Royal Government of Cambodia

National Committee

for Sub-National Democratic Development

(NCDD)

DRAFT

Technical Document

on

Inter-Governmental and Intra-Governmental Relations

For District Councils

April 2015

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 line Ministries, line departments, and other government institutions in all levels. Beside, each councillor has to set up clear mechanism of relation with their administration.

In order to provide support to district, 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 district 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 an accountable, transparent and democratic unified administration.

NCDD strongly hopes that this TD will become an important supporting document for district councils in establishing their relations effectively and efficiently to response 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 OF COUNCIL'S RELATIONS

1.1. Definition

1.1.1. Inter-governmental Relation

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. district council and other district council or district council and municipal council);
- Councils of different categories (e.g. district council and provincial council or district council and commune/sangkat council);
- Councils and Ministries and line departments/offices (e.g. between a district council and the district line office 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 following the instructions and decisions made by 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 other committees;
- Between council and its administration.

Actors in intra-governmental relations of a district council include:

- District council (chairperson of council and councillors);
- Committees of district council;
- District board of governors (governor and deputy governors);
- Administration director and deputy administration director;
- Chief and deputy chiefs of offices;
- Other staff.

1.2. Objectives

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

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

1.3. Legal framework

The valid legal documents and policies related to inter-governmental and intra-governmental relations 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. 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 above mentioned laws, sub decrees and policy documents are highlighted as follows:

- Sub-national councils are autonomous in their jurisdiction but shall have closed relation and collaboration 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 closed 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 council shall consult with other categories of council 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 of NP-SNDD.

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, such as a district council sharing with the provincial council and commune/sangkat councils in the area a report regarding the impact of tourism on water supply.

Mutual autonomy respect – to respect the autonomy of other councils to make their own decisions. E.g. a district council must respect the autonomy of commune/sangkat councils. A provincial council must respect the autonomy of district councils and commune/sangkat councils.

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

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

To promote and increase the effectiveness of relations council and relevant institutions shall consider the following points:

- Build trust and respect among council and relevant institutions by having clear roles, duties, responsibilities and expectations. At the same time council and relevant stakeholders have to respect the time set and what have been agreed;
- Ensure that every council and relevant institutions understand their own roles, duties and responsibilities and how they relate their roles, duties and responsibilities to those 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. Establish mechanism for regular sharing the information to ensure a common understanding and to provide opportunity to work together;
- Ensure that gender equity is considered, respect women's ideas and their participation and respond to women issues as well as to issues of minorities, ethnic and vulnerable people.

PART 2: INTER-GOVERNMENTAL RELATIONS OF DISTRICT COUNCILS

Part 2 looks at the relationship of a district 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 District Councils with Councils of Different Categories

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

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

- District councils communicate, share information and consult with commune/sangkat councils, the provincial, and capital councils;
- District councils and commune/sangkat councils work together to promote civic engagement;

- District councils have to respond to local needs based on comments from commune/sangkat councils;
- District councils advocate to the provincial council for responsive provincial services;
- District councils, commune/sangkat councils and the provincial council coordinate and collaborate
- District councils ensure support to commune/sangkat councils (capacity development, resources);
- The district councils can get support from provincial council;
- District councils provide comments on the legality of deikas and decisions of commune/sangkat councils;
- District councils submit deikas to the provincial council for checking legal compliance;
- District councils should seek support from the provincial council for the transfer of functions and resources from relevant ministries and institutions to district and commune/sangkat councils;
- District councils share certain revenues with commune/sangkat councils;
- District councils, commune/sangkat councils and the provincial council have other relations that are set out in a legal instrument.

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 problem.

In performing the service delivery and development activities, it is the duty of district councils to inform the provincial council about needs and issues of citizens in the district and to advocate for the provincial council to contribute to meeting those needs.

2.1.1. Relations of District Councils with Provincial Councils

It is the duty of district councils to inform the provincial council about needs and issues of citizen in the district and to advocate to the provincial council to meeting to those needs.

District councils have various forms to interact with provincial councils and provincial administrations.

2.1.1.1. Participation in Provincial Council Meeting

A district council may assign one or more district councillors to attend provincial council meetings and then to report back to the district council.

Depending on the provincial council's internal rules, district councillor may also be entitled to raise issues and participate in the discussion, but the district councillor does not have the right to vote on any matter.

Representatives of district councils who participate in the provincial council meetings need to:

- Collect issues and needs from local citizens which are beyond the capacity of the district and which need the support from the provincial council, or any issues that are under the authority of the province;
- Advocate to the provincial council on behalf of citizens in raising any issues/concerns that citizens face such as any requests, interventions to draught or flood, increase of animal diseases and insects destroying crop and so on.

When a district councillor raises any question or comment during a provincial council meeting and the provincial council cannot respond immediately, the district councillor should follow up by encouraging the provincial council to clearly identify a time and place that the information will be available.

Note:

- District councils should submit in advance in writing any questions, issues or comments to provincial council or board of governors so that provincial council or board of governors can prepare to fully address them.
- Each district councillor has the right to attend and participate in public provincial council meetings just as citizen may.

2.1.1.2. Participation in Provincial Council Committees

Currently districts are only represented in the provincial Technical Facilitation Committee by the district governors. However, in order to strengthen the inter-governmental relation of district councils with the provincial council district may propose to include representatives of the district administration in all committees, sub-committee and working groups of provincial councils. Participation of district council representatives in provincial council committees gives an opportunity for district administration to raise its opinions, requests, concerns, or issues to provincial council for consideration and support.

Examples of possible provincial council committees:

- Provincial Business Promotion Committee;
- Provincial Tourism Promotion Committee;
- Etc.

District councils and district governors must follow up with the work of the district representatives who are the members of the various committees of provincial councils. They must try to propose ideas regarding the development needs of the districts in order for the provincial councils to consider integrating requests of the districts into provincial plans, programs and activities.

2.1.1.3. Participation in Provincial Development Planning

Based on the procedures of development planning and investment program of the province, the provincial council must consult with district councils in the province about this. For this purpose, the district councils have to raise issues and needs that are beyond their competences in order to be included into the provincial development plan and investment program.

Apart from this, district governors are also the members of the provincial technical facilitation committee. The role of this committee is to discuss and advise on the drafts of the provincial plan and 3-

years investment program. Therefore, the representatives of the district administration must:

- Understand vision, needs, and issues related to district development in order to be able to comment on the planning process or development activities of the province;
- Try to contribute ideas in the discussion of needs and priorities identified by district councils into the provincial draft development plan and investment program.

District councils should discuss in advance how they can contribute to the provincial development planning process, and include their ideas about:

- Vision, objectives, and development strategy of provincial councils;
- Priority needs of citizen by sector;
- Proposals which are beyond district councils authority;
- Collaboration between the provincial councils and district councils;
- Support from the provincial administration to district administration.

2.1.1.4. Participation in Dissemination and Consultative Forum at the Provincial Level

Every year, the provincial council conducts dissemination and consultative forums in districts of the province. Members of district councils, district board of governors, member of municipal councils, municipal board of governors, commune/Sangkat councils, citizens, and other relevant stakeholders in the province are entitled to attend these forums.

Alike participation in the monthly meetings or in the development planning of the provincial council, district councils must:

- Collect issues and needs of citizens which are beyond the capacity of the districts and which need the support from the provincial council;
- Collect issues and needs which are under the authority of the province;
- Raise issues, proposals, and opinions to provincial councils and ask for support.

(See the *Technical Document on Dissemination and Consultative Forums*)

2.1.1.5. Mediating Conflicts by Provincial Council

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

- Instruct the district governors and relevant officials to collect all detail information on the issue from the relevant documents, reports or minutes in order to study further on the issue;
- Instruct the district governors to communicate with all concerned councils in order to solve the problem;
- Bring the conflict to the provincial council through the technical facilitation committee of the provincial council whose members are the district governors in case it cannot be mediated;
- Instruct the district governors to prepare reports on the process and the results of the mediation that is done by the technical facilitation committee of the provincial council;
- Report to the Ministry of Interior and request for mediation in case the concerned councils do not agree on the proposal of the provincial technical facilitation committee.

2.1.1.6. Supporting the Implementation of District Council Functions

Since districts are a part of the provincial territory, the district councils need to discuss and coordinate with the provincial councils the implementation of functions. Together they mobilize resources and coordinate measures in order to promote quantity and quality of public services delivered to citizens.

In performing their functions, all district councils in the province should consider the following activities:

- Request for a regular meeting of technical facilitation committee of the provincial council which is an existing mechanism for the interaction between provincial councils and district councils. The provincial technical facilitation committee provides the opportunity to district administration to raise requests or needs;
- Request for financial and technical support from provincial councils for performing necessary functions and for functions which are beyond the financial and technical capacity of district councils.

2.1.1.7. Capacity Development Support for District Councils

The provincial council has been delegated the duty to evaluate, develop and implement capacity development activities for district councils and district personnel. However, when providing support, all divisions of provincial councils must respect district council autonomy and decision-making power.

Therefore, to strengthen the capacity of their administration, district councils should consider the following points:

- Instruct board of governors and relevant offices to update annual plan for organizational development of the district administration in accordance with the organizational development manual for sub-national administrations;
- Identify topics or skills which are urgent or necessary for capacity development of the district;
- Seek support for capacity development from provincial administration and other stakeholders especially for councillors and female staff;
- Collaborate with provincial administration and other stakeholders in implementing, monitoring and evaluating the results of capacity development.

2.1.1.8. Legal Compliance Checking for District Councils

Provincial councils have been delegated the task to conduct legal compliance checks of deikas and decisions of district councils. To make sure that Deikas and decisions technically comply with the laws and other legal instruments, district councils must do the following:

- Instruct district governors or chief of district administration and finance office to send Deikas or decisions of district councils to the provincial administration;
- Assign staff to follow up with the provincial administration on the duration of the legal compliance checking of provincial administration;
- Instruct the district governors to report to the district council on the result of legal compliance checking of provincial administration.

2.1.2. Relations of District Councils with Commune/Sangkat Councils

The district council is elected by commene/sangkat councils; so the disrtict council is accountable commune/sangkat councils and the citizens in the district. It is important, therefore, that the district councils understand and respond to the needs and

priorities of commune/sangkat councils and citizens. At the same time the district council must encourage the commune and sangkat councils to inform the district council about needs in commune/sangkats and to advocate for the district council to contribute to meeting those needs.

The day-to-day support to the commune/sangkat councils is provided by the district administration especially by the planning and commune/sangkat support office**.** The main tasks of this office are:

- Support commune/sangkat councils to prepare and implement development plans and investment programs;
- Support commune/sangkat councils to study and prepare any events;
- Support sangkat councils to implement obligatory and permissive functions;
- Monitor, evaluate and support capacity development and performance of commune/ sangkat councils;
- Study and provide comment on the legality check of deika and decisions made by commune/sangkat councils.

To ensure that the district planning and sangkat support office is accessible to commune/sangkat councils when they need support, there should be

regular communication between the office and commune and sangkat councils.

District council can communicate with commune/ sangkat within their district through:

2.1.2.1. Participation in Council Meetings

A. District Council Meetings

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

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

Depending on the internal rules of the district Council, commune/sangkat councillors may be also entitled to raise issues and participate in the discussions, but commune/sangkat councillors do not have the right to vote on any matter.

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

- Make decisions on how to consult with commune/sangkat councils within the district;
- Provide opportunity to commune/sangkat council chiefs or representatives to inform to the district council about particular issues faced by citizens, e.g. claims about the pollution from a garment factory;
- Allocate time for chiefs or representatives of commune/sangkat councils during a district council meeting, so that commune/sangkat chiefs or representatives can prepare themselves accordingly;
- Ask commune/sangkat council chiefs to submit the questions and issues they want to address during the district council meeting in advance either to the chairperson of the council or to a member of the board of governors. That allows for the district council to be prepared for answering commune/sangkat councils' questions;
- When a question or issue is submitted in advance by a commune/sangkat council chief, the district council chairperson should ask the board of governors to prepare a response for the next district council meeting;
- Instruct the governor to respond immediately in case of urgent issues. The district governor should report in the next district council meeting;

- Commune/sangkat chiefs or representatives could be encouraged to discuss in advance within their councils which issues should be raised during district council meetings. Especially female councillors should be encouraged to raise their concerns.

When a chief or representative of a commune/sangkat council raises a question or issue during a district council meeting and the district council cannot respond immediately, the district council should clearly identify time and place when the information will be available.

(See technical document on council meeting)

B. Commune/Sankat Council Meetings

Following Article 120 of sub-decree 216 on roles, responsibilities and working relations between Provincial councils and board of governors, municipal council and board of governor, district council and district board of governors, district councils have the right to assign one or many councillors to attend commune/sangkat council's meeting on behalf of the district council.

Prior to participation in commune/sangkat council meeting, councillors assigned for this task should consider the following:

- Attend the commune/sangkat council meeting regularly;
- Prepare in advance a short report for the commune/sangkat council along the following points:

    - Achievment of the district council in the previous month;
    - Decisions or Deikas of district council in the last month;
    - Events preparded by district councils in the last month;
    - New informations or issues regarding the coordination and collaborate of the district council with commune/sangkat councils;
    - Any other new informations or issues the commune/sangkat councils should know.

Note: The district council shall consider providing means for district councillors who attend commune/sangkat councils' meetings.

During the commune/sangkat council meeting, district councillors must:

- Report to the commune/sangkat council about district council activities and decisions;
- Clarify issues raised by commune/sangkat councilors;
- Collect requests and suggestions of commune/sangkat councils and challenges that commune/sangkat councils cannot resolve on their own;
- Respect the commune/sangkat council's internal rules and the district council councillors have no right to vote on any matter;
- Avoid giving instructions and comments that may interrupt the meeting of commune/sangkat councils.

After the commune/sangkat council meetings:

- District councillors who participated in commune/sangkat council meetings must prepare a written report and send to the chairperson of the district council and district board of governor;

  The report should include:

  - Date of the commune/sangkat meeting;
  - Composition of the district councillor(s) who attended the meeting;

- Any questions asked by the commune/ sangkat council that the district councillor could not answer;
- Requests or challenges that require a response or action from the district council
- Suggestions for consideration by the district council;
- Matters requiring coordination with the district council;
- Any other important information the district council should know;
- Any suggested items for the next district council meeting that relate to the commune/sangkat council meeting (e.g. an agenda item ‘primary school enrolment’ is suggested to be included because primary school enrolment suddenly decreased significantly in a commune/sankgat).

- The district council and board of governors must address commune/sangkat council requests, suggestions and issues/challenges that are within their authority;
- The district council decides which issues the district board of governors should deal with;
- In urgent cases, the chairperson may ask the district board of governors to deal with an issue or the chairperson may call an extraordinary meeting to deal with the matter.

Note: The report must be made available to other councilors to review and copy.

2.1.2.2. District Council Committees

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

Currently in the district council technical facilitation committee, commune/sangkat are represented by all commune/sangkat council chiefs in the district council women's and children consultative committee, commune/sangkat are presented by focal persons responsible for women and children affairs of the district. Committees provide advice to district councils prior to decisions.

Beside the existing obligatory committees, district councils can establish other committees, sub-committees, special commission or special working groups based on the real needs.

Examples:

- Local economic development committee of working group;
- District environmental sub-committee;
- Commune/sangkat council capacity development working group.

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

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

Note:

- A district council might adopt a policy that requires commune/sangkat council representation on every district council committee. e.g. in the Local Economic Development Committee, the Health Services Committee or the Sangkat Council Capacity Development Committee.
- When assigning commune/sangkat council representatives to sit in other committees, sub-committees, special commission or special working groups, district councils have to consider about gender equity.

2.1.2.3. Development Planning of District Administration

Based on the procedures of development planning and investment program of the district, the district council must consult on the district development plan and the investment program with all commune/sangkat councils in the district. For this purpose, the district council should consider the following points:

- Ask the commune/sangkat council to provide information related to issues and needs of citizens;
- Ask the commune/sangkat council to raise project proposals that are beyond their capacity and that are the prioritized needs of citizens;
- Consult with the commune/sangkat council with regard to development frameworks and development projects in the district;
- Inform the commune/sangkat council about the possibility of the district council in responding on citizens need;
- Cooperate with commune/sangkat councils in preparing district integration workshop.

For this consultation, the district council should consider the following means:

- A consultative meeting that is attended by commune/sangkat council chiefs and commune/sangkat focal persons for women and children's affairs;
- A meeting for commune/sangkat councils to discuss on a specific issue in the process of development plan and investment program preparation;
- District development plan working group whose the role to coordinate the process of preparation

of district development plan and investment program;

- The district WCCC that consults with the commune/sangkat committee of women and children to ensure that the district development plan and investment program are in response to the needs of women and children;
- Common outreach activities in the commune/ sangkats to improve the understanding of the local needs.

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

Note: The district council shall coordinate with commune/sangkat councils to discuss how they can contribute to the district development planning process, including their ideas about:

- Vision, goal, objectives and development strategies of district councils;
- Priorities and needs of citizens in each sector;

- Proposals that are beyond commune/sangkat councils authority;
- Collaboration between district administration with commune/sangkat;
- Support from district council to communes/ sangkats.

2.1.2.4. District Dissemination and Consultative Forum

Every year, the district council conducts dissemination and consultative forums in communes/sangkats in the district. In preparing this forum the district council has the following relation with the commune/sangkat councils:

- District councils shall cooperate with commune/sangkat chiefs in identifying agenda items, venue, participants, date and time for the forum;
- Commune/sangkat councillors are entitled to attend the forums;
- Commune/sangkat council members should be prepared for questions from citizens on the proposal of the district council;
- Commune/sangkat councils coordinate and deal with issues from citizens on the proposal of district council;

- District councils may ask commune/sangkat councils to inform citizen about the response of the district council on issues that the district council could answer during the forum;
- District councils provide the report on the dissemination and consultative forum to the relevant commune/ sangkat councils.

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

(See the Technical Document on Dissemination and Consultative Forums)

Besides the forum a district council should establish further means for consultation with commune/sangkat councils in order to ensure that district council decisions and activities are responsive to the priority needs of commune/sangkat councils and citizens in the district.

- District councils could conduct quarterly coordination meetings with commune/sangkat councils in order to discuss issues of common interest in the district and then to identify concrete measures to be taken for coordination and collaboration;

- District councils and commune/sangkat councils in the district share information such as studies, statistics, information about development partner projects and other relevant information;
- District councils invite commune/sangkat councils to comment on district council draft deikas;
- District councils and commune/sangkat councils together promote civic engagement in the district in addition to the annual dissemination and consultative forum for example, do outreach together;
- District councils could introduce a question and answer period during district council meetings so that commune/sangkat councils have a dedicated time to raise issues *(*See the *Technical Document on Council Meetings);*
- A district council might establish an ad-hoc working group to look at a pressing or prioritized issue (e.g. unemployment in the district) and include as members the representatives of commune/sangkat councils.

2.1.2.5. Mediating Conflicts of Commune/Sangkat Councils by District Council

In case there is a conflict or disagreement between commune/sangkat councils in the district on issues such as administration management, development

acticities, services delivery or resources allocation, the district council has to consider the following interventions:

- Ask the commune/sangkat councils to deal with the conflict by themselves;
- In case the involved commune/sangkat councils cannot cope with the conflict, the district council can inform the technical facilitation committee of the district council. If the technical facilitation committee takes the role as a mediator, the committee should do the following:
    - Invite for meetings and provide detail information on the issue or suggestions of the conflicted commune/sangkat councils;
    - Listen carefully to the conflicted commune/ sangkat councils, seek for comments from participants and provide options or solutions to the conflicted councils for consideration;
    - Report to the chairperson of the district 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 district council, the conflicted commune/sangkat councils or district council can ask Ministry of Interior for support.

2.1.2.6. Supporting the Implementation of Functions

The district council receives functions and corresponding resources from the national level (ministries and other institutions) to implement in the district. In consultation with commune/sangkat councils, the district council must decide which of those functions should be implemented by commune/sangkat councils in the district.

In order to support the commune/sangkat councils on the implementation of functions, district councils should consider the following points:

- Instruct the district administration to organize regular meetings with commune/sangkat councils in the district;
- Discuss and decide on functions the commune/sangkat councils need support from district councils including resources and technical supports;
- Discuss services commune/sangkat councils could provide and services to be provided by the district councils;
- Relevant councils discuss about time and means in order to coordinate and implement their activities and use the resources together;

- Instruct the board of governors to conduct studies or collect more information in order to support district councils on how the councils could cooperate, and support to commune/ sangkat councils in implementing their functions.

2.1.2.7 Capacity Development Support for Commune/Sangkat Councils

The district council is responsible for the capacity development of commune/sangkat councils. The district council shall consult and evaluate regularly the capacity development needs of commune/sangkat councils (at least once a year) and provide trainings and build capacity to commune/sangkat councils and their staff based on the results of the evaluation or if necessary.

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

- Capacity development needs of commune/ sangkat councils for the implementation of new functions;
- Capacity development needs of commune/ sangkat councils for implementing their roles and

responsibilities and use of their resources to response to local needs;

- Capacity development needs of two or more commune/sangkat councils to enable them to share resources, assets and personnel in implementing functions and performing their roles and responsibilities;
- Encourage commune/sangkat councils in seeking support for capacity development based on actual needs. The district council should try to be responsive within the resources available;
- Conduct regular workshops with commune/ sangkat councils which focus on capacity development, reflection on implementation of roles and responsibilities, and democratic decision making, etc.

Examples: Commune/sangkat requests for support might cover many 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 etc.

In the process of capacity development for commune/sangkat councils, the planning and commune/sangkat support office should use the organizational development manual for sub-national administrations.

If planning and commune/sangkat support office in the district does not have sufficient or qualified staffs in implementing these works, planning and commune/sangkat support office can raise this issue to the district council to seek support from the provincial resources center or establish mechanisms for the capacity development of commune/sangkat councils.

Establishment of Working Group for Capacity Development of Commune/Sangkat Councils

Since there are different numbers of commune/sangkat councils in each district and the capacity development needs time, resources and the lead from the district administration, the district council should consider establishing a working group or committee in charge of capacity development for commune/sangkat councils. The working group or committee can be composed of:

- Governor or deputy governor;

- Administration director or deputy administration director;
- Chief or deputy chief office of the commune/sangkat support office and other offices in district;
- Representatives of Association of Municipality, Districts, Khan and Commune/sankat Councils;
- Chief or deputy chiefs of line offices in the district.

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

2.1.2.8. Collaboration in Legal Compliance Checking for Commune/Sangkat Councils

According to Prakas 4274 - Art. 4 of Ministry of Interior, dated on 30 December 2009, the local support office of the provincial planning and investment division has the task to support the district administration to check the legal compliance of deikas and decisions of commune/sangkat councils in the district.

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

- Inform commune/sangakt councils that deikas or decisions of commune/sangkat must comply with laws and other legal instruments before submitting to the district council;
- Refer to some preliminary documents such as law on administrative management of commune/sangkat, law on administrative management of the Capital, provincial, municipalities, districts and khans, administration handbook of commune/sangkat and other documents related to provincial, municipal and district administration, in preparing recommendations regarding the legality of deikas and decision of commune/sangkats.

2.2. Relations of District Councils with Council of the Same Category

Inter-governmental relations between district council and councils of the same category refer to the relations between a district council and district councils, municipal councils, or khan councils who are within the boundary or across the boundary.

For instance, a district council in Kampong Chhnang province may work with the municipality of Kampong Chhnang or Siem Reap Municipality for creating a network of a handicrafts value chain for tourism sector or other skill trainings.

In case there is a demand for inter-governmental relations between district councils and other councils of the same category within border or across–border, district councils can implement the following processes:

- District councils instruct district governor to study issues and needs by discussing with other district governors;
- After agreement between district governor with other district governors or municipal governors or khan governors of councils of the same category, the district council instructs district governor to organize meetings in order to find mechanisms, collaboration and consultation with the respective councils for the solutions on related issues;
- District council chairperson shall call for the meeting to review, discuss and approve on mechanisms, collaboration, and solutions with other councils at the same category within border or across border;
- After the district council approved solutions or mechanisms, the decision must be implemented by district board of governors;
- District governors have to report on the result of decision's implementation to the council in ordinary meeting or extraordinary meeting or on request by chairperson of district councils;

- If necessary a district council could discuss with other councils of the same categories to create a joint committee or working group for sharing information, experiences, learning from each other, regular consultation and collaboration;
- The district council and other councils of the same categories can organize thematic forums (e.g. on issues such as local economic development) to discuss ways how these councils can coordinate, and collaborate;
- The district council and other councils of the same categories consult on draft decisions or deikas that may affect their jurisdiction or in case a joint deika is needed;
- District council and neighbouring councils of the category jointly monitor and evaluate certain activities or issues, such as school drop-out rates in the area;
- District council and neighbouring councils of the category agree officially to provide joint services, e.g. joint arrangements for disposal of garbage, or a joint one window service office;
- District council agrees to share resources, knowledge and skills with neighbouring councils of the category within border or across–border. Example: district council A has hired an early childhood education expert who could train personnel of other councils. Therefore the council cooperates with other district or municipal

councils in sharing resources, knowledge and skills;

- District council instructs its administration to provide documents and other relevant information to the neighbouring district or municipal councils such as study on local tourism;
- District council ensures that its administration cooperates in terms of techniques with district councils or municipal councils in the area, e.g. working together to identify the sources of transmitted diseases.

Note: Key issues that require the collaboration of councils are:

- Issues which have impact across district borders (from one district to another district, from district to municipality, from district to khan) such as drug issue, insecurity issue, robbery issue, traffic issue, transmitted diseases of human and animal, environmental issues (storage place for hard and liquid waste…);
- Activities which improve living conditions and local economic development including developing natural tourism area, developing forest community, managing and distributing irrigation, coordinating services delivery;

- Activities related to sharing of knowledge, experience and resources.

2.3. Relations between District Councils and Other Government Institutions

District councils and Ministries, institutions, 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 level 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. Relations between District Councils and Line Offices

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

The district council is entitled to make requests and to provide feedback to the district line offices. For

instance, a district council is entitled to inform health line office that its activities and budget do not reflect the most important needs in the district. The health line office should then make adjustments on the activity plan and inform back to council.

The district governor is a link between the district council and district line offices, units and other agencies of the government and is a representative of Ministries and government institutions. The district governor supervises, coordinates and instructs those stakeholders to do tasks below:

- Attend council meetings or meetings of council committees, if necessary or upon the council invitation;
- Implement the council's decision such as assigning a line office representative to sit on a council committee or to provide technical assistance to the district administration;
- Respond to priority local needs, for instance to order the public work and construction office to cut down a tree interfering with safety on a road (if the office does not have the budget to comply with the council's direction, the office 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 council budget.

In addition, as representative of Ministries and government institutions, the district governor has to:

- Consult with the council and then provide suggestions for appointments of chiefs of line offices, head of units, or responsible persons of other agencies if needed;
- Monitor, evaluate, assess, and score chiefs of line offices, heads of units or responsible persons of other agencies;
- Review, comment and sign together with the head of the line office and head of units on monthly, quarterly, semi-annual and annual reports of line offices, units and other agencies of Royal Government based in the district;
- Have the authority to write a 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 district governor must report regularly to the district council at district council meetings about the governor's activities and results in his/her work. In this

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

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

To strengthen the relation between district council, line offices, units and other agencies the district council can:

- Invite representatives of line offices, units and other agencies in the district to attend council meetings and ask those representatives to be prepared to answer questions from councillors;
- Inform line offices, units and other agencies that its activities or budget do not reflect the most important needs in the district;
- Allocate time during every district council meeting for the district governor to report about his/her activities as representative of the Royal Government, including important updates on key activities and plans of line Ministry offices, 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 offices, units and other agencies;
- Invite line offices, units and other agencies and other relevant stakeholders to sit on committees, sub committees, special commissions or special working groups;
- Consult with line offices, units and other agencies when planning and allocating resources.

Apart from the relations described above the district council has relations with line offices, units or other agencies through various committees whose members are among others representatives of line offices, units, or other agencies in district.

- District Technical Facilitation Committee;
- Women and Children's Consultative Committee;
- Other Committees.

A. District Technical Facilitation Committee

The district council's technical facilitation committee has the role to provide advice to the district council and district board of governors about coordination of

the council's work with the work of line offices, units or other government agencies.

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

- Development plan and budget;
- Coordination of tasks of the district council with line department, offices, units or other government agencies;
- Collaboration and coordination in the unified district administration;
- Collaboration and coordination between district council with commune/sangkat councils in district;
- Collaboration and coordination between district council and other relevant councils;
- Work related to functions and resources.

(The details regarding the role and responsibilities of the district technical facilitation committee are described in sub-decree 218)

B. Women and Children's Consultative Committee

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

Maximum two committee members are entitled to participate in any meeting of the district council, council 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 committee.

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

(The details regarding the role and responsibilities of the district women and children's consultative committee are described in Prakas 4275 of Ministry of Interior)

C. Other Council Committees

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

Examples:

- A district council establishes a Local Economic Development Committee composed of representatives from relevant line offices, such as the office of agriculture and the office of land management and/or urban planning and construction.
- A district council establishes an Education Committee composed of representatives of the line office of education and the line office of women affairs.

2.3.2. Relation between District Council and National Committee for Democratic Development at Sub-National Level (NCDD)

The NCDD has the overall responsibility to implement the Law on Administrative Management of the Capital, Province, Municipalities, Districts and Khans and other

policies related to the reform for democratic development at sub-national level.

District councils are represented in each NCDD sub-committee through a member selected by the Association for Municipal, District, Khan and Commune/Sangkat Councils. NCCD-S plays the role as a link between the district administration and NCDD and its sub committees. District councils can use this communication mechanism for the following issues:

A. Transfer of Functions

District councils and 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 district 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 Association for Municipal, District, Khan and Commune/Sangkat Councils need to ensure that all suggestions and needs of all district councils are collected by the

Association for Municipal, District, Khan and Commune/Sangkat 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 district council and a ministry or a governmental institution. If the disagreement cannot be resolved, the NCDD reports to the head of the Royal Government.

Example: A district council feels that the new function to maintain the clean water system in the district was transferred with insufficient resources. If the relevant Ministry and district council cannot resolve the matter on their own, the NCDD facilitates the resolution of the disagreement.

2.3.3. Relation between District Councils and Ministries

A. Relations with the Ministry of Interior

- District councils may ask the Ministry of Interior for support, 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 district council, a district council committee, a district governor, board of governors or personnel. Illegal actions or illegal decisions are actions or a decision that exceed the authority or violates the constitution and other legal instruments. An illegal action or illegal decision is invalid;
- In the event there is an illegal action or decision, first the Minister of Interior must notify in writing to the district council and district governor. 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 if 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 a district governor implements the district council budget before the council has approved the budget, the governor's action

exceeds his/her authority. It is the council's role to approve the budget. The governor's action is illegal and, therefore, is invalid. It is the important role of the district council to report to the Ministry of Interior any case of abuse of power in its area.

- When a district council wishes to create, dissolve or re-organize offices in the administration, the council must make a request to the Ministry of Interior;
- Nominate, move or terminate the district administration director, the governor or deputy governor, district councils need to send a request to the Ministry of Interior (article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans);
- In the event there is disagreement between a district administration and a 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 district council or a district 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 district council to take measures to meet local needs, the district 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 district 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 district. 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, NCDD and Ministry of Interior the district council can also have various relations with other ministries.

PART 3: INTRA-GOVERNMENTAL RELATIONS OF DISTRICT COUNCILS

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

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

The actors involved in intra-governmental relations are:

- The district council (district council chairperson and individual councillors);
- District council committees;
- The district board of governors (district governor and deputy governors);
- The administration director and deputy administration directors;
- The chiefs and deputy chiefs of offices;
- Other personnel.

Structure of District 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. The council may establish other committees if necessary but the council must ensure that the role and duties of the new committees are not overlapped with the above mentioned committees. At the same time, the council can dissolve or change membership of these additional committees if the council thinks that those committees are not necessary anymore.

The council may assign one or more councillors to be members of the committee. Council committee 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

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 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 district. 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 centers.

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. Relation between the Council and Its Administration

The relation between council and administration is clearly outlined in the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans 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 chiefs of offices.

3.3. Relation between Council and Board of Governors, Administration Director and Chief of Finance

Councils, the board of governors, the administration director and chief of finance 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 discussions 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 issues:

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

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 board of governor.

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

The council must consider advices 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 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 chairperson 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 Royal Government of Cambodia

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 needs and challenges.

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

3.3.4. Reporting Role of Chief of Administration and Finance

The chief of administration and finance is responsible for financial management; therefore, s/he is responsible for the implementation of financial issues with transparency and accountability to the council.

The council is entitled to call on the chief of administration and finance office 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 chief of administration and finance to explain a financial matter. When financial statements are provided to the council, the chief of administration and finance must be available for questions.

Note: The communication between council and chief of administration and finance 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.

Example: The dengue fever in the district is spreading, therefore, the council advises the board of governor to instruct the Operational District Health Office 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. Sub National Civil Servants Management

Referring to sub degree 497 on delegation of power to sub national administration in appointing, changing and terminating civil servants who work at sub national level district governors have to implement this delegated power based on principles below:

- Effectiveness;
- Consultation;
- Transparency;
- Accountability;

- Equity and;
- Neutrality of each civil servant.

And, the appointing, changing and terminating civil servants have to follow the procedure, criteria and propensity which set in legal documents.

District governors with agreement from board of governors have to propose the appointing, changing and terminating civil servants in any position to district council to check and approve before propose to concern provincial governor.

District councils have to approve the proposal on appointing, changing and terminating civil servants in any position through confidential voting. Every minutes of meeting on appointing, changing and terminating those civil servants do not disseminate to pubic. Councils can approve to take the key contents of the meeting to disseminate to public but ensure that there will not affect to reputation and value of those civil servants who have been appointed, changed their position and terminated.

3.3.7. 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:

- District 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 the chief of administration and finance 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.

3.3.8. 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 a governor or deputy governor to manage the implementation according to the decision of the council.

The council may write a letter to the Minister of Interior with the request to terminate a governor or deputy governor from his/her position in any of the following cases:

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

In the event 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

The district administration, especially administration and finance office 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 committee 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 Administration and Finance Office

The council chairperson interacts with personnel of the Administration and Finance Office that has the role to act as secretary of the council. Personnel in that office are involved in preparations for every council meeting.

Examples: The council chairperson asks personnel in the Administration and Finance 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 Administration and Finance Office to include financial related issues in the draft council meeting agenda before finalizing it.

3.8. Relation between chairperson and councillors

A. District council

The district council is composed by the chairperson and councillors. The overall role of a district 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 the 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. Council Chairperson

The chairperson is like any other councillor except s/he has some additional duties related to preparing and facilitating council meetings, calling for council meeting, preparing draft agenda in the council 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 internal rules of the council.

Chairperson can ask councillors for support but he/she has no competence to issue instructions.

The chairperson facilitates discussions and decision making processes about discipline of the councillors during council meetings. In the event that discipline of the chairperson is raised the council must decide another councillor who should 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 rights:

- Have the freedom to express their views and make the decisions during meetings;
- Are entitled to suggest draft agenda items for a council meeting (1/3 of the councillors);
- Are entitled to request an extraordinary meeting (1/3 of the councillors);

- May bring information to the council's attention and may request that the council seeks out information if necessary;
- May speak on their own behalf in the event that the council is discussing disciplining that councillor.

During the meeting, the council may assign individual councillors to be responsible for specific tasks, such as:

- Promote civic engagement;
- Be member of a council committee;
- 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 each councillor to fulfil any tasks, the council should consider the following:

- **Gender** - district council needs to provide the opportunity to both male and female councillors;
- **Equity** - district council needs to think of the interest and potential of male and female councillors;
- **Willingness** - district council needs to respect the rights, the commitment and the voice of male and female council members;
- **Political preference** - district councils must not bias on any political party;
- **Knowledge and experience** - district 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 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 the councillor to raise this issue in the next council meeting.

3.10. Relation between Individual Councillor and Administration

Councillors have relations with the administration on the following points:

- Provide and seek for information;

- Provide instructions outside the council meetings.

3.10.1. Provision of Information

Councillors may seek out information from the board of governors between council meetings if 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 governors verbally. If the councillor is still dissatisfied, s/he should ask the chairperson of the council to instruct the governor to provide the information for the councillor. The councillor may also raise the issue during the next council meeting.

In urgent cases a councillor may also 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 asks 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.