



Royal Government of Cambodia
National Committee
for Sub-National Democratic Development
(NCDD)

Technical Document on DEIKAS
for
Capital Council, Provincial Councils,
Municipal Councils, District Councils
and Khan Councils

NCDD-S
November 2015

Preface

The Cambodian government's decentralization and deconcentration reform has the objective of strengthening sub-national democratic development in Cambodia. The Law on Administrative Management of Capital, Province, Municipality, District and Khan has defined that the councils shall have the authority to make legislation through the issuance of bylaws (deikas) and executive decisions to respond to the needs of citizens.

Ensuring that the Capital, provincial, municipal, district and khan councils have a sufficient legal basis to prepare and issue their deikas, the Royal Government of Cambodia has approved a sub-decree 286 issued on 18 November 2014 on Procedures for the Preparation, Amendment and Repeal of Deikas of the Capital Council, Provincial Councils, District Councils, Municipal Councils and Khan Councils.

Based on this sub-decree, the Secretariat of NCDD has developed the Technical Document on Deikas for the Capital Council, Provincial Councils, Municipal Councils, District Councils and Khan Councils with technical support from EU SPACE in order to help the sub-national councils prepare their deikas.

This technical document is not legally binding for the councils. This means that the capital council, provincial councils, municipal councils, district councils and khan councils may use the technical document flexibly to respond to their respective practical situations and needs.

This technical document does not describe the procedures for commune/sangkat councils to prepare deikas and decisions.

The Secretariat of NCDD would like to give special thanks to the ministries, line ministries, institutions, sub-national councils, and relevant stakeholders who contributed their constructive comments and recommendations to develop this technical

document. At the time, the Secretariat of NCDD welcomes constructive criticism to improve this technical document.

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Introduction

The Technical Document on Deika for the Capital Council, Provincial Councils, Municipal Councils, District Councils and Khan Councils has been developed for the purpose of enhancing knowledge, ensuring agreement, and providing opportunities for the capital council, provincial councils, municipal councils, district councils and khan councils to prepare deikas.

The technical document has been developed in accordance with the laws, royal decrees, sub-decrees, and relevant legal documents. It describes the processes and procedures for initiating and preparing deikas of the capital, provincial, municipal, district, and khan administrations through consultation with relevant ministries, line departments, institutions, units, CSOs, and private sector organizations in order to ensure responsiveness to citizen needs and practical conditions by the respective councils.

In order for the Capital council, provincial council, municipal council, district council and khan council shall have a principle in preparing and implementing of Deika, this technical document includes the following sections:

Part I: Overview

- Legal documents;
- Definition of deika and decision;
- Characteristics of a deika and a decision;
- Participation of citizens in deika and decision making processes.

Part II: Preparation of Deikas

- Necessity of issuing a deika;
- Initiatives for preparing a deika;
- Procedures for preparing;
- Legality check of a deika;

- Publishing of a deika.

Part III: Implementation, amendment, and repealing a deika;

- Proceduress of implementing, amending, and repealing of a deika;
- Penalties.

Part I: Overview

Council deikas are to be prepared, amended and repealed in accordance with the laws, applicable legal documents and procedures, as well as through participation by citizens and relevant stakeholders.

Part I describes the existing laws and other legal documents that are applicable to sub-national councils when issuing deikas or decisions. This part also explains the characteristics of decisions and deikas as well as the necessity for civic engagement.

1.1 Legal Documents

According to the law, the councils have legislative and executive authorities. An overview of some important legal documents is provided here.

A. Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans

The Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans sets forth that:

- The council shall have the authority to make legislation through the issuance of deikas and executive decisions in council meetings;
- At every meeting, the council shall make necessary decisions or bylaws (deikas) on issues relating to:
 - Preparation for receiving new functions, duties and resources in accordance with this law;
 - Obligatory functions of the council;
 - Permissive functions of the council;
 - Three-year (3) rolling investment program and five-year (5) development plan of the council including those components of those plans which are under the management and control of joint councils, other

categories of the councils, government ministries and institutions, and other stakeholders;

- Annual budget plan and expenditure plan for the mid-term period;
- Other financial issues;
- Establishment of structures, systems and resources including committees, units and personnel of the council;
- Management and use of assets;
- Consultation process with the public within its jurisdiction and dissemination of information to citizens;
- Other duties, which are determined by laws, royal decrees, sub-decrees and other legal instruments in accordance with this law.

B. Sub-Decrees

In order to implement the provisions as stated in the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the Royal Government of Cambodia has developed and approved the following sub-decrees:

- Sub-decree 215 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital issued on 14 Decemeber 2009;
- Sub-decree 216 on Roles, Duties and Working Relationship of Provinical Council and Board of Governors, and Municipal Council and Board of Governors, and District Council and Board of Governor issued on 14 Decemeber 2009;
- Sub-decree 286 on Procedures for the Preparation, Amendment and Repeal of Deikas of the Capital Council and Provincial, District, Municipal and Khan Councils.

B.1 Sub-Decree 215 and Sub-Decree 216

Sub-decree 215 and Sub-decree 216 described the implementation authority of the capital council and khan councils (215) and the authority of the provincial councils, municipal councils, and district councils (216) to issue decisions and deikas as follows:

In every meeting, the council shall take legislative decision or executive decision as needed related to:

- Preparation for receiving new functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Implementation of the obligatory functions of the council;
- Implementation of the permissive functions of the council;
- Five-year (5) development plan and three-year (3) rolling investment program as well as components of the plan that fall under management and supervision of the same category of councils, each category of the council, ministries, institutions of the Royal Government and relevant stakeholders;
- Annual budget and medium term expenditure framework of the sub-national administration;
- Other financial issues of the sub-national council;
- Establishment of structures, systems and resources as well as creation of committees, divisions, units and personnel of the council;
- Assignment of duties to the council members to assist in meeting people and monitoring of tasks as required by the council;
- Management and use of assets of the administration;

- Processes for consultation with the public within jurisdiction of the council and dissemination of information to the citizens;
- Achievements and challenges of work in the jurisdiction of the council.

Besides these tasks, the councils should make decisions in their ordinary or extraordinary meetings on issues related to:

- Invitation of the governor or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have taken place or solutions of any urgent or special problems as well as other tasks related to its administration;
- Decisions allowing research or investigation on any case which the council considers to be of importance for the people they represent, and decisions to disseminate results of the research or investigation;
- Review, research and report to the Ministry of Interior on any cases related to abuse of power;
- Review and address any illegal acts committed by the council, council members, board of governors, governor, deputy governors or staff of the council;
- Review and take actions to address local conflicts;
- Review and appropriately address requests or complaints from the people residing within its jurisdiction;
- Review and approve monthly, quarterly and annual reports prepared by the board of governors;
- Any other problems as required by laws and legal documents as well as problems considered to take action by the council and board of governors.
- The Council shall use legislative and executive power based on the principles, formats and procedures determined in relevant laws and legal documents;

- In the event of any tasks related to local needs but for which the law or legal documents do not determine formats and procedures for the use of legislative and executive power for implementing those tasks, the council shall assign the governor to conduct research and set up appropriate forms and procedures. This should be done in accordance with the principles of transparency, accountability and effectiveness. The governor then submits them to the council for review and approval in order to address these tasks, or request comments from the Minister of the Interior or relevant ministries and institutions to clarify the formats and procedures for addressing these tasks;
- In the event that there are any tasks whose formats and procedures are determined by law and legal documents, but which are unclear or do not reflect the local situation and cannot be implemented by the council, the council shall assign the board of governors to immediately prepare a request for the Minister of the Interior;
- The Minister of the Interior, using the mechanism of the National Committee for Sub-National Democratic Development (NCDD), shall coordinate with the ministers of relevant ministries and institutions to review and address these tasks;
- The board of governors shall be responsible for administering and implementing the approved legislative and executive power of the council on behalf of the council;
- The board of governors shall report regularly to its council in every ordinary or extraordinary meeting of the council;
- The council shall monitor and evaluate the tasks implemented by the board of governors in order to ensure that the board of governors performs these tasks in accordance with the laws, legal documents and decisions of the council;

- Deikas or decisions by the Khan councils shall be reviewed by the Capital Council;
- Deikas or decisions by the Capital Council and provincial councils shall be reviewed by the Minister of the Interior;
- Deikas or decisions by the municipal and district councils shall be reviewed by the provincial council.

B.2 Sub-decree 286

Sub-decree 286 on Procedures for the Preparation, Amendment and Repeal of Deikas of the Capital Council and Provincial, District, Municipal and Khan Councils describes the general provisions, key principles, and authority of the council in issuing deikas, procedures for preparing, approving, amending, repealing, implementing and checking the legality of deikas. Details of Sub-decree 286 are attached in the Annex.

1.2 Definition

Deikas are legal rules in the form of a general provision or individual provision that have been approved by a council within the limit of the council's authority and which are to be enforced within its jurisdiction only. This can refer to an original deika, a deika that amends another deika, or a deika that repeals another deika.

Glossaries in the technical document are as follows:

- Deikas in the form of general provisions refer to the implementation of guidelines or additional clarifications on a law, royal decree, sub-decree, prakas, or guidelines for implementing tasks under the council's jurisdiction. General provision deikas shall be approved and signed by the council chairperson.
- Deikas in the form of individual provisions refer to addresses to names. These shall be approved by the council and signed by the governor.
- Original deikas are preliminary deikas, which have been prepared and approved by the council.

- Jurisdiction refers to areas, functions, and duties, which are under the authority of a council.
- Retroactive refers to the authority to execute a deika on any situation or case that occurred prior to the date of the deika coming into effect.
- Legality check refers to the assurance that a council's deika shall be prepared in accordance with the existing laws and legal documents.
- Judicial police refers to judicial police officers and agents, other government officials and public agents who are authorized by separate laws to examine offenses under the scope of their territorial jurisdiction. The judicial police perform their duties in support of the judicial body. The judicial police are responsible for examining felonies, misdemeanors and petty offenses, identifying and arresting offenders and collecting evidence.

Examples

- The Steung Saen municipal council issues a deika against noise pollution. The deika sets forth that loud music is prohibited between 10 pm and 5 am. This regulation holds for all citizens of the Steng Saen municipality.
- The Baribour district council issues a deika on the placement of tents on public areas and streets for weddings or funerals. The deika prescribes, among other things, that such placement is only allowed in streets when the tent is not bigger than 1/3 of the street and that the permission of local police must be secured. This deika is only valid in Baribour district.
- A municipal council issues a deika on waste management in the city centers. The deika states that "People who disposewaste in public places, streets, field land or places will be sanctioned as determined by..."

Part II: Preparation of Deikas

2.1 Authority of council to issue deika

The capital council, provincial councils, municipal councils, district councils and khan councils use their legislative authority to issue deikas in order to determine, prohibit, or oversee the activities, procedures, or any specific issue under the scope of the council's functions, duties and resources. Besides, the capital council, provincial councils, municipal councils and khan councils may also amend or repeal their deika.

Deikas issued by the council must fall under the scope of:

- Roles, duties and authority of the council - for example a district council issues a deika on maintaining roads in the district;
- Functions or duties assigned to the council: When the functions and resources are transferred from the ministries and institutions to the sub-national councils, the council may issue deikas in order to implement these transferred functions. For example, if the district council receives a function on the management of a natural lake in the district, it might issue a deika on management of the natural lake such as prohibiting the use of illegal fishery equipment and or prohibiting the use of agricultural chemicals within the area of that lake and so on;
- Functions and/or duties delegated to the council in the event that the delegation of power did not partially or fully remove the authority to issue the deika. For example: The Ministry of Agriculture, Forestry and Fisheries delegated a function on management of slaughterhouses to the district council. The district

council may issue a deika on management of the slaughterhouses in their district;

- Any activity set by the laws, royal decrees, sub-decrees, prakas or other relevant legal documents, which require the council to issue a deika, for example, the council may issue a deika on its internal rules.

A deika may include provisions on monetary fines, apart from criminal punishment or other sanctions, in other existing documents for violating one or more provisions in the deika. This means that the council's deika may determine the monetary fines if the provisions in the deika are violated; if any mistake or act is related to criminal or civil responsibilities, the offender must also be punished in line with the criminal or civil responsibilities.

The procedure for setting monetary fines using council deikas shall be determined by sub-decree as requested by the Minister of the Interior and the Minister of Economy and Finance. Therefore, if the council decides to include the monetary fines in the deika, the council must follow the same level of fines set in that sub-decree. If there is no sub-decree on the level of fines, the council must send a request to the Minister of the Interior.

2.2 Key principles for issuing a deika

In preparing and issuing a deika, sub national councils must consider and follow the key principles below:

- Deikas in the form of general provisions shall be approved by the council and signed by the council chairperson;
- Deikas in the form of individual provisions shall be approved by the council and signed by the governor;
- Any deika that is in contradiction with any provision of the Constitution, a law, a royal decree, a sub-decree or a prakas shall be invalid;
- Any deika that discriminates against an individual, or a specific group of people, based on race, religion,

- beliefs, politics, sex, age, color, nationality, nationality at birth or mental or physical disability shall be invalid;
- The council shall ensure that relevant stakeholders are consulted during the preparation of deikas, except in the case that requires the council to issue a deika on taking immediate action;
 - A deika approved by a sub-national council shall come into effect on the date the deika was signed unless a future date is set for the deika to come into effect;
 - A deika cannot have retroactive effects;
 - Preparing, amending, or repealing a deika must follow the procedure as mentioned in the sub decree 286.

2.3 Procedure for preparing and approval of deikas

2.3.1 General provisions of a deika

Key steps for preparing the general provisions of a deika include:

- Identifying the needs to issue a deika;
- Preparing the draft deika;
- Consultation and public disclosure of the draft deika;
- Final review and approval.

2.3.1.1 Identifying the needs to issue a deika

The needs for issuing a deika must be determined as required by law, royal decree, sub-decree, prakas, other relevant legal documents, or local needs.

A. Initiative of the need of issuing deika

Initiative can be taken to issue a deika, depending on the local needs, by any of the following:

- Chairperson of the council;
- One third of the council members;
- Committees of the council;
- Governor or Board of governors;

- Association of Municipal, District, Khan and Commune/Sangkat Council in respective jurisdiction;
- Representative of one-tenth of the family members in the respective jurisdiction of the council.

B. Review and approval of the request

The council then has to conduct a council meeting to review and approve the request.

The council checks whether there is a need for a deika to be issued. Decisive criteria include:

- Whether the issue raised is within the scope of the respective council's responsibilities;
- Whether the need for preparing a deika is within the scope of the respective council's responsibilities;
- Whether the scope of challenges is needed to issue a deika or to take another action;
- Whether the deika responds to the wishes and priority needs of the citizens in the local area;
- Etc...

2.3.1.2 Preparing the draft deika

A. Assigning responsibility for drafting a deika

The council can decide among any of the following who it wishes to ask to prepare a draft deika:

- Council members;
- Board of governors;
- A committee, sub-committee or working group of the council;
- A council body.

The council's choice depends on the following:

- What are the objectives of the deika?
- What expertise is needed to write the deika?

- Which line departments/offices or other relevant sub-national administrations should be involved?

Examples:

- A municipal council plans to introduce a new parking arrangement in the city center. The council can ask the board of governors to prepare a corresponding deika.
- Seeing that rubbish disposal and management are challenging, a municipal council decides to issue a deika on waste management. The council decides to form a working group that includes the governor, administration director and experts from the district environment office, public works and transportation office, as well as all the chiefs of the sangkats in the municipality.

Note:

- If the council decides to establish a working group to prepare the draft deika, the council must issue a decision on establishing the working group.
- When assigning or creating a committee or sub-committee or working group the council must ensure that women representatives are included.

B. Procedure for preparing the draft deika

Those responsible for preparing the draft deika should follow the following key steps:

- Step 1: Research study;
- Step 2: Preparation of the preliminary draft deika;
- Step 3: Initial council discussions over the preliminary draft deika;
- Step 4: Agreement on the preliminary draft deika.

Step 1: Research study

In preparing the draft deika, the council can conduct research on the existing rule of law and other relevant legal documents, as well as the issues and needs of local people in their area. In this study, responsible persons may seek consultation or request technical support and other resources or advisory services from the ministries, line departments, institutions, units, private sector organizations, CSOs, and relevant stakeholders, particularly representatives of women, youth, children, vulnerable people, and indigenous people.

Step 2: Preparation of the preliminary draft deika

After receiving relevant information from the research, the responsible persons must prepare the preliminary draft deika using the form issued by the council, as in Annex 2 by dividing into four parts as follows:

- **Letterhead:**
 - o Country name “Kingdom of Cambodia”;
 - o Motto “Nation, Religion, King”;
 - o Council administration that makes deika;
 - o Reference no.;
- **Theme:**
 - o Title of deika;
 - o Reference;
 - o Has decided that...
- **Body:**
 - o It might be divided as chapter 1, 2 and following chapters;
 - o Article 1: Shall describe the purpose to issue a deika;
 - o Following chapters and articles shall describe the provisions and actions to be taken;
 - o The last, but not least, article describe the provisions or deika that shall be abrogated (if any);
 - o The last end article shall specify the date of a deika coming into effect.
- **Closing:**

- Date of issuance of deika;
- Position of signatory;
- Signature;
- Stamping;
- Name of signatory;
- Institution to receive copies of deika.

Step 3: Initial council discussions over the preliminary draft deika

For every preliminary draft deika, the responsible persons must consult with the Women and Children’s Consultative Committee (WCCC) and/or other committees of the council before submitting the preliminary draft deika to the board of governors to review and comment in order to submit it to the council for review and approval.

Step 4: Agreement on the preliminary draft deika

In order to ensure that all council members have time to carefully study the preliminary draft deika, the administration is required to send the preliminary draft deika together with a report on the preparation of the draft, a declaration about the preparation process for the draft and content of the draft, as well as relevant documents no later than five (5) working days prior to the council meeting to all council members.

After receiving the preliminary draft deika from the board of governors, the chairperson of council must conduct the council meeting to review and approve the draft.

The discussion of the preliminary draft deika can be conducted in an ordinary council meeting or an extraordinary council meeting with participation of relevant stakeholders.

In the council meeting to review the preliminary draft deika, the chairperson of council can assign the governor or responsible person the task of providing a presentation on the key content of the draft before the council discusses and approves it.

During the discussion, the council should consider the following questions:

- Does the content of the preliminary draft deika comply with the legal documents?
- Does the content of the preliminary draft deika discriminate against individuals or groups of people?
- Does the content of the preliminary draft deika affect male or female citizens or vulnerable groups?
- Can the content of the preliminary draft deika be implemented in the jurisdiction of the respective council?
- Is the content of preliminary draft deika retroactive?
- Can special arrangements be made for vulnerable groups, for example male or female citizens, children, vulnerable people, people with disabilities, the poor or indigenous people?
- Does the effort required by the administration to implement the measure match the benefits?
- Etc...

The first discussions can lead to the following outcomes:

- The council fully agrees on the content and form and approves the preliminary draft deika;
- The council considers the content of the draft deika to be insufficient or unclear. The council instructs the responsible persons to amend it according to the council decision, before public consultation and disclosure. In the event that the council considers the content of the draft to require sensitive amendments, the council may require responsible persons to carry out additional studies or consultations with experts in order to amend and submit it to the council for review and approval again before public consultation or disclosure.

Note: When preparing the draft deika, the council or the board of governors may request, in writing, a comment from the

Minister of the Interior if they consider that it is sensitive or unclear issue. The Minister of the Interior must respond within thirty (30) working days after receiving the request.

2.3.1.3 Consultation and public disclosure of the draft deika

Issuing the deika of councils might have direct impacts on people's livelihoods. In order to ensure that the decision of council responds to the needs of citizens, especially those of vulnerable people and minorities, the council has to promote the participation of citizens and CSOs in the early stages of the decision-making process.

Consultation and public disclosure of the draft deika are required to be organized in order to ensure the participation of citizens and relevant stakeholders in reviewing and commenting on the draft. This is necessary because after the council approves and puts the deika into force, they have to follow the provisions determined in the deika.

Therefore, after approval of the preliminary draft deika by the council, the council must instruct responsible persons to carry out the following public consultations and public disclosure.

- Consultation with citizens;
- Consultation with CSOs;
- Consultation with other sub-national councils;
- Consultation with other government agencies;
- Public disclosure;
- Conclusion of comments.

A. Consultation with citizens

For consultation with citizens, the council and other responsible persons may use some of the following tools:

- **Public meeting:** the responsible persons may prepare a public meeting with citizens in the respective jurisdiction in order to consult and collect feedback on

the key contents of the draft deika. In the meeting, responsible persons may present the contents of the draft deika and encourage male and female citizens to participate and provide as much feedback as possible. Responsible persons must note all comments in order to prove that they have been considered when amending the draft deika.

- **Focus group discussion:** In addition to the public meeting with citizens, responsible persons may also conduct focus group discussion with the target people. For example, if a deika is related to prohibition of an illegal fishery, responsible persons must conduct focus group discussions with fishermen in order to consult on the draft deika.

During these consultations, council and responsible persons may ask the following questions:

- Does the content of the draft deika negatively affect the citizens?
- Can the content of the draft deika be implemented?
- When should the deika be put into force?
- Do citizens have any comments on the draft deika?
- Etc.

B. Consultation with CSOs

Council and responsible persons must conduct consultations with CSOs in their respective areas. Consultation with CSOs can be carried out as follows:

- **Group discussion with CSOs:** council and responsible persons may select and invite relevant CSOs to participate in consultations on the draft deika. For example, if a deika is related to prohibitions on an illegal fishery, responsible persons may conduct a meeting with relevant CSOs working in the natural resource and environment sector in order to consult on the draft deika.

- **Discussion with individual CSOs:** In addition to group discussions with CSOs, council and responsible persons can consult with each CSO individually.
- **Written comment:** Responsible persons can send the draft deika to relevant CSOs for review and comment. Moreover, if requested, the council must also provide the draft deika to other CSOs. After receiving the draft deika, CSOs can review and comment in writing and then send these comments to the administration. To ensure that the review and comments are carried out in a timely manner, responsible persons should set a specific timeframe for the submission.
- During discussion and collecting the comments, council and responsible persons can present the contents of the draft deika, note and review all comments in order to prove that they have been considered when amending the draft deika.

C. Consultation with other sub-national councils

To ensure the consistency and sufficiency of information to amend the draft deika, the council must conduct consultations with relevant councils:

- The capital council consults with the khan and sangkat councils in the capital;
- The provincial councils consult with the district, municipal, commune and sangkat councils that are affected in the province;
- The municipal councils consult with the sangkat councils in the municipality;
- The district councils consult with the commune and sangkat councils in the district;
- The khan councils consult with the sangkat councils in the khan.

At the same time, the council can consult on the draft deika with other relevant councils outside their respective jurisdictions as necessary.

The council can consider the following tools for consulting with other councils:

- The council sends the draft deika to all the councils in its jurisdiction and asks them for a written statement. It sets a deadline so that all councils know by when the statement needs to be issued. The deadline should be appropriate so that the councils have an opportunity to discuss the draft deika;
- The capital council can invite and provide a presentation on the draft deika to the chairpersons of the khan and sangkat councils; subsequently, the khan and sangkat councils discuss the draft deika with council members and relevant stakeholders and provide a written statement within a given timeframe;
- The provincial council can invite and provide a presentation on the draft deika to the chairpersons of the municipality and the district; subsequently the chairpersons of municipal and district councils must prepare a meeting with council members and relevant stakeholders to discuss the draft deika and provide a written statement within a given timeframe. In this case, the municipal councils and district councils can also consult with commune/sangkat councils.
- A municipal council can invite
 - The chiefs of sangkat councils in its jurisdiction to listen to a presentation on the draft deika; subsequently the chiefs of the sangkat councils prepare a meeting to discuss the draft deika with their council members and relevant stakeholders, and provide a written statement within a given timeframe or;

- All sangkat councilors to listen to a presentation and discuss the draft deika.
- A district council can invite:
 - All chiefs of the commune and sangkat councils in its jurisdiction to listen to a presentation on the draft deika; subsequently the commune and sangkat councils discuss the draft deika and provide a written statement within a given timeframe or;
 - All commune and sangkat councilors to listen to a presentation and discuss the draft deika.

D. Consultation with other government agencies

In case the council and/the board of governors foresee that issues or provisions determined in the deika are sensitive or uncertain, the council or the board of governors shall request the Ministry of Interior or relevant ministries or institutions to review and comment on the deika before the council reviews and approves the deika

When the content of a deika addresses the functions transferred (delegated or assigned) by ministries and institutions, the council can ask experts from the respective ministry or institution to provide advice as necessary.

Example: A district council plans to issue a deika on management of a forestry community in the district. After drafting the deika, the council consults on the draft with forestry experts from the khan or sangkat administration.

E. Public disclosure

Citizens, representatives of CSOs and relevant stakeholders should have the opportunity to carefully read and comment on the draft deika. Therefore, the council must assign its administration to make the draft deika publicly available prior to the final discussion and approval during the council meeting.

For the public disclosure, the board of governors must ensure that:

- The public disclosure of the draft deika is published on the information board of the capital, provincial, municipal, district or khan administration and also on other public places as well as through radio or television or loud speakers. The place and time to receive comments should be notified;
- A room or sitting area, mailboxes, and relevant officials stand by for collecting comments. The public disclosure lasts for at least ten (10) working days before submitting the draft deika to the council for review and approval, except in cases of necessity or urgency.

F. Conclusion of comments

After the public disclosure and the consultation process, responsible persons have to:

- Summarize all comments that were raised;
- Review and take into account all comments that were raised;
- Review and amend the draft deika based on the comments;
- Prepare and revise the draft deika and submit to the board of governors for feedback before submitting to the council for review and approval.

After consolidation of comments, responsible persons have to submit the draft Deika to the board of governors for reviewing and commenting before reviewing and approval by the council.

2.3.1.4 Final review and approval

A. Review and comment of board of governors

After receiving the final draft deika, the board of governors must hold a meeting to review and comment on the draft deika. Responsible persons must adjust the draft deika according to

the recommendation of the board of governors in order for it to be submitted to the council for review and approval.

When submitting the final draft deika to the council, the governor must attach the report on preparation of draft deika, statement and comments received from the public consultation and disclose the final draft deika within five (5) working days before the council meeting.

B. Review and approval of council

After receiving the draft deika, the chairperson of council must hold a council meeting to review and approve the draft deika. During the council meeting, the chairperson of the council must ensure that there is participation by the board of governors, line departments and relevant experts; the chairperson must also make it convenient for citizens, CSOs and relevant stakeholders to participate in the meeting.

The procedure for the council meeting to review and approve the draft deika must be in accordance with internal council rules.

During the discussion over the content of the draft deika, the council must assign the governor to report and present to the council about the key contents of the draft deika. Moreover, the governor also reports and presents the comments received from the public consultation and disclosure in order for the council to be able to prove that it has considered and assessed the possible impacts before approval.

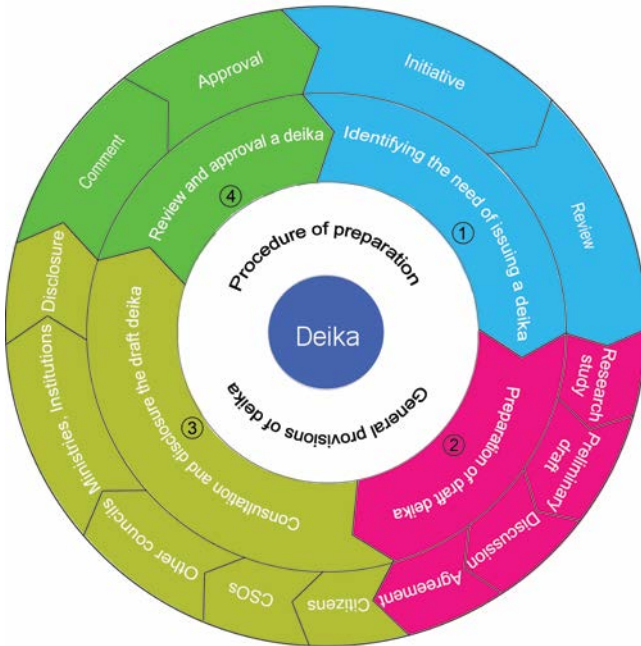
After the approval of the draft deika, the governor must amend and finalize the draft deika and submit it to the chairperson of the council for signature or to engage in other tasks based on a decision by the council.

If there is a lot of criticism on the draft, the council should instruct the board of governors to:

- Study and discuss again with experts and relevant stakeholders to amend some parts of the draft deika;

- Arrange for additional consultation with citizens, CSOs, respective councils within the jurisdiction and relevant stakeholders;
- Summarize the comments and recommendations from consultations in order to amend the draft deika before submitting to the council for review and approval.

Diagram on the procedures of preparation of general provisions of a deika



2.3.2 Individual provisions of a deika

Individual provisions of a deika refers to a deika of sub national administration related to the appointment, movement or termination of sub national civil servants in accordance with the sub decree 497 issued on 06 November 2013.

The capital council or provincial councils are delegated power to issue the deika of appointment, movement and termination of sub national civil servants in the position lower the administration director of the capital, provinces, municipalities, districts and khans.

Key steps of preparing individual provisions of a deika include:

- Request for appointment, movement or termination;
- Preparation of draft deika;
- Review and comment of board of governors;
- Review and comment of councils;
- Signature on deika.

2.3.2.1 Request for appointment, movement or termination

The capital, provincial, municipal, district and khan governor with the approval of the board of governors must request for the appointment, movement or termination of sub national civil servants in order to request for approval from the councils.

Request for appointment, movement or termination of the sub national civil servants must follow the regulations and procedures determined in the instruction 2202 issued on 04 July 2014 by the Ministry of Civil Service.

2.3.2.2 Preparing the draft deika

Any appointment, movement or termination of the sub national civil servants must be issued through the individual provisions of a deika.

Based on the reasons for requesting the appointment, movement or termination of the sub national civil servants and with the approval of the board of governors, the capital, provincial governor must assign the division of human resources the task of preparing the draft deika (form of individual provisions of a deika can be found in annex 3).

2.3.2.3 Review and comment of the board of governors

After finalizing the preliminary draft deika, the division of human resources must send the draft deika to the board of governors for review and approval. The governor must prepare the meeting to review and comment on the draft deika. The division of human resources must adjust the draft deika according to the recommendation of the board of governors.

2.3.2.4 Review and approval of the capital council, provincial councils

After review and amendment of the draft deika, the capital, provincial governor submits the draft deika to its councils to review and approve the request for appointment, movement or termination of the sub national civil servants at the capital, province level.

Note: For the deika on appointment, movement or termination of the sub national civil servants at municipal, district and khan level are not reviewed and approved by the capital council, provincial councils.

2.3.2.5 Signature on deika

- After receiving the approval of the capital council and provincial councils, the capital/provincial governor must sign the deika on appointment, movement or termination of the sub national civil servants at the capital, provincial level;
- After review and amendment in the meeting of the board of governor, the capital/provincial governor must sign the deika on appointment, movement or termination of the sub national civil servants at the municipal, district, khan level.

Diagram on the procedures of preparation of individual provisions of a deika



2.4 Legality check of the deika

A. General provisions of a deika

The capital and provincial administration shall send every deika approved by their respective councils to the Ministry of Interior for a legality check within at least five (5) working days from the day of issuing the deika.

The capital and provincial governors are instructed by the Minister of the Interior to conduct legality checks on deikas approved by the municipal, district and khan councils.

The municipal, district and khan administrations shall send every deika approved by their councils to the respective capital

or provincial governor for a legality check within at least five (5) working days from the day of issuing the deika.

The Ministry of Interior or capital/provincial governor has to cooperate with relevant ministries, institutions, line departments and units to do the legality check of the council's deika.

In the event that a deika is found to include contradictory provisions in relation to the constitution, laws, royal decree, sub-decree or other legal documents, the Ministry of Interior, or the capital/provincial governor shall notify the council in writing with clear reasons on why the deika should be amended.

The council that approved the deika shall make necessary changes within thirty (30) working days after receiving the notification from the Ministry of Interior or the capital/provincial governor. In order to amend a deika, a council must follow the procedure for preparing, amending and repealing deikas of the capital council, provincial councils, municipal councils, district councils, and khan councils or as described in point 2.3 in this technical document.

In the event that the council does not revise the deika in accordance with reasons specified by the Ministry of Interior or the capital/provincial governors, the Minister of the Interior or the capital/provincial governors has to take necessary measures to revise or repeal that deika.

Example: A municipal council issued a deika on management of the natural lake in the municipality. After approval, the municipal governor sent the deika to the provincial governor for legality check. Then the provincial governor conducted the legality check by considering some following points:

- Is the content of the deika in alignment with the constitution, laws, royal decrees, sub-decrees, and other legal documents?

- Does the content of the deika regulate issues that are under the competence of the respective council?

In the event that the provincial governor foresees that one or some of provisions of deika are not in accordance with the law or legal documents, the provincial governor must inform the municipal administration in order for them to amend the deika.

B. Individual provisions of a deika

For individual provisions of a deika, after the day of issuing the deika, the capital, provincial governor must send the deika on appointment, movement or termination of the sub national civil servants within at least seven (7) working days to the Ministry of Interior and Ministry of Civil Service for a legality check and the preparation of the documents related to the salary and job responsibilities.

Note:

- After the deika enters into force, the councils can implement their deika even though the legality has not yet been checked.
- In the event that the legality check has found that some articles in the deika are illegal, the administration that is in charge of checking the legality must clearly specify the reasons and notify which articles are illegal, and must provide instructions or recommendations on the contents that has to be changed.
- The councils must amend the deika in accordance with the notification by the administration.
- In the event that the council does not revise the deika in accordance with reasons specified by the Ministry of Interior or the capital/provincial governors, the Minister of the Interior or the capital/provincial governors has to take necessary measures to revise or repeal that deika.

Part III: Enforcement, Amendment and Repeal of Deika

3.1 Enforcement of the deika

The deika approved by the council enters into force when:

- It is signed by the chairperson of the council;
- A certain future date is set for enforcement of all or parts of the deika.

The council must ensure that information about the approved deika is shared with the public and relevant stakeholders as extensively as possible. For the dissemination of the deika, the board of governors should consider the following important points:

- The most important content and documents of the deika should be summarized and displayed on the information boards of all councils in the affected areas;
- The deika and a summary of the most important content and documents of the deika are sent to radio, television and newspaper outlets with a request for publication;
- Relevant sub-national administrations are requested to disseminate the information through their information boards, loudspeaker announcements or in other public places;
- Sub-national administrations, which already have websites, publish the summary and the deika online;
- Councils instruct the administration to create a flyer with the most important content and documents from the deika and to disseminate the flyer to citizens, CSOs and relevant stakeholders.

Note: The council shall assign one person to be responsible for answering questions from citizens on the content of the

deika. The council must ensure that information about the deika is disseminated as extensively as possible to vulnerable people, people with disabilities, women and youth.

A deika shall be executed and enforced throughout the jurisdiction of the council as a whole, except when it provides otherwise or when any law, royal decree, sub-decree, prakas or legal documents require an area with a clearly demarcated boundary to be excluded from the deika.

The board of governors shall be responsible for managing and strengthening the implementation of the deika in an effective, transparent and accountable manner, and shall report to the council regularly, or as decided by the council. To implement the deika, the board of governors shall ensure the participation of line departments, units, line offices, the public and relevant stakeholders. The board of governors should prepare a clear action plan for implementing the deika by including dissemination activities aimed at the relevant people who shall implement the deika.

If necessary, the board of governors may enforce a deika through, or in collaboration with, judicial police officers. The judicial police officers shall assist the council to enforce a deika upon written request from the board of governors.

The council shall ensure there are monitoring and evaluation mechanisms to track the implementation of the council deika, for example:

- Reports of the board of governors;
- Other important reports;
- Inquires to the board of governors or administration director;
- Occasional local inspections to ensure whether deikas are implemented;
- Other channels.

3.2 Amending and repealing a deika

A council may decide to amend or repeal a deika the council has already approved due to specific conditions, problems, needs, or suggestions by local citizens and/or based on the existing rule of law, legal documents or instructions from government ministries or institutions.

Amendment of a deika can result in the addition of new articles, and/or revision of any articles of the approved deika.

Amendment of a deika must follow the procedure for preparing and approving deikas described in this technical document.

A council can decide to amend or repeal a deika by issuing a new deika.

Example: After issuing a deika on management of a natural lake in a district, the district council finds that the articles in the deika are not yet sufficient for prohibition of rice farming in the field of the lake during the dry season. Therefore the council decides to amend the deika by adding new articles related to the prohibition of rice farming in the field of the lake by issuing a new deika to amend the deika on management of the natural lake.

3.3 Penalties

Since deikas are legally binding for all citizens, they can also include penalties for cases in which people do not follow the regulation. These penalties must be applied equally to all people regardless of their social status, gender or background.

The procedure for preparing the provisions on monetary fines by the council's deika, and the amount of fines shall be determined by sub-decree as requested by the Minister of the Interior and the Minister of Economy and Finance.

Annex

Annex 1: Sub-decree 286 on Procedures for the Preparation, Amendment to and Repeal of Deikas of the Capital Council and Provincial, District, Municipal and Khan Councils

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 issued on 24 September 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 issued on 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0613/012 issued on 20 June 2013 promulgating the Amendment Law, article 28 of the Law on the Organization and Functioning of the Council of Ministry;
- Having seen the Royal Kram No. NS/RKM/0196/08 issued on 24 January 1996 promulgating the Law on the establishment and functioning of Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0508/017 issued on 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen Royal Decree No. NS/RKT/1208/1429 issued on 31 December 2008 on the Establishment of the National Committee for Democratic Development at Sub-National Level;
- Having seen Sub-decree No. 215 OrNKR.BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;

- Having seen Sub-decree No. 216 OrNKr. BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;
- As per request of the Chair of National Committee for Democratic Development at Sub-National Level.

HEREBY DECIDES

Chapter 1

General Provisions

Article 1

This Sub-decree has the goal to ensure the Capital, Provincial, Municipal, District and Khan Councils exercise their legislative authority.

Article 2

This Sub-decree has the purpose to determine the procedures for the preparation, amendment to and repeal of Deikas in the form of general provision of the Capital, Provincial, District, Municipal and Khan Councils.

Article 3

The scope of this Sub-decree covers the application of legislative power of the Capital council, provincial councils, district councils, municipal councils and khan councils.

Article 4

In this sub-decree:

- ‘**Deika**’ refers to a legal rule in the nature of general provision or in the nature of individual provision approved by a council within the limit of the council’s authorities and to be enforced within its jurisdiction only; a deika may be an original deika, a deika that amends another deika or a deika that repeals another deika.

- **Deika in the form of general provision** refers to the implementation guideline or additional clarification on law, royal decree, sub-decree and Prakas and a guideline to implement the tasks under jurisdiction of council. Deika in the nature of general provision shall be approved and signed by council chairperson.
- **Deika in the form of individual provision** refers to deika related to or address to name. Deika in the nature of individual shall be approved by council and signed by governor.
- **Original Deika** refers to preliminary Deika which is prepared and approved by the council.
- **Jurisdiction** refers to areas, functions, and duties which are under the authorities of a council.
- **Retroactive** refers to the authority of execution of Deika on situation or any cases occurred prior to the date of Deika come into effect.
- **Legality control** refers to the assurance that deika of councils shall be prepared in accordance with the existing rule of laws and legal documents.
- **Judicial police** refers to judicial police officers, judicial police agents, other government officials and public agents who are authorized by separate laws to examine offenses in the scope of the their territorial jurisdiction. The judicial police perform their duties in support of the judicial body. The judicial police have the duty to examine felonies, misdemeanors and petty offenses, to identify and arrest offenders and to collect evidence.

Chapter 2

Key Principles of Issuing a Deika

Article 5

Deika in the form of general provision shall be approved by the council and signed by the council chairperson.

Article 6

Any deika that is against any provision of the Constitution of the Kingdom of Cambodia, a Law, a Royal Decree, a Sub-decree or a Prakas shall be invalid.

Article 7

Any deika that discriminates against an individual, or a specific group of persons, based on factors of race, religion, belief, sex, age, color, nationality, nationality at birth or mental or physical disability shall be invalid.

Article 8

Council shall ensure that relevant stakeholders are consulted during the preparation of Deika except in a necessary case that requires the council to issue Deika for solving a particular problem or for taking any immediate action.

Article 9

A deika approved by a sub-national council shall come into effect on the date the deika was signed unless otherwise a future date is set for some or whole part of deika to come into effect.

Article 10

A deika cannot have retroactive effect.

Chapter 3

Authority of Council to Issue a Deika

Article 11

A Capital, provincial, municipal, district, and khan councils shall execute its legislative power through issuance of deikas, amendment to deika, and repeal of deika based on procedure set out by other provisions in this sub-decree.

Article 12

The Capital, provincial, municipal, district, and khan council has the authority to approve deikas that determine, prohibit or oversee activities, procedures, or any works under the scope of functions, duties and resources of councils including:

- roles, duties and authorities of the council;
- functions and or resources assigned to the council;
- functions and or resources delegated to the council in the event that the delegation did not take away partly or fully the authority to approve a deika; and
- any issues required by the applicable laws, royal decrees or prakas and legal documents to issue a deika .

Article 13

A Deika may include provision on monetary fines, apart from criminal punishment and other civil responsibilities of other existing regulations for violating one or more provisions in the deika.

Article 14

Procedure for preparing provision on monetary fines by the council deika, and the amount of fines shall be determined by sub-decree as requested by the Minister of the Interior and Minister of Economic and Finance.

Chapter 4

Preparation and Approval of Deikas

Section 1

Determination of Need to Issue a Deika

Article 15

The need to issue a deika shall be determined based on the requirements of Law, Royal decree, Sub-decree, Prakas, legal documents and/or local needs.

The initiative for determination of need for a deika based on the local needs could be raised by:

- the council chairperson, or
- at least one-third of all councilors, or
- council committees, or
- governor or board of governors, or
- Association of Municipality, District, Khan, Commune, Sangkat in the jurisdiction of respective council,

- One-tenth (1/10) of total households within each council jurisdiction.

Article 16

The need to issue a deika shall be approved by council.

Section 2

Preparation of a Draft Deika

Article 17

The preparation of a draft deika shall be based on principles and other existing laws, royal decree, sub-decrees, legal documents, and/or local needs within the council jurisdiction.

To provide clear basis for preparing a draft deika, the council may conduct a preliminary study on legal framework, and other related legal documents, issues, and actual needs in their local areas. During the study, the council may seek technical assistance and resources or advisory service from government ministries, departments, institutions, private sector, civil society organization, and other relevant stakeholders.

Article 18

The council shall assign the function for preparing a draft deika to:

- Members of council, or
- Board of governors, or
- Council committees, or sub-committees or working groups, or
- Any units of the council.

A deika shall be prepared based on format of deika determined by the instruction of the Minister of the Interior.

Article 19

Council must ensure the participation from relevant stakeholders, especially female, youth, children, vulnerable group and ethnic minority representation; in process of preparing the draft deika.

Article 20

During the preparation process, the council or the board of governors may send a written request for comment from the Minister of the

Interior if they consider that the issues are sensitive or unclear. The Minister of the Interior shall respond within thirty (30) working days after receiving that request.

Section 3

Consultation on Draft Deika and Public Disclosure

Article 21

All draft Deikas shall be consulted with the Women and Children's Consultative Committee and relevant councils committees before sending to board of governors for review and comments for submitting to council for review and agreed on the preliminary draft.

Article 22

The preliminary draft deika shall be consulted with the capital, provincial, municipal, district, and khan, and relevant commune/sangkat councils, public and other relevant stakeholders, and shall be informed to the public and disclosed broadly within the council's jurisdiction and in the public space in order to enable the public and relevant stakeholders to know about the content in the draft deika as well as to provide their comments on the draft deika.

The public disclosure lasts for at least ten (10) working days before submitting the draft deika to the council for review and approval except only when there is an emergency to issue deika as set out in Article 08 of this sub-decree.

Article 23

The council shall ensure to have a clear mechanism for collecting feedbacks on the draft deika by providing venue, means and officer in charge to get feedbacks from the public and relevant stakeholders.

Article 24

The governor shall ensure that all feedbacks from the public consultation and public disclosure on the draft deika are taken into consideration for revising the draft deika and for writing a report on the public consultation and public disclosure for attaching with the revised draft deika to be submitted to the council for review and approval.

Section 4

Review and Approval of Deika

Article 25

A revised draft deika shall be submitted to the board of governors for review and for submitting to the council for review and approval, by attaching the report on public consultation and public disclosure along with the statement on the process of preparation and the contents of draft deika.

Article 26

After receiving the draft deika, the council chairperson shall organize a council meeting to review and approve the draft deika.

The council chairperson shall ensure that representatives from the board of governors, all relevant institutions, units, and experts participate in the council meeting, and shall make it convenient for the public and the relevant stakeholders to join the meeting.

Article 27

The process of council meeting to review and approve on draft deika shall be based on their internal regulation.

The council shall review and approve a draft deika by a vote of more than half of all councillors of the council.

Article 28

After the council reviews and approves the draft deika, the governor shall revise the draft deika for submitting to the council chairperson for signing or do other tasks based on the council decision.

Chapter 5

Amending and Repealing Deikas

Article 29

A council may decide to amend or repeal a deika the council has already approved based on situation, problem, need, or suggestion of local citizens and/or based on existing laws, royal decree, sub-decree, prakas or other legal documents or instruction from government ministries.

Article 30

A council may amend a deika by adding new articles, or/and revising any articles of the approved deika.

In order to amend a deika, a council must follow the procedure set out in Chapter 4 on preparation and approval of deikas of this Sub-decree.

Article 31

The council may decide to repeal any deika through issuance of its deika.

Chapter 6

Implementation of Deikas

Article 32

A deika is enforceable when it comes into effect as set out in article 09 of this sub-decree.

The council shall ensure that all approved deikas have been disseminated broadly to the public and relevant stakeholders.

Article 33

A deika shall be executed and enforced throughout the jurisdiction of the council as a whole except when it provides otherwise or when any law or legal documents requires the exclusion from Deika of an area with a clear demarcated boundary.

Article 34

The council shall implement and enforce its deika.

The board of governors shall be responsible to implement and enforce all Deikas in an effective, transparent and accountable manner, and shall report to the council regularly or as decided by the council. To implement the Deika, the board of governors shall ensure participation from departments, units, line offices, public and relevant stakeholders.

If necessary, the council may enforce a deika through or in collaboration with judicial police officers.

The judicial police officers shall assist the council to enforce a deika upon written request from the council.

Article 35

The council shall ensure to have the monitoring and evaluation mechanism to monitor and evaluate the implementation of council deika.

Chapter 7

Legality Check of Deikas

Article 36

The Capital, provincial administration shall send every deika approved by the Capital, provincial Council to the Ministry of Interior for a legality check at least five (05) working days from the day of issuing the Deika.

The Capital, Provincial governors were delegated the tasks of conducting legality check from the Minister of the Interior on Deikas approved by Municipal, District and Khan Council.

The Municipal, district and khan administration shall send every deika approved by the Municipal, District, khan council to the respective Capital, Provincial governors for a legality check at least five (05) working days from the day of issuing the Deika.

Article 37

The Ministry of Interior or Capital, Provincial governors has to cooperate with relevant ministries, institutions, departments, units to do the legality check of the councils' deika.

Article 38

In the event that the Ministry of Interior or the Capital, provincial governor that conducts a legality check finds out illegality of the deika, the Ministry of Interior, or the Capital, provincial governors that conducts a legality check shall notify the council in writing with clear reasons or any points contradicts to any provisions of constitution, laws, royal decree, sub-decree and legal documents in order for the council to revise.

After receiving the notification from the Ministry of Interior or the Capital, provincial governor, the respective council that issued the deika shall amend the deika within thirty (30) working days. In order to amend a deika, a council must follow the procedure set out in Chapter 4 on preparation and approval of deikas of this Sub-decree.

In the event that the council does not revise the deika in accordance with reasons specified by the Ministry of Interior or the Capital, Provincial governor, the Minister of the Interior or the Capital, Provincial Governor has to take necessary measure to amend or repeal that deika.

Chapter 8

Separate Provision

Article 39

Deika in the form of individual provision shall be signed by governor in the name of the council up on the approval of the council.

The issuance of deika in the form of individual provision must follow the procedure set out in existing legal documents related to the management of human resources, staff working at the sub-national level.

Chapter 9

Interim Provision

Article 40

Any deikas issued by the council or governor issued before this sub-decree is approved are still valid unless there are any change or a preparation of a new deika.

When there is any change or preparation of a new deika, shall follow the provisions set out in this sub-decree.

Chapter 10

Final Provisions

Article 41

Any provisions that contradict this Sub-decree shall be abrogated.

Article 42

The Minister in charge of the Office of Council of Ministers, the Minister of Economic and Finance, the Minister of the Interior, Chair of the National Committee for Democratic Development at Sub-National Level, Ministers, Secretary of State of all relevant ministries/agencies, Councils and Boards of Governors of all Sub-

National Administrations are charged to implement this Sub-Decree from the date of the signature.

Phnom Penh, 18 November 2014

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Reported to

Samdech Aka Moha Sena Padei Techo **Hun Sen**,
Prime Minister of Kingdom of Cambodia

to please kindly sign

Deputy Prime Minister, Minister of the Interior and
Chair of NCDD

Sar Kheng

Receiving Places:

- *Ministry of Royal Palace*
- *General Secretariat of the Constitution Council*
- *General Secretariat of the Senate*
- *General Secretariat of the National Assembly*
- *General Secretariat of the Royal Government*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *As in Article 42*
- *Royal Gazette*
- *Archival - Documentation*

Annex 2: Form of General Provisions of Deika

Kingdom of Cambodia Nation, Religion, and King
Capital/Province.....
M/D/K Administration.....
No:.....
Deika
On.....
District councils.....
<ul style="list-style-type: none">– Having seen the Constitution of the Kingdom of Cambodia;– Having seen the Royal Decree No. NS/RKT/0913/903 issued on 24 September 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;– Having seen Royal Kram No. 02/NS/94 issued on 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;– Having seen the Royal Kram No. NS/RKM/0508/017 issued on 22 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;– Having seen the Royal Kram No. NS/RKM/0508/018 issued on 24 May 2008 promulgating the Law on Election of Capital, Provinces, Municipalities, Districts and Khans;– Having seen Sub-decree No. 216 OrNkr. BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;– Having seen the Sub-decree 286 on Procedures for the Preparation, Amendment and Repeal of Deikas of the Capital Council and Provincial, District, Municipal and Khan Councils describes the general provisions, key principles, and authority of the council in issuing deikas, procedures for preparing, approving, amending, repealing, implementing and checking the legality of deikas.

- Having seen the sub decree.....on establishment of Capital, Provincial, Municipal, District, Khan Administration... (If any) dated.....
- Reference to the consent of the council meeting on.....

**Has Decided that
Chapter 1
General Provisions**

Praka 1.- (Goal of Deika)

Praka 2.- (Purpose of Deika)

Praka 3.- (Scope of Deika)

Praka 4.- (Key terminologies – if any)

**Chapter 2
.....(Content or Provisions).....**

Praka....-

Praka....-

Praka....-

Chapter...

.....

Praka....-

Praka....-

**Chapter...
Final Provisions**

Praka....- (Abrogation of deika)

Praka....- (In charge ministries/institutions to implement the deika)

Date:.....

On Behalf of the Council
Chairperson

Receiving places:

- Ministry of Interior (For Deika at Capital, Province)
- Capital, Provincial Administration...
- Commune/Sangkat Administration
- As Praka.....(Praka that set by the implementor)
- Archieve

Annex 3: Form of Individual Provisions of Deika

Kingdom of Cambodia
Nation, Religion, and King

Capital/Province.....

No:.....

Deika

On Appointment or Tasks Delegation of the Civil Servants Governor of the Board of Governors.....

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 issued on 24 September 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 issued on 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0508/017 issued on 22 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen Sub-decree No. 215 OrNkr.BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;
- Having seen Sub-decree No. 216 OrNkr. BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;
- Having seen the Sub-decree 63 OrNkr.BK issued on 08 September 2003 on Management, Implementation, Movement of Grade, Position and Step of Civil Servants (For Deika on Tasks Delegation to Civil Servants in the Position upper the Requirement and Grade);
- Having seen Sub decree 497 OrNkr. BK issued on 06 November 2013 on Delegation of Power to the Sub National Administration in Appointment, Movement and Termination of the Sub National Civil Servants;
- Having seen Prakas 4273 BrKr issued on 30 December 2009 of Ministry of Interior on Establishment of Offices of the Phnom Penh Capital Divisions, Establishment of Khan Offices and

Determination of Roles, Responsibilities, Working Condition of the Offices;

- Reference to the Instruction 2202 MorSor SorNorNar issued on 04 July 2014 of Ministry of Civil Servant on Procedures of Appointment, Movement, and Termination of the Sub National Civil Servants;
- Letter #.....dated.....of Ministry of Interior on.....(Letter that approved on the request for appointment, movement and termination of Director of Financial Director);
- Receiving of approval of the Phnom Penh Capital Council in the meeting of..... (Ordinary meeting or Extra Ordinary meeting on.....).

Has Decided that

Praka 1.-

Has been appointed Mr/Mrs....., ID.....(if any) Grade....., Step.....as.....(Position).....(Name of unit or office of.....) OR

Has been appointed the civil servants.....(#) people for.....(Office or Unit of.....) as follows: (For case of appointment of many civil servants)

1. Mr.ID.....(if any), Grade....., Step.....as.....
(Name of unit or office)
2. Mr.ID.....(if any), Grade....., Step.....as.....
(Name of unit or office)

Praka 2.-

Any provisions that contradict this Sub-decree shall be abrogated.

Praka 3.-

Director or deputy director ofadministration, chief of office/unit, chief of office/unit within the structure of the capital, provincial, municipal, district, khan, or commune/sangkat chief and her/himself as stated in Praka 1 above must implement this deika effectively since the signed date.

Date:.....

Receiving places:

Capital/Provinial Governor

- Ministry of Interior
- Ministry of Civil Servant
- Capital, Provincial Administration...
- Municipal, District, Khan Administration...
- Commune/Sangkat Administration...
"For Informatoin"
- Same as Praka 1 and 3 (For implementation)
- Archieve

Form of Individual Provisions of Deika

Kingdom of Cambodia
Nation, Religion, and King

Capital/Province.....

No:.....

Deika

On Movement of the Civil Servants

Governor of the Board of Governors.....

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 issued on 24 September 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 issued on 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0508/017 issued on 22 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen Sub-decree No. 215 OrNkr.BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;
- Having seen Sub-decree No. 216 OrNkr. BK issued on 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;
- Having seen the Sub-decree 63 OrNkr.BK issued on 08 September 2003 on Management, Implementation, Movement of Grade, Position and Step of Civil Servants (For Deika on Tasks Delegation to Civil Servants in the Position upper the Requirement and Grade);
- Having seen Sub decree 497 OrNkr. BK issued on 06 November 2013 on Delegation of Power to the Sub National Administration in Appointment, Movement and Termination of the Sub National Civil Servants;
- Having seen Prakas 4273 BrKr issued on 30 December 2009 of Ministry of Interior on Establishment of Offices of the Phnom Penh Capital Divisions, Establishment of Khan Offices and

Determination of Roles, Responsibilities, Working Condition of the Offices;

- Reference to the Instruction 2202 MorSor SorNorNar issued on 04 July 2014 of Ministry of Civil Servant on Procedures of Appointment, Movement, and Termination of the Sub National Civil Servants;
- Letter #.....dated.....of Ministry of Interior on.....(Letter that approved on the request for appointment, movement and termination of Director of Financial Director);
- Receiving of approval of the Phnom Penh Capital Council in the meeting of..... (Ordinary meeting or Extra Ordinary meeting on.....).

Has Decided that

Praka 1.-

Has been moved Mr/Mrs....., ID.....(if any) Grade....., Step.....as.....(Current Position).....to be.....(New Position)..... OR

Has been moved the civil servants.....(#) people for.....(Office or Unit of.....) as follows: (For case of movement of many civil servants)

1. Mr., ID.....(if any), Grade....., Step.....from (Current Position).....to be..... (New Position).....
2. Mr., ID.....(if any), Grade....., Step.....from (Current Position).....to be..... (New Position).....

Praka 2.-

Any provisions that contradict this Sub-decree shall be abrogated.

Praka 3.-

Director or deputy director ofadministration, chief of office/unit, chief of office/unit within the structure of the capital, provincial, municipal, district, khan, or commune/sangkat chief and her/himself as stated in Praka 1 above must implement this deika effectively since the signed date.

Date:.....

Capital/Provincial Governor

Receiving places:

- Ministry of Interior
- Ministry of Civil Servant
- Capital, Provincial Administration...
- Municipal, District, Khan Administration...
- Commune/Sangkat Administration...
- "For Informatoin"
- Same as Praka 1 and 3 (For implementation)
- Archieve