

Successful Factors of DEIKA Development in General Provision for the District Administration

What is Deika refer to?

Deika are legal rules in the form of a general provision or individual provision that have been approved by a council within the council's authority and jurisdiction only. Deika in the form of general provisions refer to the implementation of additional clarification on a law, royal decree, sub-decree, Prakas, or guidelines for implement tasks under the council's jurisdiction.

How to Develop the Deika in General Provision

The citizens could request or raise their concern and issues to the local authorities to respond through council committees, dissemination, and consultative forum (D&C Forum) and other public events. Those issues shall be decided and selected by district council (DC) to address citizens' need. The district council prioritized two major issues related to solid waste management in Banan and Maung Russey districts and food/drinking hygiene issues in schools in Thmor Koul district. The three district administrations developed and issued to address and respond to the above two issues. Therefore, three deika were discussed, approved, and issued by the district council for implementation, which takes about 6 to 7 months for each district administration to get the final decision and approval from the district council.

According to Sub-decree 286 on procedures for the preparation, amendment and repeal of Deika of the capital council, provincial, district, municipal and Khan councils as well as technical document of the procedure of deika development consist of four main steps as list below: 1) identifying the need of issuing a Deika, 2) preparation of draft Deika, 3) consultation and disclosure the draft Deika, and 4) final review and approval the Deika.

Step 1) Identifying the need of issuing a Deika:

In mid-2019, Banan, Thma Kol and Moug Ruessei district councils organized their annual D&C fora in all communes in order to report to the citizens and collect the request or concern raised by citizens. For the three districts, there were 18 D&C fora took place (four in BN, nine in MR, and five fora in TK), approximately 1800 participants, citizen raised issues around 250. These issues are related to social services (such as education, health, solid waste...etc), administrative services (such as civil registration, ID card services...etc) and infrastructure (such as electricity, roads...etc.). Issues related to social services are discussed and prioritized by the district administration for taking action and responding. The solid waste management issues raised in Banan and Moug Russey districts and lack of food/drinking hygiene in schools raised in Thmor Koul district were selected as priority issues. Remaining issues related to social services, infrastructure, and administrative services are integrated into the investment plan of district and commune to solve and respond. The SWM issue was related to the company which didn't have a standard price of collection fee. Currently, the company have collected fee based on the negotiated price, which has led to many complaints from service users regarding the fee. Collectors are irregularly collecting solid waste or garbage on time. On the other hand, some waste generator rejects to pay the collection fee and throw solid waste on the streets and public places, even though many awareness raising were given to them.

In response to above prioritized issue, the BN and MR districts selected new waste collection company in early 2020. MR has signed a contract with the company for 10-year period, while BN has allowed the company and community-based collect solid waste in testing. BN and MR prepared a project proposal on solid waste management while TK developed the project on food and drinks hygiene promotion by focusing on 1) issuing directives and deika, and 2) increasing awareness raising citizens and students at the local level and schools. A working group were formed in each district with 25 members who are the district council, the board of governors, the commune, district offices in charge of environmental and education fields, and the relevant stakeholders. This working group was responsible for drafting the deika and implementing the project. All members also received a training on the deika development procedure based on the district request with supporting from DAR Advisor.

Step 2) Preparation of Draft Deika



Figure 1: Meeting to draft deika on food and drinking hygiene in Thnar Koul district

In order to draft deika, MR and TK districts conducted further survey on the selected issues. However, BN decided to review the existing data in 2018 as the baseline. The working also collected and reviewed secondary data such as legal documents related to waste management and food/drinking hygiene in schools. In addition, the draft deika was consulted with the private sector (waste company) on price setting of collection fees according to the baseline survey and legal framework. All data and information were analyzed and consolidated to preliminarily draft the deika. Moreover, the good lessons on deika development of Battambang municipality was also shared with MR district.

During preparation phase, the draft deika is discussed in the working group and stakeholders to provide input. For the MR working group held three meetings; the first meeting was held to discuss the full content of the deika, what needs to be corrected, the spelling and references. The second meeting was met with the waste collection company and technical team to identify the roles and responsibilities of service users and service providers. The third meeting was conducted with the district office and council members to discuss the roles and responsibilities of the relevant authorities to check the spelling and mechanism of penalties. In the regard, the working group of Banan district also organized two meetings in the technical team; the first meeting was related to divide the tasks and determine the main content of the deika, and the second meeting was held to discuss and agree on the preliminary draft in the step. There was many meeting in the hold working group to review and comment on the overall content of the deika. For TK district, there was one meeting within the working group to preliminarily draft the deika of food and drink safety promotion. TK organized only one meeting in the step because the content of the deika on food and drink hygiene was not so complicate like SWM.

After finalizing within internal meeting of the working group, the draft Deika were submitted to BoGs meeting for reviewing and comment. BoGs made some suggestion or comments on referent documents, hold contents, other spelling, and how to enforce the deika. Deika team revised the draft deika based on the comments and requested for district council meeting to review and agree the preliminary draft. The draft was agreed by the district council in its ordinary and extraordinary meetings. The meeting was also attended by waste collection companies, local authorities, and deika team. The team responded and clarified questions and comments of the district council. Three district councillors suggested to deika team shall furtherly consultation with citizens and stakeholders on drafting before submitting to district council for approval.

Step 3) Consultation and Disclosure the Draft Deika

Issuing the Deika of councils might have direct impacts on people’s livelihoods. In order to ensure that the decision of council responds to the needs` citizens, district council has to consult with the citizens in the early stages of the decision-making process. The working group had a meeting to pre-organize the schedule and approach for consultative fora by dividing group, identify the roles and responsibilities, and selecting the agenda. BN, MR, and TK organized the consultative fora with citizens, district committees, private sectors, students, school directors, and local authorities on the full contend of the Deika. There were 8 consultative fora with 355 participants (female 119) which were from citizens, venders, school directors, students, private sectors, local authorities, and CSOs in Banan district. Base on the implementation plan the working group need to organize 9 consultation events with private sectors, citizens (business and none-business), civil societies and other government agencies (council from communes’ level, village representative and other council). However, there were six consultation fora for TK in schools with total 300 participants who are from local authorities, students, parents, teachers, venders, and CSOs.



Figure 2: Consultation fora on Deika in Banan district



Figure 3: Public disclosure the Draft Deika in Moung Russei district

Moreover, those the districts disseminated the draft Deika by the public disclosure. It took 10 days for public disclosure so that the citizen could check, read carefully of the content, and provide the feedback from citizens. Commune and district public boards used to display the draft DEIKA. Unfortunately, there is no single citizen make any suggestion to the content of DEIKA.

After the consultation and disclosure, the working group of three districts organized the stocked taking meeting to review the results and mad a report to district councils.

Step 4) Final Review and Approval the Deika



Figure 4: DC reviewed and approved the final deika in Moung Russei district

There were two steps for the final review and approve of the Deika. The first step was reviewed and commented by BoGs in their monthly meeting. After receiving comment from BoGs, the working group come up with report to district council. A member who was expertise in SWM or education field of the working group was assigned to responsible for presentation the final draft deika during the DC meeting. The second step was reviewed and approved by district council in ordinary and extra-ordinary council meeting. In BN district, the deika was approved by district council in 18th monthly meeting while MR and TK district council approved in their 20th monthly meeting.

After getting the approval from district council, the working group of each district adjusted the deika according to the comment of the district council and submitted to council chairperson to sign. At the end, the district administration submitted the deika with signature to provincial administration for legality check.

Discussion and Conclusion

Three deika on general provision regarding to SWM and FDH were successfully approved and issued by each district council according to legal frameworks and TD as well respond to the citizens` need. Main tasks of deika development process were included; 1) identification the citizens` need or request from D&C fora or public meeting; 2) establishing the working groups and assigning technical team or key resource person to draft the deika; 3) researching legal frameworks, data, and TD; 4) conducting based-line survey on necessary need of deika development; 5) consulting with the citizens, private sectors, local authorities, and relevant people on the contents of deika; 6) organizing at least three meeting within the working group or team to draft, consult, and finalize deika; and 7) organizing BoGs and DC meeting to comment and approve the final deika. The tasks were similarly and differently implemented based on the topic and situation of each district. Definitely in consultation step, BN organized 8 consultative fora with participation from citizens, private sectors, local authorities, students and school directors, and relevant people in the same event while MR organized 9 consultative fora by separating group participants such as private sector, citizens, and local authorities...ect.

To achieve the above activities, the district administration shall clearly determine timeline, assign technical team, or key resource person in charge of the selected topics, and involve BoGs and Council chair from the beginning of consolation. BoGs and technical team shall have high commitment and well knowledge or experience on selected topics.