National League of Commune and Sangkat Councils

Internal Workshop to Review Potential Functions for Commune and Sangkat Councils

Phnom Penh, March 29 and 30, 2011



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<u>ACRONYMS</u>

| C/S | Commune/Sangkat |
|----------|--|
| DDLG | Strengthening Democratic and Decentralized Local Governance |
| EU-SPACE | Strengthening Performance, Accountability and Civic Engagement |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit |
| IP3 | Implementation Plan for the First Three Years of the NP-SNDD (2011 – 2013) |
| LAMC | Law on the Administration and Management of Communes/Sangkats |
| NLC/S | National League of Commune/Sangkat Councils |
| NCDD | National Committee for Sub-National Democratic Development |
| NP-SNDD | National Program for Sub-National Democratic Development 2010 – 2019 |
| SNDD | Sub-National Democratic Development |

BACKGROUND

The 2001 Law on the Administration and Management of Communes/Sangkats (LAMC) provides commune/sangkat councils (c/s councils) with a wide general mandate and accompanying discretionary funds. Although the LAMC also enables Ministries to transfer sector functions to c/s councils, this has rarely happened in practice.

Expanding the Royal Government of Cambodia's sub-national democratic development (SNDD) policy, the 2008 Organic Law¹ sets out a framework for a government-wide functional assignment process to determine which sectoral functions should be transferred to sub-national councils together with corresponding resources and capacity. In addition to the new councils established under the Organic Law, commune councils are eligible to receive sectoral functions directly from state institutions, such as Ministries. Urban sangkat councils, may only be eligible to receive delegated functions from their overarching urban council, the Phnom Penh or municipal councils.

The National League of Commune/Sangkat Councils (the NLC/S) is a local government association established in 2006. The NLC/S is a member of sub-committees of the National Committee for Sub-National Democratic Development (NCDD), the inter-ministerial committee responsible for overseeing implementation of the Organic Law, and SNDD policy more broadly. One of the NCDD's sub-committees is the Sub-Committee for Functions and Resources responsible for advising the NCDD about functional assignment.

The NLC/S is taking preparatory steps by identifying potential functions to transfer to commune councils and to sangkat councils in the short to medium term (one to four years). It is anticipated that, otherwise, the short to medium term focus will be on transferring functions to district and municipal councils². The NLC/S, therefore, has taken the initiative to develop an Options Paper³ identifying 65 potential functions across the following ten sectors/fields that affect both rural and urban areas –

- ✤ Education
- Economic development
- Security and public order
- Land administration
- ✤ Fisheries

- ✤ Health
- Conflict mediation
- * Natural resource and environmental management
- ✤ Land management
- Forestry.

WORKSHOP OBJECTIVES

The objectives of the workshop were to –

- > reflect on the potential functions set out in the Options Paper
- apply basic criteria in order to make informed recommendations about the most appropriate functions within each sector for transfer to commune and/or sangkat councils in the short to medium term, including –

¹ The Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, adopted May 2008 (the Organic Law).

² The First Three Years Plan Implementation Plan (2011 – 2013) of the NP-SNDD (IP3), pages 1, 5, 2.

³ Options Paper for the National League of Commune/Sangkat Councils: Starter Packages of Functions, November 2010, Phnom Penh.

- applying the criteria set out in the Organic Law
- identifying each recommended function as either obligatory or permissive
- providing an indication of how corresponding resources for the recommended functions could be made available to commune and/or sangkat councils
- providing justifications for choices and recommendations made.
- develop recommendations for an overall cross-sectoral set of functions for transfer to commune and/or sangkat councils over the next one to four years.

PARTICIPANTS

A total of 117 people attended the workshop, consisting of 86 men and 31 women. Three to five representatives from every province and Phnom Penh attended, specifically the chief and deputy chiefs of Associations of Commune/Sangkat Councils. These participants consisted of 51 commune councillors and 57 sangkat councillors.

In addition, there were a number of honorary guests, as well as ten workshop facilitators who were drawn from staff of the NLC/S, Strengthening Democratic and Decentralized Local Governance (DDLG (EC-UNDP)), UNICEF and EU-SPACE.⁴.

A full list of participants, in Khmer only, is provided in Appendix 6.

WORKSHOP RESULTS

DAY 1: RECOMMENDED FUNCTIONS BY SECTOR

Presentations

Mr. Sam Nissay, Advisor to the NLC/S, provided an introduction to the workshop and its key purpose to develop a set of recommended functions to transfer to commune and sangkat councils over the short to medium term. He emphasized that active participation by participants would be expected over the twoday workshop so that appropriate functions for transfer would be identified.

Mr. Nissay provided background regarding the development of the NLC/S Options Paper. He explained that the Options Paper sets out 65 potential functions across ten sectors/fields for consideration, and that the Paper draws on three key resources created especially for the League –

- ✤ Findings from fieldwork conducted in 20 communes/sangkats in 8 provinces and Phnom Penh
- A Cambodian desk study focusing on the education, health and natural resource and environmental management sectors, and
- * A desk study on international practice in decentralizing in the education and health sectors.

A presentation followed by Ms. Shelley Flam, EU-SPACE consultant, who focused on the tasks to be tackled by participants during the workshop. Her main points included –

⁴ National League: Huyvong Dara and Chhim Sopheark; DDLG (EC-UNDP): Om Chhorvanchanny and Sam Nissay; UNICEF: Kyi Kosal Vathannak; and EU-SPACE: Eng Chheanghong, Suk Ra, May Sreylon, Por Soknak, and Khlok Dara.

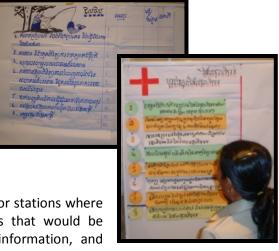
- > The current state of uncertainty at national and sub-national levels about what functions communes/sangkat councils can implement
- Through the National Program for Sub-National Democratic Development 2010 2019 (NP-SNDD) and the IP3 there should be increasing clarity about functions at each level, including communes and sangkats. Also under these Program documents, there should be increasingly more functions and corresponding resources transferred from national to sub-national level.
- > This workshop is meant to identify two sets of functions (one for communes, one for sangkats) for which the NLC/S can advocate for transfer over the short to medium term.
- > The workshop will provide a step-by-step approach and space for discussion, in order that participants can identify which particular functions they recommend be negotiated for transfer.
- The first step is for participants to divide into groups by sector. Within each sector, participants must identify functions they recommend to the larger group for transfer to c/s councils. In making their recommendations, participants must –
 - ✓ Justify their choices based on four criteria (presented below)
 - Indicate whether a function recommended for transfer should be obligatory (must be implemented) or permissive (up to the discretion and decision of the council whether or not to implement)
 - ✓ Indicate whether significant resources will be necessary to implement a function recommended for transfer
 - Specify whether each function recommended should be transferred to commune councils and/or sangkat councils

(The full presentation separately accompanies this report as Appendix 3.)

Participants selected their own sector discussion groups from a choice of eight groups. Each of the eight groups was devoted to one or to two of the focus sectors as follows –

- 1. Education
- 2. Health (seen in the bottom photo on the right)
- 3. Economic development (group 1)
- 4. Economic development (group 2)
- 5. Conflict mediation / Security and public order
- 6. Land administration /Land management
- Natural resource and environmental management / Forestry
- 8. Fisheries (seen in the top photo on the right)

As seen in the photos above, participants visited eight sector stations where information was provided about the particular functions that would be discussed in each sector group. On the basis of that information, and



considering their individual experience and interest, participants self-selected their small discussion groups. Every sector discussion group included both commune councillors and sangkat councillors. For the remainder of Day 1 and early on Day 2, participants worked in these sector groups.

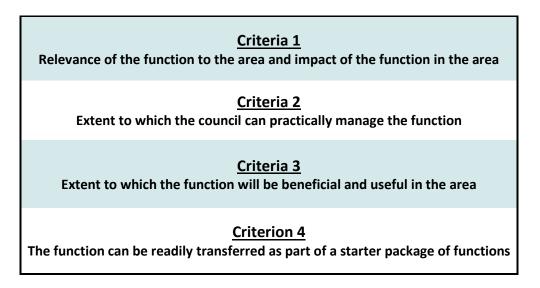
Day 1 - Small Group Discussions by Sector

In each small group, participants reviewed the potential functions in their sector. The Education group, for instance, discussed the 12 potential functions related to education. The Health group discussed eight functions proposed for consideration in that sector.

For each of the functions discussed, participants applied four criteria to assist in reaching the conclusion whether the function would be recommended to the



larger group as a function that could be transferred to commune and/or sangkat councils. Facilitators used a set of questions to flesh out each criterion (see Appendix 5).



Participants were asked to recommend zero, one, two or three functions in their sector for transfer to councils. Each group was asked also to –



 \checkmark provide justifications for its choices (shown in the following photograph)

✓ specify whether each function should be *obligatory* (mandatory for the council to implement) or *permissive* (up to the discretion of the council whether or not to implement)

✓ provide any information available about corresponding resources needed for councils to implement the function (finances/own-revenue, personnel and assets)

✓ and to specify whether each function was recommended for commune councils, for sangkat councils, or for both commune and sangkat councils. A summary of the group results by sector (the zero to three functions) is presented in the table on the next page. More detailed information discussed about each of the functions recommended by sector is available from the NLC/S.

In a plenary session on Day 2 of the workshop, a representative of each sector group presented the 0 to 3 functions recommended by his/her group. Time was devoted for questions and for each representative to answer.

Across the ten sectors reviewed by workshop participants, a *total of 28 potential functions*, of the original 65 functions, were recommended for transfer to commune and/or sangkat councils. These 28 functions are shown in the table are on the next page.

| Functions Recommended by Sector ⁵ | | | | | | | |
|--|--|---|------------------------------|--|--|--|--|
| Function | Justifications | Obligatory/ Permissive | Commune/ Sangkat | | | | |
| Education | | | | | | | |
| 1.1.1 Collect statistics about education needs | | | | | | | |
| 1.2.1 Provide community pre-school education | Requested by citizens; some councils currently implementing with success; capacity development needed; draws on local circumstances and information; possibility for local participation and monitoring; only modest resources required; government likely to transfer function | | | | | | |
| 1.3.1 Plan for and order construction/repair expansion of primary school infrastructure | Requested by citizens and councils; some councils implementing with success; capacity development needed; draws on local information; significant resources needed; other government agencies involved; government not likely to transfer function | | | | | | |
| Health | | | • | | | | |
| 2.1.1 Collect statistics about health needs, in cooperation with health clinics | Requested by councils; communes currently implementing with 100% success; capacity development needed; draws on local circumstance and information; possibility of local involvement; modest resources needed; government likely to transfer function | Obligatory – statistics are clear | Commune and sangkat | | | | |
| 2.1.2 Identify poor households eligible for financial assistance/exemption | Requested by councils; councils currently implementing with success; some capacity development needed; draws on local circumstance and information; possibility of local involvement; other government agencies involved; modest resources needed; government likely to transfer function | Obligatory – serves vulnerable households; information available to development partners | Commune and sangkat | | | | |
| 2.2.2 Enhance and provide complementary health services and facilities | Requested by councils; function supports other functions; councils currently implementing some aspects with success; capacity development needed; draws on local circumstance and information; possibility of citizen involvement; modest resources needed; government likely to transfer function | Permissive – reduce household expenses | Commune and sangkat | | | | |
| Economic Development | t | | | | | | |
| 3.1.1. Advocate for responsive economic development-related services | Requested by citizens and councils; function supports other functions; some councils currently implementing; capacity development needed; draws on local circumstances and information; possibility of local monitoring; other government agencies involved; possibility of revenue-generation; financial and technical resources needed; government likely to transfer function | Obligatory – councils required to address this issue | Commune and sangkat councils | | | | |

⁵ This table captures only key information. Where information was not recorded in charts, this is indicated by ---. Additional information may be obtained from the NLC/S.

| Functions Recommended by Sector ⁵ | | | | | |
|--|--|---|---------------------|--|--|
| Function | Justifications | Obligatory/ Permissive | Commune/ Sangkat | | |
| 3.1.4 Facilitate an enabling environment for economic development | Requested by citizens and councils; function supports other functions; some councils currently implementing; capacity development needed; draws on local circumstances and information; possibility of revenue-generation; financial and technical resources needed; other government agencies involved; government likely to transfer function | Obligatory – responds to local owners and needs of local citizens | Commune and sangkat | | |
| 3.1.6 Manage small markets | Requested by citizens and councils; function supports other functions; some councils currently implementing; capacity development needed; draws on local circumstances and information; possibility of local monitoring; possibility of revenue-generation; financial and technical resources needed; other government agencies involved; government likely to transfer function | Obligatory – relates to sanitation, security, living conditions (including of women) | Commune and sangkat | | |
| 3.1.8 Establish and enforce rules for appropriate waste disposal | Priority need of citizens; few councils currently implementing and not all successful; capacity development needed; draws on local circumstance and information; possibility of revenue-generation; financial and human resources and assets needed; other government agencies involved but not successful; government likely to transfer function | Obligatory – contributes to good environment, health, sanitation | Commune and sangkat | | |
| 3.2.2 Provide agricultural know-how | Priority need of citizens; councils currently implementing with 50% success; capacity development needed; draws on local circumstance and information; possibility of involvement of citizens; other government agencies involved but not successfully; financial and technical resources and some assets needed; government likely to transfer function | Obligatory – to promote living conditions of citizens | Commune and sangkat | | |
| 3.3.2 Regulate street vending | Requested by citizens; capacity development needed; draws on local circumstance and information; citizen involvement required; possibility for revenue-generation; other government agencies involved; modest financial resources and human resources needed, depending on scope; government likely to transfer function | Obligatory – to maintain order and protect life, also reduce traffic jams | Commune and sangkat | | |
| Conflict Mediation | T | 1 | 1 | | |
| 4.3 Provide conflict mediation services of first resort, except for excluded disputes | Councils implementing with success; no capacity development needed; draws on local circumstances and information; possibility for local participation; other government agencies involved; additional funds but no additional human resources needed; government likely to transfer function | Obligatory - general mandate under LAMC, and local need | Commune and sangkat | | |
| 4.5 Cooperate with and advocate on behalf of citizens in investigations | Requested by citizens and councils; councils currently implementing with limited success; capacity development needed; draws on local circumstances and information; possibility for local participation; financial resources may be needed | Permissive - as dependent on need | Commune and sangkat | | |

| Function | Justifications | Obligatory/ Permissive | Commune/ Sangkat | |
|---|--|---|---------------------|--|
| of local disputes not mediated by c/s council | depending on scope; no human resources needed; government likely to transfer function | | | |
| Security and Public Ord | er | | | |
| 5.1 Establish committees to address local security and public order issues | Requested by councils; function supports other functions; currently implemented by councils with only some success; a little capacity development needed; draws on local circumstances and information; possibility for local participation; financial resources needed, but not human resources; other government agencies involved; government likely to transfer function | Obligatory - general mandate under LAMC, and local safety issues | Commune and sangkat | |
| 5.3 Maintain information about authorities/services for girls/women affected by violence, refer them and act as an on-going link | Requested by councils; function supports other functions; councils currently implementing but with limited success; capacity development needed; draws on local circumstances and information; possibility for local participation; significant financial resources, but not human resources, needed; other government agencies involved; government likely to transfer function | Obligatory - general mandate under LAMC, and that this relates to safety of vulnerable women and children | Commune and sangkat | |
| NREM | | | | |
| 6.1 Coordinate land and NREM-related activities of governmental and non-government actors | Requested by councils; implemented by some councils; capacity development needed; draws on local circumstance and information; possibility for citizen involvement; possibility of revenue-generation; financial and human resources needed; government likely to transfer function | Obligatory – contributes to health and welfare, and to local NREM | Commune and sangkat | |
| Forestry | | • | | |
| 10.1 Demarcate, classify and plan for the permanent forest reserve | Requested; some council experience; capacity development needed; draws on local circumstance and information; possibility of citizen participation; resources needed; other government agencies involved ; government likely to transfer function | Obligatory – reduces conflicts, ensures land security, contributes to land management | Commune and sangkat | |
| 10.3 Facilitate community commercial forestry | Requested; capacity development needed; draws on local circumstance and information; possibility of local involvement; possibility of revenue-generation; other government agencies involved; government may be likely to transfer function, subject to legal framework | Obligatory – contributes to forest use and management; could generate income | Commune and sangkat | |
| 10.5 Monitor community forestry | Requested; capacity development needed; draws on local circumstance and information; possibility of local participation; financial resources needed; other government agencies involved; government likely to transfer function | Obligatory – contributes to forestry governance | Commune and sangkat | |

| Functions Recommended by Sector ⁵ | | | | | | |
|---|---|---|---------------------|--|--|--|
| Function | Justifications | Obligatory/ Permissive | Commune/ Sangkat | | | |
| Fisheries | | | | | | |
| 9.1 Demarcate, classify and plan for the fisheries domain | Function supports other functions; capacity development needed; draws on local circumstance and information; possibility for local participation; need for significant financial and technical resources and modest assets; possibility of revenue generation; government unlikely to transfer function | Obligatory – for effective management | Commune and sangkat | | | |
| 9.4 Monitor the performance of community fisheries groups on the basis of verifiable indicators | Function supports other functions; a few councils are implementing this function; management capacity needed; draws on local circumstances and information; possibility of citizen participation; other government agencies involved; financial and human/technical resources needed; government likely to transfer this function | Obligatory – to ensure transparency and local accountability | Commune and sangkat | | | |
| 9.6 Facilitate construction of fish refuge ponds | Requested by councils; function supports other functions; some councils implementing the function; capacity development needed; draws on local circumstances and information; possibility for citizen participation; finances, human/technical resources and modest assets needed; government likely to transfer this function | Obligatory – to ensure sustainable resources | Commune and sangkat | | | |
| Land Management | | | • | | | |
| 7.1.2 Inventorize state land | Function supports other functions; councils have implemented this function but additional capacity development is required (also GPS, computers, maps); draws on local circumstance and information; possibility for citizen involvement; possibility of revenue-generation; can involve other government agencies; government likely to transfer this function | Obligatory – according to existing legal framework | Commune and sangkat | | | |
| 7.2.4 Issue permits to occupy | Requested by councils and citizens; technical and legal capacity development needed; draws on local information; local participation is possible; possibility of revenue-generation; other government agencies involved; possible that government would transfer this function | Obligatory – addresses citizens' needs, reduced wait and cost, specifies land background | Commune and sangkat | | | |
| 7.2.5 Create easements | Requested by councils and citizens; function supports other functions; councils have coordinated this function; technical and legal capacity development needed; draws on local circumstance and information; possibility of local participation; financial and human resources needed; other government agencies involved; government might transfer this function (which is complicated and has no income to which it is associated) | Permissive – this issue rarely arises | Commune and sangkat | | | |
| Land Administration | | · | | | | |
| 8.1 Maintain land | Councils have a limited role in implementation; function supports other | Obligatory – some | Commune and | | | |

| Functions Recommended by Sector ⁵ | | | | |
|--|---|---|---------------------|--|
| Function | Justifications | Obligatory/ Permissive | Commune/ Sangkat | |
| registration records | functions; draws on local information; need for capacity development (also computers, maps, GPS); financial and human resources needed; possibility of revenue-generation; other government agencies involved; government may be reluctant to transfer this function to which revenue is attached | councils doing systematic registration; specifies land background | sangkat | |
| 8.4 Adjudicate in cases of land conflict | Prioritized by citizens; councils currently mediating significant number of small land conflicts involving land boundaries; legal capacity development needed; draws on local information and citizen involvement; financial, human/technical resources needed; government likely to agree to transfer <i>alternative dispute</i> <i>resolution</i> to councils | Obligatory – resolves community land conflicts; increase trust in councils | Commune and sangkat | |

DAY 2: RECOMMENDED CROSS-SECTORAL PACKAGES OF FUNCTIONS

Drawing from the 28 functions recommended, participants were asked to develop a feasible *cross-sectoral* package of functions they could recommend for negotiation by the NLC/S to Government.

To inform the process of developing cross-sectoral packages of functions, Ms. Shelley Flam, EU-SPACE consultant, made a presentation on the key tasks before the participants. Her main points included –

- The key task was to recommend which, of all the 28 functions, should be in a cross-sectoral package of functions for negotiation by the NLC/S. Is it feasible to include all 28 functions in the crosssectoral package? If all 28 functions are not feasible, which functions should be included?
- Participants could include more than one function per sector; they did not need to include a function from every sector; and they could include as many functions as they thought feasible for commune/sangkat councils to absorb over the short to medium term (one to four years).
- > Advantages and risks of recommending many or few functions were discussed.
- > A number of considerations were offered in deciding on a cross-sectoral package of functions -
 - Which functions allow for local discretion so that councils have the scope to be responsive to citizens
 - ✓ Which functions are most aligned to citizen priorities
 - ✓ Which functions involve much/little effort or high/low difficulty
 - ✓ What is a workable mix of obligatory and permissive functions
 - ✓ What is a workable mix of functions with and without significant associated resources
 - ✓ Which functions are more likely to be accepted by government for transfer to commune/sangkat councils.

(The full presentation separately accompanies this report as Appendix 3.)

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Participants were divided into eight small discussion groups, four groups of commune councillors only and four groups of sangkat councillors only. This separation reflects that priorities of communes and sangkat may differ, at least in part.

Each group was asked to consider all 28 recommended functions and, from there, to propose a feasible package of what functions could be transferred in the short to medium term.

These small groups presented their results by marketplace. Participants strolled from small group station to small group station to review the results of each group's discussion. An example of the presentation of results is seen in the photograph to the right.

A consolidated version of all the cross-sectoral packages of functions recommended for transfer in the short to medium term is shown in the table below. The functions receiving the most

support – support from six to eight communes/sangkat council groups - are **bolded** in the table.

| PRIORITY FUNCTIONS: CROSS-SECTORAL PACKAGES OF FUNCTIONS | | | | | |
|--|--|--------------------------|--|--|--|
| Sector | Functions | # | | | |
| | 1.1.1 Collect statistics about education needs | 4 sangkats | | | |
| | 1.2.1 Provide community pre-school education | 4 communes | | | |
| Education | | 1 sangkat | | | |
| | 1.3.1 Plan for and order construction/ expansion/repair of primary school infrastructure | 2 communes | | | |
| | 2.1.1 Collect statistics about health needs, in cooperation with health | 1 commune | | | |
| | centres | 3 sangkats | | | |
| Health | 2.1.2 Identify poor households eligible for financial assistance/ exemption | 4 communes 4 sangkats | | | |
| | 2.2.2 Enhance and provide complementary health services and facilities | 1 commune | | | |
| | 3.1.1 Advocate for responsive economic development-related services | 3 communes | | | |
| | S.1.1 Advocate for responsive economic development-related services | 3 sangkats | | | |
| | 3.1.4 Facilitate an enabling environment for economic development | 1 commune | | | |
| | 5.1.4 Facilitate an enabling environment for economic development | 1 sangkats | | | |
| | 2.1.6 Managa amali markata | 4 communes | | | |
| Economic | 3.1.6 Manage small markets | 4 sangkats | | | |
| development | 2.1.0 Establish and anfana mulas for annuamista wasta dianaasi | 1 commune | | | |
| - | 3.1.8 Establish and enforce rules for appropriate waste disposal | 3 sangkats | | | |
| | | 3 communes | | | |
| | 3.2.2 Provide agricultural know-how | 1 sangkat | | | |
| | 2.2.2 Descripte streat you dive | 2 communes | | | |
| | 3.3.2 Regulate street vending | 3 sangkats | | | |
| | 4.3 Provide conflict mediation services of first resort, except for | 4 communes | | | |
| Conflict | excluded disputes | 4 sangkats | | | |
| mediation | 4.5 Cooperate with and advocate on behalf of citizens in investigations of | 2 and shots | | | |
| | local disputes not mediated by the c/s council | 2 sangkats | | | |
| | 5.1 Establish committees to address local security and public order | 3 communes | | | |
| Security & | issues | 3 sangkats | | | |
| public order | 5.3 Maintain information for girls and women affected by violence | 3 communes | | | |
| • | about authorities and services, refer them and act as an on-going link | 3 sangkats | | | |
| | 6.1 Coordinate land and NREM-related activities of governmental and | 4 communes | | | |
| NREM | non-governmental actors | 3 sangkats | | | |
| | 10.1 Demarcate, classify and plan for the permanent forest reserve | 2 communes | | | |
| | | 2 sangkats | | | |
| Forestry | 10.3 Facilitate community commercial forestry | 2 communes | | | |
| FOIESLIY | 10.3 Facilitate community commercial forestry | 1 sangkat | | | |
| | 10.5 Monitor community forestry | 2 communes | | | |
| | | 2 sangkats | | | |
| | 9.1 Demarcate, classify and plan for the fisheries domain | 3 communes | | | |
| | | 1 sangkat | | | |
| Fisheries | 9.4 Monitor the performance of community fisheries groups on the basis | 2 communes | | | |
| ristieries | of verifiable indicators | 1 sangkat | | | |
| | 9.6 Facilitate construction of fish refuge ponds | 3 communes | | | |
| | | 2 sangkats | | | |
| | 7.1.2 Inventorize state land | 2 communes | | | |
| Land | | 4 sangkats | | | |
| management | 7.2.4 losue normite to escurve | 3 communes | | | |
| U | 7.2.4 Issue permits to occupy | 3 sangkats | | | |

| PRIORITY FUNCTIONS: CROSS-SECTORAL PACKAGES OF FUNCTIONS | | | | |
|--|--|--------------------------|--|--|
| Sector Functions # | | | | |
| | 7.2.5 Create easements | 4 sangkats | | |
| Land administration | 8.1 Maintain land registration records | 2 communes 4 sangkats | | |
| | 8.4 Adjudicate in cases of land conflict | 3 communes 3 sangkats | | |

NEXT STEPS

During his opening speech, Mr. Say Kosal, President of the NLC/S, urged all councillors participating in the workshop to participate actively and to offer recommendations for functions that the NLC/S could take up at the national level, especially through the NCDD Sub-Committee on Functions and Resources. As a member of this and other NCDD Sub-Committees, the NLC/S is in a position to bring workshop recommendations forward on behalf of commune/sangkat councils.

The eight different cross-sectoral packages of functions recommended by the discussion groups on Day 2 will need to be consolidated into one. This should not be an exercise of simply amalgamating every function recommended by every group. Rather, having the benefit of input from eight different groups, it is necessary to consider all the functions recommended by all the groups and to assess how many and which of those functions are feasible to include in a cross-sectoral package of functions that the League will lobby for transfer to councils over the coming one to four years.

In addition, discussions are needed regarding which functions included in a final cross-sectoral package of functions should be obligatory and which of the functions should be permissive. Among and within the discussion groups, there was not always common understanding about when a function should be designated as obligatory and when a function should be designated as permissive. A second look at this issue, therefore, is important.



WORKSHOP EVALUATION

During his closing speech, Mr. Say Kosal shared positive feedback about the workshop, commenting on the animated discussions that had led to positive results. He expressed his opinion that the workshop objectives had been met.

Evaluation forms were circulated among participants. A summary of the key evaluation results is provided below.

1. Was the workshop beneficial to you?

| 1 (not beneficial) | 2 | 3 | 4 | 5 (most beneficial) | No answer |
|--------------------|----|----|--------|---------------------|-----------|
| 0% | 0% | 0% | 20.48% | 71.08% | 8.43% |

2. Did the workshop meet your expectations?

| 1 (not met) | 2 | 3 | 4 | 5 (best met) | No answer |
|-------------|----|-------|--------|--------------|-----------|
| 0% | 0% | 6.02% | 30.12% | 62.65% | 1.2% |

3. How would you evaluate the content of the workshop?

| 1 (lowest) | 2 | 3 | 4 | 5 (highest) | No answer |
|------------|----|------|--------|-------------|-----------|
| 0% | 0% | 7.2% | 60.24% | 31.32% | 1.2% |

4. What do you think about the duration of the workshop?

| Too long | Long | Medium | Short | Too short | No answer |
|----------|--------|--------|-------|-----------|-----------|
| 0% | 90.36% | 2.4% | 4.8% | 1.2% | 1.2% |

5. What do you think about the time allotted for discussion during the workshop?

| | Too much | Much | Medium | Short | Too short | No answer |
|--------------|----------|------|--------|-------|-----------|-----------|
| Plenary | 0% | 0% | 91.56% | 6.02% | 0% | 2.4% |
| Small groups | 0% | 0% | 87.95% | 6.02% | 0% | 6.02% |

6. How do you rate the facilitators in terms of time management?

| 1 (lowest) | 2 | 3 | 4 | 5 (highest) | No answer |
|------------|----|-------|--------|-------------|-----------|
| 0% | 0% | 4.81% | 53.01% | 24.09% | 18.07% |

7. What do you think about the balance between discussions and presentations?

| Too many | Many | Good | Not many | Few | No answer |
|---------------|---------------|--------------|---------------|---------------|-----------|
| presentations | presentations | coordination | presentations | presentations | NO answer |
| 0% | 1.2% | 92.77% | 3.6% | 1.2% | 1.2% |

8. How do you rate the facilitators in terms of workshop management?

| 1 (lowest) | 2 | 3 | 4 | 5 (highest) | No answer |
|------------|----|-------|--------|-------------|-----------|
| 0% | 0% | 8.43% | 61.44% | 22.89% | 7.2% |

9. What do you think of the hand-outs provided during the workshop?

| 1 (lowest) | 2 | 3 | 4 | 5 (highest) | No answer |
|------------|----|-------|--------|-------------|-----------|
| 0% | 0% | 6.02% | 48.19% | 38.55% | 7.2% |

APPENDICES

Appendix 1: Workshop Concept Note

Background

The 2008 Organic Law sets out the parameters for a government-wide functional assignment process to determine which sectoral functions should be transferred to sub-national councils, together with corresponding resources and capacity. In addition to the new councils established under the 2008 Organic Law, commune councils are eligible to receive sectoral functions directly from state institutions, such as Ministries. Urban sangkat councils are treated differently under the Organic Law and may only be eligible to receive delegated functions from the Phnom Penh or a municipal council.

The NLC/S is taking preparatory steps in this process by identifying candidate functions for first packages of functions it considers appropriate for transfer to commune councils and to sangkat councils in the short to medium term (one to four years). To this end, the NLC/S developed an Options Paper identifying 65 candidate functions across the following ten sectors/fields: education; health; economic development (rural and urban); conflict mediation; security and public order; and natural resource and environmental management (NREM) generally, land management, land administration, fisheries and forestry. The Paper draws on three resources: findings from fieldwork conducted in 20 communes/sangkats in eight provinces and Phnom Penh; a Cambodian desk study focusing on the education, health and natural resource and environmental management sectors; and a desk study on international practice in decentralizing in the education and health sectors.

Objectives

The workshop will involve approximately 96 c/s councillors with fair representation along gender, political party and geographic lines.

The objectives of the workshop are to –

- > reflect on the candidate functions set out in the Options Paper
- learn and apply basic criteria to recommend the most appropriate functions in a sector from among the candidate functions to include in draft first packages of functions, including –
 - o identifying each recommended function as either obligatory or permissive
 - o identifying each recommended function as either assigned or delegated
 - providing an indication of how corresponding resources for the recommended functions could be made available to commune and/or sangkat councils
- develop recommendations for an overall cross-sectoral first package of functions for commune councils and a first package of functions for sangkat councils.

Methodology

<u>Day 1</u>

- 1. Introduction to Workshop
 - o Background
 - Role of participants
- 2. Overview of Options Paper and presentation of selection criteria and modalities (obligatory/ permissive; assigned/delegated; corresponding resources)
- 3. Small group division by sector (participants self-select groups)
- 4. Each small group
 - o reads the relevant sector section in the Options Paper

- o discusses and reflects on the reading
- o recommends 0 to 3 candidate functions in the sector, with justifications based on the criteria
- recommends modalities for the recommended functions (obligatory/permissive, assigned/ delegated, corresponding resources).

<u>Day 2</u>

- 5. Small group presentations
- 6. Presentation of criteria for a cross-sectoral package of functions for c/s councils
- 7. Small group discussions to recommend a first cross-sectoral package of functions for commune councils or sangkat councils
- 8. Small group presentations
- 9. Closing and next steps

Outputs

- For each sector/field, recommendations of candidate functions for inclusion in a first packages of functions for commune councils and for sangkat councils
- Recommendations for an overall cross-sectoral first package of functions for commune councils and first package of functions for sangkat councils

Recommendations will specify whether -

- each function should be obligatory or permissive
- each function should be assigned or delegated
- corresponding resources would be needed and how they could be provided.

Cooperation

- National League of Commune/Sangkat Councils
- DDLG
- EU-SPACE

Time Frame

March 29 and 30, 2011

Appendix 2: Workshop Agenda

Internal Workshop on the Review of Potential Functions for Commune/Sangkat Councils

Intercontinental Hotel 29-30 March 2011

| Time | Торіс | Coordinators |
|-------------|---|--|
| 29 March 20 | 011 | |
| 7:30-8:00 | Registration of participants | NLC/S and EU-SPACE staff |
| 8:00-8:05 | Arrival of honorable guests | |
| 8:05-8:15 | Opening of the Workshop Workshop announcement Salutation to the National Anthem | NLC/S staff |
| 8:15-8:25 | Welcome remarks by EU-SPACE representative | Ms. Katharina Huebner, Program Coordinator |
| 8:25-8:45 | Remarks on the Workshop by Technical Support Team of the Ministry of Interior | Representative of Support Team |
| 8:45-9:05 | Opening speech of the Workshop | Mr. Say Kosal, NLC/S President |
| 9:05-9:20 | Coffee Break | |
| 9:20-9:40 | Introduction Purpose of workshop Role of participants | Mr. Sam Nissay, NLC/S Advisor |
| 9:40-11:00 | Introduction to Key Concepts and Options Paper | Ms. Shelley Flam, EU- SPACE consultant |
| 11:00-11:30 | Organizing Small Discussion Groups Instruction for group selection Participants select groups | Mr. Pok Sokundara, NLC/S Secretary General |
| 11:30-12:00 | Group discussions, each group: 1. reads the relevant sector section in the Options Paper 2. discusses and reflects on the reading 3. recommends 0 to 3 candidate functions in the sector | Group facilitators |
| 12:00-2:00 | Lunch Break | |

| Time | Торіс | Coordinators | | | | |
|---------------|--|--|--|--|--|--|
| 2:00-3:30 | Group discussions, continued | Group facilitators | | | | |
| 3:30-3:45 | Break | | | | | |
| 3:45-5:00 | Group discussions, continued | Group facilitators | | | | |
| 30 March 2011 | | | | | | |
| 8:00-9:15 | Group discussions, continued | Group facilitators | | | | |
| 9:15-10:00 | Group presentations | Group representatives | | | | |
| 10:00-10:15 | Coffee Break | | | | | |
| 10:15 -11:15 | Group presentations, continued | Group representatives | | | | |
| 11:15-11:40 | Presentation of criteria for packages of functions for commune/sangkat councils | Ms. Shelley Flam, EU- SPACE consultant | | | | |
| 11:40-12:00 | Group discussions to recommend packages of functions for commune councils and sangkat councils | Group facilitators | | | | |
| 12:00-2:00 | Lunch Break | | | | | |
| 2:00-3:15 | Group discussions, continued | Group facilitators | | | | |
| 3:15-3:45 | Marketplace presentation of results of group discussions | | | | | |
| 3:45-4:00 | Coffee Break | | | | | |
| 4:00-4:15 | Brief Workshop report | Mr. Pok Sokundara, NLC/S Secretary General | | | | |
| 4:15-4:45 | Next steps and closing remarks of the Workshop | Mr. Say Kosal, NLC/S President | | | | |

Appendix 3: Two Powerpoint Presentations by Ms. Shelley Flam, EU-SPACE Consultant

Appendix 4: List of Potential Functions by Sector

| # ⁶ | Function | Council | Description |
|----------------|---|---------|--|
| 1. | EDUCATION | | |
| 1.1.1 | Collect statistics about education needs | C/S | Collecting, collating and reporting statistics related to nursery, pre-school, kindergarten, primary school and secondary school |
| 1.1.2 | Coordinate education services provided by government and non-government actors | C/S | Obtaining information about education services/service-providers in the c/s and providing information to service providers/potential services providers. The function could entail bringing providers together for periodic coordination and it should give councils the opportunity to influence decision-making about services provided, beneficiaries and modalities. The function should cover nursery, pre-school, kindergarten and primary school. |
| 1.1.3 | Advocate for responsive educational services | C/S | Advocacy in the interest of citizens. |
| 1.1.4 | Facilitate access to education | C/S | Indicative activities include - transportation to schools (such as bus, remorque); buying desks/chairs; access for disabled students; incentives (such as meal programs, scholarships). The function should cover all levels of education from nursery even to university. |
| 1.2.1 | Provide community pre-school education | C/S | |
| 1.3.1 | Plan for and 'order' construction/ expansion/ repair of school infrastructure for primary education | C/S | Indicative activities include – primary school mapping; identifying needs for new primary schools and schools requiring expansion or renovation/repair; identifying locations for new primary schools; and then 'ordering' the responsible governance unit to provide the infrastructure. |
| # | Operate regular maintenance of school infrastructure and facilities | C/S | Secure maintenance services of nursery, pre-school, kindergarten and primary school infrastructure and facilities |
| 1.3.2 | Provide school enhancements for primary education | C/S | Indicative activities include provision of facility enhancements such as latrines, wells, school security, purchasing desks/chairs. |
| 1.3.3 | Provide complementary educational activities at the level of primary education | C/S | Indicative activities include provision of extra-curricular activities, such as activities related to sport and life skills. |
| 1.3.4 | Monitor non-technical aspects of provision of primary education | C/S | Indicative activities include monitoring – student and teacher attendance; state of school infrastructure; waste disposal; and perhaps reviewing plans and even finances. |
| 1.4.1 | Provide non-formal education | C/S | Indicative activities include literacy and numeracy classes, and skills classes for women. |
| 1.5.1 | Assess needs for vocational training | C/S | This function might involve labour market demand surveys, and (annually or more often) identifying those eligible for vocational training, possibly with special attention to particular groups, such as veterans, disabled, women affected by violence. |

⁶ This number refers to the function number in the Options Paper.

| | GRO | UP | 2 |
|--|-----|----|---|
|--|-----|----|---|

| # | Function | Council | Description |
|-------|--|---------|---|
| 2. | HEALTH | | |
| 2.1.1 | Collect statistics about health needs, in cooperation with health centres | C/S | This function would involve collecting, collating and reporting statistics requested by the Ministry. The role of c/s councils should be clearly delineated from the role of the health centre. |
| 2.1.2 | Identify poor households eligible for financial assistance/exemption | C/S | Collecting and analyzing information in a participatory manner in order to identify households eligible for financial assistance/fee exemption for health services. |
| 2.1.3 | Coordinate health services provided by governmental and non-governmental actors | C/S | Obtaining information about services/service-providers in the c/s and providing information to service providers/potential services providers. The function could entail bringing providers together for periodic coordination and it should give councils the opportunity to influence decision-making about services provided, beneficiaries and modalities. |
| 2.1.5 | Administer patient satisfaction surveys | C/S | The patient satisfaction surveys are under discussion by the Ministry developing a national survey tool and concomitant standards for application and administration. After initial training, little or no technical assistance or other Ministry contribution is required. |
| 2.1.6 | Advocate for responsive health services for citizens | C/S | Advocacy in the interest of citizens. |
| 2.2.1 | 'Order' responsible governance unit to provide specified number of immunizations | C/S | This function would involve analyzing statistics already collected and, on the basis of those statistics, ordering the responsible governance unit as to the number of immunizations needed. |
| 2.2.2 | Enhance and provide complementary health services/facilities | C/S | Indicative activities include – transportation to hospital; food supplements for mothers and young children; enhancing other maternal-child programs; contributing financially to costs related to health care (food, travel costs); social/health support to families experiencing domestic violence; supporting 24-hour operation of HC; improving water/sanitation in HC; financing HC night-time security; topping-up salaries of village health volunteers, traditional birthing assistants and members of the c/s women and children's committee. |
| 2.2.3 | Raise health awareness and disseminate health information | C/S | Indicative activities include – promoting use of health services; providing information about health care services and costs; educating about HIV/AIDS, maternal/child health, disease prevention, hygiene, immunizations and nutrition. |

| # | Function | Council | Description |
|-------|--|---------|--|
| 3. | ECONOMIC DEVELOPMENT | | • |
| 3.1.1 | Coordinate economic development related services provided by governmental and non-governmental actors | C/S | Obtaining information about economic development related services and activities in the c/s and providing information to service providers/potential services providers. The function could entail bringing providers together for periodic coordination and it should give councils the opportunity to influence decision-making about services provided, beneficiaries and modalities. |
| 3.1.2 | Advocate for responsive economic development related services | C/S | Including advocating for responsive public utility services |
| 3.1.4 | Facilitate an enabling environment for economic development | C/S | Indicative activities include – investment promotion, local regulation, linking economic actors, measures to improve incomes and increase employment, advocacy. |
| 3.1.5 | Promote clean and sanitary conditions in markets | C/S | Indicative activities include – awareness campaigns, provision of garbage receptacles, provision of garbage disposal service, waste water treatment, issuance of decca, levying and collecting fees. |
| 3.1.6 | Manage small markets | C/S | Market management would include stall rentals, security, waste management, maintenance and repair of infrastructure. The function could be implemented through council committees that include vendors as members. Markets that fall into the category of 'small market' would need to be defined. |
| # | Build/repair C/S roads and small infrastructure | C/S | In case of small roads classification sub-tertiary 1-3: district to commune, commune to commune, commune to village, and village to village. |
| # | Maintain roads and small infrastructure | C/S | In case of small roads classification sub-tertiary 1-3: district to commune, commune to commune, commune to village, and village to village. |
| 3.1.8 | Establish and enforce rules for appropriate waste disposal | C/S | Disposal, separation, sanitation, treatment or storage. |
| 3.2.1 | Regulate the supervision of animals | С | This function would explicitly empower c/s councils to regulate the supervision of owned animals in order to penalize owners whose animals cause damage to property. The function should include the right of the council to impose fines in the event of non-compliance. |
| 3.2.2 | Provide agricultural know-how | С | Indicative activities include training on crop diversification and training on new technology for rice and other crop cultivation. |
| # | Build/repair rural potable water supply | С | |
| # | Maintain rural water supply | С | Might include levying and collecting of water fees. |
| 3.3.1 | Provide waste collection in urban areas for un-serviced households | S | Includes levying and collecting of fees. |
| 3.3.2 | Regulate street vending | S | Indicative activities – identifying locations where stalls can/cannot be set up; hours of operation; requirements for waste disposal, providing waste disposal services; levying and collecting fees. |

| # | Function | Council | Description |
|-----|---|---------|--|
| 4. | CONFLICT MEDIATION | | |
| 4.3 | Provide conflict mediation services of first resort | C/S | Also includes the provision of information about conflict mitigation and information about the conflict mediation process. |
| 4.4 | Receive and manage land conflict cases; alternatively, facilitate access to land conflict resolution | С | This function relates to the function immediately above, and would include, in addition, working with the local cadastral commission and acting as the contact person throughout the process. |
| 4.5 | Cooperate and advocate on behalf of citizens in investigations of local disputes not mediated by the C/S council | C/S | In addition to mediating local disputes, there is need for councilors to be in involved when local disputes are investigated by other institutions. This function would involve providing information to other institutions and to citizens, and advocating on behalf of citizens involved in the dispute, or at least assisting those citizens to put forward their case. |
| 5. | SECURITY AND PUBLIC ORDER | | |
| 5.1 | Establish committees for local security and public order issues | C/S | In practice committees already operating include civic vigilance committees and commune commanding committees. |
| 5.2 | Initiate and coordinate with police to deploy security in order to maintain security and public order | C/S | Public events and natural disasters would be examples of when c/s councils would be required to approach and coordinate with local police to deploy security. |
| 5.3 | Maintain information for girls and women affected by violence about authorities and services, refer them and act as an on-going link | C/S | This function would relate not only to police and legal authorities/service providers, but also authorities/service providers in sectors such as health and education. |

| # | Function | Council | Description | | | | |
|------|--|---------|---|--|--|--|--|
| 6. | 5. NATURAL RESOURCE AND ENVIRONMENT MANAGEMENT - GENERAL | | | | | | |
| 6.1 | Coordinate land and NREM-related activities of governmental and non- governmental actors | C/S | Obtaining information about services/activities, service providers and user groups in the c/s. The function could entail meeting providers and user groups individually, or bringing them together for coordination. It should give councils the opportunity to monitor implementation of the land use plan, influence and make decisions about common public resources in the c/s, and integrate concerns reviewing their land use plan | | | | |
| 10. | FORESTRY | | | | | | |
| 10.1 | Demarcate, classify and plan for the Permanent Forest Reserve | С | | | | | |
| 10.2 | Implement partnership forestry | C | In partnership forestry, commune councils in or near forests cooperate with the FA to assum responsibility to manage the forest resources and promote sustainable use. The basis for the cooperation is a management plan agreed between the council and the FA. | | | | |
| 10.3 | Facilitate community commercial forestry | С | Community commercial forestry allows commercial management of forest resources. Norms and outputs are agreed between the community commercial forestry committee and the FA. The committee formulates a management plan in cooperation with the FA and is responsible for its implementation. Benefits are shared with the FA and the commune council (including possible fees for extraction of natural resources - wood collection, grazing, hunting, tourism, agriculture, water collection, collection of medicinal herbs and essential oils). | | | | |
| 10.4 | Facilitate community forestry | С | In community forestry, communities in or near forests assume a responsibility to collectively manage the forest resources and promote sustainable use. This responsibility is shared with the FA. Management involves marking an area, electing a community forestry management committee, elaborating by-laws, developing and implementing a management plan including possible fees for extraction of natural resources. (Whereas community forestry involves cooperation between communities and the FA, partnership forestry, mentioned above, involves cooperation between a commune council and the FA. Whereas community forestry is practiced on a small-scale subsistence basis, community commercial forestry, mentioned above allows commercial management). | | | | |
| 10.5 | Monitor community forestry | С | The function would involve, for instance, endorsing objectives as proposed in management plans and monitoring commercial harvesting. | | | | |

| # | Function | Council | Description |
|-----|---|---------|--|
| 9. | FISHERIES | | |
| 9.1 | Demarcate, classify and plan for the fisheries domain | С | E.g. commercial concessions, reinvestment, preservation. |
| 9.2 | Monitor and control fish disease outbreaks | C/S | The FiA plans to have a nation-wide system to monitor and control fish disease outbreaks which will require cooperation from local authorities. Indicative activities by c/s councils would include routine inspections of fish farms, ponds and fish cages. |
| 9.3 | Facilitate community fisheries | С | In community fisheries, fishing and coastal communities assume a responsibility to collectively manage the local fishery resources and promote sustainable use. This responsibility is shared with the Fisheries Administration. Large floodplain and coastal areas have been earmarked for community-based management. Management involves marking an area, electing a community fishery management committee, elaborating by-laws, and developing and implementing a management plan. |
| 9.4 | Monitor the performance of community fisheries groups on the basis of verifiable indicators | С | Indicative activities would include endorsing planned management objectives; monitoring use of funding; and monitoring the condition of the local fisheries domain. |
| 9.5 | Regulate seasonal migration | С | This candidate function concerns the seasonal migration of upland people to lowland fishing areas. Although a traditional practice, in recent years increased migration has undermined community efforts to manage their local fisheries. A community fishery committee and commune council could cooperate to solve this problem. The committee could advise on the maximum number of migrant fishermen in proportion to their own members. The council could register the migrant fishermen and issue them with permits to fish. |
| 9.6 | Facilitate construction of fish refuge ponds | C/S | Creating fish refuge ponds. |
| # | Maintain fish refuge ponds | C/S | Maintaining and protecting fish refuge ponds. |

| # | Function | Council | Description | | | |
|-------|---|---------|---|--|--|--|
| 7. | LAND MANAGEMENT | | | | | |
| 7.1.2 | Inventorize state land | C/S | Identifying state land and its use (social or economic concessions). Although c/s councils are required to inventorize state land in each village, there is currently no process in place. | | | |
| 7.2.3 | Monitor the lease of state land | C/S | Leases and licences are granted over state land for various purposes, such as agriculture, industry and tourism, including economic land concessions. This function would involve following-up on plans and projects involving changes in land ownership or classification; ensuring local consultations on applications; providing and disseminating feedback on applications; and reporting. | | | |
| 7.2.4 | Issue permits to occupy | C/S | Permits to occupy for private purposes on a short-term basis can legally be issued by c/s councils over unallocated state land. The role of councils is not further specified and no procedure exists. | | | |
| 7.2.5 | Create easements | C/S | Creating easements by bylaw. Examples include – allowing a council to run utilities through private property; creating a public right of way across private property; and creating conservation easements for erosion control measures. | | | |
| # | Resettlement | C/S | In case land has to be taken for construction of roads or irrigation. | | | |
| 7.3.1 | Take measures to promote soil conservation and ecological recovery | C/S | Indicative activities include trainings and demonstrations related to erosion control, re- forestation, re-vegetation, water-run-off control, habitat and range improvement for targeted species, and decreasing wind erosion; and land-use fees. | | | |
| 8. | LAND ADMINISTRATION | | | | | |
| 8.1 | Maintain land registration records | C/S | Currently, copies of cadastral documents are sent to c/s councils that are then required to confirm certifications proving the identity of a parcel and/or owner, and then record them in a registration book. This function would qualify councils (instead of districts) to maintain land registers after systematic registration has been completed. | | | |
| 8.4 | Adjudicate in cases of land conflict | C/S | Although c/s councils should not independently adjudicate, they should contribute to the adjudication of cases affecting their locality and raise awareness on appeal possibilities. C/s councils are represented on Admission Commission and District State Land Working Group. They are only members of the Cadastral Commission as and when appointed, however, a status that should be re-considered. | | | |

Appendix 5: Four Criteria for Assessing Potential Functions

| <u>Criteria 1</u> | Has the function been requested by commune/sangkat councillors or citizens? |
|--|--|
| Relevance of the function to the area and impact of the function in the area | Is this function necessary or important so that other functions can be implemented? |
| <u>Criteria 2</u> Extent to which the council can | Are any councils already implementing the function successfully, especially where there is no external assistance? |
| practically manage the function | If the function were transferred, would significant capacity development be required? |
| <u>Criteria 3</u> | Are there local preferences related to the function that would require local flexibility? |
| Extent to which the function will | Does the function have scope for local participation or local monitoring? |
| be beneficial and useful in the area | Does the function rely on local information that a council can more easily obtain? |
| Criterion 4 | If the function were transferred, would substantial financial or human resources be required? |
| The function can be readily | Does the function have the potential to generate revenue through charges and fees? |
| transferred as part of a starter | Are other government agencies carrying out this function already? |
| package of functions | Might government easily agree to the transfer of this function to councils? |

Appendix 6: List of Participants

| Opening | Closing | | |
|--|--|--|--|
| Mr. Say Kosal, President of the NLC/S | Mr. Say Kosal, President of the NLC/S | | |
| Ms. Sy Taun, Vice-President of the NLC/S | Ms. Sy Taun, Vice-President of the NLC/S | | |
| Ms. Khem Phalla, Vice-President of the NLC/S | Ms. Khem Phalla, Vice-President of the NLC/S | | |
| H.E. Phoung Vichet, Deputy Director General, General | H.E. Phoung Vichet, Deputy Director General, General | | |
| Department of Legal Service and Collective Territory, Senate | Department of Legal Service and Collective Territory, Senate | | |
| Mr. Vorn Sipha, Deputy Director, Department of Local | Ms. Shelley Flam, EU-SPACE Consultant | | |
| Administration, Ministry of Interior | | | |
| Ms. Katharina Huebner, Program Coordinator, GIZ/EU-SPACE | | | |
| Ms. Shelley Flam, EU-SPACE Consultant | | | |
| Special Participants | | | |
| Mr. Say Kasal Dresident of the NIC/S | H.E. Phoung Vichet, Deputy Director General, General | | |
| Mr. Say Kosal, President of the NLC/S | Department of Legal Service and Collective Territory, Senate | | |
| Ms. Sy Taun, Vice-President of the NLC/S | Ms. Khem Phalla, Vice-President of the NLC/S | | |
| Mr. Pok Sokundara, Secretary General, NLC/S | Mr. Into Goudsmit, DDLG (EC-UNDP) | | |
| Ms. Inga Beie, Advisor, GIZ/EU-SPACE | Ms. Shelley Flam, EU-SPACE consultant | | |
| Facilitators | | | |
| Mr. Huyvong Dara (NLC/S) | Mr. Eng Chheanghong (EU-SPACE) | | |
| Mr. Chhim Sopheark (NLC/S) | Mr. Suk Ra (EU-SPACE) | | |
| Mr. Sam Nissay (DDLG (DDLG (EC-UNDP)) | Ms. May Sreylon (EU-SPACE) | | |
| Ms. Om Chhorvanchanny (DDLG (EC-UNDP)) | Mr. Por Soknak (EU-SPACE) | | |
| Mr. Kyi Kosal Vathannak (UNICEF) | Mr. Khlok Dara (EU-SPACE) | | |

| | Participants (87 of 108) | | | | | | |
|----|--------------------------|-----|-----------------------------|--------------|---------------|--|--|
| N° | Name | Sex | Organisation & Position | Province | Other | | |
| 1 | Meng Yuy | Μ | Chief of Association | Koh Kong | | | |
| 2 | Rov Rattanaksambath | Μ | Deputy chief of Association | Koh Kong | Not on p list | | |
| 3 | Roth Prem | Μ | Deputy chief of Association | Koh Kong | | | |
| 4 | Hy Tan | Μ | Deputy chief of Association | Koh Kong | | | |
| 5 | Ma Rors | Μ | Chief of Association | Kompong Speu | | | |
| 6 | Nov Dim | Μ | Deputy chief of Association | Kompong Speu | | | |
| 7 | Van Sithen | Μ | Deputy chief of Association | Kompong Speu | | | |
| 8 | Thou Sarun | Μ | Deputy chief of Association | Kompong Speu | | | |
| 9 | Keang Eng | Μ | Chief of Association | Kratie | | | |
| 10 | Him Srong | Μ | Deputy chief of Association | Kratie | | | |
| 11 | Huy Sroung | Μ | Deputy chief of Association | Kratie | | | |
| 12 | Gnem Kimtang | Μ | Deputy chief of Association | Kratie | | | |
| 13 | Sy Yuth | Μ | Chief of Association | Kampot | | | |
| 14 | Sav Meng | М | Deputy chief of Association | Kampot | | | |
| 15 | Hing Neang | М | Deputy chief of Association | Kampot | | | |
| 16 | Yem Samen | F | Deputy chief of Association | Kampot | | | |
| 17 | Nong Nim | М | Deputy chief of Association | Kampot | | | |

| | Participants (87 of 108) | | | | | | |
|----|--------------------------|---|-----------------------------|---------------|---------------|--|--|
| 18 | Touch Samorm | М | Chief of Association | Кер | | | |
| 19 | My Lin | М | Deputy chief of Association | Кер | | | |
| 20 | Phou Mom | F | Deputy chief of Association | Кер | | | |
| 21 | Kan Kunly | М | Chief of Association | Kampong Cham | | | |
| 22 | Loun Hun | М | Deputy chief of Association | Kampong Cham | | | |
| 23 | Ya Soen | F | Deputy chief of Association | Kampong Cham | Not on p list | | |
| 24 | Keo Bunra | М | Deputy chief of Association | Kampong Cham | | | |
| 25 | Kean Sengky | М | Chief of Association | Kampong Thom | | | |
| 26 | Mam Seng | М | Deputy chief of Association | Kampong Thom | | | |
| 27 | Seng Sokkha | F | Deputy chief of Association | Kampong Thom | | | |
| 28 | Proch Soy | М | Deputy chief of Association | Kampong Thom | | | |
| 29 | Yous Yoeun | М | Chief of Association | Battambong | | | |
| 30 | Kea Thavy | F | Deputy chief of Association | Battambong | | | |
| 31 | Ear Kimleang | F | Deputy chief of Association | Battambong | | | |
| 32 | Sem Samon | М | Deputy chief of Association | Battambong | | | |
| 33 | In Eav | М | Chief of Association | Mondulkiri | | | |
| 34 | Meas Sitha | М | Secretary | Mondulkiri | | | |
| 35 | Phy Ngok | М | Deputy chief of Association | Mondulkiri | | | |
| 36 | Lorm Lim | М | Deputy chief of Association | Mondulkiri | Not on p list | | |
| 37 | Lay Doeun | М | Chief of Association | Oddormeanchey | | | |
| 38 | Sou Nat | М | Deputy chief of Association | Oddormeanchey | | | |
| 39 | Lot Tara | М | Deputy chief of Association | Oddormeanchey | | | |
| 40 | Soun On | М | Chief of Association | Pailin | | | |
| 41 | Lim Sambo | М | Deputy chief of Association | Pailin | | | |
| 42 | Nov Phy | F | Deputy chief of Association | Pailin | | | |
| 43 | Sor Sovannara | F | Deputy chief of Association | Pailin | | | |
| 44 | Mor Kor | М | Chief of Association | Pursat | | | |
| 45 | Touch No | F | Deputy chief of Association | Pursat | | | |
| 46 | Phorn Sam oul | М | Deputy chief of Association | Pursat | | | |
| 47 | Kang Bunkea | F | Deputy chief of Association | Pursat | | | |
| 48 | Yem Saphorn | М | Chief of Association | Preyveng | | | |
| 49 | Eing So khom | М | Deputy chief of Association | Preyveng | | | |
| 50 | Sors Yab | F | Deputy chief of Association | Preyveng | | | |
| 51 | Ok Yin | М | Deputy chief of Association | Preyveng | | | |
| 52 | Yong Horth | М | Chief of Association | Preahvihear | | | |
| 53 | Sorm So khom | F | Deputy chief of Association | Preahvihear | | | |
| 54 | Hay Seib | М | Deputy chief of Association | Preahvihear | | | |
| 55 | Sam Gnel | Μ | Deputy chief of Association | Preahvihear | | | |
| 56 | Kan Leng | М | Chief of Association | Preahsihanouk | | | |
| 57 | Ly Prang | М | Deputy chief of Association | Preahsihanouk | | | |
| 58 | Ny Vati | F | Deputy chief of Association | Preahsihanouk | | | |
| 59 | Hong Heam | Μ | Chief of Association | SiemReap | | | |
| 60 | Chhey Chhem | Μ | Deputy chief of Association | SiemReap | | | |
| 61 | Le Chenda | F | Deputy chief of Association | SiemReap | | | |
| 62 | Khem Phalla | F | Deputy chief of Association | SiemReap | | | |

| | Participants (87 of 108) | | | | | | |
|----|--------------------------|---|-----------------------------|------------------------|---------------|--|--|
| 63 | Seth Kimteng | М | Chief of Association | Stung Treng | | | |
| 64 | Chea Norm | М | Deputy chief of Association | Stung Treng | | | |
| 65 | Te Thorn | F | Deputy chief of Association | Stung Treng | | | |
| 66 | Kong Vong | М | Deputy chief of Association | Stung Treng | | | |
| 67 | Kong Saro | М | Chief of Association | Svay Rieng | | | |
| 68 | Sam Hong | М | Deputy chief of Association | Svay Rieng | | | |
| 69 | Meas Yon | F | Deputy chief of Association | Svay Rieng | | | |
| 70 | Kham Phalla | F | Deputy chief of Association | Svay Rieng | | | |
| 71 | Sam Pov | F | Chief of Association | Takeo | | | |
| 72 | Mou Gnon | М | Deputy chief of Association | Takeo | | | |
| 73 | Khou Saren | М | Deputy chief of Association | Takeo | | | |
| 74 | Ta Ror | М | Deputy chief of Association | Takeo | | | |
| 75 | Tun Pov | М | Chief of Association | Rattanakiri | | | |
| 76 | Gnean Taysi | М | Deputy chief of Association | Rattanakiri | | | |
| 77 | Teang Bouttepi | F | Deputy chief of Association | Rattanakiri | | | |
| 78 | Mi Din | М | Deputy chief of Association | Rattanakiri | | | |
| 79 | Pal Setha | М | Chief of Association | BanteayMeanchey | | | |
| 80 | Srey Heam | М | Deputy chief of Association | BanteayMeanchey | | | |
| 81 | Svat Vary | F | Deputy chief of Association | BanteayMeanchey | | | |
| 82 | Hul Kimthon | F | Deputy chief of Association | BanteayMeanchey | | | |
| 83 | Phoung Chhoy eang | F | Chief of Association | Kampong Chhnang | Not on p list | | |
| 84 | Chhor Thorn | М | Deputy chief of Association | Kampong Chhnang | Not on p list | | |
| 85 | Meas Lon | М | Deputy chief of Association | Kampong Chhnang | | | |
| 86 | Tep Sorng | М | Deputy chief of Association | Kampong Chhnang | | | |
| 87 | Eang Sokun | Μ | Deputy chief of Association | Kandal Srok lakdoak | | | |
| | | | | Srok lekdeak | | | |