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Project Title: Rural Investment and Local Governance Project –
Additional Financing

Consultancy: Local Functions for Provision and Management of
Small-Scale Rural Infrastructure

Final Report

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Summary

Background

This study was commissioned by NCDD to map current assignment of functions for rural infrastructure (irrigation and rural roads) and propose reassignment of the functions in accordance with the National Program for Sub-national Democratic Development (NP-SNDD). It was carried out by a consultant over a period of 7 weeks from the end of October to mid-December 2010.

A process for carrying out the mapping and reassignment has not yet been developed and officially approved by NCDD. Mapping is being carried out in several other sectors, including health and education. Given the absence of a finalised official approach to mapping and reassignment, the consultants and representatives of the development partners engaged in these other sectors met to discuss a common approach and tools based on principles from guidance documents. The process used for this study included meetings with government ministries (MRD, MOWRAM and NCDD) and development partners at national level, field trips to Pursat and Takeo for meetings with provincial and district administration and line departments and commune councils, analysis and mapping of functions; a workshop with the stakeholders to present and discuss initial findings, and the preparation of the report of the study.

The limited time available for the study meant that it was not possible to follow a fully participatory process. There may be insufficient understanding of D&D and its process in each of the two ministries concerned to ensure ownership of and commitment to the outputs of the study. In particular, an extended process is needed to develop the reassignment of functions based on principles of reassignment agreed by the respective stakeholders. Therefore the functions as reassigned in the study should be treated with caution and as suggestions only.

Infrastructure and its arrangements

The term “rural infrastructure sector” may be misleading, as each type of infrastructure is actually part of a sector related to the use of the infrastructure. For roads, this sector is rural transport. Within the transport sector, roads can be clearly defined as a sub-sector. The scope of the rural roads sub-sector should cover:

- Provision of infrastructure (planning, design, construction)
- Operation and maintenance of the roads
- Traffic management where this is related to the wear and tear of the roads

Irrigation is part of two sectors: agriculture and water resources management. Water is a primary input to agriculture so irrigation fits in an overlap of the two sectors. The scope of the irrigation sub-sector should cover:

- water resource management and allocation
- construction and maintenance of irrigation canals and associated structures
- the management, allocation and use of water within the irrigation system

The report describes the organisational arrangements of the two ministries concerned – MOWRAM for irrigation and water management; and MRD for rural roads. It also identifies the relevant legislation for the two sub-sectors.

Maps and findings on current assignment

Two maps of each subsector have been prepared – one of the mandated functions as defined in legislation, the other of the actual practice based on interviews with stakeholders and other information. Use of the term “function” is problematic in the mapping exercise. This is partly due to the wide-ranging definition of the word in the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans (2008) (the

“Organic” Law) and the guidance on functional mapping. The terms generally used in legislation and the mandates of ministries are “roles” or “responsibilities”, and these are commonly understood by the staff working in government organisations. Therefore the terms used in this study for mapping of existing functions by mandate are “area of responsibility” and “specific responsibility”. For the actual roles carried out in practice, the terms used are “area of responsibility” and “activity”. The latter is considered more appropriate in that it reflects what people are actually doing.

For the mapping, and reassignment, responsibilities have been put into a typology of four broad categories:

- Policy and regulation
 - Policy making
 - Regulation setting
 - Standard setting
- Strategic planning and management
 - Information management
 - Strategic planning
 - Strategic management
 - Research and innovation
- Provision of infrastructure
 - Project planning
 - Project finance
 - Water management and allocation
 - Project implementation
 - Project monitoring
- Operation and Maintenance
 - Operation
 - Maintenance
 - Management of assets

From the mapping and the field work, the following gaps and challenges have been identified:

- There do not appear to be any major gaps in the mandated and legislated responsibilities for irrigation. There are no specific responsibilities for setting regulations and standards, but these can be considered as part of the general mandate for MOWRAM.
- The main gap in the mandated and legislated responsibilities for rural roads concerns strategic management. The requirement for information in the form of a road inventory is covered, but the management of the existing road network and development of the network based on local needs and economic and social planning does not appear to be in the legislation.
- The major gap in practice for both irrigation and rural roads is in maintenance of the infrastructure. There is, no accountability mechanism to ensure that the infrastructure is actually maintained and the investment protected.
- There is no provision for independent checking of the engineering design of roads and irrigation. Combined with weaknesses in the supervision of construction, this leads to a number of risks and impacts from poor design and construction. The most serious risk and impact is flooding. Both roads and canals are, in effect, barriers or dams to the natural flow of water in the very flat landscape in much of Cambodia. Independent checking of engineering designs should be made a standard part of the technical approval process.
- In most cases the standard designs in the CSF PIM are suitable for the projects undertaken with C/S funding. In some cases, however, standard solutions are not appropriate. The issue is about how technicians and engineers recognise that an

engineering problem is beyond their competence and experience to solve. There is no system for referring such problems to authorities with the required competence (and finance) to address the problem.

- The general approach of line ministries, provincial administration and commune councils has been to develop and implement projects. Projects and programmes are essentially time-limited activities. As a result, insufficient attention is given to the long-term maintenance of the infrastructure and the service that is provided through the use of the infrastructure. This “project focused mentality” is combined with a lack of accountability for the infrastructure. It appears that no one is held accountable for the considerable investment that has been made over the years. If infrastructure fails due to poor design and/or construction and/or lack of maintenance, it is just written off and rehabilitated under a new project. There is no requirement in the legislation to account for the physical status of previous investment, and no effective sanctions to penalise failure to protect such investment.

A map of resources has also been prepared. Available resources are very limited, especially at district level. All capital investment comes from donors, with government expenditure covering staff costs and some recurrent expenditure. It was not possible in the time available for this study to ascertain whether the RGC is committing sufficient budget for the recurrent costs of operation and maintenance to sustain this investment.

Reassignment

The suggested reassignment is based on principles given in the NP-SNDD, the definition of appropriate reassignment given in ToR for the study, and the guidance from Flam (2008). One of the main points from the principles and guidance is to stay at a broad level and not go into detailed tasks. Therefore the suggested reassignment for rural roads and irrigation does not go into detailed tasks. This may not meet the expectations raised by interviewees during the field works, the discussions at the workshop on initial findings and other contributions from stakeholders. For C/S funded projects the detailed tasks should be addressed in a revision of the PIM.

Reassignment is also proposed in the strategies produced by the two ministries concerned. In particular, MOWRAM's Strategy for Agriculture and Water makes proposals for provincial and district level. Both strategies imply deconcentration within the line ministry's structure. The main change suggested by this study for irrigation is that the development and support of farmer water user communities (FWUC), currently undertaken from national level, should be transferred to the district level. This would make the support service much closer to the FWUCs and therefore more accessible and responsive. The District would also be responsible for ensuring that the irrigation assets are properly managed and maintained by FWUCs.

The main change suggested for rural roads is the introduction of a strategic planning of the road network at district level. It is intended that this planning would be based on method called Integrated Rural Accessibility Planning (IRAP) to produce a District Infrastructure Development Plan. The method was developed by ILO and has been adopted since 1999 by several projects in Cambodia. Based on this, the road network within a district can be planned more effectively with more coordination between district administration and commune councils.

These suggestions for reassignment are intended as a starting point for further discussion. It is proposed that a consultative and participatory process is conducted with all stakeholders in the service sectors which have an interest in rural infrastructure.

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Glossary and definitions

A **sector** is a subject matter that encompasses related services. A sector may or may not correspond to the mandate of a ministry. As examples, sectors include: agriculture; health; education; natural resources and the environment; public safety and security; industry and economic development; finances; tourism; transportation and communication; and welfare services. (Flam, 2008)

A **sub-sector** is a broad category of services within a sector. For example, the education sector includes the sub-sectors of primary, secondary and tertiary education, as well as sub-sectors such as non-formal education and pre-school. (Flam, 2008)

A **service area** is a more detailed category of services within a sector. The sub-sector of 'services for vulnerable groups', for instance, includes the service areas of: services for orphans; services for refugees; services for migrants; services for the elderly; and service for disabled persons. (Flam, 2008)

A **service** is an activity that serves the public interest and responds to a public need. (Flam, 2008)

Reach Kram Law

Anukret: Sub-decree (issued by the Prime Minister)

Prakas: Government regulation (issued by a Minister)

Acronyms and abbreviations

| | |
|---------|--|
| ANK | Anukret |
| C/S | Commune/Sangkat |
| CSF | Commune Sangkat Fund |
| D&D | deconcentration and decentralisation |
| DORD | District Office of Rural Development |
| EU | European Union |
| FWUC | Farmer Water User Community |
| GTZ | Deutsche Gesellschaft für Technische Zusammenarbeit |
| ha | hectare (measure of area – 100 x 100 m) |
| IC | Instructional Circular |
| IDE | International Development Enterprise |
| ILO | International Labour Organisation |
| IP3 | Three year Implementation Plan the first 3 years of the NP-SNDD |
| IRAP | Integrated Rural Accessibility Planning |
| IWRM | Integrated Water Resources Management |
| MAFF | Ministry of Agriculture, Forestry and Fisheries |
| MLMUPC | Ministry of Land Management, Urban Planning and Construction |
| MPWT | Ministry of Public Works and Transport |
| Mol | Ministry of Interior |
| MOWRAM | Ministry of Water Resources & Meteorology |
| MRD | Ministry of Rural Development |
| NCDD | National Committee for Sub-national Democratic Development |
| NCSC | National Committee to Support the Communes |
| NP-SNDD | National Program for Sub-national Democratic Development |
| PIM | Project Implementation Manual |
| PDRD | Provincial Department of Rural Development |
| PDWRAM | Provincial Department of Water Resources & Meteorology |
| RGC | Royal Government of Cambodia |
| RKM | Reach Kram |
| SAW | Strategy for Agriculture and Water (2010-2013) |
| SPACE | Programme for Strengthening Performance, Accountability and Civic Engagement |
| ToR | Terms of Reference |

TSO
TWGAW

Technical Support Officer
Technical Working Group on Agriculture and Water

1. Introduction and background

Commune / Sangkat Councils were elected for the first time in Cambodia in 2002 and elections for the second mandate of these councils took place in 2007. This initiative in democratic local governance has resulted in some notable successes in improving the relationship of trust between citizens and local authorities, in formulation of local development plans reflecting the needs and priorities of citizens, in implementation of small-scale local development projects and in provision of a limited range of formal and informal services. The Law on Administration and Management of Communes and Sangkats (LAMC, 2002) assigns the councils general responsibilities for local development. Almost the entire formal revenues of the C/S Councils are funded by the Commune/Sangkat Fund, a fiscal transfer from the national budget, which is divided into a component for administration and a component for development. In principle, the development component of the C/S Fund may be applied to a broad range of development interventions, such as:

- The survey, design and construction, small-scale infrastructure such as roads, bridges, markets, educational and health care facilities, community centers, small irrigation structures, agricultural storage facilities, water and power supply
- Costs of maintenance, minor repairs, and operation of local infrastructure and the delivery of related services
- Costs of the preparation and updating of the commune/Sangkat development and investment plan and related costs such as collection of socio-economic data, popular consultations, reproduction and dissemination of the plan document
- Costs relating to supporting community development programs managed by local NGOs and community-based organizations, such as local education and information campaigns for women and youth, environmental protection and natural resources management and other programs affecting the welfare of local population

In practice the single most important category of expenditures is for capital investments in small-scale local infrastructure, principally roads (around 70%), small-scale irrigation (around 20%), rural water supplies and community buildings. Only very minor amounts are spent on operation and maintenance costs. Various line agencies, program or project units and non-State agencies support investments of similar type, scale and quality as the C/S Fund investments. In some cases (including Provincial Investment Funds and District Initiative Funds supported through NCDD), funding may come from donors who also co-finance the C/S Fund.

The lack of clear assigned roles and responsibilities has a number of undesirable consequences, including:

- Short-term, project-focused approach with little strategic planning;
- Inadequate provision for operation and maintenance of project outputs;
- Commune Councils attempting projects which are beyond their capacity to implement, or to operate and maintain;
- Conflicts between Commune and sector planning so that, on occasion, newly completed commune projects, particularly roads and cross-drainage structures, are demolished to make way for higher standard rehabilitation works funded through sector programs or other outside sources

In May 2008, Capital, Province, Municipality, District and Khan Councils were elected for the first time in Cambodia. Under the Law on the Administrative Management of Capital,

Provinces, Districts, Municipalities and Khans (2008) (the “Organic” Law) mandating the creation of Provincial and District level councils, these councils are responsible for formulating five-year strategic development plans and three-year rolling investment programs at their respective levels.

The 10-year National Program for Sustainable National Democratic Development (NP-SNDD), approved by the Council of Ministers on 28 May 2010, envisages a gradual approach to transfer of functions, with systems institutionalized in the first “platform” of the program during 2010-2012 and the major transfers of responsibilities taking place in “platform 2” during 2013-2015. However, the Government of Cambodia with Development Partners still have to come to conclusions with regard to scope and speed of decentralization over the years to come, including the modalities for assigning specific functions to the District level.

GTZ and UNICEF are leading a donor effort to support NCDD in preparing for transfer of functions. A mission report produced by these agencies in September 2009 confirms the need for an incremental approach but recommends that an “immediate package of functions” should be transferred to facilitate learning by doing in the newly established administrations (UN-GTZ, 2009). In addition, a discussion paper prepared by GTZ in 2008 provides a useful background, rationale for decentralization, and an introduction and considerations for a functional review process (Flam, 2008).

NCDD commissioned this consultant to study functional assignment in rural infrastructure, specifically for rural roads and small-scale irrigation. The main purpose of the study is to identify existing assignment of functions both by legislation and in actual practice, and to propose future reassignment. The study was carried out over a period of 7 weeks, from end of October to mid-December 2010.

2. Process and methodology of the Study

A process for carrying out the mapping and reassignment has not yet been developed and officially approved. Mapping is being carried out in several other sectors, including health and education. Given the absence of a finalised official approach to mapping and reassignment, the consultants and representatives of the development partners engaged in these other sectors met to discuss a common approach and tools based on principles from guidance documents. An ADB project, “Developing an Institutional Framework for Decentralization Reforms”, is currently preparing guidelines that are intended to become the official process.

The methodology followed included:

- Meetings with NCDD and its advisors for briefing on the D&D process
- Meetings with MOWRAM and MRD for discussion on functions
- Meetings with development partners, including UNICEF, GTZ, WB, ADB, and UNCDF for background information on support to D&D
- Meeting with an advisor to League of C/S Councils
- Field trips to Pursat and Takeo, for meetings with provincial administration and line departments, meetings with district administration and commune councils, and meetings with farmer water user communities
- Analysis of mandated and legislated function and actual practice of functions
- Workshop with stakeholders from NCDD, MRD, MOWRAM, MEF, provincial and district administrations and commune councils met during the field visits
- Writing of report of current and suggested assignment of functions

The List of people met is in Appendix 7. The Terms of Reference are in Appendix 6. By agreement with NCDD, two items in the ToR were omitted:

- The ToR required analysis of three types of rural infrastructure: rural roads, rural water supply and small-scale irrigation. Domestic (drinking) rural water supply has already been mapped in an earlier study funded by GTZ (Singh, 2009). Subsequently sub-national functional allocation and reassignment has been addressed in the National Rural Water Supply, Sanitation and Hygiene Strategy(MRD, 2010b) prepared over the past year and which is currently awaiting approval by MRD. In addition, in the past few years commune councils have allocated only a relatively small amount of funding to rural water supply from the C/S Fund. Therefore water supply was excluded from the present study.
- The ToR required the development of a pilot activity for reassignment of functions for rural infrastructure. The pilot activity is a follow-on step after the basic process of mapping and defining allocation. It is going beyond what is planned in other sectors at this time, and there is uncertainty about when the pilot activity could actually be implemented. Therefore this task was omitted.

2.1. Limitations

The limited time available for the study meant that it was not possible to follow a fully participatory process. NCDD informed the two line ministries concerned about the study and asked them to assign an officer to meet the consultant, but this did not allow sufficient time to develop their full understanding of the purpose and outputs of the study. There may be insufficient understanding of D&D and its process in each of the ministries to ensure ownership of and commitment to the outputs of the study. In particular, an extended process is needed to develop the reassignment of functions based on principles of reassignment agreed by the respective stakeholders. Therefore the functions, as reassigned in the study, should be treated with caution and as suggestions only.

3. Infrastructure and its organisational arrangement

In the ToR the objectives are described in terms of a “rural infrastructure sector”. This may be misleading, as each type of infrastructure is actually part of a sector related to the use of the infrastructure. For roads, this sector is rural transport. Within the transport sector, roads can be clearly defined as a sub-sector. Irrigation is part of two sectors: agriculture and water resources management. Water is a primary input to agriculture so irrigation fits as a sub-sector in the overlap of the two sectors.

Provision and maintenance of infrastructure alone are not sufficient for the long-term use and maintenance of the service enabled by the infrastructure. Thus, the scope should be defined and mapped as a sub-sector within its parent sector.

3.1. The Irrigation Sub-Sector

In Cambodia, irrigation is classified as large-scale, medium scale and small scale, determined by the command area¹ of the system, as shown in Table 1. The term “small-scale” seems to be used rather loosely. The scale should include all the components of an irrigation system, from water catchment, the storage reservoir, the main, secondary and tertiary canals delivering water to farmers’ fields. Some people refer to the command area of a particular secondary or tertiary canal within a much larger system as “small-scale”. Thus, the construction of a tertiary canal serving a few fields or a single water control gate may be considered a small-scale project for C/S funding, whereas they are actually components in a much larger system.

Table 1: Classification of irrigation systems

| Classification | Command area ² |
|----------------|---------------------------------------|
| Large-scale | > 5,000 ha |
| Medium-scale | 1,000 – 5,000 ha |
| Small-scale | < 1,000 ha Alternatively, < 200 ha |

Source: interviews with MOWRAM

This Study was intended to focus on small-scale irrigation, but in practice it may be an artificial distinction in terms of functional assignment. Many of the functions, particularly in water management and allocation, would appear to be common to all scales of irrigation systems.

3.1.1. Conceptual map of the sub-sector

The scope of irrigation should cover:

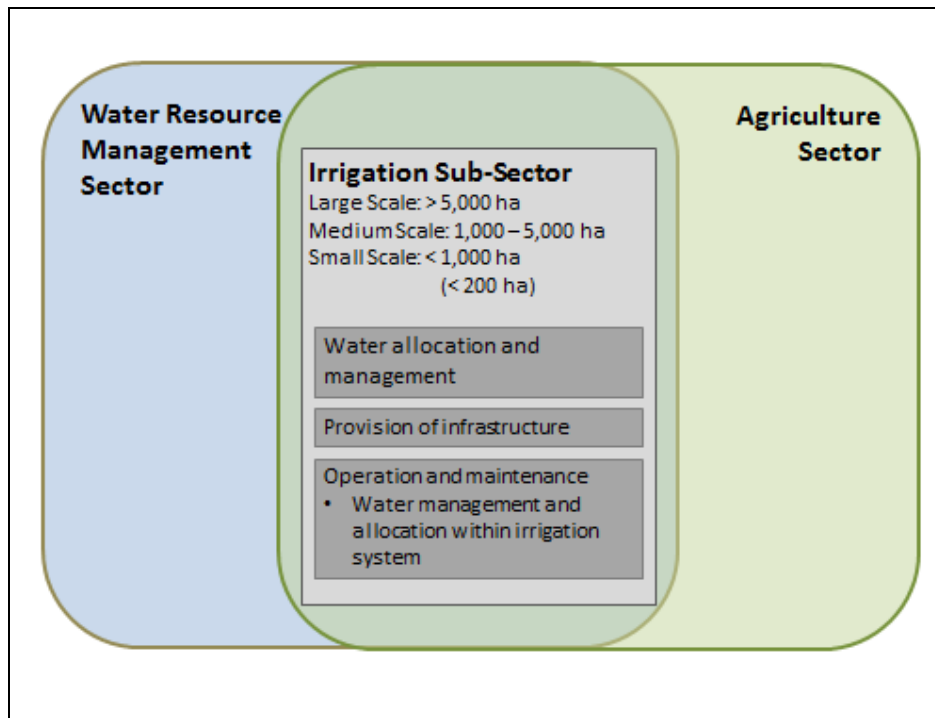
- water resource management and allocation
- construction and maintenance of canals and associated structures
- the management, allocation and use of water within the irrigation system

¹ The command area is the area of farmed land that can be served by the irrigation system

² A hectare (ha) is a unit of area measuring 100m by 100m, i.e. 10,000 sq.m.

These broad areas of service in irrigation, and the position of irrigation as a sub-sector of both the agriculture and the water resources management sectors can be represented as shown in Figure 1.

Figure 1: The Irrigation Sub-Sector



Allocation of water for irrigation comes under a system of integrated water resource management (IWRM). One of the eight key components of the Strategy for Agriculture and Water 2006-2010 of MAFF and MOWRAM is to apply a River Basin approach to water and land: *“river basins provide a better basis for managing water than administrative boundaries. Hence, the Strategy will promote a river basin approach to integrated water and land management, to complement administrative arrangements based on provinces, districts etc.”* (MAFF and MOWRAM, 2007). Geographically, river basins may not coincide with administrative boundaries, so the mapping and assignment of functions may not fit within the standard sub-national administrative system. Furthermore, the Strategy notes that *“worldwide experience is that successful river basin management is costly, because it needs additional administrative arrangements for the basin, effective coordination among the public administration units within which the basin is located, and a strong information base.”* This has implications for the resources required for reassignment.

3.1.2. Policy, Strategy and Legal framework

The main legislation related to the irrigation sub-sector is listed in Table 2. The responsibility for irrigation and the associated management of water resources is assigned to the Ministry of Water Resources & Meteorology. There is, however, an overlap, in that the legislation defining the Ministry of Rural Development’s roles includes small-scale irrigation. The Law on Commune/Sangkat Administration and Management (2001) is also relevant in terms of small C/S funded projects for irrigation managed by Commune Councils as it details a number of tasks in provision and maintenance of infrastructure.

Table 2: Legislation related to Irrigation

| Legislation | Ministry |
|--|----------|
| Sub-decree No. 58/ANK/BK (1999) concerning Organisation and Functioning of Ministry of Water Resources and Meteorology | MOWRAM |
| Instructional Circular No. 04/SRNN (1996) concerning Basic Principles for Irrigation Works | MOWRAM |
| Law on Water Resources Management (2007) | MOWRAM |
| Sub-decree No. 78/ANK/BK (1997) concerning Organisation and Functioning of Ministry of Rural Development | MRD |
| Sub-decree No. 51/ANK/BK of 2001 concerning Amendment of Sub-decree No 78 ANK/BK dated 01/12/1997 on Organisation and Functioning of Ministry of Rural Development | MRD |
| The Law on Commune/Sangkat Administration and Management (2001) (NS/RKM/0301/05) | Mol |
| Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans (2008) (NS/RKM/C/1/0508/017) | Mol |
| <i>Sub-Decree Commune/Sangkat Financial Management System 26/ANK/BK/CS (2002)</i> | Mol |

Other relevant documents include:

- MAFF and MOWRAM (2000). Strategy for Agriculture and Water 2010-2013. Technical Working Group on Agriculture and Water(MAFF and MOWRAM, 2009a)

3.1.3. Organisations

MOWRAM is the ministry officially responsible for irrigation. Responsibility within MOWRAM is assigned to the Director General for Technical Affairs. The relevant departments are Agricultural Irrigation Department, Engineering Department, and Farmer Water User Community Department. The whole structure at national level is shown in Figure 2 and Figure 3.

Figure 2: Organisational Structure of MOWRAM

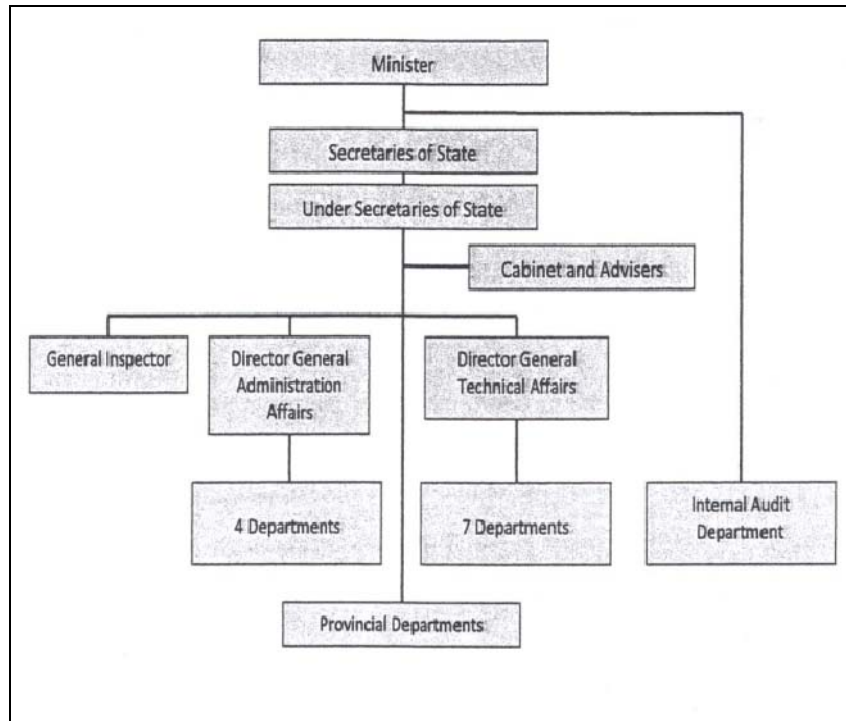
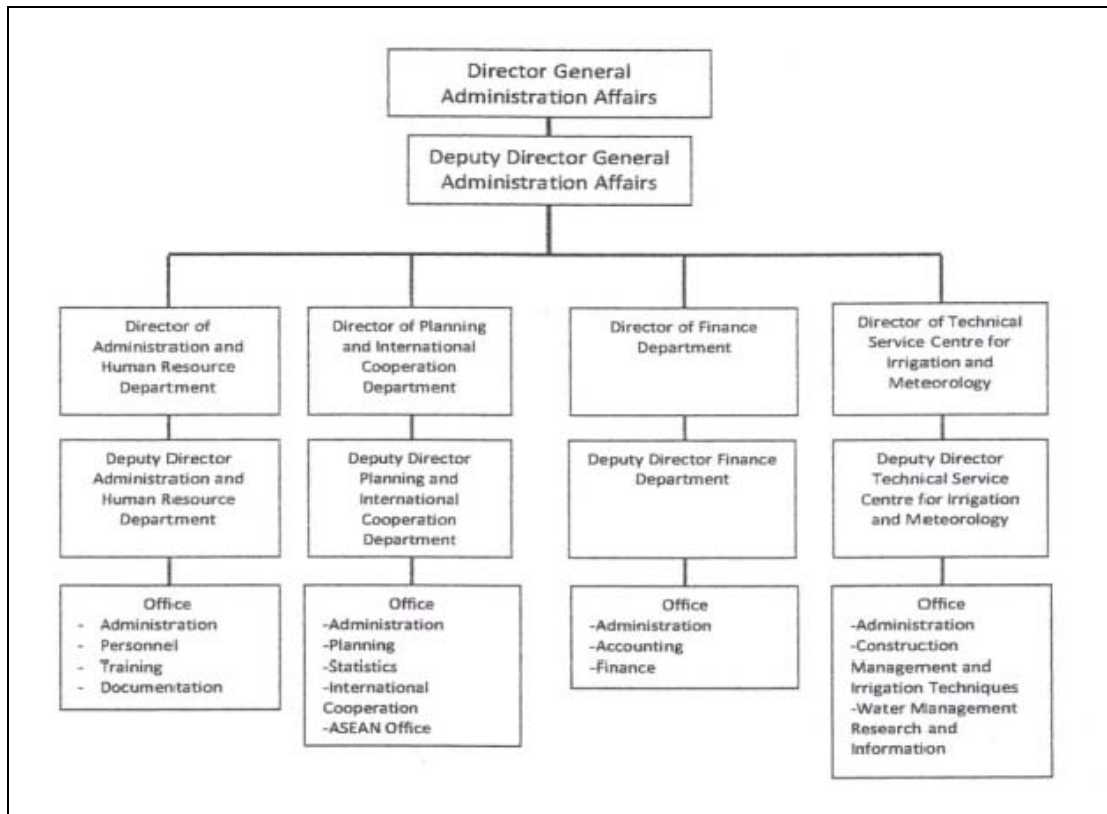
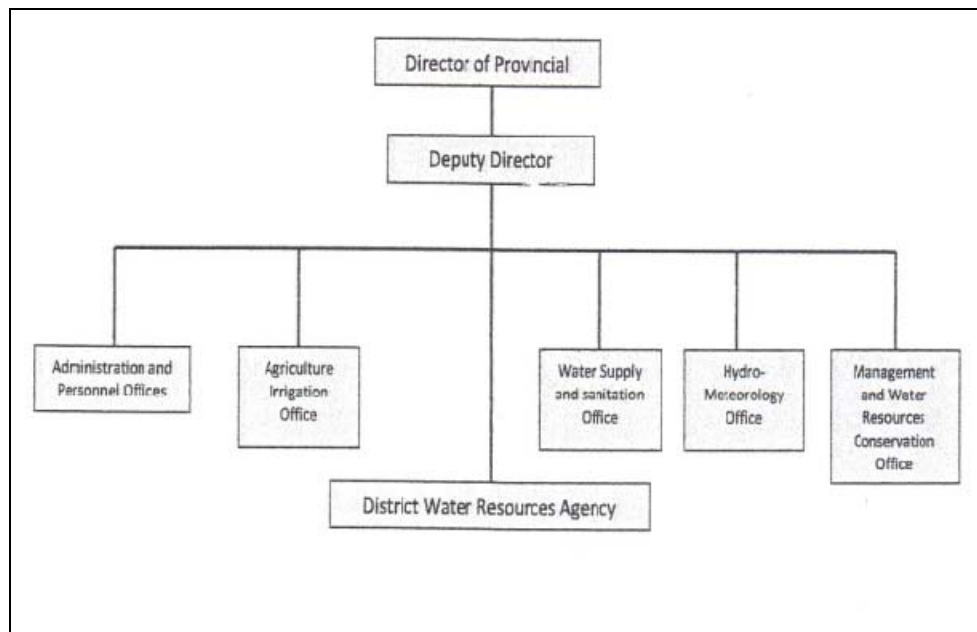


Figure 3: Detailed Organisational Structure of MOWRAM



At provincial level, MOWRAM has the Provincial Department of Water Resources & Meteorology (PDWRAM). Within this, the relevant office is the Agricultural Irrigation Office. The structure of PDWRAM is shown in Figure 4. MOWRAM does not have offices at district level.

Figure 4: Organisational Structure of Provincial Department of WRAM



According to the Amendment of Sub-decree No 78 ANK/BK on Organisation and Functioning of Ministry of Rural Development (51/ANK/BK of 2001), MRD also has some responsibility for irrigation, defined as “*To implement and cooperate with development partners in all rehabilitation and construction programs/projects of small-scale irrigation and energy, as well as clean water supply*”. This responsibility is assigned to the Department of Rural Water Supply at national level.

3.1.4. Personnel

MOWRAM has a total of 1,384 staff – 704 at national level and 680 at provincial level. The breakdown of this in terms of qualifications and gender is shown in Table 3.

Table 3: Human resources of MOWRAM

| Qualification | Ministerial level | Provincial Level | Total |
|---------------|-------------------|------------------|-------|
| Engineer | 310 | 82 | 392 |
| Technician | 169 | 122 | 291 |
| Vocational | 28 | 75 | 103 |
| Qualified | 14 | 27 | 41 |
| Non-qualified | 183 | 374 | 557 |
| Total | 704 | 680 | 1384 |
| Male | 591 | 628 | 1219 |
| Female | 113 | 52 | 165 |

Source: Information provided by MOWRAM

3.2. The Rural Roads Sub-Sector

MRD is responsible for the rural or tertiary road network, the total length of which was estimated at about 28,000km in 2007. Table 1 shows a classification of non-urban roads, including “ownership” of the different categories of tertiary roads.³

Table 1: Classification of Non-Urban Roads

| Classification | Responsibility | Ownership |
|------------------------|----------------|---|
| National A | MPWT | MPWT |
| National B | MPWT | MPWT |
| Provincial | MPWT | MPWT |
| Other Rural | MRD | |
| Tertiary | | PDRD |
| - District to District | | |
| Sub-Tertiary 1 | | Commune to which the road connects |
| - District to Commune | | |
| Sub-Tertiary 2 | | Communes to which the road connects, each owning the length within the commune boundary |
| - Commune to Commune | | |
| Sub-Tertiary 3 | | Village(s) to which the road connects. (but to be managed by the C/S) |
| - Commune to Village | | |
| - Village to Village | | |

³taken from the 2002 Policy for Rural Roads, with the last category subdivided in accordance with MRD (2007a). Rural Roads Policy (Final Draft).

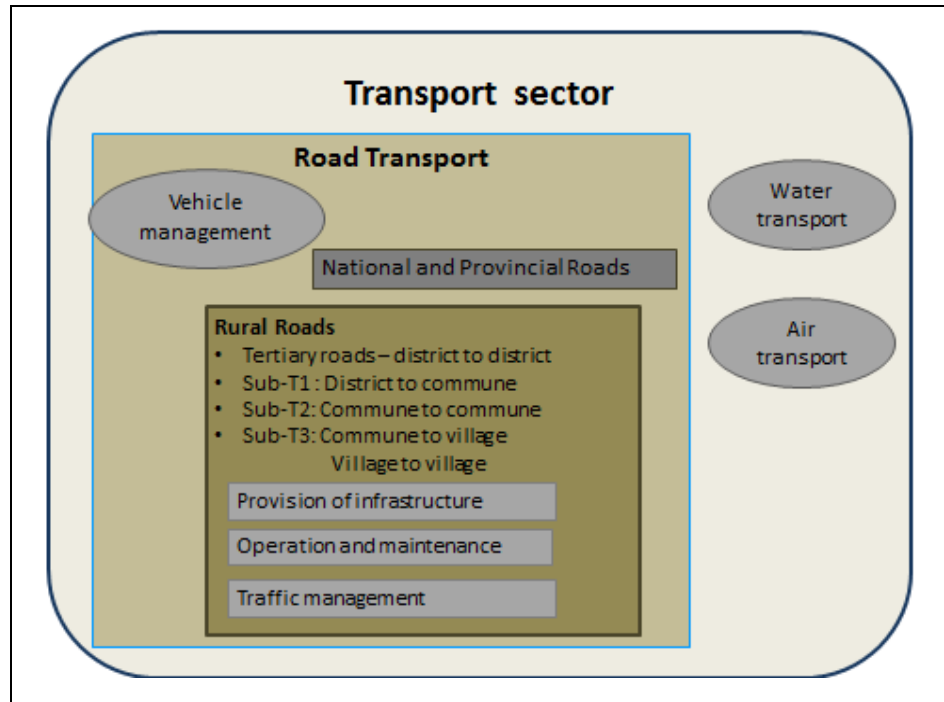
3.2.1. Conceptual map of the sub-sector

The scope of the rural roads sub-sector should cover:

- Provision of infrastructure (planning, design, construction)
- Operation and maintenance
- Traffic management where this is related to the wear and tear of the road

These broad areas of service in rural roads, and the position of rural roads as a sub-sector of the transport sector can be represented as shown in Figure 5.

Figure 5: The Roads Sub-Sector



3.2.2. Policy, Strategy and Legal framework

The main legislation related to the roads sub-sector is listed in Table 4. The Law on Commune/Sangkat Administration and Management is relevant in terms of small C/S funded projects for roads managed by Commune Councils.

Table 4: Legislation related to Roads

| Legislation | Ministry |
|---|-----------------|
| <i>Subdecree No. 14/ANK/BK of 1998 concerning Organisation and Functioning of Ministry of Public Works and Transport</i> | MPWT |
| <i>Prakas No. 076/ PK/SK/BT of 2007 concerning Organization and Functioning of Department of Roads</i> | MPWT |
| <i>Subdecree No. 86/ANK/BK of 1997 concerning Construction Permits</i> | MLMUPC |
| <i>Sub-decree No. 78/ANK/BK of 1997 concerning Organisation and Functioning of Ministry of Rural Development</i> | MRD |
| <i>Sub-decree No. 51/ANK/BK of 2001 concerning Amendment of Sub-decree No 78 ANK/BK dated 01/12/1997 on Organisation and Functioning of Ministry of Rural Development</i> | MRD |
| <i>The Law on Commune/Sangkat Administration and Management (2001) (NS/RKM/0301/05)</i> | Mol |

| | |
|---|-----|
| <i>Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans (2008) (NS/RKM/C/I/0508/017)</i> | Mol |
| <i>Sub-Decree Commune/Sangkat Financial Management System 26/ANK/BK/CS (2002)</i> | Mol |

Other relevant documents include:

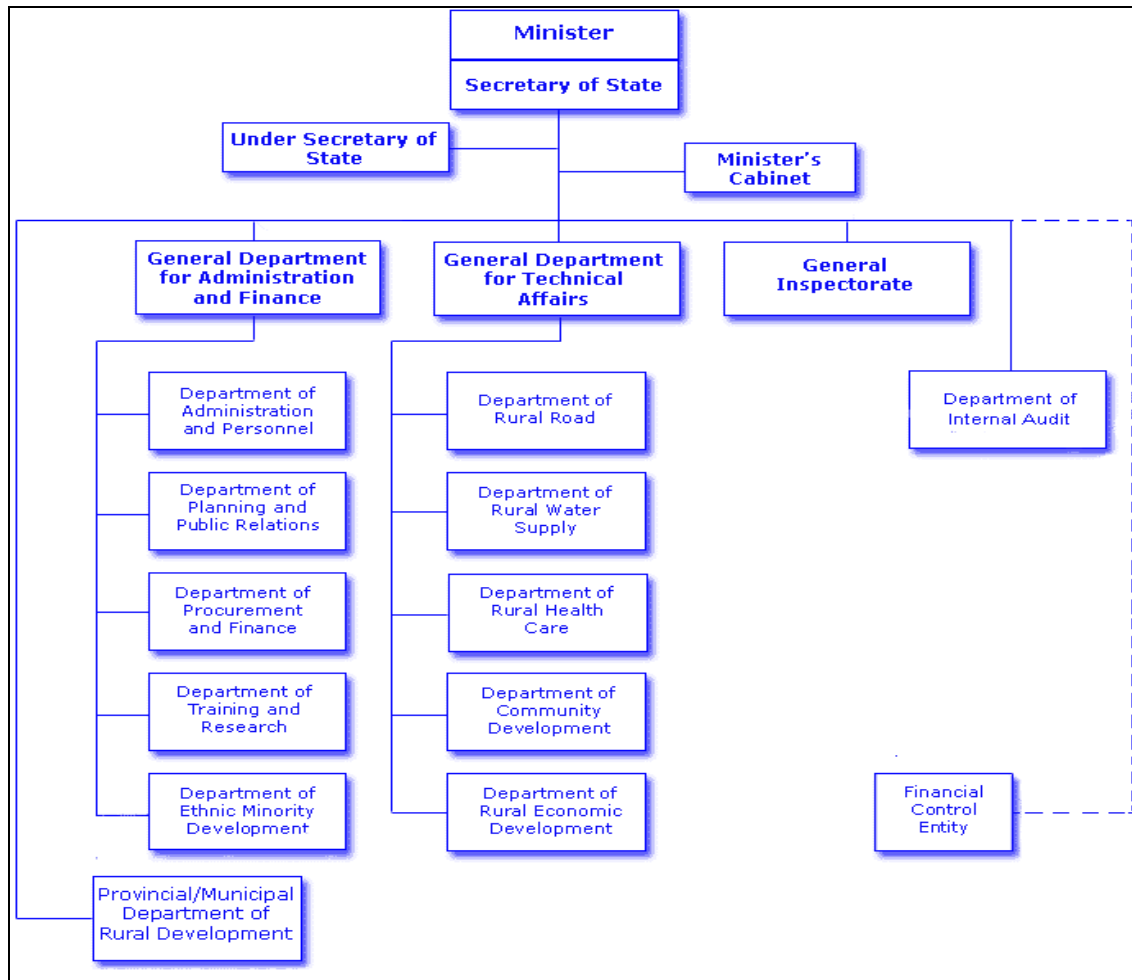
- MRD (2007). Rural Roads Policy (Final Draft).
- MRD (2007). Strategic Plan for Rural Roads (Draft)

3.2.3. Organisations

The two main ministries responsible for roads are MPWT and MRD. MPWT is responsible for national and provincial whereas MRD is responsible for tertiary (rural) roads. Communes are responsible for the Sub-Tertiary T-3 roads (commune to village and village to village). Therefore MRD is the focus of this study, plus commune councils at sub-national level.

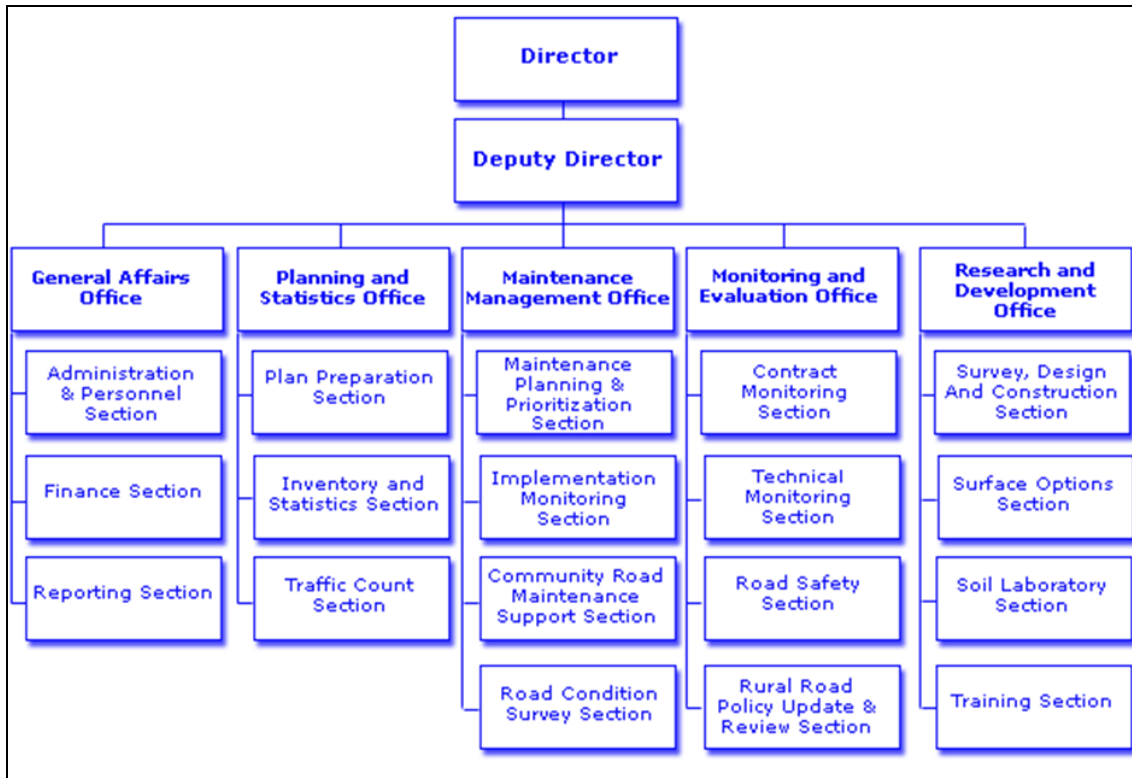
Responsibility within MRD is assigned to the Director General for Technical Affairs and under him, the Department of Rural Roads. The organisational structure of MRD is shown in Figure 6, and the Department of Rural Roads in Figure 7. At sub-national level, MRD has a Provincial Department of Rural Development in every province, and a District Office of Rural Development in most districts (although not all these are operational).

Figure 6: Organisational structure of MRD⁴



⁴MRD (2010a). MRD Organization Chart.

Figure 7: Organisational structure of Department of Rural Roads in MRD



3.2.4. Personnel

MRD has a total of 2,069 staff, 579 at national level and 1490 at provincial level. The breakdown of this in terms of qualifications is shown in Table 5. Gender disaggregation of staff numbers is not available.

Table 5: MRD and PDRD Staff - Highest Level of Qualification

| Qualification | National level | Provincial Level | Total |
|---------------------------|----------------|------------------|-------|
| Doctorate | 9 | 2 | 11 |
| Master's Degree | 96 | 106 | 202 |
| Bachelor's Degree | 226 | 380 | 606 |
| Diploma | 48 | 89 | 137 |
| High School Baccalaureate | 200 | 913 | 1113 |
| Total | 579 | 1490 | 2069 |

Source: MRD Department of Training & Research Annual Report 2009

4. Existing functional assignment

4.1. A typology of key functions for rural infrastructure

Use of the term “function” is problematic in the mapping exercise. This is partly due to the wide-ranging definition of the word in the Organic Law and the guidance on functional mapping provided by Flam. In the Organic Law, function is defined as (RGC, 2008):

“Acts or activities including the provision of public services, infrastructures and other mechanisms”

Flam (based on earlier work by Ferazzi) proposes “function” for use at several levels (Flam, 2008):

- “A function is an action that delivers, or contributes to the delivery, of one or more services
- “A function might correspond to part of service, or an entire service
- “A function might correspond to part or all of a service area, or even part or all of a sub-sector”

The terms generally used in legislation and the mandates of ministries are “roles” or “responsibilities”, and these are commonly understood by the staff working in government organisations. Therefore the terms used for mapping of existing functions by mandate are “area of responsibility” and “specific responsibility”. For the actual roles carried out in practice, the terms used are “area of responsibility” and “activity”. The latter is considered more appropriate in that it reflects what people are actually doing.

Objective 1 in the ToR requires identification of the key functions associated with planning, design, construction, operation and maintenance of rural roads and small-scale irrigation. These are, however, the key functions, along with higher levels of function of policy and strategy. The guidance provided by Flam (2008) recommends that functions should be kept whole as far as possible to assist in the process of appropriate reassignment. For this study four broad categories have been identified and then sub-divided into areas of responsibilities, as follows:

- Policy and regulation
 - Policy making
 - Regulation setting
 - Standard setting
- Strategic planning and management
 - Information management
 - Strategic planning
 - Strategic management
 - Research and innovation
- Provision of infrastructure
 - Project planning
 - Planning and feasibility
 - Design
 - Approvals
 - Project finance
 - Water management and allocation
 - Project implementation
 - Project monitoring

- Operation and Maintenance
 - Operation
 - Maintenance
 - Management of assets

The mapping of functions is presented in the form of matrices, as shown in Figure 8. In the matrices, the left axis shows a typology as four broad categories. The top axis of the matrices shows the level at which the responsibilities are assigned or carried out in practice.

The mapping according to the mandates of ministries is based on a search of legislation, including laws, *anukrets* and *prakas*⁵. A database of powers and functions extracted from the laws and regulations of Cambodia has been developed with the support of the Administration Reform and Decentralization Program and the EU Programme for Strengthening Performance, Accountability and Civic Engagement (EU-SPACE), and is being maintained by the Council of Ministers. This database was searched using key words to find all the legislation related to irrigation and roads. In addition, specific responsibilities for general infrastructure projects have been abstracted from the Law on Commune/Sangkat Administration and Management (2001). The English wording of legislation has been used in the mapping for the specific responsibilities. Specific responsibilities have been shown at the level indicated in the legislation – some of these responsibilities may have been delegated to a line department or office within the ministry.

The mapping of actual practice is based on: interviews with the two line ministries in Phnom Penh, MOWRAM and MRD; meetings with a small sample of line departments and subnational administration in two provinces; meetings with the district administration in five districts; and meetings with five commune councils and two farmer water user communities. For C/S funded projects, the communes follow the Project Implementation Manual (PIM) – the mapping did not explore the detailed step-by-step procedures in this but concentrated on the broader areas of responsibility for infrastructure provision and operation and maintenance.

4.2. Assignment of irrigation functions

At policy level, MOWRAM prepared the Law on Water Resource Management. Strategically, it is developing the river basin management approach, as well as cooperating with MAFF for the Strategy on Agriculture and Water (MAFF and MOWRAM, 2009b).

Major projects for irrigation systems are planned centrally, but with feasibility studies undertaken with assistance from PDWRAMs. Technical design and implementation is done centrally in most cases. PDWRAMs support commune councils for preparation of small-scale projects for C/S funds.

PDWRAMs are responsible for managing water and operation and maintenance of reservoirs, river diversions and the main canals of irrigation systems. Farmer Water User Communities (FWUC) are established and responsible for the operation and maintenance of the secondary and tertiary canals and control structures of irrigation systems.

The maps of responsibilities from the legislation and activities in practice for irrigation are in Appendix 1. The maps of legislation and practice have also been combined (without the level of responsibility) to simplify a comparison of action against legislated tasks.

⁵Anukret: Sub-decree (issued by the Prime Minister)
 Prakas: Government regulation (issued by a Minister)

Figure 8: Matrix for mapping

| Category | Area or responsibility | Specific responsibility | Reference | National | Provincial | District | Commune | Other administrati | Community structures | Private sector |
|--|---------------------------------|-------------------------|-----------|----------|------------|----------|---------|--------------------|----------------------|----------------|
| | | | | | | | | | | |
| Policy and regulation | Policy making | | | | | | | | | |
| | Regulation setting | | | | | | | | | |
| | Standard setting | | | | | | | | | |
| Strategic planning and management | Information management | | | | | | | | | |
| | Strategic planning | | | | | | | | | |
| | Strategic management | | | | | | | | | |
| | Research and innovation | | | | | | | | | |
| Provision of infrastructure | Project planning | | | | | | | | | |
| | Project finance | | | | | | | | | |
| | Water management and allocation | | | | | | | | | |
| | Project implementation | | | | | | | | | |
| | Project monitoring | | | | | | | | | |
| Operation and Maintenance | Operation | | | | | | | | | |
| | Maintenance | | | | | | | | | |
| | Management of assets | | | | | | | | | |

Mapping of actual practice in irrigation focused on responsibilities directly attributable to irrigation infrastructure. As a result, some of water resource management responsibilities at the higher levels may appear as gaps when they are, in fact, being undertaken.

4.3. Assignment of rural roads functions

In accordance with its mandate, MRD at national level developed a rural roads policy in 2007, although this has remained in draft form until recently. It is now being finalised to meet a condition for a loan project from ADB. Similarly, a rural roads strategy developed by MRD is still in draft form.

Major projects for tertiary rural roads are planned and implemented by the Department of Rural Roads centrally, with construction by contractors and in some cases by the Army Engineering Division. Maintenance of roads constructed through MRD projects is delegated to provincial level, with a budget allocated according to the length of the road network in the province. This maintenance is done “in-house”, by the PDRDs using their own technical staff, hiring or using their own equipment if available and hiring day labour.

About 70% of C/S funds are used by commune councils for constructing sub-tertiary roads. These are selected in accordance with commune planning procedures and the CIP. Maintenance of these roads is assigned to the community served by the road. Some of these funds are now being used for repair and rehabilitation of roads constructed in previous years.

The maps of responsibilities from the legislation and activities in practice for rural roads are in Appendix 2. The maps of legislation and practice have also been combined (without the level of responsibility) to simplify a comparison of action against legislated tasks.

4.4. Gaps and challenges

There do not appear to be any major gaps in the mandated and legislated responsibilities for irrigation. There are no specific responsibilities for setting regulations and standards, but these can be considered as part of the general mandate for MOWRAM. Standards for simple structures in C/S funded projects are set as part of the Project Implementation Manual (PIM).

The main gap in the mandated and legislated responsibilities for rural roads concerns strategic management. The requirements for information in the form of a road inventory is covered (currently under development), but the management of the existing roadnetwork and development of the network based on local needs and economic and social planning does not appear to be in the legislation. This is required, mainly at the national and provincial level, to guide the planning and management of roads at the more local levels. One item in the draft Rural Roads Policy (MRD, 2007a) is to produce guidance on planning and development of roads. This guide needs to address the strategic planning and management of the road network, as well as the more practical aspects of road construction.

The major gap in practice for both irrigation and rural roads is in maintenance of the infrastructure. With irrigation, the FWUC is responsible for the secondary and tertiary parts of the system. In several cases seen during the field work, it was reported that maintenance is not carried out. In one case that is working is described in Box 1.

For C/S project roads, the standard procedure is to establish a maintenance committee for each length of road. This leads to a several such committees in each commune. There is, however, no accountability mechanism to ensure that the roads are actually maintained. It appears to be fairly common that roads are allowed to deteriorate over time, and then rehabilitated under another C/S funded project.

There are a number of other gaps and challenges in the actual practice. It would be unrealistic to expect all these to be covered in legislation, but they should be addressed in the various working procedures and guidance documents. The important gaps and challenges include the following.

Box 1: Example of successful operation of irrigation system

In Kirivong District in Takeo, the FWUC employs private contractors to maintain the secondary and tertiary canals and pump water to the farmers' fields. The contractor is paid a percentage of the rice yield per hectare, and in turn pays the District Department of Water Resources a percentage for maintenance of the primary canal. Thus, it is in the contractors' direct interest to ensure the maintenance and pumping. It was reported that there were about 80 of these contractors in the district

4.4.1. Engineering checking

For C/S projects the PIM sets out an approval process that includes "technical clearance" by the relevant technical line department. The approval includes a statement that "the line department should only object to the project if there is a technical problem with the project design, that will cause the project to fail to achieve the project objective" (NCDD, 2009). There is no provision for independent checking of the engineering design. Since the TSO may be assigned from the line department to support the commune in preparing the project, it means that the approval may be done as a formality.

Combined with weaknesses in the supervision of construction, this leads to a number of risks and impacts from poor design and construction. The most serious is flooding. Both roads and canals are, in effect, barriers or dams to the natural flow of water in the very flat landscape in much of Cambodia. This was seen during the field work Pursat, where not enough culverts had been provided under an irrigation canal, leading to flooding of substantial areas of rice growing land. It was not clear if this was a design fault or a construction fault.

Another common impact is that poor supervision of construction leads to roads not built to specification. This means that roads deteriorate much more quickly, so are more difficult and expensive for the commune to maintain. It appears that commune councils are reluctant to challenge technical supervisors in case it affects future preparation of projects.

Independent checking of engineering designs should be made a standard part of the technical approval process. For small designs, this could be by another engineer in the same department. For larger designs, it could be done by a line department in another province. In both cases, the primary accountability for the integrity of the design would be with the original designer, with a secondary accountability for the checker.

4.4.2. Standard designs and engineering competence

In most case the standard designs in the PIM are suitable for the projects undertaken with C/S funding. In one case seen during the field work, however, standard solutions were not appropriate, as described in Box 2. Indeed, the infrastructure required is bigger than the scope of the standards designs of C/S projects and district projects, as well being more expensive than the budget available. The technicians and the line departments in the province were attempting a solution that appears unlikely to succeed. This raises a more

general issue about how technicians and engineers recognise that an engineering problem is beyond their competence and experience to solve. There is no system for referring such problems to authorities with the required competence (and finance) to address the problem.

4.4.3. Project focused mentality

The general approach of line ministries, provincial administration and commune councils has been to develop and implement projects. Projects and programmes are essentially time-limited activities. As a result, insufficient attention is given to the long-term maintenance of the infrastructure and the service that is provided through the use of the infrastructure. For example, few commune councils set aside funding for the maintenance of the infrastructure – the priority invariably is to build new projects.

This “project focused mentality” is combined with a lack of accountability for the infrastructure. From the discussions with commune councils, district administration and provincial administration it appears that no one is held accountable for the considerable investment that has been made over the years. If infrastructure fails due to poor design and/or construction and/or lack of maintenance, it is just written off and rehabilitated under a new project.

According to the Law on Commune/Sangkat Administration and Management (2001)(RGC, 2001):

“A Commune/Sangkat administration has duties to promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of its Commune/Sangkat, serving the common interests of the citizens and respecting national interests in conformity with the general policy of the State.” (Article 41)

“Regarding the role to serve local affairs, the Commune/Sangkat administration has the duties to: Arrange necessary public services and be responsible for the good process of those services.” (Article 43)

“A Commune/Sangkat shall properly manage assets⁶ that it obtains by itself and assets vested to it by the State”. (Article 81)

From the Sub-Decree on the Commune/Sangkat Financial Management System(NCSC, 2002):

“The following expenditures shall be considered mandatory on the part of the commune/sangkat, and must be reflected, in priority, in the budget: Operation and maintenance costs of local infrastructure for which the commune/sangkat is responsible.” (Article 9)

Box 2: Example engineering problem beyond the scope of C/S funding and expertise

In Kandieng District in Pursat, the Steung Pursat goes through a series of bends. At one of these bends the road is built on an embankment around the outside of the bend. This embankment is being seriously eroded by the flow of the river. The commune council proposed a project to build some timber groynes to push the river away from the embankment (as has been done on other bends on the river). Apparently this was not possible as a project because the payment at the end of the liability period would fall into the next financial year.

The solution proposed at provincial level is to cut a new channel for the river across the inside of the bend. This is unlikely to work without additional diversion structures, however, as water in rivers naturally flows most strongly around the outside of a bend. It is likely that the embankment will fail in the next rainy season leading to destruction of a large area of rice growing land. The solution requires substantial river training works to protect the embankment.

⁶ According to the Lexicon in the “Organic” Law, assets include “public infrastructures such as bridges buildings, canals, roads or similar items”.

No sanction is prescribed, however, if the commune council fails to sustain the resources, which can be understood to include infrastructure. The penalty provisions in Chapter 8 of the Law appear to be directed towards individual councillor's failure to comply with the law, rather than a collective sanction against the whole council. Chapter 5: Monitoring, Control and Intervention, provides for the Ministry of Interior or its delegated authority to intervene, but it was not possible within the timeframe and scope of this study to explore whether this is done, and whether it would include intervention for the failure to maintain infrastructure.

A further weakness of the Law is that the annual report (required under Article 69) focuses on annual planning and current projects for service delivery. There is no specific requirement to report on the condition, use and maintenance of assets created in previous years. Similarly, in the Sub-decree on The Development Plan and Three-Year Rolling Investment Program of the Capital, Provinces, Municipalities, Districts and Khans (RGC, 2009), the annual monitoring report only has to cover progress of implementation in the previous year and direction for implementation in the next year – there is no requirement to report the condition of previous investment.

In the mapping, the area of responsibility of “Management of assets” was included to draw attention to this issue.

4.5. Resources

The mapping of resources – financial, human and assets is shown in Appendix 3.

4.5.1. Finance

RGC expects all new investment funding (capital expenditure) for rural infrastructure to be provided by donors – there is no allocation from the Government's own resources in annual budget. For rural roads in MRD, the project design and implementation using this donor funding is managed centrally. Delegation to provincial level is limited to facilitation of field work by design consultants and contractors. This is similar in MOWRAM, except for projects, such as the ADB supported Tonle Sap Lowlands Rural Development Project, which are for development of medium scale irrigation at provincial level – these may be handled by the PDWRAM. This centralised control of investment resources may have implications for the willingness of the two ministries to engage in the process for reassignment of functions.

Major donor funded projects related to rural infrastructure are shown in Table 6. This shows that \$55 million and \$37 million have been invested in irrigation and rural roads respectively over the past 5 years. A further \$20 million and \$62.6 million are committed for the next few years.

Table 6: Donor provided financial resources for irrigation and water

| Ministry | Donor | Project | Amount US\$ millions | | | Date |
|---------------|--------|---|-------------------------|----------------|-------------|-----------|
| | | | Irrigation/ water | Rural roads | unspecified | |
| MOWRAM | ADB | TA-4848 CAM: Water Resources Management (Sector) Project | 1.0 | | | 2006 |
| MOWRAM | AusAid | Water Resource Management Research Capacity Development Program | ? | | | 2006-2011 |
| MOWRAM MRD | ADB | Tonle Sap Lowlands Rural Development Project | | | 24.0 | 2007 |

| | | | | | | |
|--------|-----|---|------|------|----|-----------|
| Mol | WB | Rural Investment and Local Governance Additional Financing | 10.6 | 37.1 | | 2007-2010 |
| MOWRAM | ADB | Grant-0220 CAM: Water Resources Management Sector Development Program (Project Grant) | 2.8 | | | 2010 |
| MOWRAM | ADB | TA-7610 CAM: Supporting Policy and Institutional Reforms and Capacity Development in the Water Sector | 1.0 | | | 2010 |
| MOWRAM | ADB | Loan-2672 CAM: Water Resources Management Sector Development Program (Project Loan) | 10.0 | | | 2010 |
| MOWRAM | ADB | Loan-2673 CAM: Water Resources Management Sector Development Program (Program Loan) | 20.0 | | | 2010 |
| MRD | ADB | Rural Roads Improvement Project | | 35.0 | | 2010-2016 |
| MRD | WB | Ketsana Emergency Reconstruction and Rehabilitation Project | | 27.6 | | 2010-2014 |
| | | Totals | 45.4 | 99.7 | 24 | |

It was not possible in the time available for this study to ascertain whether the RGC is committing sufficient budget for the recurrent costs of operation and maintenance to sustain this investment. MOWRAM's budget for recurrent expenditure for 2010 is Riels 106,796 million, of which Riels 90,366 million was allocated centrally and Riels 16,430 million was allocated to provinces. There is no provision for capital construction expenditure in the budget. The budget for MRD was not available.

4.5.2. Human resources

The main finding on human resources is the shortage of qualified and experienced technical staff at sub-national level. At district level there is no technical staff. Most of the staff available as Technical Support Officers are seconded from line departments to support the C/S funded project process. This creates a conflict of interest when approval of project proposals is done by the parent line ministry.

4.5.3. Equipment

Similarly, there is limited equipment available at sub-national level. District offices in particular are very poorly equipped, often lacking office equipment such as computer systems and photocopiers, and vehicles.

5. Scope, speed and nature of functional assignment

The NP-SNDD was published in May 2010. This shows the importance of infrastructure, stating it as one of RGC's goals for sub-national democratic development: "improve public services and infrastructures", setting this alongside social and economic development and poverty reduction. On the transfer of functions it notes that(RGC, May 2010):

"The provision of public services, materials/means and basic infrastructures is a crucial component in the sub-national democratic development. Councils of all sub-national administrative levels shall assigned functions, together with adequate resources, in order for them to be able to provide public services, necessary materials and basic infrastructures to their local communities. The transfer of functions and resources shall carried out in a transparent, coordinated and consultative manner according to plans, phases and appropriate rationales; and with minimum disruption of RGC and DP's on-going operations.

Parts of the Three-Year Implementation Plan (IP3) (Draft 1) for the NP-SNDD were published shortly before the end of this study. Sub-Program number 1: Policy Development and Program Coordination sets out in more detail the short-term steps for functional assignment. Specific objectives for the sub-program include(NCDD, 2010a):

- "To reach RGC-wide consensus on the process for reassigning functions to SNAs and CSs
- "To prepare and adopt implementation plans for functional reassignment"

In respect of the first of these, the current study may be premature, in that it has been carried out before the consensus has been reached with the concerned ministries. The expected deliverables include "Sector-specific Functional Reassignment Implementation Plans adopted by NCDD". The findings from this study can be used as one of the starting points for discussion and development of these plans.

Sub-program 2: Staffing, Institutional and Staff Capacity Development and Provision of Facilities for District and Municipal Administrations has components for "Set up and staff SNAs" and "Institutional and Staff Capacity development"(NCDD, 2010b). The activity schedule includes provision of advisors in the first quarter of 2011 – 1 infrastructure advisors at national level and 185 infrastructure advisors at district level. Considering the current Technical Support System has Technical Support Officers assigned in each district, this should be achievable.

The role of an advisor, however, is different to that of a TSO actually doing the technical job of developing, designing and supervising projects for infrastructure and the services provided through this infrastructure. Recruiting, employing and if necessary training sufficient numbers of technical staff for the latter role will be a major challenge within IP3.

6. Reassignment

6.1. Principles

The National Program for Sub-National Democratic Development (NP-SNDD) 2010-2019 suggests the basis for a government policy on state functional architecture for reassignment of functions as shown in Table 7 (RGC, May 2010).

Table 7: Basis for functional reassignment

| Level | Description | Summary responsibility ⁷ |
|-------------------------------------|--|--|
| Central government | <ul style="list-style-type: none"> ▪ The primary role is to create and maintain the enabling environment in which SNAs carry out sector strategies, promote democratic development and contribute to the reduction of poverty. ▪ They will fulfil this role by establishing the legal foundation in which SNAs govern and that which protect the rights and interests of the citizens. ▪ Where uniformity is required, the central government will establish national policies and standards; and establish national priorities for the development of the country. | Enabling environment <ul style="list-style-type: none"> - Policy - Regulation - Standards |
| Provincial administrations | <ul style="list-style-type: none"> ▪ Will assume a planning and coordinating role and must ensure that their respective allocative decisions address regional inequities, taking into consideration the differing management and fiscal capacities of rural and urban areas. ▪ They will work most directly with the central government and in large part be held responsible for implementation of national policy to be carried out by other SNA through the transfer of functions and resources. | Planning and accountability |
| Districts, Khans and Municipalities | <ul style="list-style-type: none"> ▪ Primary role is to respond to the priority needs of the Communes and Sangkats. ▪ It is envisioned that due to economies of scale, functions will be transferred that have district, khan and municipal wide implications or affect more than one Commune or Sangkat. ▪ In this case they will offer programs and be the direct service provider for most sub-administrations of government in their respective territories | Service provision <ul style="list-style-type: none"> - direct and through commissioning private sector |
| Commune and Sangkats | <ul style="list-style-type: none"> ▪ As the directly elected governing bodies, are to be the voice of the people. ▪ They are expected to ensure that the development needs of their territories are met either directly where at all feasible, or through higher levels of SNA, as reflected in the functions which will be transferred. ▪ They are to hold districts, khans, municipalities, provinces and the capital accountable to the people through participation in various decision-making mechanisms such as representation on Technical Facilitation Committees and through the right to access information, the right to monitor and to receive reports from higher tier Councils, and through mechanisms of accountability that include sanctions for poor performance of higher tier SNAs. | Representation of people Accountability |

⁷ The description is reformatted from the English version of the NP-SNDD, Section 1.2. The Summary Responsibility is by the consultant, derived from the description.

The ToR for this study requires “appropriate future assignment” for functions, and provides a working definition of “appropriate” as given in Table 8.

Table 8: Appropriate functional reassignment

| |
|--|
| <ol style="list-style-type: none">1. Functions are assigned to the lowest level of administration that has the capacity to discharge the function efficiently and effectively (“subsidiarity”).2. Assignment of a specific function to one Sub-National Administration (SNA) or sector agency does not damage the ability of another SNA or agency to carry out related functions.3. For investments which have benefits of a general public good nature, (i.e. there is no exclusive beneficiary group and benefits enjoyed by one user do not directly reduce the benefits available to other users), responsibility for operation and maintenance of the physical outputs should normally be vested in the administrative level or State agency responsible for the investment. Therefore, capital and recurrent expenditures for this type of investment should be funded from public funds at the relevant budget level.4. In general, sector line agencies and Sub-National Administrations should not undertake direct operation and maintenance responsibilities for investments which have benefits of a private good nature, (i.e. there is a limited, identifiable group of beneficiaries who enjoy exclusive access to or use of the infrastructure). Appropriate options for operation and maintenance responsibilities may include civil society institutions, (user groups, etc.), fee-collecting state agencies or private sector concessions. User groups should be directly involved in the planning and implementation of investments so that the investment has the nature of a capital grant to the user group. Operation and maintenance costs should be funded from user contributions or fees. Where ongoing public subsidy for operation and maintenance is required, there should be a clear justification for this taking into account impact on poverty and wider economic and social benefits. |
|--|

Flam provides guiding principles for functional assignment (based on original work by Dr Gabriele Ferrazzi) (Flam, 2008):

- Recognize when functions need to be unbundled, to avoid unwanted concurrency or giving parts of functions that are not suited for the level in question
- Nonetheless, keep the function whole if possible (inject some exceptions if that helps to retain a holistic formulation)
- Avoid framing functions as projects – functions are the underlying and stable mandates that give rise to projects/programs that change over time
- Avoid limiting jurisdiction by value of projects/activities
- Functions should not be mere reflections of pre-existing organizational mandates
- Avoid having an ‘over-elaborated’ list of functions

When allocating functions, it will be necessary to reconcile the principles and guidance set out above with the two main ministries’ own views of their mandates and sub-national line structures. Both MRD and MOWRAM have current strategies that discuss the move to D&D, and how to encompass this in the institutional arrangements for roads and irrigation respectively.

MRD’s Strategic Plan for Rural Roads (MRD, 2007b) was prepared in 2005 – 2007, at a time when D&D policy had been set by Strategic Framework for Decentralization and De-Concentration Reforms (RGC, 2005), but before the publication of the Organic Law. It states that with the on-going D&D process, “it is difficult to assess what roles the provinces, and more especially the districts, will play in the management of roads in the future”. It discusses various road management functions but without being specific about which sub-national level will undertake these functions. It seems to be implicit that these will be undertaken within the MRD line structure, apart from the role of commune councils in managing roadworks.

In the Strategy for Agriculture and Water 2010-2013 (MAFF and MOWRAM, 2009a)(SAW) recognises that D&D has widespread implications for the Strategy. It notes the three main development dimensions from the D&D Strategic Framework: Policy and regulations; Institutional management strengthening; and Sectoral development management. In a section analysing MOWRAM's "Organizational and Institutional Structure" the SAW proposes changes in accordance with an ADB project report: Water Resources Management (Sector) Project: TA 4848-CAM Preliminary Report on Institutional Issues (Taylor, 2009) and suggests appropriate functions for each level, as shown in Table 9. These functions are, however, limited to MOWRAM's own line structure, except for FWUCs – there is no recognition of the potential role for provincial or district administrations, or commune councils.

Table 9: MOWRAM's proposal for assignment of functions

| | |
|--------------------------|---|
| PDWRAM | <ol style="list-style-type: none"> 1. The planning, design and construction of works that do not require central attention 2. The operation of hydraulic works in the province not undertaken by farmers 3. The maintenance (including asset management planning and budgetary planning) of hydraulic works in the province 4. Assistance to farmers to enable them to manage their level of irrigation works and activities successfully and sustainably 5. Water rights and conflict issues outside the scope of farmer organizations 6. Measures to remedy provincial river channel, drainage and flooding problems, including the investigation, design and construction oversight for relevant works |
| District level of MOWRAM | <ol style="list-style-type: none"> 1. Assist farmers to form farmer irrigation organizations 2. Support irrigation organization operation and management 3. Provide or facilitate technical support for irrigation generally 4. Facilitate training and development of farmers in irrigation skills and knowledge 5. Liaise between PDWRAM and farmers regarding maintenance and refurbishment requirements 6. Facilitate financing of irrigation improvements |

Source: Strategy for Agriculture and Water 2006-2010, from (Taylor, 2009)

6.2. Suggested reassignment

One of the main points from the principles and guidance is to stay at a broad level and not go into detailed tasks. Therefore the suggested reassignment for rural roads and irrigation does not go into detailed tasks. This may not meet the expectations raised by interviewees during the field works, the discussions workshop on initial findings and other contributions from stakeholders. The detailed tasks should be addressed in a revision of the PIM. In addition, from discussion with a consultant mapping another sector, it is better to avoid going into prescriptive detail – the risk is that tasks implicit in the broad function may be left out by mistake.

This point also applies to the challenges discussed in Section 4.1. It is beyond the scope of this study to provide the detailed solutions to those challenges.

As discussed in Section 2.1 on limitations of the methodology, an extended process is needed to develop the reassignment of functions based on principles of reassignment agreed by the respective stakeholders. Therefore this study only makes suggestions for reassignment – these should be treated with caution and used as a starting point for further discussion with the relevant stakeholders.

The suggested reassignment of functions for irrigation and rural roads are given in Appendices 4 and 5 respectively. As per the guidance of Flam (2008), the functions have been shown in broad terms as areas of responsibility and, where necessary for clarity, specific responsibility. There is little purpose at this stage to go into detail when the broad principles still need to be agreed amongst the stakeholders.

6.2.1. Irrigation

The main change for irrigation is that the development and support of farmer water user communities, currently undertaken from national level, should be transferred to the district level. This would make the support service much closer to the FWUCs and therefore more accessible and responsive. The District should also be responsible for ensuring that the irrigation assets are properly managed and maintained by FWUCs.

6.2.2. Rural roads

The main change for rural roads is the introduction of a responsibility and activity for strategic planning of the road network at district level. It is intended that this planning would be based on a method called Integrated Rural Accessibility Planning (IRAP) to produce a District Infrastructure Development Plan. The method was developed by ILO and has been adopted since 1999 by several projects in Cambodia. Based on this, the road network within a district can be planned more effectively with more coordination between different levels.

The other change for roads is to introduce accountability for oversight management of maintenance of roads to improve asset management and preserve the substantial investment made over time. Again, the district would be the level responsible for this.

Two other changes, which are not shown in the matrix, are that major projects for road construction and rehabilitation should be managed by the provinces, rather than from national level. MRD at national level should be responsible for policy and regulation. Maintenance of MRD roads should be moved from provincial to district level. To develop and achieve both these changes, need serious discussion with MRD will be needed.

6.3. Capacity and resources

Similarly to reassignment, there is little purpose at this stage to go into detail of resources and capacity required when the broad principles still need to be agreed amongst the stakeholders. What is clear is that resources and capacity at District level will need to be substantially developed, starting from virtually nothing. There is no technical human resource at district level now, and the capacity of the potential people who could be allocated in future will need to be enhanced to give them the required skills. Equipment such as computers, vehicles and specialist equipment will also need to be provided.

For estimating capital and recurrent costs, budgets should be prepared with line items covering the human, transport and equipment costs for each of the specific responsibilities in the reassignment matrices.

From the field work it appears that the current workload of TSOs assigned at district level is too much to allow effective project development and construction supervision. TSO were reported to be responsible for the design and technical project preparation of about ten project per year, and then to provide technical supervision of the contractors constructing these in each commune in the district. Even half that number would be a heavy workload, particularly for the site supervision. For design and construction to be effective, it is

suggested that the maximum number of projects for each TSO to manage per year should be five. This would be about one day per week for the project preparation and supervision of construction of each project. Therefore there should be at least two TSOs per district, together with adequate administrative and logistical support, including transport for each TSO.

7. Next steps

The suggestions for reassignment suggested in Section 5 are intended as a starting point for further discussion. It is proposed that a consultative and participatory process is conducted with all stakeholders in the service sectors which have an interest in rural infrastructure.

The Implementation Plan, First Three Years 2011-2013 of the NP-SNDD (IP3) (30 November 2010) only became available towards the end of the study period. Some of the suggestions in this report may need to be modified to be in accordance with the policy and programme set out in IP3.

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Appendices

Appendix 1: Current mapping of irrigation

Irrigation responsibilities from legislation

| | |
|---|---|
| <p>Note: The reference code is the number of the relevant legislation</p> <p>RKM: Reach Kram or Law</p> <p>PK: Prakas</p> <p>ANK: Anukret</p> | <p>MOWRAM: Ministry of Water Resources & Meteorology</p> <p>MRD: Ministry of Rural Development</p> <p>MAFF: Ministry of Agriculture, Forestry & Fisheries</p> <p>DRWS: Department of Rural Water Supply</p> <p>PDRD: Provincial Department of Rural Development</p> <p>PD: Provincial Department</p> <p>LAU: Local Administration Unit</p> <p>TSU: Technical Support Unit</p> <p>ExCom: Executive Committee of Provincial Rural Development Committee</p> <p>CC: Commune Council</p> <p>FWUC: Farmer Water User Community</p> |
|---|---|

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---------------------------|------------------------|--|-------------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| Policy & regulation | Policy making | Develop the policy on the water resources management, conservation and development ... to ensure the sustainability of the water resources and the effectiveness of water utilization to prevent the disaster and conflicts. | Law on WRM (2007) | MOWRAM | | | | | | |
| | Regulation setting | | | | | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|--|-------------------------------|--|----------------------------|---|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| | Standard setting | | | | | | | | | |
| Strategic planning and management | Information management | Keep a centralized inventory of the water resources of Cambodia | Law on WRM (2007) | MOWRAM | | | | | | |
| | | Collect and analyse data for hydrological research on surface water and groundwater | 58/ANK/BK (1999) | MOWRAM DeptHydr& River Manag | | | | | | |
| | | Implement tasks related to measuring height of water, tides and muddy water | 58/ANK/BK (1999) | MOWRAM DeptHydr& River Mangt | | | | | | |
| | | Manage information on water and forecasting and ensure proper information prior to flooding and water shortages | 58/ANK/BK (1999) | MOWRAM DeptHydr& River Manag | | | | | | |
| | Strategic planning | Prepare a national water resources plan. | Law on WRM (2007) | MOWRAM | | | | | | |
| | | Prepare plans for water supply (in agriculture) | Decision No. 21/SSR (2006) | Agricultural Export Promotion Commissio n | | | | | | |
| | | Establish short, medium and long-term direction and plan for commercial use of water resources serving people in rural areas | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Prepare and implement plans and strategies serving multi-purposes development such as irrigation system | 58/ANK/BK (1999) | MOWRAM | | | | | | |

| Irrigation by legislation | | | | | | | | | | |
|---------------------------|--------------------------------|--|-------------------|---------------------------------------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
| | | Establish short, medium and long term projects for rehabilitation and development of small, medium and large scale of irrigation systems | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | Strategic management | Water and water resources shall be managed and developed based on an integrated water resources management (IWRM), taking into account: all aspects of water resources; linkages between water resources and other components of the natural environment; requirement for an effective and sustainable water use for human being, environment and other sectors. | Law on WRM (2007) | MOWRAM | | | | | | |
| | | Manage the river basin, sub-basins, watershed run-off, groundwater and aquifers in collaboration with all concerned Ministries. | Law on WRM (2007) | MOWRAM | | | | | | |
| | | Follow up enforcement of laws and regulations related to the management of water resources | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | Research and innovation | Study/research potential of surface water and ground water | 58/ANK/BK (1999) | MOWRAM DeptHydr& River Manag | | | | | | |
| | | Expand and include modern technology for ensuring water resource quality improvement | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | | | | | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|-----------------------------|------------------------|---|-----------------------------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| Provision of infrastructure | Project planning | Establish short, medium and long term projects for rehabilitation and development of small, medium and large scale of irrigation systems | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Prepare and propose plans for restoration and development of small (family, village and commune) irrigation system for short-term, medium and long-term utilization; | 51/ANK/BK (2001) | MRD DRWS | | | | | | |
| | | Assist the C/S councils and district/khan development committees to carry out project feasibility studies, prepare designs, estimate costs and prepare project proposals | 68/PK/NCDD (2008) | | PDRD TSU | | | | | |
| | | Facilitate the formulation of the C/S Development Plan and C/S Investment Program, formulation and implementation of C/S annual budget, and C/S project implementation | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Prepare, approve and implement C/S development plan for the purpose of determining the vision, programs and development of its C/S | NS/RKM/0301 /05 Law on C/S (2001) | | | | CC | | | |
| | Project finance | Budget and expenditure | 26/ANK/BK (2002) | | | | CC | | | |
| | | Facilitate the formulation C/S Investment Program, implementation of C/S annual budget | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Manage, monitor and conduct regular auditing of the financial system and provide payments against approved contracts in accordance with the NCDD financial manual/guidelines. | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---------------------------|--|--|-----------------------------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| | Water management and allocation | The diversion, abstraction and use of water resources for purposes other than [domestic], and the construction of the waterworks relating thereto, are subject to a license or permit. | Law on WRM (2007) | MOWRAM | | | | | | |
| | | To issue a permit for use of forest to an individual or legal entity to conduct use of water resources for irrigation or agricultural purposes upon the agreement of MOWRAM | Law No. NS/RKM/0802 /0 16 (2002) | MAFF | | | | | | |
| | | | | | | | | | | |
| | Project implementation | Approval of contracts by implementing agencies | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | Facilitate the C/S project implementation | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Conduct technical inspection of construction related to water resources | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | Project monitoring | Monitor and evaluate the program/ projects in accordance with guidelines and procedures in order to promote effectiveness and support the formulation of national policies | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | Monitor, control and evaluate the implementation of plans, programs, projects and the provision of services with transparency and high accountability | NS/RKM/0301 /05 Law on C/S (2001) | | | | CC | | | |
| | | Monitor NGOs, IOs, or individuals investing in rehabilitation and construction of irrigation systems | IC 04/SRNN (1996) | | | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---------------------------|------------------------|---|-------------------|-----------------------------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| O&M | Operation | Establish and support FWUCs | | | | | | | | |
| | | To ensure effective and sustainable management and operation of the irrigation system, the MOWRAM shall initiate the creation of Farmers' Water User Communities. | Law on WRM (2007) | MOWRAM | | | | | | |
| | | All farmers using water from the same irrigation system or part thereof may form a Farmers' Water User Community. | Law on WRM (2007) | | PDWRAM | | | | FWUC | |
| | | Preparing formality related to citizen's operation and maintenance of ... irrigation water and organization of association or group of rural water consumers. | 51/ANK/BK (2001) | MRD DRWS | | | | | | |
| | | Establish associations or groups of people using water in rural areas | 51/ANK/BK (2001) | MRD DRWS | | | | | | |
| | | Promote, educate and establish farmer communities for water usage | 58/ANK/BK (1999) | MRWM Dept. Ag. Irrig. | | | | | | |
| | | Provide guidance to water using associations | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Conduct regular monitoring of promotion, education, establishment and instruction to farmer water user associations | 58/ANK/BK (1999) | MRWM Dept. Ag. Irrig. | | | | | | |
| | | Monitor water consumer associations | 58/ANK/BK (1999) | MOWRAM | | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---------------------------|------------------------|--|-------------------|------------------------------------|-----------------|--|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| | | Provide necessary technical support to involved private sector, professional organisations, communities and general citizens for commercial use of water resources | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Management of water and irrigation systems | | | | | | | | |
| | | Manage irrigation systems within a District/Khan | IC 04/SRNN (1996) | | | District Office of Irrigation, Met & Hyd | | | | |
| | | Manage and conduct regular evaluation of all business activities using underground water to serve agriculture | 58/ANK/BK (1999) | MRWM Dept. Agricultural Irrigation | | | | | | |
| | | Implement policy on main water channel of irrigation systems (fuel for irrigating water from main water channels) | IC 04/SRNN (1996) | MOWRAM | | | | | | |
| | | Manage the process and maintenance of water station, big and medium scale pumping machines | IC 04/SRNN (1996) | MOWRAM | | | | | | |
| | Maintenance | Manage the process and maintenance of irrigation system and existing irrigation control system | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Manage the process and maintenance of water station, big and medium scale pumping machines | 58/ANK/BK (1999) | MOWRAM | | | | | | |
| | | Manage irrigation systems within a province/municipality | IC 04/SRNN (1996) | | Provincial WRAM | | | | | |

| Irrigation by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---------------------------|-----------------------------|--|-----------------------------------|----------|-----------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific Responsibility | Reference | | | | | | | |
| | | Manage irrigation systems involving a number of Districts/Khans | IC 04/SRNN (1996) | | Provincial WRAM | | | | | |
| | Management of assets | Promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of its C/S, serving the common interests of the citizens and respecting national interests in conformity with the general policy of the State | NS/RKM/0301 /05 Law on C/S (2001) | | | | CC | | | |
| | | Properly manage assets that it obtains by itself and assets vested to it by the State. The procedures for management and use of the above assets shall be determined by SubC Decree. | NS/RKM/0301 /05 Law on C/S (2001) | | | | CC | | | |
| | | Mandatory expenditures for commune/ sangkat, to be reflected, in priority, in the budget: operation and maintenance costs of local infrastructure for which the commune/sangkat is responsible | 26/ANK/BK (2002) | | | | CC | | | |
| | | | | | | | | | | |

Irrigation responsibilities and activities from practice

| | | | |
|--------|---|-------|---|
| MOWRAM | Ministry of Water Resources & Meteorology | LAU | Local Administration Unit |
| MRD | Ministry of Rural Development | TSU | Technical Support Unit |
| MAFF | Ministry of Agriculture, Forestry & Fisheries | CAU | Contract Administration and Finance Unit |
| MEF | Ministry of Economics & Finance | ExCom | Executive Committee of Provincial Rural Development Committee |
| DRWS | Department of Rural Water Supply | CC | Commune Council |
| PDRD | Provincial Department of Rural Development | FWUC | Farmer Water User Community |
| PD | Provincial Department | PIM | Project Implementation Manual (for C/S projects) |

| Irrigation in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|--|--|---|-----------|-------------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Activity | Reference | | | | | | | |
| Policy & Regulation | Policy making | Preparation of Implementation Policy for Sustainable Irrigation systems | | MOWRAM | | | | | | |
| | Regulation setting | Rules for formation of Farmer Water User Communities | | MOWRAM | | | | | | |
| | Standard setting | Standards for simple structures in PIM | | SEILA/NCD D | | | | | | |
| | | | | | | | | | | |
| Strategic planning and management | Information management | Data collection in relation to preparation of master plans/river basin management | | | | | | | | |
| | Strategic planning | Development of Water and Agriculture Strategy | | MOWRAM | | | | | | |
| | | River basin management - Preparation of master plan | MOWRAM-DG | MOWRAM-TA | | | | | | |
| | | | | | | | | | | |
| Strategic management | River basin management - Management of river basin | MOWRAM-DG | MOWRAM-TA | | | | | | | |

| Irrigation in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|-----------------------------|-----------------------------|---|-------------------------|-------------|---------------|----------------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Activity | Reference | | | | | | | |
| | Research and innovation | Study of groundwater in Prey Veng (2009) | | | | | | | | IDE |
| Provision of infrastructure | Project planning and design | Planning and feasibility | | | | | | | | |
| | | Feasibility studies for new projects: water availability; Cultivation area; Participation of people for future O&M; Socio-economic impact | MOWRAM-DG | | PDWRAM | | | | | |
| | | District Initiative Pilot Project roles: planning and selection | Districts | | | District Admin | | | | |
| | | Facilitate commune planning process for CIP and C/S funded projects | Districts | | | District Admin | | | | |
| | | Support to CC for planning and project preparation | SPPAs / Excom (PUR/TAK) | | ExCom/LAU/TSU | | | | | |
| | | For JICA Project, assign staff and facilitate work with community, data collection etc. | PDWRAM (PUR) | | PDWRAM | | | | | |
| | | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| | | Provision of small-scale irrigation systems - on paper only | PDRD | | | | | | | |
| | | Design | | | | | | | | |
| | | Technical design and hydrology with technical support to Prov | MOWRAM-DG | MOWRAM-TA → | PDWRAM (some) | | | | | |
| | | Project design for C/S funded projects | SPPAs / Excom (PUR/TAK) | | TSU | | | | | |

| Irrigation in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|------------------------|---------------------------------|--|-------------------------|-----------------|-------------------|----------------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Activity | Reference | | | | | | | |
| | | For JICA Project, project design by JICA consultant | | | | | | | | Consultant |
| | | Approvals | | | | | | | | |
| | | Approval of technical designs | PDWRAM (PUR) | | PDWRAM chief | | | | | |
| | | Technical clearance of C/S and other projects | SPPAs / Excom (PUR/TAK) | | PDRD | | | | | |
| | | Safeguards clearance and approval for C/S and other projects | SPPAs / Excom (PUR/TAK) | | PLAU/ line depts. | | | | | |
| | | District Initiative Pilot Project roles: safeguards study | Districts | | PLAU/ line depts. | | | | | |
| | | District Initiative Pilot Project roles: project approval | Districts | | ExCom | | | | | |
| | Project finance | Allocation of C/S funding | | MEF | | | | | | |
| | | Support to contract management and payments for C/S and district projects | | | CAU | | | | | |
| | | District Initiative Pilot Project roles: sign contract with ExCom for budget | Districts | | | District Admin | | | | |
| | | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| | | Land acquisition | MOWRAM-DG | MOWRAM with MEF | PDWRAM | | | | | |
| | Water management and allocation | Water management | MOWRAM-DG | | PDWRAM | | | | | |
| | | Control systems for managing water levels, measurements by meters | PDWRAM (PUR) | | PDWRAM | | | | | |
| | | For JICA schemes, propose water allocation | PDWRAM (PUR) | | PDWRAM | | | | | |
| | Project implementation | Resettlement | MOWRAM- | MEF/ | | | | | | |

| Irrigation in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|------------------------|------------------------|---|----------------|-----------|------------|----------------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Activity | Reference | | | | | | | |
| | | | DG | MOWRAM | | | | | | |
| | | Procurement (in accordance with ADB/WB rules) | MOWRAM-DG | | PDWRAM | | | | | |
| | | District Initiative Pilot Project roles: establishes procurement committee | Districts | | | District Admin | | | | |
| | | Construction by contract | MOWRAM-DG | | PDWRAM | | | | | Contractor |
| | | District Initiative Pilot Project roles: supervision of construction | Districts | | TSO | | PMC | | | |
| | | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| | | Support communes for canals, water gates, rehabilitation work (ADB project) | PDWRAM (PUR) | | PDWRAM | | | | | |
| | | Construction of secondary and tertiary canals | CC/ FWUC (PUR) | | | | | | FWUC | |
| | Project monitoring | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| O&M | Operation | User fee management | MOWRAM-DG | | | | | | FWUC | |
| | | Transfer ownership to FWUC | MOWRAM-DG | | PDWRAM | | | | | |
| | | Training to FWUC | MOWRAM-DG | MOWRAM-TA | | | | | | |
| | | Training of FWUCs for C/S funded projects | PDWRAM (PUR) | | PDWRAM | | | | | |
| | | Water allocation within system | MOWRAM-DG | | | | | | FWUC | |
| | | Management of the irrigation system | CC (PUR) | | | | | | FWUC | |
| | | Monitoring of FWUCs | PDWRAM (PUR) | | PDWRAM | | | | | |

| Irrigation in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|------------------------|------------------------|---|------------|-----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Activity | Reference | | | | | | | |
| | | Contractors responsible for maintenance and pumping of water to secondary and tertiary canals | FWUC (TAK) | | | | | | | Contractors |
| | Maintenance | routine | MOWRAM-DG | | | | | | FWUC | |
| | | annual | MOWRAM-DG | | | | | | FWUC | |
| | | major maintenance/repairs | MOWRAM-DG | MOWRAM-TA | | | | | | |
| | Management of assets | | | | | | | | | |
| | | | | | | | | | | |

Gap identification: Irrigation – legislated responsibilities compared with activities in practice

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|--|-------------------------------|--|---|----------------------------|---|------------------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| Policy & regulation | Policy making | Develop the policy on the water resources management, conservation and development ... to ensure the sustainability of the water resources and the effectiveness of water utilization to prevent the disaster and conflicts. | MOWRAM | Law on WRM (2007) | Preparation of Implementation Policy for Sustainable Irrigation systems | |
| | Regulation setting | | | | Rules for formation of Farmer Water User Communities | |
| | Standard setting | | | | Standards for simple structures in PIM | |
| | | | | | | |
| Strategic planning and management | Information management | Keep a centralized inventory of the water resources of Cambodia | MOWRAM | Law on WRM (2007) | | |
| | | Collect and analyse data for hydrological research on surface water and groundwater | MOWRAM DeptHydr& River Mangt | 58/ANK/BK (1999) | Data collection in relation to preparation of master plans/river basin management | |
| | | Implement tasks related to measuring height of water, tides and muddy water | MOWRAM DeptHydr& River Mangt | 58/ANK/BK (1999) | | |
| | | Manage information on water and forecasting and ensure proper information prior to flooding and water shortages | MOWRAM DeptHydr& River Mangt | 58/ANK/BK (1999) | | |
| | Strategic planning | Prepare a national water resources plan. | MOWRAM | Law on WRM (2007) | River basin management - Preparation of master plan | |
| | | Prepare plans for water supply (in agriculture) | Agricultural Export Promotion Commission | Decision No. 21/SSR (2006) | | MOWRAM-DG |
| | | Establish short, medium and long-term direction and plan for commercial use of water resources serving people in | MOWRAM | 58/ANK/BK (1999) | Development of Water and Agriculture Strategy | |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|------------------------------------|--------------------------------|--|---------------------------------------|-------------------|--|-----------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| | | rural areas | | | | |
| | | Prepare and implement plans and strategies serving multi-purposes development such as irrigation system | MOWRAM | 58/ANK/BK (1999) | | |
| | | Establish short, medium and long term projects for rehabilitation and development of small, medium and large scale of irrigation systems | MOWRAM | 58/ANK/BK (1999) | | |
| | Strategic management | Water and water resources shall be managed and developed based on an integrated water resources management (IWRM). taking into account: all aspects of water resources; linkages between water resources and other components of the natural environment; requirement for an effective and sustainable water use for human being, environment and other sectors. | MOWRAM | Law on WRM (2007) | River basin management - Management of river basin | MOWRAM-DG |
| | | Manage the river basin, sub-basins, watershed run-off, groundwater and aquifers in collaboration with all concerned Ministries. | MOWRAM | Law on WRM (2007) | | |
| | | Follow up enforcement of laws and regulations related to the management of water resources | MOWRAM | 58/ANK/BK (1999) | | |
| | Research and innovation | Study/research potential of surface water and ground water | MOWRAM DeptHydr& River Manag | 58/ANK/BK (1999) | Study of groundwater in Prey Veng (2009) | |
| | | Expand and include modern technology for ensuring water resource quality improvement | MOWRAM | 58/ANK/BK (1999) | | |
| Provision of infrastructure | Project planning | Establish short, medium and long term projects for rehabilitation and development of small, medium and large scale of irrigation systems | MOWRAM | 58/ANK/BK (1999) | Planning and feasibility Feasibility studies for new projects: water availability; | MOWRAM-DG |
| | | Prepare and propose plans for restoration and development of small | MRD DRWS | 51/ANK/BK (2001) | | |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|--------------------------------|------------------------|--|----------|----------------------------------|---|-------------------------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| | | (family, village and commune) irrigation system for short-term, medium and long-term utilization; | | | Cultivation area; Participation of people for future O&M; Socio-economic impact | |
| | | Assist the C/S councils and district/khan development committees to carry out project feasibility studies, prepare designs, estimate costs and prepare project proposals | | 68/PK/NCDD (2008) | District Initiative Pilot Project roles: planning and selection | Districts |
| | | Facilitate the formulation of the C/S Development Plan and C/S Investment Program, formulation and implementation of C/S annual budget, and C/S project implementation | | 68/PK/NCDD (2008) | Facilitate commune planning process for CIP and C/S funded projects | Districts |
| | | Prepare, approve and implement C/S development plan for the purpose of determining the vision, programs and development of its C/S | | NS/RKM/0301/05 Law on C/S (2001) | Support to CC for planning and project preparation | SPPAs / Excom (PUR/TAK) |
| | | | | | For JICA Project, assign staff and facilitate work with community, data collection etc. | PDWRAM (PUR) |
| | | | | | For C/S Projects, follow PIM | CCs |
| | | | | | Provision of small-scale irrigation systems - on paper only | PDRD |
| | | | | | Design | |
| | | | | | Technical design and hydrology with technical support to Prov | MOWRAM-DG |
| | | | | | Project design for C/S funded projects | SPPAs / Excom (PUR/TAK) |
| | | | | | For JICA Project, project design by JICA consultant | |
| | | | | | Approvals | |
| | | | | | Approval of technical designs | PDWRAM (PUR) |
| | | | | | Technical clearance of C/S and other projects | SPPAs / Excom (PUR/TAK) |
| | | | | | Safeguards clearance and approval for C/S and other | SPPAs / Excom |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|--------------------------------|--|--|----------|---------------------------------|--|--------------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| | | | | | projects | (PUR/TAK) |
| | | | | | District Initiative Pilot Project roles: safeguards study | Districts |
| | | | | | District Initiative Pilot Project roles: project approval | Districts |
| | Project finance | Budget and expenditure | | 26/ANK/BK (2002) | Allocation of C/S funding | |
| | | Facilitate the formulation C/S Investment Program, implementation of C/S annual budget | | 68/PK/NCDD (2008) | Support to contract management and payments for C/S and district projects | |
| | | Manage, monitor and conduct regular auditing of the financial system and provide payments against approved contracts in accordance with the NCDD financial manual/guidelines. | | 68/PK/NCDD (2008) | District Initiative Pilot Project roles: sign contract with ExCom for budget | Districts |
| | | | | | For C/S Projects, follow PIM | CCs |
| | | | | | Land acquisition | MOWRAM-DG |
| | Water management and allocation | The diversion, abstraction and use of water resources for purposes other than [domestic], and the construction of the waterworks relating thereto, are subject to a license or permit. | MOWRAM | Law on WRM (2007) | | MOWRAM-DG |
| | | To issue a permit for use of forest to an individual or legal entity to conduct use of water resources for irrigation or agricultural purposes upon the agreement of MOWRAM | MAFF | Law No. NS/RKM/0802/0 16 (2002) | Control systems for managing water levels, measurements by meters | PDWRAM (PUR) |
| | | | | | For JICA schemes, propose water allocation | PDWRAM (PUR) |
| | Project implementation | Approval of contracts by implementing agencies | | 68/PK/NCDD (2008) | Resettlement | MOWRAM-DG |
| | | Facilitate the C/S project implementation | | 68/PK/NCDD (2008) | Procurement (in accordance with ADB/WB rules) | MOWRAM-DG |
| | | Conduct technical inspection of construction related to water resources | MOWRAM | 58/ANK/BK (1999) | District Initiative Pilot Project roles: establishes procurement committee | Districts |
| | | | | | Construction by contract | MOWRAM-DG |
| | | | | | District Initiative Pilot Project | Districts |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | | |
|--------------------------------|------------------------|--|----------|-------------------|---|------------------------------|-----|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference | |
| | | | | | roles: supervision of construction | | |
| | | | | | For C/S Projects, follow PIM | CCs | |
| | | | | | Support communes for canals, water gates, rehabilitation work (ADB project) | PDWRAM (PUR) | |
| | | | | | Construction of secondary and tertiary canals | CC/ FWUC (PUR) | |
| | Project monitoring | Monitor and evaluate the program/ projects in accordance with guidelines and procedures in order to promote effectiveness and support the formulation of national policies | | | 68/PK/NCDD (2008) | For C/S Projects, follow PIM | CCs |
| | | Monitor, control and evaluate the implementation of plans, programs, projects and the provision of services with transparency and high accountability | | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | Monitor NGOs, IOs, or individuals investing in rehabilitation and construction of irrigation systems | | | IC 04/SRNN (1996) | | |
| O&M | Operation | Establish and support FWUCs | | | User fee management | MOWRAM-DG | |
| | | To ensure effective and sustainable management and operation of the irrigation system, the MOWRAM shall initiate the creation of Farmers' Water User Communities. | MOWRAM | Law on WRM (2007) | Transfer ownership to FWUC | MOWRAM-DG | |
| | | All farmers using water from the same irrigation system or part thereof may form a Farmers' Water User Community. | | Law on WRM (2007) | Training to FWUC | MOWRAM-DG | |
| | | Preparing formality related to citizen's operation and maintenance of ... irrigation water and organization of association or group of rural water consumers. | MRD DRWS | 51/ANK/BK (2001) | Training of FWUCs for C/S funded projects | PDWRAM (PUR) | |
| | | Establish associations or groups of | MRD DRWS | 51/ANK/BK | Monitoring of FWUCs | PDWRAM | |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|--------------------------------|------------------------|--|---|----------------------|---|---------------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| | | people using water in rural areas | | (2001) | | (PUR) |
| | | Promote, educate and establish farmer communities for water usage | MRWM Dept. Ag. Irrig. | 58/ANK/BK (1999) | | |
| | | Provide guidance to water using associations | MOWRAM | 58/ANK/BK (1999) | | |
| | | Conduct regular monitoring of promotion, education, establishment and instruction to farmer water user associations | MRWM Dept. Ag. Irrig. | 58/ANK/BK (1999) | | |
| | | Monitor water consumer associations | MOWRAM | 58/ANK/BK (1999) | | |
| | | Provide necessary technical support to involved private sector, professional organisations, communities and general citizens for commercial use of water resources | MOWRAM | 58/ANK/BK (1999) | | |
| | | Management of water and irrigation systems | | | | |
| | | Manage irrigation systems within a District/Khan | | IC 04/SRNN (1996) | Water allocation within system | MOWRAM-DG |
| | | Manage and conduct regular evaluation of all business activities using underground water to serve agriculture | MRWM Dept. Agricultural Irrigation | 58/ANK/BK (1999) | Management of the irrigation system | CC (PUR) |
| | | Implement policy on main water channel of irrigation systems (fuel for irrigating water from main water channels) | MOWRAM | IC 04/SRNN (1996) | Contractors responsible for maintenance and pumping of water to secondary and tertiary canals | FWUC (TAK) |
| | | Manage the process and maintenance of water station, big and medium scale pumping machines | MOWRAM | IC 04/SRNN (1996) | | |
| | Maintenance | Manage the process and maintenance of irrigation system and existing irrigation control system | MOWRAM | 58/ANK/BK (1999) | routine | MOWRAM-DG |
| | | Manage the process and maintenance of water station, big and medium scale pumping machines | MOWRAM | 58/ANK/BK (1999) | annual | MOWRAM-DG |
| | | Manage irrigation systems within a province/municipality | | IC 04/SRNN (1996) | major maintenance/repairs | MOWRAM-DG |

| Gap identification: Irrigation | | Assignment from legislation | | | Assignment from field work | |
|--------------------------------|-----------------------------|--|----------|----------------------------------|----------------------------|-----------|
| Category | Area of responsibility | Specific Responsibility by legislation | National | Reference | Activity | Reference |
| | | Manage irrigation systems involving a number of Districts/Khans | | IC 04/SRNN (1996) | | |
| | Management of assets | Promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of its C/S, serving the common interests of the citizens and respecting national interests in conformity with the general policy of the State | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | Properly manage assets that it obtains by itself and assets vested to it by the State. The procedures for management and use of the above assets shall be determined by SubC Decree. | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | Mandatory expenditures for commune/sangkat, to be reflected, in priority, in the budget: operation and maintenance costs of local infrastructure for which the commune/sangkat is responsible | | 26/ANK/BK (2002) | | |
| | | | | | | |

Appendix 2: Current mapping of Rural Roads

Rural roads responsibilities from legislation

| | |
|--|--|
| Note: The reference code is the number of the relevant legislation | MPWT: Ministry of Public Works & Transport |
| RKM: Reach Kram or Law | MRD: Ministry of Rural Development |
| PK: Prakas | MLMUPC: Ministry of Land Management, Urbanization & Construction |
| ANK: Anukret | DR: Department of Roads |
| | PD: Provincial Department |
| | LAU: Local Administration Unit |
| | TSU: Technical Support Unit |
| | ExCom: Executive Committee of Provincial Rural Development Committee |
| | CC: Commune Council |

| Roads by legislation | | | Reference | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|----------------------|------------------------|---|-----------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | | | | | | | | |
| Policy & regulation | Policy making | Managing and developing national policies on general public civil construction sectors through the preparation of principles and laws in collaboration with other institutions to develop the country | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Design and improve policy for rural roads in line with environment and safety standards, technology choices, contractual procedures, gender and social concerns | 51/ANK/BK(2001) | MRD-DR | | | | | | |
| | Regulation setting | developing regulations and managing all | 14/ANK/BK(1998) | MPWT | | | | | | |

| Roads by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|--|--|--|----------------------|------------------------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | Reference | | | | | | | |
| | | road transportations, railways, and waterways | | | | | | | | |
| | | Develop regulations related to operation of public infrastructure roads and bridges | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Establish laws, sub-decrees, circulars to manage roads and weight limits on roads and bridges | 076/ PK/SK/BT (2007) | MPWT-DR | | | | | | |
| | | managing and developing rules and regulations, maintaining safety, and facilitating ground transport such as road and railway transports | 14/ANK/BK(1998) | MPWT Road & Tran Dept. | | | | | | |
| | | Standard setting | | | | | | | | |
| Strategic planning and management | Information management | Preparing and monitoring database systems of the Ministry and determining its development program within every sector; | 14/ANK/BK(1998) | MPWT Planning Dept | | | | | | |
| | | Prepare inventory of rural roads | 51/ANK/BK(2001) | MRD | | | | | | |
| | | Collect and use baseline data for better understanding of the road network | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Prepare statistics of roads and bridges in provinces and Municipalities | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Count and analyse vehicle traffic on rural roads | 51/ANK/BK(2001) | MRD | | | | | | |
| | | Maintain technical documents on road use and other information related to road networks | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Monitor transportation on roads | 14/ANK/BK(1998) | MPWT | | | | | | |
| | Strategic planning | Prepare and propose short, medium and long term plans for rehabilitation and development of rural roads 51/ANK/BK(2001) | 51/ANK/BK(2001) | MRD-DR | | | | | | |
| | Developing cooperation programs inside | 14/ANK/BK(1998) | MPWT | | | | | | | |

| Roads by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|------------------------------------|------------------------------------|--|----------------------------------|------------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | Reference | | | | | | | |
| | | and outside the country in the fields of public works and transportation; | | Plan. Dept | | | | | | |
| | Strategic management | Training of civil servants in charge of performance and inspection of the implementation of rural road programs and projects. | 51/ANK/BK(2001) | MPWT-DR | | | | | | |
| | Research and innovation | Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | 51/ANK/BK(2001) | MRD-DR | | | | | | |
| Provision of infrastructure | Project planning and design | Study and research the construction and repair of rural roads 51/ANK/BK(2001) | 51/ANK/BK(2001) | MRD-DR | | | | | | |
| | | Facilitate and support the district/khan for implementation of the planning, prioritization and project selection process, preparation and implementation of inter-C/S projects funded by the district initiative program and other projects under the management of ExCom | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Facilitate the formulation of the C/S Development Plan and C/S Investment Program, formulation and implementation of C/S annual budget, and C/S project implementation | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Assist the C/S councils and district/khan development committees to carry out project feasibility studies, prepare designs, estimate costs and prepare project proposals | 68/PK/NCDD (2008) | | PDRD TSU | | | | | |
| | | Prepare, approve and implement C/S development plan for the purpose of determining the vision, programs and development of its C/S | NS/RKM/0301/05 Law on C/S (2001) | | | | CC | | | |

| Roads by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|----------------------|-------------------------------|---|----------------------------------|--------------------|----------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | Reference | | | | | | | |
| | | Ensure that decisions on infrastructure construction are in accordance with the priorities of land management policy | 62/ANK/BK (1999) | MLMUPC | | | | | | |
| | | Conduct preliminary designation of land for road construction | 86/ANK/BK (1997) | | Prov. Governor | | | | | |
| | Project finance | Budget and expenditure | 26/ANK/BK (2002) | | | | CC | | | |
| | | Facilitate the formulation C/S Investment Program, implementation of C/S annual budget | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | | Manage, monitor and conduct regular auditing of the financial system and provide payments against approved contracts in accordance with the NCDD financial manual/guidelines. | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | | | | | | | | | |
| | Project implementation | Supervising technical aspects of public procurements operations | 14/ANK/BK(1998) | MPWT Planning Dept | | | | | | |
| | | Approval of contracts by implementing agencies | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | Facilitate the C/S project implementation | 68/PK/NCDD (2008) | | ExCOM LAU | | | | | |
| | Project monitoring | Monitor and evaluate the program/ projects in accordance with guidelines and procedures in order to promote effectiveness and support the formulation of national policies | 68/PK/NCDD (2008) | | ExCom | | | | | |
| | | Monitor, control and evaluate the implementation of plans, programs, projects and the provision of services with transparency and high accountability | NS/RKM/0301/05 Law on C/S (2001) | | | | CC | | | |
| | | Monitor and follow up regularly on construction sites of roads and bridges | 14/ANK/BK(1998) | MPWT-DR | | | | | | |

| Roads by legislation | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|--|------------------------|---|--------------------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | Reference | | | | | | | |
| | | Evaluate completed road bridge and landing construction sites | 076/ PK/SK/BT (2007) | MPWT-DR | | | | | | |
| O&M | Operation | Prepare formalities related to operation and maintenance of rural roads by rural citizens to ensure sustainable development 51/ANK/BK(2001) | 51/ANK/BK(2001) | MRD-DRR | | | | | | |
| | | Manage vehicle load limits on roads | 076/ PK/SK/BT (2007) | MPWT-DR | | | | | | |
| | | Mandatory expenditures for C/S, to be reflected, in priority, in the budget: operation and maintenance costs of local infrastructure for which the C/S is responsible | 26/ANK/BK (2002) [Art.9] | | | CC | | | | |
| | Maintenance | Manage and maintain the public infrastructure of roads and bridges | 14/ANK/BK(1998) | MPWT | | | | | | |
| | | Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | 51/ANK/BK(2001) | MRD-DRR | | | | | | |
| | | Develop and organise programmes and prepare budget and means for maintenance of roads and bridges | 076/PK/SK/BT (2007) | MPWT-DR | | | | | | |
| | | Manage the maintenance of roads and bridges | 076/PK/SK/BT (2007) | MPWT-DR | PD-PWT | | | | | |
| | | Maintain roads, bridges and water pipelines within provincial/municipal boundaries | 609/PK/MoPWT (1994) | | | | | | | |
| | | Management of all rural roads with less than 50 vehicles trafficking per day | 51/ANK/BK(2001) | | | | | | | |
| | | Follow up and monitor the maintenance of roads and bridges | 14/ANK/BK(1998) | MPWT-DR | | | | | | |
| Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | 51/ANK/BK(2001) | | | | | | | | | |

| Roads by legislation | | | Reference | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|----------------------|-----------------------------|--|----------------------------------|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | | | | | | | | |
| | | Monitor and evaluate road maintenance work | 076/ PK/SK/BT (2007) | MPWT-DR | | | | | | |
| | Management of assets | Manage public assets in relation to roads | 14/ANK/BK(1998) | MPWT-DR | | | | | | |
| | | Manage public assets, roads and frontage of roads | 076/ PK/SK/BT (2007) | MPWT-DR | | | | | | |
| | | Promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of its C/S, serving the common interests of the citizens and respecting national interests in conformity with the general policy of the State | NS/RKM/0301/05 Law on C/S (2001) | | | | CC | | | |
| | | Properly manage assets that it obtains by itself and assets vested to it by the State. The procedures for management and use of the above assets shall be determined by SubC Decree. | NS/RKM/0301/05 Law on C/S (2001) | | | | CC | | | |

Rural roads responsibilities and activities from practice

| | |
|--|--|
| MPWT: Ministry of Public Works & Transport | CAU: Contract Administration and Finance Unit |
| MRD: Ministry of Rural Development | TSU: Technical Support Unit |
| MEF: Ministry of Economics & Finance | PMC: Project Management Committee |
| DR: Department of Roads | ExCom: Executive Committee of Provincial Rural Development Committee |
| PD: Provincial Department | CC: Commune Council |
| LAU: Local Administration Unit | |

| Rural roads in practice | | | Reference (interview) | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs / local committees | Private sector |
|-----------------------------------|--|--|--------------------------|----------|------------|----------|---------|---------------------------|--|----------------|
| Category | Area of responsibility | Specific activity | | | | | | | | |
| Policy & strategy | Policy making | Finalisation of rural roads policy | DGTA | MRD | | | | | | |
| | | | | | | | | | | |
| | Regulation setting | Mitigation of environmental impacts | DGTA | MRD | | | | | | |
| | | | | | | | | | | |
| Standard setting | Development of standards for road construction - Interim Rural Roads Standards for Tertiary and Sub-Tertiary Roads, Ministry of Rural Development (2006) The Cambodian Road and Bridge Design Standard and Construction Specifications (1999) | DGTA | MRD | | | | | | | |
| | | MPWT website | MPWT | | | | | | | |
| Strategic planning and management | Information management | Preparation and maintenance of road inventory | DR | MRD | | | | | | |
| | | Preparing road inventory (PUR about 50% complete; TAK 10-20% complete) | PDRD (PUR/TAK) | | PDRD | | | | | |
| | | Register all new roads | PDRD | | PDRD | | | | | |

| Rural roads in practice | | | Reference (interview) | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector | |
|--|-----------------------------|---|---|----------|----------------|----------------|---------|---------------------------|---|----------------|--|
| Category | Area of responsibility | Specific activity | | | | | | | | | |
| | | constructed by communes, NGOs, generous people | (TAK) | | | | | | | | |
| | | Development of road prioritisation methodology (in progress) | DGTA | MRD | | | | | | | |
| | | Strategic planning | Funding of rural roads - Committee to arrange national allocation of road funding | DR | MEF/MRD | | | | | | |
| | | Strategic management | Guidance on planning and development of roads (not yet done) | DGTA | MRD | | | | | | |
| | | Research and innovation | | | | | | | | | |
| Provision of infrastructure | Project planning and design | Planning and feasibility | | | | | | | | | |
| | | Requests for roads | DR | | Prov. Governor | | | | | | |
| | | For C/S Projects, follow PIM | CCs | | | | CC | | | | |
| | | District Initiative Pilot Project roles: planning and selection | Districts | | | District Admin | | | | | |
| | | Feasibility study | DR | MRD | | | | | | | |
| | | Support to CC for planning and project preparation | SPPAs / Excom (PUR/TAK) | | ExCom/ LAU/TSU | | | | | | |
| | | Facilitate commune planning process for CIP and C/S funded projects | Districts | | | District Admin | | | | | |
| | | Design | | | | | | | | | |
| Project design for C/S funded projects | SPPAs / Excom (PUR/TAK) | | TSU | | | | | | | | |
| | Approvals | | | | | | | | | | |

| Rural roads in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs / local committees | Private sector | |
|---|------------------------|--|-------------------------|----------|-------------------|----------|----------------|---------------------------|--|----------------|-------------|
| Category | Area of responsibility | Specific activity | Reference (interview) | | | | | | | | |
| | | Safeguards clearance and approval for C/S and other projects | SPPAs / Excom (PUR/TAK) | | PLAU/ line depts. | | | | | | |
| | | Technical clearance of C/S and other projects | SPPAs / Excom (PUR/TAK) | | PDRD | | | | | | |
| | | District Initiative Pilot Project roles: safeguards study | Districts | | PLAU/ line depts. | | | | | | |
| | | District Initiative Pilot Project roles: project approval | Districts | | ExCom | | | | | | |
| | Project finance | Allocation of C/S funding | | | MEF | | | | | | |
| | | Support to contract management and payments for C/S and district projects | | | | CAU | | | | | |
| | | District Initiative Pilot Project roles: sign contract with ExCom for budget | Districts | | | | District Admin | | | | |
| | | For C/S Projects, follow PIM | CCs | | | | | CC | | | |
| | Project implementation | District Initiative Pilot Project roles: establishes procurement committee | Districts | | | | District Admin | | | | |
| | | New construction - planning and management | DR | | MRD DR | | | | | | |
| | | Physical construction | DR | | Army Eng. Div | | | | | | Contractors |
| | | Rehabilitation | DR | | MRD | | | | | | |
| | | Upgrading (laterite - black-top) | DR | | MRD | | | | | | |
| | | Construction projects for new roads and rehabilitation | PDRD (PUR/TAK) | | MRD Dept Roads | | | | | | |
| District Initiative Pilot Project roles: supervision of | | Districts | | | | TSO | | PMC | | | |

| Rural roads in practice | | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs / local committees | Private sector |
|--|------------------------|---|-----------------------|-----------|------------|----------|-----------------|---------------------------|--|----------------|
| Category | Area of responsibility | Specific activity | Reference (interview) | | | | | | | |
| | | construction | | | | | | | | |
| | Project monitoring | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| | | For C/S Projects, follow PIM | CCs | | | | CC | | | |
| O&M | Operation | Traffic management - Prevention of overloading of vehicles | DR | MRD | | | | | | |
| | | Road safety - Committee chaired by MPWT | DR | MPWT/ MRD | | | | | | |
| | | Traffic management - use barriers to prevent access but these are often broken. | PDRD (PUR/TAK) | | PDRD | | | | | |
| | Maintenance | Maintenance of roads (incl. Seila roads) (PDRD has own equipment from construction projects) | DR | MRD | PDRD | | | | | |
| | | Periodic and routine maintenance of rural roads (T, T1, T2, T3 roads) using tech. staff, own and hired plant and hired labour | PDRD (PUR/TAK) | | PDRD | | | | | |
| | | Provides stockpiles of laterite for local maintenance (filling potholes) | PDRD (TAK) | | PDRD | | | | local hire labour | |
| | | C/S roads - most commune maintenance committees are not active | PDRD (TAK) | | | | | Maint. Sub-Comm | | |
| | | C/S roads: management of maintenance - establish sub-committees for each piece of road | CCs | | | | | CC | | |
| Commune roads maintenance, but most not active | CCs | | | | | | Maint. Sub-Comm | | | |

| Rural roads in practice | | | Reference (interview) | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|-------------------------|------------------------|--|--------------------------|----------|------------|----------|---------|---------------------------------|--|----------------|
| Category | Area of responsibility | Specific activity | | | | | | | | |
| | | Fund-raising for commune roads maintenance | CCs | | | | | | Maint. Sub-Comm | |
| | | Fund-raising for commune roads maintenance - never allocated funds for maintenance until this year | CC (TAK, Sam) | | | | CC | | | |
| | Management of assets | | | | | | | | | |
| | | | | | | | | | | |

Gap identification: Rural roads – legislated responsibilities compared with activities in practice

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | | |
|---------------------------------|------------------------|---|------------------------|----------------------|-------------------------------------|--|--------------|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) | |
| Policy & regulation | Policy making | Managing and developing national policies on general public civil construction sectors through the preparation of principles and laws in collaboration with other institutions to develop the country | MPWT | 14/ANK/BK(1998) | | DGTA | |
| | | Design and improve policy for rural roads in line with environment and safety standards, technology choices, contractual procedures, gender and social concerns | MRD-DR | 51/ANK/BK(2001) | Finalisation of rural roads policy | | |
| | | | MPWT | | | | |
| | Regulation setting | developing regulations and managing all road transportations, railways, and waterways | MPWT | 14/ANK/BK(1998) | | | |
| | | Develop regulations related to operation of public infrastructure roads and bridges | MPWT-DR | 14/ANK/BK(1998) | | | |
| | | Establish laws, sub-decrees, circulars to manage roads and weight limits on roads and bridges | MPWT Road & Tran Dept. | 076/ PK/SK/BT (2007) | | | |
| | | managing and developing rules and regulations, maintaining safety, and facilitating ground transport such as road and railway transports | MPWT | 14/ANK/BK(1998) | | | |
| | | | | | Mitigation of environmental impacts | DGTA | |
| | | Standard setting | | | | Development of standards for road construction - Interim Rural Roads Standards for Tertiary and Sub-Tertiary Roads, Ministry of Rural Development (2006) | DGTA |
| | | | | | | The Cambodian Road and Bridge Design Standard and Construction Specifications | MPWT website |

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | |
|--|-------------------------------|---|--------------------|-----------------|---|-----------------------|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) |
| | | | | | (1999) | |
| Strategic planning and management | Information management | Preparing and monitoring database systems of the Ministry and determining its development program within every sector; | MPWT Planning Dept | 14/ANK/BK(1998) | | |
| | | Collect and use baseline data for better understanding of the road network | MPWT | 14/ANK/BK(1998) | | |
| | | Prepare statistics of roads and bridges in provinces and Municipalities | MPWT | 14/ANK/BK(1998) | | |
| | | Prepare inventory of rural roads | MRD | 51/ANK/BK(2001) | Preparation and maintenance of road inventory | DR |
| | | | | | Preparing road inventory (PUR about 50% complete; TAK 10-20% complete) | PDRD (PUR/TAK) |
| | | | | | Register all new roads constructed by communes, NGOs, generous people | PDRD (TAK) |
| | | | | | Development of road prioritisation methodology (in progress) | DGTA |
| | | Count and analyse vehicle traffic on rural roads | MRD | 51/ANK/BK(2001) | | |
| | | Maintain technical documents on road use and other information related to road networks | MPWT | 14/ANK/BK(1998) | | |
| | | Monitor transportation on roads | MPWT | 14/ANK/BK(1998) | | |
| | Strategic planning | Prepare and propose short, medium and long term plans for rehabilitation and development of rural roads 51/ANK/BK(2001) | MRD-DR | 51/ANK/BK(2001) | Funding of rural roads - Committee to arrange national allocation of road funding | DR |
| | | Developing cooperation programs inside and outside the country in the fields of public works and transportation | MPWT Plan. Dept | 14/ANK/BK(1998) | | |
| | Strategic management | Training of civil servants in charge of performance and inspection of the implementation of rural road programs and projects. | MPWT-DR | 51/ANK/BK(2001) | | |
| | | | | | Guidance on planning and development of roads (not yet done) | DGTA |

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | |
|---------------------------------|-----------------------------|--|--------------------------|----------------------------------|---|-------------------------|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) |
| | Research and innovation | Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | MRD-DR | 51/ANK/BK(2001) | | |
| Provision of infrastructure | Project planning and design | Study and research the construction and repair of rural roads 51/ANK/BK(2001) | MRD-DR | 51/ANK/BK(2001) | Planning and feasibility | |
| | | Facilitate and support the district/khan for implementation of the planning, prioritization and project selection process, preparation and implementation of inter-C/S projects funded by the district initiative program and other projects under the management of ExCom | | 68/PK/NCDD (2008) | Requests for roads | DR |
| | | Facilitate the formulation of the C/S Development Plan and C/S Investment Program, formulation and implementation of C/S annual budget, and C/S project implementation | | 68/PK/NCDD (2008) | For C/S Projects, follow PIM | CCs |
| | | Assist the C/S councils and district/khan development committees to carry out project feasibility studies, prepare designs, estimate costs and prepare project proposals | | 68/PK/NCDD (2008) | District Initiative Pilot Project roles: planning and selection | Districts |
| | | Prepare, approve and implement C/S development plan for the purpose of determining the vision, programs and development of its C/S | | NS/RKM/0301/05 Law on C/S (2001) | Feasibility study | DR |
| | | Ensure that decisions on infrastructure construction are in accordance with the priorities of land management policy | MLMUPC | 62/ANK/BK (1999) | Support to CC for planning and project preparation | SPPAs / Excom (PUR/TAK) |
| | | Conduct preliminary designation of land for road construction | | 86/ANK/BK (1997) | Facilitate commune planning process for CIP and C/S funded projects | Districts |
| | | | | | Design | |
| | | | | | Project design for C/S funded projects | SPPAs / Excom (PUR/TAK) |
| | | | | | Approvals | |
| | | | Safeguards clearance and | SPPAs / | | |

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | |
|---------------------------------|-------------------------------|---|--------------------|------------------------------|--|-------------------------|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) |
| | | | | | approval for C/S and other projects | Excom (PUR/TAK) |
| | | | | | Technical clearance of C/S and other projects | SPPAs / Excom (PUR/TAK) |
| | | | | | District Initiative Pilot Project roles: safeguards study | Districts |
| | | | | | District Initiative Pilot Project roles: project approval | Districts |
| | Project finance | Budget and expenditure | | 26/ANK/BK (2002) | Allocation of C/S funding | |
| | | Facilitate the formulation C/S Investment Program, implementation of C/S annual budget | | 68/PK/NCDD (2008) | Support to contract management and payments for C/S and district projects | |
| | | Manage, monitor and conduct regular auditing of the financial system and provide payments against approved contracts in accordance with the NCDD financial manual/guidelines. | | 68/PK/NCDD (2008) | District Initiative Pilot Project roles: sign contract with ExCom for budget | Districts |
| | | | | | For C/S Projects, follow PIM | CCs |
| | Project implementation | Supervising technical aspects of public procurements operations | MPWT Planning Dept | 14/ANK/BK(1998) | District Initiative Pilot Project roles: establishes procurement committee | Districts |
| | | Approval of contracts by implementing agencies | | 68/PK/NCDD (2008) | New construction - planning and management | DR |
| | | Facilitate the C/S project implementation | | 68/PK/NCDD (2008) | Physical construction | DR |
| | | | | | Rehabilitation | DR |
| | | | | | Upgrading (laterite - black-top) | DR |
| | | | | | Construction projects for new roads and rehabilitation | PDRD (PUR/TAK) |
| | | | | | District Initiative Pilot Project roles: supervision of construction | Districts |
| | | | | For C/S Projects, follow PIM | CCs | |

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | |
|---------------------------------|------------------------|--|----------|----------------------------------|---|-----------------------|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) |
| | Project monitoring | Monitor and evaluate the program/ projects in accordance with guidelines and procedures in order to promote effectiveness and support the formulation of national policies | | 68/PK/NCDD (2008) | For C/S Projects, follow PIM | CCs |
| | | Monitor, control and evaluate the implementation of plans, programs, projects and the provision of services with transparency and high accountability | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | Monitor and follow up regularly on construction sites of roads and bridges | MPWT-DR | 14/ANK/BK(1998) | | |
| | | Evaluate completed road bridge and landing construction sites | MPWT-DR | 076/ PK/SK/BT (2007) | | |
| O&M | Operation | Prepare formalities related to operation and maintenance of rural roads by rural citizens to ensure sustainable development 51/ANK/BK(2001) | MRD-DRR | 51/ANK/BK(2001) | Traffic management - Prevention of overloading of vehicles | DR |
| | | Manage vehicle load limits on roads | MPWT-DR | 076/ PK/SK/BT (2007) | Road safety - Committee chaired by MPWT | DR |
| | | Mandatory expenditures for C/S, to be reflected, in priority, in the budget: operation and maintenance costs of local infrastructure for which the C/S is responsible | | 26/ANK/BK (2002) [Art.9] | Traffic management - use barriers to prevent access but these are often broken. | PDRD (PUR/TAK) |
| | Maintenance | Manage and maintain the public infrastructure of roads and bridges | MPWT | 14/ANK/BK(1998) | Maintenance of roads (incl. Seila roads) (PDRD has own equipment from construction projects) | DR |
| | | Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | MRD-DRR | 51/ANK/BK(2001) | Periodic and routine maintenance of rural roads (T, T1, T2, T3 roads) using tech. staff, own and hired plant and hired labour | PDRD (PUR/TAK) |
| | | Develop and organise programmes and prepare budget and means for maintenance of roads and bridges | MPWT-DR | 076/PK/SK/BT (2007) | Provides stockpiles of laterite for local maintenance (filling potholes) | PDRD (TAK) |
| | | Manage the maintenance of roads and | MPWT- | 076/PK/SK/BT | C/S roads - most commune | PDRD |

| Gap identification: Rural roads | | Assignment from legislation | | | Assignment from field work | | |
|---------------------------------|-----------------------------|--|----------|----------------------|--|-----------------------|--|
| Category | Area of responsibility | Specific responsibility | National | Reference | Specific activity | Reference (interview) | |
| | | bridges | DR | (2007) | maintenance committees are not active | (TAK) | |
| | | Maintain roads, bridges and water pipelines within provincial/municipal boundaries | | 609/PK/MoPWT (1994) | C/S roads: management of maintenance - establish sub-committees for each piece of road | CCs | |
| | | Management of all rural roads with less than 50 vehicles trafficking per day | | 51/ANK/BK(2001) | Commune roads maintenance, but most not active | CCs | |
| | | Follow up and monitor the maintenance of roads and bridges | MPWT-DR | 14/ANK/BK(1998) | Fund-raising for commune roads maintenance | CCs | |
| | | Study, research and plan the repair and maintenance of rural roads 51/ANK/BK(2001) | | 51/ANK/BK(2001) | Fund-raising for commune roads maintenance - never allocated funds for maintenance until this year | CC (TAK, Sam) | |
| | | Monitor and evaluate road maintenance work | MPWT-DR | 076/ PK/SK/BT (2007) | | | |
| | Management of assets | Manage public assets in relation to roads | MPWT-DR | 14/ANK/BK(1998) | | | |
| | | Manage public assets, roads and frontage of roads | MPWT-DR | 076/ PK/SK/BT (2007) | | | |
| | | Promote and support good governance by managing and using existing resources in a sustainable manner to meet the basic needs of its C/S, serving the common interests of the citizens and respecting national interests in conformity with the general policy of the State | | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | Properly manage assets that it obtains by itself and assets vested to it by the State. The procedures for management and use of the above assets shall be determined by Sub-Decree. | | | NS/RKM/0301/05 Law on C/S (2001) | | |
| | | | | | | | |

Appendix 3: Current mapping of resources

| Level | Main responsibilities and activities | Source of info | Finance | | | Human | | | | | Assets | | |
|------------|---|--|--|-------------------|---------------|-------|-----|-----|-----|------------------------------|----------------|---|---------------------|
| | | | Inter-governmental transfers | | Local Revenue | A | B | C | D | classification not available | Infrastructure | Equipment | Documents / records |
| | | | recurrent | capital | | | | | | | | | |
| National | | | | | | | | | | | | | |
| MOWRAM | Policy, regulation, water resource management, project and engineering design | Interview | | 100% donor funded | | 310 | 169 | 42 | 183 | | | | |
| MRD | Policy, regulation, project and engineering design and construction by contract | MRD Department of Training & Research Annual Report 2009 | | 100% donor funded | | 331 | 48 | 200 | | | | | |
| Provincial | | | | | | | | | | | | | |
| Pursat | | | | | | | | | | | | | |
| PDRD | Maintenance of rural roads (paved roads and district roads) | interview | \$125,000 for road maintenance \$50,000 admin | | | 3 | 2 | | 7 | | | car, compactor/roller | |
| PDWRAM | Design and support project development | interview | not known | | | 3 | 6 | 15 | | | | 1 excavator, 1 dump truck, 25 big pumps, 50 small pumps, 2 cars | |

| Level | Main responsibilities and activities | Source of info | Finance | | | Human | | | | | Assets | | |
|-----------|---|-------------------------------------|--|---|---------------|-------|---|---|---|------------------------------|---|--|-----------------------------|
| | | | Inter-governmental transfers | | Local Revenue | A | B | C | D | classification not available | Infrastructure | Equipment | Documents / records |
| | | | recurrent | capital | | | | | | | | | |
| Takeo | | | | | | | | | | | | | |
| ExCom/LAU | Capacity building of communes, supports CIP process | interview | | | | | | | | 47 field staff | | | |
| PDRD | Maintenance of rural roads (paved roads and district roads) | interview | \$250,000 for road maintenance | | | 3 | 4 | 8 | | | 500 unpaved roads - 2,500km | 5 dump trucks, 2 water trucks, 1 transporter truck, 1 crane truck, 1 grader, 1 4-tonne roller, 9 800kg rollers | road inventory (in process) |
| District | | | | | | | | | | | | | |
| Pursat | | | | | | | | | | | | | |
| Krakor | Support to C/S and district projects | interview, District Data Books 2009 | Salaries from central Govt.; no admin budget | \$20,000 District Initiative Project | None | | | | | as per District data book | 2008: laterite road 123km; constructed earth road 87km; unconstructed earth road 100km | Office building, 2 motorbikes, 1 computer/printer | |
| Bakan | Support to C/S and district projects | interview, District Data Books 2009 | Salaries from central Govt.; no admin budget | up to \$30,000 available from ICC Pilot Project | None | | | | | as per District data book | 2008: laterite road 181km; constructed earth road 101km; unconstructed earth road 185km | 2 Office buildings, 2 motorbikes, 1 computer/printer | |

| Level | Main responsibilities and activities | Source of info | Finance | | | Human | | | | | Assets | | | |
|--------------------|--------------------------------------|-------------------------------------|--|----------------------------|--|-------|---|---|---|------------------------------|---------------------------|---|---|--|
| | | | Inter-governmental transfers | | Local Revenue | A | B | C | D | classification not available | Infrastructure | Equipment | Documents / records | |
| | | | recurrent | capital | | | | | | | | | | |
| Kandieng | Support to C/S and district projects | interview, District Data Books 2009 | Salaries from central Govt.; no admin budget | \$30,000 ICC Pilot Project | None (province takes fees from local market) | | | | | | as per District data book | 2008: laterite road 96km; constructed earth road 52km; unconstructed earth road 26km | Office building, 2 motorbikes, 3 computer/printer | |
| Takeo | | | | | | | | | | | | | | |
| Kirivong | Support to C/S and district projects | interview, District Data Books 2009 | Salaries from central Govt.; no admin budget | | | | | | | | as per District data book | 2008: laterite road 220km; constructed earth road 58km; unconstructed earth road 39km | 3 buildings, no equipment | |
| Samroang | Support to C/S and district projects | interview, District Data Books 2009 | Salaries from central Govt.; no admin budget | | | | | | | | as per District data book | 2008: laterite road 433km; constructed earth road 19km; unconstructed earth road 73km | | |
| Commune | | | | | | | | | | | | | | |
| Pursat | | | | | | | | | | | | | | |
| Krakor - KbalTrach | C/S funded projects | interview | | \$10,000 | | | | 1 | | | | 2005-2008: 0.8km earth road, 4 culverts - | | |

| Level | Main responsibilities and activities | Source of info | Finance | | | Human | | | | | Assets | | |
|----------------------|--------------------------------------|----------------|------------------------------|----------|---------------|-------|-------|----------------|---|------------------------------|--|-------------|---------------------|
| | | | Inter-governmental transfers | | Local Revenue | | | | | | | | |
| | | | recurrent | capital | | A | B | C | D | classification not available | Infrastructure | Equipment | Documents / records |
| | | | | | | | | | | | MR24.93 | | |
| Bakan - Ou Ta Paong | C/S funded projects | interview | <10% of budget | \$10,000 | | | 2 + 3 | ADB facilities | | | 2005-2008: 11.1km laterite road, 4 culverts - MR123.65; 2.2km canal - MR21.67 | | |
| Kandieng - Sya | C/S funded projects | interview | | \$10,000 | | | 1 | | | | 2005-2008: 3.6km earth road, 1 bridge - MR55.76; river bank protection groynes 3 - MR57.91 | | |
| Takeo | | | | | | | | | | | | | |
| Kirivong - PhnumDenh | C/S funded projects | interview | | \$10,000 | | | 2 | | | | 2005-2008: 1.3km laterite road, 2.2km earth road repair, 15 culverts - MR98.89 | 1 motorbike | |

| Level | Main responsibilities and activities | Source of info | Finance | | | Human | | | | | Assets | | | |
|------------------------|--------------------------------------|----------------|------------------------------|----------|---------------|-------|--|--|--|------------------------------|----------------|---|---------------------|--|
| | | | Inter-governmental transfers | | Local Revenue | | | | | classification not available | Infrastructure | Equipment | Documents / records | |
| | | | recurrent | capital | | | | | | | | | | |
| Samroang - Cheung Kuon | C/S funded projects | interview | | \$10,000 | | | | | | | | 2005-2008: 3.2km gravel road, 2.6km earth road, 2 culverts - MR95.82; 1.7km canal - MR29.72 | | |
| | | | | | | | | | | | | | | |

Appendix 4: Suggested reassignment of irrigation

| Irrigation: Suggested reassignment | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|------------------------------------|---------------------------------|---|----------|------------|----------|---------|---------------------------|---|----------------|
| Category | Area of responsibility | Specific responsibility | | | | | | | |
| Policy & regulation | Policy making | | | | | | | | |
| | Regulation setting | | | | | | | | |
| | Standard setting | | | | | | | | |
| Strategic planning and management | Information management | Keep a centralized inventory of the water resources | | | | | | | |
| | | Collect and analyse data for hydrological research on surface water and groundwater | | | | | | | |
| | Strategic planning | National water resources planning | | | | | | | |
| | | River basin water management and allocation planning | | | | | | | |
| | Strategic management | River basin water management, allocation and regulation | | | | | | | |
| Research and innovation | | | | | | | | | |
| Provision of infrastructure | Project planning | Planning and feasibility of small-scale projects | | | | | | | |
| | | Project design | | | | | | | |
| | | Approvals (with independent checking of engineering design) | | | | | | | |
| | Project finance | | | | | | | | |
| | Water management and allocation | Monitoring of water resources | | | | | | River basin authority | |
| | | Operational allocation and regulation | | | | | | River basin authority | |
| | | Water management within irrigation system | | | | | | | FWUC |
| | Project implementation | | | | | | | | |
| Project monitoring | | | | | | | | | |
| O&M | Operation | Establish and support FWUCs | | | | | | | |
| | | Management of water and irrigation systems | | | | | | | FWUC |
| | Maintenance | Secondary and tertiary canals | | | | | | | FWUC |

| Irrigation: Suggested reassignment | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committees | Private sector |
|---|-------------------------------|--------------------------------|-----------------|-------------------|-----------------|----------------|----------------------------------|--|-----------------------|
| Category | Area of responsibility | Specific responsibility | | | | | | | |
| | Management of assets | | | | | | | FWUC | |

Appendix 5: Suggested reassignment of rural roads

| Rural roads: Suggested reassignment | | | National | Provincial | District | Commune | Other administrative area | Community structures / CSOs/ local committee | Private sector |
|-------------------------------------|-----------------------------|--|----------|------------|----------|---------|---------------------------|--|----------------|
| Category | Area of responsibility | Specific responsibilities | | | | | | | |
| Policy & regulation | Policy making | | | | | | | | |
| | Regulation setting | | | | | | | | |
| | Standard setting | | | | | | | | |
| Strategic planning and management | Information management | Compile district inventories into a provincial inventory of rural roads | | | | | | | |
| | | Prepared and maintain inventory of district roads | | | | | | | |
| | | Monitor transport on roads | | | | | | | |
| | Strategic planning | Prepare strategic plan for roads in districts, based on the ILO Integrated Rural Accessibility Planning for District Infrastructure Development Plan | | | | | | | |
| | Strategic management | Implementation of strategic plan | | | | | | | |
| | Research and innovation | | | | | | | | |
| Provision of infrastructure | Project planning and design | Identify individual road projects based on District Strategic Plan | | | | | | | |
| | | Preparation of projects, including feasibility studies, design, etc. | | | | | | | |
| | | Approvals | | | | | | | |
| | Project finance | | | | | | | | |
| | Project implementation | | | | | | | | |
| Project monitoring | | | | | | | | | |
| O&M | Operation | | | | | | | | |
| | Maintenance | Oversight responsibility for maintenance of commune and district roads | | | | | | | |
| | | Maintenance of commune roads | | | | | | | |
| Management of assets | | | | | | | | | |

Appendix 6: Terms of Reference

| | |
|------------------------|---|
| Project Number: | H3260 KH |
| Project Title: | Rural Investment and Local Governance Project – Additional Financing |
| Consultancy: | Local Functions for Provision and Management of Small-Scale Rural Infrastructure |
| Location: | Phnom Penh and selected provinces, Cambodia |
| Duration: | 37 working days |

1. Background and Context

The Royal Government of Cambodia (RGC) has received a Grant from the International Development Association (IDA) to support implementation of the Rural Investment for Local Governance Project (RILGP) – Additional Financing. As implementing agent for RILGP, the National Committee for Democratic Development at Sub-National Level (NCDD) now intends to apply part of these funds to engage an individual expert consultant to conduct a study of Local Functions for Provision and Management of Small-Scale Rural Infrastructure.

Commune / Sangkat Councils were elected for the first time in Cambodia in 2002 and elections for the second mandate of these councils took place in 2007. This initiative in democratic local governance has resulted in some notable successes in improving the relationship of trust between citizens and local authorities, in formulation of local development plans reflecting the needs and priorities of citizens, in implementation of small-scale local development projects and in provision of a limited range of formal and informal services. The Law on Administration and Management of Communes and Sangkats (LAMC, 2002) assigns the councils general responsibilities for local development. Almost the entire formal revenues of the C/S Councils are funded by the Commune/Sangkat Fund, a fiscal transfer from the national budget, which is divided into a component for administration and a component for development. In principle, the development component of the C/S Fund may be applied to a broad range of development interventions, such as⁸:

- The survey, design and construction, small-scale infrastructure such as roads, bridges, markets, educational and health care facilities, community centers, small irrigation structures, agricultural storage facilities, water and power supply;
- Costs of maintenance, minor repairs, and operation of local infrastructure and the delivery of related services;
- Costs of the preparation and updating of the commune/Sangkat development and investment plan and related costs such as collection of socio-economic data, popular consultations, reproduction and dissemination of the plan document;
- Costs relating to supporting community development programs managed by local NGOs and community-based organizations, such as local education and information campaigns for women and youth, environmental protection and natural resources management and other programs affecting the welfare of local population.

In practice the single most important category of expenditures is for capital investments in small-scale local infrastructure, principally roads (around 70%), small-scale irrigation (around 20%) rural water supplies and community buildings. Only very minor amounts are spent on operation and maintenance costs.

Various line agencies, program or project units and non-State agencies support investments of similar type, scale and quality as the C/S Fund investments. In some cases, (including Provincial Investment Funds and District Initiative Funds supported through NCDD), funding may come from

⁸ Sub-Decree on the Establishment of the Communes-Sangkats Fund, 2002

donors who also co-finance the C/S Fund. The lack of clear assigned roles and responsibilities has a number of undesirable consequences, including:

1. Short-term, project-focused approach with little strategic planning;
2. Inadequate provision for operation and maintenance of project outputs;
3. Commune Councils attempting projects which are beyond their capacity to implement, or to operate and maintain;
4. Conflicts between Commune and sector planning so that, on occasion, newly completed Commune projects, particularly roads and cross-drainage structures, are demolished to make way for higher standard rehabilitation works funded through sector programs or another outside sources.

In May 2008 Capital, Province, Municipality, District and Khan Councils were elected for the first time in Cambodia. Under the Organic Law⁹ mandating the creation of Provincial and District level councils, these councils are responsible to formulate five-year strategic development plans and three-year rolling investment programs at their respective levels. The Ministry of Economy and Finance is considering options for financing development activities of the new Councils. In line with the Organic Law it is anticipated that the revenues of the new Councils will include unconditional grants for development expenditures.

NCDD and donor partners have supported development investments at the District level since 2006 with the intention of piloting and gaining experience in District level planning and project implementation in advance of the decentralization reforms. Each participating District is permitted to allocate no more than two-thirds of these “District Initiative” funds to infrastructure and the remainder to non-infrastructure services. However, the experience of the District Initiative indicates that District investment priorities are likely to be similar to those at the Commune level, with the bulk of discretionary funds being allocated to a limited number of types of infrastructure investment.

The development component of the C/S Fund has been financed by about 50% from domestic revenues and 50% from external donor assistance, to which the major contribution has been from IDA through RILGP-AF.

IDA and RGC are preparing a successor project to RILGP-AF and the World Bank intends to continue supporting decentralisation reforms in Cambodia after the completion of RILGP-AF in December 2010. The Bank is now considering the financing of a “Project to Support Sub-National Democratic Development” (PSSNDD) to *assist the RGC’s initial implementation of the National Program, support the establishment and strengthening of decentralized local governance and development institutions and processes, and provide funding for investments in local development*. It is envisaged that the PSSND will continue to support investments at the Commune level, and may also contribute to financing of a new District Fund or equivalent arrangement.

The Ministry of Economy and Finance, and NCDD, have indicated their concern that fiscal transfers to District and Commune levels should be used to finance appropriate and specific functions of each level. Without clear specification of functions, there is a danger of inefficient duplication of roles and activities at each level of sub-national government.

The Organic Law provides for appropriate functions to be delegated or assigned to the various levels of sub-national administrations, for the mandatory and permissive functions of the administrations to be defined by regulation and for associated financial, human and material resources necessary for the discharge of these functions to be transferred together with the responsibility. The Organic Law does not specify what functions are to be transferred, but mandates NCDD to undertake a functional review to identify the appropriate functions.

The 10-year National Program for Democratic Development at Sub-national level, approved by the Council of Ministers on 28 May 2010, (henceforth referred to as the “National Program”),

⁹ Formally, the Law on the Administrative Management of Capital, Provinces, Districts, Municipalities and Khans 2008

envisages a gradual approach to transfer of functions, with systems institutionalized in the first “platform” of the program during 2010-2012 and the major transfers of responsibilities taking place in “platform 2” during 2013-2015. However, the Government of Cambodia as well as Development Partners still have to come to conclusions with regard to scope and speed of decentralization over the years to come, including the modalities for assigning specific functions to the District level.

GTZ and UNICEF are leading a donor effort to support NCDD in preparing for transfer of functions. A mission report produced by these agencies in September 2009 confirms the need for an incremental approach but recommends that an “immediate package of functions” should be transferred to facilitate learning by doing in the newly established administrations¹⁰. In addition, a discussion paper prepared by GTZ in 2008 provides a useful background, rationale for decentralization, and an introduction and considerations for a functional review process¹¹.

Separately, UNICEF engaged a consultant to work specifically with Ministry of Rural Development to study the challenges in functional re-allocation for the rural water and sanitation sector¹². UNCDF is in the process of developing a possible pilot in three districts in Takeo Province with regard to district level planning. UNICEF is also supporting three functional reviews in the social affairs, education and health sectors. While DANIDA, under the Natural Resources Management and Livelihoods Project, plans to support studies on functional reassignments in fisheries and forestry.

The Ministry of Rural Development has identified candidate functions for decentralization including some functions concerned with rural roads, small-scale irrigation and rural water supplies and sanitation.

NCDD has produced detailed District Data Books in Khmer and English, containing comprehensive data on all development, services, infrastructure, resources and projects at District/Khan and Commune/Sangkat level, to support Councilors, Government staff and others in targeting, planning, monitoring and managing development efforts at the District level. These Data Books and related maps were disseminated in late 2009, together with training to use these tools.

Based on past experience it is clear that investments in construction, repair and maintenance of roads, provision of rural water supplies and provision of irrigation infrastructure are likely to be amongst the highest priority investments identified through the District planning system, as they are also at the Commune level. The rationale for the present study is that there is an opportunity for immediate gains in efficiency of resource allocation and in quality of service delivery by clarifying the appropriate division of responsibility for these activities between sector agencies, the different sub-national levels, civil society organizations and the private sector. In the short term, and while a government-wide agreement is developed on the process for reassigning functions from the central to the sub-national administrations, pilot initiatives could be developed to design and test both contractual delegation arrangements and the assignment of permissive functions supported by appropriate resources and transfer arrangements foreseen by the Organic Law, These initiatives would also allow capacity building efforts to be allocated more efficiently and would generate lessons applicable to more widespread functional assignments at a later date.

¹⁰ Joint UN-GTZ Technical Assistance to the Royal Government of Cambodia in support of Functional Review, September 18 2009.

¹¹“Functional Review in Cambodia – A proposed Process for Discussion”, Shelley Flam, June 2008, Administration Reform and Decentralization Program, Implemented by GTZ.

¹²UNICEF, Cambodia, Rural Water Supply and Sanitation in Cambodia: Understanding Functional Reassignment for Improving Local Service Delivery, September, 2009.

2. Objectives and Methodology

2.1 Objectives

The Objectives of this study are:

1. To identify the key functions associated with planning, design, construction, operation and maintenance of rural roads, rural water supplies and small scale or secondary / tertiary irrigation infrastructure in Cambodia;
2. To define the current assignment of these functions to State, private sector and civil society bodies and to identify key constraints, (and achievements achieved to date), to efficiently perform these functions;
3. To explore options for formal assignment or delegation to District and Commune authorities of functions associated with the delivery of small scale rural infrastructure to improve the allocative and productive efficiency and accountability in the use of public sector resources for such delivery.
4. To take stock of the ongoing debate on scope, speed and nature of functional reassignment, in particular to the District level, with special attention to functions that relate to small scale rural infrastructure.
5. To propose an approximate basis for estimating capital and recurrent costs and the human, physical and financial resources needed by the District and Commune authorities to discharge each function effectively, determine whether these resources exist within the present system or represent incremental needs and provide recommendations on how such resources could be mobilized and managed.
6. To outline a possible pilot activity, (perhaps in 2011), in one or more selected districts, which could field test new arrangements for assigning and/or delegating functions in support of small-scale rural infrastructure to district/municipal and commune level institutions and which would be consistent with the Implementation Plan for the first three years of the National Program.
7. To propose any other next steps towards elaborating and preparing for assigning functions on small-scale rural infrastructure in the near future.

2.2 Methodology

The methodology of the study will comprise literature review, (including relevant international experience), discussions with NCDD-S, the D & D Working Groups of the Ministries of Rural Development and Water Resources and Meteorology, other key stakeholders, (including World Bank, UNICEF, GTZ and DANIDA), assessment of the capacity and readiness of the various administrations, agencies and civil society or private sector bodies to undertake relevant functions and analysis of financial, material and human resources required to undertake each function successfully. The consultant will develop a typology of functions¹³ with associated costs and capacity requirement, current (including *de facto*) assignment of these functions and appropriate future assignment of each function.

The working definition of “appropriate” is, (subject to any modification proposed by the Consultant, consistent with the provisions of the Organic Law¹⁴ and agreed by NCDD at Inception Report stage), that:

1. Functions are assigned to the lowest level of administration that has the capacity to discharge the function efficiently and effectively (“subsidiarity”);
2. Assignment of a specific function to one Sub-National Administration (SNA) or sector agency does not damage the ability of another SNA or agency to carry out related functions;

¹³ See also Background Document No. 1. (GTZ)

¹⁴Organic Law Article 220.

3. For investments which have benefits of a general public good nature, (i.e. there is no exclusive beneficiary group and benefits enjoyed by one user do not directly reduce the benefits available to other users), responsibility for operation and maintenance of the physical outputs should normally be vested in the administrative level or State agency responsible for the investment. Therefore, capital and recurrent expenditures for this type of investment should be funded from public funds at the relevant budget level;
4. In general, sector line agencies and Sub-National Administrations should not undertake direct operation and maintenance responsibilities for investments which have benefits of a private good nature, (i.e. there is a limited, identifiable group of beneficiaries who enjoy exclusive access to or use of the infrastructure). Appropriate options for operation and maintenance responsibilities may include civil society institutions, (user groups, etc.), fee-collecting state agencies or private sector concessions. User groups should be directly involved in the planning and implementation of investments so that the investment has the nature of a capital grant to the user group. Operation and maintenance costs should be funded from user contributions or fees. Where ongoing public subsidy for operation and maintenance is required, there should be a clear justification for this taking into account impact on poverty and wider economic and social benefits.

The analysis should be supported by an estimate of the appropriate distribution of capital and recurrent revenues to support the assigned functions, assuming that total expenditure on the relevant types of small scale infrastructure remains constant.

3. Scope of Services

3.1 Supervision

The Consultant will work under the overall direction of the Director of the Program Support Team (PST) of NCDD. Day-to-day technical direction will be the responsibility of the Deputy Director of the PST who may appoint one or more PST resident advisers to liaise with MRD, MOWRAM and other relevant stakeholders and cooperate with the consultant.

3.2 Detailed Tasks

1. Familiarization with the background of D&D reforms in Cambodia including history, key institutions and outlines of donor partner support, and briefing by the NCDD policy Unit and IP3 design Team (Approximately 1 working day);
2. Familiarization with the Commune Development Planning Process and the District Development Planning Process guidelines and the C/S Fund Project Implementation Manual (2 days);
3. Familiarization with relevant previous studies and reports on implementation of C/S Fund projects (2 days);
4. Submit Inception Report (1 day)
5. Familiarization with the status of developing policies and legal and regulatory instruments and discussions between RGC and Development Partners with regard to assigning functions, especially towards the District level and possible initiatives towards field testing of any arrangements (5 days);
6. Familiarization with the range of present institutional arrangements for planning, implementation and operation and maintenance of small-scale infrastructure in Cambodia, including review of regulations, discussions with key officials at NCDD, Ministry of Rural Development and Ministry of Water Resources and Meteorology, discussions with Provincial, District, Commune and civil society stakeholders and field visits (9 days);
7. Analysis of the current and appropriate future assignment of functions associated with provision of rural roads, rural water supplies and small scale or secondary/tertiary irrigation infrastructure in Cambodia, with cost implications, as described in Section 2.2 (Methodology) above (4 days);
8. Developing the outline of a possible pilot for assigning functions in support of small-scale rural infrastructure to District level agencies in one or more selected Districts, either in conjunction with other planned efforts, or as a stand-alone project. Discuss in selected province and district(s).

Submit a concise draft pilot outline report and, after feedback, prepare a final report on this. (5 days);

9. Present the results of the analysis and the pilot outline report to a stakeholder workshop for comment (1 day);
10. Prepare and submit draft Final Report summarizing activities of the consultant, factual findings, analysis and recommendations (4 days);
11. Present the Pilot outline report and the Final report at a wrap-up meeting (1 day) before finalization and, upon receipt of feedback, prepare the two final reports (2 days).

The chart below shows the indicative scheduling and timing of activities. The schedule is to be validated and, where needed, updated during Inception.

| | Activity | Duration (days) | Week No. | | | | | | | | | |
|----|-------------------------------------|-----------------|----------|---|---|---|---|---|---|---|---|--|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| 1 | Preparation | 6 | | | | | | | | | | |
| 2 | Submission of Inception report | | | X | | | | | | | | |
| 3 | Feedback on Inception Report | (5) | | | | | | | | | | |
| 4 | Collecting information - Policies | 5 | | | | | | | | | | |
| 5 | Collecting information/Field Visits | 9 | | | | | | | | | | |
| 6 | Analysis of data | 4 | | | | | | | | | | |
| 7 | Developing pilot | 5 | | | | | | | | | | |
| 8 | Workshop on findings | 1 | | | | | | | X | | | |
| 9 | Draft Reports (2) | 4 | | | | | | | | | | |
| 9 | Wrap Up meeting | 1 | | | | | | | | | X | |
| 10 | Feedback on Reports (2) | (5) | | | | | | | | | | |
| 11 | Finalization of Reports (2) | 2 | | | | | | | | | | |

4. Outputs and Time Schedule

The Consultant will be responsible for the following outputs:

1. An **Inception Report**, due at the end of the first 6 days of the assignment, detailing the Consultant's understanding of the tasks, the work plan for the remainder of the assignment and the proposed contents list of the Final Report.
2. A **Final Report**, describing the activities undertaken by the consultant, factual findings, analysis and recommendations.
3. A concise **Report** outlining the scope of a possible pilot towards field-testing the proposed assignment of functions concerning small-scale rural infrastructure in one or more specific Districts.

The Consultant will report in English. Translation of reports and other materials will be the responsibility of the Client. Reports will be presented in electronic copy.

Reports must be accompanied by a brief summary of length 200 – 500 words. Translation of these reports will be the responsibility of the Consultant who should include the cost of this in his/her proposal. The translated summaries shall be provided for review by NCDD management. NCDD will be responsible for reproduction and distribution of reports.

5. Data, Local Services, Personnel and Facilities to be provided by the Client

NCDD will provide the Consultant with a full set of relevant regulations, guidelines, evaluation reports and other documentation pertinent to C/S and District planning and project implementation. The Consultant will be entitled to assume that information provided by NCDD is complete and correct in this regard.

NCDD will assist the Consultant with liaison with the Ministry of Rural Development and the Ministry of Water Resources and Meteorology, including help with locating relevant policy documents, regulations and guidelines of those Ministries.

NCDD will assist the Consultant with liaison with relevant Development Partners, including help in securing relevant documents from previous and ongoing studies and help in identifying plans on pilot activities with regard to functional assignment.

NCDD will make available to the Consultant suitable office space and backup including clerical assistance, and Internet access. However, the Consultant will be expected to possess a mobile telephone and laptop computer for use in the assignment.

NCDD will arrange and facilitate contact and liaison with informants and stakeholders as appropriate.

NCDD will provide suitable transport for the consultant in the field. Transport for working journeys in Phnom Penh will be facilitated to the extent possible but it will not be possible to provide a vehicle for exclusive use of the consultant.

NCDD will be responsible for all costs of arranging necessary meetings and workshops and for translation, printing and reproduction of the report.

NCDD will be responsible to provide an interpreter to assist in conducting individual and group interviews with stakeholders.

6. Background documents (available from website or from NCDD on request)

1. "Functional Review in Cambodia – A proposed Process for Discussion", Shelley Flam, June 2008, Administration Reform and Decentralization Program, Implemented by GTZ.
2. Guidelines on C/S Development Plan and C/S Investment Program, 2007.
3. Commune Sangkat Fund Project Implementation Manual, NCDD, January 2009
4. Guideline on Implementation of District Initiative Programme, NCDD, September 2007
5. Joint UN-GTZ Technical Assistance to the Royal Government of Cambodia in Support of Functional Review, September 2009

6. Rural Water Supply and Sanitation in Cambodia: Improving Governance of Local Service Delivery for MDGs in Asia. Sing, Satyajit, Draft Report, August 2009
7. Draft Rural Water Supply, Sanitation and Hygiene Strategy, 2010 – 2025, July 2010, Ministry of Rural Development
8. Mid Term Review, Final Report Rural Investment and Local Governance Project – Additional Financing, URS Australia Pty Ltd January 2010
9. Process Audit on Implementation of C/S Fund Projects, Leighton Williams, February 2010
10. Process Audit on the Planning of C/S Fund Projects, Don Townsend, April 2010
11. Study of Local Service Delivery, commissioned by UNDP and UNCDF, by Cambodia Development Resource Institute, April 2005

Appendix 7: People met

| | | |
|-------------------|--|---|
| H.E. PohnSachak | Director General of Technical Affairs | MOWRAM |
| Chan Darong | Director General for Technical Affairs | MRD |
| H.E. YoeunSophal | Director of Rural Road Department | MRD |
| Kim Sean | Roads Engineer | MRD |
| Tim Grayling | International Infrastructure Advisor | NCDD |
| PrakSamoeun | Director, Local Administration Unit | NCDD |
| HirSamnang | National Engineering Advisor | NCDD |
| Judith Leveillee | Chief Local Governance for Child Rights | UNICEF |
| Maris Mikelsons | Program Advisor | NCDD/UNDP |
| Janelle Plummer | Program Manager | World Bank |
| Katharina Hübner | Program Coordinator | GTZ |
| Nicola Crosta | Chief Technical Advisor | NCDD/UNCDF |
| Into A. Goudsmit | Governance Advisor | National League of Communes and Sangkats/UNDP |
| Ouch Chamroen | Senior Programs Officer | ADB |
| Rodney Reviere | Education Consultant | UNICEF |
| David Husband | Team Leader, Developing an Institutional Framework for Decentralization Reforms Project | ADB |
| Kong Sohuntho | SPPA | PSDD Pursat |
| Seth Chamroeu | PIA | PSDD |
| Chou Kimley | LAU | Pursat |
| Prak Am | PFT | PLAU |
| Houng Hong | PM | ExComPursat |
| ThimSotheara | Chief | TSU, Pursat |
| HuanBonith | Director | PDRD, Pursat |
| ChhimSamorn | Vice Director | PDWRAM, Pursat |
| RosVanny | Staff | PDWRAM, Pursat |
| | Chief of Council, Deputy Governor, Departmental Directors | Krakor District, Pursat |
| | Chief, Deputy Chief and Commune Council members, Commune Clerk, Chief of Farmer Water User Community | KvalTrach Commune, Krakor District, Pursat |
| | Chief of District Council, District Governor, Deputy District Governor | Bakan District, Pursat |
| | Chief of Commune Council, Members of CC, Commune Clerk | Ou Ta Poug Commune, Bakan District, Pursat |
| | Chief of District Council, Council members, Deputy Governor, Chief of Administration | Kandieng District, Pursat |
| | Deputy Chief of Commune Council, Commune Council members, Commune Clerk, Chief of FWUC | Sya Commune, Kandieng District, Pursat |
| KhiengSobunthoeun | SPAA | Takeo |
| Un Vanna | Deputy Chief of Admin, Permanent Member of ExCom | Takeo |
| KoamSothun | PIA | PSDD, Takeo |
| MeasUy | Deputy Chief | LAU, Takeo |
| ChhengChantha | Deputy | TSU, Takeo |
| PhangKimsroy | Deputy Director | PDRD, Takeo |
| | Deputy District Governor, District Councillors | Kirivong District, Takeo |
| Thor Chanrith | Chief of Office | DORD Kirivong, Takeo |
| | Chief of Commune Council, Commune | Phnum Den Commune, Kirivong |

| | | |
|--|---|--|
| | Councillor and FWUC member, Commune Clerk | District, Takeo |
| | Chief of Office for Commune Support, Chief of Admin, Member of District Council | Samroang District, Takeo |
| | Commune Chief, Commune Council members, Commune Clerk | Cheung Kuon Commune, Samroang District, Takeo |