Royal Government of Cambodia

National Committee
for Sub-National Democratic Development
(NCDD)

DRAFT

Technical Document
On
Inter-Governmental and Intra-Governmental Relations
For Khan 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, khan and sangkat 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 khan 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 Khan councils to set up inter-governmental relations and intra-governmental relations, however this not a guideline.

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

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

NCDD strongly hopes that this TD will become an important supporting document for khan councils in establishing their relations effectively and efficiently to response to the local development needs and contrib-

ute 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 and other councils and ministries, governmental institutions, line departments.

Inter-governmental relations include relations between:

- Councils of the same category (e.g. khan council with other khan councils or khan council with municipal council);
- Councils of different categories (e.g.: khan council and sangkat council or khan council and Capital council);
- Councils and Ministries and line departments/offices (e.g. between a khan council and the khan line office 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 interactions between different actors in the same council administration. Intra-governmental relations include the relations:

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

The actors in intra-governmental relations of a khan council include:

- Khan council (chairperson of council and councillors);
- Committees of khan council;
- Khan board of governor (governor and deputy governors);
- Administration director and deputy administration director;
- Chief and deputy chiefs of offices;
- Other staffs.

1.2. Objectives

The objectives of inter-governmental and intra-governmental relations are to promote sharing of information, coordination and collaboration 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 khan councils and relevant institutions.

1.3. Legal framework

The valid legal documents and policies related to 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 degree 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, preparation 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. 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 mentioned laws, sub degrees and policy documents are highlighted as follows:

- Sub-national councils are autonomous in their jurisdiction but shall have close 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 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 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 Khan council sharing with the 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. A khan council must respect the autonomy of sangkat councils. Provincial council must respect the autonomy of district councils.

Coordination – to bring different actors to work together effectively, efficiently and smoothly. In order to avoid overlapping the councils have to coordinate with other stakeholders, e.g. a khan 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 khan council

prepares together with the sangkat councils measures to prevent 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 every council and relevant institutions understand their 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 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 KHAN COUNCILS

Part 2 looks at the relationship of a khan 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 Khan Councils with Councils of different categories

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

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

- Khan councils communicate, share information and consult with capital, sangkat and other nearby councils;
- Khan councils and sangkat councils work together to promote civic engagement;
- Khan councils have to respond to local needs based on comments from sangkat councils;
- Khan councils advocate to the Capital council for responsive Khan services;
- Khan councils, Capital and sangkat councils coordinate, and collaborate;

- Khan councils ensure support to sangkat councils (capacity development, functions and resources);
- Khan councils check the legality for support sangkat councils on behalf of the Capital;
- Khan councils submit deikas to the Capital council for checking legal compliance;
- khan councils seek support from the Capital council for the transfer of functions and resources to khan and sangkat councils;
- Khan councils share certain revenues to sangkat councils;
- Khan councils, capital, and sangkat councils have other relations that are set out in legal instrument.

Note:

Khans and sangkats are in the territory of the Capital, therefore, khan, sangkat councils and Capital council 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 khan councils to inform the Capital council about needs and issues of citizens in the khans and to advocate for the Capital council to contribute to meeting those needs.

2.1.1. Relations of Khan Councils with the Capital Council

There is a close relationship between a khan council and the Capital. Khan councils are under the supervision and management of the Capital Council in order to ensure that there is unified urban development in Phnom Penh.

2.1.1.1. Participation in Capital Council Meeting

A khan council may assign one or more councillors to attend the Capital council meetings and to report back to the khan council.

Depending on the Capital Council's internal rules a khan councillor may be entitled to participate in the discussions of the Capital council, but a khan councillor does not have the right to vote on any matter.

Representatives of khan councils who participate in the Capital council meetings need to:

- Collect issues and needs from local citizens, which are beyond the capacity of the khan or under the authority of the Capital and which need the support from the Capital council;
- Advocate to the Capital council on behalf of citizens by raising issues and concerns such as interventions to draught or flood, increase of animal diseases and insects destroying crop and so on.

When a khan councillor raises any question or comment during a Capital council meeting and the Capital council cannot respond immediately, the khan councillor should ask the Capital council to indicate where and when the information will be available.

Note:

- Khan councils should submit in advance in writing any questions, issues or comments to the capital council or board of governors so that capital council or board of governors can prepare to fully address them.
- Khan councillors have the right to attend and participate in the public Capital Council meetings, just as citizens may.

2.1.1.2. Participation in Capital Council Committees

In order to strengthen the inter-governmental relation between khan and Capital council, khan councils should propose to the Capital council to include representatives of khan councils in committees, sub-committee and working groups of the Capital council.

Participation of khan councils in the Capital Council committees gives an opportunity for khan administrations to raise its opinions, requests, concerns, or issues to the Capital council for consideration and support.

Currently khans and sangkats are represented in the technical facilitation committee of the Capital by two members of of the Association of Khan and Sangkat council; in the Capital council women's and children consultative committee sangkats and khans are represented by the chairperson or deputy chairperson of the association.

2.1.1.3. Participation in Capital Development Planning

Based on the procedures of development planning and investment program of the Capital, the Capital council must consult with khan councils about this. For this purpose, the khan governor, who is the member of Capital Technical Facilitation Committee has to raise issues and needs that are beyond their competences in order to be included into the capital development plan and three years investment program.

Apart from this, two representatives of the Association of Khan and Sangkat councils who are members of Capital Technical Facilitation Committee should take care, that the issues of khans and sangkats are included in the Capital development plan and 3- years investment program. Therefore, khan governor and the representatives of the Association of Khan and Sangkat councils must:

- Understand vision, needs, and issues related to Capital development in order to be able to comment on the planning process or development activities of the Capital;

- Try to contribute ideas in the discussion of needs and priorities identified by khan councils into the development planning of Capital.

To ensure that requests of khan citizens' are included in the Capital development plan, khan councils should discuss in advance how they can contribute to the Capital development planning process, and include their ideas about:

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

2.1.1.4 Participation in Dissemination and Consultative Forums at the Capital level

Every year, the Capital Council conducts dissemination and consultative forums in khans. Members of khan councils, sangkat councils, citizens, and other relevant stakeholders are entitled to attend the forums.

Alike participation in the monthly council meetings or in the development planning and investment program process of the Capital council, khan councils must:

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

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

2.1.1.5. Mediation of Conflicts by the Capital Council

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

- Instruct the khan 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 issues;
- Instruct the khan governors to communicate with all concerned councils in order to solve the problem;
- Bring the conflict to Capital council through, Capital Technical Facilitation Committee in case it cannot be mediated;
- Instruct the khan governor to prepare reports on the process and the result of the mediation that

is done by the technical facilitation committee of the Capital council;

- Report to the Ministry of Interior and request for mediation in case concerned councils do not agree on the proposal of the technical facilitation committee of the Capital council.

2.1.1.6 Delegation of Functions to Khan and Sangkat Councils

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

Appropriate functions must be transferred to khan councils together with the corresponding resources. The Capital Council provides support to enable khan and sangkat councils to implement their functions in ways that respond to local needs.

In performing its functions, the khan council should consider the following activities:

- Request for a regular meeting of technical facilitation committee of the Capital council, which is an existing mechanism for the interaction between Capital council and khan councils. The technical facilitation committee

provides the opportunity to the khan council to raise requests or needs;

- Request for financial and technical support from Capital council for performing necessary functions and for functions, which are beyond the financial and technical capacity of khan councils.

2.1.1.7 Capacity Development Support for Khan Councils

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

Therefore, to strengthen the capacity of the khan administration, khan councils should consider the following:

- Instruct board of governors and relevant offices to update annual plan for organizational development of the khan 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 khan;
- Seek support for capacity development from the Capital administration and other stakeholders especially for councillors and female staff;

- Collaborate with Capital administration in monitoring and evaluating the results of capacity development.

2.1.1.8. Legal Compliance Checking for Khan Councils

The Capital Council has been delegated the task to conduct legal compliance checks of deikas and decisions of khan councils. To make sure that the deikas and decisions technically comply with the Constitution, laws and other legal instruments, khan councils must do the following:

- Instruct khan governors or chief of khan administration and finance office to send them deikas or decisions of khan councils to the capital administration;
- Assign staff to follow up with the Capital administration on the duration of the legal compliance checking of Capital administration;
- Instruct the khan governor to report to the khan council on the result of legal compliance checking of capital administration.

2.1.1.9. 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, khan 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.

Khan governors with agreement from board of governors have to propose the appointing, changing and terminating civil servants in any position to khan council to check and approve before propose to capital governor.

Khan 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 public. 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.

2.1.2. Relation of Khan Councils with Sankgat Councils

There is a close relationship between khan councils and sangkat councils in the khans. Both khan councils and sangkat councils are under the supervision and management of the Capital Council in order to ensure that there is unified urban development in Phnom Penh. Khan councils must coordinate and cooperate with sangkat councils to ensure that the Capital Council is responsive to local needs.

The khan council is elected by sangkat councils; so the khan council is accountable sangkat councils and the citizens in the khan. It is important, therefore, that the khan councils understand and respond to the needs and priorities of sangkat councils and citizens. At the same time the khan council must encourage the sangkat councils to inform the khan council about needs in sangkats and to advocate for the khan council to contribute to meeting those needs.

The day-to-day support to the sangkat councils is provided by the Planning and Development Office of the khan administration. The main tasks of this office are:

- Support to sangkat councils to analyze and evaluate development of sangkats;
- Support to sangkat councils to prepare and implement development plans and investment programs;

- Support khan and sangkat councils to study and prepare others programs and projects;
- Support sangkat councils to implement obligatory and permissive functions;
- Monitor, evaluate and support capacity development and performance of sangkat councils;
- Support sangkats in reviewing legality check of Deika and decisions of Sangkat;
- Mobilize resources for development of sangkats;
- Support and coordinate inter-sangkat collaboration, monitor and evaluate the use of sangkat investment funds.

To ensure that the planning and development office is accessible to sangkat councils when they need support, there should be regular communication between the office and sangkat councils.

2.1.2.1 Participation in Council Meetings

A. Khan Council Meetings

Sangkat councils may assign one or many councillors to attend khan council meetings.

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

Depending on the internal rules of the khan council, sangkat councillors may be also entitled to raise

issues and participate in the discussions, but sangkat councillors do not have the right to vote on any matter.

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

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

nors have to report to khan council in the next khan council meeting;

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

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

B. Sangkat Council Meetings

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

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

Depending on the sangkat council's internal rules khan councillors may also be entitled to participate in the discussions but a khan councillor does not have the right to vote on any matter.

Before the sangkat council meeting, Councillors assigned for this task should consider the following:

- Attend the sangkat council meeting regularly.
- Prepare a brief report for the sangkat council along the following points:

    - Achievment of the khan council in the last month;
    - Decisions or Deikas of khan council in the last month;
    - Events preparded by khan councils in the last month;
    - New issues regarding the coordination and collaboration of the khan council with sangkat councils;
    - Any other new issue the sangkat councils should know.

Note: The khan council shall consider providing transportation and/or mission allowance for khan councillors who attend sangkat councils' meetings.

During the sangkat council meeting, khan councillors must:

- Report to the sangkat council about khan council activities and decisions;
- Clarify issues raised by sangkat councilors;
- Collect requests and suggestions of sangkat councils and challenges that sangkat councils cannot resolve on their own;
- Respect the sangkat council's internal rules and the khan councillors have no right to vote on any matter;

- Avoid giving instructions and comments that may interrupt the meeting of sangkat councils.

After the sangkat council meetings:

- Khan councillors who participated in sangkat council meetings must prepare a written report and send to the chairperson of the khan council and khan board of governor.

  The report should include:

  - Date of the sangkat meeting;
  - Composition of the khan councillor(s) who attended the meeting;
  - Any questions asked by the sangkat council that the khan councillor could not answer;
  - Requests or challenges that require a response or action from the khan council
  - Suggestions for consideration by the khan council;
  - Matters requiring coordination with the khan council;
  - Any other important information the khan council should know;
  - Any suggested agenda items for the next khan council meeting that relate to the 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 sankgat).

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

2.1.2.2 Khan Council Committees

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

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

Beside the existing obligatory committees, khan 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;
- Khan environmental sub-committee;
- Khan council capacity development working group.

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

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

Note:

- The khan council might adopt a policy that requires sangkat council representation on every khan council committee, e.g. in the local Economic Development Committee, the Heath Services Committee or the Sangkat Council

Capacity Development Committee.

- When inviting sangkat council representatives to sit in the khan committee, sub-committee, Special Commission or Special Working Group, the khan council has to consider about gender equity.

2.1.2.3 Development Planning in Khan Administration

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

- Ask the sangkat council to provide information related to issues and needs of citizens;
- Consult with the sangkat council with regard to development projects out of the competencies of Sangkat and priorities of citizens in the khan;
- Consult with sangkat councils related to the khan development framework and development plan of khan;
- Inform the sangkat council about the possibility of the khan council in responding on citizens need;
- Cooperate with sangkat councils in preparing district integration workshop.

For this consultation, the khan councils should consider the following means:

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

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

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

- Vision, goal, objectives and development strategies of the khan councils;

- Priorities and needs of citizens in each sector;
- Proposals that are beyond sangkat councils authority;
- Collaboration of khan administration with sangkats;
- Support of the khan council to the sangkat.

2.1.2.4 Dissemination and Consultative Forums

Every year, the khan council conducts consultative forums in sangkats in the khan. In preparing this forum the khan council has the following relation with the sangkat councils:

- Khan councils shall cooperate with sangkat chiefs in identifying agenda items, venue, participants and date and time for conducting the forum;
- Sangkat councillors are entitled to attend the forums;
- Sangkat council members should be prepared for questions from citizens on the proposal of the district council;
- Sangkat councils coordinate and deal with issues from citizens on the proposal of khan council;
- Khan councils may ask sangkat councils to inform citizen about the response of the khan council on issues that the khan council could not answer during the forum;

- Khan councils provide the report on the dissemination and consultative forum to sangkat councils.

When an issue raised is out of the competencies of the khan council, the khan administration must consult the responsible councils or institutions so that they can address the issues. Some of those issues may be within the competencies of sangkat councils.

(See the Technical Document on Dissemination and Consultative Forums)

Beside the forum khan councils should establish other mechanisms for consultation with sangkat councils in order to ensure that khan council decisions and activities are responsive to the priority needs of sangkat councils and citizens in the khan.

- Khan councils could conduct quarterly coordination meetings with sangkat councils in order to discuss issues of common interest in the khan and to identify concrete measures to be taken for coordination and collaboration;
- Khan and sangkat councils should share information, such as studies, statistics, information about development partner projects and other relevant information;
- Khan councils can invite sangkat councils to comment on khan councils draft deikas;
- Khan and sangkat councils together promote civic engagement in the khan in addition to the

annual dissemination and consultative forum, for example, do outreach together;

- Khan council could introduce a question and answer period during khan council meetings so that sangkat councils have a dedicated time to raise issues *(*See the *Technical Document on Council Meetings);*
- Khan councils might establish an ad-hoc working group to look at a pressing issue (e.g. unemployment in the khan) and include as members representatives of sangkat councils.

2.1.2.5 Mediating conflicts of sangkat councils by khan councils

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

- Ask the concerned khan and/or sangkat councils to deal with the conflict by themselves with the support from khan council representatives;
- In case the involved khan and/or sangkat councils cannot cope with the conflict the khan council should inform the technical facilitation committee of the khan council. The technical facilitation committee, chaired by the khan governor should do the following:
    - Invite for an ordinary or extraordinary meeting and provide detail information on the is-

sue 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 khan 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 khan, the conflicted councils or khan council can ask Capital council for support.

2.1.2.6 Delegation of Functions to Sangkat Councils

The khan council receives functions and corresponding resources from the Capital to implement in the khan. In consultation with sangkat councils, the khan council must decide which of those functions should be delegated to sangkat councils.

The khan council has the following options for the consultation process:

- Shall instruct the technical facilitation committee to consult with sangkat councils about functions and resources needed to delegate;
- May decide to organize thematic forums to obtain views of councils about functions in specific sectors such as local economic development or the environment;

- Shall organize a council meeting to decide which functions shall be delegated to sangkats;
- After receiving the delegated functions from the capital council, khan council has to organize the meeting to decide which functions needed to delegate to sangkat councils.

When the capital council decided on functions to be delegated to the khan councils, khan councils have to ensure that there is appropriate coordination to implement the delegated functions to sangkat councils in khan. The delegated functions must be transferred with resources to sangkat councils. The khan councils have to provide support to the sangkat councils to enable to implement the functions that respond to the local needs.

In order to support to sangkat councils in implementing the delegated functions, khan councils should consider the following activities:

- Instruct khan administration to organize regular meeting with sangkat councils;
- Discuss and decide on functions and resources that sangkat councils need the support from khan council.

2.1.2.7 Capacity Development Support to Sangkat Councils

The khan council is responsible for the capacity development of sangkat councils in the Capital. If necessary the Capital council may delegate the

capacity development of sangkat councils to the khan councils. In this case the khan councils have to be responsible for the capacity development to the sangkat councils. The khan councils have to regularly consult and evaluate the capacity of sangkat councils (at least once a year) and provide trainings to the sangkat councils and their staff based on the results of the evaluation or any necessary.

In order to support the capacity development of sangkat councils, the khan planning and development office should consider the following perspectives:

- Capacity development needs of sangkat councils for the implementation of new functions;
- Capacity development needs of sangkat councils for implementing their roles and responsibilities and use of their resources to response to local needs;
- Encourage the sangkat councils in seeking support for capacity development from the khan council and the khan council should try to be responsive within the resources available;
- Conduct regular workshops with sangkat councils with focus on capacity development, reflection on implementation of roles and responsibilities, democratic decision making processes, etc.

Examples: 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, etc.

In the process of capacity development for sangkat councils, khan councils should the organizational development manual for sub-national administrations. If the Planning and Development Office in the khan does not have sufficient or qualified staff for this work, the Planning and Development Office can raise this issue to the Capital Council to find mechanism on how to develop the capacity of sangkat councils.

Establishment of a Working Group for Capacity Development of Sangkat Councils

Since there are different numbers of sangkat councils in each khan the capacity development needs time, resources and the lead from the khan management. Hence, the khan council should consider establishing a working group or committee in charge of capacity development for 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 of the Planning and Development Office and other offices in the khan

- Representatives of National League for Local Council Association;
- Chief or deputy chiefs of line offices in the khan.

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

2.1.2.8. Collaboration in Legal Compliance Checking for Sangkat Councils

According to Prakas 4273 - Art. 4 issued on 30 December 2009 the local support office of the Capital Planning and Investment Division has the task to support the khan administration to check the legal compliance of deikas and decisions of sangkat councils in the khans. Therefore the Capital council may instruct and delegate the task to check legality of deikas and decisions of sangkats to khan councils.

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

- Inform sangakt councils that deikas or decisions of sangkat must comply with laws and other legal instruments and must be submitted to the khan with accuracy;
- Refer to some preliminary documents such as Law on Administrative Management of Commune/Sangkat, Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Handbook of

Administrative for Commune/Sangkat and other documents related to Capital, khans and sangkats administration in checking and preparing recommendations regarding the legality of deikas and decision of sangkats in khans.

2.2 Relations of Khan Councils with council of the Same Category

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

For instance, a khan council may work with the nearby district to request for support in 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 different khan councils or khan councils with nearby district and municipal councils, khan councils can implement the following processes:

- Khan councils instruct khan governors to study issues and needs by discussing with the governor of other khan, district or municipal governors;

- After agreement between khan governors with other Khan governors or district governors or municipal governor of the same categories, khan councils instruct khan governor to organize the meetings in order to find mechanisms of collaboration or consultation with the respective councils for the solutions on related issues;
- Khan council chairperson shall call for a council meeting to review, discuss and approve on mechanism of collaboration and consultation with the councils at the same category within border or across border;
- After khan council approved solutions or mechanisms, the decision must be implemented by khan board of governors;
- Khan governors have to report on the result of decision's implementation to the khan council in ordinary or extraordinary meetings or on request by chairperson of khan councils;
- If necessary a khan council could discuss with the other councils of the same categories to create a joint committee or working group for sharing information, learning from each other, regular consultation and collaboration;
- Khan, district and/or municipal councils can organize thematic forums (e.g. on issues such as local economic development) to develop ways how these councils can coordinate and collaborate;

- Khan council and neighbouring khan and district councils consult on draft decisions and deikas that may affect the neighbouring areas or in case a joint deika is needed;
- Khan council and neighbouring khan and district councils jointly monitor and evaluate certain activities or issues, such as school dropout rates in the area;
- Khan council and neighbouring khan and district councils agree officially to provide joint services, e.g. joint arrangements for disposal of garbage or a joint one window service office;
- Khan council agrees to share resources, knowledge and skills with other khan, neighbouring district and municipal councils. **Example:** khan council A has hired an early childhood education expert who could train personnel of other councils. Therefore khan council cooperates with other councils in sharing resources, knowledge and skills;
- Khan council instructs its administration to share documents and other relevant information to other khan, nearby district and municipal councils such as study on local tourism;
- Khan council ensures that its administration cooperates in terms of techniques with council at the same categories within boundary or across boundary, 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 khan, district or municipal 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, etc;
- Activities related to sharing knowledge, experience, and resources.

2.3. Relations between Khan Councils and other Government Institutions

Khan councils and Ministries, line departments, line offices, units and other agencies of the government have common goals in serving the same citizens in their jurisdiction. Therefore they need to cooperate and coordinate in order to achieve the principles of unified administration and to establish, 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 Khan Council and Line Offices

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

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

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

- Attend council meetings or meetings of council committees, if necessary;
- Sit on a council committee or to provide technical assistance to the khan administration;
- Respond to priority local needs, for instance instruct khan public works department to cut down the trees interfering with safety on the road (if the

department 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 budgets and plans into the development plan, investment program and budget of khan council.

In addition, as representative of Ministries and government institutions, the khan 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 and evaluate, assess, and scores chiefs of line offices, head of units or responsible person of other agencies;
- Review, comment and sign together with the head of the line offices 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 Khan;
- Have the authority in written request to Capital governor to take measure on changing or terminating chief of offices or head of units or responsible person from other agencies who commit illegal act and unable to do justification.

The khan governor must report regularly to the khan council at khan 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 khan.

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

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

- Invite representatives of line offices, units and other agencies in the khan to attend council meetings and ask those representatives to be prepared to answer questions from councilors;
- Inform line offices, units and other agencies that its activities or budgets do not reflect the most important needs in the khan;
- Allocate time during every khan council meeting for the khan governor to report about his/her activities as representative of the Royal Government, including important updates on key activities and plans of line 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, 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 khan council has relations with line offices, units or other agencies through various committees whose members are among others representatives of line offices or unit or other agencies in khan.

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

A. Khan Technical Facilitation Committee

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

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

- Development plan and budget;

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

(The details regarding the role and responsibilities of the khan technical facilitation committee are described in sub-decree 217)

B. Women and Children's Consultative Committee

The khan council's women and children's consultative committee has the role to ensure that the council promotes 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 khan council, khan 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 sectorial expertise of the line of-

fices 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 khan women and children's consultative committee are described in Prakas 4275 by Ministry of Interior)

C. Other Councils Committees

Beside the obligatory committees the khan council can establish other committees. In the 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 khan council establishes a Local Economic Development Committee composed of representatives of relevant khan line offices, such as office of the tourism, land management urban planning and construction and/or commerce;
- A khan 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 of Khan Council and National Committee for Democratic Development at Sub-National Level (NCDD)

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

Khan 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 khan administration and NCDD and its sub committees. (See detail functional mapping and functional review guideline).

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

The representatives assigned by the Association for Municipal, District, Khan and Commune/Sangkat Councils need to ensure that all suggestions and needs of the khan 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.

2.3.3 Relations between Khan Councils and Ministries

A. Relation with the Ministry of Interior

- Khan councils shall request for 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 actions or illegal decisions by the khan council, a khan council committee, a khan governor, board of governors or personnel. Illegal actions or illegal decisions are actions or a decision that exceed the authority or violates 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 khan council and khan 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 illegal 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 khan governor implements the khan 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 Khan council to report to the Ministry of Interior any case of abuse of power in its area. The khan board of governors assists the council.

- When a khan 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 khan administration director, the governor or deputy governor, khan council need to send a requests the Ministry of Interior (article 151 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans);
- In the event there is disagreement between a khan administration and a khan or sangkat administration, the Ministry of Interior resolves the disagreement in accordance with the legal framework (Sub-decree 215 Art. 135);
- Prior to the issuance of a council deika, a council decision or a council contract, the khan council or the khan 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 khan council to take measures to meet local needs, the khan 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 Khan council has been trying to deal with gambling in the khan. The council would like to pass a deika prohibiting gambling establishments from operating in the Khan. 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 relations between councils, NCDD and Ministry of Interior the khan can also have various relations with other Ministries.

PART 3: INTRA-GOVERNMENTAL RELATIONS OF THE KHAN COUNCIL

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

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

The actors involved in intra-governmental relations are:

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

Structure of Khan Administration

For effective intra-governmental relations, the actors must be open to working together, to sharing and discussing information. They have to do so beyond what is explicitly stated in legal instruments, working procedures, manual or guideline. 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 and 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 councilors to be members of the committee. Council committees serve to bring together people with expertise and interest who can discuss in depth on one or more issues, which are of importance to the council. A committee then reports back to the council. Depending on the roles and duties of the committee, a committee may provide information, advice and recommendations to the council. Committees do not make decisions for council.

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

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

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

Example: A member of the women and children's consultative committee raises the problem of the declining use of maternal health services in the Khan. 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. Relations between the Council and Its Administration

The relation between council and administration is clearly outlined in the Law on Administrative Management of 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. Relations between Council and Board of Governors, Administration Director and chief of Finance

Councils, the board of governors and 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 discussion in order to ensure that the meetings proceed smoothly.

Council members are entitled to ask questions to the board of governors about the implementation of council decisions and recommendations, the day-to-day affairs and other relevant matters in the council meeting. There should be a positive dialogue between councillors and the board of governors facilitated by the council chairperson.

3.3.2. Advisory Role

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

Examples:

- The board of governors advises the council to issue a deika 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 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 councilor before the council meeting so that each councilor 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 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 councilors are entitled to review any document received or signed by the board of governors regarding the council and council affairs.

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

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

ensure that activities respond to local needs and challenges.

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

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 the financial issues with transparency and accountability to the councils.

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 khan is spreading, therefore, the council advises the board of governor to instruct the Operational District Health Office in Khan 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 administra-

tion are performing their roles effectively and efficiently.

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

- Khan 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.

3.3.7. 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 manage the implementation according to the decision of the council.

The council may write letter to the Ministry 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 governor can take measure against administration director or deputy administration director who does not perform well.

3.4. Relations 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 board of governors or administration director.

3.5. Relations between Council Committees and Administration

The Khan administration, especially the 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 decision of the committees for the council's review and approval.

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

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

The council chairperson has regular and close dealings with the board of governors and the administration director. S/he represents the council chairperson's role to represent 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 meetings (see technical document on council meeting).

3.7. Relations 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.

Example: 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

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

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

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

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

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

The chairperson is like any other councillor except s/he has some additional duties related to preparing and facilitating council meetings, 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.

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

The chairperson facilitates discussions and decisions making processes about discipline of the councilors during council meetings. In the event that discipline of the chairperson is raised, the council must decide 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.

The councillors:

- Have the freedom to express their views during meetings and make the decisions;
- 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;
- May speak on their-own behalf in the event that the council is discussing on disciplining that councilor.

The council may assign individual councilors 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 councilor acts on behalf of the council and reports back to the council regularly.

Individual councilors 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 councilor cannot act on behalf of the council.
- In assigning each councilor to fulfill any tasks, the council should consider the following:
  - **Gender** - khan council needs to provide the opportunity to both male and female councilors;
  - **Equity** - khan council needs to think of the interest and potential of male and female councilors;
  - **Willingness** - khan council needs to respect the rights, decisions and the voice of council members;
  - **Political preference** - khan council must not bias on any political party;

- **Knowledge and experience** - khan council shares the tasks appropriately according to the knowledge, skills and experience of each council member.

Moreover **councilors** 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 favor of allocating the funds to hiring teacher assistants for primary schools instead. But that decision depends on council.

3.9. Relation between Individual Councilors and Committees

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

Example: As seen, there are lots of cases on child labor in the area; a councilor goes to meet with women and children consultative committee to seek for more information on that issue. The chief of committee

has to provide the information needed as reference for a councilor to raise this issue in the next council meeting.

3.10. Relation between Individual Councilors and Administration

Councillors have relations with administration on the following points:

- Provide and seek for information;
- Provide instructions outside the councils meetings.

3.10.1. Provision of Information

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

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

Example: One week after a council meeting, a councillor learns that there is an uncontrolled gambling issue in his/her area. The councilor 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 councilors need. If a councilor is not satisfied with information provided by the administration director, the councilor should inform the administration director verbally. If the councillor is still dissatisfied, s/he may enlist assistance from the council chairperson and the councilor 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. In these cases the councilors are entitled to give instructions.

Example: The council decides in a council meeting to designate one or more councilors 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.