particular via EPTF WG... Compare with elsewhere - similar attention was achieved from high level policy makers. But there was no mechanism for follow up. The impact you can get from analysis of the same quality and issues is higher if an on-going mechanism exists,” Donor PSD Representative

“The G-PSF changed the mentality of people. The Private Sector can provide lots of ideas. Before, the regulations issued were impossible or very difficult to implement; now, comments provided by the PS are relevant and help the implementation,” General Director, National Bank of Cambodia

“If the PM doesn’t make clear it’s for real, implementation won’t happen,” Media Leader

“Labor law is not adapted, we need to review it – a first priority of the WG. We will make the job as easy as possible to Government: have it drafted, do advocacy, do consultation with unions,” Private Sector Co-Chair

¹²¹ e.g. Minister for Industry, Mining and Energy letter to GMAC on “The stop of inspection and issuance of Certificate of Processing,” referencing Government Private Sector Forum 14th March 2005

“Decisions are largely implemented...Sometimes the PM does not give detail - and this is the devil. Some bureaucrats use this to counter the decision's spirit. So, the Private Sector threatens to raise with the PM again. Now everyone is happy,” Private Sector Working Group Participant

In spite of the increased accountability, the PPD cannot enforce change on all issues. The “difficult” issues may be tackled in small steps. On others, officials are motivated to find means to hinder implementation.

“There are two main issues – Breach of Trust and Smuggling. There is zero political will or capital to resolve them. Government has no guts to address the issue [of a flawed VAT Reform Process] because some officials are making lots of money off it,” Private Sector Representative

Steps 9.1-9.9 - Executive and Legislative

Opportunity

Government capacity continues to constrain outcomes, even when positive decisions are taken. It is clear that the Government of Cambodia has made use of the PPD to obtain input on key legislation and policies. There are several reasons why this has not always captured the value it might have. These include a lack of capability among lawmakers and Cambodia’s complex network of conflicting interests. Whilst the Private Sector typically appreciates the greater consultation from government on laws during drafting, there is some frustration about the extent to which RGC is willing or able to make use of the Private Sector’s input.

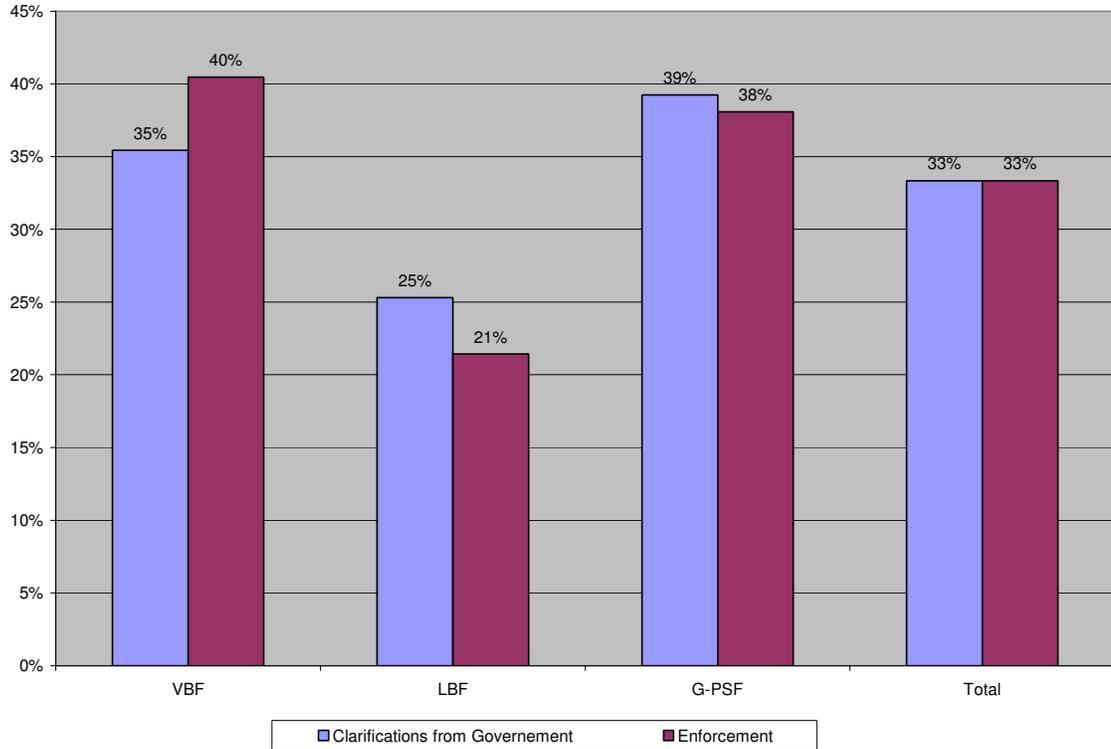
“The Government will ask for input by the Working Group, such as on the Law of Investment, Special Economic Zone Sub-Decree and PPI,” Private Sector Co-Chair

“Once a law goes through the Council of Ministers sub-committee wringer, a good law becomes shit. It's simplified to put it through. TA is not provided on amendments - a huge policy change for FIAS. TA is only on legislation that is new. The Government dumbs legislation down so National Assembly sub-committees can read it,” Private Sector Working Group Participant

“The Private Sector firms would have spent \$250,000+ on [the Law on Investment] in time costs and got nothing for the Private Sector. They took away every tax incentive at the behest of the IMF. And the Law on Taxation was just to comply with the LALoI, plus a couple of furchies,” Private Sector WG Participant

Steps 11-13 - Benefiting from, Feeding Back and Maintenance of Reforms

Figure 35: Perceived Effectiveness of PPDs in Clarifying and Enforcement



"The Working Group is helpful in readjusting the reforms that already took place," General Director, National Bank of Cambodia

2.C Lao PDR

2.C.1 Lao Reform Cases

The Lao Business Forum is young and only a few reforms have so far been implemented, much less “maintained.” We consider in this section a few of the reforms that have been prominent and were widely cited by expert interview respondents as significant outputs of the process. As with the previous sections, we attempt to rate the role of PPD in each step of the reform process. There are gaps and contradictions in the evidence for this exercise but a reasonable picture of the LBF’s influence on reform processes can be obtained – bolstered in the subsequent section with less reform-specific feedback.

Reform 1- Notice 31, reforming the system of quotas on timber as input to wood-based manufacturing businesses;

Previously, two or three SOEs were given a mandate for logging and supply of wood to Private Sector businesses downstream. The Private Sector sought to open the sector, seeing it as over-regulated by the government. Specifically, domestic businesses were being impacted by the involvement of foreign wood brokers, who were constraining growth in the potential export sector as Lao producers could not compete with China, Vietnam and Thailand on price and could only get wood from brokers. There was no local quota available.

The “Wood Quota” was a big issue for the Lao Forum, being resolved just after the first Forum after a long period of unsuccessful efforts by the Private Sector. The issue was seen as hard to address because of significant conflicting interests. After the Forum, Notice 31 reformed the whole system. A number of issues solved around the time of the Forum have been rejected by some respondents as consequences of the dialogue. Indeed, there is some suggestion that the role of LNCCI in bringing a research paper direct to government and being involved in subsequent discussions led to replacements within the Agriculture Ministry structure and a new broker policy. However, a representative of the sector recalls, “The LBF was a key player for the wood quota action. It supported the Private Sector to raise the issue.”

The Wood Exporters Association proposed this issue (their main issue) to GoL directly, before the LBF. However, the presentation was described as “not concrete enough.” Through the LBF, a more credible proposal could be facilitated. The Government has since announced a new policy, such that first priority on raw materials from the government is for Lao manufacturers. At the time of writing, notification of the decision from the PMO had been received but the policy not yet implemented. The Private Sector anticipated that at the commencement of the logging season (after November 2006) it would be able to purchase directly from government, not via SOEs. The latter would then have an equal status, as quota would lie with the association, of which foreign, domestic and SOEs all members.

The main keys to finding a solution to the issue are seen by Private Sector within the sector (quoting government feedback) as WTO/AFTA and use of the LBF to raise the issue.

The WEA noted that it has raised some 20 issues but only been able to take the one issue forward to LBF. Although LNCCI and others also played a role, it seems clear that the LBF mechanism had an important hand in realizing the Private Sector’s goals in relation to this issue.

Table 46: PPD Impact Assessment for Wood Quota Reform Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	No clear role	0
2	No clear role	0
3	Opportunity to raise issue within PSWG, though had already been discussed within the PS for some time	1
4	PPD enabled to raise via its process but access was already available on the issue, directly and via LNCCI	1
5	An outcome was not provided through the working group process	0
6	Private sector credits the LBF and Facilitator with a key role in raising the issue with greater credibility – preparing and presenting. LNCCI also provided research/input – which may or may not be the input described by government as “not concrete enough”	2
7	Descriptions of the issue suggest that government should have been aware of the issue, since it had been raised over a long period	0
8	The LBF allowed for the wood quota issue to be raised in front of high levels of government, which credits the LBF role (indirectly reported) in solving the issue. LNCCI also raised the issue at Ministerial level and took part in discussions which may have been significant, given its influence with SOEs	2
9	No apparent role for the LBF directly LNCCI’s discussions may have continued post-decision as a negotiation phase	0
10	Note 31 was enacted by government	0
11	Not yet implemented	0
12	Not yet implemented	0
13	Not yet implemented	0
Overall		0.46

Reform 2 - Increase in the length of tourist visas from 15 to 30 days¹²²

A combined set of issues is noted under the banner of “tourist visas,” primarily the twin issues of a broad variety of visa-on-arrival fees depending on nationality (and seen as affronting groups of multi-national tourists arriving together) and the length of a border-issued tourist visa – 15 days rather than a more standard 30. The Private Sector had been promoting the 30-day issue for some time, prior to the advent of the LBF.

The length of visa issue was seen as “small but important” by the tourism sector. Fifteen days was not seen as sufficient to maximize the opportunity from tourists in multiple Lao destinations.

The tourist visa issue was eventually raised at the Lao Business Forum. Several respondents describe the decision to change the length of a visa to 30 days as independent of the forum. There is a variety of feedback (from donors and Private Sector) suggesting that the announcement (evidently to much applause) merely recognized a previous commitment of the government ASEAN compliance. However, as noted with several reforms, the issue had been stuck for a period of time before being announced at the first LBF. Further, implementation was “prompt” after the Forum¹²³.

“The tourist visa is not a decision of LBF, though it’s presented as such,” PSD Donor representative.

“We know already what government is going to do. Everyone knows they would change the visa - it’s in ASEAN. There’s nothing new at the forum - just announcements,” Business Association leader

Travel industry representatives note that since the decision, which would have seen visas issued for 30 days at US\$30, there has been a further arbitrary decision to introduce a wide range of different fees for visas based on nationality, done without consultation¹²⁴.

It’s not possible in this study to weigh all opinions and fully determine the role of PPD in each aspect of each reform. Whilst a number of reforms seem clearly to have been PPD successes, others, such as the tourist visa, are ambiguous. Nevertheless, it is noted that the tourist visa presents another example of a long-pursued reform announced *and implemented* in the time of the LBF. Respondents note these examples of the Deputy Prime Minister lending public support to the issue and rapid implementation by the Ministry of Foreign Affairs with a decree 1 week later. There seems to be some evidence that the LBF process is used to coordinate, cajole and provide accountability within government, to the benefit of reformers.

Table 47: PPD Impact Assessment for Tourist Visa Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	No PPD role. Issues was identified well before PPD	0

¹²² Tourism reforms such as this one, and another decision to increase incoming flights/seats, bring value in numerous ways. A handicraft promotion activity in the south of Laos (Pakse) notes significant tourism-driven increases in turnover. A developer of that program credits these reforms as playing a crucial role in the subsequent increase in household incomes of at least 40%.

¹²³ “Position Paper on Fees for Visa on Arrival & Tourism Fee of US\$ 1.00 per Person,” Lao Business Forum, March 15, 2007

¹²⁴ “Tourism sector debates visas, fees,” Vientiane Times, March 19, 2007

Impact Assessment of Public Private Dialogue initiatives in
Cambodia, Lao PDR, Vietnam

Process Step	Assessment of PPD Impact	PPD Impact Score
2	No clear role. Private sector had pushed the issue previously	0
3	The issue was already raised within business groups but PPD may have raised it in a more formal manner and on the path to LBF presentation	1
4	PPD provided an additional channel to raise the issue with government, though it had been raised at Ministry level previously	1
5	Positive outcome not provided at WG level	0
6	PPD provided the means and support to escalate the issue through the LBF, though some previous escalation had occurred Regardless of where/when the decision was taken, the PPD appears to have a role in maintaining the issues's profile	2
7	No clear role as issue had been raised numerous times previously, though raising via PPD likely contributed to the precondition of communication and coordination	1
8	PPD has a role in presenting government with a menu of options with respect to issues to solve Respondents reported that the decision in principle was taken sometime previously	1
9	No clear role	0
10	Ministry of Foreign Affairs issued a decree within a week, for an issue that had been languishing for some years The decree may also have been under development for some time previously However the public pronouncements of the forum are seen by a number of respondents as increasing government responsiveness at a technical level	2
11	No clear role.	0
12	No clear role in the sense that the reform has not been properly implemented. However, PS has raised the issue at LBF2, forming part of a feedback and maintenance mechanism	2
13	No clear role	0
Overall		0.77

Reform 3 - Replacement of a 5% tax on tourist accommodation revenues with a \$1 per tourist tax to be collected at the border;

Tourism firms currently pay two taxes - 10% as with other sectors and an additional 5% tax on tourism accommodation revenues. These go direct to the national tourism administration, for the benefit of the sector. The formal (and largely foreign) tourism sector has not felt this tax to be adequate; aside from the administrative burden, the tax is not collected from a large number of businesses which are non-compliant (industry sources suggest just 10-20 of the 80 applicable travel businesses). The Private Sector thus proposed to replace the 5% tax (ultimately passed on to tourists) with a \$1 per capita tax paid by tourists upon entry to the country – i.e. collected at the border post. This was as part of input requested by the government on the recently passed Tourism Law.

Estimates (unofficial) of the total NTA tax collected previously vary between \$100,000 and \$300,000 annually. Since visitors to Laos are said to number in the order of 1,000,000, the new approach would generate significantly greater revenue, whilst reducing the burden on compliant businesses. Business Associations had been pursuing this measure with government since the early consultations on the Law.

The proposed \$1 charge was agreed to in principle by the Minister of Tourism some time prior and subsequently endorsed by the Deputy Prime Minister at the Forum. The issue has been raised – as with several others – prior to the commencement of the PPD¹²⁵, yet LNCCI suggests that it eventually put the matter to the forum because it had not been solved through its existing channels.

The issue remains only partially solved – it has not been implemented. There are disagreements as to how the \$1 tax should be collected. Border staff are from Ministry of Finance or Foreign Affairs – the tourism Ministry is not represented and there is “no way” for the Lao National Tourism Authority to access the revenues. The PS also offered to collect the tax but Ministry of Foreign Affairs refused this. The Director General of the LNTA came to the Inter-Ministerial Team meeting to ask the DPM to decide on a resolution to this. In spite of the endorsement, no solution has yet been found. However, Private Sector respondents found it positive that the NTA, Ministry of Finance and Ministry of Foreign Affairs are still discussing the issue. The \$1 tax does not need a law - just PMO approval and a means to implement in practice. The appropriate regulations have been drafted already, according to the LNTA Vice Chairman.

Table 48: PPD Impact Assessment for Tourist \$1 Tax Issue

Process Step	Assessment of PPD Impact	PPD Impact Score
1	The issue predates the Forum	0
2	The issue predates the Forum	0

¹²⁵ While the suggestion by some respondents that decisions announced at the Forum are not really “outputs of the Forum” on the grounds that they have been raised much earlier or were already policy seems reasonable individually, there does appear to be a number of reforms where announcements were made after a long delay prior to the Forum.

Process Step	Assessment of PPD Impact	PPD Impact Score
3	PPD allowed for LNCCI and Business Association representatives to try a new channel in raising the issue via the PSWG	1
4	PPD raised the issue through the Working Group, though it had already been raised via LNCCI and through other channels as input to the Tourism Law	1
5	No outcome achieved at WG level	0
6	PPD provided an alternative means and presentation for raising the issue	1
7	Government has been aware of the issue for some time, including through input into the Tourism Law PPD may have updated various government agencies on the challenges of coordination and putting the approach into practice	1
8	PPD has provided a forum for a strong endorsement on the policy, such that a range of agencies continue to work for a solution. However, such a solution has not yet been found	2
9	The PPD endorsement can likely be credited with the extent of on-going inter-agency efforts to resolve the practical problems in implementation – but a resolution is not yet achieved	2
10	No role or outcome	0
11	No role or outcome	0
12	No role or outcome	0
13	No role or outcome	0
Overall		0.62

Reform 4 - Speedboat controls in Luang Prabang.

The “speedboats issue” in Luang Prabang is seen as a notable success by a number of respondents. Although a “provincial” issue in terms of geography, it was raised in Vientiane by affected tourism businesses. The issue could be raised thus because the Association of Speedboats is under the Ministry of Transport in Vientiane. The Ministry also has a department in Luang Prabang, so has some power in the matter. This is an unusual situation enabling the LBF to address a matter outside the capital and demonstrating the importance of having appropriate leverage and authority brought to bear on the stakeholders relevant to each issue. CPI and the facilitator are able to

arrange supporting meetings in the lead up to and subsequent to the Forum to develop the discussion in advance - as well as to seek a result before the forum.

At issue was the noise and speed of speedboats plying the river around the World Heritage listed tourist destination. Tourists were said by the agencies to be scared off by the boats.

A resolution was announced at the forum and the situation is said to be somewhat improved – e.g. boats must be fitted with silencers. There remain some reported issues with implementation, such as the boats sometimes removing the silencers when out of town.

Nevertheless, the boat issue was a significant one for a number of small businesses and is one of the positive outcomes of the forum. It was pointed out during the research that issues such as this provide positive “evidence of non-donor influence - e.g. speedboat noise and airline alliances.” These are not high on donor agendas but important to the tourism Private Sector.

Whilst a number of respondents knew of the speedboat issue and its resolution, there are also those who, whilst being aware that the issue was raised, were not familiar with the outcome.

“There's no concerted feedback process - or maybe it's because we are only observers. [I] had not heard of the outcomes like speedboats,” PSD Donor representative.

“Some issues wait years for solutions. The Forum can solve them immediately. e.g. speed boats, weight of cargo truck - some are implemented,” Media representative

Process Step	Assessment of PPD Impact	PPD Impact Score
1	Issue predates the LBF	0
2	Issue predates the LBF	0
3	PPD provided an additional opportunity to discuss in PSWGs, though PS was already discussing within association	1
4	PPD assisted in coordinating meetings between relevant departments / stakeholders, as probable background to an eventual decision	1
5	Decision not reached at sub-Forum level, but knowledge of the issue created with relevant government agencies	1
6	PPD provided platform for developing the issue for presentation at the LBF	2
7	Awareness of the issue within government from long history of Private Sector raising it PPD (esp. CPI) contributors to encouraging intra-government dialogue on the issue	2
8	Solution announced through the LBF and PPD widely credited with expediting this	2
9	No clear role	0

Process Step	Assessment of PPD Impact	PPD Impact Score
10	The reform has been enacted, though a role for PPD has not been required	0
11	No clear role. The reform is benefiting the PS, though implementation is not perfect.	0
12	No clear role	0
13	No clear role	0
Overall		0.69

2.C.2 The Role of PPD in Lao PDR Reform

As with the previous two countries, it is possible to summarize the above analysis in a graphic based on all four reforms considered, as per Table 49. Although this analysis suggests (as may be expected) a less broad and less deep influence of the Lao PPD when compared with its older brothers in Cambodia and Vietnam, there is nevertheless a meaningful role which can already be attributed to the LBF. Particular influence is seen in preparation of issues for escalation to higher levels of government and issues being raised with and solved by high levels of government. This reflects the important supporting role played by the facilitator (and CPI/LNCCI where relevant) in the first case and the importance of the mechanism for providing credibility to Private Sector issues – even though they may have been raised with government already. That some decisions are not made as a result of the forum process cannot obscure the fact that there is government interest in announcing (and in so doing enforcing, to an extent) meaningful reforms via the dialogue. The graphic also demonstrates the role of PPD across all of these reforms in providing opportunity for businesses to formally raise and discuss the issues amongst themselves (in the face of, for example, generally weak or government-aligned Business Membership Organizations), as well as real and new opportunities for sections of the Private Sector raise their issues even at Ministry level.

Table 49: Summary PPD Impact Scores for Lao PDR

Issue	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	Average
1.0	-	-	1.0	1.0	-	2.0	-	2.0	-	-	-	-	-	0.5
2.0	-	-	1.0	1.0	-	2.0	1.0	1.0	-	2.0	-	-	-	0.6
3.0	-	-	1.0	1.0	-	1.0	1.0	2.0	2.0	-	-	-	-	0.6
4.0	-	-	1.0	1.0	1.0	2.0	2.0	2.0	-	-	-	-	-	0.7
Average	-	-	1.0	1.0	0.3	1.8	1.0	1.8	0.5	0.5	-	-	-	0.6

Steps 1-3 - Private Sector Perception of Issues, Consensus Building, Business Dialogue

2.C.2...1 Confidence

Although it is early days, the LBF appears to be inspiring confidence in some local sectors.

Active participation of local businesses showed a marked increase between the first two Forums. The seating arrangements document (see above) reflects substantive involvement of local businesspeople through the young business associations presenting at the event. A scan of the

free-seated audience also suggests a majority of Laos. The Forum turnout reflects involvement in the earlier steps in the process.

"It's hard to convince Lao entrepreneurs to participate. People expect problems. But after the first forum and talking to the Facilitator, we feel that we should make a new campaign to get more local companies involved. Everyone can talk - provincial, small or otherwise. Small businesses in Pakse can email issues and it will be raised for them," Private Sector Participant

Opportunity

The competing demands of multiple interest groups within the Private Sector will be a key challenge to manage in the LBF's future, though this may be one of the characteristics related to the life-cycle of the PPD. There are some who are not yet convinced that the PPD offers an opportunity to address *their* issues, hence to do not engage in the early steps of the process.

"SMEs don't feel touched by it. It's 'too high'. The LBF to now is just for general business. If we could take issues to an SME-only WG, people would come. Investment Law, VAT Law, are for businesses above a certain threshold. SMEs cannot benefit - they're informal, small. The forum does not help farmers. SMEs have no chance to offer questions - why not take issues of small members to LBF?" Business Association Representative

"Mostly people come from Vientiane. Usually foreign investors have more chance to talk than domestic. Local gets ignored," Business Association Leader

"Information on the forum is not so widely disseminated as to go to small enterprises. And small firms that are members of LNCCI do not really understand lobbying," Local Business Consultant.

Capacity

Facilitation of the PPD has brought needed capacity to the Private Sector in addressing its issues. The ineffective informal processes are being strengthened with the PPD structure.The process, managed by the facilitator, has provided an important function in better enabling the Private Sector to raise common issues. BMOs have been (and are still) seen as weak, lacking a view of the bigger picture and unable to express themselves - yet a number of respondents feel that PPD is both bringing useful capacity to the dialogue (especially in assisting the Private Sector in prioritizing and presenting issues) and enhancing BMOs' capacity in doing so.

"BMO capacity is extremely low in general. The BMOs are extremely weak. Also, they are very controlled by government. [Effective] BMOs would be the perfect structures to support the dialogue. It is developing - some donors are supporting," Donor PSD Representative

"Capacity is quite limited. They only see their problems in their respective area - don't see the context of development or wider issues. Don't know how to analyze and put things clearly -they lament 1000 things before they can grasp a point. There are very low presentation skills." Private Sector Business Consultant

"Before, the Lao PS was not well organized or linked to the Lao Government," Donor

"A strength is that issues are well reviewed and selected before being presented to government. [The Facilitator] "washes" the issues list - the LBF is not here for picky things. MPDF has given strong leadership from the beginning - the process has worn off a bit on business. They're learning to prioritize needs," Donor PSD Representative

“Private sector is not well organized. There’s a transition from informal to formal business. But BAs are quite strong now. 2 years ago they were not strong enough. Especially garments and tourism are strong. Provinces now want to have their own,” Business Association Representative

“A main benefit is for firms to learn from each other,” Private Sector Business Consultant

“I was impressed at LBF. Is there an elite? High profile, connected, English speaking? There were a number of expatriates. The process must be doing some good. The WGs refine ideas,” Donor PSD Representative¹²⁶

“[PPD] enables us to agree on priorities within groups. Find common problems to a group. More people together can see more problems,” Private Sector Representative

Thus the per-reform analysis, which suggested a role for PPD in encouraging formal business to business dialogue, is more generally supported. The PPD has provided and helped to develop Private Sector capacity for moving issues from limited informal discussion to a better organized, formal business to business approach. Aside from providing and managing capacity in these early reform steps, the example of the forum is encouraging people to get involved - something that may be enhanced by improved marketing. An on-going challenge will be to ensure that all sectors of business in Laos can value the dialogue.

Steps 4-5 - Seeking Outcomes with Government Ministries and Authorities

Opportunity

Private sector survey data highlights that in all countries the PPD is commonly seen by business as an important tool for PS-Government dialogue. Across the three countries, 63% of respondents consider their national PPD as the *driving force* for delivering reforms that affect their business. With this as context, the incremental opportunity the process provides in the eyes of Lao business is clear in Table 50, below.

Table 50: Perception of PPDs as the Driving Force for Delivering Reforms

**Country * Is PPD driving force for delivering reforms that affect your business?
Crosstabulation**

			Is PPD driving force for delivering reforms that affect your business?		Total
			no	yes	
Country	Vietnam	Count	22	30	52
		% within Country	42.3%	57.7%	100.0%
	Lao	Count	3	33	36
		% within Country	8.3%	91.7%	100.0%
	Cambodia	Count	32	34	66
		% within Country	48.5%	51.5%	100.0%
Total		Count	57	97	154
		% within Country	37.0%	63.0%	100.0%

¹²⁶ Whilst this comment and the following one refer to the Forum event (Steps 6-8), they reflect improved capacity earlier in the process as the private sector “learns” to work together

In particular, the business-government dialogue created through ***the Working Group process is seen to be an important supplement to the more informal and individual channels that only some business people previously had access to.***

“It’s very new in Lao PDR for government to talk with the real PS and not the government-appointed BA heads,” Donor Representative

“Before PPD, there were contacts but they were personal - not institutional.” Donor Representative

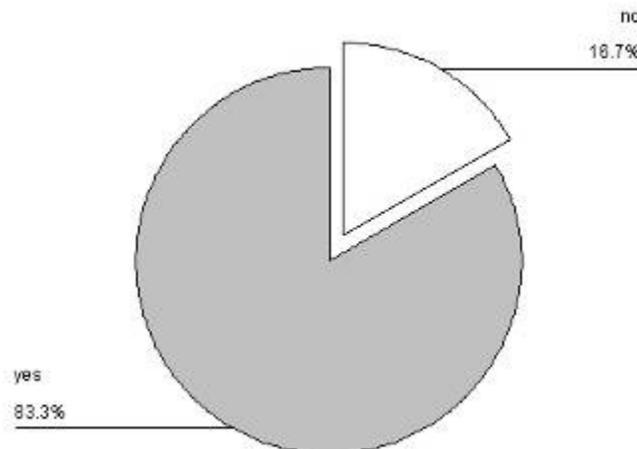
Private sector representatives largely share the sentiment that there is a real, incremental opportunity.

“LNCCI could not organize this. Their affinity comes from personal relationships, not their activities. Their way to stress problems is different. But people are not yet familiar with the LBF kind of exercise. No feedback at all from LNCCI,” Foreign Private Sector Representative

“With IFC, you can reach the Minister - LNCCI cannot. Submission quality also assists with access – it’s why the Minister answers the phone. Private sector & GoL without third party (IFC) would not be taken seriously,” Local Private Sector Representative

Evidence from the Private Sector Survey suggests that the Lao working groups are effective in answering basic questions about government policy, thus validating the opportunity provided for this subset of issues,

Table 51: Effectiveness of the WGs in Clarifying Policy



However, ***feedback around the Working Groups also reflects the concern among some that the opportunity of the process is limited by differential needs*** – a common theme throughout the process.

“You’re asking people with 10 villas to change something. They don’t need to. It’s the small business that need it,” Business Association Representative

“The Working Groups are much too sector-specific to respond to the issues raised,” Private Sector Representative and Consultant

“Manufacturing companies do not speak about the same thing. LBF allows enterprises to give a single opinion. It’s not yet complete, only 1 year old. It needs time. But we’re getting better at it,”
Private Sector Representative

Confidence

Some businesspeople have however begun to recognize the value of a collective voice with which to address government. Although not everything is seen as addressable on the Working Group agenda, there is a view among the Private Sector that the PPD and its collective approach has opened the floor to a more difficult set of issues.

“We can bring any issue via the Working Group,” Private Sector Representative and Advisor

“Now there is more opportunity to talk to government officials. But some don't want to be open. They just want tax and think businessmen all have money; also look for money in envelopes. Corruption is a big problem. Less than before but higher amounts. At least it is discussed more now,” Business Association Representative.

LBF has helped people to raise more difficult issues. If we go as an association, it’s more powerful than individual businesses,” Business Association Representative

“The Private Sector is more confident now that it can talk about issues and do something and GoL will not interrupt business,” Private Sector Business Representative and Association Leader

“Civil servants have been requesting 5% royalty taxes. They don't know about or use Implementing Decree #23 of the Royalty Tax Law (Law 47), published in 1989. If we took this issue alone, we'd get trouble. With [PPD] we can take it to the government department,” Local Businessman

Donors largely concur, whilst recognizing there is more to do in building confidence.

“Sensitive issues like tax and trade facilitation are more difficult to tackle in the short term. There are outputs that need time to filter through,” Donor Representative

“[There is self-censorship from fears of retaliation against the business, and that limits greatly the BA heads standing up and participating,” Donor Representative

“Note that government has itself made reforms which were politically difficult, like centralizing finances and raising the fuel tax. Sufficient preparation is required, as well as proactivity in getting issues on the table – there’s no need to wait for the Forum,” Donor Representative

“Business can talk more openly – the fear of retaliation is gone. LBF cut into this and strengthened the Private Sector;” Donor Representative

Capacity

As with the earlier stages of business to business organization, the PPD is seen as bringing capacity to bear on the dialogue between business and government. It does so in assisting to refine the list of issues to present as well as in setting expectations (and providing some input) for analysis and presentation of issues in the dialogue. Yet participants and observers see a continued need for refinement in both the selection of issues for Working Group consideration and the quality of analysis and solution proposed.

After the first Forum, the Facilitator herself lamented the lack of research and analysis from the Private Sector, *“The PS goes to dialogue with little research or evidence done on their own. Without increased advisory capacity, the secretariat cannot provide legal or economic evidence to support their issues. Going to dialogue with stronger research would enhance the chances of success!”* Yet at the second Forum position papers (mostly brief and in the form of written speeches) were

provided in advance for all the issues presented. Most of these were prepared by the Private Sector (with assistance from IFC TA staff on one particular issue as requested). Whilst the analysis and proposed solutions – as assessed by the evaluator but also commented upon by a number of participants – were at times weak, they nevertheless represented a significantly better outcome than the one earlier described by the Facilitator. A long-term donor establishes the starting point:

“Previously, non-important issues were raised to GoL. LNCCI tried to bring lots of issues to address. There was no process for identifying who is in charge of what and what they could solve. Informal talk about everything. No concrete outputs. Business sector not considered as a partner. Business saw GoL as a control body, not facilitator. They didn't know their own (PS) needs and talk with GoL was messy,” Donor PSD Representative

“Issues resolved so far are not so big but they're concrete. But when starting the WGs, people come with day to day problems. They're not yet thinking on big issues,” Local Businessman and Consultant

“There are too many issues. Need to be more selective,” LNCCI

“The quality of the proposals is not quite good; questions that are raised are not precise enough. Moreover, most of the time, potential benefits will only profit to a few particular businesses; their impacts are not sector-wide enough. The proposals should be more serious, more technical,” Government Official

“Proposals from the PS are not precise enough, since they came from small businesses that lack of conceptualization skills. Questions are very difficult to understand and the solutions provided can create a ‘non-harmonious’ business environment,” Private Sector Advisor and Businessperson

Yet there is optimism about the path the Working Group process is on. The role of the Facilitator is valued by virtually all Expert Interview respondents as part of this improvement process.

“Before, Lao PS was not well organized or linked to GoL. LBF provides an incentive and basis to facilitate this process,” Donor Representative

“The facilitator is key - not to pressure but to coordinate e.g. with a letter to government, also to prepare appointments, agendas etc. Without the facilitator, it would not work. Business people do not have time. Compare with Secretariat of LNCCI - there's no minutes or communication. Just blah blah blah and no follow up. With communication from the facilitator, the ministry/dept considers it important. It has to answer because it's the IFC,” Local Businessman and Consultant

Feedback on the process of LBF, including the Working Groups which arise before the Forum event itself, suggests that the process is valued. It is seen as an incremental opportunity to most businesses – even if different perceptions among different business groups remains a risk to this PPD. Capacity in organizing around well-selected issues and presenting them effectively is seen as an important role for the support provided by the Facilitator, yet further improvement is desired in this area. The dialogue has been enhanced by the increasing belief by the Private Sector that it can better address issues through a collective voice using the PPD process.

Steps 6-8 - Escalation and Senior Government Response

The Lao Business Forum is the key event of the PPD process in Lao PDR, to which other activities are directed. The process is new - the second forum was held in March 2007. Change is therefore quite rapid as the Forum, its facilitator and the range of participants, collectively develop the process.

Opportunity

Observers see the LBF as providing genuine opportunity to advance the cause of the Private Sector, since Government buy-in is good. The process is seen as credible.

“The process is important. We should strengthen this – it provides a venue for the Private Sector and Government to come together and shows donors how to produce tangible results with high level support from government. The GoL is very supportive. I would continue with LBF itself. It has high level support. Government buy in is high - Ministers, President of CPI, Deputy Prime Minister, Vice Ministers. For how long depends on how well it's structured in the future,” Senior Donor Representative

“The LBF seemed very productive. It was useful as it provided opportunity for Government and Private Sector to hear from one another,” Media Representative

“The Government has started listening to us, while before we had little access to them,” LNCCI

“The principle that the GoL accepts to talk to the PS, this is the main achievement for now. Govt does not decide everything – it recognizes that the PS is very important for development,” Business Representative

Government concedes that the forum process is where it thinks about business:

“If an issue does not go to the forum, it is never discussed by (higher) government. They are not discussing PS issues in between. But between forums we have sub-group meetings with concerned Ministries. If they cannot resolve, they submit to public LBF,” Government Official

The Private Sector is very demanding. It seeks clarifications as well as raising problems. From LNCCI, input is very limited, compared to the LBF. LNCCI is for SOEs –it's appointed. LNCCI's power is less than the Forum because of the DPM's engagement,” Government Official

“The LBF MUST increase bargaining power. You can start with the easy things and work towards the hardest...though may never get there. It has limitations - it's a talk shop, with no executive powers. GoL is always free to say no. So all LBF has is collective strength. But there's no independent press, so you cannot embarrass GoL via information. There are no political parties based on class. So you HAVE to go via forum or donors,” Donor Representative

Yet there is also frustration at the pace of outcomes which will hinder the Forum's development – and maintenance. The Private Sector laments the need to re-raise issues that were “solved” at the previous Forum.¹²⁷ Although the second Forum provided an audience for a considerable number of issues to be presented, Private Sector respondents had previously questioned the process which restricted an initial list of 60 issues to just a few addressed by Government at the first Forum.

“The work behind the forum has to be very clever. 60 issues were raised. 10 got to the WG. Only 2 or 3 were picked up by Govt. There's lots of filtering and delayed meetings. In one year, only 1 or 2 issues were clarified. The Government picks 4 of 10 issues that it knows it can answer. The Private Sector cannot choose and Government will not answer on the others. The other 6 get held off until the next forum. Govt takes only 4 of 10 because already the Ministries/NA have dealt with them. The 6 remaining they will deal with at the next forum, they say,” Business Association Leader

¹²⁷ Several position papers provided for the second LBF explicitly noted that they had previously been addressed but with no change in reality. Other issues had been raised without a substantive response. Informal discussion with several businesspeople and donors after the second forum suggested considerable frustration with the lack of decisions - substituted in some instances with proposed new studies or meetings.

Need

Just as some of the biggest firms have failed to see the need for a forum to pursue their own interests, some of the smallest are not sure it has potential on their own issues. The smallest businesses do see a rationale for pursuing a new path to dialogue but they are not universally aware or persuaded that the LBF and their associations can provide this.

“Lots of questions are multi-sectoral. There is a need for an SME WG. The forum does not address the issues of the small businesses,” Business Association Representative

“LNCCI is for SOEs,” Local Businessman and Consultant

“Businesses don’t know that BA and LBF can be a voice to solve their problems,” Tourism Business Operator

Yet government officials feel the forum and WG process do have the potential to support businesses – at least in clarifying government positions.

“Before, when there was no comprehension about the tax rate, the Private Sector did not seek clarifications. This situation led to a lot of misunderstandings. LBF gave them feedback and provides information, about tax collection from different departments and the right tax rate to apply regarding their activities,” Tax Department Official

“LBF has made people more aware, e.g. of IP protection as an issue,” IP Official

Potential

Although the Forum is new, a broad range of participants and observers see it as having the potential to advance issues. In spite of some frustrations with implementation and questions by some of the true role of the Forum in advancing decisions, respondents credit the LBF with meaningfully pushing the PS agenda. In these early days of the Forum and associated process, this general belief in its value appears a vital sign which needs to be built upon.

“One should emphasize that the five recommendations by the Tourism Sector Working Group were approved during the first Forum.”¹²⁸

“Communications, information sharing, open discussion – it’s all been useful and critical,” Donor Representative

“At first I had doubts. Already there was LNCCI and associations and you could get a letter to the Minister concerned. But you never got a written answer from the department. Some Ministries (e.g. MoJ) have had kinds of forums before. But they’ve not been well organised; they lacked WG structure to prepare and inter-ministerial opportunity. LNCCI’s results were not as good as the Forum’s,” Lao Businessman and Advisor

Potential is enhanced in part because it has helped the government to help the Private Sector. LBF provides legitimacy and accountability – something which even government members accept.

“LBF has helped the government reformers. It gives them legitimacy and helps people off the fence,” Donor Representative

“We changed the former tourism law to allow foreign JVs. with local companies before and without the LBF. If you propose something, they can accept it. But the first reason for going via LBF, even though you can change things outside of it, is that with LBF they have to answer -

¹²⁸ Progress Report, Tourism PSWG, Lao Business Forum, March 15, 2007

publicly. It's important for them not to lose face. In their own office as before, they were not forced to do," Foreign Private Sector Representative

"It's useful that high level officials are exposed to the Private Sector to explain their problems. It didn't happen before. High-ranking officials are involved. If I want to talk to the Private Sector, I go to the WG. Or they come to see me. It's rare for the Director Generals of each department to meet each other. Since the Forum has high ranking people there, they have to join. LNCCI's power is less than the forum because of the Deputy Prime Minister as chair of LBF. Every Minister is invited from the Line Ministries. [Compare with] problems raised via LNCCI, which take a long time," Government Official

"We proposed our main issue to GoL before the LBF, directly. But Government said it was not "concrete" enough. After the LBF, we could raise it more strongly – it had more credibility. Government then came up with new policy. The main key to a solution according to the new government was 1. WTO/AFTA - must improve investment climate and 2. Use of the LBF to raise the issue," Business Association Representative.

"The momentum of the Private Sector is now very positive. How to assist them? The GoL is willing," LNCCI

"Decisions are not made at Forum but the LBF's visibility is used. Media and International Organisations are observers at the final [LBF] meeting. Everyone awaits the DPM's announcement and can remind of it later. It forces GoL to start a process. Not sure LBF can significantly influence decisions at high level. The framework is the 5-year plan. LBF cannot move the framework. But visibility of the announcement is what makes it happen," Donor Representative

"Communist Party runs the country by directives. There was no long history of cooperation," Donor Representative

"LBF is faster than LNCCI. LNCCI does not talk business, just politics. To resolve issues, you need power, absence of conflict of interest and means to counter nepotism. LBF can raise issues with GoL. LNCCI are afraid to do this. It's important to get access at high levels. LBF involves high ranking positions and powerful people. LNCCI do not involve these people. But LBF still will not solve problems immediately. If business is too active in raising issues to government, it will be threatened. Raising via LBF or LNCCI is better," Local Business Representative and Business Association Leader

Capacity

The PPD has brought capacity enhancement to the Private Sector in these discussions with high-level government officials. This is clearly evident in the level of organization of the event and the preparation and distribution of position papers. Some gaps are evident in terms of quality of solution and analysis in some of these papers and a central recommendation of this report is to provide greater assistance to the PPDs in this regard as well as to share capabilities across the three forums¹²⁹. In the absence of this guidance and support, the Private Sector is stronger at complaining about problems than contributing to solutions – the latter would be valuable given the stretched capabilities of government.

"LBF gets used by the PS to complain. This is good and necessary but not enough. How to go from complaint to solution? This is the real problem," Business Association Representative.

¹²⁹ As an example, a position paper/speech on trade facilitation issues recommended that the government clarify the role of multiple agencies at the border. Basic TA and discussion of the issue with Cambodia or Vietnam would likely have pointed towards a more appropriate and strategic recommendation of removing non-customs agents from the border crossing process.

“The administration can accept it. They are ready for it. There’s been too much complaining so far, not enough solutions,” Business Representative

Table 52, with data from the Private Sector survey, presents an interesting analysis of Private Sector participants’ views of the quality of presentation of their representatives at the Forum. The data reflects a strong general appreciation of the efforts of the (relatively numerous) presenters at the Forum. A clear takeaway is that the PPD process itself provides capacity where it is needed even when it draws upon existing Private Sector “champions”¹³⁰. A dispassionate assessment of the presentations at the LBF by the evaluation team as well as in comments by a range of participants would suggest a need for further refinement.

Table 52: PSS rating of Quality of Presentation to the Forum

Country * Rate the quality of Co-chair's presentation Crosstabulation

			Rate the quality of Co-chair's presentation			Total
			Low	Medium	High	
Country	Vietnam	Count		16	23	39
		% within Country		41.0%	59.0%	100.0%
	Lao	Count	2	5	16	23
		% within Country	8.7%	21.7%	69.6%	100.0%
	Cambodia	Count	10	22	21	53
		% within Country	18.9%	41.5%	39.6%	100.0%
Total		Count	12	43	60	115
		% within Country	10.4%	37.4%	52.2%	100.0%

The general review of the reform process therefore provides good support for the per-reform analysis. As with steps 3 to 4, the escalation *opportunity* provided by steps 6 to 8 is seen in itself to be a substantial contribution to the reform process. LBF provides a credible and real opportunity for business to address issues to government. The process leading up to the Forum event also informs government of Private Sector issues about which it would otherwise not be knowledgeable. The Forum does frustrate Private Sector participants with the pace at which outcomes are provided and this may contribute to variations in perceived need for (and potential of) the process in some sectors of the business community. A key aspect of potential which is supported in this analysis is the enabling role that the Forum provides for government, helping reformers to help the Private Sector, delivering legitimacy and accountability. As with the per-reform analysis, potential is also enhanced by the Forum’s ability to bring extra capacity to bear in support of the Private Sector raising its issues.

Steps 9-10 - Refining and Enacting Reforms

The per-reform analysis of the impact of PPD on the reform process suggested two substantive contributions in relation to steps 9 and 10, for issues 3 and 2, respectively, otherwise no real impact of the dialogue on these steps. The instances referred to above include a perceived crucial role in pushing along government intra-agency coordination in defining a reform (albeit one which is not yet implemented) and the importance of public statements in accountability to implement.

¹³⁰ Analysis of Champions in Part 1 of this report did not suggest a strong identification of such individuals by participants, however

Opportunity

The Lao PPD's quality of and new opportunity for dialogue are not yet matched by results which have been implemented satisfactorily. A clear challenge to the LBF, after the second Forum event was held in March 2007, is in seeing a higher rate of issue resolution *and implementation*, to prevent Private Sector frustrations from undermining the process. In part this frustration represents differential expectations and norms between the Private Sector and the government. Nevertheless, a clearly progressive Forum from the government's and Facilitator's perspective on the 15th March contrasts with the view of a number of despondent Private Sector participants who did not feel they had achieved gains commensurate with their efforts – including on several issues which were already raised and "resolved" at the first Forum. This may or may not reflect the fact that LBF is the venue for distilling the topics which have been most difficult to implement, as per the Facilitator's view.

"There have been no reforms yet," Donor PSD Representative

"[The Facilitator] said we must be patient and there is progress, but we didn't feel like much as solved today," Private Sector Tourism Business Participant

"It was a waste of time, really," Foreign Private Sector Large-Business Participant

"There's a lack of concrete results. In a practical sense, it's limited. The national dialogue is 'confronting' – the Private Sector is frustrated and presents issues. Government is defensive. But nothing is really happening. There's no action. It's a conflict model, not a harmony model," Donor PSD Representative

"Visa on arrival is 'achieved'. But it's not yet implemented 100%. Ditto warehousing/transshipment on the bridge: lots of value. We must summarize this to the next LBF," LNCCI

"Many issues are 'solved' but just talk, no action. In the long term, though, they may be solved," Local Business Association representative

The Forum is clearly used by a range of stakeholders to improve accountability and coordination, so as to enhance the probability of implementation. Although, as pointed out above, there is frustration with implementation and the speed with which some issues are moving, the PPD does get credited with pressuring inside government for enacting reform. Even some members of government claim to use the forum process to press for responses from other officials. The involvement of appropriately senior figures is seen as important to the LBF's impact.

"We get an LBF decision, then? Where does the obligation stop? The LBF is chaired by the Deputy Prime Minister or CPI President, so resolutions must be applied and respected," LNCCI

"We have used the forum to help share issues with the National Assembly – it's more effective this way. We requested the Forum to pass laws to the NA. Before, it was hard to meet Somsavad [Somsavad Lengsavad, former Minister of Foreign Affairs, Deputy Prime Minister] and other high ranking officials and hard for the PS to join. The Forum enables us to meet higher in the hierarchy. Questions raised by the PS get the promises of the DPM," Government Official

"Dialogue is established, with the right people," Donor Representative

"The government is removing "little" procedures that are obstacles - for instance in textiles you needed 18 signatures for export, now only 2, thanks to the PPD's process. This issue was submitted by the Chamber before the Forum but the Government accepted thanks to the LBF," LNCCI

"LBF can help government too: provincial governors press their local customs guys to do things the wrong way. Customs staff in the provinces are glad to have issues raised as it applies pressure back on the provinces to enable them to do exports properly," Foreign Private Sector Representative

Government capability is a significant barrier to getting agreed reforms implemented – reducing the potential opportunity. In particular, there are clearly weaknesses in the middle, technical layer, such that reforms agreed in principle either cannot be defined in practice or take a long time to be so defined. An important perspective on this for donors is the view that this gap provides an opportunity into which good quality analytical support can be introduced to help speed reforms.

"GoL policy is to improve the Private Sector but between GoL and the PS are technocrats. These are the barrier. They change information before giving it to GoL," Private Sector Business Consultant

"We sometimes have a law passed by the National Assembly but 1-2 years later there is no decree, so the Private Sector cannot use it. e.g. Tourism Law passed October 2005. But today still do not have a decree, so the PS cannot use. The law says that now a foreigner can make a joint venture with 70% in a new tourism business. But you still cannot actually do it," Tourism Business Operator

"When you propose something, you need to completely structure it. Government is open to this process as they lack the capability to make laws. The new government really wants to change how it has worked for years. We need to propose things that Government can implement," Private Sector Representative

"Ministers and the Deputy PM participate but this doesn't impact implementation. You need to invite Dept. Directors, Regional Offices etc," Donor Representative

"Lao political structure is a bit like Vietnam's. Decisions at the top percolate down. But there is human resource constraint. They don't have the people [to implement]. Capable people are already in multiple roles," Donor Representative

Donors are missing a substantial opportunity to be demand driven in Laos. The Forum and its associated Working Groups process provide excellent input for PSD activities. Yet the Private Sector does not feel supported and donors themselves cannot articulate a connection between the PPD's (admittedly raw) expression of concerns and the means and resources to address them according to best practice. The IFC-MPDF Facilitator's role in PPD is virtually unheard of, even within the PSD community of donors – a loss of opportunity, since she can provide access to specific Private Sector demands in great need of better designed and articulated issues.

"MPDF has very little role in PSD," PSD-focused Donor Representative

"There's no follow-up on [PPD issues]. There are 2 reform agendas," Donor Representative

"It would be helpful if other donors were also looking at the key 10 issues as a block. But IFC remains neutral. It does not capture the agenda, does not influence, just helps. There's a need for more technical help," Lao Businessman and Advisor

"Donors support only the government, not the PS. They do not play a role," Business Association Leader

"LBF should be the centre body ('Federation') of the various donor initiatives. Each donor/embassy is doing its own thing. LBF should also share some donor perspectives," Foreign Businessman

"Lack of coordination between the development partners and the government. As an example, a Law Master Plan was sponsored by the UNDP, but the Ministry of justice only recently heard about it. The ministry should have been included upstream in the process. Project leaders from

development agencies should be included in the Forum and part of the process: there is no integration of the LBF scope with any of the development partners' programs," Private Sector Business Advisor

"From time to time donors and associations meet, but mainly work by themselves. BAs are not proactive in following up. Donors are also not proactive. Donors could modify their approach to be more beneficial to everyone - not just to work with government. They don't yet work with BAs via LBF," Business Association Leader

Capacity

Strong advocates (associations, champions, sectors) can differentially achieve impacts. Perhaps because of its capable and active foreign Private Sector, the tourism sector has achieved some satisfactory results, even before the Forum event itself. Yet a number of seasoned onlookers prefer not to "over-analyze" impacts at this early stage, preferring to credit the LBF with developing a good dialogue.

"Most of the issues and recommendations introduced by our Sector have been examined and most of them have had satisfactory outcomes...One should emphasize that the five recommendations by the Tourism Sector Working Group were approved during the first Forum," Tourism Progress Report, Lao Business Forum, March 15th 2007

"Tourism has had the biggest impact. For concrete outputs, only tourism is complete. Others are still under discussion, nothing concrete. There are outputs that need time to filter through," Donor Representative

"It's too early for achievements - but there's been change to behaviors. [There's been] increased entry of the Private Sector to the economy. There are Ministers with a pro-business approach. The whole approach [of PPD] - first time for a businesslike approach from Government. Compare [the Forum] with the 3-yearly donor-government round table...stiff!" Donor Representative

Steps 9.1-9.9 - Executive and Legislative

Whilst assisting in some intra-governmental coordination to positive effect, the PPD has not managed to have significant influence where the National Assembly needs to be involved. The NA is seen as not involved and substantially lacking in capacity to fulfil its role in the reform process. Some see additional opportunity for PPD in this respect.

"There are new business regulations but lots of authorizations are needed. The bulk of [NA] members are unaware of the infringement to investment - but they want the investment. There's not enough Government-NA contact," Donor Representative

"The Private Sector in the LBF does the job of the National Assembly. Government is not able to make laws - the Assembly is not used to doing it. Nobody has the capability to work on it. The new government really wants to change how it has worked for years. LBF will be really useful in this," Foreign Private Sector Representative

"To translate solutions to the operational level takes a long time. Instructions get lost on the way and are ignored," Donor PSD Representative

"For LBF decisions requiring law changes, the MOJ takes the issue to National Assembly. They don't meet often. The normal process takes one year. National Assembly has two conferences per year," Government Official

“Some issues take a long time to solve as they need a law. Others are easier, e.g. to remove a regulation,” Business Association Representative

“It would be great to have a more involved NA standing committee on Economy and Finance. NA does not do more than change some language on the Prime Minister’s submissions,” Donor PSD Representative

“The level of propositions is good but the Chamber doesn’t get deep into legal translation of propositions and leaves it up to the Government. We have legal expertise (judicial committee) that took part in the propositions. But we lack information to really be up to speed,” LNCCI

“The NA is not involved in LBF - this is a weakness. The NA is adopting new legislation to encourage FDI, DDI and improve the environment. But limited capacity to discuss and promote is an impediment. NA lacks expertise to draft legislation. There’s a limited number of committees with limited capacity. Economic Development belongs to the Finance and Budget Committee and President’s Committee – there’s no link with public or private business. There’s no formal or informal lobbying, no permanent NA-business contacts. PPD cannot access NA. To do so, they need to go via the Finance & Budget Committee or maybe through Foreign Affairs. LBF should have a permanent and easy relationship with Finance committee,” Donor Representative

In refining and enacting reforms, then, including changes that require the involvement of the National Assembly, PPD provides an opportunity that falls short of the promise of actual decisions to reform offered under steps 6-8. The PPD’s impact on the reform process through enhanced accountability and coordination at Ministry and other agency level is noted but the capacity of government is a considerable roadblock. Donors could enhance the opportunity by bringing capacity to bear on both the government and Private Sector side. This analysis of stakeholders’ feedback largely supports that of the per-reform investigation above. Shortfalls in the capacity of the National Assembly might be addressed if better links could be established between the dialogue and key players in the Assembly – such as the few with active business pursuits and the Finance and Budget Committee members.

Steps 11-13 - Benefiting from, Feeding Back and Maintenance of Reforms

Steps 11-13 of the generic reform process specify a potential role for PPD after a reform has been implemented. Specifically, it deals with ensuring that the Private Sector actually benefits from a reform (i.e. that the PS knows about and values the reform and how to access it), enables the Private Sector give feedback on the success of the reform and to ensure that it remains in place (e.g. through monitoring and feedback). Whilst some of these aspects may be seen as outside of the purview of the PPD or of the process for a particular reform, these steps are arguably important in ensuring that preconditions (such as perceived potential) earlier in the process are met.

In large part because the LBF is so new, our per-issue analysis above did not typically find much role for PPD in this stage of the process. However, the second Forum was notable for as few issues which were “re-raised” either because a solution still had not been found or because a solution agreed at the previous Forum had not been implemented in a manner from which the Private Sector could benefit. It was further notable for the Deputy Prime Minister’s assertion on one (the visa fee issue) that it should be resolved and not reappear at the next Forum event.

Opportunity

Government capacity – and sometimes willpower - to enforce reforms is low.

“Operational stuff is hard to change. You can raise issues of Govt. departments not doing a good job. But at staff level it's hard to check. There's no service culture. They cannot fire the guy – there's nobody else to do it,” Donor PSD Representative.

“Implementation of business registration improvements - on paper it's now better. The reality is it's still non-transparent and discretionary,” Donor PSD Representative

The PPD – outside of moves like this at the Forum – has perhaps fallen short in publicizing its successes, something the Facilitator and CPI also recognize. The second Forum agenda specifically included a section for feedback on the progress since the last Forum, separated from the agenda item for raising new issues¹³¹. This structure is seen as a positive development. However, both from the perspective of feedback into perceived opportunity and potential at the start of the reform process and to ensure that the PS gains access to reforms and monitors them, better publicity and communication (i.e. marketing, see Part 1) is needed.

“The quota was a big issue it got fixed after the Forum, having been raised for 5 years. Nobody was solving it because of corruption money. After the Forum, notice 31 reformed the whole system. But nobody ever heard about it. This was the biggest issue at the forum,” Donor Representative.

“Nobody ever heard about the wood quota issue that was solved after the forum,” IFC Facilitator

“There's no concerted feedback process - or maybe it's because we are only observers. I had not heard of the outcomes like speedboats. At next meeting, should include a progress report - would like to know what's not changed,” Donor Representative.

“After the first LBF, we wanted a newsletter for communication. But IFC had no budget. CPI had limited funds for it too. We'd like a web-site, modeled after Vietnam perhaps. Only some people in GoL know about the Forum. We need to use the media,” CPI

“After the LBF we should communicate, publish, but this is not the case to date,” LNCCI

“You need to publish, communicate. Nobody knows they have the right to come and propose issues,” Local Businessman and Advisor

“Businesses don't know that BA and LBF can be a voice to solve their problems,” Business Association Representative

“The new government really started in September [2006]. They have sent signals they are ready to make changes. Have to communicate this and make it known over the country. Everyone in Laos has TV and it's very cheap \$2-3000 per month for broadcasts,” Private Sector Participant

“I went to the Forum in May. It was good listening but I have no idea of results,” Business Association Representative

“There's no feedback at all from LNCCI. We need good results to get enterprises to maintain commitments. I know of 2 companies that have left the process because they see it as a waste of time. But we must be patient - cannot miss this chance. Same for GoL,” Private Sector Representative

Potential

Government figures see the PPD as having the potential to deliver the benefits asked of it, as well as to maintain an on-going role in following up on reforms.

¹³¹ “Tentative Agenda,” Lao Business Forum, March 15th, 2007

“According to the figures, investor numbers increased and business figures increased likely (as for example revenues figures). We don't have proof that the increase is a direct impact of the LBF but it is my belief,” Government Official

“Among govt, we don't know which laws matter and how to implement them, because people don't follow or understand the law - even in government,” Government Official

“As a public private dialogue mechanism, the Lao Business Forum will continue to play an important role in monitoring the implementation of the legal and regulatory framework,” President of the CPI, Opening Remarks, Lao Business Forum march 15, 2007

Beyond the impact of the reforms that get processed through the forum, one should not overlook the number of reforms that have been brought to the table by the forum participants, but that have not managed to get the appropriate traction to lead to a successful outcome. While the measured impact of successful reforms appears concentrated on certain sectors, some of which seeming to be outside the realm of IFC BEE sub-business lines, the IFC should not overlook the fact that if all the *proposed* reforms were considered (including those which failed to reach completion), one would find that the proposed reforms are well aligned, as a pool, on the business environment constraints as expressed, for instance, in the World Bank's Investment Climate Assessment for Cambodia or in other local surveys asking entrepreneur the major constraint they face to doing business. Issues such as business operation, tax, corruption, judicial efficiency, commodities pricing, transport and infrastructure, sector specific issues are very much present in the issues raised in the forum. Often, addressing smaller issues as part of a greater concern (e.g. a single land border problem rather than corruption, or trade facilitation) is seen by the Private Sector as a practical way forward, particularly in the absence of aligned donor TA to further illuminate and give credibility to these big-picture issues.

2.D Vietnam Reform Process

Since the Doi Moi economic reform program launched in 1986, Vietnam has been moving from a centrally planned to a market-oriented economy. At about this time, Government began to recognize the importance of the Private Sector role¹³² for the country's development.

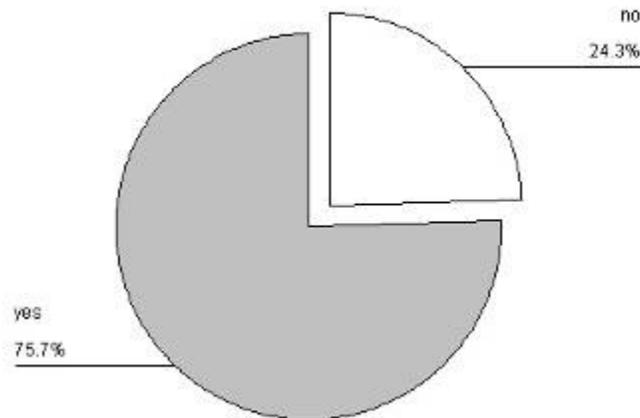
Although the pace of transformation is high, the country is still in a process of transition (only in 1991 were all citizens entitled to freedom of business activity to guarantee legal ownership and income¹³³, albeit with remaining restrictions). During the economic system transition period, the legal corpus was frequently modified, creating situations of uncertainty for the Private Sector. This was recognized in the Draft SME Development Plan 2006-2010 which reads: *“The legal system and business environment are being developed and improved to meet the demand of the new conditions and tendencies as well as the new context of integrating into the regional and international economy. In this transitional period, policies and regulations are unstable, change frequently, legal documents are overlapping, sometimes they are not clear enough and not very effective, which has caused difficulties for SMEs in learning, applying and implementing them. The slow administrative reform process causes difficulties for enterprises in getting contact with state management agencies”*¹³⁴. The Private Sector Survey suggests that the Vietnamese Private Sector finds the VBF fairly efficient for providing clarifications on government policies.

¹³² The Central Directive #9 of the Vietnam Communist Party has mentioned the need to develop entrepreneurs for the first time.

¹³³ Communist Party of Vietnam: 7th National Congress Documents, Foreign Language Publishing House, Hanoi.

¹³⁴ Available online on www.business.gov.vn with background reports from public and private sector stakeholders.

Figure 36: Effectiveness of the WGs in Clarifying Policy



The Law on Promulgation of Legal Normative Documents (or *Law on Laws*) is an important piece of the Vietnamese reform process legislation. The Law on Laws requires the Government to consult with interested parties during the law making process. The Law on Laws issued received major amendments by the National Assembly in 2002 and 2004, to ensure greater transparency of the law making process and outputs. For instance, one core amendment, Article 75(3), requires that all regulations be published for 15 days in the Official Gazette **prior** to rather than **after** coming into effect.

The institutionalization of consultation as part of the law making process is new, yet the practice of policy negotiations is historically rooted in Vietnam politics. Despite the large concentration of powers by the CPV, observers note that “...state-society relationships in Vietnam have traditionally required the state to demonstrate its legitimacy and to negotiate policy with society in order to be effective¹³⁵”.

Additionally, some of Vietnam’s international trading agreements formalize the need for consultation as a state commitment. For example, Article 3 Chapter VI of Vietnam’s bilateral trade agreement with the United States commits Vietnam to provide the US Government and nationals the “*opportunity to comment on the formulation of laws, regulations and administrative procedures of general application that may affect the conduct of business activities covered by this Agreement*”.

In practice systematic public consultation is only partially implemented due to the lack of implementation guidelines. Consultation is reported to frequently be limited to a draft circulation with too little time for significant output to be provided¹³⁶. Significantly, the Law on Laws itself did not enjoy proper review by civil society and the business community¹³⁷. It should be further noted that the concept of consultation may be perceived as Government-centric rather than the more

¹³⁵ Conway, T.: Politics and the PRSP approach: Vietnam case study, Working paper 241 (DFID, 2004).

¹³⁶ “Proposal for Strengthening Transparency: Improvements of the Law on Promulgation of Legal Normative Documents”. VBF, 2003. Referenced on PPDIA online database.

¹³⁷The Private Sector Role in Poverty Reduction Strategies, Cambodia and Viet Nam, International Labor Office, Geneva, 2007

enterprise-centric concepts of advocacy and dialogue¹³⁸. The VBF, which is one of the channels through which the business community is consulted, advocated during the drafting of the implementation on the Law on Laws in 2005 for the decree to state detailed procedures for public consultation¹³⁹. In another position paper by the Administrative Law Sub-Working Group¹⁴⁰ the VBF suggests that drafts could also actively be sent to the VBF for circulation, highlighting the partnership as an effective and economical way to reach a broad and relevant audience – policy maker-bodies were already required to send drafts of regulations to VCCI for comments¹⁴¹. It has been reported to the evaluation team¹⁴² that more draft laws and regulations are being circulated for public comment nowadays and that the time made available for review is increasing. The National Assembly has also begun to post some draft laws and ordinances on the Internet¹⁴³.

In line with its objective to support the creation of a vibrant Private Sector it is accepted that the Government needs to improve the business environment. In the VBF's early days, the partnership was clearly seen as a means to reinforce confidence of international players¹⁴⁴. At the time, foreign companies were at great disadvantage versus domestic and state-owned enterprises (e.g. dual pricing for inputs, business registration, enterprise registration and legal ownership, land use...). The main VBF reform objective probably consisted in contributing to the installation of a level-playing field for all enterprises. Incumbent domestic businesses and SOEs were clearly at odds with this objective and were not integrated into the VBF's initial structure – indeed they were not allowed to participate.

Much remains to be done to achieve an entirely level-playing field between domestic and foreign companies but also to address different treatment of foreign companies depending on their country of origin. Nonetheless large improvements have since been implemented¹⁴⁵. Level playing field progresses and removal of discriminations against foreign companies tend to reduce conflict of interests for the domestic Private Sector and therefore their participation to the VBF– with the exception of SOEs which still enjoy largely beneficial treatment and are for instance not yet subject to the Unified Enterprise Law. The VBF tackling wide ranging economic reforms such as Personal Income Taxes, WTO accession requirements or port infrastructure is contributing to the perception of the partnership as being an engine for reforms for all enterprises. *“Local companies saw attempts to remove the cap on marketing promotion as a threat, but today they realize that while incumbents have the brand recognition, domestic consumer companies have a large need to build brand awareness” (Private Sector participant)*. The combination of these two factors strengthens the potential for increased domestic sector participation.

2.D.1 The Role of PPD in Vietnamese Reform

This section seeks to highlight where the PPD has had the most impact across the reform process steps. As discussed above, the evaluation refers to a generic reform process described in detail in Figure 27: Generic Reform Process and Preconditions, Private Sector Perspective. Indeed, the three countries share common similarities regarding: (i) the PPD process based on ongoing work by the

¹³⁸ Public Private Dialogue in the Making of the Enterprise Law and Investment Law (2005): The Case of Vietnam, Presentation at the International Workshop on Public Private Dialogue in Paris, February 2006, Thomas Finkel, MPI-GTZ SME Development Program.

¹³⁹ VBF Report to the Consultative Group on June 3, 2005 referenced on the PPDIA documentation database online as “4.1 VBF Report to CG June 3, 2005”.

¹⁴⁰ Referenced in the PPDIA online database “Position Paper- Comment on Transparency - Sub WG - EN - XX1203.pdf”.

¹⁴¹ Directive of Prime Minister No. 28/2001/CT-TTg dated November 2001 on “Continuing creation of enabling business environment”.

¹⁴² Expert Interview with Manufacturing and Distribution and Banking Working Group participant.

¹⁴³ www.business.gov.vn

¹⁴⁴ Largely documented. For instance above-mentioned Wolfgang Bertelsmeier, “Case Study 7a - Vietnam, Launching the Vietnam Private Sector Forum, 1997-2000”, International Workshop on Public-Private Dialogue, Paris, 2006.

¹⁴⁵ See for instance the list of VBF-led reforms in Part 4 of this document.

WGs leading to a main event; and (ii) political system with noticeable imbalance of powers between the branches of Government, where the legislative branch remains weak compared to the executive branch. The executive is therefore the partner of choice for Private Sector dialogue.

As with the previous two countries, it is possible to summarize the impact of the PPD on the reform process in a graphic based on all five reforms considered, as per Table 53. Particular influence is seen in steps 4 to 8, which correspond to the Private Sector seeking outcomes with ministries and authorities and turning to more senior Government officials and to the VBF for escalation of unsolved issues. Due to a lesser granularity of information versus Lao PDR and Cambodia, this section summarizes the impact the VBF had on five reforms across a group of reform process steps (i.e. the scores for steps 4-8, for example, are common).

Table 53: Summary PPD Impact Scores for Vietnam

Issue	1	2	3	4	5	6	7	8	9	10	11	12	13	Average
Circular 100	-	-	-	2	2	2	2	2	1	1	1	-	-	1.0
CIL	-	-	-	1	1	1	1	1	1	1	-	-	-	0.5
Dual	-	-	-	2	2	2	2	2	-	-	-	-	-	0.8
PIT	1	1	1	1.5	1.5	1.5	1.5	1.5	-	-	-	-	-	0.8
UEL	-	-	-	1.5	1.5	1.5	1.5	1.5	1	1	1	1	1	1.0
Average	0.2	0.2	0.2	1.6	1.6	1.6	1.6	1.6	0.6	0.6	0.5	0.3	0.2	0.8

The reforms considered include¹⁴⁶:

- Circular 100:

Individuals were exempted from capital gains tax, while institutional investors were not. This created a disincentive to invest in the security market and to promote financial institutions in Vietnam. The VBF first offered opportunity to consult constituents of various BMOs. Foreign associations in particular researched international practice and presented them to a workshop with the Ministry of Finance. Subsequently, the Capital Markets WG provided input to several draft circulars.

- Common Investment Law:

The CIL is a critical business law passed in the National Assembly in November 2005. The CIL defines a legal framework for investment in Vietnam. The Private Sector had profound concerns with the CIL.

“Not a necessary and potentially dangerous law”, Foreign Private Sector Representative.

“Not good and not necessary, but we could do some damage control. Based on our comments, we managed to increase the threshold for investment authorization from 5 to 8 million”, Foreign Private Sector Representative.

- Dual pricing:

Identified by the VBF as one of the main inconsistencies with a level playing field business environment in 1997, dual pricing for telecommunication was phased out in 1999, followed by airfreight (2000), power (2004) and water (2006).

- Personal Income Tax

The VBF participants have been arguing since 1999 that high personal income tax (PIT) is a disincentive to train and promote locals to senior positions and retain/attract talented international professionals to Vietnam. Although the Government originally planned to enact a PIT

¹⁴⁶ A lack of data prevents the evaluation team to elaborate on this section to the same extent as for previous sections.

law by 2004-2005 to broaden the tax base¹⁴⁷, the minimum threshold for personal income tax payment was raised from VND 3 to VND5 million.

“The VBF played a role to lower PIT from 40 to 35% for highest tax bracket”.

- Unified Enterprise Law:

The Enterprise Law 2000 was recognized as one of the most successful economic reforms since Doi Moi in 1986. It guaranteed the freedom to do business and is estimated to have resulted in nearly 200,000 new enterprises established within 6 years of passing the law. Its effects in terms of job creation, poverty alleviation and growth are thought to be by all standards very important¹⁴⁸.

Drafting of the UEL commenced in 2003 and it was finalized in November 2005 (but effective as of July 2006) with the following objectives: (i) further liberalize business freedom so that investors and enterprises of all economic categories have the right to invest and do business in all sectors and areas allowed by the law; (ii) further reform the public administration to better function in a market economy and increase transparency; and (iii) comply with international principles and practices, as well as Vietnam’s commitments in multilateral and bilateral agreements¹⁴⁹.

Several VBF WGs consulted with the Prime Minister’s Research Commission and the Drafting Committee until the 17th draft. *“For the new Enterprise Law, we provided support to the government through the VBF and our business association, in conjunction with the law firms. The draft transferred to the National Assembly by the Drafting Committee had been completely modified from the latest draft circulated. We wrote a letter to the Chairman of the NA (and to MPI) asking them not to sign the Law. They agreed and sent the draft back to the Committee. Vietnamese associations thanked us for our input”*, Foreign Private Sector Representative.

“The foreign business associations are usually outspoken – or when Spokesperson is not enough he is replaced. The domestic associations are starting to be more vocal but with more reserve, they are still reluctant to ‘rock the boat’”, Former Domestic BMO Executive.

This kind of demonstration of independence of the National Assembly versus the executive occurs with increasing frequency but remains highly un-typical of the Vietnamese political system.

Steps 1-3: Private Sector Perception of Issues and Consensus Building

There is positive spillover. Although participation for local businesses is less than reflective of their number in the business community at large, the involvement of experienced foreign businesspeople has brought capacity to the PPD process – and therefore to both Government and the local Private Sector. The VBF benefits from capable BMO participants. As elsewhere, the submissions and input of the foreign sector – particularly in the form of position papers – provides substantial technical support to the reform process. BMOs, rather than individual firms’ representatives, dominate the Private Sector participants of the Vietnam PPD. The foreign BMOs also bring spillover effects to the few domestic BMOs that are now more vocal and involved in the process (such as Vietnam Association of Financial Investors in the Capital Markets WG). Domestic BMOs learn from the Working Groups and from their expatriate colleagues, who help to identify

¹⁴⁷ Summary of the M&D Group Meeting with the Interministerial Team on Tax Issues

¹⁴⁸ Public Private Dialogue in the Making of the Enterprise Law and Investment Law (2005): The Case of Vietnam, Presentation at the International Workshop on Public Private Dialogue in Paris, February 2006, Thomas Finkel, MPI-GTZ SME Development Program.

¹⁴⁹ Prime Minister’s Research Commission, Proposal on guiding ideas and major content of the Unified Enterprise Law and Common Law on Investment Promotion and Protection, April 2004 in Business Issues Bulletin, #7 April 2005, IFC-MPDF/VCCI

issues of relevance to the foreign and local sectors alike, further improving Private Sector alignment. Representatives drawn from leading professional services firms contribute hundreds of thousands of dollars worth of assistance to the PPD each year. In each Forum process, increasing capacity and willingness of local business through exposure to the PPD is evident.

“VBF has played an important role for Vietnam and Vietnamese companies to understand WTO, we probably played the role of eye opener”, Foreign Private Sector Representative.

“There are clear instances where technical assistance by the donors could help us and the economy at large. For instance, both Government and Vietnamese PS lack competencies for valuating SOE. They focus too much on assets valuation which often leads to under-valuation and strong share price increase during IPO. This creates the impression that privatization is an easy way to make money. An IFC workshop for the Government on valuation by foreign investment bankers is necessary”, Foreign Private Sector Representative.

“Better coordination between VBF-Business Associations. With good TA and experts and economists sourced by the VBF we could get more results”, Domestic BMO Executive.

The PPD has played little part in offering opportunity for consensus building among the foreign Private Sector, as the associations were well aware of the level playing field shortcoming they were facing. The PPD has however been successful in bringing to the discussion table a set of topics relevant to the whole Vietnam’s economy regarding regional integration and WTO accession. In some instances, this role has been played at the request of the Government (Sub-Working Group on Infrastructure¹⁵⁰).

“VBF should move into something bigger, here are the macro issues this year, through the WG progress. Then it should push for overall strategy, master plan rather than individual reforms. This happens occasionally but should become systematic”, Domestic BMO Representative.

“The PS highlights issues. The M&D Sub-Working Group highlighted the issue of port capacities; as exporters they were concerned”, Donor Representative

Even with PPD, improved access is not yet universal – or at least, universally taken up. In each country it is possible to identify groups which are less well represented by the PPD institutions such as for local firms – or even non-Hanoi based firms - in Vietnam. The forum and its associated Working Groups are not seen as serving the needs of some particular groups.

The PPDs have opened the few pre-existing channels from local firms to foreign firms and SMEs. The extent to which PPDs provided new access varies – in Vietnam there has for some years been the alternative provided by the Vietnam Chamber of Commerce and Industry (VCCI), though it largely represents local firms. In Cambodia (e.g. well-connected, “elite,” local businesses) and Lao PDR (e.g. large-scale foreign companies), local and large sectors of business, in particular, can achieve some results through less formal and perhaps less transparent lobbying opportunities. In each case, however, there is a body of these business people who recognize and make use of the PPD opportunity. Moreover, these approaches have been made in the absence of effective (or representative) Chambers from the perspective of these sectors.

“I think it is good for domestic businesses to join VBF to get a link to the donors and let them know about our own concerns”, Former Domestic BMO Executive.

¹⁵⁰ The Private Sector Role in Poverty Reduction Strategies, Cambodia and Vietnam, International Labor Office, Geneva, 2007.

“The VBF is a platform for domestic to meet foreign businesses. I believe some domestic participants take part in VBF mainly for networking opportunities” Former high level Government Official.

The Forum has provided opportunity for increased BMO dialogue and advocacy coordination advocacy. On particular topics the VBF clearly represent the channel of choice, as evidenced by Eurocham cancelling activities of its Banking WG to focus on synergy building with the VBF BWG. On the other hand, conflict of interests and competition exist between some of the BMOs given nation-based variations in legal treatment (bi-lateral agreement)

“Consultation by the Government is constrained by a shortage of resources and high cost of consultative process”, Government Representative

“VCCI sees VBF as a competitor”, Domestic BMO Representative.

Steps 4-8 - Seeking Outcomes with Government Ministries and Escalation to Senior Government

The reform process steps 4-6 and 7-8 were separated in the generic reform process used for Cambodia and Lao PDR. In Vietnam little differences emerged between these two categories, while in Cambodia they were clearly distinct. It may be that the bi-annual VBF does not represent an avenue for escalate unresolved issues as much as a motivator for all parties to reach agreements prior to the event. It may also be possible that the Vietnamese administration coordinates policy between the different ministries and institution better than in Cambodia and Lao PDR.

The VBF is just one of several channels to Government in Vietnam. As in Cambodia and Lao PDR, the Vietnam PPD brings a degree of access for the Private Sector – particularly the foreign Private Sector – that might not otherwise be available. In Vietnam, the VBF provides just one of several channels for Private Sector business to access Government. Local businesses have for some time had a degree of access via the (technically independent but Government aligned) VCCI or via provincial Governments’ Forums. Because of its background as a part of the Ministry of Commerce and the close links its top officials have had with Government over the years, there remains some concern that VCCI could be seen as a “Quasi-Governmental Organization”. While VCCI suggests that these links give them influence and align their goals with Governments’, others see this as preventing VCCI from representing the Private Sector with sufficient force.

Participation in the VBF is largely by foreign business association representatives. This dialogue process is well-advanced and many specialized channels have emerged since the start of the VBF, among which a forum for local SMEs, which could explain in part the foreign orientation of the VBF. VCCI works very closely with the government in organizing regular dialogue with the domestic Private Sector, including an annual high-level dialogue attended by the Prime Minister since 1998 and is held before the regular sessions of the National Assembly every year.¹⁵¹

“VCCI does not really attend VBF WG sessions b/c it takes a lot of time and resources and that issues discussed address the foreign PS mainly”, Former Domestic BMO Executive.

“For YBA VBF is not something well known. It has never been presented to YBA members. Also, local companies probably think that the implementation of laws is the most important thing, and therefore they prefer to deal with local authorities. The VBF is too high level, it is difficult to raise simple clarification questions. Plus the meeting are in Hanoi, only once held in HCMC so we cannot attend it”, Domestic Private Sector Representative.

¹⁵¹ Dr. Pham Thi Thu Hang, “Reforming the business Environment: From assessing problems to measuring results”, Vietnam Chamber of Commerce and Industry, 2005

Similarly to Lao PDR and Cambodia, firms cite the dialogue process as a tangible end-result.

“Local forums are more informal and include long lists of complains. VBF does not just point out to issues but indicates real solutions. In the local forums we don’t have the same experience and knowledge to do that.”, Domestic BMO Executive.

“The CIL and UEL were largely influenced by the VBF because these are very important laws to the foreign PS”, Government Representative.

Steps 9-10 - Refining and Enacting Reforms

The VBF present numerous opportunities to refine and enact reforms. In numerous occasions, for instance with the Unified Enterprise Law, the partnership will demonstrate continued commitment in advocating for favorable implementation decree and has demonstrated some successes in doing so¹⁵². Given redundancy and sometimes conflicting regulations, several experts interviewed expressed the view that regulation interpretation and decrees were at least as important as the Law itself.

“Yes, for banking we could use other avenues than the VBF, but the VBF is the forum of choice. It accelerate things”, Banking Working Group Foreign Private Sector Representative.

“VBF helped reformers to advance their agenda. VBF provided the necessary impetus. One example of this would be in the UEL that businesses are allowed to do business in any field not protected by law, rather than being limited to a list of specific fields. There was a lot of opposition to this item at first”, Former Government Official, seen as a Reformist.

“Government reformist use us very well”, Foreign Private Sector Representative.

“For the new Enterprise Law, we provided support to the government through the VBF and our business association, in conjunction with the law firms. The draft transferred to the National Assembly by the Drafting Committee had been completely modified from the latest draft circulated. We wrote a letter to the Chairman of the NA (and to MPI) asking them not to sign the Law. They agreed and sent the draft back to the Committee. Vietnamese associations thanked us for our input”, Foreign Private Sector Representative.

“The foreign business associations are usually outspoken – or when Spokesperson is not enough he is replaced. The domestic associations are starting to be more vocal but with more reserve, they are still reluctant to ‘rock the boat’”, Former Domestic BMO Executive.

The partnership has limited capacity to monitor the implementation of its recommendations to the Government and state agencies. Although the IFC-led Secretariat updates progress matrices, the PPD has not developed a systematic mechanism to review past Government commitments.

“Accountability of Ministers would increase if you carved proposals and commitments in stone and begin the next forum by checking each item on the list. If promises are not answered then you go for a Q&A session with the ministers and build pressure this way”, Domestic BMO Executive.

“We don’t have sufficient transparency on the Government answers to our propositions. Often we just don’t know if it materializes in something concrete”, Foreign Private Sector Representative.

¹⁵² For instance, clarifications were obtained on definitions of “Expanded Investment Project”, “New Investment Project”, “Investment Assets”, “Joint venture enterprise” etc. in document referenced in the PPDIA database online: “Workshop Summary - Workshop Summary on CIL - Secretariat - EN -050506.pdf”

Steps 11-13 - Benefiting from, Feeding Back and Maintenance of Reforms

The PPD sees the need for- and has continued opportunities to bring up topics of key interest to the Private Sector. Core topics such as BIT and PIT will be consistently raised, forum after forum, through different avenues and (Sub-)Working Groups until an outcome can be found. The list of core objectives proposed in the 1999 VBF address to the CG¹⁵³ already included issues that would find resolution thanks to the Private Sector insistence in the coming years (marketing expenses, dual pricing and personal income tax for Vietnamese workers). This suggests that the foreign Private Sector has sufficient **confidence** to re-iterate its recommendations in the absence of a positive outcome, as opposed to the G-PSF where unsuccessful escalation to the forum often leads the Private Sector to abandon its request¹⁵⁴.

“Look at the 1999 forum recommendations by the PS. They may have been delayed but many of these have been integrated into the 2005 5-year plan and the 10-year plan”, Early Days PPD Government Participant.

“VBF had an important role on legal issues UEL and CIL though the WG mainly. For instance through the Legal WG Eurocham and the Chambers could introduce requests and as importantly follow up on them”, Former Domestic BMO Executive.

“VBF presents foreign investors positions. The Government plays in defence. The VBF is effective at putting pressure on the Government to take actions”, Foreign Private Sector Representative.

2.E General Findings

This section presents a number of general findings from the evaluation study, arranged according to the groups of pre-conditions defined above. These general findings can typically be observed in at least two of the three PPDs, although some entries point out country-specific observations. An additional sub-section then describes several findings not related to the pre-conditions, *per se*.

2.E.1 Private Sector Willingness to Participate

- **Private sector firms are growing in confidence to raise issues through PPD-led exposure to Government and never-before topics are now being discussed.** In each country, companies – particularly local ones – have had some reticence to raise issues in front of Government, for fear of retribution. Aside from challenging vested interests, each country has its own set of hindrances to raising at least some issues – party political acceptability in Vietnam, fear of retribution in Cambodia and, it is said, a cultural legacy against antagonism and lack of familiarity with talking to Government in Lao PDR. Importantly, in each country some significant developments have been made in this regard. A long term Private Sector player in Cambodia says that, *“the confidence of the Private Sector to address issues is the most important thing [about PPD].”* The 6th Government Private Sector Forum, at which corruption was openly discussed and the Private Sector made strident claims about challenges in the business environment, demonstrated business’ confidence to raise issues when a suitable mechanism is made available (including with the “protection” that involvement of a multi-lateral institution is perceived to provide). This confidence, according to respondents, has grown

¹⁵³ Document referenced in the PPDIA database online as “Fullbook - Fullbook 2nd PSF- Secretariat - EN - 131299.pdf”

¹⁵⁴ The G-PSF is also known for re-iterating request on topics such as Breach of Trust. In that specific example however, incremental progresses are seen from year to year which allow for continued Private Sector confidence. There are no examples known to the evaluation team where a strong Prime Minister refusal resulted in the issues being brought back by the Private Sector the following year.

substantially in the period since the 6th Forum. In Lao PDR, some local firms have become more vocal and energetic in developing business associations to input into LBF – input which they provided in greater number at the second Forum - and in Vietnam the various foreign BMOs were united in confronting the recent imprisonment of one of their peers.

- **Government has also gained in confidence.** *“Before, 6-7 years ago, no business associations were authorized. There was oppression by Government not to form BAs. They were scared of the public agenda. When business organizes and talks to Government, the Government comes to have confidence,”* Private Sector Co-Chair, Cambodia.
- **The increased transparency provided by the forum helps deal with vested interests.** PPD has enabled the overcoming of *some* high level vested interests, including an over-ruling by the Cambodian Prime Minister of a Ministry of Economy and Finance ruling that 100% scanning of containers for export would be maintained at Sihanoukville Port, in spite of the inadequate capacity for doing so in timely fashion. The Prime Minister unexpectedly cancelled all scanning during the 9th Government-Private Sector Forum. Whilst some issues remain difficult to address, the PPD continues to provide incremental but important progress on a number of the most contentious: the Prime Minister’s public distinction between night shift and overtime¹⁵⁵ at the 10th forum and his declaration that *“criminalization shouldn’t be used as a tool for commercial purposes,”* in the context of the long-running Breach of Trust issue, being significant examples.
- **It is likely that PPD has helped to develop Private Sector consensus.** In Cambodia, the structures of the PPD have clearly aided the Private Sector in unifying around issues to present to Government. Although Vietnam did not need a forum process to bring BMOs together, as was arguably a benefit in Cambodia, it is apparent that the shift from BMO-BMO discussions to the forum has enabled the Private Sector to better align its interests. Not all of the (country of origin-based) foreign chambers’ members face the same environment due to bilateral country agreements among other things. However, whilst some issues therefore remain off the agenda for VBF, consensus has been managed on bringing particular issues to bear at the forum. In Laos, nascent, low-capacity business associations have benefited from access to a structure which helps them to “organize their thoughts,” even though a broader consensus than current still seems desirable.

2.E.2 Opportunity to Participate

- **Firms cite the dialogue process as a tangible end-result.** Stakeholders questioned about the PPDs’ achievements regularly cited the very existence of dialogue and the mechanism for discussion with and obtaining information from Government as one of the most significant results. Even those relatively few who could not be considered positive on PPD in terms of its claims to concrete results, usually suggested that PPD should be continued, citing long-term democratization benefits.

Virtually all respondents are convinced that the PPD should be maintained, yet the number of participants stating a willingness to financially support it is of less than 40% in Cambodia and Laos. The latter observation contradicts the large contribution-in-kind dedicated by the PS to the WG process and the forum.

¹⁵⁵ The issue is driven by a contradiction between two laws and thus should be solved by the legislature, but the Prime Minister’s comments demonstrate how PPD can advance some of the difficult issues step by step

Country * Should the PPD be maintained? Crosstabulation

			Should the PPD be maintained?		Total
			no	yes	
Country	Vietnam	Count	1	53	54
		% within Country	1.9%	98.1%	100.0%
	Lao	Count		32	32
		% within Country		100.0%	100.0%
	Cambodia	Count	12	58	70
		% within Country	17.1%	82.9%	100.0%
Total	Count		13	143	156
	% within Country		8.3%	91.7%	100.0%

Country * Are you willing to financially support the PPD? Crosstabulation

			Are you willing to financially support the PPD?		Total
			no	yes	
Country	Vietnam	Count	14	33	47
		% within Country	29.8%	70.2%	100.0%
	Lao	Count	18	11	29
		% within Country	62.1%	37.9%	100.0%
	Cambodia	Count	39	23	62
		% within Country	62.9%	37.1%	100.0%
Total	Count		71	67	138
	% within Country		51.4%	48.6%	100.0%

- ***The PPDs have opened communication and advocacy channels, thus improving the reform and democratic processes.*** In some instances this is because it provides the mechanism to access all levels of Government where before there was none¹⁵⁶ – for example the institutions of the Cambodian PPD are described by one Private Sector Co-Chair as “*the sole legal access to the elites for many businesses and to Government in general.*” In Lao PDR, the nascent forum has begun to provide new opportunities for access to Government outside of the national chamber of commerce and other business associations – all of which are Government affiliated – PPD has provided the first real and on-going Government-*Private Sector* consultation.
- ***The PPDs have opened the few pre-existing channels from local and/or large firms to foreign firms and SMEs.*** The extent to which PPDs provided new access varies – in Vietnam there has for some years been the alternative provided by the Vietnam Chamber of Commerce and Industry (VCCI), though it largely represents local firms. In Cambodia (e.g. well-connected, “elite,” local businesses) and Lao PDR (e.g. large-scale foreign companies), local and large sectors of business, in particular, can achieve some results through less formal and perhaps less transparent lobbying opportunities. In each case, however, there is a body of these business people who recognize and make use of the PPD opportunity. Moreover, these approaches have

¹⁵⁶ E.g. addressing the Mechanism for Agenda, Availability to Present and Government Listening preconditions for Step 4 in Figure 27

been made in the absence of effective (or representative) Chambers from the perspective of these sectors.

- ***In Cambodia the G-PSF provides a sole channel for the Private Sector to liaise with Government in a transparent and direct manner.*** The exercise of democracy has been strengthened through the unprecedented access to Government at all levels which has been enabled by PPD. Private sector and Government respondents agree that a significant achievement is the mere existence of a structured dialogue: *“There has been a departure in how politics and business work in Cambodia – a top-down society,”* Private Sector Co-Chair; *“The main achievement is that Government officials will accept the idea to discuss laws, regulations etc, with business. All civil servants worldwide think they know everything. Now the Private Sector can discuss sub-decrees etc. - Tremendous!...If you work in Government you will see how hard this is to accept,”* RGC Minister
- ***Even with PPD, improved access is not yet universal – or at least, universally taken up.*** In each country it is possible to identify groups which are less well represented by the PPD institutions. In some instances (e.g. informal firms, or provincial firms in Lao PDR) this reflects a difficulty in aligning the institutions of the PPD (and its mandate) with particular business groups. In others, such as for local firms – or even non-Hanoi based firms - in Vietnam and perhaps the smallest firms in Lao PDR, the forum and its associated Working Groups are not seen as serving the needs of particular groups. Further groups whose participation is lacking are those who do not see the need for the forum to address their issues (such as the largest firms in Lao PDR who can lobby Government directly¹⁵⁷).
- ***Governments use PPDs to build in-house capacity, providing better opportunity for the Private Sector to have issues addressed.*** There is agreement both from the Private Sector and Governments that PPD has raised the capacity of the latter to engage on issues of concern to business. As PPD has provided demands for Government to listen to these issues, regardless of whether a solution has been provided, Government has become more capable to respond. *“The G-PSF has changed behavior. [The] Minister has changed over time. He’s now better briefed - this has helped the dialogue. Ministers’ presentation has got better – they have the policy matrix in advance and have responses ready,”* Donor PSD Representative. Asked whether this was really an improvement, one Private Sector Co-Chair responded, *“The Government knew nothing about the Private Sector in the ‘90s. They had no experience whatsoever”.*
- ***Government coordination is also enhanced through the LBF.*** Another key factor noted through Government interviews is the repeated statement that PPD enables Government-to-Government communication. Several examples are provided where issues have been advanced – if not necessarily always solved – because mechanisms or institutions of the PPD helped to bring different Government counterparts together, including between provinces in the case of the Luang Prabang speedboats issue, to collectively address an issue. Such dialogue occurs, between Forums, with lower levels of Government – though capacity constraints at these levels can impede implementation of many potential reforms in Laos.
- ***The Cambodian G-PSF can be “instrumentalized” by the Prime Minister, creating opportunity for the Private Sector.*** The Prime Minister uses the forum to enforce decisions, though respondents suggest that this is effective only when the PM clearly spells out the decision he has made, lest lower ranking officials “misinterpret” the proposal. *“It gets the Government more responsive to needed reforms because the G-PSF is chaired by Prime Minister Hun Sen, who keeps us on our toes,”* RGC Minister. But use of the Working Groups to help get

¹⁵⁷ Foreign, large mining firms were notably present during the second Forum, however.

things done is also evident at lower levels of Government. “[The Minister] could have achieved the same in a meeting with the team, but he used the Working Group to get a result for the process and push his guys to act. Just issuing a Prakas (sub-decree) doesn’t mean a lot,” Donor PSD Representative. Aside from these “accountability” aspects, the forum can also be adopted by the Prime Minister for political gain, but with similar benefits to the Private Sector and at the expense of occasionally sub-optimal policy decisions.

- **Along similar lines, more reformist members of the Lao Government also make constructive use of this new dialogue.** There is some evidence of more reform-minded Lao officials using the PPD to push reforms, through the effect of public statements which are harder for other officials to ignore. As with VBF, there is the suggestion by some respondents that some issues are presented at, not solved by the Forum. A number of respondents claimed that decisions announced as Forum outcomes were in fact already set in stone – having been influenced by ASEAN and other bigger picture trends. Regardless, most respondents were very positive about the Forum, again because of the availability of a new dialogue process, and some of the issues announced at the Forum had clearly been matters of contention for some years prior.
- **Private sector-Government interactions are also more accountable when made through PPD because of its public nature.** The nature of access is improved in an important dimension, commented on by a number of interview respondents. The process leading up to the LBF (and to a lesser extent, the LBF event itself¹⁵⁸) puts Government officials in public positions confronted by the Private Sector’s issues, such that they must make a response. For these respondents, the situation compares favorably with earlier alternatives of meeting behind closed doors or communicating issues through the bureaucracy – thus obtaining non-committal responses or no response at all.
- **The PPD process powers the economic debate.** The Forum event is the only time the RGC confers at the highest levels, *specifically* on PSD. In some instances the matrices of issues of the Working Groups have become the policy/agenda document for a Ministry (such as the Cambodian Ministry of Commerce) and speeches by the Prime Minister at Investment Conferences and other significant gatherings have drawn content from the Working Group and forum agendas. “*The PPD gets the Government thinking from the Private Sector perspective – the PPD provides free TA to the Government,*” RGC Minister. In Lao PDR the event is also seen as a rare opportunity to focus Government minds from across Ministries on Private Sector issues.

2.E.3 Capacity to Participate

- **Business’ failure to analyze and articulate issues, prioritize and present them to Government is seen to hinder movement of issues through the process to a solution.** Cambodia and Laos perhaps suffer the most from lack of capacity issues, as well as Vietnamese local firms. BMO capacity is generally weak, with a few dominant and stronger ones as exceptions. These include foreign BMOs (e.g. the American Chamber in Vietnam) and well-resourced ones (e.g. Garment Manufacturers’ Association in Cambodia, for which membership is both priced and compulsory). Capability also varies across the Working Groups in each PPD, reflecting on the BMOs and individuals involved. The leading BMOs effectively provide technical assistance to both Government and the broader Private Sector, whilst also exemplifying the value of high capacity in BMOs to the reform process.

¹⁵⁸ There is some feedback that the Government has too much opportunity to pick and choose issues for the agenda at the Forum event itself

The PSS supports the view that the PS capacity is higher in Vietnam than Cambodia and Lao PDR when it comes to identify and describe issues it is facing.

Table 54: PSS Capacity to Identify and Describe its Issues

Country * Does PS have adequate capacity to identify and clearly describe the issues it is facing? Crosstabulation

			Does PS have adequate capacity to identify and clearly describe the issues it is facing?		Total
			no	yes	
Country	Vietnam	Count	13	59	72
		% within Country	18.1%	81.9%	100.0%
	Lao	Count	9	23	32
		% within Country	28.1%	71.9%	100.0%
	Cambodia	Count	20	44	64
		% within Country	31.3%	68.8%	100.0%
Total		Count	42	126	168
		% within Country	25.0%	75.0%	100.0%

- ***PPD has impact through delivery of TA, but could do more.*** PPD incorporates a number of aspects which help to address the capacity challenge, including the involvement of an experienced foreign sector and the role of IFC Secretariat in coordinating and gradually introducing disciplines such as prioritization and improved presentation of issues and working on a daily basis to support businesses in, for example, reviewing draft laws. However it is clear from the research that BMO/Private Sector capacity is one of the most significant barriers to achieving greater reforms – particularly since governments are in many instances asking the Private Sector for its advice. In spite of some recent activities within IFC to provide some specific issue-focused TA (e.g. on tax codes applied to SME imports in Cambodia and assistance in developing some position papers in Laos), an opportunity is being missed to push this approach further, to some benefit – including in Lao PDR where such support is directly specified in the mandate.
- ***The G-PSF has filled a BMO gap.*** Whilst there is variation between different business groupings, PPD has had particular impact in Cambodia in helping the Private Sector to organize formally. The Private Sector Working Groups provide a means for disparate businesses and their respective BMOs to agree common agendas. *“The Private Sector cannot organize [by themselves] as they have internally conflicting interests,” RGC Minister.* The IFC facilitation has played a key role in enabling this commonality, even if there remain concerns expressed by some about the prioritization of issues. *“[The IFC Facilitator] plays a very positive role, compiling issues raised, and helping providing inputs back to the Private Sector,” RGC Minister.* In Laos, too, there are signs from the first two Forums that the working groups play an important role in developing and providing examples for BMOs, as well as assisting in consensus building on issues.
- ***With or without BMOs, the Private Sector in Laos is not yet well organized or capable to make the most of PPD.*** Lao PDR is home to a number of business associations. With some exceptions, for example in tourism, these are not high in capacity and organization. A number of champions exist, associated with these various BMOs, but the Private Sector is yet to effectively

organize in a manner to take full advantage of the nascent LBF mechanisms. Prioritization of issues and the quality of analysis and research behind issues submitted remains an issue. IFC TA staff have increasingly begun to play a role in supporting with analysis – one which, if maintained as suitably demand driven, is seen as a positive. There continues to be an important, high-value role in managing (but not distorting) the Private Sector’s input through the working groups – one which the LBF facilitator clearly does well.

- ***The PPDs are foreign-dominated, though with reason.*** The foreign sector dominates each PPD, in terms of its number and/or degree of participation relative to the business sector¹⁵⁹. This reflects a combination of the gaps in capability and alternative means of access described above, as well as, in some instances, levels of participation in the sectors that are directly represented by PPD Working Groups. In Cambodia, the foreign-local balance has been influenced by the strong trade agenda¹⁶⁰ and in Vietnam by the existence of an alternative for local firms (VCCI) and the alignment of interests between Government and foreign Private Sector on “level playing field” issues¹⁶¹. This is not to deny that there has been a substantive increase in the involvement of the domestic Private Sector in Cambodia – a hard-earned success for that forum, which was initially not enthusiastically embraced by the Chamber. PSWG and WG meetings have transformed from English to Khmer language and foreign co-chairs have been replaced by Cambodians¹⁶². The LBF also involves a significant number of foreigners, especially in presentation of issues. This also reflects, to some extent, involvement of foreigners in the sectors most represented in the dialogue. However, the second Lao Business Forum demonstrated a more confident and present local Private Sector – including as presenters.
- ***Powerful players dominate the agenda.*** Some participants criticize the PPD as being dominated by “power-players” like GMAC in Cambodia, which it is suggested reaps most of the benefits to come from the dialogue, at the expense of others. Certainly GMAC-supported reforms are well represented amongst the dialogue’s claimed outputs and in the impact calculations included in this report, vis-à-vis say, those of the Agriculture Working Group. The Services including Banking & Finance Working Group, strongly supported by the Bankers’ Association of Cambodia might similarly be seen as having achieved more than the SME Working Group. On the positive side, these comparisons arguably show the potential of PPD when combined with well-resourced and capable Private Sector BMOs, a fact which should not be lost on those agencies seeking to assess the value of programs which would develop Chamber and association capacities. The PPD is a substantial multiplier to these efforts, properly used.

Aside from the findings which can be categorized around the preconditions of the reform process, as above, two other common themes emerge, pertaining to: the nature of the actual issues that are raised in the process, and; the role of donors in the PPD.

2.E.4 PPD Traffic - What Issues are Addressed?

- ***“Small issues” reflect Private Sector demands but bigger picture reforms are also raised.*** There is some feedback from a range of stakeholders that the Private Sector, in spite of the IFC’s recognized efforts to assist in prioritization, brings relatively small issues in too great a number to the PPD for resolution – at least in Cambodia and Lao PDR. Whilst the more “strategic”¹⁶³

¹⁵⁹ “Dominance” is vis-à-vis levels of foreign participation in the economy as a whole. Thus a 50:50 participation would still represent greater relative presence of the foreign sector in each country.

¹⁶⁰ Though the G-PSF updates, for instance, are distributed directly to 3000 companies, mostly local.

¹⁶¹ With much of the level playing field issues addressed or underway, the agenda of the VBF is turning to more general issues of interest to both domestic and foreign business, with some domestic BMOs starting to become more involved.

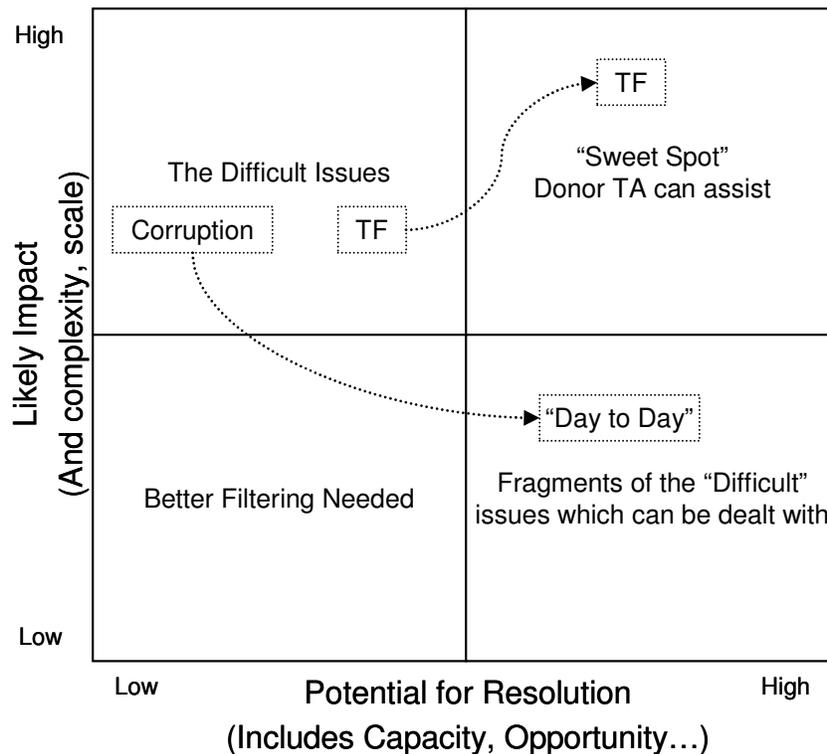
¹⁶² All but one of them Khmer

¹⁶³ Note that “strategic” does not necessarily imply “big”

approach desired by several donors and Government Ministers would indeed be a positive point in PPD’s evolution, the smaller issues reflect the Private Sector’s views on i) the issues that are important to it (i.e. demanded by it) on the day, and ii) what can realistically be pushed to a conclusion. To the extent that the Cambodian PPD brings some small gains to the broader Private Sector – such as clarification and information – this also reflects the Private Sector’s demands. Whilst difficult issues such as corruption have been raised, in practice these have sometimes been addressed at the “day to day” level of specific instances, where the Private Sector is better able to articulate its challenges. Others, such as trade facilitation, have been supported by significant donor resources with the outcome of somewhat increased potential for resolution.

- ***The progress matrices suggest time is spent considering a number of less well-developed or considered reforms.*** Feedback suggests that, whilst small day to day issues are also important to the Private Sector, there are nevertheless a number of issues which are poorly formulated or not well prioritized and which arguably should not make it onto the progressively more valuable tables of the PPD process. The Lao and Cambodian forums could make use of additional support to further implement mechanisms for prioritizing and analyzing issues for value – including in a manner which embeds some form of issue valuation in the project M&E. Some of the issues presented at the Lao Forum – whilst real and important enough as issues – are accompanied by some relatively limited “solutions,” as pointed out by several donor and Private Sector observers after the event¹⁶⁴.

Figure 37: A Taxonomy of Issues Raised in PPD (Illustrative2)



¹⁶⁴ e.g. an issue on clarifying the role of agencies at the border could, with support and sharing with other PPDs, begin to propose a single-agency mandate only. Issues raised in both Tourism and Intellectual Property could clearly benefit from development of a strategy for each sector/department.

- ***The VBF has been associated with meaningful and strategic reforms.*** The focus of the VBF has largely been on matters of a level-playing field between foreign and local businesses – particularly in the context of Vietnam’s entry into WTO. Successes have arguably been concentrated in this area. The VBF has therefore addressed a number of significant and high impact reforms. That the VBF has been able to work well on issues of importance to the Private Sector is reflected in the replacement of some BMO activities (e.g. EuroCham internal banking and finance Working Group) with their PPD equivalents – the VBF Banking & Finance Working Group. Indeed, previous BMO-BMO activities were also cancelled in favor of the Working Groups of the VBF.

2.E.5 Donor Involvement

- ***PPD is a missed opportunity for donors.*** Donors have sought little role in PPD in Cambodia and Lao PDR. Whilst they cannot be said to be capturing the agenda of the PPD, the development partners also could become better informed and demand driven by the process if they chose. There are a few examples – such as in Trade Facilitation - of PPD having driven and enabled the donor agenda, with the latter adding significant weight to the Private Sector and building a strong, fact-based set of recommendations for Government. “*The structured dialogue raised awareness about [Trade Facilitation] issues. This enabled the Value Chain Analysis and ICA to provide evidence. The Forum picked up the dialogue and we held meetings around these reports as extensions of the Working Groups. The Working Groups became an umbrella for reform dialogue and provided more evidence. The impact you can get from analysis of the same quality and issues is higher if an on-going mechanism (PPD) exists,*” says a World Bank PSD Specialist who has played a role in developing such reforms in Cambodia and in “non-PPD countries.”
- ***The VBF provides a chance for donors to become better informed of the Private Sector’s issues.*** Each VBF precedes a meeting of the Consultative Group of donors and provides input into it. This is a positive aspect of the Vietnam Business Forum that might be built upon, such that donors can use the PPD to respond to the particular issues of the Private Sector as they are raised and discussed with Government. At issue is whether or not the VBF agenda truly reflects the issues which the Private Sector would like to raise.

• **Box 2: Reform Process Summary**

- There is strong support for PPD among Private Sector, Government and donor stakeholders. The dialogue process is seen *in and of itself* as a positive outcome and for many respondents, as a significant achievement.
- The PPDs have opened communication and advocacy channels where before they did not exist, as well as expanding pre-existing channels to new groups. However, there remain some Private Sector groups in each country which lack either the opportunity or perceived need to participate.
- The Private Sector's capacity, including that of most Business Membership Organizations involved in PPD, is one of the key hindrances to realizing greater achievements from the dialogue process. However, both the Private Sector and Government benefit from TA provided via the PPD approach, as well as from spillover effects of involving sophisticated and/or foreign businesses in the dialogue.
- PPDs do not just help the Private Sector achieve consensus and present a unified approach. In each country Government uses the PPD to improve its own communication, coordination and internal accountability.
- PPDs represent a missed opportunity for donors, who could enhance their activities by more deliberately drawing from the PPD.

PART 3: Evaluation of the Economic Impact of the PPD

Box 1: Economic Impact Summary

- Given in particular, their important role in the reform process demonstrated in the previous section, the PPDIA demonstrates a strong, measurable economic impact of the three PPD studied. While large trends in investor confidence and growth cannot be attributed (positively or negatively) to the three PPDs under study, analyses suggest that sub-indicators of the business climate are positively influenced.
- The partnerships have important measurable economic impact¹⁶⁵ of at least US\$238M in Vietnam, US\$69M in Cambodia and US\$2.7M in Laos. These figures are in excess of the IFC PPD-related investment by an order of magnitude.
- Based on the direct impact evaluated, Return on Investment or the Private Sector gains for each dollar invested in the partnerships by the IFC/donors across the three countries is at least US\$291¹⁶⁶.
- The Private Sector values the PPDs at levels far exceeding the IFC funding.

Analysis of broad investment indicators does not support the view that PPDs have had significant impact on investor confidence, yet auxiliary analyses suggest that sub-indicators of the business climate are positively influenced. This said, the PPDIA demonstrates that the partnerships have substantial economic impact. The reform process analyses suggest that (i) significant reforms can be attributed, at least in part, to the PPDs and (ii) perhaps more importantly for the long run, the very existence of platforms for dialogue between the Private Sector and the governments is of high *value in itself*, as such platforms did not previously exist in Cambodia and Lao PDR and existed only partially in Vietnam.

3.A Context on Investor Confidence and FDI

While the countries' full economic achievements cannot of course be directly attributed to the impact of PPDs under study, macro-economic trends related to investors' confidence are of particular importance to provide contextualization of the partnerships' performance.

3.A.1 Doing Business Indicators and Investment Climate Assessment

The three countries have only marginally improved (159rd position from 163th for Lao PDR) or even declined on the Doing Business Indicators ranking between the years 2004-2006 (143 from 142 for Cambodia, 104 from 98 for Vietnam). Rather than being responsible for an overall improvement, the 3 PPDs have been effective as a means to improve several sub-indicators such as the Time for Export and Import in Cambodia¹⁶⁷ or Employing Workers in Vietnam¹⁶⁸. Notably, these are reforms the Private Sector promoted within the dialogues and for which it had a strong demand.

¹⁶⁵ Over the past 5 years

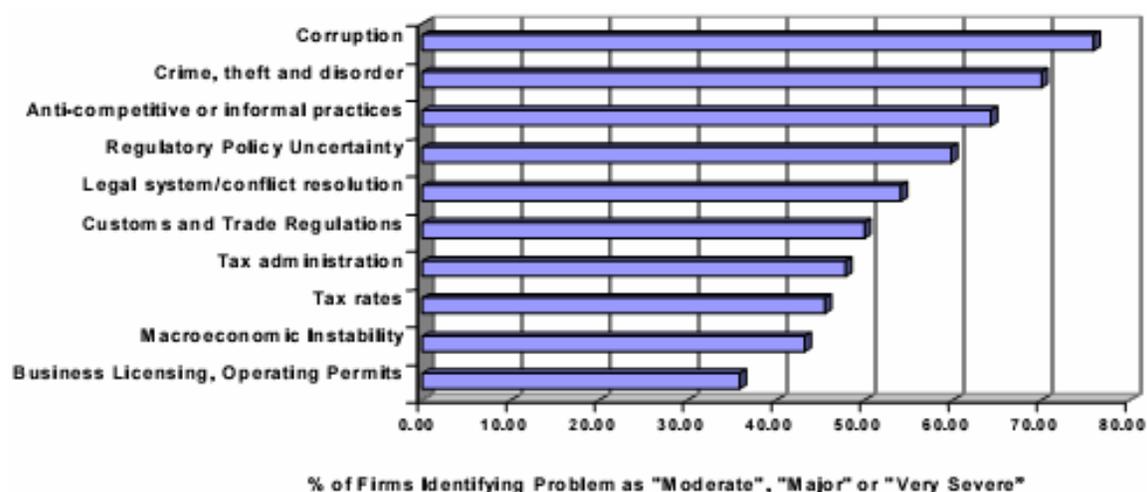
¹⁶⁶ The Return on Investment is calculated as the IFC/donor funding to the Forums for the past 4 years divided by the net proven direct savings to the private sector during the same period (net of private sector in-kind contributions)

¹⁶⁷ Time for export decreased from 43 to 36 days and time for import from 55 to 45 days between 2004 and 2006, Doing Business Indicators 2006, World Bank.

¹⁶⁸ The ranking for Employing Workers improved from 137 to 104 in 2006

The Cambodia ICA 2003, identified the top 10 general constraints to private enterprise operation and growth, presented in the figure below.

Figure 38: Top 10 General Constraints to Private Enterprise Operation and Growth¹⁶⁹



Analyses of the taxonomy of reforms¹⁷⁰ addressed by the G-PSF WGs show that the PS utilizes the partnership to tackle these main constraints. Above 41%¹⁷¹ of all PS reform requests are specifically captured by the ICA top 10 constraints or by DB indicators, as summarized in Table 55.

Table 55: Breakdown of PS Reform Requests across ICA and DB Indicators, G-PSF¹⁷²

ICA or DBI Match: 41%		DBI		
		Match	No match	Total
ICA				
Match	8%	31%	39%	
No match	2%	59%	61%	
Total	10%	90%	100%	

3.A.2 Foreign Direct Investments

FDI as a percentage of GDP has generally decreased over the years 1996-2005 in all three countries, as shown in the graph below¹⁷³.

¹⁶⁹ Reproduced from Cambodia, Seizing the Global Opportunity, Investment Climate Assessment and Reform Strategy for Cambodia, World Bank 2004

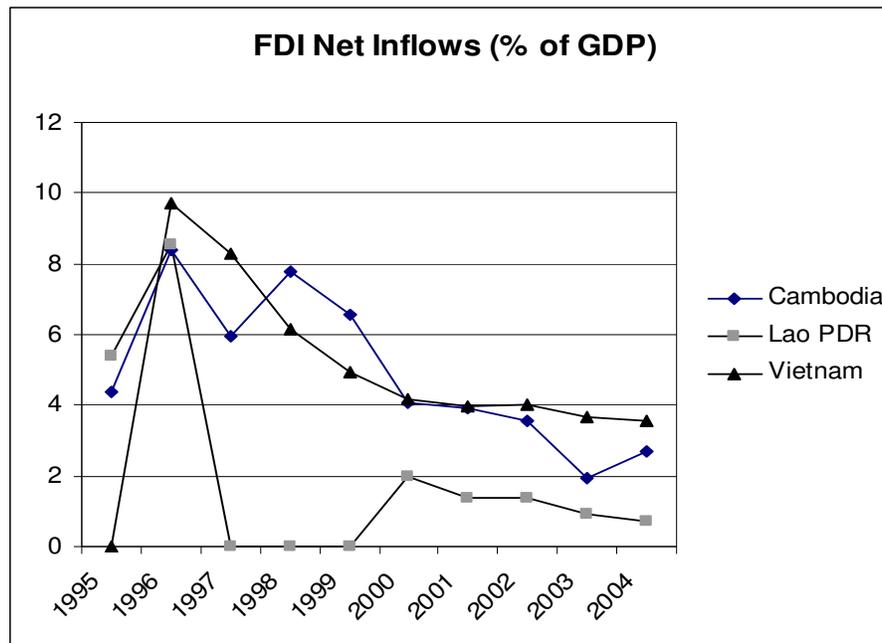
¹⁷⁰ See Part 1: Organizational Effectiveness- Outputs for a description of the methodology.

¹⁷¹ 45% of these focus on Tax, Regulatory policy uncertainty and Customs and trade facilitation constraints

¹⁷² Source: IFC Secretariat Progress Matrix, Revised by the Team

¹⁷³ It should be noted that FDI has increased in Vietnam in absolute terms since 2001

Figure 39: FDI, net inflow, % of GDP¹⁷⁴



There is a common perception that FDI growth is a generic goal of any PPD. It is widely shared by development partners and was undeniably a factor for the launch of the VBF in the context of the 1997 economic crisis¹⁷⁵. Yet, increased FDI is not *explicitly* listed as a goal in any of the PPDs' MoUs or founding documents (the MoU in Lao PDR for instance lists *"improve the business enabling environment, to provide a platform for an effective dialogue process between the business community and the Government and to facilitate information-sharing with potential investors"*). Moreover, FDI growth was seldom cited as a key PPD objective by participants from the Private Sector and Government.

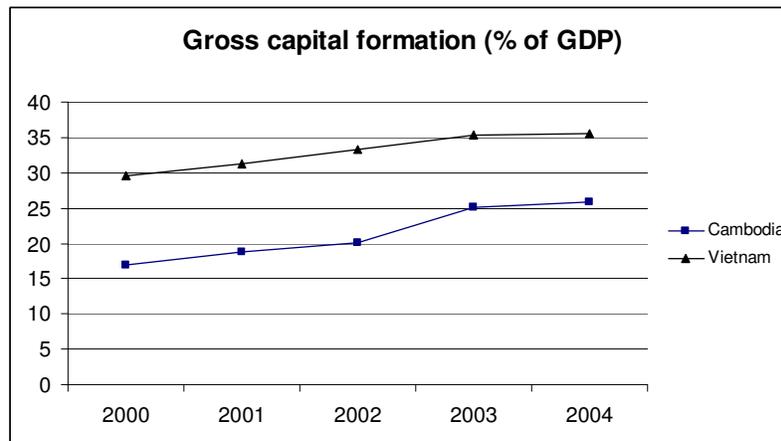
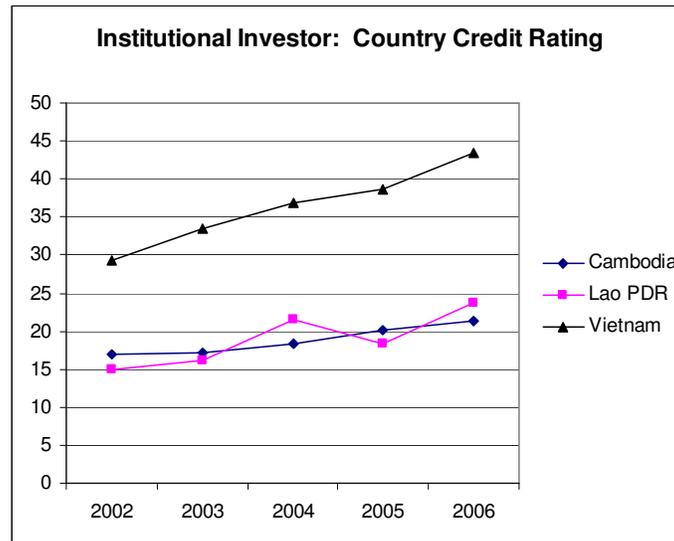
3.A.3 Additional Investors' Confidence Indicators

The Institutional Investors' country credit rating shows that aspects of investors' confidence have clearly improved over the past 5 years in Vietnam and Cambodia. The steady growth of capital formation in Cambodia indirectly suggests increasing domestic Private Sector confidence translated into the capacity and willingness to invest, though does nothing to confirm PPD causality. Indeed Cambodia's relatively stable macroeconomic performance is more likely the underlying driver of local investment growth.

¹⁷⁴ World Bank, World Development Indicators, 2007. No data for Laos in 1997, 1998, 1999

¹⁷⁵Wolfgang Bertelsmeier, "Case Study 7a - Vietnam, Launching the Vietnam Private Sector Forum, 1997-2000", International Workshop on Public-Private Dialogue, Paris, 2006.

Figure 40 and 41: Institutional Investor’s Country Credit Rating¹⁷⁶; Gross Fixed Capital Formation by the PS as % of GDP¹⁷⁷



While we do not link increased confidence to specific reforms of the three PPD, Private Sector actors have nominated *increased Government understanding of Private Sector needs, improved information flow* and the *existence of a dialogue platform* as key elements for observed confidence improvements. A large majority of stakeholders interviewed from the Private Sector, development partners and Government have highlighted improvements to the business climate attributable to PPDs’ activities, through mechanisms detailed in the reform process section of this document.

3.B Economic Impact Measurement

The analyses below quantify the Private Sector forums’ economic impact by (i) accepting that the participants’ voluntary contributions to the forums reflect at a minimum the Private Sector perception of the PPDs’ value to them and (ii) by quantifying specific and observable economic impacts of specific reforms in the three countries. We conclude that the PPD reforms have had direct, measurable impact that exceeds the Private Sector’s and IFC’s inputs by an order of magnitude.

¹⁷⁶ Institutional Investor, 2006. Country Credit Rating. Available at www.dailyii.com

¹⁷⁷ World Bank, World Development Indicators, 2007.

3.B.1 Private Sector In-Kind Contributions

The Private Sector contribution to the PPDs comprises the time dedicated to the Working Group (WG) process, the *pro bono* work performed by legal, accounting and other Private Sector companies in drafting and commenting on major pieces of legislation and other logistical costs. On the basis of representatives' opportunity cost and going rate professional fees, these annual in-kind Private Sector contributions are *conservatively* valued at \$950,000 (over US\$350,000 for Cambodia, US\$550,000 for Vietnam and approximately US\$50,000 in Laos). This figure can be considered as the minimum value that the Private Sector is placing on the forum process. It is nearly three-fold the annual IFC/donor funding to the Secretariat and Forums' logistical costs that amount to US\$345,000 (US\$160,000 in Cambodia, US\$110,000 in Laos and US\$75,000 in Vietnam¹⁷⁸).

3.B.2 Quantification of Economic Impact for a Sample of Specific Reforms

An ideal economic analysis would seek to quantify the PPDs' impact as the difference between the national economic products *with* and *without* PPDs. This approach was deemed unrealistic for resource constraint and methodological reasons including: limited contemporary or baseline data available in the sectors where the PPD was most active; limited data and knowledge from the Government officials in charge of these sectors; limited local Business Membership Organization (BMO) enquiries on results; the obvious complexity of developing a reasonable counterfactual of "no PPD"; lack of data and communication from relevant parties with strong vested interests and/or in situations of providing/collecting rent.

For these reasons we selected an "accounting" approach which quantifies the realization of objective economic impact for a sample of specific reforms tackled by the respective PPDs. For the past five years, we found the following results, as illustrated in the tables below: US\$237.9M in Vietnam; US\$69.2M in Cambodia; and US\$2.7M in Laos, for a total of US\$309.8M.

Table 56: Cambodia Government-Private Sector Forum - Sample Economic Impacts

Reform	Annual Impact	Comments	Date	Impact over the period ¹⁷⁹
Reduction of Sihanoukville port entry fees	\$168,000	The port entry fees have been cancelled for empty trucks. A conservative estimate put the truck number to 7,000 per month ¹⁸⁰ . The entry fee was US\$2 ¹⁸¹ therefore the PS savings equals 7,000*2*12 per year.	2004, on-going	\$336,000

¹⁷⁸ The figures for Vietnam and Lao PDR do not include IFC contributions in-kind such as office space.

¹⁷⁹ Assuming constant value of money over time.

¹⁸⁰ Estimate of the number of trucks from transport companies only - based on the largest company market share (over 20%) and fleet (1,500). Including additional users would further increase the economic impact.

¹⁸¹ Average price as reported by 3 trucking companies

Reform	Annual Impact	Comments	Date	Impact over the period ¹⁷⁹
Toll fee on RN4	\$360,000	Road National 4 is the main Cambodian traffic artery and is a concession. Over the past 4 years numerous price decreases for various categories of vehicles have been accepted by the concession incumbent ¹⁸² . A monthly estimate of 20,000 cars pays the toll which on average has decreased by about US\$1.5 ¹⁸³ . Noticeably, the reform put concession appointments on the agenda and created a precedent for substantive Private Sector consultation in these appointments.	Incremental improvements for the past 4 years, on-going	\$1,440,000
Garment sector tax holiday	\$25,000,000	Two year tax holiday was granted to the garment sector as of 2005 ¹⁸⁴ . The measure was intended to allow the sector to prepare for increased competition due to the end of the quota system under the Multi-Fiber Agreement. The Minister of Finance values the tax holiday to \$25 M per year ¹⁸⁵ . Additionally, in 2005 garment capital investments grew by 39% (US\$118 M) and employment by 8% (over 20,000 jobs) ¹⁸⁶	2005-2006, may be prolonged	\$50,000,000
Removal of scanners at Sihanoukville port	\$1,044,000	In 2005, during the G-PSF, the PM cancelled systematic scanning of containers at the Sihanoukville port. MOC figures report 1.500 containers scanned per month ¹⁸⁷ . At an average price of US\$58 ¹⁸⁸ per scanning, the total annual savings of the PS equals 1,044,000. Additionally, because of scanning exporters often had to resort to air freight to meet turnaround times. This was roughly valued at over US\$100M annually by the GMAC Chairman. ¹⁸⁹	2005, on-going	\$2,088,000

¹⁸² IFC-led G-PSF Secretariat, Progress Matrices, EP&TF and E&I Working Groups for the years 2004-2006.

¹⁸³ In the absence of coherent answer from the concession company, the PPDIA team uses the average of estimates provided by 5 transport and export companies (# of vehicle estimations ranged between 15,000 and 34,000; price decrease between \$1 and \$2.5 for different vehicle categories).

¹⁸⁴ Cambodia Garment Industry Post-ATC, Human Development Impact Assessment, Economic Institute of Cambodia, 2007

¹⁸⁵ PPDIA team interview with the Minister of Finance. Value consistent with GMAC estimates.

¹⁸⁶ GMAC website; These later numbers are not taken into consideration for calculating the impact estimate.

¹⁸⁷ IFC-led G-PSF Secretariat, Progress Matrices, 2005

¹⁸⁸ In the absence of relative shares of various container size and given that scanning price is a function of container size, the value \$58 is the arithmetic average between the highest and lowest scanning price.

¹⁸⁹ This 100M number is not taken into consideration for calculating the impact estimate.

Reform	Annual Impact	Comments	Date	Impact over the period ¹⁷⁹
Phone taxes	\$3,000,000	The G-PSF obtained a reduction from 10% to 3% of excise tax on landline phone calls. Telecom Cambodia has 50% market share of the landline phone market and annual revenues of US\$21.5 M ¹⁹⁰ . The total PS savings is thus US\$21.5M * 2 * 7%.	2006, on-going	\$3,000,000
Postponement of tax on accommodation	\$5,000,000	The tax on accommodation of 3% was postponed for one year ¹⁹¹ . In 2005, Cambodia had 1,055,202 visitors who spent an average of US\$166 on accommodation each, except for 88,632 tourists that did not spend a night ¹⁹² . At a 3% rate, the PS savings totaled US\$5,000,000 ¹⁹³ .	2005, on-going	\$5,000,000
Reduction of the Export Management Fees (EMF) by the Ministry of Commerce	\$3,675,000	The EMF collects fees based on the # of garment pieces exported. It was originally set at an average of 25 cents per dozen (ranging from US\$0.1 to US\$1.75 per type of garment) ¹⁹⁴ . Cambodia exported in 2006 70M dozens ¹⁹⁵ . The EMF was reduced overall by 21%. Total savings = 70M*US\$0.25*21%	2005, on-going	\$7,350,000
Delivery of permanent licenses to banks and microfinance institutions		3-6 year licensing of banks and microfinance institutions is modified to permanent licenses ¹⁹⁶ . This increases their capacity to attract debt-based instruments at lower prices thanks to reduced perceived institutional risks and possibly increases credit supply/access to finance.	2004, on-going	
Reduction of solvency ratio from 20 to 15% for commercial and specialized banks		Through the WG the commercial and specialized banks obtained a decrease in the solvency ratio from 20 to 15% on the condition of disbursing additional SME loans ¹⁹⁷ . This freed up 5% of capital which increases (i) the sector's profitability and (ii) access to finance for SMEs.	2005, on-going	
		\$ 31.7M		\$ 69.2M

¹⁹⁰ Company Management

¹⁹¹ Hospitality industry Expert Interviews

¹⁹² Figures provided to the PPDIA team by the Ministry of Tourism

¹⁹³ In this partial analysis, we do not seek make comparisons relating to the extent to which hotel businesses would have been able to pass this tax on

¹⁹⁴ Source:GMAC

¹⁹⁵ Source:GMAC

¹⁹⁶ IFC-led Secretariat Progress Matrices, validated by Banking WG Chairman, Expert Interviews.

¹⁹⁷ IFC-led Secretariat Progress Matrices, validated by Banking WG Chairman, Expert Interviews.

Table 57: Vietnam Business Forum - Sample economic impacts

Reform	Annual Impact	Comments	Date	Impact over the period
Removal of dual pricing for electricity	\$ 19,300,000	Dual pricing for electricity was eliminated in 2004 only. According to a JETRO study ¹⁹⁸ , foreign companies paid a price premium of 6%. On that basis the Ministry of Industry estimates the PS savings to be VND400 billion per year ¹⁹⁹ . In 1998, the average price difference was 18% - not captured in the PPD impact assessment.	2004, on-going	\$ 57,900,000
Personal income tax	\$ 60,000,000	Since 2001, the minimum threshold for personal income tax payment was VND3M/ month. In 2004 an amendment raised the threshold to VND5 M ²⁰⁰ . With a first tax rate band of 10% and over 400,000 PIT ²⁰¹ workers the total savings to the PS is equal to US\$5 M per month (US\$60M per year)	2004, on-going	\$180M
Raising foreign investors' limit from 30% to 49% of listed companies' capital	Significant increased capitalization of stock market	Surge of 13% capitalization in 2 weeks between reform announcement and implementation. ²⁰² Since, listed companies are capable of carrying out seasoned offerings to raise further funds in the market. Since 2005 the companies' capitalization has grown by a x3.5 factor, the total market capitalization by a x20 factor and the number of listed companies by a 3x factor ²⁰³ . The raise of foreigners' investment cap is recognized as instrumental in achieving these impressive results - and the VBF can claim significant contribution to the reform.	2005, on-going	-
Unified Enterprise Law	Expected increase in	Full effects of the law not yet felt; very significant role for business	2005, on-going	-

¹⁹⁸ Presentation: Comparison of Operating Costs, Mr. Ryuichi Hirai, Japanese Business Group in Vietnam, 2003.

¹⁹⁹ Expert Interview, Vice Minister of Industry

²⁰⁰ VBF Secretariat, Progress Matrices, 2005-2006

²⁰¹ Ministry of Labour, War Invalids and Social Affairs (MOLISA); PIT: Personal Income Tax

²⁰² Capitalization listings, Ho Chi Minh City Securities Trading Centre

²⁰³ Capitalization listings, Ho Chi Minh City Securities Trading Centre

Reform	Annual Impact	Comments	Date	Impact over the period
	number of registered businesses.	climate investments and compliance with WTO requirements. The Enterprise Law 1999 was a major milestone largely responsible for: (i) 160,000 business registrations between the years 2000-2005 and (ii) increase of US\$20billion in assets of registered businesses ²⁰⁴		
Total	\$ 24.3M			\$ 237.9M

Table 58: Lao Business Forum - Sample economic impacts

Reform	Annual Impact	Comments	Date	Impact over the period
Increase of trucking weight limit	\$ 2,400,000	Increased weight limit from 37T to 44T on each truck ²⁰⁵ . Daily number of at least 30 trucks in the North (i.e. road 3) and exemptions are being extended for all roads. On road 3 alone this allow savings of 5 trucks per day @US\$1,000 and about half this number on road 9 ²⁰⁶	2006	\$2,400,000
Fixed entry fee of US\$1 per tourist ²⁰⁷	Private Sector Savings of \$300K ²⁰⁸ . Increase of Government Revenues by US\$700,000 using a more effective taxation system. The sum will be allocated to Lao tourism promotion.	Decreased from original 5% ²⁰⁹ tax on tourist accommodation revenues which collected revenues of US\$300,000 only to Government (less than 20% of companies were complying). With the new law Government revenues will increase to ~1,000,000 annually (entry fees collected at borders) and PS reduce administrative burden and will no longer fail to comply with regulations ²¹⁰	2007	\$300,000
Total	\$ 2.7M			\$2.7 M

The chosen methodology accepts the following limitations:

²⁰⁴ Source: Agency for Small and Medium Enterprise Development, 2006

²⁰⁵ IFC-MPDF LBF Secretariat, Progress Matrix 2006. Cross-checked in Expert Interviews.

²⁰⁶ Source for number of trucks on road 3 and 9 and savings per journey: Expert Interview with the transport business association

²⁰⁷ The \$1 tax does not need a law - just PMO approval and a means to implement in practice. The appropriate regulations have been drafted already, according to the LNTA Vice Chairman.

²⁰⁸ Assuming tax cost is not passed on to tourists. It also reduces cost differential between compliant and non compliant competitors

²⁰⁹ "Tourism Position Paper on Fees for Visa on Arrival & Tourism Fee of US\$1.00 per Person," Lao Business Forum, March 15th 2007. Figures in line with PPDIA Expert Interviews.

²¹⁰ Though note that whilst agreed in principle, this has not yet been implemented for want of a suitable physical collection mechanism

- It underestimates impact by quantifying a limited set of specific reforms. See next section for a list of significant non-quantified PPD-led reforms
- It overestimates impact by assuming the reforms sample is fully attributable to the dialogue platforms. In order to mitigate this, impact quantification is provided *only* for reforms that were addressed and documented by the different structures of the PPDs (Working Groups, plenary forum sessions);
- It does *not* attempt to measure second round economic impacts (for instance, Private Sector savings are likely to be followed by increased re-investments, more jobs and increased growth);
- The focus on the gains of the Private Sector (vs. Government revenues) disregards the possibility of zero-sum games. This limitation is reasonable considering that (i) the PPDs are *Private Sector* development engines²¹¹ and (ii) governments remain committed to the partnership, suggesting that they see positive economic return in the process;
- Impact measurement of trust building and climate improvement building measures requires ICA-like methodology. This was envisioned in the study planning for the PSS but had to be cancelled in order to keep the interview length manageable across a large cross-section of the Private Sector enterprises in each country.

There is clearly a substantial additional amount of work that could be done to more systematically and comprehensively value the PPD reforms by addressing some of the above issues. This section of the assessment has sought to show an approach and provide sufficient, realistic examples of the partial analysis to be persuasive as to the PPD’s real economic impact – or otherwise.

3.B.3 Non-Quantified Sample of PPD-led Reforms

The economic impact assessment of the sample of reforms proposed above analyzed a subset of PPD-led reforms to ascertain a minimum impact value. While by no mean exhaustive,

Table 60 and Table 61²¹² below provide evidence that the VBF and G-PSF have promoted a significantly larger amount of meaningful reforms. These tables do not exhaustively capture the implemented reforms for the Vietnamese and Cambodian partnerships. They do however illustrate that the VBF and G-PSF have promoted a significantly larger amount of meaningful reforms. In principle, the same ‘accounting’ methodology would be applied to the full range of reforms in each country.

It is not possible to extrapolate total impact figures from the small sample of quantified reforms as these are not necessarily representative of the whole reform set. We could however assume that including (i) the full set of implemented reforms (ii) future gains from current reforms and (iii) economic impact of the reform process would very significantly increase the PPD economic value calculation. Speculations that quantified reforms represent between 20 and 50 percent of the total economic impact would lead to the following figures :

Table 59: Speculated Economic Value of the Mekong PPDs

	Quantified Impact (US\$M)	Lower Speculated Impact (US\$M)	Higher Speculated Impact (US\$M)

²¹¹ e.g. the Vietnam MoU requires the IFC “to assist the Vietnamese Government to develop its private sector”

²¹² Note the content of each country table differs slightly, based on the nature of the records (matrices) of each PPD. The intention here is to provide the context of a great number of individual reforms, within which the few analyses above have been conducted.

	Quantified Impact (US\$M)	Lower Speculated Impact (US\$M)	Higher Speculated Impact (US\$M)
VBF	237.9	475.8	1,189.5
G-PSF	69.2	138.4	346.1
LBF	2.7	5.4	13.5
TOTAL	309.8	619.6	1,549.1

Table 60: Sample of VBF Economic Reforms²¹³

Issues	Comments
Import - Export Procedures	
Long customs clearance time due to bureaucratic procedures and complicated rules.	This was streamlined as a result of - The Customs Law effective 2001 and guiding documents have been issued. - The introduction of green channels helped reduce clearance time significantly. - Circular 01 of 03/01/2001 whereby custom declaration for multiple import/export shipments under long term contracts is only required in the first shipment.
Textile enterprises have to divide a shipment of materials into separate lots for domestic sale and export before importing into Vietnam.	This requirement has been abolished.
Requirement for approval of Ministry of Trade (MOT) for exporting equipment/spare part for repair.	This requirement has been abolished (15 Dec. 2000).
Slow settlement of tax payment because of complicated procedures and poor facilities	Decision 793 (Dec. 2000) has speeded up the process
Discrimination in allocation of textile quota against private and foreign companies.	_ Equal treatment for domestic and foreign enterprise as a result of a circular issued in Oct 2000 whereby 25% of quota now reserved for public auctioning. _ New mechanism for quota allocation does not discriminate against private and foreign enterprises. The MOT published details on quota allocation on its website.
A PM decision allowed tax exemption on imported materials and intermediary products of encouraged projects but the implementing circular of MOF disallows this.	A new circular (Dec. 2000) has been issued to grant such exemption to encouraged projects.
Tax, fees and charges	
Limited time for tax claim	The Law on Tax Administration (effective from 2006) whereby the time for tax claim is extended from 10 days to 20 days for monthly tax claim, to 90 days for annual tax claim. Tax claim procedures have been well informed to tax payers as well.
The cap of deductible expenses on Marketing, Advertising and Promotion (MAP) should be increased/ removed	_ The cap has been increased from 3% to 7% in 2005 and to 10% in 2006. The Official Letter #1766/TCT-DTNN dated May 19, 2006 issued by Tax Department defines certain expense of market research, sales promotion, introduction of product, etc., that are deductible in full for corporate tax purpose for 2005. _ For 2006 onward, this full deductibility of MAP expenses will be reflected in the Corporate Income Tax Decree.

²¹³ Source: IFC-led VBF Secretariat and progress matrices

Issues	Comments
Dual pricing (power, air ticket and advertising) and expensive overseas calls.	<ul style="list-style-type: none"> _ One-price policy has been applied to water (since June 1999), telecommunications (since Oct.2000), airfreight (since Jan 2004) and power. _ Overseas call charges have been reduced significantly. _ Cheaper VoIP phone has been introduced. Internet (ADSL) charge was reduced sharply to competitive rate.
High personal income tax (PIT) is a disincentive to train and promote locals to senior positions and retain/attract talented international professionals to Vietnam.	<ul style="list-style-type: none"> _ PIT for Vietnamese was reduced significantly in July 2001. _ The new PIT ordinance took effect in July 2004 offers substantial tax cut for top tier workers and remove the surcharge. However, the reduction of tax rates comes with reduction in certain tax-free benefits in kind.
Letter 687 retroactively taxes benefits. Effective date of lower profit remittance tax should be the date of the decree rather than the circular	<p>Eligible school fees, air tickets for annual home leave, housing are not taxable if they are paid directly to the suppliers.</p> <p>An official letter has been issued by the MOF to confirm the effective date being the date of the decree</p>
Financing from Corporate Perspective	
Interest ceilings on offshore loans and USD onshore loans.	Interest ceilings on offshore loans and onshore USD loans have been removed (June and Aug. 2001).
Forced surrender rule. Companies are forced to sell foreign exchange to banks.	Force surrender rule has been reduced from 80% in 1998 to 50%, 40% and 30% in 1999, 2001 and 2002 respectively. In May 2003 it was abolished.
Land and property	
Restrictions on lending and security by decree 178 (five year rules, ability to mortgage land and building separately etc.)	Decree 178 has been revised to address the issue
Notwithstanding the fact that Decree 71/20001/ND-CP has been issued confirming the right of foreign investors to invest in property projects to build apartments for sale, the implementing guidelines have not yet been issued.	The new Land law allows foreign developers to build apartments/house for sale. This issue is resolved.
FDI enterprise form	
FDI is not allowed in joint stock form.	<ul style="list-style-type: none"> _ A decree has been issued to allow FIEs to be converted to joint-stock companies. _ New IL effective from June 2006 allowed FDI in joint stock form
Administration and Public Governance	
Prevailing two different legal frameworks for domestic and foreign investors	_ The UEL and CIL have been effective since June 2006 that provides for the same legal framework for both types of investors
Intellectual Property Rights, Technology transfer, IT and Telecoms	
Limited term of the technology transfer contract within 7 years and in special cases 10 years	The Law on Technology Transfer (effective from Dec 2006) and approved Civil Law removed the term and leave it to the contractual parties to negotiate and decide
Various barriers (cap on royalty, approvals, short-term protection) to technology transfer to Vietnam affect the competitive base of the country.	The amended decree 45 on technology transfer has abolished these barriers
Internet and Intranet access. Many companies are unable to access their Intranet due to VNPT restrictions on broadband access and levels of encryption. This problem increases business cost, undermine the country's competitiveness and hamper the development of the IT	VPN and ADSL lines have become popular. Though service is sometimes interrupted, this marks a substantial improvement and it is hoped that it means reliable GPRS and other services will be available soon.

Issues	Comments
sector.	
Capital markets	
Unclear and insufficient tax advantage for listed companies	Circular 100 on tax incentives for foreign investors in the stock market and official letters 11924 and 1248 on tax incentives for listed companies have been issued to provide clearer guidance on this matter and thus help promote equitisation and boost the development of the stock market
Lack of transparency in equitisation of SOEs. All new equitisation should be auctioned through securities companies to ensure transparency and fair competition among investors.	<ul style="list-style-type: none"> - Decree 187/2004/NS-CP dated No.16, 2004: companies having the shares sold out at the first issuance worth from VND 1 billion to VND 10 billion have to be auctioned through financial mediators; companies having the shares sold out at the first issuance worth over VND 10 billion have to be auctioned via securities centers. - The first two big SOEs (Vinamilk & Vinh Son hydraulic power have been put into auction successfully. - Decision 528 in 2005 issued the list of companies to be auctioned through the securities transaction centers in 2005
Lack of legal framework for development of the stock market and thus limited capital mobilization through the stock market	Law on Securities came to effect on Jan 2007 providing legal frame work for stock market activities
Banking	
Removal of maximum commission on Bank guarantees and acceptances. The commission should be decided by the bank.	SBV issued decision 1384 on 28 October 2001 to abolish the commission ceiling on guarantees.
Too high reserve requirement on foreign and VND currency deposits (15% and 5% respectively). The requirement to be reduced to facilitate bank operation	<ul style="list-style-type: none"> - The reserve requirement on USD was reduced from 15% to 10% in December 2001 then from 10% to 8% in May 2002 and a further reduction to 5% in December 2002 - SBV also reduced the reserve requirement on VND deposits by 2% to 3% in May 2002
Expansion of ATM network for foreign banks should be allowed in view of already-substantial networks of local banks	FBs are allowed to expand ATM network in 2006
Reducing the number of counterfeit VND currency notes in circulation as banks incur substantial costs to identify, confiscate, report and deliver such notes to SBV. Recommend SBV to take necessary steps to eliminate counterfeit notes from circulation, including withdrawing existing VND notes and replacing by new notes with more / better security features and more difficult to imitate	New series of difficult-to-counterfeit, polymer notes has been issued. Old series notes have been gradually withdrawn from circulation.
Anti-Money Laundering (AML) regulation (Decree74): Guiding regulation should be issued so as the decree can be implemented fully and operational problems can be avoided when it is implemented.	Guiding regulations for implementation of Decree 74 was issued in form of a SVB's official letter in 2006.

Table 61: Sample of G-PSF Economic Reforms²¹⁴

Issues	Comments
Law on Tax and Sub Decrees	
Law on Investment and Sub Decrees	
SEZ Sub Decree	
Law on Insurance review.	
Directive on bank branch licenses.	
Supporting industry sub decree	Elimination of 10% sub-contracting tax on SME's
Prime Minister's order to stop unofficial fees in the provinces during the 8th G-PSF.	
Elimination of Certificate of Processing inspections.	
Streamlining and review of Certificate of Origin.	
Streamlining inspections from four to one joint inspection of garment industries from cross agencies.	
Trade Facilitation Unofficial fee reduction	No explicit reform but as a consequence of TF and the G-PSF, fees reduced by 15%. All together, a garment sector representative talks of costs as having come down by 30-40% in the past few years
Input into the Law on Accounting, Audit & Accounting Profession.	
VAT refund Prakas.	
Review of Renewable Energy Policy.	
Withdrawal of Cambodian export monopoly (6th G-PSF).	
Duty exemptions on raw materials	Twelve specific raw materials associated with the food industry.
Transport of Cargo and Passengers on Land Sub Decree review (E&I WG).	
Amnesty on vehicle checking fees (E&I WG March 2006).	
Road repair Chaom Chao	PS request led to stopping of unofficial fees and repair of the road
Neak Leoung Ferry opening hours extended.	
Implementation of Sub Decree 83 on overloading.	Increased official payments and decreased wear and tear on roads. Model is expanding throughout the country.
Review of Sub Decree on Hotel Classification.	Will enable clearer classification for hotels and more

²¹⁴ Source: IFC-led Secretariat

Issues	Comments
	surety for tourists.
Postponement of introduction of rubber shoes, booklet and increased fees to Angkor Wat.	
Review of tourism license application framework.	
Package tour proposal for PM's visit to China	Subsequent PM visit to China saw increase in Tourism numbers with measures from proposal in dialogue.
Review of cross border trade initiative by PS for RGC - Vietnamese consultations	Leading to better implementation and more trade.
Increase border control on the importing of pigs to help the domestic industry	Elimination of the requirement of application for license to transport livestock throughout the country
Customs Clearance procedures on national roads review.	
Vietnam - Cambodia Cross Border Transport Agreement implementation consultations on access to Vietnam / Cambodia for registered vehicles.	
Review of land entry procedures at Poipet for tourists.	
Tourism infrastructure (Re-open the Sihanoukville Airport)	
Law on Administration of Factory and Handicraft Review	
Establishment of Land Concessions Sub Committee	
Government clarification on its policy on electricity and the long term forecast for cost, the increase in supply and cost reductions by 2011. (8th GPSF March 05)	
Construction of by-pass in Siem Reap	Apsara will allocate 50% of its budget to build this by-pass
Draft Expropriation Law Review	

PART 4: Recommendations and Lessons Learned

Part 4 draws on the collective experience of the PPDs under review, through the three dimensions of the evaluation (organizational effectiveness, reform process and economic impact), to provide conclusions and overall recommendations to development partners. In particular we suggest: (i) increasing focus on strategic management aspects, with a better adapted management structure for the PPDs; (ii) improving the coordination of donor PSD programs with the PPDs and; (iii) some lessons learned from the PPDIA pilot in the Mekong region (i.e. this study).

Recommendations specific to the IFC internal management of the PPD portfolio have been proposed in a separate internal note. The recommendations presented here address the broader context of PPD management with the aim of being informative to the development partners engaging with PPD activities.

4.A Recommendations to Improve the PPDs' Organizational Effectiveness

Recommendations to improve the organizational effectiveness of each of the Mekong public-private partnerships were presented in Part 1 of this document and are summarized for reference below.

Table 62: Summary of Recommendations on Organizational Effectiveness

→ Recommendation #1:

The new MoU should address the institutional realignment of the LBF with an appropriate Deputy PM. Encouraging early discussions have taken place and it is believed that the Government would agree to a transfer to Deputy PM Somsavath Lengsavad. It is suggested that this will foster greater intra-governmental coordination as a benefit of the Forum.

→ Recommendation #2:

It is strongly recommended to generalize the practice of position papers by the Private Sector across the three Forums. We also suggest systematic branding of the concept papers by the PPD itself rather than the particular BMO the paper originates from (or at least, co-branding). These would likely be followed by greater Government accountability due to (i) increased traceability of suggested reforms and (ii) increased advocacy impact by presenting the proposals as consensual Private Sector recommendations. In addition, and as importantly, we could expect greater quality of dialogue between the private and public sector by focusing on fact-based and cost-benefit analyses of recommended reforms.

→ Recommendation #3:

The PPDIA team estimates that in Vietnam and Cambodia pre-requisites to active communication by the Secretariats have long materialized in the form of (i) reasonable level of trust, (ii) frequent interactions between all parties and (iii) strong PPD institutionalization that could mitigate the shocks that press exposure may cause to a more vulnerable partnership. It is advised to develop a structured communication strategy prioritizing key messages - PPD outputs and economic impact- to target audiences within the Private Sector and Government susceptible to increased participation and commitment to the partnerships. Commitment to communication aspects would require additional management time.

→ Recommendation #4:

The M&E functions are largely overlooked by the three Secretariats, with the exception of the progress matrices, probably playing more the function of a reporting and management tool than an M&E framework. The lack of proper M&E systems surely stems from the absence of donors' requirements to set clear objectives. Setting up such systems would allow for increased accountability, hence quality of outputs as argued above. As importantly it would create the opportunity to define tangible objectives for the PPD by imposing the identification of measurable and quantifiable outputs, therefore forcing a more strategic prioritization of issues. Integrated M&E could contribute significantly to the proposed more strategic approach to PPD activities advocated in this paper.

→ Recommendation #5

In order to increase 'sub-national' participation, the VBF should consider:

Introducing a greater level of rotation between Hanoi and HCMC for the main event organization (to the extent it wouldn't jeopardize Government participation). This would signal a willingness to be inclusive to all companies regardless of geography.

Introducing a WG specifically dedicated to serving the needs of SMEs

→ Recommendation #6

In Lao, separate negotiations with provincial Governors will be necessary in the future to ensure outreach to the sub-national level. It is suggested that discussions at this point reflect the sensitivity of the political central-periphery relationships – appropriate advice should be taken. Development of regional MOUs should certainly be considered once the LBF has demonstrated its value to all stakeholders and has achieved a stronger institutionalization. Further engagement with the 4-province GTZ PPDs should also be investigated.

4.B Recommendations to Increase Focus on Strategic Management

The G-PSF and the VBF have been successful in delivering both improved reform processes and direct and measurable economic impact in selected areas. After approximately four years of operation both partnerships experienced a phase in which parts of Government appeared to feel threatened by the forums' success in impacting the reform process. Experts interviewed differ as to the real extent to which the continuity of the partnerships was in jeopardy but agree a negative outcome (discontinuity of the Forums) was plausible. In both cases the most senior levels of government intervened to put the PPDs back on track and induce renewed commitment.

Today the partnerships have achieved strong levels of institutionalization and are rooted in the domestic political and economic systems, while the daily operations and logistics are largely satisfactory. The first year of LBF operations is promising and allows optimism as to replication of the other partnerships' experience, though a good second mandate with the right Government representative as LBF Chairman will be important to maintain the benefits of coordination and accountability seen in the earlier dialogue.

The success of the PPDs should largely be attributed to the remarkable work of the facilitators. The brokerage is universally valued as honest and of high quality. A large portion of the forums' participants, however, regret that the facilitators lack the time, the resources and the institutional support to provide additional technical inputs and analyses to the WG process, whilst these dimensions are frequently understood as being part of the IFC mandate (in the case of Lao it is

explicitly referred to in the MOU, “[LBF will] assist Working Groups to analyze issues constraining growth and make suggestions based on best practices in the region and elsewhere²¹⁵”). Indeed, the facilitators spend most of their time and efforts in managing daily operations and performing secretarial tasks. Combined with the absence of a referral structure to inject flexible TA into the partnership when appropriate, the facilitators are resource constrained to provide operational and strategic management.

The WGs suffer from the same lack of a strategic framework. As a consequence, issues are commonly addressed in ad-hoc fashion as they are being raised by the Private Sector – although there is variation by Working Group and some efforts to prioritize, there is a lack of strategic approach to choosing issues generally. Following the uneven capacity of domestic BMOs, the role of defining strategic directions for particular sectors or cross-cutting themes is often not filled. This negatively impacts the capacity to tackle complex issues and to deliver results. The Private Sector being the main driver of proposed changes in the three forums means that the issues arrive at the forum in a somewhat piecemeal manner rather than in packages that could over time, be built with adequate assistance into strategies for each sector or issue group and then easily integrated into the donor TA portfolio. Such an approach would be part of more strategic assistance to the PPD reform process.

In the few documented instances of a PPD supporting integrated solutions to acute national economic problems and communicating them adequately to a distinct target audience of decision makers the impact has been considerable. PPD has successfully raised awareness of all parties to the topics at hand and more importantly achieved success in aligning the domestic politics, the development partners’ policies and the Private Sectors’ efforts (e.g. “Project 2005,” a concerted, bold and unified approach at the 6th G-PSF and the eventual World Bank sponsored Value Chain Analysis and other studies in Cambodia were instrumental in promoting the trade facilitation agenda²¹⁶). “PPD is great to get strategic direction - most important for this. Great to understand gaps in perspective on particular issues and to test ownership”.

4.B.1 Reviewing Management Structure of the PPD

→ Recommendation #7:

Coordination and exploitation of synergies between the three forums and between each forum and IFC TA, need to be increased. Resources should be pooled to serve the three forums. Coordination between the forums should be ensured from a central focal point to accelerate learning and provide strategic guidance and ensure strategic fit with IFC investment and TA priorities. We suggest creating a new position for a Regional PPD Coordinator (RPPDC) to manage quality, staff and budget. The RPPDC would:

- Design and implement a strategic approach to PPD and provide guidance to the in-country facilitators in developing strategy for each PPD;
- Operate quality control and oversee good practice in implementing IFC’s PPD operational guidelines;
- Integrate the PPD outputs with the WB PSD agenda and IFC investment agenda;
- Perform or coordinate monitoring and evaluation functions on behalf of the three partnerships;

²¹⁵ IFC-CPI MoU

²¹⁶ World Bank PSD Specialist

- Promote PPD with other donor agencies as a rich source of input into development of their strategies and programs and play a coordinating role in this regard;
- Work on building the capacity of stakeholders (BMOs, Government sector) and transferring the skills and experience to the Government and Private Sector so that they can manage the initiatives directly over time;
- Increase awareness of and communicate the content of the dialogue as well as outcomes of the PPDs. This may in part be achieved by continuing the development of standard documents which can accompany the path of groups of issues, starting with a means to document and value issues and recommendations and culminating in a strategic output document which defines the (perhaps implicit) Private Sector strategy on an issue/sector.

The IFC coordinating bureaus require an additional management role dedicated exclusively to the PPDs, whose key focus would be to: (i) develop and apply systematic management planning to the IFC PPD structure; (ii) identify and set strategies from the corpus of proposals to reach quantifiable objectives more tightly defined than the current broad objective of improving the business environment; (iii) mobilize internal and external resources towards solving key Private Sector constraints and; (iv) accelerate learning between the forums

This could be achieved by adding an additional management position with responsibility for coordinating the three regional PPDs - a Regional PPD Coordinator (RPPDC). The three forums operate today on a completely independent basis from each other while they all face similar challenges²¹⁷. Fostering cooperation and relationships between the three forums would positively impact the facilitators, the Working Groups, and the ultimate results of the three initiatives. Rather than being a direct facilitator of the three forums, the Regional PPD Coordinator would be “above” the three facilitators. He or she would ensure that the proper linkages and synergies are reached between the three forums, and that the linkages are achieved with other TA programs. The RPPDC should have direct responsibility for the whole PPD structure in the region, including the TA team, the facilitators and the respective administrative staff working for them. The RPPDC should also maintain the budget of the three partnerships.

The Regional PPD Coordinator would deliver quality control to management regarding all TA taking place within the partnerships. He or she would monitor progress and evaluate results on an ongoing basis, providing more transparency and accountability than is the case today with single facilitators providing (partially and in a non-strategic manner) that function.

Another function of the RPPDC will be to play a role in developing and ensuring implementation of strategies for each PPD institution itself, assisting the in-country facilitators to play a more strategic (less administrative) role to the same objective.

The facilitator’s task is not an easy one. Managing day-to-day relationship between the Government and representatives of the Private Sector is a difficult task to perform. It involves project management skills, people skills, and substantive skills. It requires both an attention to detail and a strategic view. It demands enough confidence to take decisions on the spot, and enough maturity to know when to hold back and seek advice. It requires constant presence and availability to further the process, while not controlling a mechanism which ultimately belongs to the stakeholders. Rare are the individuals who can perform these tasks effectively and it is easy for a forum to derail if a facilitator does not perform as demanded by the intensity of the partnership. A lot of opportunities and risks are thus concentrated in the facilitators, and the RPPDC will have a

²¹⁷ Albeit, there is considerable informal guidance provided by the Cambodian facilitator to his Lao counterpart and occasional participation in other-country forum events.

crucial function in fostering exchanges between facilitators (within and outside the Mekong region), providing mentoring, quality control, and, if necessary, damage control.

The Working Groups are very likely to benefit from increased synergies between the forums. Several Working Groups in the three forums overlap in terms of sectoral focus. One can foresee that applying lessons learned in the Working Group of one country to those in the next could accelerate the learning curve for younger forums. Having the global view, the RPPDC will be able to identify where collaboration could be established and expertise exchanged between partnerships. This in turn is likely to positively impact results. Currently the forums are often reinventing the wheel on a number of issues that have already failed or succeeded in other forums. These lessons need to be captured, mindful of the fact that each of the countries in question presents a significantly different political, economic and cultural context for PPD.

Finally, as all three PPDs have been weak in disseminating information²¹⁸ and creating awareness, the function of the RPPDC would also be to design new communication tools to disseminate the content of the discussions in the Working Groups as well as the outcomes of the PPDs, in view of increasing effectiveness of the initiatives. Increasing involvement of provincial stakeholders and poorly represented sectors might be a component of this.

4.B.2 Maximizing Use of Facilitators and Encouraging Knowledge Transfer

→ Recommendation #8:

To increase quality, we recommend assigning each partnership a co-facilitator to manage some operational and most secretarial functions of the work. This will dilute the risk inherent to having one single individual exclusively concentrating essential knowledge and relationships, encourage knowledge transfer with the rest of the BEE team and enable the facilitator to be more strategically involved in the operational work done at the Working Group level, and in strategic management aspects of the IFC PPD project itself.

Facilitators gain exceptional knowledge of the Private Sector and Government landscape. In Laos and Cambodia particularly, losing them unexpectedly without time to prepare a transition would be a loss difficult to recover from in the current setting²¹⁹. Many partnerships around the world have failed when facilitators have departed, as a lot of the work quality is built into the trust that a particular person has managed to develop with stakeholders.

This risk can be mitigated with two approaches: securing facilitators' participation in the project through incentives (long term contracts) and assigning a co-facilitator to the partnership to share the burden - and the knowledge - of the process. The second solution especially, enables management to dilute the risks and can be seen as an essential part (i.e. the HR strategy) of a more strategic approach to managing IFC's PPD work. The co-facilitator should preferably be a local person rather than an expatriate. In practice this may however not yet be possible in Cambodia and Lao PDR where numerous Expert Interviews highlighted that it may be difficult for a local national to achieve both the perception and reality of being truly independent.

We propose that the co-facilitator manages the operational / secretarial functions of the work. In terms of transfer of competency, he or she will ensure transition in case the main facilitator has to leave the project. Having two facilitators will enable the range of functions demanded of

²¹⁸ A recently launched G-PSF web-site enabling input of issues and retrieval of status documents is a useful step in the right direction, though greater functionality could be added.

²¹⁹ In Vietnam the Private Sector is more structured than the other countries, which mitigates some of the risks associated with replacing the facilitator.

facilitation to be split between the two, with the co-facilitator bearing more of the secretarial/operational aspects and the main facilitator taking a greater focus on the more strategic, management and analytical work.

4.B.3 Time and Focus of the PPD Structure

Whether or not a co-facilitator is assigned to a partnership, we consider that it would be a mistake to have the facilitator(s) perform different functions than those directly related to the PPD. As opposed to other TA programs that work on a project basis, PPD TA remains in a continuous implementation mode and requires significant attention and constant follow-up, including on delicate secretarial work such as setting up Working Group meetings and securing participation of key stakeholders, several times a month, compiling confidential data, editing minutes, tracking progress of each Working Group, etc.

Below is the suggested time allocation between the different staff, in particular proposing appropriate splits of time required between secretarial, operational/management and strategic work. We include % of time both currently and proposed in the table. The legal and PSD experts are time based but not necessarily internal.

Table 63: Current and Proposed Allocation of Resource Time across Activities

Position	Secretarial		Operations / management		Strategy	
	Prop.	Current	Prop.	Current	Prop.	Current
Regional PPD Coordinator			50%		50%	
Legal and PSD experts	5%		85%		10%	
Facilitator	20%	65%	50%	30%	30%	5%
Co-facilitator	75%		20%		5%	
<ul style="list-style-type: none"> Example Tasks 	<ul style="list-style-type: none"> Keep meeting minutes Schedule meetings Disseminate progress matrices 		<ul style="list-style-type: none"> Managing relationships Advising on agendas Documenting issue strategies Liaising with donors 		<ul style="list-style-type: none"> Developing PPD tools Developing sustainability approach Support to developing issue strategies and “white papers” Development of the institutions Coordinating with donors 	

4.B.4 Leveraging Opportunities to Support the Private Sector

Development partners, including the World Bank Group, have missed the opportunity to both leverage and support the PPDs adequately. The role of development partners can be categorized in two ways. On the one hand, donors should prove responsive to support selected PPD-led initiatives with adequate resources and TA. On the other hand, PSD work by donor agencies should use PPD outputs to better inform country strategies and activities and drive their programming decisions.

→ Recommendation #9:

The PPDs offer a platform for governments and Private Sector to identify, prioritize and address issues facing businesses. It also provides the main platform for Government PSD-focused dialogue in Cambodia and Lao PDR. It therefore has a great potential to eventually drive Private Sector development TA.

The IFC and PPD management should liaise with donor agencies and play a coordinating role in encouraging alignment – both in program strategy development and TA design - around the priorities identified through the PPD. Monitoring of Private Sector initiatives could also be performed through PSWG mechanisms²²⁰.

With the possible exception of Vietnam,²²¹ the PPDs have had limited impact on driving donors' PSD strategies. Organizational factors, such as the anchorage of the secretariat within the IFC are probable causes that need to be addressed²²² yet we believe that additional factors play a role. We feel that a less than optimal understanding of the workings of Private Sector forums and what they can deliver leads to underestimation of the potential for synergies between the WG process and virtually any PSD programming by development partners. The Private Sector forums could therefore play a consequent role in defining donors' PSD programming.

The PPDs are platforms essentially focused on the Private Sector's needs and oriented to Private Sector development. Not only do the PPDs offer a platform for governments and Private Sector to identify, prioritize and address issues facing businesses but in Cambodia and Lao PDR (to a lesser extent in Vietnam) they also provide the main platform for Government PSD-focused dialogue. The partnerships probably offer the richest source of information by interested Private Sector participants on the practical issues they are facing – as well as, in the Working Groups with Government counterparts, where the greatest potential for reform lies. To the extent that the development partners are genuinely committed to a demand-led agenda for developing their own PSD strategies, the PPDs represent perfect platforms.

The PPD agenda should eventually drive Private Sector development TA. If properly informed filtration is applied, TA requests from the forums will by definition be priorities identified by the Private Sector, supported by Government political will and administratively feasible. The Regional PPD Coordinator should liaise with donor agencies and play a coordinating role in encouraging alignment – both in program strategy development and TA design - around the priorities identified through the PPD.

The forums are mostly oriented to business enabling environment reforms but also tackle other issues such as access to finance, transport, logistics, and sector-specific issues. The PPD management therefore enjoys a privileged situation, having the bird's eye view on ongoing TA programs and knowing the details of each of the three forums. The PPD Coordinator will be able to organize resources and serve as a bridge between the different initiatives. The role has the potential to be of extremely high profile and value if it is well filled.

²²⁰ Potentially, sustainability issues for the PSWGs and credible monitoring needs of donors are synergistic objectives.

²²¹ As mentioned in the Reform Process section, the case of Vietnam stands out through: (i) the link to the CG and; (ii) the wide range of reforms towards development of a market-based economy which create alignment of interests between the private sector, the Government and development partners.

²²² The anchoring of the LBF secretariat into the IFC's technical assistance arm MPDF did not conclusively demonstrate that it leads to a greater level of programming responsiveness to the needs of the private sector participants. It is reported to be largely due to individual factors that have since been addressed.

The IFC Advisory Services, as the largest multi-lateral donor PSD initiative, is optimally placed to coordinate donor PSD TA through the PPDs. For the PPD to play a lead role with the donor community however, facilitators should be promoted/marketed by IFC – many donors do not even know about the work of the IFC facilitator in Laos, for example, and some clear opportunities to get Private Sector input on draft laws being supported through other donors’ TA are missed. In Vietnam several members of the Working Groups are oblivious to the identity and even existence of the facilitators, which hampers the latter’s ability to provide quality control, group issues with each other, and identify eventual TA opportunities.

4.B.5 Providing TA Support to the PPDs

→ Recommendation #10:

The three forums are an effective way to deliver TA, but they are very work intensive in operational terms and demand undivided attention. We recommend adding dedicated technical and advisory expertise by the development partners to help the Working Groups define priorities, select, consolidate and process reforms. This will create a virtuous cycle impacting the quality of proposals, the quality of participation, and the quality and quantity of impact.

Limited capacity of stakeholders has been identified as a chief constraint to maximizing the partnerships’ impact on the reform process. Improving technical quality of issues proposed to Government through dedicated technical expertise is one of the most important recommendations of this document.

Although in some instances donors have provided input into PPD-led issues (such as IFC-MPDF with the Unified Enterprise Law in Vietnam and with de-criminalization of Breach of Trust or the proposed Marketing & Promotions Board in Cambodia), good practice is not applied in the three forums when it comes to providing thorough technical input into the proposals that are being advanced through the Working Groups.

Often, it is left to the Working Group to find its own technical resources to comment on a proposal or to consolidate the proposal with the necessary legal research and economic rationale that will make a proposal successful. As a result, the Working Group with constituents that a) have access to good economic and legal resources and b) can spare those resources for the work of the Working Group, present much better proposals than others. In Vietnam, the banking Working Group was for instance able to lead significant advances thanks to its considerable technical expertise. In countries such as in Cambodia or Laos, where expertise is more limited, it cannot be universally provided and proposals dramatically lack in technical and legal quality, at least in most Working Groups. This has potential to create a vicious cycle: individual companies who *do* have the legal or economic expertise to help consolidate proposals are constantly solicited by other forum participants. As a result, they tend to limit their participation, in fear of being overused and drained by the process.

When lower quality proposals reach the downstream process of roundtable discussion with Government officials, time is then lost debating proposals lacking the evidence-based research that should have accelerated the discussion process, and the Private Sector’s credibility can be undermined. A number of excellent ideas are presented to Government without proper preparation, which can drag along the process for long periods of time. This vicious cycle can quickly discredit the entire process and disenfranchise the partnership. This cycle, which has occurred in several partnerships around the globe (Turkey, Nigeria, Tanzania, others) is not yet clearly evident across the Mekong PPDs but the conditions seem ripe for it.

Global practice suggests that issues proposed in the forums have more chance of reaching a successful outcome if they are given the proper technical support and attention. Injecting such expertise into the forum process and focusing it at improving the inputs to Working Groups (meetings with Government) and forums is likely to create a virtuous circle. It will raise the quality of proposals discussed in the Working Groups by providing evidence-based research of each suggestion, thus accelerating the decision-making process within Working Groups. This in turn will help secure the participation of a broader base of firms and associations into the process and raise the likelihood of issues being adopted by Government. The issues are also likely to be more focused and more integrated into a long term strategic objective set by the Working Groups.

The evidence gathered in the impact assessment report indicates that while a strong prioritization effort is made in the Private Sector Working Groups in Cambodia and Vietnam, the Private Sector still needs focusing and assistance to take a long term strategic view of solving clusters of issues – or indeed of moving beyond issues *per se* to articulation of more ambitious visions/strategies for their sectors. The Working Groups are organized to also address longer term goals and the position papers issued by some of them are a step in that direction. But the Working Groups remain in need of more direction and framing, especially if the forums wish to retain donor financing over the long run. While it is legitimate for the Private Sector to raise sequences of smaller issues, as described in the section on reform process, such financing requires that issues dealt with by the forums be aligned with major constraints identified by the Private Sector, through the PPD and other means – enhanced of course, if these constraints have been articulated in donor support strategies.

TA Characteristics

→ Recommendation #11:

It is recommended to deliver TA aimed at (i) the capacity building of the PPD stakeholders and (ii) advancing specific reforms. To maintain their status of honest broker, development partners ought to provide responsive and neutral TA. As importantly, TA delivery mechanisms should be flexible either through in-house legal and economic expertise or through consultants on a retainer basis.

TA needs can be categorized in two broad categories: capacity building of partner organizations, and reform content. The following table proposes a framework for prioritization of TA delivery by the IFC by looking at the recipients and at the functions of TA.

Table 64: Proposed Guidelines for TA Provision by the Development Partners

	Reform Content	Participant Capacity Building
Government (WG line ministries and agencies)	<ul style="list-style-type: none"> • Transparency: In order to remain an honest broker, transparency in what Development Partners provides should be the rule. • Balanced: Opportunities for TA should be available at the request of and preferably, nominated as a joint request by, both sectors. • TA to one party only should be limited and occur only if specifically requested or if Development Partners have an appropriate sectoral program. • Development Partners have an opportunity to play a coordination role with other donors for all inputs into PSD. The opportunities for synergies between donors' PSD work and the PPD exist but are not being exploited. 	
PS (through BMOs)		
PPD structures (with focus on WG Secretariats)	<ul style="list-style-type: none"> • Demand-driven provision of analyses, law drafting and research to the WGs • Decision making on proposal prioritization left to PPD structures/participants • Leverage external TA opportunities 	<ul style="list-style-type: none"> • Currently main Development Partners' input - the facilitation bureaus and "role" of PPD • Increased focus on strategic matters vs. daily operations is required • Requires allocation of senior staff

	Reform Content	Participant Capacity Building
	on donors' PSD programs - coordination <ul style="list-style-type: none"> • Consider fund for on-demand TA sourced externally • High risks of perceived neutrality loss/ agenda capture 	and resources <ul style="list-style-type: none"> • Addresses the key recommendations of this document under "Improving the PPDs' Effectiveness"

In addition, effective TA should be responsive and neutral and have flexible delivery mechanisms.

Responsive and 'Neutral' TA

Increased TA delivery by development partners amplifies the risk of perception (and reality) of donor capture of the PPD agenda, which is not seen at the moment as a recurrent and serious issue in any of the three countries²²³. Global practice suggests that when capture occurs, it considerably undermines both the Private Sector's and Government's commitment to the partnership. It is therefore important to install safeguards against perception of donor capture.

Technical assistance should provide input but not take over the decision making process currently embedded at the PSWG and WG levels. Furthermore, TA should be provided for topics specifically requested by the PPD structures. One possible safeguard would be to make TA contingent on the systematic submission of formal requests by the most appropriate PPD structure.

Also, documentation of TA activities should be communicated meticulously to both Government and PS in order to ensure transparency and maintain clear a sense of development partners' balance between stakeholders.

Flexible TA Delivery Mechanism

TA should be capable to be delivered upon short notice. Our recommendation is to provide the three forums with access to a team of dedicated legal and economic technical assistance specialists. Two delivery mechanism models should be considered. Experts could either be permanent staff or consultants on a retainer basis to allow for flexible procurement mechanism.

Experience from other forums around the world (Bosnia, Uganda, others) suggests that a dedicated team of experts is a better solution to answer the forums' specific needs, especially in terms of flexibility of approaches and speed at which the support is provided after an issue is raised.

While an added budget that could give facilitators access to a pool of specialists is an option to consider, bringing in consultants, unless they are the same every time (or drawn from a small pool), means bringing each consultant up to speed and up the learning curve on dialogue and types of solutions sought after by the forum participants. However, experts external to the IFC may be better placed to maintain the IFC's honest broker role and avoid any perception that the IFC seeks to capture the PPD agenda. One option might be to involve some of the leading Private Sector participants in each country who are already involved in – and committing significant time and resources to – the PPD Working Groups. This would also limit perceived crowding out by these participants and reward their – in some instances – substantial contributions to the PPDs over time²²⁴. Regardless of the specific means of delivery, quality TA support to the forums will have significant impact on their ability to deliver valuable reforms.

²²³ Donor capture was anecdotally reported to have occurred in Lao PDR with business registration, while two VBF participants thought the potential for IFC conflict of interests as an investor, whilst maintaining a role in developing the agenda as co-chair of the Forum, was cause for concern and needed to be addressed.

²²⁴ Refer to the economic impact section of this report, which demonstrates the significant cost borne by legal, accounting and other firms in providing "free TA" (as one senior Cambodian government figure described it)

4.C Evaluating Exit Strategies

→ Recommendation #12:

Our recommendation is not to exit any of the three initiatives at this point but to consider a phased approach to exit with a reinforcement of the projects in the mid-term for Vietnam, in the long term for Cambodia and Laos, so as to ensure better functioning and better capacity building with transfer of competencies.

Regarding how long the IFC needs to remain committed to these processes, it is important to understand that there is strong Government or Private Sector ownership of the projects in Vietnam and Cambodia (Laos is still a young enough forum for which an exit could be quickly managed if needed – although we do not recommend it). If an exit is sought, it needs to be carefully planned so as not to damage relationships with either of the key stakeholders. Our recommendation is not to exit any of the three initiatives at this point but to consider a phased approach to exit with a reinforcement of the projects in the mid-term, *through implementation of the recommendations above in combination with the prescribed more strategic approach*, so as to ensure better functioning and better capacity building with transfer of competencies.

In Vietnam, there appears to be a potential for exit in certain Working Groups due to the existence of local dialogue channels. But a closer look reveals that these local channels only work on regulatory clarification issues, not agenda setting and advocacy for regulatory changes, as the current Working Groups are doing. An interim solution would be to invest in building capacity of VCCI (Vietnam Chamber of Commerce and Industry) so that they can eventually serve as the honest broker representing both local *and* foreign firms (today the VCCI only represents local firms and continues to be seen by some as “part of Government²²⁵”). Until then, the forum should remain active, but work should be concentrated in Working Groups that are farther away from potential exit (e.g. it seems that the banking Working Group could function very well without the IFC brokering the relationship).

In Cambodia, it would be extremely counter effective to exit at the moment. The trust between Government and Private Sector is only starting to consolidate and bring about results. The Private Sector has no strong BMO capacity to handle a similar process on its own and it is doubtful that entrepreneurs would keep voicing concerns without the shield of the IFC²²⁶. The Government has integrated the G-PSF system and process into its institutional setup, and the G-PSF process is today essential to advancing the PSD agenda in the country. A stronger strategic management and planning approach and further integration of donor-driven TA into G-PSF priorities would make most sense at this point.

In Laos, the process has just started and needs more support. An exit would be unwise at this time. Early results are still some way short of those of Cambodia and Vietnam but the LBF is following the natural learning curve of PPDs. The MOU needs to be renewed, with a preference for assigning the forum Co-Chair to the Deputy Prime Minister as described in the section on PPD effectiveness – to maximize coordination potential. On the Private Sector side, efforts need to be put in place to attract a broader base of participants, including Anglophone and local ones (and other Asian groups if possible), particularly through improving marketing of the forum’s activities. The LBF also needs stronger technical input to increase the quality and relevance of proposals.

Results of the evaluation show that the efficiency of the Working Groups is hampered by the limited capacity of the participants, in particular Business Membership Organizations, to advocate

²²⁵ Two Vietnamese entrepreneurs, Expert Interviews

²²⁶ In spite of a positive trend, described above, whereby more contentious issues are being raised in the face of greater private sector confidence, Cambodia remains a challenging environment to voice concerns in.

for their members. It is proposed that the regional PPD structure elaborates a program to support the development of these stakeholders, mirrored by support to Government. Over time, as both the Private Sector and Government sector acquire capacity to dialogue effectively, they will be able to run the PPD on their own and IFC could decide to exit these initiatives.

Figure 42: Generic PPD Lifespan Phases²²⁷

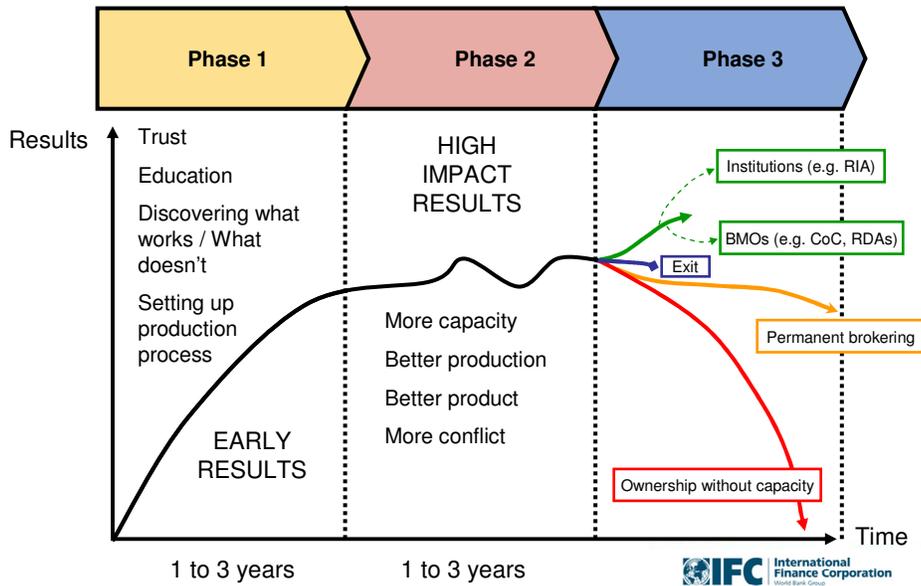
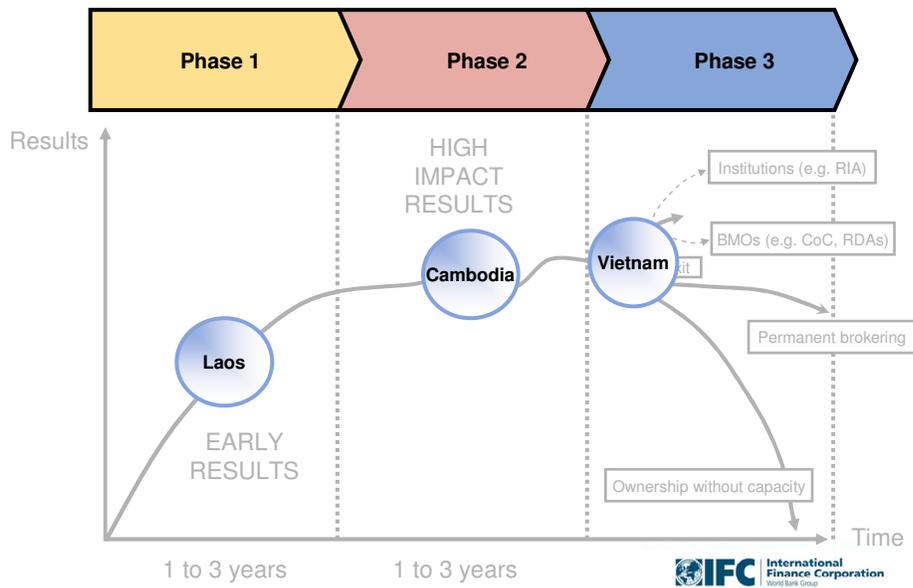


Figure 43: Mekong PPDs' Lifespan Phases Identification



²²⁷ PPD Toolkit, 2006

4.D Lessons Learned on PPDIA

This PPD Impact Assessment report is the result of a pilot project to assess PPD impact using the Charter of Good Practice in applying PPD for PSD. The project kick-off meeting for the Mekong PPDIA took place in June 2006. The PPDIA team included the IFC and IFC-MPDF task leaders, the local and the lead consultants. The Terms of Reference for both consultants is attached in Annex 2. At the conclusion of this study it is possible to reflect on the approach taken to the evaluation and provide some thoughts on how future impact assessments might be improved, whether with regard to efficiency, diagnostic value or other parameters. This section provides the authors' thoughts as to how the methodology might be enhanced in future iterations – whilst maintaining a strong view of the value of such exercises.

The main considerations regarding the methodology and the three evaluation dimensions are documented below.

- Part 1: Organizational Effectiveness.

The standard and probably fairest way to evaluate a donor program or the performance of a program's staff is by assessing the level to which their outputs complied with the logical framework, the terms of reference or the job description. In that respect PPDs are somewhat different to other programs:

- The PPDs' objectives may be more dynamic than most programs'. As ownership of the PPD by domestic stakeholders develops, they program their own set of objectives and quantified targets, which may significantly differ from the project onset M&E framework;
- As mentioned in Part 1, none of the PPDs reviewed were initially established with a set of quantified and measurable objectives;
- Finally, intangible – and sometimes long-term – benefits such as improved atmosphere of cooperation and trust, are hard to quantify in a rigorous manner. Yet these seem to be some of the most important outcomes. Dialogue maintained in the Cambodia forum in recent times would have been unthinkable just a few years ago and the Lao Forum is providing a platform for the Private Sector which simply did not exist.

As an alternative, the 12 points of the PPD Charter provide for a good analytical framework to get acquainted with a given partnership. The research nonetheless showed that additional external factors were found to have significant and sometimes greater impact on the organizational effectiveness, such as the prevailing level of BMOs' capacity for instance, adaptation of the facilitators to account for sensitive historical tensions or – critically and simply - the structure of roles between strategic, operational and secretarial/administrative duties.

Additionally, the evaluation criteria proposed in the PPD charter under each of the 12 points were found to be in some cases too rigid and/or not relevant to the local context. Indicators therefore need to be adapted to the PPD environment. Evaluation wheels are then particularly pertinent in allowing a comparative²²⁸ view of different platforms.

- Part 2: Reform Process

²²⁸ We have also sought to emphasise this element of comparison. We do not see the 12-point approach as providing, *per se*, a ranking of the Forums' performance

It was found that analysis of the 14 (in this case) steps of the generic reform process was largely satisfactory to inform on the PPD impact on that dimension. The detailed step by step approach taken for Cambodia was therefore not extended to Vietnam and Lao PDR²²⁹.

Also, among these generic steps the team appreciates that informal steps and pre-conditions can be more important than the formal steps. These were principally addressed in the Expert Interviews with little contribution from the Private Sector Survey.

- Part 3: Economic Impact

Several stakeholders have a particular curiosity and interest in the economic impact section. The project planning should in the future pursue this dimension from the start. In practice, it was found that data for economic impact calculation was often either: (i) non-existent; (ii) challenging to obtain from institutions or people as beneficiaries of or contributors to rent-seeking activities; (iii) subject to meaningfully conflicting figures upon cross-checking of data points/sources. Given the “accounting” approach to impact quantification, earlier scheduling of economic impact would have likely resulted in higher overall impact value.

When replicating PPDIA we therefore suggest the following process improvements:

- The final PPDIA report delivery was delayed by a period of three months versus the original project timeline. The original schedule did not allow sufficient elapsed time between the various phases. A longer duration of assignment was necessary to take into account the inevitable constraints associated with the conduct of extensive primary research and data collection across three countries, as well as the logical structure whereby each phase was informed and, in part, defined by the previous;
- A greater prioritization of tasks would have increased the team efficiency in the conduct of the assignment. In particular:
 - A cost-benefit analysis of the use versus the collect of the systematic and quasi-exhaustive public documentation would suggest a different modus operandi. It would have been more appropriate to first gather data points necessary to the conduct of analyses prior to the data collection;
 - A lack of time and resources for analysis is the corollary to too extensive a period of data collection.
- Given (i) the limited PS size in Cambodia and Lao PDR and (ii) the fact that private businesses have been the focus of several studies in the recent past, our primary research in these countries highlighted a clear survey fatigue and increasingly diminishing return on efforts to reach the 100 and 50 interview sample size in Cambodia and Lao respectively. On the other hand, an email survey approach was tested and did not seem to grant better results. It is therefore suggested to limit the sampling size in countries with similar PS profile²³⁰.
- The structure of collaboration between lead and local consultants was found to be adequate. We however advise to budget more time for lead consultants in the evaluation countries in order to get a deeper understanding of political and economic nuances.

²²⁹ The detailed approach was suggested by the consultants and does not originate from the PPD Toolkit.

²³⁰ This notwithstanding our suggestion that M&E be better embedded in the actual PPD process as part of a more strategic approach, lending the process to much easier evaluation - both from an evaluator’s perspective and from the private sector participants’

ANNEXES

Annex 1. List of Expert Interviews

#	Name	Position	Organization	Location
1.	H.E. Cham Prasih	Senior Minister	MOC	Cambodia
2.	H.E. Chan Sarun	Minister	MAFF	Cambodia
3.	H.E. Chea Chanto	Governor	NBC	Cambodia
4.	H.E. Keat Chhon	Senior Minister	MEF	Cambodia
5.	H.E. Lay Prohas	Minister	MOT	Cambodia
6.	H.E. Sok Chenda	Minister	CDC	Cambodia
7.	H.E. Sun Chanthol	Minister	Ministry of Public Work and Transport	Cambodia
8.	H.E. Suy Sem	Minister	MIME	Cambodia
9.	Mr. Bretton G. Sciaroni	Co Chair LTGG WG & Partner S&A	Sciaroni & Associates	Cambodia
10.	Mr. Charles Van	Deputy GM, Co Chair B&F WG	Canadia Bank, Banking and Finance WG	Cambodia
11.	Mr. Ho Vandy	President – President of CATA Co- chair of the Tourism PSWG	World Express Tours & Travel and CATA	Cambodia
12.	Mr. Van Sou Ieng	President & Co Chair Ex Pr & TF WG	CAMFEBA	Cambodia
13.	Okhna So Nguon	Director & Co Chair E&I WG	SO NGUON DRY PORT	Cambodia
14.	Oknha Mong Riththy	President, & Co Chair Ag & Ag Ind WG	Mong Riththy Group, Agriculture WG	Cambodia
15.	David King	Executive Director & PS Rep. on the Tax Sub Committee	KPMG	Cambodia
16.	Nick RAY	Advisor to Co Director	Hanuman Travel Agency	Cambodia
17.	TAL Nay Him	General Director	National Bank of Cambodia	Cambodia
18.	Nou Thara	Director	MIME/Department of small Industry, Mines & Energy	Cambodia
19.	Thierry de Roland Peel	Former Corporate and Regulatory Affairs Manager	British American Tobacco	Cambodia
20.	Denise Lauwens (phone interview)	General Manager	Coca Cola SABCO	Cambodia
21.	Mrs. Tan Sotho	General Manager	Hanuman (travel agency)	Cambodia
22.	Khan Sophirom ??	Editor	Rasmei Kampuchea	Cambodia
23.	Dr. Nang Sothy	Chairman of PP Sez and former director general of Cambodia	PP Sez Co.	Cambodia

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#	Name	Position	Organization	Location
		Chamber of Commerce & Co Chair of the IR WG.		
24.	Veronique Salze	Private Sector Development specialist – Regional director	The Asia Foundation	Cambodia
25.	Alain Cany	Chairman	European Chamber of Commerce	Vietnam
26.	Dang Duc Dung	Vice Chairman	Hanoi Youth Business Association	Vietnam
27.	Fred Burke	Head of M&D Working Group	Hong Kong Business Association, M&D Working Group	Vietnam
28.	H.E Vu Khoan	Former Deputy Prime Minister	Vietnam Government	Vietnam
29.	H.E. Tran Xuan Gia	Former Minister of MPI	Vietnam Government	Vietnam
30.	Jean-Pierre Achouche	Country Director	France Telecom	Vietnam
31.	Le Nguyen Minh Quang	Vice Chairman	Ho Chi Minh Business Association	Vietnam
32.	Le Quoc Hung	Vice President	Siemens Vietnam	Vietnam
33.	Nguyen Hoang Hai	Secretary General	Vietnam Association of Financial Investor	Vietnam
34.	Pham Chi Lan	Ex Chairwoman	VCCI	Vietnam
35.	Pham Dinh Doan		Phu Thai Group	Vietnam
36.	Phan Huu Thang	Director Generar	Foreign Investment Agency	Vietnam
37.	Phung Khac Ke	Deputy Governor	Central Bank	Vietnam
38.	Phuong Huu Viet	Member of NA and Chairman of VN Young Business Association	National Assembly - Economic & Budgetary Committee	Vietnam
39.	Prof. Dao Nguyen Cat	Chief Editor	Vietnam Economic Times	Vietnam
40.	Mr. Tran Kim Thanh	General Manager	Kinh Do Joinstock Company	Vietnam
41.	Mr. Pham Tien Tinh		Gemadept Corporation	Vietnam
42.	Seck Yee Chung	President	Singaporean Business Association	Vietnam
43.	Sin Fong Wong	Country Manager	IFC	Vietnam
44.	Thomas Finkel	Programme Manager	GTZ Private Sector Development Program	Vietnam
45.	Tran Lac Hong	Chairman	HCMC Computer Association	Vietnam
46.	Tran Quang Huy	Logistics Manager	Adidas	Vietnam
47.	Yashiro Hiroaky	Chairman	Japan Business Association – Itochu	Vietnam
48.	Mr. Frank Caussin	Trade Promotion Advisor	ITC Trade Promotion	Lao PDR

Impact Assessment of Public Private Dialogue initiatives in
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#	Name	Position	Organization	Location
49.	Mr. Frank Boulin	Chief Technical Advisor	UNDP NA Strengthening Project	Lao PDR
50.	Mr. Patchamuthu Illangovan	Country Manager	World Bank	Lao PDR
51.	Dr. Rattanatay Luanglatbandith	Senior Economist	ADB	Lao PDR
52.	Mr. Mel Jones	Senior Program Officer	EU	Lao PDR
53.	Mr. Eelco Baan	Network Leader/Advisor Asia	SNV	Lao PDR
54.	Pascale Rouzies	Lao Business Forum Coordinator	IFC-MPDF	Lao PDR
55.	Mr. Nheune Sisavad	Director General	Dept. of Intellectual Property, Standardization and Metrology	Lao PDR
56.	Mr. Outakeo Keodouangsinh	Legal Affairs & Sec to IMT	CPI	Lao PDR
57.	Ms. Bounphone Heuangmany	Deputy Director General	Legislation Dept., MOJ	Lao PDR
58.	Manivone Insixiangmai		Tax department/related to all PS business, especially in Vientiane.	Lao PDR
59.	Mr. Savanhkhone Razamounry	Director General	Vientiane Times	Lao PDR
60.	Mr. Khampanh Sengthongkam	Secretary General	LNCCI	Lao PDR
61.	Mr. Chandareth Phetsiriseng	President	INSEE Management Co. Ltd	Lao PDR
62.	Ms. Duangmala Phommavong	General Manager	Exotissimo Travel	Lao PDR
63.	Mr. Alain Daout	Managing Director	Exotissimo	Lao PDR
64.	Mr. Thongsavanh Soulnamat	Managing Director	Lao Furniture Industry Factory	Lao PDR
65.	Mr. Ousavanh Thiengthepvongsa	President & CEO	LMS Group	Lao PDR
66.	Mr. Kissana Vongsay	President	LNCCI	Lao PDR
67.	Mr. Oudet Souvannavong	President	Lao Hotel and Rest Assoc	Lao PDR
68.	Mr Pisith Sayathith	Managing Director	Vientiane Steel Industry Company, Ltd / Lao Asian Ecology Public Ltd.	Lao PDR
69.	Mr. Francis J. Chagnaud	Director General	Agroforex Company	Lao PDR
70.	Charles Schneider	Head of Office	IFC-MPDF	Lao PDR
71.	Audray Souche	Legal Advisor	Mekong Law Group	Lao PDR

Annex 2. Terms of Reference

TERMS OF REFERENCE LEAD CONSULTANTS

Impact Assessment Study Application of the Public-Private Dialogue Monitoring and Evaluation Framework for of Cambodia, Lao PDR and Vietnam Business Forums

Background

The IFC regards private-public sector dialogue (PPD) as an essential prerequisite for an effective private sector policy reform processes. An effective PPD aids in the development of the private sector and strengthens representative advocacy institutions. As such, it enables the business community to participate effectively in the policy and regulatory reform process. By providing a necessary focal point for consultations on improving the investment climate, PPD also contribute to building trust within and between a government and the private sector. In addition, these types of consultations have the capacity to engage public-public dialogue in addition to public-private dialogue. Well managed PPDs are therefore increasingly regarded by governments and donor agencies as a necessary condition for the effective design and implementation of business enabling environment reform strategies.

The World Bank Group has invested in developing and nurturing PPD initiatives in developing economies. Three such initiatives are taking place in South East Asia: the Vietnam Business Forum (VBF), Cambodia's Government-Private Sector Forum (G-PSF) and the Lao Business Forum (LBF).

The Vietnam Business Forum (VBF) is a PPD providing the public authorities, the private sector and the donor community with a platform to assist the Vietnamese government develop a business environment that will attract foreign direct investment and stimulate domestic economic growth through investment climate reforms. The VBF started in 1997. It will soon celebrate its 10th anniversary.

The Cambodian Government-Private Sector Forum (G-PSF) structure is led by a Forum held on a bi annual basis. The Forum is chaired by the Prime Minister. Under the umbrella of the Forum, seven sector-based working groups meet on a regular basis. The

Forum is a mechanism for public private sector consultation on investment climate issues ranging from policy to operational matters.

The Lao Business Forum was established in 2005. The first Forum will be held in May 2006. It has benefited from the experience of Vietnam and Cambodia and has set up a number of processes aimed at facilitating the dialogue and maximizing reform results.

IFC and donors to the Private Sector Forums (PSFs) are seeking to hire an lead consultant to participate in the evaluation exercise of the three forums in applying the Public Private Dialogue M&E framework developed by the World Bank – IFC – DFID - OECD²³¹ to measure the impact of these sets of mechanisms, to identify opportunities for these PSFs to grow and to obtain recommendations on how to go forward. The lead consultant (individual or company) must have extensive experience in conducting M&E exercises, especially related to evaluation of PPDs.

The lead consultant will be part of the a multi-disciplinary team (role described in section 5 of this document) and responsible for a number of objectives and tasks as described below.

1. Objectives

The objective of this impact assessment study is to evaluate and report on the impact of the work of the PSFs²³². The evaluation team shall:

- Assess the impacts on the PSFs in three different manners: effectiveness of organizational process of each PSF, impacts on the reform process, and economic impacts;
- Identify lessons learned from each PSF process, point to good practice that could be duplicated in other locations;
- Provide guidance on how the IFC and donors should further support the PSFs.

Specifically, the recommendations addressed by the report and informed by the research shall:

- Point to key experiences gained from the PSFs and advise how those experiences could be duplicated for other such initiatives.
- Advise on how to improve the PSFs effectiveness (inputs, activities, process, outputs).
- Indicate if and how the PSFs should further integrate with other public and/or private institutions to better fulfill their mandate.

²³¹ The World Bank, IFC, DFID and the OECD have taken the initiative to promote knowledge sharing on public-private dialogue. Following the International Workshop on PPD held in Paris in February 2006, a Charter of Good Practice was developed. Since then, a monitoring and evaluation methodology has also been drafted. This specific M&E framework will form the basis for the evaluation of the forums in Cambodia, Laos and Vietnam.

²³² This document refers to the Private Sector Forum as being the comprehensive process of Public-Private Sector dialogue managed by IFC or MPDF that encompasses the Forum meeting, Working Groups, Private Sector Working Groups, Task Forces, Executive Co Chair meetings and other meetings conducted within the auspices of the Secretariats responsibilities.

- Address sustainability issues related to the PSFs including (but not limited to): funding, staff, political capital, participation of key stakeholders, regulatory impacts and required support.
- Assess the representative nature of the PSFs.
- Assess the balance in private sector representation in the PSFs (FDI versus local, capital v. provinces, exporters v. non-exporters, small v. large companies) within the context of each PSF's objectives and working group structure.
- Evaluate the causality between the priorities identified through the dialogue platforms and the directions of funding programs of donors trying to impact the private sector development in these countries
- Identify the scope for improving collaboration and coordination by the IFC with other donors and multilateral agencies in public-private dialogue.
- Evaluate whether the Forum directly contributed to the development of the Bank Group PSD program in each country.

2. Scope and Methodology

To fulfill these objectives, three standard evaluations will be conducted. The purpose of the standard evaluations is to:

- Provide an objective and comparative basis for assessing performance of the PSF projects;
- Provide a solid foundation for management decisions;
- Facilitate dissemination of findings and learnings within the World Bank Group and external stakeholders.

The scope of this evaluation includes an:

- 1- Evaluation of the PSF **organizational processes and effectiveness***
- 2- Evaluation of **political economic impacts of the PSF on the reform process***
- 3- Evaluation of **the regulatory and economic impact of the PSF***

These three evaluations methods are described in the Project Brief document.

3. TASKS OF THE LEAD CONSULTANT

PHASE 1 - DESK RESEARCH

1. Review the data collected by the team of local consultants²³³.
2. Review the outline of impact assessment report elaborated by the local consultants and finalize the document.

²³³ The local consultants will perform the following tasks: Exhaustive collection of all internal supporting material produced by the Forums, working groups and the IFC and external documentation related to their activities (media reports, case studies, etc.); Build an organized data archive on each of the three initiatives with the collected external and internal documents produced by the PSFs and write a first outline of impact assessment report.

PHASE 2 – DETERMINATION OF M&E INDICATORS

The Lead consultant will : Integrate the indicators and benchmarks in his surveys instruments and analysis for the evaluation of the three forums²³⁴.

PHASE 3 - SELF ADMINISTERED SURVEY

- design a self-administered survey instrument to be completed by a range of stakeholders in each country.
- Design a sampling plan. Interviewees should include companies discriminated by:
 - o size
 - o geography
 - o ownership type – foreign/local
 - o trade activities – exporter/domestic
 - o sector – agriculture, industry, services, etc.
 - o The survey shall also be conducted with specific companies involved in the PSFs.
- The administration of the surveys and data processing will be completed by local consultants.
- Analyse the findings

PHASE 4 – FIELD INVESTIGATION WITH STAKEHOLDERS

- Conduct in-depth interviews and/or focus groups with key stakeholders from both private, public sectors and civil society (both stakeholders included in the PSFs over time and those not included), using the methodologies and options described in the draft Evaluation Framework for PPD.
- The investigation is to include five key groups:
 - o representatives of the public sector (as appropriate, Prime Ministers, Ministers, high level officials, head of agencies, mid-level bureaucrats, parliamentarians, sub-national representatives, representatives of legal and judiciary institutions, etc)
 - o representatives of the private sector (a sample of former participants and a sample representative of the private sector in general)
 - o Representatives of advocacy intermediaries such as Chambers of Commerce, business membership organizations.
 - o representative of the civil society (media, unions, NGOs)
 - o Representatives of the donor community.

PHASE 5 – REPORT WRITING

- Following the guidelines of the draft Evaluation Framework for PPD, write a report summarizing the findings and recommendations, answering the questions mentioned in section 1 (Objectives of this project brief).
- Circulate to peer reviewers and integrate comments

²³⁴ The technical advisor will : Collect and review of existing diagnostics, benchmarks, and surveys on the three countries studies (including Doing Business, Enterprise Surveys, Administrative Barriers reports, other)

- Present the findings

4. Deliverables :

- 1) A monitoring and evaluation report on the topics outlined above in the shape of an impact assessment study (one single report for the three Forums or three separate reports), including four page executive summary synthesizing the findings.
- 2) A synthesis of the findings of the study in an annotated powerpoint presentation. Where demand exists, give seminars to the main stakeholders in Vietnam and Cambodia.

5 - Team Structure

- *Task leader:* Lili Sisombat – in charge of coordinating the team, developing TOR, hiring, planning. In charge of coordinating the work performed by the local consultants; review of outline, first draft and final draft.
- *Technical advisor:* Benjamin Hertzberg - overseeing the M&E exercise, providing guidance to the Lead Consultant, review of outline, first draft and final draft, with major input into final draft. Overall responsibility for the analysis and validity of the report.
- *Local consultants :* Exhaustive collection and review of all internal supporting material produced by the Forums, working groups and the IFC and external documentation related to their activities (media reports, case studies, etc.); Build an organized data archive on each of the three initiatives with the collected external and internal documents produced by the PSFs; produce desk research report; in charge of sampling, distributing and collecting the self-administered surveys in the three countries. Organize face-to-face meetings for in-depth interviews or focus groups and liaise with the PSFs secretariat for arranging meetings with stakeholders.
- *Lead Consultant :* Co-design the project, review desk research report from the local consultants. Leading role in developing survey instruments for the self-administered survey and analyzing the raw data (desk research, field surveys), conduct in-depth field interviews. Provide intermediary and final reports.

REPORTING

The Lead Consultant will report to Benjamin Hertzberg.

=====

*Document prepared by Benjamin Herzberg and Lili Sisombat
May 25, 2006*

TERMS OF REFERENCE FIELD CONSULTANTS

Impact Assessment Study

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Background

The IFC regards private-public sector dialogue (PPD) as an essential prerequisite for an effective private sector policy reform processes. An effective PPD aids in the development of the private sector and strengthens representative advocacy institutions. As such, it enables the business community to participate effectively in the policy and regulatory reform process. By providing a necessary focal point for consultations on improving the investment climate, PPD also contribute to building trust within and between a government and the private sector. In addition, these types of consultations have the capacity to engage public-public dialogue in addition to public-private dialogue. Well managed PPDs are therefore increasingly regarded by governments and donor agencies as a necessary condition for the effective design and implementation of business enabling environment reform strategies.

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The Lao Business Forum was established in 2005. The first Forum will be held in May 2006. It has benefited from the experience of Vietnam and Cambodia and has set up a number of processes aimed at facilitating the dialogue and maximizing reform results.

IFC and donors to the Private Sector Forums (PSFs) are seeking to hire a field consultant to participate in the evaluation exercise of the three forums in applying the Public Private Dialogue M&E framework developed by the World Bank – IFC – DFID - OECD²³⁵ to measure the impact of these sets of mechanisms, to identify opportunities for these PSFs to grow and to obtain recommendations on how to go forward.

The field consultant will be part of a multi-disciplinary team (role described in section 5 of this document) and responsible for a number of objectives and tasks as described below.

5. General Objectives of the impact study

The objective of this impact assessment study is to evaluate and report on the impact of the work of the PSFs²³⁶. The evaluation team shall:

- Assess the impacts on the PSFs in three different manners: effectiveness of organizational process of each PSF, impacts on the reform process, and economic impacts;
- Identify lessons learned from each PSF process, point to good practice that could be duplicated in other locations;
- Provide guidance on how the IFC and donors should further support the PSFs.

Specifically, the recommendations addressed by the report and informed by the research shall:

- Point to key experiences gained from the PSFs and advise how those experiences could be duplicated for other such initiatives.
- Advise on how to improve the PSFs effectiveness (inputs, activities, process, outputs).
- Indicate if and how the PSFs should further integrate with other public and/or private institutions to better fulfill their mandate.
- Address sustainability issues related to the PSFs including (but not limited to): funding, staff, political capital, participation of key stakeholders, regulatory impacts and required support.
- Assess the representative nature of the PSFs.
- Assess the balance in private sector representation in the PSFs (FDI versus local, capital v. provinces, exporters v. non-exporters, small v. large companies) within the context of each PSF's objectives and working group structure.

²³⁵ The World Bank, IFC, DFID and the OECD have taken the initiative to promote knowledge sharing on public-private dialogue. Following the International Workshop on PPD held in Paris in February 2006, a Charter of Good Practice was developed. Since then, a monitoring and evaluation methodology has also been drafted. This specific M&E framework will form the basis for the evaluation of the forums in Cambodia, Laos and Vietnam.

²³⁶ This document refers to the Private Sector Forum as being the comprehensive process of Public-Private Sector dialogue managed by IFC or MPDF that encompasses the Forum meeting, Working Groups, Private Sector Working Groups, Task Forces, Executive Co Chair meetings and other meetings conducted within the auspices of the Secretariats responsibilities.

- Evaluate the causality between the priorities identified through the dialogue platforms and the directions of funding programs of donors trying to impact the private sector development in these countries
- Identify the scope for improving collaboration and coordination by the IFC with other donors and multilateral agencies in public-private dialogue.
- Evaluate whether the Forum directly contributed to the development of the Bank Group PSD program in each country.

6. Scope and Methodology

To fulfill these objectives, three standard evaluations will be conducted. The purpose of the standard evaluations is to:

- Provide an objective and comparative basis for assessing performance of the PSF projects;
- Provide a solid foundation for management decisions;
- Facilitate dissemination of findings and learnings within the World Bank Group and external stakeholders.

The scope of this evaluation includes an:

- 4- Evaluation of the PSF **organizational processes and effectiveness***
- 5- Evaluation of **political economic impacts of the PSF on the reform process***
- 6- Evaluation of **the regulatory and economic impact of the PSF***

These three evaluations methods are described in the Project Brief document.

7. TASKS OF THE FIELD CONSULTANT

a) DESK RESEARCH

3. Exhaustive collection of all internal supporting material produced by the Forums, working groups and the IFC and external documentation related to their activities. These include:
 - Initial terms of reference, project documents in establishing the forums
 - Matrix tables, internal and external progress reports, surveys undertaken
 - Any baseline data collected
 - Terms of reference of the PSF secretariat staff
 - Minutes of working groups meetings
 - Media clippings / reports, case studies
4. Build an organized data archive on each of the three initiatives with the collected external and internal documents produced by the PSFs.
5. Review and conduct a desk study drawing upon existing documentation, produce first outline of impact assessment report.

b) SELF ADMINISTERED SURVEY²³⁷

- Provide support to the Lead Consultants in determining sample of interviewees. Interviewees should include companies discriminated by:
 - o size
 - o geography
 - o ownership type – foreign/local
 - o trade activities – exporter/domestic
 - o sector – agriculture, industry, services, etc.
 - o The survey shall also be conducted with specific companies involved in the PSFs.
- Sample size : about 100 in each country
- Arrange all logistics for delivering/collecting the questionnaires to be completed by a range of stakeholders in each country.
- Process the data and provide statistical tables in SPSS or Excel format [details of the format of the tables will be provided by the international consultants]

PHASE 4 – FIELD INVESTIGATION WITH STAKEHOLDERS

- In-depth interviews/focus groups : Provide input to the lead consultants in determining sample of key stakeholders from both private, public sectors and civil society (both stakeholders included in the PSFs over time and those not included). Interviewees include:
 - o representatives of the public sector (as appropriate, Prime Ministers, Ministers, high level officials, head of agencies, mid-level bureaucrats, parliamentarians, sub-national representatives, representatives of legal and judiciary institutions, etc)
 - o representatives of the private sector (a sample of former participants and a sample representative of the private sector in general)
 - o Representatives of advocacy intermediaries such as Chambers of Commerce, business membership organizations.
 - o representative of the civil society (media, unions, NGOs)
 - o Representatives of the donor community.
- Provide logistics in arranging face-to-face interviews or focus groups for the international consultants with the selected stakeholders.

8. Deliverables :

- 1) A desk research report (one single report for the three Forums or three separate reports), including four page executive summary synthesizing the findings.
- 2) statistical tables from the self-administered surveys.
- 3) list of stakeholders and contact addresses for the in-depth interviews.

²³⁷ The lead consultant will design the questionnaire, propose a sampling plan and analyse the data collected.

5 - Team Structure

- *Task leader*: Lili Sisombat – in charge of coordinating the team, developing TOR, hiring, planning. In charge of coordinating the work performed by the field consultants; review of outline, first draft and final draft.
- *Technical advisor*: Benjamin Hertzberg - overseeing the M&E exercise, providing guidance to the International Consultant, review of outline, first draft and final draft, with major input into final draft. Overall responsibility for the analysis and validity of the report.
- *field consultants* : Exhaustive collection and review of all internal supporting material produced by the Forums, working groups and the IFC and external documentation related to their activities (media reports, case studies, etc.); Build an organized data archive on each of the three initiatives with the collected external and internal documents produced by the PSFs; produce desk research report; in charge of sampling, distributing and collecting the self-administered surveys in the three countries. Organize face-to-face meetings for in-depth interviews or focus groups and liaise with the PSFs secretariat for arranging meetings with stakeholders, conduct additional in-depth interviews if needed.
- *Lead Consultant* : Co-design the project, review desk research report from the field consultants. Leading role in developing survey instruments for the self-administered survey and analyzing the raw data (desk research, field surveys), conduct in-depth field interviews. Provide intermediary and final reports.

REPORTING

The Field Consultant will report to Lili Sisombat.

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*Document prepared by Benjamin Herzberg and Lili Sisombat
May 25, 2006*

TO ADD LAOS AND VIETNAM

Annex 3. Document Database & Bibliography

These documents were used by the team and serve as evidence to the report findings. The documents were indexed into a searchable database. A username and password is necessary to access the data in order to protect the confidentiality of some internal documents - interested readers are invited to contact the Task Managers for access details.

The Laos and Vietnam documents are indexed per type of documents. The Vietnam documents contain a description of the content of each document (the summary description was produced by the field consultant's local staff – The lists presented here are an import from the database and spelling mistakes have not been corrected) . The longevity of the VBF explains the higher number of documents that were found related to the initiative, as compared to the G-PSF and the LBF. De

Cambodia:	210 documents
Laos:	126 documents
Vietnam:	698 documents
Total :	1034 documents

Cambodia

Cambodia document 1.	ANU KRET_No. 11_ANK-BK.pdf
Cambodia document 2.	Circular_No 3138-00 CDC_07 Nov_2000_Eng.pdf
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Cambodia document 5.	Letter_No. 395-01 CDC_06 Feb 2001_Kh.pdf
Cambodia document 6.	Notification_No.1274 SCN_27 July 2000.pdf
Cambodia document 7.	SpeechPM_7 Feb 2001.pdf
Cambodia document 8.	Anukret_No.44_ANK_BK.pdf
Cambodia document 9.	Anukret_No.64_09.07.2001.pdf
Cambodia document 10.	Anukret_No.70 ANK_BK_27.07.2001.pdf
Cambodia document 11.	Decision_No.44_03.08.2001_Kh.pdf
Cambodia document 12.	Decision_No. 07 SSR_25th June 2001.pdf
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Cambodia document 16.	Prakas_No.145 SVK_KR_6th Feb 2001.pdf
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Cambodia document 19.	Prakas_No.1897_01 CDC_21 June 2001.pdf
Cambodia document 20.	Prakas_No. 49_09.03.2000_Kh.pdf
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Cambodia document 22.	Prekar_No.580 PRK.pdf
Cambodia document 23.	SARACHOR NERNOAM_No.003 SHV_4th June 2001.pdf
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Cambodia document 27.	Letter_No. 229 SCN_13 Feb 2002_Eng.pdf
Cambodia document 28.	Notic_No. 2674-01 CDC_30 Aug 2001.pdf
Cambodia document 29.	Prakas_No.566 MEF_05 Sept 2001.pdf
Cambodia document 30.	Prakas_No.580 PRK_17 May 2001.pdf
Cambodia document 31.	Prakas_No.3514-01 CDC_28 Nov 2001.pdf
Cambodia document 32.	Prakas_No.3695-01 CDC_13 Dec 2001.pdf
Cambodia document 33.	Sub-Decree_No.10 ANKR.BK_05 Feb 2002.pdf
Cambodia document 34.	Sub-Decree_No.130 ANKR.BK_26 Dec 2001.pdf
Cambodia document 35.	List of Thirty-six Investment Enterprises Cancelled Form_15 Oct 2001_Kh.pdf
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Cambodia document 37.	Prakas_No 544-02 CDC_27 Feb 2002.pdf
Cambodia document 38.	Speech HUN SEN_7 Aug 2002.pdf
Cambodia document 39.	7th Public-Private Sector Forum_20th Aug 2004.pdf
Cambodia document 40.	Email to Co Chairs following the 9th GPSF 18 Oct 05
Cambodia document 41.	Executive Co Chair Email Summary 10th GPSF July 06
Cambodia document 42.	B&F WG Summary comment re Aug 17 WG Mtg 2004
Cambodia document 43.	Email to B&F WG June 9th 05
Cambodia document 44.	JPB Email Invitation M&SME WG mtg June 29th 05-Khmer
Cambodia document 45.	JPB email to KR MIME Dec 31st 2004-Khmer
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Cambodia document 47.	Keat Chhon speech 4 th PSF Aug 2001
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Cambodia document 60.	Keat Chhon speech 4th PSF Aug 2001.doc
Cambodia document 61.	6th PSF General Summary.doc
Cambodia document 62.	Speech of MRT for 9th Government+Private Forum Eng
Cambodia document 63.	Tourism PS statement Final March (13) for 14th 2005
Cambodia document 64.	Ag & Ag Ind. WG Speech 10th GPSF June 2006
Cambodia document 65.	E&I Speech of E& I-Eng (IFC) V2
Cambodia document 66.	Ex Pr & TF WG Speech 10th PSF rev 2 June 19 06
Cambodia document 67.	H.E. Keat Chhon Speech at the 10th GPSF on June 21 st
Cambodia document 68.	LTGG WG draft speech 10th GPSF June 21st 2006
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Cambodia document 70.	PM HS-private sector forum, 21 June 2006-English Fin
Cambodia document 71.	Deputy Prime Minister, Senior Minister, and Co Minister of Interior.pdf
Cambodia document 72.	Director-General of Preah Sihanoukville Autonomous Port.pdf
Cambodia document 73.	Minister of Public work and Transport.pdf
Cambodia document 74.	Ministry of Commerce_03 July 2002.pdf
Cambodia document 75.	Donor Group on Cambodian PPD May 18th 2006 V7.doc
Cambodia document 76.	Email to B&F WG June 9th 05.doc
Cambodia document 77.	JPB Email Invitation M&SME WG mtg June 29th 05-Khmer.doc
Cambodia document 78.	JPB email to KR MIME Dec 31st 2004-Khmer.doc
Cambodia document 79.	BUSINESS PRESS #19.pdf
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Cambodia document 82.	Forum seeks ways to cut tourists' costs.pdf
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Cambodia document 84.	3 rd PSF PM Closing Address Feb 2001
Cambodia document 85.	Agro speech at 7 th PSF Aug 2002
Cambodia document 86.	7th PSF Keat Chhon Aug 04.pdf
Cambodia document 87.	7 th PSF PM Hun Sen Aug 04.pdf
Cambodia document 88.	8 th Gov't-PS Forum (March 14, 2005) PM Speech.pdf
Cambodia document 89.	CCC Speech to GPSF 9 English V4.doc
Cambodia document 90.	HE Keat Chhon speech 9 th GPSF Oct 05 02
Cambodia document 91.	M&SME Speech on 15 Oct 2005 Eng V6
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Annex 4. Private Sector Survey for PPDIA

Public-Private Sector Impact Assessment in the Mekong Region

PRIVATE SECTOR SURVEY FOR PPDIA

Introduction

- Thank you for having us
- Identical introduction as for phone calls
 - IFC, private sector arm of WB, commissioned the study to HR Inc and EMC.
 - We are conducting the impact assessment of the G-PSF
 - This survey is part of our research on important businesses' position regarding the G-PSF
- Most questions relate to the following scale. Unless otherwise specified, please indicate to me from 0-10 which one best fits your opinion. 0 indicates "Not at all" and 10 means "Absolutely".

Administrative and Screening Section

Date:

Interviewer:

Interviewer, please fill in the following questions prior to the interview (based on the sampling)

1. Is the respondent a PPD participant: Yes No
2. Industry:
3. Geographical location:
4. WG:

Interviewer, ask the following questions:

5. In the past 5 years have you participated in the G-PSF, the Working Groups or in any other G-PSF structure? Yes No
6. How many Working Groups have you attended in the past 3 years?

Note: On "No" go to section Non-Participants

G-PSF Participants' Section

General Perception

The following section addresses general opinions related to the G-PSF and the business environment.

1. How well does the Government understand the issues of the Private Sector?
 - STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
 - PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT
2. To what extent do conflicts of interests **within the Private Sector** prevent the Working Groups and Forum from resolving issues?
 - STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
 - PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

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3. To what extent do conflicts of interests **within Government** prevent the Working Groups (WGs) and Forum from resolving issues?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
 - PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT
4. To what extent is the G-PSF the driving force for delivering reforms that affect your business?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
5. In your opinion, should the G-PSF and Working Group process be maintained?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
6. Would your business be willing to financially participate in maintaining the existence of the G-PSF and Working Group process?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
7. Is there a single reform that you would substantially credit to the G-PSF and WG process, which has had a significant positive impact on your business?
- YES NO 99. DON'T KNOW/NOT RELEVANT
- Which reform and what impact did it have?
-
-

Organizational Effectiveness Module

This section addresses general characteristics of the G-PSF and WG process.

8. How important is the the G-PSF and the WGs as a framework for dialogue between the Private Sector and the Government?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
9. According to you, what is the purpose of the G-PSF?
- Note: Interviewer, do not read answers aloud and accept the first two answers only.*
- a. Contribute to bringing peace and security to the country
 - b. Promote Foreign Direct Investment into the country
 - c. Increase coordination between the Government and the PS
 - d. Provide concrete answers to the issues facing my business
 - e. Provide concrete answers to the issues facing the PS
 - f. Other suggestions? (_____)
 - g. Don't Know
10. Could the G-PSF become more effective with increased involvement of particular public institutions?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- Which institution? (_____)
11. Do the WGs adequately represent businesses like yours?
- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

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12. A Champion is an individual that provides leadership and commitment to ensure the WGs' effectiveness. The Champion may and may not be the WG Co-Chair. Are there one or more Champions in your WG?
YES NO 99. DON'T KNOW/NOT RELEVANT
If so, who? (_____ ; _____)
13. Are you satisfied with the G-PSF's facilitation by the IFC Coordinating Bureau?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
14. Are you satisfied with the communications, emails and material issued by the G-PSF?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
15. Are you familiar with the way the G-PSF functions and with its results?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
16. Does the G-PSF and its outputs help in peacefully resolving conflicts in the country?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
17. Do the G-PSF and its outputs reinforce peace and stability in the country?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
18. Do the Development Partners provide support to the G-PSF and to its agenda?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
19. Do the Development Partners tend to capture the G-PSF agenda?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
20. In your opinion, would the Government engage in the G-PSF process if it was not supported by the Development Partners?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

Impact on Reform Process Module

STEP 1: Private Sector Perceives Obstacles, Raises and Discusses Issues

21. Does the private sector have adequate capacity to identify and clearly describe the issues it is facing?
• STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
• PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT
22. Which "channel" do you use most often to communicate your issues to *the Private Sector*. ("Channel" is an institution or people that give you access to the rest of Private Sector)
Interviewer: Don't read answers aloud
a) Industry Business Association
b) Chamber of Commerce
c) Relevant Ministry's officials
d) Officials from my own network

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- e) Donors and NGOs
f) Others: _____

23. How has your access to this channel changed over the past five years?
Note: or since your involvement with the G-PSF if for less than five years.

- a. Improved a lot
- b. Improved
- c. Identical
- d. Decreased
- e. Decreased a lot
- f. 99. DON'T KNOW/NOT RELEVANT

24. Do you face any difficulties in raising issues to be addressed to appropriate government bodies? If so, what difficulty?

Interviewer: Don't read answers aloud

- a) My business is too small and/or I lack time and resources to raise issues
- b) my BMO is ineffective
- c) No BMO represents my industry (in my region)
- d) If my business would be threatened if I raised issues to government
- e) I don't know how or where to raise them
- f) Other (please list _____)
- g) 99. DON'T KNOW/NOT RELEVANT

STEP 4: Issues Raised at WGs

25. To what extent are issues blocked from being raised at the WG because they are politically contentious?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

26. Have you ever felt too intimidated (either personally or for your business) to raise sensitive questions in the Working Group process?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

27. On a "very low/very high scale", how would you rate the quality of analysis of the PS's submission to the WG and the Forum?

- a. Very low
- b. Low
- c. Medium
- d. High
- e. Very high
- f. 99. DON'T KNOW/NOT RELEVANT

28. On a "very low/very high scale", how would you rate the quality of presentation by the Co-Chair and/or Private Sector representative to the WG and the Forum?

- a. Very low
- b. Low

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- c. Medium
- d. High
- e. Very high
- f. 99. DON'T KNOW/NOT RELEVANT

STEP 5: The WG moves issues forward

Some of the issues presented to the WG are requests to the Government to clarify existing regulations and laws.

29. Is the WG process effective at providing clarifications to questions from the private sector?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

Some of the issues presented to the WG are requests for enforcement of existing regulations and laws.

30. Is the WG process effective at obtaining commitment from government representatives to enforce existing regulations and laws when requested by the private sector?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

STEP 6: G-PSF's Agenda Setting

31. Do you think appropriate issues are discussed at the G-PSF?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

32. Are issues blocked from being raised at the G-PSF because they are politically contentious?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

STEP 8: G-PSF

33. Is the PS capable of presenting effective arguments at the G-PSF?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

STEP 10: Government Enacts Proposed Reforms

34. Do you think reforms adopted by the G-PSF are satisfactorily implemented by the Government and the Legislature?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

35. Do you think the Government fulfils its promises regarding enforcement of existing laws and regulations?

- STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
- PAST 3-5 YEAR SCALE 99. DON'T KNOW/NOT RELEVANT

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Economic Indicators Module

36. Have you taken advantage of specific regulation or enforcement of regulation that resulted from the G-PSF? 1) Yes 2) No 99. DON'T KNOW/NOT RELEVANT

If so, how?

Interviewer: Probe impact on profitability, investments, employment, others

37. Have clarifications provided by the G-PSF increased your likelihood to:

- | | | | |
|-------------------------------------|-----------------------------|-----|----|
| a. Invest | YES | NO | |
| b. Employ | YES | NO | |
| c. Expand into new geographies | | YES | NO |
| d. Expand into new markets/segments | YES | | NO |
| e. Others | 99. DON'T KNOW/NOT RELEVANT | | |

If so,

how? _____

Note: Interviewer, tell respondent that "the following questions address the specifics of your business and will be used for the purpose of this study only"

38. How many employees do you have?

39. What is your annual business turnover?

- a. Less than US\$10,000
- b. Less than US\$50,000
- c. Less than US\$100,000
- d. Less than US\$500,000
- e. Less than US\$1,000,000
- f. US\$1,000,000 and more

40. What proportion of your revenue is derived from exports? _____

99. DON'T KNOW/NOT RELEVANT

41. According to some sources, the unofficial fees to export have recently decreased by 15-30%.

Did you experience such a decrease? YES NO

If yes, how has this impacted your business?

42. At a recent meeting of the Government-Private Sector Forum, the Prime Minister overruled a previous policy of scanning 100% of exported containers.

Did it impact your business? YES NO

If yes: What was the impact of this decision as a percentage of the cost of goods you export?

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43. A recent output of the G-PSF process was the elimination of VAT on the import of machinery and spare parts.
Did it impact your business? YES NO
If yes What was the impact of this decision as a percentage of the cost of goods you produce?

44. The Ministry of Commerce and Customs recently introduced a policy to require only one of Customs or Camcontrol to inspect export shipments.
Did it impact your business? YES NO
If yes What was the impact of this decision as a percentage of the cost of goods you export?

External Stakeholders' Section

General Perception Module

External Stakeholders' Module

1. Why did you choose not to participate?
2. Have you previously participated? If so, why did you stop participating?
3. Are you familiar with the outputs and internal processes of the G-PSF?
0-10 scale
4. Could you join the G-PSF process at any time if you decided to? *If not, Why not?*
5. What channels do you use to raise your business issues to the Government?
6. Is the G-PSF an effective means to improve the business climate? *If not, Why not?*

Organizational Effectiveness (Simplified)

Organizational Effectiveness Module

This section addresses general characteristics of the G-PSF and WG process.

1. How important is the the G-PSF and the WGs as a framework for dialogue between the Private Sector and the Government?

STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

2. According to you, what is the purpose of the G-PSF?

Note: Interviewer, do not read answers aloud and accept the first two answers only.

- g. Contribute to bringing peace and security to the country
- h. Promote Foreign Direct Investment into the country
- i. Increase coordination between the Government and the PS
- j. Provide concrete answers to the issues facing my business

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- k. Provide concrete answers to the issues facing the PS
 - l. Other suggestions? (_____)
 - m. Don't Know
3. To what extent do you think the G-PSF adequately represent businesses like yours?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
4. Are you satisfied with the communications, emails and material issued by the G-PSF?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
5. Are you familiar with the way the G-PSF functions and with its results?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
6. Does the G-PSF and its outputs help in peacefully resolving conflicts in the country?
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7. Do the G-PSF and its outputs reinforce peace and stability in the country?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
8. Do the Development Partners provide support to the G-PSF and to its agenda?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
9. Do the Development Partners provide support to the Private Sector?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT
10. In your opinion, would the Government engage in the G-PSF process if it was not supported by the Development Partners?
STANDARD SCALE 99. DON'T KNOW/NOT RELEVANT

The World Bank Group

April 25 2007