

Procurement Monitoring in Cambodia

Attorney **SOK Sam Oeun**

Chairman of **Coalition for Integrity and Social
Accountability (CISA)**

Executive Director of **Cambodian Defenders
Project (CDP)**

Proud to be Khmer

Coalition for Integrity and Social Accountability

- ✳ Coalition for Integrity and Social Accountability (CISA) is a leading NGO Coalition with 29 member organizations that has committed to promoting accountability, transparency, integrity, equality and justice.
- ✳ This group of NGOs has been working since 2005 as an informal coalition pushing the government to adopt the Anti-corruption law.
- ✳ Legally registered in March 31, 2010.

Coalition for Integrity and Social Accountability

* Mission:

Its mission is to work together to fight, prevent and eliminate all forms of corruption in Cambodia through capacity building, education, communication, and advocacy to bring about effective law enforcement.

* Then CISA started to cooperate with ANSA-EAP and learnt from it about procurement.

* From November 2010 to March 2011, CISA hired the Cambodian Defenders Project to conduct a research on procurement system.

* After the result of the research, CISA and other Cambodian NGOs started to pay attention on Public Procurement.

Coalition for Integrity and Social Accountability

- ✧ CISA starts to understand that the monitoring on public procurement is also part of fighting corruption.
- ✧ None of its members before paid attention or interested on Public Procurement.
- ✧ Therefore, we need encourage them to pay attention to public procurement and be willing to monitor them.
- ✧ **understanding public procurement, knowing how to monitor** and having **monitoring tools** are very important.

Types of Procurement Systems

✳ According to the new law, there are four types of procurement systems in Cambodia:

🌸 **Public Procurement System:**

Rules and Regulations of Public Procurement adopted by **Ministry of Finance and Economic**. It is applied only for Public Institutions in general.

🌸 **International Procurement system**

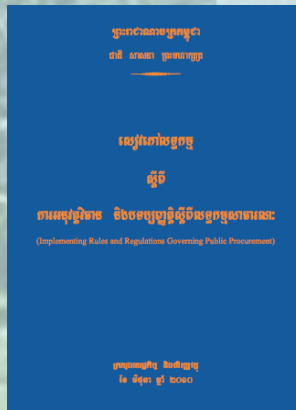
Procurement under Procurement Guideline by **International Partners**.

🌸 **Special Procurement**

for National Defense which shall be decided by **Prime Minister** or **Council of Ministers**.

✳ **Local Procurement system**

It is for commune/section project which is under regulations of **Ministry of Interior**.



Law on Public Procurement

✧ Too late to know about the Draft

While CISA launched its research on procurement system, we realized that the Government had drafted a law on Public Procurement and the Government announced its draft in March 2011.

✧ Need time for comment

✧ CISA and other coalition asked the government to delay its draft so that they can have time to analyzed and made comments for that draft.

✧ Law passed with little comments from NGOs

However, the Ministry of Economic and Finance did not agree and accelerate the adoption of that law (passed on January 3, 2012).

The New Penal Code

- ✳ Besides the Law on Public Procurement, the Penal Code (just in force on December 10, 2010) is also very important relating to Public Procurement.
- ✳ This new Penal Code has at least 8 crimes relating to public procurement.
- ✳ CISA members need to understand so that they can monitor the law enforcement.
- ✳ Now it is not clear who responsible for enforcement of crimes relating to public procurement.

Crimes relating to Public Procurement

No.	Crimes	Article	Imprisonment	Fine
1.	Unfair Bidding	387	6m-2y	1-4M
2.	Obstruct the fairness of bidding	388	1-3y	2-6M
3.	Taking a bribe	594	7-15y	
4.	Illegal exploitation	597-598	2-5y	4-10M
5.	Favoritism	599-600	2-5y	4-10M
6.	Bribery	605	5-10y	
7.	Illegal interfering in public duty	609	1m-3y	2-6M

CISA Activities on Public Procurement

- ❁ Monitoring the public procurement of the four systems, and
- ❁ Follow up the amendment of the procurement by all those regulating institutions.

Research Activities



Radio Listeners Clubs



Training on Procurement Monitoring



Public Forum



Way Forward

* **Capacity Building**

of CISA members on public procurements, monitoring techniques and investigation skills.

* **Public Mobilization**

* Mobilizing the public in particular villagers to monitor local procurement and set up monitoring tools for them.

* **Building relationship** with all regulating ministries.

* **Improving relationship with World Bank and ADB.**

* CISA and its members will joint set up strategic planning for monitoring on Public Procurement.

Way Forward

Pushing for Accountability:

Both Procurement Law and Penal Code are new, we need to push government to enforce and make clear which institutions are responsible for enforcement.

CISA or its member may need to seek for funding to organize some series of workshop and discussion on that topics.

Capacity Building for Government Officials

CISA or its member may seek fund to provide following training:

-  Law on Public Procurement
-  Criminal Investigation Skills

Thanks for your attention

