# Royal Government of Cambodia

## National Committee

## for Sub-National Democratic Development

## (NCDD)

## DRAFT

## Technical Document

## on

## Inter-Governmental and Intra-Governmental Relations

## For The Capital Council

**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 council has to set up clear mechanism of relation with their administration.

In order to provide support to the Capital administration 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 the Capital council to strengthen the implementation of its 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 the Capital council 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 council 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 the 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 the Capital council

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 on Councils' Relations

## 1.1. Definition

### 1.1.1. Inter-governmental Relation

Inter-governmental relation is an interaction between councils of the same category; councils of different categories include ministries, governmental institutions, and line departments.

Inter-governmental relations include relations between:

- Councils of the same category (e.g. Capital council with provincial councils)
- Councils of different categories (e.g.: Capital council with khan and sangkat council)
- Councils and Ministries and Ministry line departments/offices (e.g. between a capital and council and the capital line department of education)
- Councils or 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 interaction between different actors in the same council administration.

Intra-governmental relations includes the relation

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

The actors in intra-governmental relations of the Capital council are:

- Capital council (chairperson of council and councillors)
- Committees of capital council
- Capital board of governor (governor and deputy governors)
- Administration director and deputy administration director
- Chief and deputy chiefs of division and 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 capital l councils and relevant institutions.

## 1.3. Legal framework

The valid legal documents and policies related to principles of inter-governmental relation 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 decree 497 on the delegation of power to sub national administrations in appointing, changing and terminating civil servants at sub national level;
5. Sub decree 217 on establishment, and implementation of technical facilitation committee of Phnom Penh Capital and Khan;
6. Prakas 4275 on establishment and implementation of women's and children consultative committee in the Capital, Provincial, District, Khan councils;
7. Prakas inter-ministries 324 on establishment, and implementation of procurement committee and procurement unit of the Capital, province, municipality, district and khan administration;
8. 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 laws, sub-decree and policy documents are highlighted as follow:

- 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 relation and intra-governmental relation 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 and intra-governmental relation 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 the Capital council is sharing with the khan and sangkat councils 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. the capital council must respect the autonomy of khan

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 the councils have to coordinate with other stakeholders, e.g. the capital council coordinates with ministries and line departments of education to promote the registration at primary level.

**Collaboration** – to work together and support each other to achieve a common goal e.g. the capital council prepares together with the sangkat councils measures to fight illegal gambling.

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

- Build trust and respect among council 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 council 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 and respond to women issues as well as to issues of minorities, ethnic and vulnerable people.

# PART 2: INTER-GOVERNMENTAL RELATIONS OF THE CAPITAL COUNCIL

Part 2 looks at the relationship of the Capital 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 the Capital Council with Councils of different categories

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

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

- Capital council communicates, shares information and consults with province, municipalities, district, khan and sangkat councils;
- Capital council, khan and commune/ sangkat councils work together to promote civic engagement;

- Capital council has to respond to local needs based on comments from khan and sangkat councils;
- Capital council, khan councils, and sangkat councils coordinate and collaborate;
- Capital councils ensures support to khan and sangkat councils (capacity development, functions and resources);
- Capital councils provide comments on the legality checking of deikas and decisions of khan and sangkat councils;
- Capital council can transfer functions and resources from relevant ministries and institutions to Khan and Sangat councils;
- Capital council shares certain revenues to khan and sangkat councils;
- Capital council has other relations with khan and sangkat councils that are set out in any legal instruments.

**Note:** Khans and sangkats are in the territory of the Capital, therefore, Capital council, khan and sangkat councils must interact with each other to seek for resource and technical support, sharing information, and solving issues.

In performing the service delivery and local development activities, it is the duty of khan and sangkat councils to inform the Capital council about needs and issues of citizens in their areas and to

advocate for the Capital council to contribute to meeting those needs.

### 2.1.1. Relation of Capital Council with Khan and Sankgat Councils

There is a close relationship between the Capital Council and sangkat and khan councils in the Capital. Sangkat and khan councils are under the supervision and management of the Capital Council in order to ensure that there is consistency in development. Therefore, Capital Council needs to delegate functions and corresponding resources to Sangkat and khan councils.

The Capital council shall ensure to provide means, materials and resources which include financial and human resources, training and capacity building to the Khan councils and Sangkat councils and personnel of these councils in order to implement the functions and duties delegated by the Capital council.

To ensure the sustainable development, the Capital council shall cooperate with all Khan and Sangkat councils in studying and developing of a master plan and land-use plan in the Capital.

The Capital Council is elected by the sangkat councils; so the Capital council is accountable to sangkat council and to citizens in the capital. It is important, therefore, that the Capital council understands and responds to the needs and priorities of sangkat councils and its citizens. At the same time, the Capital council must encourage sangkat councils to inform the Capital council about needs in sangkats and to advocate for the Capital council to contribute to meeting those needs. Sangkat council can do this

through Khan administration or directly to the Capital council.

The Khan council must inform the Capital council about the development needs in Khan. Khan council must coordinate and seek support from the Capital council in assisting to Sangkat council.

The day-to-day support to the khan and sangkat councils is provided by the Capital administration through various divisions especially division of planning and investment on:

- To support khan and sangkat councils to prepare and implement development plans and investment programs;
- To support Khan and Sangkat in studying and designing a project, estimating cost and proposal writing;
- To support khan and sangkat councils to study and prepare others programs and projects;
- To support the khan and sangkat councils to implement obligatory and permissive functions;
- To monitor, evaluate and support capacity development and performance of khan and sangkat councils;
- To support Khan in reviewing legality check of Deika and decisions of Sangkat.

To ensure that the Capital administration is accessible to khan and sangkat councils when they need support, there should be regular communication between

various divisions of the Capital administration especially the planning and investment division and khan and sangkat councils.

#### 2.1.1.1 Participation in Council Meetings

**A. Capital Council Meetings** Khan and sangkat councils may assign one or many councilors to attend the Capital council meetings. Assigned Khan and sangkat councillors may discuss, comment and make a request for the Capital council to consider.

Since the Capital council meetings are open to the public, any other Khan and 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 Capital Council, sangkat and khan councillors may be also entitled to raise issues and participate in the discussions, but sangkat and khan councillors do not have the right to vote on any matter.

To enable the Capital Council to understand and respond to the needs of citizens in the khan and sangkat, Capital Councils should:

- Make decisions on how to consult with khan and sangkat councils;
- Provide opportunity to khan and sangkat council chiefs or representatives to inform to the capital

council about particular issues faced by citizens, e.g. claims about the pollution from a garment factory;

- Allocate time for chiefs or representatives of khan and sangkat councils during a capital council meeting, so that khan and sangkat council chiefs or representatives can prepare themselves accordingly;

- Ask khan and sangkat council chairperson or representatives to submit the questions and issues they want to address during the capital council meeting in advance either to the chairperson of the Capital council or to a member of the Capital board of governors. That allows for the Capital Council to be prepared for answering khan and sangkat councils' questions;

- When a question or issue is submitted in advance by a khan and sangkat council chairperson, the capital council chairperson should ask the board of governors to prepare a response for the next capital council meeting;

- Instruct the governor to respond immediately in case of urgent issues. The Capital governor should report in the next Capital council meeting;

- Khan and sangkat council chairperson or representatives could be encouraged to discuss in

advance within their councils which issues should be raised during capital council meetings. Especially female councillors should be encouraged to raise their concerns.

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

**B. Khan and Sangkat Council Meetings**

Capital council may assign one or many councillors to attend Khan and sangkat council meetings. Assigned Capital councillors may discuss, comment and make a request for the Khan and Sangkat council to consider.

Since the Khan and Sangkat council meetings are open to the public, any other Capital councillor who has not been assigned by the Capital council may also attend the meeting as citizen only.

Depending on the internal rules of the khan or sangkat council, Capital Council councillors may also be entitled to raise issues and participate in the discussion, but they do not have the right to vote on any matter.

Prior to participation in Khan and Sangkat council meeting, councillors assigned for this task should consider the following:

- Attend the khan /sangkat council meeting regularly;
- Prepare a short report for the khan /sangkat council along the following points:
    - Achievment of the Capital council in the previous month
    - Decisions or Deikas of Capital council in the last month
    - Events preparded by Capital councils in the last month
    - New issues regarding the coordination and collaborate of the Capital council with khan /sangkat councils
    - Any other new issue the Khan /Sangkat councils should know.

**During the khan /Sangkat** council meeting, Capital councillors must:

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

**After the meetings:**

- Capital councillors who participated in khan /sangkat council meetings must prepare a written report and send to the chairperson of the Capital council and Capital board of governor. The report should include:
    - Date of the khan /sangkat meeting;
    - Composition of the capital councilor(s) who attended the meeting;
    - Any questions asked by the khan / sangkat council that the capital councilor could not answer;
    - Requests or challenges that require a response or action from the capital council;
    - Suggestions for consideration by the capital council;
    - Matters requiring coordination with the capital council;
    - Any other important information the capital council should know;
    - Any suggested items for the next capital council meeting that relate to the khan 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 khan /sankgat).
- The Capital council and board of governors must address khan /sangkat council requests, suggestions and issues/challenges that are within their authority;
- The Capital council decides which issues the capital board of governors should deal with;

- In urgent cases, the chairperson may ask the capital board of governors to deal with an issue or the chairperson may call an extraordinary meeting to deal with the matter.

#### 2.1.1.2 Participation in Capital Council Committees

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

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

Beside the existing obligatory committees, capital 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;
- Capital Environmental Sub Committee;
- Khan and sangkat Councils Capacity Development Working group.

When assigning khan and sangkat council representatives to sit in Capital committees, sub-committees, special commission or special working groups, capital councils have to consider the following points:

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

Note: The Capital Council might adopt a policy that requires khan and sangkat councils representation on every Capital Council Committee, e.g. in the local Economic Development Committee, the Heath Services Committee or the khan and sangkat councils Capacity Development Committee.

When inviting khan and sangkat councils representatives to sit in the Capital Committee, Sub-Committee, Special Commission or Special Working

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|---|
| Group, the Capital council has to consider about gender equity. |

### 2.1.1.3 Development Planning in the Capital

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

- Ask the Khan council and Sangkat to provide information related to issues and needs of citizens;
- Ask the khan and sangkat council to raise project proposals that are beyond their capacity and that are the prioritized needs of citizens;
- Consult with the Khan council with regard to development frameworks and development projects in the Capital;
- Inform the Khan council about the possibility of the Capital council in responding to citizens need;
- Cooperate with Khan councils in preparing integration workshop for this consultation, capital council should consider the following means:

- A consultative meeting that is attended by khan and sangkat council chiefs and khan/sangkat focal persons for women and children's affairs;
- A meeting with Khan and Sangkat council to discuss on a specific issue in the process of development plan and investment program preparation;
- Capital development plan and working group whose the role to coordinate the process of preparation of capital development plan and investment program;
- The Capital WCCC that consults with the khan/sangkat committee of women and children to ensure that the Capital development plan and investment program are in response to the needs of women and children;
- Common outreach activities in the khan and sangkats to improve the understanding of the local needs.

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

**Note:** The capital council shall discuss with khan and sangkat councils on the following issues:

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

### 2.1.1.4 Capital Dissemination and Consultative Forums

Every year, the Capital Council conducts dissemination and consultative forums in khans. In preparing this forum the Capital council has the following relation with Khan councils:

- Capital council shall cooperate with Khan council chairperson in identifying agenda items, venue, participants, date and time for the forum;
- Khan councillors are entitled to attend the forums;

- Khan council members should be prepared for questions from citizens on the proposal of the municipal council;
- Khan councils coordinate and deal with issues from citizens on the proposal of municipal council;
- The Capital council may ask khan councils to inform citizen about the response of the municipal council on issues or requests that the municipal council could not answer during the forum;
- The Capital council provides the report on the dissemination and consultative forum to the relevant khan councils.

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

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

Beside the mechanisms mentioned above the Capital council must establish mechanisms for consultation with khans and sangkats councils in order to ensure that Capital council decisions and activities are

responsive to the priority needs of khans and sangkats councils and citizens in the Capital.

- Capital council could conduct quarterly coordination meetings with Khan and Sangkat councils in order to discuss issue of common interest in the capital and then to identify concrete measure to be taken for coordination and cooperation;
- Capital, khan and sangkat councils should share information, such as studies, statistics, information about development partner projects and other relevant information;
- Capital council can invite khan and sangkat councils to comment on capital council draft deikas;
- Capital, khan and sangkat councils together promote civic engagement in the capital in addition to the annual dissemination and consultation forum, for example, do outreach together;
- The Capital council could introduce a question and answer period during Capital council meetings so that khan and sangkat councils have a dedicated time to raise issues *(*See the *Technical Document on Council Meetings);*
- The Capital Council might establish a special task force to look at a pressing issue (e.g. unemployment in the Capital) and include as

members representatives of khan and sangkat councils.

#### 2.1.1.5. Mediating Conflicts of Khan and Sangkat Councils by Capital Council

In the case of conflicts among khan and khan or khan and sangkat councils on issues such as administration management, development issues, service delivery, or other resource utility, Capital councils should consider the following measures:

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

### 2.1.1.6 Delegation of Functions to Khan and Sangkat Councils

The Capital Council receives functions and corresponding resources from the national level (from ministries and other institutions) to implement in the Capital. In consultation with sangkat and khan councils, the Capital Council must decide which of those functions should be delegated to sangkat councils or to khan councils.

When to delegate of functions to khan and/or sangkat councils, the Capital council has the following options for consideration:

- The Capital council shall instruct Capital the technical facilitation committee to consult with khan and sangkat councils about functions and resources that need to be delegated;
- The Capital council shall organize meetings with the Association of municipal, district, khan and commune/sangkat to consult on functions and resources that need to be delegated;
- The Capital council may decide to organize thematic forums to obtain views of councils about functions in specific sectors such as local economic development or the environment;

- The Capital council shall organize a meeting to decide on which functions to be delegated to Khan and Sangkat councils.

Once decisions are made by the capital council on which functions to be delegated, the capital council must ensure that the implementation of delegated functions to khan and sangkat is well coordinated.

In order to support the khan and sangkat councils on the implementation of the functions, The Capital council should consider the following activities:

- Instruct the khan and sangkat administration to organize regular meetings with khan and sangkat councils;
- Discuss and decide on which functions the khan and sangkat councils need technical support and resources from the the Capital council;
- Coordinate with Khan or Sangkat council on the time and means for the implementation of the delegated functions;
- Instruct the Capital board of governors to conduct studies or collect more information on how the Capital council could support khan and sangkat councils in implementing their functions.

#### 2.1.1.7 Capacity Development Support to Khan and Sangkat Councils

The Capital council is responsible for the capacity development of khan and sangkat councils. The

Capital council shall consult and regularly evaluate the capacity development needs of khan and sangkat councils (at least once every year) and provide training for capacity development for khan and sangkat councils and their staff based on the results of the evaluation or if necessary.

In order to support the capacity development of khan and sangkat councils the local support office in the Capital should consider following perspectives:

- Capacity development needs of khan/sangkat councils for the implementation of new functions;
- Capacity development needs of khan/sangkat councils for implementing their role and responsibilities and use of their resources to respond to local needs;
- Capacity development needs of two or more khan/sangkat councils to enable them to share resources, assets and personnel in implementing functions and performing their roles and responsibilities;
- Encourage khan/sangkat councils in seeking support for capacity development based on actual needs. The capital councils should try to be responsive within the resources available;
- Capital councils conduct regular workshops with khan/sangkat councils which focus on capacity development, reflection on implementation of

role and responsibilities, and democratic decision making, etc.

**Examples**: Khan and sangkat councils may request for 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.

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

In case the Local Support Office in the Capital does not have sufficient or qualified staff in implementing these works, planning and local support office can raise this issue to the capital councils and NCDD-s to seek support from resources center or establish mechanisms for the capacity development of khan/sangkat councils.

### 2.1.1.8 Cooperation in Legal Compliance Checking for Khan and Sangkat Councils

According to Prakas 4273, Art 4 of MoI dated on 30 December 2009, the Capital Local Support Office of the planning and investment division has the task to review the legal compliance of deikas and decisions of khan and sangkat councils in capital. In addition, the Local Support Office has to support the khan to review deika and decisions of the Sangkat. In order to fulfil this task carefully capital council has to advise the Capital governor to:

- Inform khan and sangakt councils that deikas or decisions of khan and sangkat must comply with laws and other legal instruments before submitting to the capital councils;
- Refer to some preliminary documents such as law on administrative management of commune/sangkat, law on administrative management of the Capital, Provincial, Municipalities, District and Khans, administration handbook of commune/sangkat and other documents related to capital, khan/sangkat administration, in preparing recommendations regarding the legality of deikas and decision of khan/sangkat councils.

Note:

In legality checking of deikas and decision of sangkat councils, capital councils might delegate to khan councils.

## 2.2 Relation of the Capital Council with Councils of the same Category

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

For instance, the Capital council may work with the Siem Reap and Sihanoukville Province on a network for the promotion of tourism.

In case there is a demand for inter-governmental relations between Capital council with provincial councils, the Capital council can implement the following processes:

- The Capital council instructs Capital governor to study issues and needs by discussing with other provincial governors;
- After agreement between Capital governor with other provincial governors, Capital council instructs Capital governor to organize meetings in order to find mechanisms of cooperation and consultation with the respective councils;
- Council chairperson shall call for a council meeting to review, discuss and approve on mechanisms—of cooperation and solutions provided with other provincial councils;

- After Capital council approved solutions or mechanisms, Capital board of governors must implement the decision;
- Capital governors have to report on the result of decision's implementation to the Capital council in ordinary or extraordinary meetings or on request by chairperson of councils;
- If necessary the Capital council could discuss with other provincial councils to create a joint committee or working group for sharing information, learning from each other, regular consultation and cooperation;
- The Capital council and provincial councils can organize together with councils of the same category the thematic forums (e.g. on issues such as tourism development) to develop ways how these councils can coordinate, and cooperate;
- The Capital council and neighbouring capital and provincial councils consult on draft decisions and deikas that may affect the neighboring province or in case a joint deika is need;
- The Capital council and neighboring provincial councils jointly monitor and evaluate certain activities or issues, such as volume of traffic;
- The Capital council and neighbouring provincial councils agree to provide joint services, e.g. joint arrangements for disposal of garbage;

- The Capital council agrees to share resources, knowledge and skills with neighbouring provincial councils. Example: Capital council has hired a waste management expert who could train personnel of other councils. Therefore Capital council cooperates with other provinces in sharing resources, knowledge and skills;
- The Capital council instructs its administration to share documents and other relevant information to other provincial councils such as study on local tourism;
- The Capital council ensures that its administration cooperates in terms of techniques with provincial councils, e.g. working together to identify the sources of transmitted diseases.

**Note:** Key issues that require the cooperation of councils are:

- Issues which have impact across 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 local 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 Capital Council and other Government Institutions

Capital council 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 at sub-national.

**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 Capital Council and Capital Line Departments

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

The Capital council is entitled to make requests and to provide feedback to the Capital line departments. For instance, a Capital council is entitled to inform health line department that its activities and budget do not reflect the most important needs in the Capital. The health line department should then make adjustments on the activity plan and inform back to council.

The capital governor is a link between the capital council and capital line department, units and other agencies of the government institutions. The governor of capital to cooperate, facilitate and instructs to line department, units and other agencies in capital to do the tasks below:

- Attend council meetings or meetings of council committees if necessary or if requested by the council;
- Implement the council's decision such as assigning a line department representative to sit on a council committee or to provide technical assistance to the capital 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);
- Intergrade their plans and budgets into the council's development plan and investment program and council budget.

In addition, as representative of ministries and government institutions, the capital governor has:

- To consult with the council and then provide suggestions for appointments of chiefs of line departments, or responsible persons of other agencies if needed;
- To monitor and evaluate, assess, and scores chiefs of line departments, head of units or responsible person 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 Capital;
- Authority in written request to Capital governor to take measure on changing or terminating chief of departments or head of units or responsible person from other agencies who commit illegal act and unable to do justification.

The Capital governor must report regularly to the Capital council at Capital 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 departments, units, and other agencies in the Capital. The council may give recommendations and instructions to the governor about how local needs can better be met.

The Capital governor is also the chairperson of the Capital council's technical facilitation committee. The

technical facilitation committee is an important mechanism for the Capital council and line departments to integrate their plans and budgets and to coordinate their work.

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

- Invite representatives of line departments, units and other agencies in the Capital 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 Capital;
- Allocate time during every Capital council meeting for the Capital 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 commission or special working groups;
- Consult with line departments, units and other agencies when planning and allocating resources.

Apart from the relation described above, the Capital council also have relation with line department, units or other agencies in the Capital through various committees whose members, among others representatives of line department, units or other agencies.

- Capital Technical facilitation committee;
- Capital Woman and children consultative;
- Procurement committee;
- Other committees.

**A. Technical Facilitation Committee**

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

The Capital council's technical facilitation committee has the overall role and duties to provide advice to the

Capital council and Capital board of governors on tasks below:

- Development plan and budget;
- Coordination of tasks of the Capital council with line ministries/departments, units or other government agencies;
- Cooperation and coordination in the unified Capital administration;
- Cooperation and coordination between Capital, khan and sangkat councils in the Capital;
- Cooperation and coordination between Capital council and other councils;
- Work related to functions and resources.

(The detail of the roles and responsibilities of the Capital Technical Facilitation committee are described in sub-decree 217)

**B. Women and Children's Consultative Committee**

The Capital 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 decisions and deikas.

Two committee members are entitled to participate in any meeting of the Capital council, Capital 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, therefore, 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 Capital woman and children consultative committee are described in Prakas 4275 of ministry of interior)

**C. Procurement Committees**

The procurement committee of the Capital administration has the following duties:

- Review and comment on annual draft procurement plan prepared by Capital procurement unit;
- Submit the draft annual procurement plan to council for review and endorsement;
- Submit the draft annual to Ministry of Economy and Finance for final review and approval;
- Instruct Capital procurement unit to correctly follow the procurement plan;

- Submit monthly, quarterly, semi-annual and annual reports to the Ministry of Economy and Finance after approval by their councils;
- Solve complaints, which fall under its 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 Councils Committees**

Beside the obligatory committees the Capital 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 offices.

**Examples:** A Capital council establishes a Local Economic Development committee composed of representatives of relevant Capital line departments, such as the tourism, land management and/or urban planning and construction, commerce.

A Capital council establishes an Education Committee composed of representatives of the line department of education and the line department of women affairs.

### 2.3.2 Relation between Capital Council with National Committee for Democratic Development at Sub-National Level (NCDD)

The NCDD has overall responsibility to implement the Law on Administrative Management of the Capital, Province, Municipalities, Districts and Khans and other polices related to the reform for democratic development at sub-national level.

The Capital council is represented in each NCDD sub-committee through a member selected by Regional Council Association. NCCD-S plays the role as a link between the Capital administration and NCDD and its sub committees. Capital council can use this communication mechanism for the following tasks:

#### A. Transfer of Functions

Capital 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 the Capital council sits as a member on the NCDD sub-committee for functions and resources that discusses matters related to functional review.

The representatives assigned by the National League for Regional Council Association need to ensure that all suggestions and needs of the Capital are collected by the Regional Council Association.

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 Capital 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:** The Capital council feels that the new function of waste management in the Capital was transferred with insufficient resources. If the relevant ministry and Capital council cannot resolve the matter on their own, the NCDD facilitates the resolution of the disagreement.

### 2.3.3 Relations between Capital Councils and Ministries

**A. Relation with Ministry of Interior**

- The Ministry of Interior supports, instructs and orientates all councils 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 the Capital council, a Capital council committee, a Capital 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.
- In the event there is an illegal action or decision, first, the Minister of Interior must notify in writing the Capital council and Capital 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 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 a Capital governor implements the Capital 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 Capital council to report to the Ministry of Interior any case of abuse of power in its area. When a Capital 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 Capital administration director, the governor or deputy governor, Capital 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 Capital administration and a khan or sangkat administration, the Ministry of Interior resolves the disagreement in accordance with the legal framework; (Sub-decree 215 – article 135)
- Prior to the issuance of a council deika, a council decision or a council contract, the Capital council or the Capital 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 Capital council to take measures to meet local needs,

the Capital 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 Capital council has been trying to deal with gambling in the Capital. The council would like to pass a deika prohibiting gambling establishments from operating in the Capital. 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 Capital Council can also have relations with other ministries

## PART 3: INTRA-GOVERNMENTAL RELATIONS OF THE CAPITAL COUNCIL

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

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

The actors involved in intra-governmental relations are:

- the Capital council (Capital council chairperson and individual councillors);
- Capital council committees;
- the Capital board of governors (Capital governor and deputy governors);
- the administration director and deputy administration directors;
- the chiefs and deputy chiefs of offices;
- the chiefs and deputy chiefs of line departments
- other personnel.

## Structure of Capital 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. Relation 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 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 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 capital. The council asks questions to better understand the issue. The council then direct 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 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 directors of divisions.

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

Councils, the board of governors and the administration director and 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, 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 councilor before council meetings and the advice will be discussed in the next meeting. This is important so that councilors 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 following:

- 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 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 at least monthly

during 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 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 Capital council in order to coordinate and provide guidance, to the offices, units, agencies of the ministries and institutions based in the Capital.

### 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 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 director of finance division 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 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 capital is spreading, therefore, the council advises the board of governor to instruct the Capital 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 Capital board of governors and the administration are:

- Capital 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 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 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 Capital 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 councillors

### A. Capital council

The capital council is composed by the chairperson and councillors. The overall role of a capital 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:

- 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 each councillor to fulfil any tasks, the council should consider the following:

- **Gender** – Capital council needs to provide the opportunity to both male and female councillors
- **Equity** – Capital council needs to think of the interest and potential of male and female councillors
- **Willingness** – Capital council needs to respect the rights, the commitment and the voice of male and female council members
- **Political preference** – Capital 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.

### 3.7. 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 councilors 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).

### 3.8. 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.

**Example:** 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 include financial related issues in the draft council meeting agenda before finalizing it.

### 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.