

Policy Recommendations for Local Governance in Cambodia

June 2012 by Min Muny, DELGOSEA National Coordinator

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Introduction

The Partnership for Democratic Local Governance (DELGOSEA) started with the replication of best practices on local governance in February 2011. Since this time, 16 pilot cities in the five countries Cambodia, Thailand, Indonesia, the Philippines and Vietnam, have gathered experiences in implementing success stories from other countries in their own city. Transferring a best practice beyond political frameworks and cultural backgrounds of course might have impacts on the design of each replication project.

This paper will specifically concentrate on the situation faced in the Kingdom of Cambodia with regard to replications of a best practice on people-oriented approach to re-arrange street vendors in the Sangkat of Choam Chao from Solo City in Indonesia and a best practice on eco-savers/urban environment in Kampot Municipality from Marikina City in the Philippines. The short and coherent recommendations will be followed by an analysis which explains the need for change and adaptation of certain public policies. The analysis is based on the experiences made in the Choam Chao Sangkat and Kampot Municipality within the political framework. The last part of the paper is concentrating on an advocacy plan by taking into account the national policy-making opportunities.

With this paper DELGOSEA wishes to strengthen the awareness of policy- and decision-makers and lobby for better frameworks allowing for better local governance in the Kingdom of Cambodia.



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Recommendations

For local administrations to handle public orders such as street market arrangements and urban environment such as solid waste management and promoting city's green spaces, Cambodia's decentralization and deconcentration reform policies should allow for:

1. Assignment of market rearrangement related function to local administration (Sangkat and Municipality combined). This could require a shift of this function from the province and/or capital level.
2. Spaces in public markets should be maintained and managed by the local administration (Sangkat and Municipality). Therefore, we recommend a public ownership of all markets. Individuals and companies should only be able to lease with annual strict monitoring and inspection, but not to buy those spaces.
3. Assignment of solid waste management related function to municipality. Presently, provinces and capital are mainly contracting this work to private company who does not have the vision to develop the city long term. Furthermore, private company is not concerned very much about other related matters such as sewage, street orders and city's greenery development, and is out of reach for local administration (Sangkat and municipality) when problems arise.
4. Provision of financial resources in the form of unconditional and/or conditional transfer to local administration (Sangkat and Municipality) to tackle with issues related to urban environment and public order arrangement. This could be resources to build new parks and parks along city' streets as well as to conduct public awareness campaign and integrate such program in schools and community events.
5. Scaling up of pilot programs on Integrated Waste Management Programme (Waste Collection, Waste Segregation, reuse and recycle of wastes) in other urban Sangkat and Municipalities.

Problem Analysis

With the average economic growth of over 6% in the past 10 years, many parts of Cambodia has gone through rapid urbanization and observed rapid influx of migrants. Furthermore, the newly urbanized towns (such as Choam Chao Sangkat and Kampot Municipality) are expected to provide different services from their peer rural communes and districts. Street sales, squatters and urban environments (including waste and sewage management) are the daily issues faced by these newly urbanized towns. Kampot Municipality and Choam Chao Sangkat have been prioritizing these matters in their 5-year development plans and subsequently selected relevant best practices on these themes from Solo City in Indonesia and Marikina City in the Philippines. During the past months of replication of these best practices, some problems were identified.



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Problem Identified	Name of City	Decision Level Affected
Markets are handled by higher government tiers preventing Choam Chao from carrying out its mandate to ensure public orders and manage necessary services as given by the Law on Administrative Management of Communes/Sangkat (Article 43)	Choam Chao	<ul style="list-style-type: none"> • The Capital of Phnom Penh • Dongkor Khan Administration
Lack of master plan and infrastructure due to rapid urbanisation leading to concentration of garment factories (124 at the moment) most of them located along the main roads., and bad health impacts caused by sewage waters and market wastes	Choam Chao	<ul style="list-style-type: none"> • The Capital of Phnom Penh • Dongkor Khan Administration
Only small annual budget received from the inter-governmental transfer (national to Sangkat)	Choam Chao	Ministry of Economy and Finance; Ministry of Interior; NCDD
No own source revenues allowed for the Sangkat	Choam Chao	Ministry of Economy and Finance; Ministry of Interior; NCDD
Markets are currently managed by higher level (leasing with private company) preventing the Kampot Municipality from effective management.	Kampot	Kampot Province, Ministry of Economy and Finance and Ministry of Interior
Lack of financial resources as the (the only small available) budget has been managed by the province (not by the municipality)	Kampot	Ministry of Economy and Finance; Ministry of Interior; NCDD
Shared garbage dumping site with a near-by district (the site locates in the district of Toeuk Chhu)	Kampot	Kampot Province
The pilot city lacks of confidence to implement the BP due to lack of experiences and capacity.	Kampot	Ministries of Environment, Education, NCDD



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<p>Recommendation 1 and 2:</p>	
<ul style="list-style-type: none"> - Assignment of market rearrangement related function to local administration (Sangkat and Municipality combined). This could require a shift of this function from the province and/or capital level - Spaces in public markets should be maintained and managed by the local administration (Sangkat and Municipality). Therefore, we recommend a public ownership of all markets. Individuals and companies should only be able to lease with annual strict monitoring and inspection, but not to buy those spaces. 	<p>Article 43 of the Law on Commune/Sangkat Administrative Management states that:</p> <p>Within the roles of serving local affairs, Commune/Sangkat administration shall perform the following duties:</p> <ul style="list-style-type: none"> - Maintain security and public order; - Manage necessary public services that these services work well; - Encourage the creation of contentment and well-being of the citizens; - Promote social and economic development and upgrade the living standard of the citizens; - Protect and preserve the environment and natural resources; - Reconcile people's concepts for the sake of mutual understanding and tolerance. - Perform general affairs to respond to people's needs. <p>The Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans (2008):</p> <p>Article 213</p> <p>The Royal Government, National Committee for Democratic Development at Sub-National Level and all councils at sub-national administrations shall together achieve the common objective in establishing, promoting and sustaining democratic development.</p> <p>Article 214</p> <p>Each category of the councils shall contribute to achieving this common objective through effectively managing, and supervising and implementing functions transferred to them in accordance to this Law.</p>
<p>Requested Amendment:</p>	<p>There is no amendment required, but the above provisions need to be clarified, defined and implemented.</p>
<p>Addressee:</p>	<p>The National Committee for Sub-National Democratic Development (NCDD)</p>



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Submitted by:	The National League of Communes/Sangkat (NLC/S)
How to Advocate:	Written policy recommendations submitted and discussed at NCDD Sub-Committee's Meetings and/or NCDDD Secretariat Meetings

Recommendation 3:	
<p>Assignment of solid waste management related function to municipality. Presently, provinces and capital are mainly contracting this work to private company who does not have the vision to develop the city long term. Furthermore, private company is not concerned very much about other related matters such as sewage, street orders and city's greenery development, and is out of reach for local administration (Sangkat and municipality) when problems arise.</p>	<p>Article 43 of the Law on Commune/Sangkat Administrative Management states that:</p> <p>Within the roles of serving local affairs, Commune/Sangkat administration shall perform the following duties:</p> <ul style="list-style-type: none"> - Maintain security and public order; - Manage necessary public services that these services work well; - Encourage the creation of contentment and well-being of the citizens; - Promote social and economic development and upgrade the living standard of the citizens; - Protect and preserve the environment and natural resources; - Reconcile people's concepts for the sake of mutual understanding and tolerance. - Perform general affairs to respond to people's needs. <p>The Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans (2008):</p> <p>Article 215</p> <p>In the review of functions of the ministries, institutions, departments, units and the authorities at all levels, the National Committee for Democratic Development at Sub-National Level shall give priorities to issues related to the following sectors:</p> <ul style="list-style-type: none"> - Agriculture; - Education; - Forestry, natural resources and environment; - Health, nutrition and services for people including other needs of women, men, youth, children, vulnerable groups and indigenous people;



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	<ul style="list-style-type: none"> - Industry and support to economic development; - Land use; - Electricity production and distribution; - Water management; - Infrastructure and facilities that are necessary to support and facilitate these responsibilities; and - Particular or special needs for the Capital, province, municipality, district, Khan, commune and Sangkat including tourism, historical sites and cultural heritage.
Requested Amendment:	There is no amendment required, but the above provisions need to be clarified, defined and implemented.
Addressee:	The National Committee for Sub-National Democratic Development (NCDD)
Submitted by:	The National League of Communes/Sangkat (NLC/S)
How to Advocate:	Written policy recommendations submitted and discussed at NCDD Sub-Committee's Meetings and/or NCDD Secretariat Meetings

Recommendation 4:	
<p>Provision of financial resources in the form of unconditional and/or conditional transfer to local administration (Sangkat and Municipality) to tackle with issues related to urban environment and public order arrangement. This could be resources to build new parks and parks along city' streets as well as to conduct public awareness campaign and integrate such program in schools and community events.</p>	<p>The Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans (2008): Article 242 Sub-national councils shall have appropriate financial resources in order to:</p> <ul style="list-style-type: none"> - Administer and perform its obligatory functions; - Administer and perform permissive functions that it chooses to implement; - Fulfil its legal duties; - Cover its administrative costs; and - Perform its functions and duties in order to promote democratic development within its jurisdiction. <p>The Law on Commune/Sangkat Administrative Management (2001): Article 73: Communes/Sangkats must have its own financial resources, budgets and assets. Article 74: Communes/Sangkats shall have the right to collect direct revenues from fiscal taxes, non-fiscal taxes and other service</p>



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	charges. The above taxes shall include land taxes, taxes imposed on immovable properties, and rental taxes. In case that the Ministry of Finance and Economy collects the revenue of Commune/Sangkat, this collection shall be conducted in the name of commune/Sangkat. Categories, degrees and manners in which the above fiscal taxes, non-fiscal taxes and service charges are collected shall be established by a separate law.
Requested Amendment:	There is no amendment required, but the above provisions need to be clarified, defined and implemented.
Addressee:	The National Committee for Sub-National Democratic Development (NCDD)
Submitted by:	The National League of Communes/Sangkat (NLC/S)
How to Advocate:	Written policy recommendations submitted and discussed at NCDD Sub-Committee's Meetings and/or NCDD Secretariat Meetings

Recommendation 5:	
Scaling up of pilot programs on Integrated Waste Management Programme (Waste Collection, Waste Segregation, reuse and recycle of wastes) in other urban Sangkat and Municipalities	On 10 May 2012, the Prime Minister signed a Sub-Decree (No.68 <small>អនក្រឹត្យ</small>) on transfer process for resources and functions to sub-national administrations. The Sub-Decree calls for all concerned ministries and agencies to appropriate review and transfer in the forms of permanent assignment and delegation of functions and corresponding resources to appropriate sub-national administrations.
Requested Amendment:	There is no amendment required. However and based on experiences, Cambodia's central ministries and agencies need evidence-based examples to build their confidence before agreeing on functional and resource transfers to sub-national administrations. Therefore, it is important that NCDD Secretariat encourages and expands this similar project/initiative implementation to expedite the functional and resource transfer process.
Addressee:	The National Committee for Sub-National Democratic Development (NCDD)
Submitted by:	The National League of Communes/Sangkat (NLC/S)



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How to Advocate:	Written policy recommendations submitted and discussed at NCDD Sub-Committee's Meetings and/or NCDDD Secretariat Meetings
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Advocacy Methods

Advocacy could take many forms. First, NLC/S will advocate the above issues with policy makers, the National Committee for Sub-National Democratic Development (NCDD) and central ministries. At this stage, it is critical that the NLC/S participates fully in the various meetings and workshops within Government in which decisions are made on the decentralisation of powers and resources. Key and important audience in this regard is the bi-monthly meeting of the Secretariat of NCDD where NLC/S is always invited.

At the same time, the NLC/S should be preparing policy papers to support its positions and using the media to support the objectives of decentralisation. It should be consulting donors and civil society to learn from their experience and to seek their support.

Second, there is also an internal audience, NLC/S members. The NLC/S must provoke debate among Communes/Sangkats, Provincial and District Association Councils to help them understand the responsibilities they take on when powers and resources are decentralised. The NLC/S must be able to articulate their views. Communes/Sangkats must start preparing themselves for these responsibilities.

The NLC/S will need to use all means to reach out to Communes/Sangkats as well as to Provincial and District Councils. It should develop its own communications activities and organise meetings and workshops.

Third and in particular, the NLC/S will work with the Senate and National Assembly to harness their support to influent central ministries on functional and resource assignments. NLC/S has worked and will continue to co-host forums and dialogues with the Senate to debate with central ministries and concerned agencies on deepening decentralization reform, especially on fiscal decentralization and transferring of human and financial resources to sub-national administrations.

Conclusion

The 'Partnership for Democratic Local Governance in Southeast-Asia' project (DELGOSEA) will support any national effort towards the implementation of the above mentioned policy-recommendations.

DELGOSEA Cambodia provides the policy-makers with holistic support in order to pursue the implementation of these policies. The national network of stakeholders consisting of key officials of the NCDD Secretariat, Ministry of Interior, Ministry of



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Economy and Finance, Academic Institutes such as the Cambodia Development Resource Institute (CDRI) and the Royal university of Phnom Penh (RUPP), International and National NGOs/Agencies including KAS Cambodia, Pact Cambodia, Youth Star Cambodia, EU Delegation Cambodia, UNDP Cambodia (through the EU-UNDP Project called DDLG), and some media groups have been involved and supportive to the DELGOSEA's works. Most importantly, the experiences made in the best practice cities and pilot cities form a coherent and comprehensive basis for policy-makers to tap. DELGOSEA Cambodia offers assistance through gathering and sharing knowledge within the country and abroad by promoting national dialogues amongst concerned stakeholders as well as with policy-makers on decentralization and deconcentration reform such as the NCDD Secretariat and the Ministry of Interior.

The DELGOSEA network, which consists of 32 partner cities and 11 Local Government Associations (LGAs) in five countries, will contribute to the implementation of the recommendations by providing the empirical and academic knowledge gathered through analysis and project implementation. All DELGOSEA publications are available to policy-makers in order to share already acquired knowledge and experiences. Furthermore, DELGOSEA provides the policy-makers with a vast network of experts - our strategic partners - who have been involved in one or more instances of the project's life cycle.

On the transnational level, DELGOSEA is establishing ties with ASEAN in order to alleviate the policy-recommendations to the whole Southeast-Asian community. The support of ASEAN then shall be used to support and guide national initiatives in implementing the policy-recommendations.

Following DELGOSEA's policy recommendations will contribute to the improvement of living conditions of disadvantaged groups in the Kingdom of Cambodia by increasing their participation in local planning and decision-making.



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