

Summary Notes of the Meeting
between MoFAIC and NGOs/Associations Representatives.

Date: February 23, 2011

Place: Ministry of Foreign Affairs and International Cooperation (MoFA/IC)

Participants:

MoFAIC: H.E Tuy Ry, Director of OI Department, Mr. Huoy Sopheap, Deputy Director of IO Department

CSO Reps: Mr. Chhith Sam Ath – NGO Forum Executive Director, Mr. Ham Hak – MEDICAM Communication Manager, Mr. Sourn Sareth- CHRAC Secretary General, Mr. Neil Weinstein – EWMI Legal System Specialist, Ms. Nadia Saracini –DCA/CA Program Coordinator, Mr. Soeung Saroeun – CCC Senior Operations and Finance Manager.

Results of Discussion:

The ministry officials were briefed the issues and concerns that NGO community have regarding the proposed law on Associations and NGOs. Then the discussion was based on the recommendations in the NGO consolidated report dated in January 4, 2011. This note is to capture only key results and to present article by article.

- The tone of the meeting was friendly and constructive.
- The ministry will consider to develop glossary in order to explain key terms in the law since some terms
- The MoI and MoFAIC had a meeting to discuss the draft law with reflecting our comments in the draft. The second draft will be ready soon. MoI will invite CSO representatives to discuss on the second draft, especially on the article 6: Registration. Then, it will be sent to the council of ministers.
- Article 6: Registration of small NGOs and Association: It is the obligation of MoI to consider about this, but so far these two ministries agreed to delegate authorities to local government for any organization that operates its activities within the respective province (e.g., if they only work at the commune level, they would register at the commune

instead of coming to Phnom Penh).

- Article 18: The MoFAIC representatives said that a similar Article did not exist for INGOs because it is too difficult to check the by-laws and other information of INGOs.
- Article 23: Alliance: FNGOs can be the member of alliance NGOs. The alliance must be led by Cambodians (chair of the governing body and director of the organization). The alliance must be registered with MoI.
- Article 30 MoU: The ministry will consider developing a guideline to guide line ministries on the providing supporting letter. Each organization must find a relevant department or ministry to register their projects/programs. Human Rights INGOs/funding partners should declare their projects/activities with the Human Rights Committee of Government; alternatively, a local NGO that received support from the INGO/funding partner that works with the human rights INGO could write to MoI on behalf of the INGO, and MoI could then write a support letter in favor of the INGO.
- There would be no need for an INGO to register if it will be working in Cambodia for less than one year. Similarly, if students are brought in for only a month or two, there is no need to register; simply let MoFAIC know so that it can arrange to provide safety in the provinces, etc. There will be no budgetary limitation on which NGOs can register. For current organizations that are in the process of MoU renewal, the ministry is trying to fast track the process.
- Article 32: they only examine the contents of activity only the NGOs which has problematic activities. MoFAIC said it will look at the details of the aid project; for example, to see if it really spent all the money it promised to spend. If the INGO works in multiple areas, MoFA will focus on the largest part of the project, and whether there is a support letter from the line ministry.
- Article 39: Resource: 25% of total budget for administrative cost is kept the same. The ministry explained that it would include only utilities, renting, administrative staff but not the project/program staff members and activities budget. It is not new from the current MoU.
- Article 44: Changes notification: only inform ministry about changes in

director, management staff and board. This must be informed every time it happens. All levels of foreign staff members must be informed to the ministry since they need visa extension, security assurance, etc.

- Article 46: Reporting: it is considered to change from end of January to the end of individual organization's fiscal year. MoFAIC agreed to consider requiring that NGOs submit their reports to the Ministries within 45 working days after the fiscal year ends. Each organization can submit their annual report. The ministry will consider develop an optional reporting format.
- Article 48: Financial Auditing: to be conducted only if any irregularity happened in each organization.
- Article 53: Postponement: The ministry will work with MoI to consider making this article consistent with the provisions for domestic NGOs.

The meeting was finished by 5.30PM.