

(Unofficial Translation)



NS/RKT/1208/1429

## Royal Decree

We

**Preah Karona Preah Bath Samdech Preah Boromneah Norodom Sihamoni  
Saman Phoum Cheat Sasna Rokhathiya Khemerarothsas  
Pouthitreathoramohakthat Khemreachna Samohorpheas Kampuch Ekreach Roth  
Boronaksanthe Sopheak Mongkolea Sereivibolea Khemrasreipireash  
Preahchau Krong Kampuchea Thipadei**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans
- Having seen the Royal Kram No. NS/RKM/0508/016 dated 13 May 2008 promulgating the Law on Public Financial System
- Having seen the request of Samdech Aka Moha Sena Padei Techo **Hun Sen** the Prime Minister of the Royal Government of Cambodia

### ORDER

#### Chapter 1 General Provisions

##### Article 1:

To establish a "**National Committee for Democratic Development at Subnational Level**" with an abbreviation "**NCDD**" to coordinate and lead the implementation of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and the implementation of policy on decentralization and deconcentration reforms.

#### Chapter 2 Composition and Mission

##### Article 2:

The NCDD is composed of:

- |  |                 |
|--|-----------------|
| 1. Minister of the Ministry of Interior            | Chairman        |
| 2. Minister of the Ministry of Economy and Finance | Deputy chairman |
| 3. Minister of Office of the Council of Ministers  | Deputy Chairman |

4. Minister of the Ministry of Land Management, Urbanization and Construction	Member
5. Minister of the Ministry of Planning	Member
6. Minister of the Ministry of Rural Development	Member
7. Minister of the Ministry of Women's Affairs	Member
8. Minister of the Ministry of Health	Member
9. Minister of the Ministry of Agriculture, Forestry and Fishery	Member
10. Minister of the Ministry of Education, Youths and Sports	Member
11. Minister of the Ministry of Industry, Mines and Energy	Member
12. Secretary of State of the State Secretariat for Civil Service	Member
13. Secretary of State of the Ministry of Interior 01 person	Member
14. Secretary of State of the Minister of Economy and Finance 01 person	Member
15. Representative of the Council for Development of Cambodia 01 person	Member
16. Chairman of NCDD Secretariat	Permanent member

Besides the above members, the NCDD may request to add members as ministers or heads of units of relevant ministries/institutions of the Royal Government as necessary.

Each member NCDD must attend the meeting in accordance with invitation of the NCDD chairman. In the case the member could not attend the meeting; he/she can appoint a representative, who is a member of the Royal Government to replace him/her to attend all or any meetings by delegating of power to that representative who then can decide on behalf of that member.

The NCDD may invite ministers of other ministries/institutions or authorities or other relevant persons to attend the meeting, discussions and cooperation as necessary.

### **Article 3:**

The NCDD has main missions as followings:

- Design and implement the national program on democratic development at subnational level in accordance with the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and Law on Public Financial System
- Based on the national program, the NCDD should formulate annual workplans and budgets
- Carefully review and update the national program from one phase to another
- Consult, discuss and coordinate with all ministries/institutions in reviewing functions and responsibilities of the ministries/institutions, departments, units and authorities at all levels in order to identify functions, responsibilities, power and accountability for transferring to subnational councils which include:
  - + Transfer of resources including revenue, finance, personnel, property, and capacity for managing and fulfilling the respective functions;
  - + Provision of capacity building and empower in order to get access to resources that are necessary for managing and fulfilling each function which includes revenue, finance, personnel, property, and capacity;
  - + Provision of power and duties to manage and perform all respective functions in line with the principles of local autonomy and local accountability to the maximum level.

- Prior to the transfer of functions and responsibilities to the councils at subnational administrations, the NCDD formulate procedures and formats for integration of development plans and budgets of the ministries and institutions at subnational level into the development plan and budget of the respective council.
- The NCDD may provide recommendations to the Royal Government or any ministries/institutions of the Royal Government on the formulation or amendment of law or legal frameworks in order that they are consistent with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law of Administrative Management of Communes/Sangkats and policy on decentralization and deconcentration reforms.
- Discuss and coordinate with the Ministry of Economy and Finance and other relevant ministries/institutions as necessary in preparing financial regimes and properties of subnational administrations including formulation of formats, procedures, approval and implementation of the subnational administration budgets, preparation of sources of revenues which include revenues from national and local level, transfer of support budget which includes conditional and un-conditional funds from national level to subnational administrations, transfer of state properties, management and use of state properties to the subnational administrations and properties provided to and earned by the subnational administration themselves with planning, phasing, rationale, coordination, consultation, transparency and accountability.
- Cooperate with ministries/institutions of the Royal Government to identify policy and strategy for monitoring and review deployment of personnel concurrently with the transfer of functions and duties in order to establish a personnel framework for the subnational administrations with planning, rationale, consultation and transparency.
- Define type of personnel for each category of the councils and define procedures and methods for reviewing and redeploying these personnel by ensuring that the number of civil servants does not increase.
- Collaborate with State Secretariat for Civil Service and relevant ministries/institutions as necessary to develop a draft of separate statute for civil servants of subnational administrations.
- Ensure coordination and consultation on policies, strategies and reform programs implemented by ministries/institutions concerned in order to make them consistent with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, decentralization and deconcentration reform as well as national programs.
- Study and re-identify boundaries of subnational administrations as necessary.
- Study on growth of municipalities and urbanization for the basis in developing policies, structures and strategies for management of the municipalities.
- Develop policies, strategies and plans for capacity building of subnational councils and administrations.
- Cooperate in conducting studies and provide recommendations to the Royal Government in establishment of an appropriate fund for decentralization and deconcentration reforms in order to mobilize resources from development partners for the requirements of personnel and cooperative development, technical support and other requirements at subnational level including technical support for relevant ministries/institutions.

- Research, review and provide recommendations to the Royal Government on mobilization and utilization of resources within and outside the country for the decentralization and deconcentration reforms.
- Research and formulate an agreement between the Royal Government and development partners for the support to decentralization and deconcentration reforms as to assure for all development partners who are parties of this agreement and in order to ensure alignment and harmonization in using assistances.
- Create an appropriate forum between the Royal Government and development partners for coordination, cooperation and support to decentralization and deconcentration reforms.
- Ensure the transfer of rights and responsibilities from present provincial, municipal, district and Khan administrations to Capital, provincial, municipal, district and Khan administrations established by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.
- Report to the Royal Government once very year on the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.
- Perform other duties as assigned by the Royal Government.

### **Chapter 3 Duties and Power**

**Article 4:**

The NCDD is accountable to the Royal Government on the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

**Article 5:**

The NCDD shall ensure that the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and the Law on Administrative Management of Communes/Sangkats are implemented by the relevant ministries/institutions at national level, departments and units of the Royal Government and councils at subnational administration level.

**Article 6:**

The NCDD shall ensure that reform policies, strategies and programs are consistent with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

**Article 7:**

The NCDD can address or request for decision from the Royal Government on any un-consensus issues that may occur related to the implementation of the

Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

**Article 8:**

The NCDD sub-committees, ministries/institutions of the Royal Government, departments, units and councils at subnational administration level have duties to implement the decision of the NCDD.

**Article 9:**

In the event that any ministry/institution of the Royal Government fails to implement the decision of the NCDD, the NCDD shall report and request for decision from the head of the Royal Government.

**Article 10:**

In the event that the councils at subnational administration level fail to implement the decision of the NCDD, the NCDD shall make a request to the Ministry of Interior to implement the procedures as stated in the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

**Article 11:**

The NCDD should have its own logo and stamp which will be determined by a sub-decree based on request of the NCDD.

#### **Chapter 4 Working Procedures, Structure and Secretariat**

**Article 12:**

The NCDD shall conduct ordinary meeting once for every two (02) months.

The NCDD may conduct extraordinary meetings as necessary following a request from the chairman or at least one third of all NCDD members.

The NCDD shall formulate and approve working procedures and internal rules in its first meeting.

**Article 13:**

The NCDD shall establish following sub-committees to serve as its assistants:

- Sub-committee on Functions and Resources
- Sub-committee on Financial and Fiscal Affairs
- Sub-committee on Subnational Administration Personnel

Besides the above three (03) sub-committees, the NCDD can propose to establish other sub-committees as its assistants as necessary.

**Article 14:**

Each sub-committee shall be led by one (01) chairman and two (02) deputies.

Composition, structure and functioning of each NCDD sub-committee shall be determined by a sub-decree based on request of the NCDD.

**Article 15:**

The NCDD sub-committees shall consult with relevant ministries/institutions of the Royal Government or/and stakeholders before providing recommendations to the NCDD.

**Article 16:**

Each sub-committee may establish one or more working groups as necessary to study and report on works under its duties and power. Members of this working group may be selected from officials of the ministry/institution who is the chairman of that sub-committee or may request for officials from the ministry/institution that has a representative in the sub-committee or/and representatives from stakeholders based on decision of the sub-committee.

**Article 17:**

Relevant ministries/institutions shall establish a working group on decentralization and deconcentration in their ministry to coordinate and support the implement the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

The NCDD may issue guidelines on the functioning of the above sub-committees as necessary.

**Article 18:**

The NCDD shall have a secretariat located within the office of the Ministry of Interior.

The NCDD secretariat shall be led by one (01) chairman who is a secretary of state of the Ministry of Interior and three (03) deputies who have rank equivalent to director general as its assistants and will be appointed by a royal decree in accordance with the request of the Prime Minister based on the request of the NCDD.

The NCDD secretariat shall establish units which will be determined by a sub-decree.

Each unit of the NCDD secretariat shall be managed by one chief (01) and a number of deputies as assistants which will be appointed by a sub-decree.

The chief of the unit shall have a position equivalent to deputy director general and the deputies shall have position equivalent to department director.

**Article 19:**

The NCDD secretariat shall perform necessary duties in order to ensure that the NCDD performs its functions appropriately and effectively as well as to provide technical assistance and serve as secretary to the sub-committees.

The NCDD secretariat shall be determined by a sub-decree based on the request of the NCDD.

## **Chapter 5 Sources of Budget Resources**

### **Article 20:**

The NCDD shall have its own budget in order to perform its duties that respond to requirements as stated in the national program and the requirements for the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

Budget of the NCDD shall be put in a separate budget line in the annual budget of the Ministry of Interior.

### **Article 21:**

The NCDD may receive technical, financial and material assistances from sources inside and outside the country for the implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

## **Chapter 6 Transitional Provisions**

### **Article 22:**

During the absence of the NCDD secretariat as in respect to this royal decree, the old NCDD secretariat shall continue serving as the secretariat of the NCDD.

### **Article 23:**

The provincial/municipal rural development committee and its executive committee shall continue serving as NCDD supporting structure and system at subnational administrative level until there is a new setup.

### **Article 24:**

The NCDD shall continue coordinating the implementation all tasks remaining from the old NCDD including decisions, workplans and budgets, projects, programs and cooperation agreements with development partners with appropriate and effective manner.

## **Chapter 7 Final Provisions**

### **Article 25:**

Any provisions that are contradicted to this royal decree shall be abrogated.

### **Article 26:**

Samdech Aka Moha Sena Padei Techo **Hun Sen** the Prime Minister of the Royal Government of Cambodia and members as stated in article 2 above shall implement this royal decree from the date of its signature onwards.

Royal Palace, Phnom Penh Capital, 31 December 2008

PRL.0812.1449

Royal Signature

**Norodom Sihamoni**

Have submitted for the royal signature

**Prime Minister**

Signature

Samdech Aka Moha Sena Padei Techo **Hun Sen**

No. 05 CH.L

For Copying and Distribution

Phnom Penh Capital 06 January 2009

Deputy Secretary General of the Royal Government

**Khun Chinken**