Royal Government of Cambodia

National Committee
for Sub-National Democratic Development
(NCDD)

DRAFT

Technical Document

on

Inter-Governmental and Intra Governmental Relations

for Provincial Councils

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PREFACE

Councils of sub-national administrations are legal entities that represent citizens and have the purpose to establish, promote and sustain democratic development at sub-national level. The Capital, provincial, municipal, district and khan councils cannot operate well in isolation without networking and additional contacts. In order to be effective and efficient in performing their tasks and exercising their authority, the councils must interact with all relevant stakeholders, including other councils, with ministries, line departments, and other government institutions in all levels. Beside, each council has to set up clear mechanism of relation with their administration.

In order to provide support to provincial administrations in developing productive inter-governmental and intra-governmental relations, the National Committee for Sub-National Democratic Development Secretariat (NCDD-S) has developed a Technical Document on inter-governmental relations and intra-governmental relations for councils to strengthen the implementation of their roles and responsibilities.

This TD is not a legal framework for the councils of capital, provinces, municipalities, districts and Khans to strictly follow. This means the councils can be

flexible based on the real situations and needs of each administration.

This TD was developed with cooperation and support by EU-SPACE.

NCDD-S would like to sincerely thanks to the contributions from all councils, ministries, institutions, units, and all relevant stakeholders who have contributed resources and ideas in preparing this TD and we also warmly welcome all constructive criticisms to improve this TD.

Thanks

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INTRODUCTION

This TD has been prepared in order to support provincial councils to set up inter-governmental and intra-governmental relations; however, this TD is not a guideline.

This TD aims at assisting councils in understanding the importance, benefits and mechanisms of relations among councils of the same category, councils of the different categories, relations of councils with ministries, institutions, departments and other government agencies as well as intra-governmental relations. Strengthening these relations will improve the performance of the councils through sharing of experiences and information, coordinating and cooperating more effectively the local development and in providing better services to the citizens.

This TD mentions some ***options*** that councils can follow such as preparation of mechanisms and strategies ***to effectively communicate with relevant stakeholder***. Councils can implement all or some of the ***options***, which have been mentioned in this document. Councils have the autonomy to develop their own options as long it is in line with the guidelines of a transparent and democratic unified administration.

NCDD strongly hopes that this TD will become an important supporting document for provincial councils in establishing their relations effectively and efficiently in order to respond to the local development needs and contribute to poverty reduction of Cambodian citizens aligning with visions of Royal government.

The Capital, provincial, municipal, district, commune and sangkat councils implement their roles to promote and sustain democratic development in their areas by identifying and responding to local needs in order to benefit their citizens. This means that all councils have the same goals in developing their areas for common citizens in their competence. Therefore all councils have to cooperate and coordinate their work together.

Part I: OVERVIEW ON Councils' RELATIONS

1.1. Definition

1.1.1. Inter-governmental Relations

Inter-governmental relation is an interaction between councils and other councils and ministries, governmental institutions, line departments.

Inter-governmental relations include relations between:

- Councils of the same category (e.g. provincial council with other provincial councils or with capital council);
- Councils of different categories (e.g. provincial council with municipal, district or commune/sangkat councils);
- Councils and ministries and line departments/offices (e.g. between a provincial council and the provincial line department of education);
- Councils and other government institutions such as Forest Administration or the Apsara Authority, etc.

In establishing inter-governmental relations, board of governors must fulfil their tasks on behalf of their councils by implementing the instructions and decisions of the council.

1.1.2. Intra-governmental Relations

Intra-governmental relations are the interactions between different actors in the same council administration.

Intra-governmental relations include the relations:

- Among the council;
- Between council and its committees;
- Between council and its administration.

The actors in intra-governmental relation of a provincial council are:

- Provincial council (chairperson of council and councillors);
- Committees of provincial council;
- Provincial board of governor (governor and deputy governors);
- Administration director and deputy administration director;
- Chiefs and deputy chiefs of divisions;
- Chiefs and deputy chiefs of offices;
- Other staffs.

1.2. Objectives

The objectives of inter-governmental and intra-governmental relations are to promote sharing of information, coordination, and cooperation in order to:

- Increase effectiveness of service delivery;
- Maximize resource mobilization;
- Achieve efficiencies in resource utilization;
- Ensure accountability;
- Solve local conflicts;
- Prevent and mediate conflicts between provincial councils and relevant institutions.

1.3. Legal framework

The valid legal documents and policies related to inter-governmental and intra-governmental relation are:

1. The Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
2. Sub decree 215 on Roles, Duties and Working Relations of Councils, Board of Governors of Phnom Penh Capital and Councils and Board of Governors of Khans in Phnom Penh Capital;
3. Sub decree 216 on Roles, Duties and Working Relations of Councils and Board of Governors of Provinces and Councils and Board of Governors of Districts;

4. Sub degree 497 on the delegation of power to sub national administrations in appointing, changing and terminating civil servants at sub national level;
5. Sub degree 218 on Establishment, and Implementation of the Technical Facilitation Committee of the Provincial, Municipal, District Councils;
6. Prakas 4275 on The Establishment and Implementation of the Women's and Children's Consultative Committees at the Capital Council, Provincial Councils, Municipal Councils, District Councils and Khan Councils
7. The 10-years national program for democratic development of sub-national administrations raises the need of changes of roles and ways of communicating between various ministries, institutions, line departments and sub-national administrations as well as between councils of the same and different categories.

Some key principles of the above law, sub-decrees and policy documents are highlighted as follows:

- Sub-national councils are autonomous in thier jurisdiction but shall have close relation and cooperation with councils of the same category and of different categories in order to establish,

promote and sustain democratic development in their jurisdictions;

- Sub-national council shall have close relations with ministries, institutions, line departments in their jurisdiction in order to achieve unified administration;
- The capital, provincial, municipal, district and khan council shall conduct dissemination and consultative forums in their jurisdiction;
- In the formulation and implementation of its development plan, the councils shall consult with other categories of councils within its jurisdiction;
- The commune and sangkat councils have a specific role to ensure that the capital council, provincial council, municipal council, district council and khan council are accountable to them and ensure that priority needs of local citizens are responded;
- The capital and provincial council shall receive delegation of power on behalf of the Royal Government to support and check legality on decisions of other councils in the capital and province include appointing, changing and terminating civil servant at sub national level.

Besides the legal documents and policy papers mentioned above, there are still some more relevant documents, which also determine the inter-

governmental and intra-governmental relations like 3-Year Implementation Plan.

Although council of capital, provinces, municipalities, districts, khans and communes/sangkats are autonomous in managing their own functions, tasks and resources, councils need to communicate with one another to implement those rights and power, so all councils must consult, coordinate, and promote the collaborations among relevant councils through the mechanism of interactive communications.

1.4. Some Key Requirements

For effective relations, the actors involved in inter- and intra-governmental relations must be open to working together formally and informally, to sharing and discussing information and to do so beyond what is explicitly stated in a legal instrument.

Therefore, every actor has to consider the following points:

Communication – to provide and receive information, to consult with and to learn from each other. E.g. a provincial council should share reports, studies etc. with the municipal, district and commune/sangkat councils.

Mutual autonomy respect – to respect the autonomy of other councils to make their own decisions. E.g. a

provincial council must respect the autonomy of district councils, a municipal council must respect the autonomy of sangkat councils.

Coordination – to bring different actors to work together more effectively, efficiently and smoothly. In order to avoid overlapping the councils have to coordinate with other stakeholders, e.g. a provincial council coordinates with the line department of education to promote the registration at primary level.

Cooperation – to work together and support each other to achieve a common goal, e.g. the provincial council prepares together with the district councils measures to prevent illegal fishing.

To promote and increase the effectiveness of relations councils and relevant institutions have to consider the following points:

- Build trust and respect among councils and relevant institutions by having clear roles, duties, responsibilities and expectations. Councils and relevant stockholders have to respect what have been agreed on and do it as promptly as possible;
- Ensure that councils and relevant institutions understand her/his own roles, duties and responsibilities and how they relate to the roles

and responsibilities of other councils and relevant institutions;

- Identify common goals and how each council and relevant institution is responsible to contribute to them;
- Be generous in sharing information, and share the information as far in advance as possible.
- Ensure that gender equity is considered, respect women's ideas and their participation, respond to women issues as well as to issues of minorities, ethnic and vulnerable people.

PART 2: INTER-GOVERNMENTAL RELATIONS OF PROVINCIAL COUNCILS

Part 2 looks at the relationship of a provincial council with councils of the same and different categories, with ministries, governmental institutions, line departments, line offices and other government agencies.

2.1 Relations of Provincial Council with Councils of different Categories

Inter-governmental relations between provincial council and councils of the different categories refer to the relations between provincial councils with municipal, district, khan and commune/sangkat councils.

In order to ensure effective, sustainable, cooperative and respectful relationship between provincial council and councils of different categories the provincial council should consider the following points:

- Provincial councils communicate, share information and consult with capital, municipal, district and commune/sangkat councils;
- Provincial councils and municipal, district and commune/sangkat councils work together to promote civic engagement;

- Provincial councils have to respond to local needs based on comments from municipal, district and commune/sangkat councils;
- Provincial councils, municipal, district and communce/sangkat councils coordinate, and collaborate;
- Provincial councils ensure support to municipal, district and commune/sangkat councils (capacity development, functions and resources);
- Provincial councils are responsible for checking legal compliance for municipal, district and commune/sangkat councils;
- The provincial councils consult and advocate for transfer of functions and resouces to municipal, district and commune/sangkat councils;
- Provincial councils have other relations with khan, municipal, district, commune/sangkat that are set out in any legal instruments.

Municipalities, districts, and communes/sangkats are in the territory of the province, therefore, all these councils must interact with each other to seek for resources and technical support, sharing information, and solving issues.

In return it is the duty of provincial councils to consider the needs and issues of citizens in the municipalities, the districts and the

communes/sangkats and to take action to meeting those needs.

2.1.1 Relations of Provincial Councils with Municipal, District, and Commune/Sangkat Councils

Municipal, district and commune/sangkat councils are in the territory of province, therefore, municipal council, commune/sangkat councils and provincial council must interact with each other.

The provincial council shares information and resources, provides technical support, helps to improve the capacity of municipal councils, district council, and commune/sangkat council and to solve problem, if any.

The provincial council is elected by the commune/sangkat councils; so the Provincial council is accountable to commune/sangkat council and to citizens in the province. It is important, therefore, that the provincial council understands and responds to the needs and priorities of commune/sangkat councils and its citizens. At the same time, the Provincial council must encourage commune/sangkat councils to inform the provincial council about needs in communes/ sangkats and to advocate for the provincial council to contribute to meeting those needs.

Provincial council must cooperate with the Municipal council and district councils in the province to consult with commune and sangkat council on how to response to the needs of commune and sangkat councils.

The day-to-day support to the other councils in the province is provided by the provincial administration through various divisions especially the planning and investment division on issues such as:

- To support municipal, district and commune/ sangkat councils to prepare and implement development plans and investment programs;
- To support municipal, district and commune/ sangkat councils to study and prepare proposal and estimating cost;
- Support municipal, district and Commune/Sangkat to study and prepare other program;
- To support and provide capacity development to the municipal, district and commune/sangkat councils to implement obligatory and permissive functions;
- To monitor, evaluate and support capacity development and performance of district, municipal and commune/sangkat councils;
- To conduct legal compliance checking of deikas and decisions of municipal and district councils;

- To support municipal and district councils to conduct legal compliance checking for commune/sangkat councils.

To ensure the support from provincial administration to municipal and commune/sangkat councils when they need support, the provincial council must set up a regular communication between the divisions especially the provincial local support office and municipal, district, and commune/ sangkat councils.

2.1.1.1 Participation in Council Meetings

A. Provincial Council Meeting

Municipal, district, and commune/sangkat councillors may assign one or many councilors to attend the Provincial council meetings. Assigned Municipal, district, and commune/and sangkat councillors may discuss, comment and make a request for the provincial council to consider.

Since provincial council meetings are open to the public, any other councilors who have not been assigned by the municipal, district and commune/sangkat council may also attend the meeting as citizen only.

Depending on the provincial council's internal rules municipal, district, and commune/sangkat councillors may be also entitled to raise issues and participate in the discussion, but a municipal, district, or

commune/sangkat councillor does not have the right to vote on any matter.

To enable the provincial council to understand and respond to the needs of citizens in the municipal, district and commune/sangkat, the provincial councils should:

- Make decisions on how to consult with municipal, district and commune/sangkat councils;
- Provide opportunity to chairperson or representatives of municipal, district and commune/sangkat councils to inform to the provincial council about particular issues faced by citizens, e.g. claims about the pollution from a garment factory;
- Allocate time for chairperson of municipal, district and commune/sangkat councils or representatives during a provincial council meeting, so that chairperson or representatives of municipal, district and commune/sangkat councils can prepare themselves accordingly.
- Ask chairperson of municipal, district and commune/sangkat councils to submit the questions and issues they want to address during the provincial council meeting in advance either to the chairperson of the Provincial council or to a member of the

Provincial board of governors. That allows for the provincial council to be prepared for answering municipal, district and commune/sangkat councils' questions;

- When a question or issue is submitted in advance by a chairperson of municipal, district and commune/sangkat councils, the provincial council chairperson should ask the board of governors to prepare a response for the next provincial council meeting;
- Instruct the governor to respond immediately in case of urgent issues. The Provincial governor should report in the next Provincial council meeting;
- The chairperson or representatives of municipal, district and commune/sangkat councils could be encouraged to discuss in advance within their councils which issues should be raised during provincial council meetings. Especially female councillors should be encouraged to raise their concerns.

When a municipal, district or commune/sangkat councillor raises any question or comment during a provincial council meeting and the provincial council cannot respond immediately, the provincial council should indicate where and when the information will be available.

B. Participation in Municipal, District and Commune/Sangkat Councils Meetings

Each Provincial councillors may attend, just as citizens, a public council meeting of the district, the municipality or the commune/sangkat, where they are registered.

Depending on the internal rules of district, municipal or commune/sangkat council, provincial councillors may be also entitled to raise issues and participate in the discussion just like other citizens, but they do not have the right to give instructions, debate, comment or vote on any matter.

(See the Technical Document on Council Meetings)

2.1.1.2 Participation in Provincial Council Committees

A provincial council may invite representatives of municipal, district, and commune/sangkat councils to sit as members in a provincial council committee, sub-committee or working group. Participation of these councils in provincial council committees ensures that the voice of municipal, district, commune/sangkat councils is heard and taken into account when committees make their recommendations to the provincial council.

Currently in the provincial technical facilitation committee, Municipal, District, Khan and Commune/Sangkat are represented by two members of the Association of Municipal, District Khan, Commune and Sangkat; in the provincial council's women and children's consultative committee, Municipal, District, Khan and Commune/Sangkat are represented by the chairperson or deputy chairperson of the Association of Municipal, District Khan, Commune and Sangkat. Committees provide advice to the province council prior to decisions.

Beside the existing obligatory committees, province councils can establish provincial committees, sub-committees, special commission or special working groups based on the real needs. Examples:

- Local Economic Development Committee of working group;
- Provincial Environmental Sub Committee;
- Municipal, district and commune/sangkat Council Capacity Development Working group.

When assigning municipal, district and commune/sangkat council representatives to sit in provincial committees, sub-committees, special commission or special working groups, provincial councils have to consider the following points:

- Which municipal, district and communes/sangkats are most affected by the

subject matter of the provincial council committee, sub-committee, special commission or special working groups;

- Which municipal, district and communes/sangkats have experience and expertise in the subject matter of the provincial council committee, sub-committee, special commission or special working;
- Relevant characteristics of municipal, district and communes/sangkats such as urban, rural or remote areas, ethnic minority groups or very poor areas.

Note:

A provincial council might adopt a policy that requires district, municipal and commune/sangkat council representation on every provincial council committee. e.g. in the local Economic Development committee, the Health Services Committee or the district, municipal and commune/sangkat Council Capacity Development Committee.

When inviting municipal, district and commune/sangkat council representatives to sit in a provincial committee, sub-committee, special commission or special working group, the provincial council has to consider about gender equity.

2.1.1.3 Participation in the Development Planning Process of the Provinces

Based on the procedures of development planning and investment program of the province, the provincial council must consult with all district and municipal councils in the provinces on the following points:

- Ask the district and municipal council to provide information related to issues and needs of citizens;
- Request to municipal and district to raise project proposals which beyond their capacities and which are the priority needs of citizens;
- Consult with the district and municipal council with regard to development frameworks and development projects in the province;
- Inform the district and municipal council about the possibility of the provincial council in responding to citizens need;
- Cooperate with district and municipal councils in preparing district, municipal and integration workshop.

To achieve the above activities, the provincial council should consider the following means:

- A special consultative meeting that is attended by representatives of municipal, district and

commune/sangkat councils and focal persons for women and children's affairs;

- A meeting with municipal and district council to discuss on a specific issue in the process of development plan and investment program preparation;
- The provincial WCCC that consults with the women and children committees of municipality, districts, and commune/sangkats to ensure that the provincial development plan and investment program are in response to the needs of women and children;
- Common outreach activities with representatives of municipalities, districts and commune/ sangkats to improve the understanding of the local needs.

No matter which means the provincial council will choose, the all councils in the province should get a copy of the provincial council development plan or investment program in sufficient time. That provides the municipal, district and commune/sangkat councils the possibility to consult on the development plan and investment program and to provide substantial input on the drafts to the provincial council.

Note: The provincial council shall coordinate with municipal, district and commune/sangkat councils to discuss how they can contribute to the provincial development planning process, therefore municipal, district and commune/sangkat should consider the following points:

- Vision, objectives and development strategies of the provincial council;
- Priorities and needs of citizens in each sector;
- Proposals that are beyond municipal, district and commune/sangkat councils authority;
- Cooperation of provincial administration with municipal, district and communes/sangkats;
- Support of the provincial council to municipal, district and communes/sangkats.

2.1.1.4 Participation in the Dissemination and Consultative Forums

Every year, the provincial council conducts dissemination and consultative forums at the municipal and/or district in the province. In preparing this forum the Provincial council has the following relation with the Municipal, district and commune/sangkat councils:

- Provincial council shall cooperate with Municipal, district and commune/sangkat

councils in identifying agenda items, venue, participants and date and time for the forum;

- Municipal, district and commune/sangkat councilors are entitled to attend the forums;
- Municipal and district council members should be prepared for questions from citizens on the proposal of the Provincial council;
- Municipal and district councils coordinate and deal issues from citizens on the proposal of provincial council;
- The Provincial council may ask the municipal, and district council to inform citizen about the response of the Provincial council on issues that the Provincial council could not answer during the forum;
- The Provincial council provides the report on the dissemination and consultative forum to relevant Municipal and district.

When an issue raised is outside the scope of duties of the provincial council, the provincial council must consult the responsible councils or institution so that they can address the issues.

(See Technical Document on Consultative and Dissemination Forums)

Besides the forum a provincial council should establish further means for consultation with other

councils in the province in order to ensure that provincial council decisions and activities are responsive to the priority needs of councils and citizens in the province.

- The provincial council could conduct quarterly coordination meetings with district and municipal councils in order to discuss issue of common interest in the province and then to identify concrete measures to be taken for coordination and cooperation;
- The provincial council and other councils should share information, such as studies, statistics, information about development partner projects and other relevant information;
- The provincial council can invite district, municipal and commune/sangkat councils to comment on provincial draft deika;
- Provincial, municipal, district and commune/sangkat councils together promote civic engagement in the province in addition to annual dissemination and consultative forum, for example, do outreach together;

- The provincial council could introduce a question and answer period during provincial council meetings so that other councils have a dedicated time to raise issues *(See the Technical Document on Council Meetings);*

- A provincial council might establish an ad-hoc working group to study a pressing issue (e.g. pollution in the province) and include as members representatives of district, municipal and commune/sangkat councils.

2.1.1.5. Mediating of Conflicts of municipal, district and commune/sangkat council by the Provincial Council

In the case of conflicts among district councils or municipal and district councils or district councils and commune/sangkat councils on issues such as administration management, development issue, service delivery, or other resource utilities, the provincial councils should consider the following measures:

- Ask the concerned municipal, districts councils and commune/sangkat councils to deal with the conflict by themselves;
- In case the involved municipal, districts councils and commune/sangkat councils cannot cope with the conflict the provincial council can inform the technical facilitation committee of the provincial council. If the technical facilitation committee takes the role as a mediator, the committee should do the following:
    - Invite conflicted municipal, districts councils and commune/sangkat councils for meetings

to provide detail information on the issue or suggestions;

- Listen carefully to the conflicted municipal, districts councils and commune/sangkat councils councils, seek for comments from participants and provide options or solutions to the conflicted councils for consideration;
- Report to the chairperson of the provincial council on process and result of conflict resolution.

- In case the conflicted councils do not agree on conflict resolution of the technical facilitation committee of the province, the conflicted councils or provincial council can ask Ministry of Interior for support.

2.1.1.6 Supporting the implementation of function

Provincial council has relation and cooperation with with NCDD and other ministries about functions transfer from national level to other councils.

Provincial council consult with relevant councils in province to get ideas and comments on functions and resources to be transferred. Provincial council, representing all councils in province, present those ideas to NCDD and relevant ministries.

The provincial council should consider the following points:

- Establish a special committee to consult with municipal, district and commune/sangkat council on functions and resources to be transferred;
- Organize meetings with association of local council to get ideas on functions and resources transferring;
- Organize thematic forums to obtain views of municipal, district and commune/sangkat councils about functions in specific sectors such as economy or social affair.

Provincial council representing all relevant councils in province present those ideas to NCDD and relevant ministries.

Once decisions are made by the NCDD and ministries on which functions to be transferred, the provincial council supports municipal, district and commune/sangkat councils to implement their functions.

2.1.1.7. Advocate for Functions for Municipal, District and Commune/Sangkat Councils

In advocating for functions and resource to respond to local needs, the provincial council must consult with councils in the province to gather opinions about what functions and resources the councils need.

After the need for functions and resource of other councils in the province is identified, the provincial council presents those needs to NCDD and relevant ministries.

Once decisions are made by the NCDD and ministries, the provincial council supports municipal, district and commune/sangkat councils to implement their functions.

In collecting the needs for the provincial council should consider the following options:

- Use the technical facilitation committee to consult with district, municipal and commune/sangkat councils about functions and resources that should to be transferred from the national level;
- Organize meetings with the association of municipal, district, khan and commune/sangkat council to obtain its views;
- Organize thematic forums to obtain views of municipal, district and commune/sangkat councils about functions in specific sectors such as economy or social affair.

2.1.2.8 Capacity Development Support to Municipal, District and Commune/Sangkat Councils

The provincial council is responsible for the capacity development of municipal, district and commune/sangkat councils. The provincial council shall consult and regularly evaluate the capacity development needs of municipal, district and commune/sangkat councils (at least once every year) and provide trainings for capacity development for municipal, district and commune/sangkat councils and their staff based on the result of the evaluation.

In order to support the capacity development of municipal, district and commune/ sangkat councils, the local support office should consider the following perspectives:

- Capacity development need of municipal, district and commune/ sangkat councils for implementing the new functions;

- Capacity development needs of municipal, district and commune/ sangkat councils for implement the functions and the use of resources in response to local need;
- Two or more capacity development needs for municipal, district and commune/sangkat to

enable them to use comment resources including financial and human resource in implementing their roles and responsibilities;

- Encourage the municipal, district and commune/sangkat councils in seeking support for capacity development from the provincial council and the provincial council should try to be responsive within the resources available;
- Conduct regular workshops with the other councils with focus on capacity development, reflection on implementation of roles and responsibilities, democratic decision making processes, etc.

Examples: district and commune councils request for capacity development support on topics such as:

- How to conduct effective meetings;
- Computer skills;
- How to organize civic engagement activities;
- How to deal with issues such as youth violence;
- Implementing functions in priority sectors such as the promotion for vaccination and school registration.

For the capacity development support to municipal, district and commune/sangkat council the local support office should use the manual on institutional developments for sub-national administration.

In case the Local Support Office does not have sufficient or qualified staff for this work, the provincial council can raise the issue to NCDD-S to seek for mechanism for capacity development support to municipal, district and commune/sangkat councils.

Establishment of a Working Group for Capacity Development of municipal, district and commune/sangkat councils

Since there is a high number of councils in each province the capacity development needs time, resources and the lead from the provincial management. Hence, the provincial council should consider establishing a working group or committee in charge of capacity development for the other councils in the province. The working group or committee can be composed of:

- Governor or deputy governor;
- Administration director or deputy administration director;
- Chief or deputy chief of the Local Support Office and other offices in the province;
- Representatives of National League for Local Council Association;
- Chief or deputy chiefs of line departments in the province.

Note: When composing a working group or a committee the provincial council has to consider about gender equity.

2.1.1.9. Cooperation in Legal Compliance Checking for Municipal, District and Commune/Sangkat Councils

According to Prakas 4274, Art. 4, the Provincial Local Support Office of the Planning and Investment division has the task to review the legal compliance of deikas and decisions of municipal and district councils. In addition, the Provincial Local Support Office of the Planning and Investment division has to support municipal and district councils to review deikas and decisions of commune/sangkat councils.

In order to fulfil this task carefully provincial councils have to advise the provincial governor to:

- Inform municipal, district councils that deikas or decisions of municipal and district council must comply with laws and other legal instruments and before submitting to the provincial council;
- Inform the district and municipal councils that deikas or decisions of commune/ sangkat councils must comply with laws and other legal instruments before submitting to district or municipal council;
- refer to some preliminary documents such as organic law, administration handbook of commune/sangkat and other documents related

to provincial, municipal and district administration in preparing recommendations regarding the legality of deika and decisions;

2.2 Relations of Provincial Councils with Councils of the same Category

Inter-governmental relations between provincial council and councils of the same category refer to the relation between a provincial council to other provincial councils and the provincial council with the Capital council.

For instance, the provincial council of Kampong Chhnang may work with Pursat Province for creating a network of a handicrafts value chain for the tourism sector; Kandal Province may work with the Capital council on traffic issues.

In case there is a demand for inter-governmental relations between different provincial councils, or provincial and capital council, provincial councils can implement the following processes:

- Instruct provincial board of governors to study issues and needs by discussing with other provincial and capital board of governors;
- After agreement between provincial governor with other provincial and capital governors,

provincial councils instruct provincial governor to organize meetings in order to find mechanisms of cooperation and consultation with the respective councils for the solution on related issues;

- Council chairperson shall call for a council meeting to review, discuss and approve on cooperation mechanisms and solutions with other provincial and capital councils;
- After provincial council approved solutions or mechanisms, provincial board of governors must implement the decision;
- Provincial governors have to report on the result of decision's implementation to the provincial council in ordinary or extraordinary meetings or on request by chairperson of councils;
- If necessary a provincial council could discuss with other provincial and capital councils to create a joint committee or working group for sharing information, learning from each other, regular consultation and cooperation;
- The provincial councils can organize together with councils of the same category the thematic forums (e.g. on issues such as regional economic development) to develop ways how these councils can coordinate and cooperate;
- The provincial council consults with a neighbouring provincial or capital council on draft decisions and deikas that may affect the

neighbouring areas or in case a joint deika is need;

- The provincial council and neighbouring provincial and capital councils jointly monitor and evaluate certain activities or issues, such as school dropout rates in the area;
- The provincial council and neighbouring provincial and capital councils agree to provide joint services, e.g. joint arrangements for disposal of garbage in the districts along the provincial borders;
- The provincial council agrees to share resources, knowledge and skills with neighbouring provincial and capital councils. Example: provincial council has hired an early childhood education expert who could train personnel of other councils. Therefore provincial council cooperates with bordering provinces and capital in sharing resources, knowledge and skills;
- The provincial council instructs its administration to share documents and other relevant information to the provincial and capital councils such as study on local tourism;
- The provincial council ensures that its administration cooperates in terms of techniques with other provincial and capital councils e.g. working together to identify the sources of transmitted diseases.

Note: Key issues that require the cooperation of provincial councils or provincial councils and Capital council are:

- Issues which have impact across provincial and capital borders such as drug issue, insecurity issue, robbery issue, traffic issue, transmitted diseases of human and animal, environmental issue (storage place for hard and liquid waste…);
- Activities which improve living conditions and regional economic development including developing natural tourism area, developing forest community, managing and distributing irrigation, coordinating service delivery;
- Activities related to sharing of knowledge, experience and resources, etc.

2.3. Inter-governmental Relations between Provincial Council and ministries, line departments, units and other Government agencies

Provincial councils and ministries, line departments, line offices, units and other agencies of the

government have common goals in serving the same citizens in their jurisdiction. Therefore they need to cooperate and coordinate in order to achieve the principles of unified administration and to promote and sustain democratic development.

Note: Unified administration is an arrangement to have a council at a sub-national administration that is in charge of the management of functions and resources, including its own finance, personnel and assets. Each council is responsible to effectively coordinate its service delivery activities and development within its jurisdiction, including services and development delivered by various ministries and institutions of the Royal Government aiming at responding to the needs of local residents.

2.3.1 Provincial Councils and Line Departments

A provincial council has the role to facilitate and promote in regard to governance and development activities in the province. The provincial council must ensure that there is communication, coordination and cooperation with other government institutions in the province.

The provincial council is entitled to make requests and to provide feedback to the line departments. For instance, a provincial council is entitled to inform health line department that its activities and budget do

not reflect the most important needs in the province. The health line department should then make adjustments on the activity plan and inform back to council.

The provincial governor is a link between the provincial council and the provincial line departments, units and other agencies of the government. S/he cooperates, coordinates and instructs line departments, units, and other agencies in province to do the following tasks:

- Attend council meetings or meetings of council committees, if necessary or if requested by the council;
- Assign a line department representative to sit on a council committee or to provide technical assistance to the provincial administration;
- Respond to priority local needs, for instance to order the public work and construction department to cut down a tree interfering with safety on a road (if the department does not have the budget to comply with the council's direction, the department must inform the council and indicate when the request can be complied with in the future);
- Integrate their plans and budgets into the council's development plan, investment program and budget.

In addition, as representative of ministries and institutions of the Royal Government the provincial governor has:

- To consult with the council and then provide suggestions for appointments of chiefs of line departments, or responsible persons of other agencies based on the set guidelines;
- To monitor, evaluate, assess, and score chiefs of line departments, or heads of units or responsible persons of other agencies;
- To review, comment and sign together with the head of the line department and head of units on monthly, quarterly, semi-annual and annual reports of line departments, units and other agencies of Royal Government based in the province;
- The authority in written request to provincial governor to take measure on changing or terminating chiefs of offices or heads of units or responsible persons from other agencies who commit illegal act and are unable to do justification.

The provincial governor reports regularly to the provincial council at provincial council meetings about the governor's activities and results in his/her work. In

this way, the council is well-informed about key activities and plans of line departments, units and other agencies in the area.

The provincial governor is also the chairperson of the provincial council's technical facilitation committee. The technical facilitation committee is an important mechanism for the provincial council and line departments to integrate their plans and budgets and to coordinate their work.

To strengthen the relation between the provincial council with the line department, units and other agencies in the province, the provincial council can:

- Invite representatives of line departments, units and other agencies in the province to attend council meetings and ask those representatives to be prepared to answer questions from councillors;
- Inform line departments, units and other agencies that its activities or budget do not reflect the most important needs in the province;
- Allocate time during every provincial council meeting for the provincial governor to report about his/her activities as representative of the Royal Government, including important updates on key activities and plans of line departments, units and other agencies. The council may give

recommendations and instructions to the governor about how local needs and challenges can better be met;

- Share relevant information, such as recent studies and reports to line departments, units and other agencies;
- Invite line departments, units, other agencies and other relevant stakeholders to sit on committees, sub committees, special commissions or special working groups;
- Consult with line departments, units and other agencies when planning and allocating resources.

Apart from the relation described above, the provincial council also have relation with line departments, units or other agencies in the province through various committees whose members, among others, are representatives from line departments, units or other agencies.

- Provincial Technical facilitation committee;
- Provincial Woman and children consultative committee;
- Provincial procurement committee;
- Other committees.

A. Technical Facilitation Committee

The provincial council's technical facilitation committee has the role to provide advice to the provincial council and provincial board of governors about coordination of the council's work with the work of line departments, units and other government agencies.

The provincial council's technical facilitation committee has the overall role and duties to provide advice to the provincial council and provincial board of governors on tasks below:

- Development plan and budget;
- Coordination of tasks of the provincial council with line departments, units or other government agencies;
- Cooperation and coordination in the unified provincial administration;
- Cooperation and coordination between provincial councils and district and municipal councils in the provinces;
- Cooperation and coordination between provincial council and other councils;
- Work related to function and resource.

(The detail of the roles and responsibilities of the Provincial Technical Facilitation committee are described in sub-decree 218)

B. Women and Children's Consultative Committee

The provincial council's women and children's consultative committee has the role to ensure that the council and its administration promotes gender equality and takes into account the needs of women, youth and children when making policies, decisions and deikas.

Two committee members are entitled to participate in any meeting of the provincial council, provincial committees and the board of governors, except for confidential meetings. The council, committees and board of governors must take into account recommendations received from the women and children's consultative committee.

The women and children's consultative committee brings the sectoral expertise of the line departments to ensure that the council is addressing the needs of all its citizens. Members of the line departments shall take appropriate measures responding to the needs that are discussed in the meeting of the committee.

(The detail of the roles and responsibilities of the Provincial woman and children consultative committee are described in Prakas 4275 of ministry of interior)

C. Procurement Committees

The procurement committee of provincial administration has the following duties:

- Review and comment on annual draft procurement plan prepared by provincial procurement unit;
- Submit the annual draft procurement plan to the council for review and endorsement;
- Submit the annual draft procurement plan to Ministry of Economy and Finance for final review and approval;
- Instruct provincial procurement unit to correctly follow the procurement plan;
- Submit monthly, quarterly, semi-annual and annual reports to Ministry of Economy and Finance after approval by the councils;
- Solve complaints, which fall under the competence of the procurement committee.

(The detail of the roles and responsibilities of the Provincial Procurement committee are described in Inter-ministerial Prakas No. 324)

D. Other Council Committees

Beside the obligatory committees, the provincial council can establish other committees. In the case the committee composes of representatives of line departments, the council with support of the governor needs to push those members to play an active role in linking the council with the line departments.

Examples:

- A provincial council establishes a Regional Economic Development committee composes of representatives from relevant provincial line departments such as department of agriculture and department of land management and/or urban planning and construction.
- A provincial council establishes an education committee composes of representatives of the line department of education and line department of women affairs.

2.3.4. Relation between Provincial Council with National Committee for Democratic Development at Sub-National Level (NCDD)

The NCDD has overall responsibility to implement of the Organic Law and other policies related to the reform for democratic development at sub-national level.

Provincial councils are represented in each NCDD sub-committee through a member selected by the National Association of Capital and Provincial council. Regional Council Association. NCCD-S plays the role as a link between the provincial administration and NCDD and its sub committees. Provincial councils can use this communication mechanism for the following issue:

A. Transfer of Functions

Provincial councils participate in the consultation between NCDD, ministries, line departments and other governmental institutions on the allocation and transfer of functions and resources (finance, assets and personnel) from national level to sub-national councils. (In reference to functional mapping and functional review guideline)

In addition, as mentioned above, a representative of all provincial councils sits as a member on the NCDD sub-committee for functions and resources that discusses matters related to functional review.

The representative assigned by the Regional Council Association collect all suggestions and needs of all councils.

For functions retained by ministries, the NCDD ensures that those ministries integrate their plans and budgets into council development plans, investment programs and budgets through the council's technical facilitation committee.

B. Resolution of Disagreements

The NCDD facilitates the resolution of any disagreement that arises between a provincial council and a ministry and a governmental institution. If the

disagreement cannot be resolved, the NCDD reports to the head of the Royal Government.

Example: A provincial Council feels that the new function of road maintenance for rural area in the province was transferred with insufficient resources. If the relevant line ministry and provincial council cannot resolve the matter on their own, the provincial council request to the NCDD facilitates the resolution of the disagreement.

2.3.5 Relations between Provincial Councils and Ministries

Relation with Ministry of Interior

- The provincial council may ask the Ministry of Interior for supports, instructions and orientations to ensure that they comply with the Constitution, laws and other applicable legal instruments;
- The Ministry of Interior is responsible to address any illegal action or illegal decision by a provincial council, a provincial council committee, a provincial governor, board of governors or personnel. Illegal actions or illegal decisions are actions or decisions that exceed the authority or violate the Constitution or other legal instruments. An illegal action or illegal decision is invalid; (Organic Law - 78 - 88)

- In the event there is an illegal action or decision, first, the Minister of Interior must notify in writing to the provincial council and provincial governor who commits illegal action or decision. The council or board of governors has one month to provide a clarification to the Ministry of Interior. Within one month, the Minister of Interior must reply in the event that the Ministry considers the action or decision to be legal or not. The Ministry of Interior must inform the council and board of governors about what measures are necessary to rectify the illegal action or illegal decision. Example: If the provincial governor use council's budget that does not yet approve by the council the action of governor is beyond his/her authority. It's the role of council to approve on the budget. The action of provincial governor is illegal, therefore it is invalid. It is the role of provincial council to report to ministry of interior about any illegal action of decision in their competence;
- When a provincial council wishes to create, dissolve or re-organize offices in the administration, the council must make a request to the Ministry of Interior;
- To nominate, move or terminate the provincial administration director, the governor or deputy governor, provincial councils need to send a request to the Ministry of Interior (according to

the article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans);

- In the event there is disagreement between a provincial administration and a municipal, district or commune/sangkat administration, the Ministry of Interior resolves the disagreement in accordance with the legal framework;
- Prior to the issuance of a council deika, a council decision or a council contract, a provincial council or a provincial board of governors may send a written request to the Ministry of Interior to comment on the draft deika, decision or contract that is sensitive or uncertainty. The Ministry of Interior must reply within one month after receiving that request;
- If there is no legal framework for a provincial council to take measures to meet local needs, the provincial governor must research options for the council to consider. After the council decides what it would like to do, the council submits its proposal to the Ministry of Interior or other concerned Ministry for comments.

Example: A provincial council has been trying to deal with gambling in its area. The council would like to pass a deika prohibiting gambling establishments from operating in the province. The council is uncertain whether it has the power

to issue a deika on punishment of gamblers. The council sends its draft deika to the Ministry of Interior for advice.

Beside the relations between councils and NCDD, Ministry of Interior, the provincial councils can also have relations with other Ministries.

PART 3: INTRA-GOVERNMENTAL RELATIONS OF PROVINCIAL COUNCILS

Intra-governmental relations of a provincial council are the internal relations of the provincial council (council – councillors – chairperson) and the relationships the provincial council has with the other actors of the provincial administration.

Intra-governmental relations are introduced in order to enhance the effectiveness of the provincial administration's overall work and to contribute to promote new accountability lines.

The actors involved in intra-governmental relations are:

- The provincial council (provincial council chairperson and individual councillors);
- The provincial council committees;
- The provincial board of governors (provincial governor and deputy governors);
- The administration director and deputy administration directors;

- The chiefs and deputy chiefs of divisions;
- Chief and deputy chief of office;
- Other personnel.

Structure of Provincial Administration

For effective intra-governmental relations, the actors must be open to working together, to sharing and discussing information. They should do so beyond what is explicitly stated in legal instruments, working procedures, manuals or guidelines. Strong and healthy intra-governmental relations also rely on trust, mutual respect, open communication, and a real willingness to work as a team to meet local needs.

3.1. Relations between Council and Council Committees

There are three mandatory committees: technical facilitation committee, women and children's consultative committee and procurement committee. In addition to the mandatory committees, the council may establish and dissolve additional committees and the council determines the mandate and membership of these additional committees.

The council may assign one or more councillors to be members of the committee. Council committees serve to bring together people with expertise and interest who can discuss in depth on one or more issues, which are of importance to the council. A committee then reports back to the council. A committee may provide one or more of information, advice and recommendations. Committees do not make decisions for council.

Example: The council establishes a Local Business Promotion Committee to study how to support local businesses to grow and how to promote the hiring of local citizens.

The council is entitled to request a committee to report at any council meeting and to provide information, comments, advice and recommendations. In addition, a committee must report regularly to the council in writing.

Committee chairpersons may participate in council meetings. For the women and children's consultative committee, maximum two members may participate in council meetings to provide advice and comments.

Example: A member of the women and children's consultative committee raises the problem of the declining use of maternal health services in the province. The council asks questions to better understand the issue. The council then directs the board of governors to start an awareness campaign on the importance of utilizing maternal health care services offered at health centres.

The council is responsible to ensure that committees receive secretarial and other support from the board of governors.

The council may advice a committee to do something, such as to study a matter or collect information or meet with relevant stakeholders if needed.

The council has the authority to expel the chairperson of a council committee or representative from a council meeting if the chairperson of the council committee or representative is disruptive after having already received a warning.

3.2. The Council and Its Administration

The relation between council and administration is clearly outlined in the Organic Law and the relevant legal instruments.

Administration refers to all actors of the administration however the most important counterparts of the council are the board of governors, the administration director, and the directors of divisions.

3.3. Relations between Council and Board of Governors/Administration Director or Director of divisions

Councils, the board of governors and the administration director and or Director of divisions should closely cooperate in performing their role and responsibilities in the interest of their citizens.

3.3.1. Support of Council Meetings

The council may specifically require that the governor, deputy governor and administration director/deputy attend a council meeting in order to address one or more matters.

During meetings, the administration director supports the chairperson in facilitating the discussion in order to ensure that the meetings proceed smoothly.

Council members are entitled to ask questions to the board of governors about the implementation of council decisions and recommendations, the day-to-day affairs, and other relevant matters in the council meeting.

There should be a positive dialogue between councillors and the board of governors facilitated by the council chairperson.

3.3.2. Advisory Role

The **board of governors** and administration director regularly give advice to the council

Examples:

- The board of governors advises the council to issue a deika on waste management.The

administration director informs the council that many citizens complain about noise pollution in the night. The administration director advises the council to issue a deika in order to limit the noisy events in the night.

The **board of governors or the administration director** may give advice in writing to each councillor before council meetings and the advice will be discussed in the next meeting. This is important so that councillors have time to reflect on the advice from the board of governors or the administration director.

The **board of governors or administration director** may give advice in writing on the following issue:

- Draft Deikas;
- Draft decisions;
- The draft development plan;
- Draft financial documents;
- Draft annual reports;
- Etc.

Example: Board of Governor prepares and provides recommendations on council annual report and sends to each councillor before the council meeting so that each councillor has enough time to review the report and the comments from the board of governor before the council meetings.

The **board of governors** may also advise the council to establish a committee, sub-committee, special commission or special working group or direct a committee, subcommittee, special commission or special working group to study a particular matter.

The council must consider advice received from the board of governors or the administration director, but it is up to the judgment of the council to accept (in whole or in part) or to reject the advice from the board of governors or administration director.

3.3.3. Reporting Role of Board of Governors

The board of governors is accountable to the council and, therefore, keeps the council informed about implementation of council decisions, deikas and other matters by reporting regularly in the council's meetings. Reporting enables the council to monitor the work of the board of governors.

The council is entitled to call the board of governors or governor or deputy governor to a meeting in order to report to the council, receive guidance and instruction, or to discuss any matter.

The council may provide feedback, address further issues and/or ask for additional information on some points in the monthly report of the board of governors.

The **council and individual councillors** are entitled to review any document received or signed by the board of governors regarding the council and council affairs.

The Council's relationship with the Governor as representative of the Cambodian Royal Government

The governor must report to the council about her/his activities on behalf of the government as well. The council can also give comments and recommendations on the implementation of this role in order to ensure that activities respond to local prioritized needs and challenges.

The governor has to consider the recommendations from the provincial council in order to coordinate and provide guidance, to the offices, units, agencies of the ministries and institutions based in the province.

3.3.4. Reporting Role of Director of Finance Division

The Director of Finance Division is responsible for financial management; therefore, s/he is responsible for the implementation of the financial issues with transparency and accountability to the council.

The council is entitled to call on the director of finance division to report on any matter within the scope of the financial management.

Example: During the budgeting and investment planning processes, the council may call upon the director of finance division to explain a financial matter. When financial statements are provided to the council, director of finance division must be available for questions.

Note: The communication between council and director of finance division can be done through governor or administration director.

3.3.5. Instruction and Recommendation Role of the Council

The council may give guidance and instruction to the board of governors and the administration director about how to implement council decisions and deikas. Those guidance and instructions have to be made during council meetings.

The board of governors has to provide or submit its work plan and minutes of board of governors meetings to the council.

Examples: The dengue fever in the province is spreading, therefore, the council advises the board of

governor to instruct the Provincial Health department to conduct an awareness campaign on the prevention of dengue fever.

After discussion during a council meeting, the council instructs the board of governors to focus more on health services than on infrastructure when preparing the draft 3 years rolling investment program.

3.3.6. Monitoring Role of the Council

The council is responsible to monitor the performance of the board of governors and the administration director.

Since it is accountable to citizens the council must ensure that the board of governors and the administration are performing their roles effectively and efficiently.

The important documents for monitoring the district board of governors and the administration are:

- Provincial development plan;
- Three years rolling Investment program;
- Annual budget plan and medium term expenditure;
- Monthly and quarterly work plan;
- Auditing report;

- The monthly, quarterly and annual reports of the board of governors;
- The reports of all committees;
- The monthly, quarterly and annual financial reports;
- Other documents that are needed for clarification such as contracts with service providers etc.

The council must study the financial report carefully. In case there is a lack of clarity the council instructs board of governors or administration director or director of finance division to provide all necessary information for clarification. In case of irregularities the council instructs the internal audit to check the financial management of its administration.

Moreover the council should monitor the implementation of projects on the spot in order to see if a project is implemented according to the decision of the council. In case the council has doubts about the quality of the project implementation, the council should hire an external expert to assess the work.

3.3.7. Discipline

In the event that a governor or deputy governor violates their obligation the council reviews and addresses that issue in a council meeting. The council instructs the governor or deputy governor to correct or

manage the implementation according to the decision of the council.

The council may send a written request to the Ministry of Interior in order to terminate a governor or deputy governor from his/her position in any of the following cases:

- Incapability;
- Poor performance;
- Frequent absence from his/her job;
- Abuse of the code of professional ethics.

In the event that there is an abuse of power by a governor or deputy governor, the council must immediately report to the Ministry of Interior.

The council may discuss with the board of governors on the discipline of administration director or deputy administration director so that the board of governors can take measure against administration director or deputy administration director who does not perform well.

3.4. Relation of the Council with Personnel

The council does not have a direct relation with personnel as it interacts with the board of governors and administration director.

Questions or instructions for personnel or any clarification should be raised during a council meeting through the board of governors or the administration director.

3.5. Relation between Council Committees and Administration division

The provincial administration, especially the Administration division has to support the work of the council committees.

The administration has to assist the committees in:

- Preparing the meetings;
- Providing all information required;
- Giving advice to the committees;
- Preparing draft decisions of the committees for the council's review and approval.

The administration director or deputy administration director has the right to participate in and contribute ideas during meetings of council committees and sub-committees. The administration director or deputy administration director does not vote in any meeting, unless s/he is a member of that council committee or sub-committee.

3.6. Relation between Chairperson and Board of Governors/Administration Director

The council chairperson has regular and close dealings with the board of governors and the administration director. S/he represents the council in managing and coordinating council work between council meetings (according to the Internal Rules of each council).The chairperson shall have regular meeting with board of governors and administration director/deputies to discuss and take stock of council affairs. The chairperson shall invite selected councillors to join these meetings if needed.

In addition, the chairperson and board of governors or administration director have frequent informal relations, particularly during the preparation of council meetings and major council events such as the annual consultative and dissemination forum. This relation is essential to healthy intra-governmental affairs.

The council chairperson consults the board of governors when preparing the draft agenda for each council meeting. The council chairperson may ask the board of governors to speak about certain agenda items during the council meeting.

The administration director assists chairperson in preparing council meeting (see technical document on council meeting).

3.7. Relation between chairperson and Council Secretary Office

The council chairperson interacts with personnel of the Council Secretary Office. Personnel in that office are involved in preparations for every council meeting.

Examples: The council chairperson asks personnel in the Council Secretary Office:

- To make a change to the draft agenda for the next council meeting;
- To provide him/her with copies of relevant documents for the next council meeting;
- To provide him/her with copies of the list of invitees for the next meeting.

The council chairperson may instruct the chief of Council Secretary Office to include financial related issues in the draft council meeting agenda before finalizing it.

3.8. Relation between chairperson and councillors

A. The **provincial council**

The provincial council is composed by the chairperson and councillors. The overall role of a **provincial** council is to make decisions in the interest of citizens about issues within the scope of its authority and functions.

Authority of the councils includes issuing deikas and decisions such as decision about development plans, investment programs, as well as a wide range of decisions made during council meetings.

The council meets regularly for ordinary meetings and extraordinary meetings if necessary, in order to make decisions and issue deikas in the interest of its citizens.

The council has a duty to take action in accordance with the internal rules in the event that a councillor or the chairperson has committed an act against these rules.

Example: The council has the power to punish a councillor if the councillor is absent from a council meeting without permission or if the councillor disrupts a council meeting.

B. The chairperson

The chairperson is like any other councillor except s/he has some additional duties related to preparing and facilitating council meetings, calling for meeting, and signing council documents (such as deikas and decisions) on behalf of the council. Chairperson represents the council in all kinds of public and closed meetings/events.

The chairperson cannot make decisions alone. He/she needs generally the approval by the majority of the councillors.

Example: The WCCC proposes to the chairperson to set up a working group on domestic violence. The chairperson must bring this proposal to the next council meeting for decision. The chairperson has to accept the decision of the majority of the councillors according to council internal rules.

Chairperson can ask councillors for support but he/she has not the competence to issue instructions.

The chairperson facilitates discussion and decisions making processes about discipline of the councillors during council meetings. In the event that discipline of the chairperson is raised, the council decide who to facilitate that part of the meeting. Discipline of the chairperson may be raised for reasons such as his/her failure to facilitate the council meeting in accordance

with the council's internal rules or for failure to facilitate the meeting with neutrality.

C. The councillors

The councillors have the following right:

- Have the freedom to express their views during meetings and make the decisions in the meeting;
- Are entitled to suggest draft agenda items for a council meeting (1/3 of councillors);
- Are entitled to request an extraordinary meeting (1/3 of councillors);
- May bring information to the council's attention and may request that the council seek out information;
- Speak on their own behalf in the event that the council is discussing disciplining that councillor.

The council_may assign individual councillors to be responsible for specific tasks, such as:

- To promote civic engagement;
- To be member of a council committee;
- To monitor the implementation of council decisions.

In these cases the assigned councillor acts on behalf of the council and reports back to the council regularly.

Individual councillors must get the permission from the council chairperson for their absence.

A councillor who needs to be absent from two consecutive council meetings must seek approval from the council.

Note:

- Without official assignment, an individual councillor cannot act on behalf of the council.
- In assigning the **<u>councillors</u>** to fulfil any tasks, the council should consider the following:

  - **Gender** - provincial council needs to provide the opportunity to both male and female councillors;
  - **Equity** - provincial council needs to think of the interest and potential of male and female councillors;
  - **Willingness** - provincial council needs to respect the rights, decisions and the voice of council members;
  - **Political preference** - provincial council must not bias on any political party;
  - **Knowledge and experience** - provincial council shares the tasks appropriately according to the knowledge, skills and experience of each council member.

Moreover, **councillors** are entitled to express opinions about council decisions, deikas, activities and affairs as long as the opinions are not about matters discussed in a confidential council meeting or are otherwise confidential according to any legal

instrument. A councillor is entitled to express her/his view on a matter even though the council has already made a decision based on various reasons and needs.

Example: After the council decides to allocate significant funds to HIV/AIDS prevention, a councillor publicly states in the council meeting that she was in favour of allocating the funds to hiring teacher assistants for primary schools instead. But that decision depends on council.

3.9. Relation between Individual Councillors and Committees

Councillors are also entitled to seek information from a committee chairperson between council meetings.

Example: As seen, there are lots of cases on child labour in the area; a councillor goes to meet with women and children consultative committee to seek for more information on that issue. The chief of the committee has to provide the information needed as reference for that councillor to raise this issue in the next council meeting.

3.10. Relation between Individual Councillors and Administration

Councillors have relations with administration on the following points:

- Provide and seek for information;
- Provide instructions outside the council meeting.

3.10.1. Provision of Information

Councillors may seek information from the board of governors between council meetings when s/he cannot wait for the next council meeting. If a councillor is not satisfied with the information provided by the board of governors, the councillor should inform the board of governor verbally. If the councillor is still dissatisfied s/he should ask for the chairperson of the council to instruct the governor to provide information to the council. The councillor may also raise the issue during the next council meeting.

In urgent cases a councillor may provide information to the board of governors through the chairperson of the council between council meetings.

Example: One week after a council meeting, a councillor learns that there is an uncontrolled gambling issue in his/her area. The councillor passes this information on to the board of governors immediately in order to take measures.

Between council meetings, the administration director is the main contact for information the councillors need.

If a councillor is not satisfied with the information provided by the administration director, the councillor should inform the administration director verbally. If the councillor is still dissatisfied, s/he may enlist assistance from the council chairperson and the councillor may also raise the issue at the next council meeting.

Example: A councillor may ask the administration director to review documents listing council assets. The administration director provides the documents requested.

3.10.2. Instruction Role of Individual Councillors

An individual councillor is **not** entitled to instruct the board of governors, the administration director or any other personnel to do or not to do anything. Only in exceptional cases the council may assign one or more councillors to work closely with the administration and act on its behalf.

Example: The council decides in a council meeting to designate one or more councillors to work closely with the administration director to prepare for the annual dissemination and consultative forum. The designated

councillors may give comments and instruct the administration director in order to ensure that the forum will be conducted smoothly.