



*(Unofficial Translation)*

**Kingdom of Cambodia  
Nation Religion King**

**Royal Government of Cambodia  
No. 219 OrNkr.BK**

**SUB-DECREE**

**On**

**The Development Plan and Three-Year Rolling Investment Program of the Capital,  
Provinces, Municipalities, Districts and Khans**

**The Royal Government of Cambodia**

- 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 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. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. SN/RKM/0196/11 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Planning;
- 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/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

**DECIDES**

**Chapter 1  
General Provisions**

**Article 1:**

The purpose of this sub-decree is to define the principles, mechanisms and procedures for consultation in the formulation, management and implementation of the development plan and three years rolling investment program of sub-national administrations as required by Article 38 and 39 of the Law on

Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

**Article 2:**

Sub-national administrations in this sub-decree refer to Capital, province municipality, district and Khan.

**Article 3:**

This sub-decree does not apply to the development planning of communes and Sangkats except for activities relating to the participation of commune/Sangkat councils in municipality, district and Khan planning.

The development plan and investment program of the Khans and Sangkats shall be included into the development plan and investment program of the Phnom Penh Capital.

The development plan and investment program of the Sangkats in the municipality shall be included into the development plan and investment program of the municipality.

**Article 4:**

The development plan of the sub-national administrations shall be used on a strategic basis for guiding decision making in development and in preparation of a three-year rolling investment program which will be financed through the Medium Term Expenditure Framework and annual budget of the sub-national administrations; and resources and budgets from other sources. The preparation of the Medium Term Expenditure Framework and Annual budget shall apply in accordance with the procedures of the Ministry of Economy and Finance.

## **Chapter 2**

### **Common Principles for the Formulation of Sub-National Development Plan and Three-Year Rolling Investment Program**

**Article 5:**

The formulation of sub-national development plan and three-year rolling investment program shall be conducted in accordance with principles as follows:

- Information sharing ;
- Transparency;
- Consistency and harmonization;
- General consultative participation;
- Responsiveness to the needs;
- Democratic accountability;
- Socio-economic effectiveness and accuracy;
- Ensuring natural resources and environment sustainability; and
- Ensuring equity.

## **Chapter 3**

### **Mechanisms and Duties in the Formulation and Implementation of Development Plan and Three-Year Rolling Investment Program**

**Article 6:**

The council is responsible to:

- Issue general policy guidance for preparation the contents of development plan and preparation the three-year rolling investment program by maintaining consistency with the Medium Term Expenditure Framework and annual budget; and resources and budget from other sources;
- Review and approve the work calendar for preparation of development plan, three-year rolling investment program;
- Review and approve the development plan in the first year of its mandate and three-year rolling investment program in every year;
- Review and approve the amendment of development plan as necessary;
- Validate results, of the monitoring and evaluation on the implementation of the development plan and three-year rolling investment program, reported by board of governors.

**Article 7:**

The technical facilitation committee of the councils is responsible to:

- Coordinate the participation of all stakeholders in the process of development plan and three-year rolling investment program preparation;
- Review and provide comments to council before the council approves the draft development plan and three-year rolling investment program;
- Review and provide comments to council on the progress on implementation of the development plan and the three-year investment program.

**Article 8:**

The board of governors is responsible to:

- Lead preparation of the development plan and three-year rolling investment program annually at their administrative level in accordance with the guidance of council as defined in article 6 above by ensuring the consistency between the contents of development plan and three-year rolling investment program; and principles of the national and higher sub-national administrations in order to respond to the needs of citizens;
- Lead workshops and consultative forums in preparation of the development plan and the three-year rolling investment program;
- Submit the council for review and approve the development plan, three-year rolling investment program;
- Manage and monitor the progress of the implementation of development plan, three-year rolling investment program;
- Report to all ordinary meetings of the Council with necessary recommendations to promote the implementation of the five-year development plan and three-year rolling investment program including the components of the plan that are under the management and oversight of:
  - Joint councils;
  - Other councils;
  - Ministries, institutions or units of the Royal Government; and
  - Other relevant partners.
- Ensure rapid interventions to solve any unforeseen difficulties or issues during the implementation of development plan and three-year rolling investment program.

**Article 9:**

With agreement from the council and support from the technical facilitation committee, the Capital and provincial board of governors shall establish a working group responsible for the formulation of the development plan and investment

program. The working group on the formulation of the development plan and investment program shall be, at least, composed of following members:

- |  |                  |
|--|------------------|
| - Capital/ provincial governor   | Chair            |
| - A Capital/ provincial deputy governor  | Deputy Chair     |
| - Capital/ provincial administration director  | Member           |
| - Director of the Capital/ Provincial<br>Department of Planning                      | Permanent Member |
| - Director of the Capital/ Provincial<br>Department of Economy and Finance           | Member           |
| - Director of the Finance Division of the Capital/<br>Provincial Council             | Member           |
| - Chief or a representative of the Women and Children<br>Consultative Committee      | Member           |
| - Directors or representatives of the Capital/ Provincial<br>Departments and Units   | Member           |
| - Directors or representatives of the Divisions of the<br>Capital Hall and Sala Khet | Member           |

**Article 10:**

With agreement from the council and support from the technical facilitation committee, the municipal, district and Khan board of governors shall establish a working group responsible for the formulation of the development plan and investment program. The working group on the formulation of the development plan and investment program shall be, at least, composed of following members:

- |  |                  |
|--|------------------|
| - Municipal/district/Khan governor   | Chair            |
| - A municipal/district/Khan deputy governor  | Deputy Chair     |
| - Municipal/district/Khan administration director  | Member           |
| - Chief of the Municipal/District/Khan<br>Office of Planning and Statistic                 | Permanent Member |
| - Chief of the Municipal/District/Khan<br>Office of Economy and Finance                    | Member           |
| - Chief of the Administration and Finance Office of<br>Sala Krong, Sala Srok and Sala Khan | Member           |
| - Chief or a representative of the Women and Children<br>Consultative Committee            | Member           |
| - Representative of the Commune/Sangkat Support Unit                                       | Member           |
| - Directors or representatives of the Capital/ Provincial<br>Departments and Units         | Member           |
| - Chiefs or representatives of the Offices of the<br>Sala Krong, Sala Srok and Sala Khan   | Member           |

**Article 11:**

The working group on formulation of the development plan and investment program has the following duties:

- Prepare a work calendar plan for preparation of the development plan and three-year rolling investment program for submitting to the board of governors;
- Assist the board of governors in preparation of workshops and consultative forums in the formulation processes of development plan, three-year rolling investment program; and
- Drafting the development plan and three-year rolling investment program based on results of workshops and consultative forums.

## **Chapter 4**

### **Procedures for the Formulation of the Development Plan and Three-Year Rolling Investment Program**

**Article 12:**

In the first year of the mandate, the council shall prepare a development plan which is valid for five-year period and prepare a first three-year rolling investment program of its administration. The three-year rolling investment program shall be updated annually.

**Article 13:**

In the formulation and implementation of the development plan and three-year rolling investment program, the council shall consult with:

- All citizens within its jurisdiction;
- Other categories of councils within its jurisdiction;
- Relevant ministries, institutions and units of the Royal Government; and
- Other relevant stakeholders.

**Article 14:**

The methodology for consultative meeting on the formulation of the development plan and three-year rolling investment program shall be determined by the council according to their needs.

All decisions of the meeting on formulation of the development plan and three-year rolling investment program are inputs for the council in reviewing and approving the draft of the development plan and three-year rolling investment program.

**Article 15:**

In the meeting on the formulation of the Capital and provincial development plan and three-year rolling investment program shall be participated by the chairpersons of the municipal councils, district councils and Khan councils and chiefs of the municipal, district and Khan women and children committees of within the Capital and province.

**Article 16:**

In the meeting on the formulation of the municipal, district and Khan development plan and three-year rolling investment program shall be participated by the chiefs of the commune and Sangkat councils and commune/Sangkat focal persons responsible for women and children affairs within the municipality, district and Khan.

## **Chapter 5**

### **Approval and Implementation Arrangements of the Development Plan and Three- Year Rolling Investment Program**

**Article 17:**

The development plan and three-year rolling investment program shall be approved by supporting votes of more than half of the total number of councilors.

**Article 18:**

The proposal for amendment of the development plan and three-year rolling investment program shall be approved by supporting votes of more than half of the total number of councilors.

**Article 19:**

The development plan and three-year rolling investment program which has been approved by the councils of Capital and province shall be maintained: one copy at Capital Hall and Sala Khet, one copy at the Capital/ Provincial Department of Planning and another one copy at the Ministry of Interior and the Ministry of Planning.

**Article 20:**

The development plan and three-year rolling investment program which has been approved by the councils of municipality, district and Khan shall be maintained: one copy at the Capital Hall and Sala Khet, one copy at the Capital / Provincial Department of Planning and another copy at the Sala Krong, Sala Srok and Sala Khan.

**Article 21:**

The council shall publicly and immediately disseminate the development plan and three-year investment program in after its approval in order to inform the public and all stakeholders.

**Article 22:**

The council shall instruct to the board of governors on the implementation arrangements of approved development plan and three-year rolling investment program with transparency, accountability, participation and effectiveness.

**Article 23:**

In case the council is dissolved before its mandate, the new council who takes over the office may accept the whole development plan and three-year rolling investment program of the former council or it may revise the development plan for the remaining period of its mandate.

**Article 24:**

The development plan and the three-year rolling investment program remain valid until a new development plan and three-year rolling investment program are approved by the council during the term of the next mandate.

## **Chapter 6**

### **Monitoring, Evaluation and Reports**

**Article 25**

The council shall arrange for monitoring on the progress of implementation of development plan and three-year rolling investment program; and relevant activities which are implemented by government agencies and non-governmental organizations and private sector within their jurisdiction.

**Article 26:**

At the end of each fiscal year, the board of governors shall submit report annually to the council on the implementation of three-year rolling investment program for review. The report shall include:

- The progress of implementation in previous year.
- Direction for implementation in next year.
- Overall conclusion.

**Article 27:**

The council shall approve and submit the annual report on implementation of three-year rolling investment program to all levels of relevant authorities within 30 (thirty) days after the completion of each fiscal year.

**Article 28:**

The detailed guidelines for preparation and implementation of development plan and three-year rolling investment program as determined this sub-decree shall be defined and may be updated in accordance with the actual requirements by an Inter-Ministerial Prakas of the Ministry of Interior and the Ministry of Planning.

## **Chapter 7 Final Provisions**

**Article 29:**

Any provisions that contradict to this sub-decree shall be abrogated.

**Article 30:**

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Minister of the Ministry of Planning, Chairman of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, Capital council and board of governors, provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, commune councils and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

**Prime Minister**

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

**Copy to:**

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 30
- Royal Affair
- Archives