

**Sub-Decree on
The Selection, Management, Arrangement and Execution of Permissive
Functions by Sub-National Administration**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated Sep 24, 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated Jan 24, 1996 promulgating the Law on the Establishment functioning of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0301/05 dated March 19, 2001 promulgating the Law on Administration and Management of Commune/Sangkat;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on the Management and Administration of Capital, Province, Municipality, District, Khan;
- Having seen Royal Kram No. NS/RKM/0611/0171 dated June 17, 2011 promulgating the Law on Financial Regime and Management of Assets of Sub-National Administration;
- Having seen Royal Kram No. NS/RKM/0112/004 dated Jan 14, 2012 promulgating the Law on Public Procurement;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated Dec 31, 2008 on the Establishment of the National Committee for Democratic Development at Sub-National Level;
- Having seen Sub-Decree No. 16 ANKr.BK dated Feb 26, 2002 on Commune/Sangkat Fund;
- Having seen Sub-Decree No 22 ANKr.BK date March 25, 2002 on Decentralization of power on role and duty to commune/sangkat.
- Having seen Sub-Decree No. 26 ANKr.BK dated Apr 02, 2002 on Commune/Sangkat Financial Management System;
- Having seen Sub-decree No. 215 OrNKR.BK date 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;
- Having seen Sub-decree No. 216 OrNKR. BK date 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;

- Having seen Sub-Decree No. 219 ANKr.BK dated Dec 14, 2009 on Development Planning and Three-Year Rolling Investment Programming of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 36 ANKr.BK dated March 07, 2012 on the Organization and Functioning of District, Municipal, Khan Fund;
- Having seen Sub-Decree No. 172 ANKr.BK dated Oct 09, 2012 on Financial Management System of District, Municipal, Khan Administration;
- As per request of the Chair of the National Committee for Democratic Development at Sub-National Level;

Hereby Decides:

Chapter 1 General Provisions

Article 1

This Sub-decree is aimed at promoting the responsibility of Sub-National Administration (SNA) to exercise their authorities in executing their selected permissive functions to promote local service delivery and development with accountability, transparency, efficiency and equity manner and response to the needs of citizens in their jurisdiction.

Article 2

The objective of this Sub-decree is to determine principles, procedures and resources for selecting, managing, arranging and executing permissive functions of Sub-National Administration.

Article 3

This Sub-Decree covers all levels of Sub-National Administration in selection, management, arrangement and execution of permissive functions, which have never been managed, arranged and executed by the Royal Government's ministries, institutions, units s and/or functions under the mandates of ministries, institutions, units and these ministries, institutions, units have no objection for Sub-National Administration to select and execute those functions.

This Sub-Decree does not cover permissive functions, which Sub-National Administration continues to manage, arrange and implement from the Royal Government's ministries, institutions, units after the ministries, institutions, units transferred them to the Sub-National Administration.

Article 4

Terms used in this Sub-Decree are defined as follows:

- **Function:** refers to acts or actions including delivery of public services, infrastructure and other means.

- **Permissive function:** refers to any functions that are chosen by Sub-National Administration within the framework of this Sub-Decree. Permissive functions include:
 - + Any functions no under the mandates of any ministries, institution, units of the Royal Government and
 - + Any functions under the mandates of the Royal Government's ministries, institutions, units but relevant ministries, institution, units have no objection for Sub-National Administration in selecting and executing these functions.

Chapter 2

Principles

Article 5

The selection of permissive functions by Sub-National Administration shall be based on the following principles:

- Are not prohibited by existing laws, legal documents;
- Are under the jurisdiction of the council;
- Can be managed and implemented efficiently based on the ability and resources of sub-national council;
- Serve or provide benefits mainly to citizens in the jurisdiction of the council;
- Are based on the need of citizens or local priorities in their jurisdiction, especially the needs of women, children and the vulnerable people.

Article 6

Norms, procedures and resources for managing, arranging and executing permissive functions shall be determined at the discretion of the council of each Sub-National Administration.

Article 7

The management, arrangement and execution of permissive functions shall be based on the principles of efficiency, transparency, accountability, consultation, inclusiveness and equity.

Chapter 3

Procedures for Selecting, Managing, Arranging and Executing Permissive Functions

Article 8

One or a number of permissive functions chosen by Sub-National Administration shall be included in the development plan and investment program of respective sub-national administrations.

Council shall update its investment plan on an annual basis by incorporating new permissive functions or revised permissive functions based on the needs of citizens or local priorities.

Article 9

Sub-National Administration may pro-actively select one or a number of permissive functions to execute based on the needs of citizens or local priorities in their jurisdiction and their administrative, technical and financial capacities.

In selecting permissive functions, each sub-national council may consult with relevant joint councils or other categories of council as deemed necessary.

Decision on any function(s) shall be approved by the council.

In the event that decision to select function(s) under the mandate of ministries; institutions; units, Sub-National Administration may coordinate and consult in advance with those relevant ministries, institutions, units before obtaining approval from the council.

Article 10

Ministries; institutions; units can object to the selection of permissive functions by Sub-National Administration which are fall under its mandates. The objections to the selection of permissive functions shall be made in written during the process of development plan or investment program formulation or revision.

The objections by ministries; institutions; units shall be based primarily on:

- Issues concerning capacities of the Sub-National Administration in managing, arranging and executing the permissive functions;
- Overlap with the ministries, institutions, units' plans and other sub-national councils

Article 11

Sub-National Administration can manage, arrange and execute permissive functions:

- On its own or;
- By cooperating with other Sub-National Administrations or relevant ministries, institutions, units;
- By cooperating with private sector, civil society or other relevant stakeholders.

Article 12

Governors of Capital, Province, Municipality, District, Khan and Commune/Sangkat Chiefs shall ensure the execution of permissive functions approved by their respective council in an efficient manner.

Article 13

Sub-National Administration is entitled to revise or terminate their selected permissive functions.

Chapter 4

Resources for Executing Permissive Functions

Article 14

In the management, arrangement and execution of permissive functions, Sub-National Administration can use their own resources, donations from sources internal and external to their jurisdiction and/or revenue from other sources permitted by laws and regulations.

Article 15

Sub-National Administration can collect fees from the delivery of services related to their permissive functions.

Revenue collected from the delivery of services related with permissive functions is budget revenue of the Sub-National Administration and can be used to cover part or whole costs of the delivery of the services.

Schedule of fees to be collected as revenue from the use of services related to permissive functions shall be determined by inter-ministerial Prakas of Minister of Economy and Finance and Minister of Interior at the request of the Sub-National Administration.

Article 16

In planning, budgeting and implementing procurement procedures related to permissive functions, Sub-National Administration shall comply with applicable regulations and guidelines on the planning, budgeting and procurement procedures, except there is a particular regulation applicable to the permissive functions.

Chapter 5

Support, Oversight, Monitoring and Evaluation

Article 17

To ensure effective management, arrangement and execution of permissive functions, the National Committee for Democratic Development at Sub-National Level may coordinate with other relevant ministries, institutions; and stakeholders to provide technical support, capacity and other necessary means to Sub-National Administration.

Article 18

Council shall arrange monitoring, oversight and evaluation on the management, arrangement and execution of permissive functions.

Governors of Capital, Province, Municipality, District, Khan and Commune/Sangkat Chiefs shall report on the outcomes of on the management, arrangement and execution of permissive functions to their respective council.

Article 19

If necessary, the National Committee for Democratic Development at Sub-National Level may issue technical document to assist Sub-National Administration in selection, management, arrangement and executing permissive functions.

Chapter 3

Final Provisions

Article 20

Any provisions contrary to this Sub-decree shall be abrogated.

Article 21

Minister in charge of the Office of Council of Ministers, the Minister of Economy and Finance, the Minister of Interior, Chairperson of the National Committee for Democratic Development at Sub-National Level, the Ministers, Secretary of State of all relevant ministries, institutions, Councils and Boards of Governors of all Sub-National Administrations are charged to implement this Sub-Decree from the date of its signature onward.

Phnom Penh, 2014

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Reported to
Samdech Aka Moha Sena Padei Techo **Hun Sen**, Prime Minister
of Kingdom of Cambodia
to please kindly sign
Deputy Prime Minister, Minister of Interior and Chair of NCDD

Sar Kheng

Receiving Places:

- *Ministry of Royal Palace*
- *General Secretariat of the Constitution Council*
- *General Secretariat of the Senate*
- *General Secretariat of the National Assembly*
- *General Secretariat of the Royal Government*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *As in Article 21*
- *Royal Gazette*
- *Archival - Documentation*