



(Final)

**Intervention Remarks on  
for the 4<sup>th</sup> Partnership Forum between Royal Government  
and Civil Society Organizations**

**By Mr. SOEURNG Saroeun, Executive Director, Cooperation Committee for Cambodia  
(CCC),  
Phnom Penh, 3<sup>rd</sup> February 2020, at Ministry of Interior**

Samdech, Distinguish Excellency, Ladies and Gentlemen, National and International Guests.

On behalf of the Cooperation Committee for Cambodia (CCC) which has more than 200 members both national and foreign NGOs/Associations which are operating in all sectors nationwide and also on behalf other affiliated membership-based organizations and networks would like to express sincerely thank the Royal Government of Cambodia particularly the Ministry of Interior that allow me and other CSOs colleagues to attend this 4th Partnership Forum.

Taking this opportunity, I would like to inform you that, CCC currently is the largest membership-based organization in Cambodia that has a mission to work on building partnerships with all stakeholders to promote Good Governance, Enabling Environment and Sustainable Development of Civil Society Organizations in Cambodia. With this great opportunity I would like to seek your attention to the consolidated summaries report of the general situation of the partnership dialogue between the Royal Government of Cambodia and Civil Society Organizations, and the general situation of CSO-enabling environment in 2019 as the followings;

**I. Key Achievements resulted from the Partnership Forums between the Royal Government of Cambodia and Civil Society Organizations in Cambodia in 2019**

1. Upon the spirit stipulated in Decision of the Royal Government of Cambodia No. 84 ssr dated 02nd November 2018 on the Constitution of the Working for Solving the Requests and Recommendations of Civil Society Organization, this MOI-led working has functioned its mandate, for instances, it received the submission of consolidated recommendations mad of CSOs on the Proposed Bill(s) of the Amendments of the law on Association and Non-Governmental Organizations and opened for the debates and discussed critically on each proposed provisions for the amendments submitted by the CSOs-representative. The open for the debate could take the opportunity to inform the challenges and difficulties they



have faced in the implementation of the law while the Ministry of Interior and its under-facilitated commissioners also have the opportunity to hear to challenges of the implementation of the law directly.

2. As far as today is concern, the Partnership Forms have been made regularly as promised amounted fourth (04) times included today. In the period of the entire year of 2019, upon the spirit of the Partnership Forum, in the Second Partnership Forum made on 17 January 2019, CCC, represented CSOs community presented and submitted twelves (12) Essential Key Asks as well consolidated recommendations and as the result on the 3<sup>rd</sup> Partnership Forum held on 29 August 2019, the Ministry of Interior responded those twelves essential key Asks or consolidated recommendations in written and most of them were observed as the positive responses. To implement extend this partnership forum, upon the notification No. 594 dated 14<sup>th</sup> March 2019 the MOI notified to the Governors of Capital and Provinces of the Sub-National Administration to organize the Public Consultation Forums with Civil Society Organizations as well as CBOs within their territorial administration. Majority of civil society organizations and CBOs at the grassroots have used the platforms to address their concerns and challenges before the competent authorities. Some had been witnessed that the problems raised have been solved immediately and some were promised to have been solved after the forum. Additionally, with regard to the MOI's notification No. 2006 dated back 17<sup>th</sup> November 2018 on the Conducting of Activities made by Associations and NGOs as well as CBOs without three-day pre-notification to the authorities, it's observed that many CSOs are welcome the decision.
3. The Royal Government of Cambodia and Civil Society have continued to strengthen the partnership dialogue with the established commitment in other sectors such education, health, agriculture, rural development, public administration and kept to continue commitment to promote the ISAF Framework, Phase II, the Sub-administration reform and accounted to keep increasing, year to year, the allocation of national budget to the Commune Sangkat administration.
4. The Royal Government of Cambodia, through its line ministries, and Civil Society Organizations have worked in close partnership dialogue with mutual understanding to address and solve the challenges of the civil society's enabling environment, so far, by implementing the established mechanism such as (1). the cooperation between the General Department of Taxation, of the Ministry of Economics and Finance and Representatives of Association and NGOs on the compliance challenges of taxation law, (2) the cooperation between the National Accounting Council, of the Ministry of Economics and Finance with Representative of Civil Society organizations on the consultation and studies on the development of framework of Financial Reporting Standard, tier 2, (3). other cooperation with civil society on numbers of reforms such, public finance management reform, the consultation of the Development Cooperation on Partnership Strategies (DCPS) 2019-2023 facilitated by the Council for Development of Cambodia, CDC, (4). the cooperation between RGC and civil society on Decentralization and Deconcentration Reforms (D&D Reforms), (5). the cooperation between the Ministry of Planning and Civil Society Organizations on the localization of the Sustainable Development Goals, on the



first Cambodian Voluntary National Review (VNR) as well as the promoting of raising awareness on the implementation of the Cambodia Sustainable Development Goals...etc.

## II. Recommendations and Proposed Key Asks for Interventions

A. **Recommendations:** Civil Society Organizations wish to propose as the following recommendations;

1. Civil Society Organizations do support the remarks of **Samdech Prime Minister, Hun Sen**, on pushing to speed up the drafting and enacting the drafted law on the Access to Information (A2I) and request the RGC to consider the submitted consolidated inputs of civil society organizations.
2. Civil Society Organizations do support the remarks of **Samdech Deputy Prime Minister, Sar Kheng**, on the issues of public administration reforms of the strengthening of political neutrality of public civil servants and encourage the ministry of interior to constitute the mechanism to ensure the political neutrality of the public civil servants.
3. Encourage and request RGC to consider the amendments of the three hereinafter legislations; (1) the Law on the Organization and Functioning of the Supreme Council of Magistracy, (2) the Law on Organization and Functioning of the Judiciary and (3) the Law on the Status of the Judges and Prosecutor.
4. Request RGC to act on the recommendations accepted by the Royal Government of Cambodia in the report on the Universal Periodic Review (UPR).

B. **Suggestions:** Civil Society Organizations (CSOs) request the Royal Government of Cambodia for possible solutions in responding to the challenges as the following:

1. To request the Ministry of Interior (MoI) to act and continue strengthening implementation of the late Instruction, which explicitly remove prior notice requirement for conducting of activities, fairly to CSOs' operation without discrimination regardless their nature of activities or operation, and to end all forms of inquiry and monitoring that may directly or indirectly impact on their humanitarian work of NGO staff who are working for public benefits, and to keep enhancing and disseminating the Instruction to relevance authorities. The Ministry of Interior (MoI) should impose administrative sanctions to their officials who fail to obey or act contradictory to the Instruction.

**Note:** The briefing report on such restrictions relevant to the Instruction enforcement, the Cooperation Committee for Cambodia (CCC) will find possible means to facilitate and cooperate with associations and NGOs, which operate in different sectors that report on their challenges, and other stakeholders to prove this argument.

2. To suggest the Government's Working Group to Address the Proposal and Suggestion of Civil Society (CSOs) to accept the consolidated inputs or recommendations and roadmap submitted by representative of CSOs on the amendment of the Law on Associations and Non-Governmental Organizations (LANGO), and to speed up the



- amendment process, and to disseminate relevance information broadly to the public, CSOs and government authorities during and the post the amendment process.
3. To facilitate more meaningful and effectiveness throughout the forum on partnership dialogue at both national and sub-national level, the Ministry of Interior (MoI) should enable inclusive environment, which mean that its process, content, and procedure should be discussed with representative of CSOs so that this reflects the meaningful and effectiveness of the partnership dialogue. We request the government to review all consolidated inputs and recommendations submitted by CSOs during the last three Partnership Forums made, and to encourage relevance ministries, especially the Ministry of Interior (MoI), to consider some of our proposed request and recommendations which are yet responded, or not fully responded including: 1) The request of CSOs on release and conduct public consultation on the the Drafting Law on Cybercrimes, 2) Proposal to amend/revise the substance of Inter-Ministerial Prakas No. 170, dated on 18 May 2018, on Management of Web Advertising and Social Media in order to ensure rights and freedoms of social media users without any discrimination, and 3) to create the correspondent and other supportive system which called automatic and technology system to reduce the complexity of unnecessary administrative tasks.
  4. To request the Ministry of Economy and Finance to response to the recommendations on taxes incentive policy for associations and non-governmental organizations and non-for-profit entities on the following issues: 1) To seek possible joint actions between GDT and CSOs to amend or modify the substance of the Prakas 464 dated on April 12, 2018 and other legal instruments related to taxes incentive policy and compliance <sup>1</sup>, 2) To request the royal government to possibly enact the law or similar legal framework on social enterprise to promote culture of sharing and inspiration for humanitarian activities of individual and legal persons who initiate social and humanitarian or charities works, 3) To request for determination of the minimum threshold on withholding tax on services or products made <sup>2</sup>, 4) To consult with CSOs on legal frameworks and conditions for separate registration for the unrelated business activities or non-prime purposes<sup>3</sup>, 5) To consult with CSOs on annual turnover, at least 250 million Riels of an business operation made by NGOs, associations or non-for-profit entities that required to be registered the new tax entity and legal entity with the Ministry of Commerce separately.

<sup>1</sup> This request has been discussed and agreed upon by the Joint Working Group of General Department of Taxations and Civil Society Organizations during its annual meeting on January 31, 2020 as it will be put in the agenda of roadmap for operational activities of the 2020 Joint Working Group.

<sup>2</sup> This request has been solved already. The General Department of Taxation claimed that recently the Ministry of Economy and Finance circulated the threshold for minimum withholding tax.

<sup>3</sup> This request has been discussed and solved. The General Department of Taxation has been preparing Instruction on Separate Registration Procedure for Association and Non-Governmental Organizations, or Non-Profit Entities. In addition, the General Department of Taxation informed that any associations, NGOs, and non-profits entities that have unrelated business activities which cost less than 250 million Riels per year, they only required for separate registration with GDT without annual tax declaration.



5. To request the government to establish financial distributive policy and specific mechanism to implement the allocation that could encourage civil society organizations to continue to operate humanitarian or charity activities that aims for public interests.
6. To request the government to ensure the rights and freedom of assembly or peaceful assembly by implementing the Law on Peaceful Demonstration and the Instructive Manual to Implement the Law on Peaceful Demonstration to guarantee the rights and freedom of assembly or peaceful demonstration as stipulated in the Constitution of the Kingdom of Cambodia and to comply with international duties of Cambodia as a signatory state under ICCPR.

Hence, to enable meaningful participatory of civil society organizations, we need enabling environment, equal partnership, legal framework and law enforcement in inspirational, protective and single standard manner.

In conclusion, I would like to express my sincere appreciation and gratitude to **Samdech Kralahom Sar Kheng, Deputy Prime Minister, Minister of Interior**, and colleagues from the Ministry of Interior, related ministries and institutions for promoting inclusive partnership for sustainable development and democracy, rules of law, and human rights, especially to use this dialogue partnership to seek for effective solutions and cooperation for development process in Cambodia.

I wish you all the four gems of Buddhist blessings longevity, nobility, health and strength, and become rich and happiness for the Khmer New Year.

Thanks!