

Briefing note

Senate, Region 5

Enhancing Local Development in Kep and Kampot

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I. Introduction

This briefing note provides preliminary information as input for Senate Region 5, with a view to planning a field mission to two provinces, Kep and Kampot, at the end of March 2016. It will focus on the capacity and performance of the commune and sangkat in Kep and Kampot. The briefing note will address research questions focusing on the challenges and possible solutions commune and sangkat councils focusing on three main points:

1. Developing, implementing and monitoring the success of their Commune/Sangkat Development plan, focusing on irrigation, road and electricity development.
2. Providing general public services such as civil registration, etc.
3. Implementing the Village Commune/Sangkat Safety Policy for ensuring local social order and security.

II. Functional Roles and Duties of the Commune/Sangkat Councils

Commune Councils have two roles, one in local commune affairs, and the other as a state representative agent following the assignment or delegation of power from the state authority to them.¹

In terms of local commune affairs, Commune/Sangkat (CS) Councils have the duty to promote and support good governance by: managing and using the existing resources in a sustainable manner, in order to meet the basic needs of the commune; serving the common interests of the citizens; and by respecting national interests in conformity with the State's general policy.² In its role of serving local affairs, CS administration shall maintain security and public order, manage necessary public services and ensure that these services work well, encourage contentment and well-being of the citizens, promote social and economic development and upgrade the living standards of the citizens, protect and preserve the environment and natural resources, reconcile people's concepts for the sake of mutual understanding and tolerance, and perform general affairs to respond to people's needs.³

With regard to its role as a state representative, the CS Councils shall act in compliance with laws, Royal decrees, sub-decrees, Prakas/proclamations and other legal instruments. In this case, the State Authority may delegate powers to CS Councils together with capacity building measures and materials, and budget for the purpose of undertaking projects and improving work performance. The above delegation of power shall be applied to the CS Councils as a whole.⁴

III. Commune/Sangkat Resource Allocation

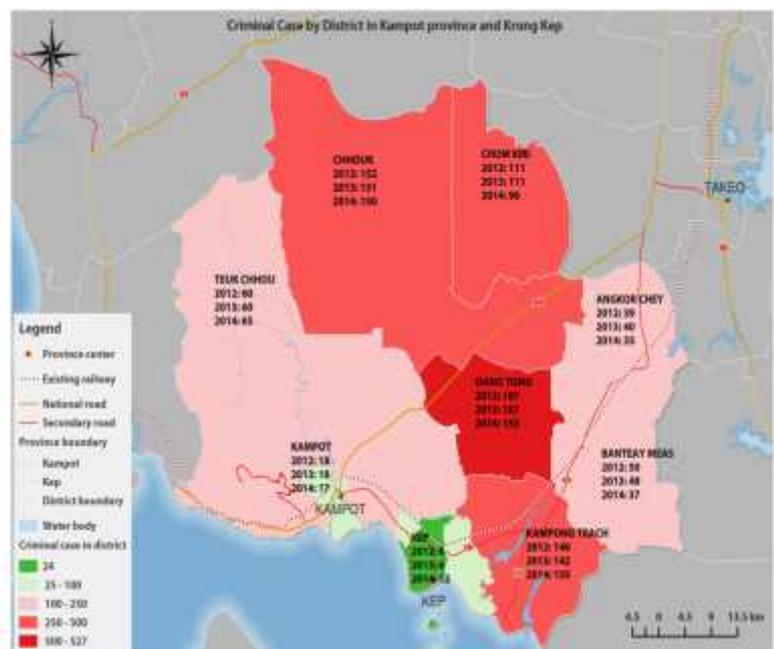
So that the CS Councils can perform their tasks under the decentralization policy, the allocation of the resources, both budget and human resources is critical. In order to support the performance of CS Councils, the CS Fund has been established as an intergovernmental transfer for local development in all CS's jurisdictions.⁵ The CS fund is made up of development and administrative components. The annual budget for CS has been increased from 113,340.00 million riels to 308,410 million riels (2009-2016); therefore, each CS receives approximately 167 million riels annually on average.⁶ Nevertheless, the report of COMFREL states that the Commune/Sangkat fund is still

not enough to respond to local demand. This means that the Commune Councils might need external funds which can lead to issues of accountability.⁷

Another factor that affects the performance of the Commune/Sangkat is human resources. Between 2007-2011, there were 7,986 civil servants integrated to work on tasks of the Commune/Sangkat Councils.⁸ However, one of the most important challenges facing the Commune/Sangkat regarding human resources is the low educational background which restricts the commune councilors from performing effectively. According to interview results contained in a report from COMFREL, 55% of the interviewees (Commune Councilors) had education of between 1 to 6 years.⁹ With such levels of education, and with the support of only one Clerk as a permanent official employed by the Ministry of Interior, there is a need for specific training and capacity building programs for CS councilors to undertake their duties effectively.¹⁰

IV. Performance of Commune/Sangkat Councils in Kampot and Kep Provinces

Kampot province is composed of 8 districts, 92 communes, and 482 villages,¹¹ while Kep province is composed of only one district and one Krong, two communes, three sangkats, and 16 villages¹². Districts are the secondary subdivision of the provinces, which are subdivided into communes comprised of villages. All district chiefs are appointed by the Provincial Governor, but the CS chiefs and councilors are selected through elections in which several political parties participate, in order to ensure sustainable local social and economic development.¹³ The CS Councils have achieved a number of goals for their constituents. These are discussed in the sections below.



1. Maintaining public order and security: The chief of the Commune/Sangkat also plays the role of chief of the administrative coalition commissariat, and implements the policy on Village and CS Safety, in order to ensure local security for their territory. Moreover, CS Councils are key players in dispute resolution on local issues, including domestic violence, and boundary¹⁴ and land conflicts, by using mediation strategies to resolve conflicts¹⁵.

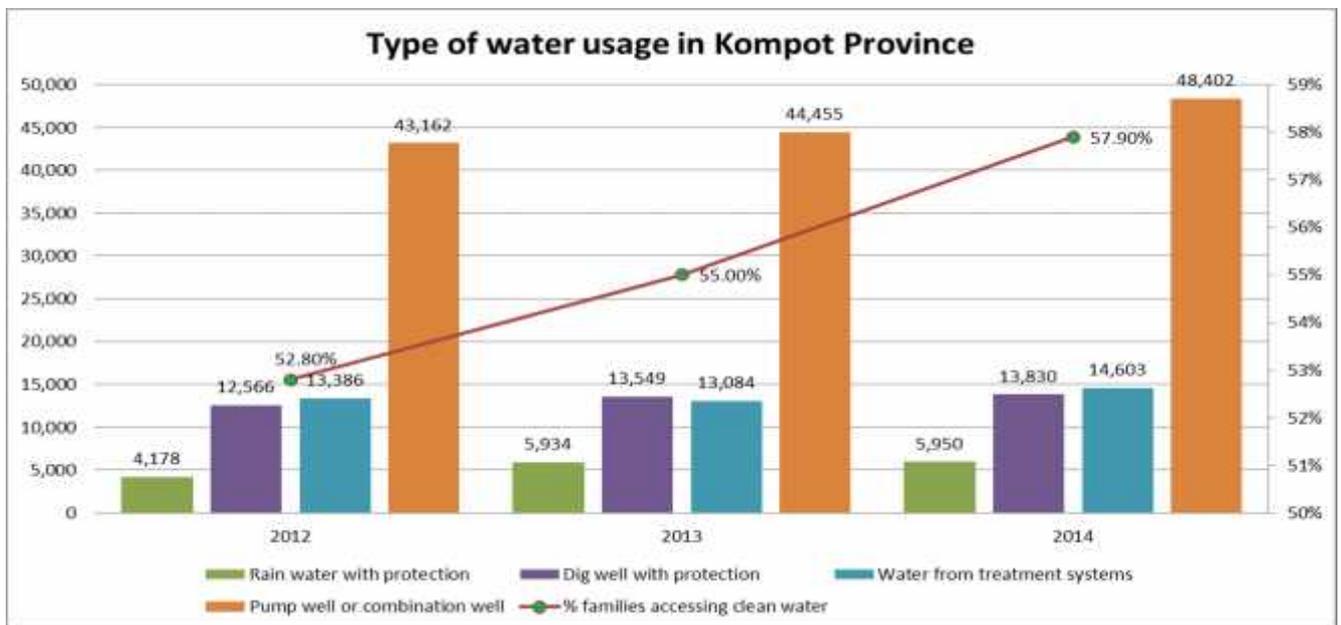
The CS Councils in these two provinces are active in ensuring public order and security in their territory of governance. This has resulted in a decreasing number of criminal cases (murders, robberies, kidnapping, theft, and other criminal cases), from 757 cases to 636 cases in Kampot province (from 2012 to 2014). However, Kep experienced a reversed trend in criminal cases with an upward trend, from one case to 18 cases (also from 2012 to 2014). These statistics show that

the Commune/Sangkat has been committed to implementing the Village/Commune Safety Policy to control crime and violence. See the map above. The changes in the number of criminal cases in the two provinces also tend to show better cooperation between the CS councilors and the police post. It is also important to note that controlling criminal activities fall within the authority of the police post.

2. Promoting the local infrastructure in the local development plan: According to the National Strategic Development 2014-2018, the government plans to develop the infrastructure in rural areas, especially roads, electricity and access to drinking water. The plan indicates that by 2018, 2,330-kilometer rural roads will be completed, and regarding electricity, the government also plans to generate 7,516 million kilowatts of electricity by the end of 2016, and expand to 9,019 and 10,823 million kilowatts by 2017 and 2018, respectively.¹⁶ Furthermore, in the current year (2016), 53% of the rural population will be able to have access to drinking water, with the percentage being increased to 60% by 2018.

Additionally, the data also shows that the number of families accessing clean water has been increasing significantly in Kep and Kampot, due to the local development plan for improving health and quality of life, as well as the enhanced access to improved sanitation and hygiene practices. See the figure 1 below:

Figure 1: Type of Water Usage in Kampot and Kep Provinces in 1000 families



Source: CDB

As each Commune/Sangkat has its own project(s) in its communities in order to promote local development through the CS fund,¹⁷ these two province CCs are also implementing rural development project investment to ensure local development, including the reconstruction of rural transportation, improving their local irrigation system and rural domestic water supplies, and access to clean water moves forward. These projects are often reflected in the Commune Development Plan (CDP) and/or Commune Investment Plan (CIP). No official data for the two

provinces is made available for analysis. However, the CSs projects across the country are approximately 1,800, among which, over 80% are for rural roads, 7.3% for irrigation, and 5% for urban transport and others (Table 2).¹⁸ In addition, the CS councils have played an important role in facilitating the delivery of such public services, through the implementation and monitoring of their CDP/CIP, which are enforced by a bidding process and/or under that technical support from technical line departments and/or ministries.¹⁹

Although the development of the infrastructure in these two provinces has been improving, challenges facing the Commune/Sangkats still remain. For example, the financing for irrigation system maintenance, repair and construction increased too slowly to respond to the actual needs.²⁰ Furthermore, for electricity distribution, the expansion of the distribution line to the rural area is still limited, and the electricity production from hydropower plant is available only in the rainy season, while in other seasons, the production is reduced to 25%.²¹

Regarding transparency, the Sub-Decree on the Commune/Sangkat Financial Management System prescribes that an infrastructure or investment project implemented by CS must be put out to public tender²² In order to increase the power of the CS and insure that services and public works are carried out in the most transparent and accountable way, without having to rely on other levels of government to provide these services a bidding process has been established.²³ Generally, there are six steps in the bidding process, namely:

1. Advertise for two weeks that there will be a Bidding Meeting in the Commune Council.
2. Bidding Meeting will include the following activities:
 - Bid Orientation meeting;
 - Bid Submission at least 30 minutes after the bid orientation is completed;
 - Bid Opening;
 - Bid Evaluation (by Procurement Committee in absence of bidders).
3. Announce the result in the presence of bidders.
4. Technical Support officer reports to the Provincial Governor that the bidding process has followed the guidelines. If not, the Governor can cancel the result.
5. Agree on the work plan.
6. Signing of the Contract seven days after the bid evaluation result is announced.²⁴

Table 2: Types of Projects Invested by CS 2009-2015

Type of Projects	Frequency	Percent
Rural Transport	23,366	82.69
Irrigation	2,060	7.29
Urban transport	1,450	5.13
Agriculture	449	1.59
Rural Domestic Water Supplies	290	1.03
Urban Drainage and Flood Protection	143	0.51
Education	101	0.36
Rural Drainage and Flood Protection	94	0.33
Community Fisheries	85	0.3
Community Forestry	78	0.28
Environmental Management	49	0.17
Domestic Sanitation	30	0.11
Tourism Development	30	0.11
Electricity	9	0.03
Waste Disposal	5	0.02
Community Water Resource management	4	0.01
Health	4	0.01
Market Infrastructure	4	0.01
Social Interventions	3	0.01
Urban Domestic Water Supplies	3	0.01

Source: PID/NCDD

3. Providing general public services: According to the strategic plan, the government is focusing on improving public services in rural areas by strengthening the quality and delivery of public services and improving the management of human resources. To enhance the quality and delivery of public services in rural areas, the use of ICT to improve public services will be promoted.²⁵ However, the only data accessible identifying the performance of the Commune/Sangkat in the provision of general public service is the civil registration service. The CS Councils are active in informing and encouraging the people to access civil registration services, including civil registration, ID card, family and residency book, which are the responsibility of the police. Their performance in issuing birth certificates and other documents, as well as the recognition of the validity of a marriage, is well recognized by the citizens.

In 2012, most of the Communes/Sangkats began to pay more attention to social service delivery by allocating their CS fund with a view to supporting processes such as birth certificate registration, compared to 2011 (where most of the CS Fund was spent on the infrastructure).²⁶ As well, the rates of birth registration in Kampot and Kep have been increasing since 2012. The percentage of children registered for their birth certificate (30 days after birth) has increased from 65.5 % to 77.7% in Kampot²⁷, and from 67.3% to 86.7% in Kep province²⁸ (2012-2014). However, challenges of providing general public services in the Commune/Sangkat still remain. For instance, parents find that the birth registration process is complex, especially in the case of

late registration. Moreover, data management is still not of the highest quality because the paper-based data and manual monitoring system results in poor information quality or irregular information flow.²⁹ Although the government is planning to make use of ICT as stated above, the limited capacity of government officials to be able to use advanced technology is an obstacle to be overcome.³⁰

In addition to the challenges of providing public services, the CSs are also struggling with other issues, such as migration, in their communities. In these two provinces, people tend to migrate to other countries or other provinces to find a good job opportunity. As a result, in Kampot the percentage of people aged 18 years and above who migrate to another place within the country to find jobs increased significantly, from 8.5% in 2012 to 10.9% in 2014. The percentage of people aged 18 years and above who migrate to other countries increased from 3.5% to 5% during the same period.³¹ In Kep province, the percentage of migrants within the country increased from 6.7% to 9.9%, and the percentage of migrants out of the country increased from 1.8% to 2.5% between 2012 and 2014.³²

V. Conclusion

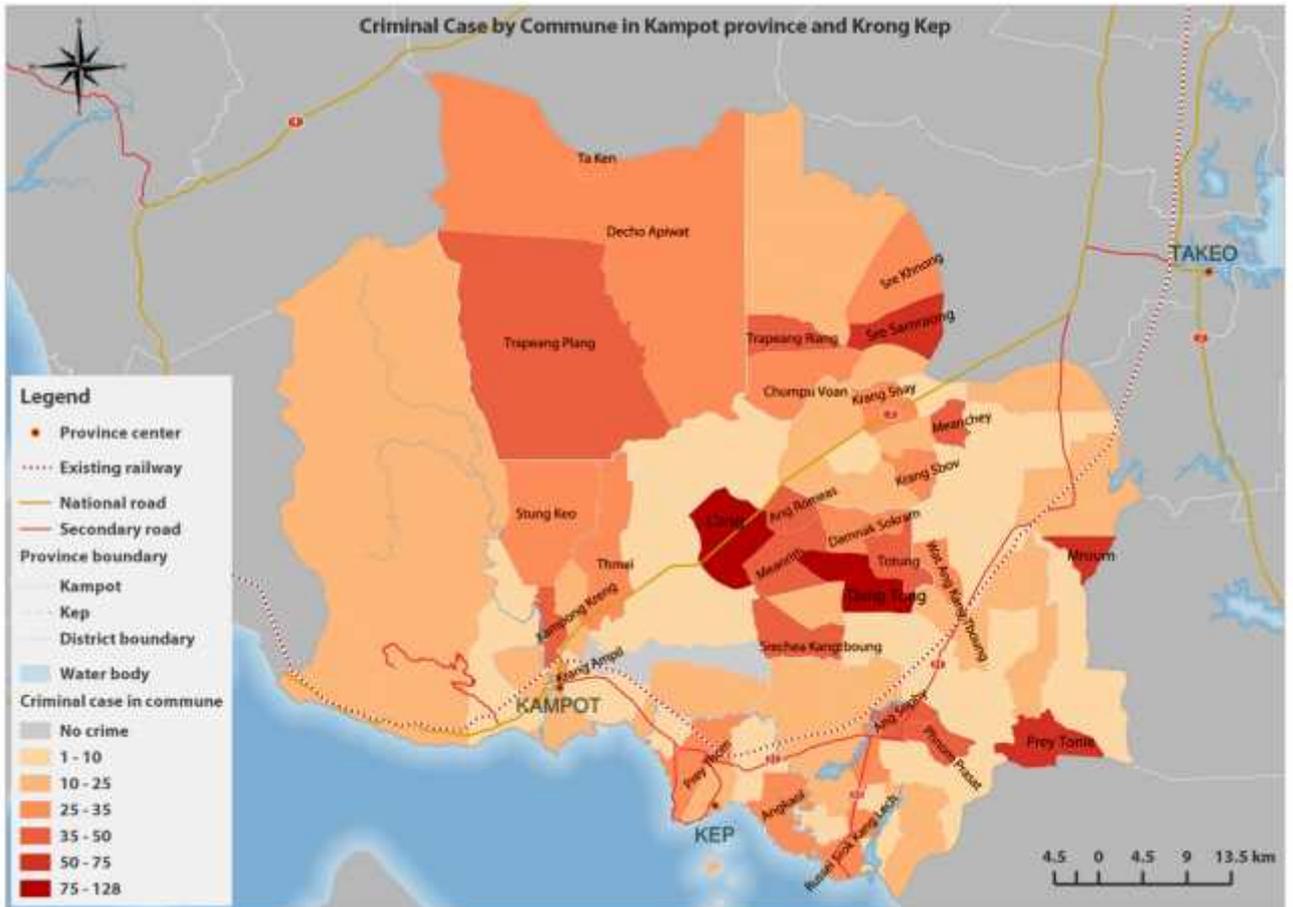
The performance of Communes and Sangkats in Kep and Kampot, tends to be improving. While budget allocation and human resource management are still limited, CS Councils are perceived as the government agencies that have a broad mandate to ensure sustainable local socio-economic development in both provinces. They have played active roles in facilitating the quality of basic public service delivery to their constituents. In the D&D context of implementation, the CS Councils have used village/commune safety policy for strengthening positive collaboration and cooperation with the police post, in order to ensure social order and security in their area of governance. However, the success of implementation of their local development plan (CDP/CIP) largely depends on the timely support they get from the technical-line departments and ministries, as well as on the amount of budget they get in the process of budget disbursement. Besides birth registration, issuance of marriage licenses and other local administrative documents, the achievement of public service delivery at the commune and/or Sangkat is often aligned with the development priorities of the government and/or sub-national government. In this vein, CS Councils in both provinces become facilitators of change in local development within their locality.

Annex 1: Commune and Sangkat Fund in Million Riels

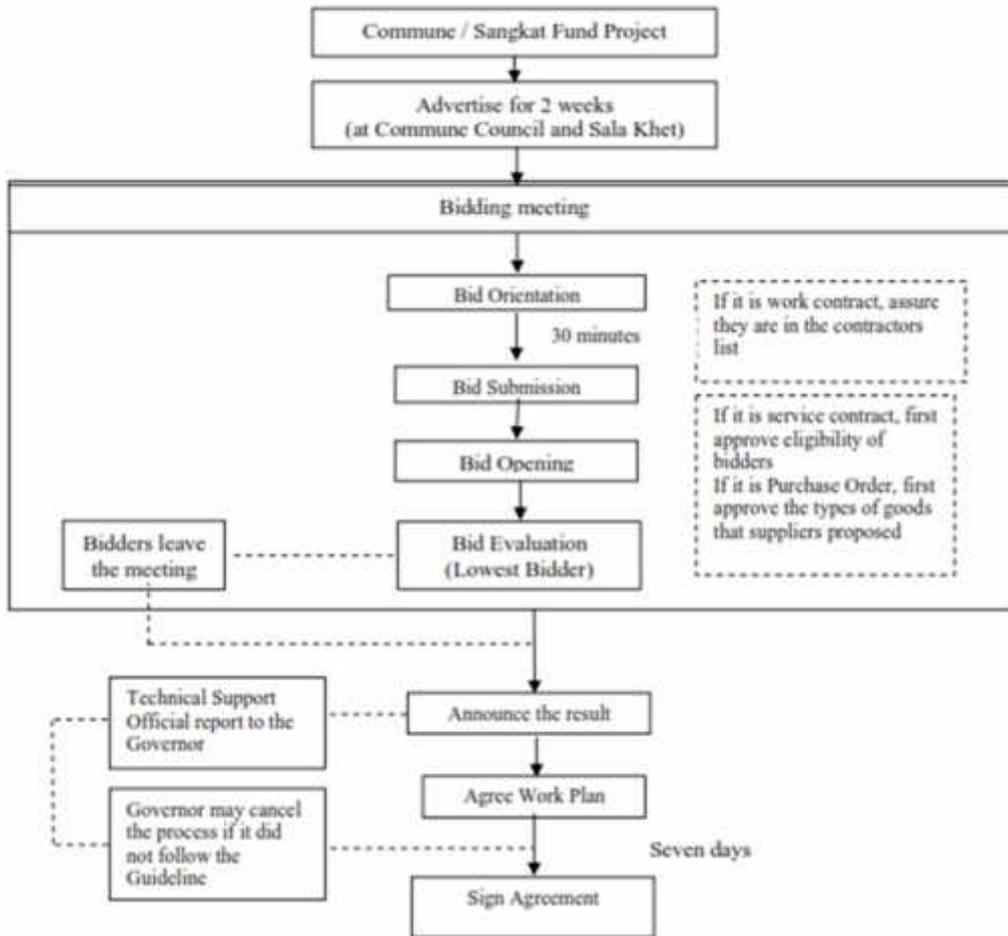
Year	Admin	Development	Total	Ratio to National Current Revenue
2009	34,324.10	79,015.90	113,340.00	2.75%
2010	38,648.74	110,000.26	148,649.00	2.80%
2011	52,602.00	106,798.00	159,400.00	2.80%
2012	52,737.00	129,253.00	181,990.00	2.80%
2013	54,107.00	150,311.00	204,418.00	2.80%
2014	105,230.00	132,036.00	237,266.00	2.80%
2015	139,795.00	132,159.00	271,954.00	2.80%
2016	185,119.24	123,290.76	308,410.00	2.80%
TOTAL	825,840.80	1,266,182.64	2,092,023.44	

Source: Ministry of Economy and Finance

Annex 2: Criminal Case by Commune in Kampot and Kep province



Annex 3: Bidding Process



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- ² Ibid.
- ³ Ibid. Article 43.
- ⁴ Ibid. Article 44.
- ⁵ According to the law on commune/sangkat administrative management 2001, the budgets of the commune and sangkat come from two main sources: the budget from the annual state budget; and their own financial resources from fiscal and non-fiscal taxes, other service charges, etc. (Articles 74 and 78).
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