



JOHANNITER

Legal Advisor Consultancy

Terms of Reference

About KCD

KCD is a non-profit, non-governmental, non-religious, independent local organization that registered in 2005 with the Ministry of Interior of the Royal Government of the Kingdom of Cambodia. KCD's vision is a peaceful developing multicultural society, in which the genuine needs and rights of all stakeholders, regardless their gender, age, ethnicity, religious belief, ability or social status, are recognized, respected, and satisfied, in the respect of environment.

Since 2006, KCD has been implementing activities focusing on children's rights programs, peace projects Community Development project and nutrition. In Cambodia, KCD is one of the few grassroots organizations that integrate ethnic Vietnamese as a target group. With a lot of courage and perseverance, they stand up for their interests and lead young generations to an increased exchange and to the pointing out of the danger of stereotypes and exclusion.

About GROWTH project

As part of a project entitled Grassroots Organizational Development-Working towards Humanity (GROWTH), KCD and WPM are partnering with Johanniter and supported by Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (**BMZ**) to implement a project with five national partner organizations in Southeast Asia. Having developed an innovative capacity development approach; this project meets the specific challenges of the national partners in a targeted manner; building on their strengths in order to advance their role as the driving force behind social change. The Johanniter share the view that sustainable development can only be promoted from within, in the countries themselves.

Purpose and scope of consultancy

KCD is a growing organization, in the process of applying for GPP certification, which is hosted by the Cooperation Committee for Cambodia (CCC). Complementing the process of receiving GPP and broader organizational professionalization, KCD is developing an organizational business plan, including fundraising strategies targeting traditional donors and innovative social enterprise ideas.

As part of exploring social enterprise ideas, KCD is interested to engage a legal advisor to assist with understanding the legal framework of social enterprise development. With the understanding that there is no specific definition of social enterprise under the law, and social entrepreneurs must therefore weigh up the various different options available for corporate formation. In addition, Cambodian law can be challenging to navigate, and KCD wants to have a good understanding of the various legal requirements and allowances that go with their business operations, and corporate structure, to avoid falling foul of the law.

Specifically, the consultant would lead a one day training for KCD (and partner organization WPM staff), providing and overview of the various types of enterprises and legal liabilities and opportunities each corporate structure involves. The training agenda should include the following topics:

The training should focus:

- Updating related to social enterprise law in Cambodia
- Discussion about plan to transform from NGO to social enterprise
- Tax liabilities of social enterprise
- Sharing processing to register an enterprise in Cambodia context
- Continuing to learn on case studies from other NGOs/social enterprise

The training should be undertaken with the following considerations:

- ✓ A helpful, coaching style taken toward the participants
- ✓ Tailored advice to the individual partners needs
- ✓ Facilitation of discussion around challenges and opportunities with specific, legally sound advice provided
- ✓ Specific focus on social enterprise development from an NGO perspective

Frequency of consultancy

The consultancy will require engagement with KCD for five (5) working days in total. Specifically, the consultant will be required to undertake the following:

- 1,5 day: As part of consultations with KCD, develop one day training to assist the team further understand the legal aspect of social enterprise development
- 3 days: Deliver 3 day trainings for approx. 15 individuals
- 0.5 day: for producing the report.

Deliverables

1. Agenda for one day training
2. Support documents/ handouts as required for training day
3. Delivery of one day training

KCD will be responsible for:

1. Providing the meeting room and refreshments for the training
2. Providing input into the agenda process before the training
3. Engaging actively in the workshop session.

Time Schedule

The completion of this work is expected to take over a period of approximately 2 months, during May to June 2021 (to be confirmed).

Management

The consultant will be managed by the ED of KCD, Ms. Sokha Chan, on behalf of both partners.

Payment Schedule

The service fee is up to USD 350 per day (VAT or withholding tax 15%). Payments will be made 50% of payment will be paid after the training is finished and final payment of 50% will be paid after the report is submitted. The payment should be complete within a month after the training complete.

Intellectual property

All intellectual property generated by the consultancy will be owned by the partner organizations (KCD and WPM), who will retain the rights to disseminate and publish the results.

Essential experience of consultant

- At least 10 years working in legal advisory role
- Relevant legal qualifications
- Expertise in business law and social enterprise development
- Proven experience advising businesses within the Cambodian sector
- High quality communication skills, notably in public speaking and coaching
- Excellent facilitation skills
- Excellent written and oral English and Khmer communication skills
- Ability to manage the available time and resources and to work to tight deadlines
- Understanding of current NGO sector in Cambodia and models of social enterprise development

Application details

Interested applicants should contact **Ms. Vany Na** at the email address below to request further information regarding the above terms of reference: Email: na.vany@yahoo.com The deadline for interested consultants to apply with their CV and cover letter (detailing their suitability for the role and expected fee) is 5pm on Friday 04th June 2021.