



**Kingdom of Cambodia  
Nation Religion King**

**Royal Government of  
Cambodia  
No. 22 ANK/BK**

**SUB-DECREE  
ON  
DECENTRALIZATION OF POWERS, ROLES AND DUTIES TO  
COMMUNE/SANGKAT COUNCILS**



**Royal Government**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. 1198 dated 30 November 1998 on the appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No. 02/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. 0196/05 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen Royal Kram No.0301/05 dated 19 March 2001 promulgating the Law on the Administration and Management of Commune/Sangkat;
- Having seen Royal Decree No.501/175 dated 18 May on the establishment of the National Committee for Support to Commune/Sangkat;
- Pursuant to the spirit of the meeting of the National Committee for Support to Commune/Sangkat on 21 February 2002;
- As per proposal of the co-Ministers of Interior.

**HEREBY DECIDES**

## CHAPTER 1

### EMPOWERING COMMUNE/SANGKAT COUNCILS AND GOVERNANCE OF COMMUNE/SANGKAT

#### Article 1

A Commune/Sangkat is a legal entity.

Each commune/Sangkat shall have a Commune/Sangkat Council.

A Commune/Sangkat shall have functions, powers and obligations to manage and govern in its commune/Sangkat in accordance with the Constitution, laws, sub-decrees, Prakas or applicable legal instruments.

Members of a Commune/Sangkat Council shall be elected in accordance with the requirements of the Law on the Elections of Commune/Sangkat Councils.

A Commune/Sangkat Council shall be accountable to all residents of its commune/Sangkat.

#### Article 2

The National Election Committee shall provide the Ministry of Interior with written letters, a copy of which shall be sent to provincial/municipal governor, that specifies:

- the candidate lists of political parties that have been officially elected in each commune/Sangkat;
- the names of candidates who have been declared elected as Commune/Sangkat Councilors;
- the names of the chairman of a Commune/Sangkat Council, Councilors, the chief of a commune/Sangkat, the first deputy chief of the commune/Sangkat and the second deputy chief of the commune/Sangkat that the National Election Committee takes from the candidate lists officially elected.
- the name of a new commune/Sangkat councilor to replaces the one who has abandoned his/her office or who has been terminated from the office .

#### Article 3

The Minister of Interior shall organize the first meeting of a Commune/Sangkat Council not later than 14 days after the National Election Committee announces the official results of the elections.

The procedures and functioning of the first meeting shall be defined by a guideline issued by the Minister of Interior and adopted by the National Committee for Support to Communes/Sangkat.

#### Article 4

The chairman of a Commune/Sangkat Council shall hold the official title as " the Chairman of the Commune/Sangkat Council".

The chief of a commune shall hold an official title as "Mekhom" and the chief of a Sangkat shall hold an official title as "Chav Sangkat".

Deputy chiefs of a commune shall hold an official title as "Chomtob" and the deputy chiefs of a Sangkat shall hold an official title as "Chav Sangkat Rong".

An elected member of a Commune/Sangkat Council shall have the official title of "Member of the Commune/Sangkat Council".

The chairman of a commune/Sangkat council, the commune/Sangkat chief and deputy chiefs shall hold his/her official title while he/she holds that office.

A councilor shall hold his/her official title while he/she remains a councilor.

#### **Article 5**

Every Commune/Sangkat shall have a commune/Sangkat clerk.

The commune/Sangkat clerk shall be appointed and employed within the administrative structure of the Ministry of Interior.

The commune/Sangkat clerk shall assist and advise the Commune/Sangkat Council in accordance with roles and functions established in Prakas issued by Minister of Interior and adopted by the National Committee for Support to communes/Sangkat.

#### **Article 6**

A Commune/Sangkat Council shall adopt internal rules and regulations for the conduct and management of its meetings and the running of its affairs.

The internal rules and regulations of a commune/Sangkat Council shall be prepared based on the guideline issued by the Minister of Interior and adopted by the National Committee for Support to commune/Sangkat.

#### **Article 7**

A Commune/Sangkat headquarter shall be the office of the Commune/Sangkat Council and shall be the administrative headquarter of the Commune/Sangkat Council.

The Commune/Sangkat headquarter shall be opened during working hours as established for ministries or institutions of the Royal Government.

During working hours, residents shall have the right:

- to conduct their affairs with the Commune/Sangkat Council;
- to be informed about the proposals and work of the Commune/Sangkat Council;
- to see and read documents that are owned by the commune/Sangkat;
- to make suggestions or complaints.

#### **Article 8**

The commune/Sangkat is the owner of all correspondence and documents that are addressed or correctly delivered to-

- the office of the Commune/Sangkat Council;
- any committee of the commune/Sangkat chief or Commune/Sangkat Council;
- any councilor or official at the office of Commune/Sangkat Council.

#### **Article 9:**

The commune/Sangkat is the owner of every correspondence and document that is prepared by or on behalf of the Commune/Sangkat Council and the owner of commune/Sangkat stamps, seals and other instruments.

The Commune/Sangkat Council shall make sure that commune/Sangkat correspondence and documents are kept under proper control in a safe place.

#### **Article 10**

A Commune/Sangkat Council shall set up a public notice board at its office.

The Commune/Sangkat Council shall choose an appropriate place to set up a notice board in every village in the commune/Sangkat.

If the place to set up a public notice board is engaged, consent from the tenant shall be sought.

Public notice boards shall be used to write or display official notice and other news and information of the Commune/Sangkat Council.

An official notice shall remain on the notice board for not less than 10 days.

#### **Article 11**

A Commune/Sangkat Council shall represent and serve general interests of the residents of its commune/Sangkat.

The Commune/Sangkat Council shall promote and facilitate the development of commune/Sangkat by invoking assistance and mobilizing capacities and resources of

- its own commune/Sangkat;
- the Royal Government and ministries or institutions of the Royal Government;
- international, national and local organizations;
- private sector and generous people.

The Commune/Sangkat Council shall choose appropriate and effective methods for the development of its commune/Sangkat.

#### **Article 12**

A Commune/Sangkat Council shall actively promote and coordinate the process of democracy in commune/Sangkat by setting up mechanisms for consultation with residents, civil societies and communities of the commune/Sangkat.

The deliberations and administration of the Commune/Sangkat Council shall be open and transparent.

#### **Article 13**

Commune/Sangkat Council shall ensure that the commune/Sangkat has appropriate human and material resources for its operations.

Commune/Sangkat Council shall ensure that its members and appointed officials of the commune/Sangkat have appropriate understanding and proper attitude to implement their roles and functions in accordance with the Law on Administration and Management of Commune/Sangkat and other applicable legal instruments.

**Article 14**

Commune/Sangkat Council shall monitor and evaluate capacity building activities of general public in commune/Sangkat through:

- training;
- printed materials such as hand book and information brochure;
- education conducted through radio, television, newspaper and other media.

**Article 15**

Commune/Sangkat shall cooperate with one another by assisting and supporting each other.

A commune/Sangkat, on the request of another commune/Sangkat, can provide advice, and financial, technical and administrative support services to that commune/ Sangkat.

**Article 16**

Cooperation between commune/Sangkat shall follow joint arrangements or agreements that will facilitate more effective or efficient delivery of services and infrastructures.

The Ministry of Interior shall assist commune/Sangkat to prepare joint arrangements or agreements.

## **CHAPTER 2**

### **COMMUNE/SANGKAT CHIEF, COMMITTEES AND ASSISTANTS**

**Article 17**

Commune/Sangkat chief is entitled to appoint assisting committees as per need.

**Article 18**

Commune/Sangkat Council shall define roles, duties, internal rules and regulations and working procedures of the committees in accordance with the spirit of guideline and legal instruments issued by the Ministry of Interior and adopted by the National Committee for Support to Commune/Sangkat.

**Article 19**

A Commune/Sangkat Council shall appoint a woman councilor to be in charge of women's and children affairs.

If the Commune/Sangkat Council does not have a woman councilor, the Council shall appoint a woman as an assistant in charge of women's and children affairs.

The assistant in charge of women's and children affairs shall be entitled to participate in every discussion or meeting of the committees of commune/Sangkat and Commune/Sangkat Council but is not entitled to vote.

**Article 20**

Commune/Sangkat chief shall:

- participate in Council and Committee meetings

- advise the Council on how to develop and build the capacity and resources of the commune/Sangkat and the Council;
- advise the Council on how to develop commune/Sangkat by invoking and mobilizing the capacity and resources of:
  - every village in commune/Sangkat;
  - commune/Sangkat;
  - Royal Government and ministries or institutions of the Royal Government;
  - assistance from international, national and local organizations;
  - private sector and generous organizations.
- seek partnership from neighboring Commune/Sangkat Councils;
- advise Council how to:
  - prepare and adopt commune/Sangkat development plan and budget;
  - implement commune/Sangkat development plan and budget;
  - monitor and evaluate the implementation of commune/Sangkat development plan and budget;
  - prepare and adopt annual report of Commune/Sangkat Council.
- report to the Council every month on its activities over the past month including the implementation of the Council decisions and policies;
- ensure that decisions and resolutions of the Council are implemented;
- ensure that finance of the Council are properly managed and controlled;
- carry out daily affairs of commune/Sangkat;
- supervise the commune/Sangkat clerk.

### **Article 21**

The first deputy commune/Sangkat chief shall assist the commune/Sangkat chief on economic and financial affairs.

The second deputy commune/Sangkat chief shall assist the commune/Sangkat chief on matters relating to administrative and social affairs, public services and public orders.

The commune/Sangkat chief may assign additional duties to deputy commune/ Sangkat chiefs when it is necessary.

When the commune/Sangkat chief is absent, he/she shall delegate authorities in writing to deputy commune/Sangkat chief in order of hierarchy to act as acting commune/Sangkat chief.

Commune/Sangkat deputy chief cannot sign any documents or letters without delegation of authorities from commune/Sangkat chief.

### **Article 22**

A Commune/Sangkat Council shall select a village chief in each village.

Village chief shall appoint a deputy village chief and a village assistant.

The village chief, deputy village chief and village assistant shall be the residents of the village who are entitled to vote and at least one of them shall be woman.

Pursuant to practical situation of each village, the Commune/Sangkat Council shall strive to select a woman to be the village chief or deputy village chief.

Procedures for selection of village chief, appointment of deputy village chief, village assistant, change of village chief and village assistant shall be defined by a guideline issued by the Minister of Interior and adopted by the National Committee for Support to Commune/Sangkat.

### **Article 23**

Village chief shall represent all residents of village and act as a main link between village and Commune/Sangkat Council.

Village chief, deputy chief and assistant shall represent village at the consultation with Village Advisory Committee.

In making any decision that affects village, Commune/Sangkat Council shall consult with village chief in advance.

### **Article 24**

Village chief shall

- promote consultation and cooperation with its Commune/Sangkat Council;
- participate in meetings of commune/Sangkat committees to share view on matters relating to village, as requested by the Commune/Sangkat Council;
- advise Village Advisory Committee on needs and benefits of village;
- advise Village Advisory Committee on how to develop and build capacity of village resources;
- advise Development Plan and Budget Committee on:
  - needs and priorities of village for inclusion into budget and development plan of commune/Sangkat;
  - implementation of commune/Sangkat budget and development plan in his/her village;
  - monitoring and evaluating the implementation of commune/Sangkat budget and development plan in his/her village;
- report matters relating to village for inclusion in Commune/ Sangkat Council annual report ;
- be responsible for the implementation of duties assigned to him/her by Commune/Sangkat Council;
- regularly consult with residents of his/her village;
- seek out matters of common interests with adjoining villages;
- participate in Commune/Sangkat Council upon request by Commune/Sangkat Council.

### **Article 25**

A village chief shall have no authority to enter into any contract, transfer of power, or other arrangements on behalf of the village.

The village chief, deputy chief and village assistant shall meet at least once a month.

### **Article 26**

Commune/Sangkat Council shall discuss with village chief to set up a place where village chief meets other people in the village.

The place includes village office if the village have an office. If the village has no office, there shall be consultation to find an appropriate place such as school, temple, religious building, public building or house of village chief. The selection of the place shall be agreed by Commune/Sangkat Council , village chief, deputy chief and village assistant and prior approval shall be sought from the tenant of the place. Village chief and Commune/Sangkat Council shall inform the general public of the location of the place.

The place shall be opened to the residents at least one day a week.

Village chief, deputy chief or assistant shall be in the office on that day to meet with residents.

In addition to regular meeting with their residents at this place, village chief, deputy chief and assistant may directly meet the residents of their village when it is necessary.

#### **Article 27**

Village chief shall ensure providing public documents concerning with the village to his/her residents.

The documents include information on meeting of Commune/Sangkat Council, commune/Sangkat development plan and budget.

#### **Article 28**

A village chief shall have no authority to decide any issue within the competence of Commune/Sangkat Council without authorization of the Commune/ Sangkat Council in accordance with Prakas issued by the Ministry of Interior and adopted by the National Committee for Support to Commune/Sangkat.

#### **Article 29**

A Commune/Sangkat Council cannot delegate any power to any person or committee or organization in a village, except as authorized by a Prakas issued by the Ministry of Interior and adopted the National Committee for Support to Commune/Sangkat.

### **CHAPTER 3**

#### **RIGHTS OF COMMUNE/SANGKAT RESIDENTS**

#### **Article 30**

Every commune/Sangkat resident can attend every Commune/Sangkat Council meeting but cannot vote.

Commune/Sangkat residents can ask the commune/Sangkat chief or councilors questions at the meeting of Commune/Sangkat Council in accordance with the internal rules and regulations for the meetings of Commune/Sangkat Council.

#### **Article 31**

Every commune/Sangkat resident can put a written suggestion or complaint to the Council and the latter is compulsory to response to the complaint or suggestion.



Any suggestion or complaint that the commune/Sangkat chief can deal with within his/her competence, he/she shall do it and shall inform the residents of the response and shall report to Commune/Sangkat Council at the next meeting.

Any suggestion or complaint that the commune/Sangkat chief cannot deal with within his/her competence, he/she shall include it in the next meeting of the Commune/Sangkat Council.

Commune/Sangkat chief shall inform the resident of the response by Commune/Sangkat Council.

### **Article 32**

For suggestion or complaint provided in Article 45 of the Law on Administration and Management of Commune/Sangkat, the commune/Sangkat chief shall report to the competence ministries, institutions or agencies of the Royal Government.

### **Article 33**

Commune/Sangkat Council shall ensure to regularly inform the residents of commune/Sangkat of all matters within its competences and the decisions made at the meetings of the Commune/Sangkat Council.

## **CHAPTER 4**

### **DISCIPLINARY ACTION AND DISMISSAL OF COUNCILORS**

#### **Article 34**

All disciplinary actions against any councilor as provided in Article 84 of the Law on the Administration and Management of Commune/Sangkat shall be imposed by the absolute majority votes of the total numbers of councilors.

#### **Article 35**

The presiding councilor shall inform the Ministry of Interior and the National Election Committee of the dismissal of any councilor in terms of Articles 16 and 84 of the Law on Administration and Management of Commune/Sangkat.

#### **Article 36**

After finding that a Commune/Sangkat Council has properly acted within its powers, the Ministry of Interior shall request the National Election Committee to terminate the councilor from office and to select a new candidate for replacement in accordance with the provisions of the Law on Administration and Management of Commune/Sangkat.

#### **Article 37**

After receiving letter issued by the Minister of Interior, the National Election Committee shall select a new candidate to replace the Commune/Sangkat Councilor who has been terminated from office in term of Article 16 of the Law on Administration and Management of Commune/Sangkat.

#### **Article 38**

Where a Commune/Sangkat Council is dissolved in term of Articles 57 and 58 of the Law on Administration and Management of Commune/Sangkat and the remaining

mandate of the Council is not more than 180 days, calculated from the date of dissolving, the Minister of Interior shall establish the management of that commune/Sangkat in Accordance with Article 17 of the Law on Administration and Management of Commune/Sangkat.

#### **Article 39**

Where a commune/Sangkat Council is dissolved in terms of Articles 57 and 58 of the Law on Administration and Management of Commune/Sangkat and the remaining mandate of the Council is more than 180 days, the Ministry of Interior shall notify the National Election Committee and request for a by-election of the new Commune/Sangkat Council.

The by-election shall be conducted in accordance with the requirements of the Law on the Elections of Commune/Sangkat Councils and the Law on the Administration and Management of Commune/Sangkat.

#### **Article 40**

The Minister of Interior shall fix the date for the by-election not later than 7 days after there is a need of the by-election.

#### **Article 41**

After receiving letter of notification issued by the Ministry of Interior on the date of the by-election, the National Election Committee shall conduct the by-election in accordance with the Law on the Elections of Commune/Sangkat Councils and the Law on Administration and Management of Commune/Sangkat.

## **CHAPTER 5**

### **LINKS BETWEEN COMMUNE/SANGKAT AND ROYAL GOVERNMENT, MINISTRIES, INSTITUTIONS, AUTHORITIES AND AGENCIES OF THE STATE**

#### **Article 42**

All official links between Commune/Sangkat Council and the Royal Government, Ministries, institutions, authorities and agencies of the Royal Government and national and international organizations shall be conducted through the Ministry of Interior.

#### **Article 43**

The Ministry of Interior may delegate this power to provincial/municipal governors to help with these links and to coordinate the implementation of roles, functions and powers of commune/Sangkat as provided in the Law on Administration and Management of Commune/Sangkat, policy of decentralization and relevant sub-decrees in accordance with practical situation.

The delegation of power shall be established by Prakas issued by Minister of Interior and adopted by the National Committee for Support to Commune/Sangkat.

#### **Article 44**

The Ministry of Interior shall coordinate the cooperation between two or more commune/Sangkat and shall solve any conflict or dispute that the Commune/ Sangkat Council cannot deal with.

**Article 45**

The Ministry of Interior shall cooperate and consult with ministries or institutions of the Royal Government or national and international organizations to solve conflict or dispute involving those ministries, institutions or organizations and Commune/ Sangkat Council.

**Article 46**

The Ministry of Interior shall ensure that the mediation, solution of conflict or dispute between commune/Sangkat and ministries or institutions of the Royal Government or national and international organizations is fair and maintains mutual interests and properly follows the requirements of the Law on the Administration and Management of Commune/Sangkat and policy of decentralization.

**Article 47**

Ministries or institutions of the Royal Government may control the decisions or activities of a Commune/Sangkat Council or exercise intervention on decisions or activities of a Commune/Sangkat Council when the control or intervention is allowed by laws, Royal Decree, sub-decree, Prakas or other legal instruments or authorized by the National Committee for Support to Commune/Sangkat.

**Article 48**

The Ministry of Interior can also exercise control or intervention in case that a ministry or institution of the Royal Government made a report or complaint against a Commune/Sangkat Council.

**Article 49**

The ministry or institution that is authorized to control over a decision or an activity of a Commune/Sangkat Council shall ensure to create favorable conditions for the Commune/Sangkat Council to carry out functions and powers within its jurisdiction as required by:

- the Law on Administration and Management of Commune/Sangkat;
- royal Decree;
- sub-decree, Prakas or legal instruments that has been considered or adopted by the National Committee for Support to Commune/Sangkat;
- internal rules, Deika or decisions of Commune/Sangkat Council.

**Article 50**

If the ministry or institution that is authorized to control a decision or an activity of a Commune/Sangkat Council finds that the Council did not act within its functions and powers in accordance with legal requirements and procedures, the ministry or institution shall:

- notify the Ministry of Interior in writing on legal procedures and requirements that Commune/Sangkat Council follows;
- request the Ministry of Interior in writing on any default that needs to be rectified and period of time for the rectification and information on result of rectification.

**Article 51**

The Ministry of Interior shall establish criteria for monitoring and intervention such as

- the reason of default;
- nature of actions or interventions to be taken;

- support and capacity building to be provided to Commune/Sangkat Council to better strengthen the management and the implementation of functions and powers.

#### **Article 52**

In control of decisions and activities of a Commune/Sangkat Council, the Ministry of Interior shall:

- advise the Commune/Sangakt in writing what legal requirements or procedures it shall carry out; and
- instruct it in writing to rectify the default within a reasonable period of time and to report the result of rectification to the Ministry of Interior.

#### **Article 53**

Where the Commune/Sangkat Council does not have capacity or willingness to rectify the default, the Ministry of Interior shall act on its behalf to carry out the decisions and affairs of Commune/Sangkat Council and shall also take steps that are necessary to develop necessary capacity of the Commune/Sangkat Council.

#### **Article 54**

A Ministry or an institution of the Royal Government cannot take a decision on behalf of a Commune/Sangkat Council, except when it is authorized to do so by a law or by a sub-decree, Prakas or other legal instruments that are adopted by the National Committee for Support to Commune/Sangkat.

In the event that a ministry or an institution of the Royal Government takes decision on behalf of a Commune/Sangkat Council, it shall ensure that the Commune/ Sangkat Council can comply with specified legal requirements and procedures.

## **CHAPTER 6**

### **COMMUNE/SANGKAT COUNCIL POWERS AND FUNCTIONS AND DELEGATION OF STATE POWERS TO COMMUNE/SANGKAT**

#### **Article 55**

A ministry or an institution of the Royal Government that intends to delegate any power or responsibility or agreement to a Commune/Sangkat Council shall obtain prior authorization from the National Committee for Support to Commune/Sangkat.

#### **Article 56**

A ministry or an institution of the Royal Government that intends to delegate power or responsibility or agreement to Commune/Sangakt Council shall also transfer necessary resources and capacity to ensure that the Commune/Sangkat Council carries out the delegated power or responsibility or agreement.

The Ministry of Interior shall develop practical procedures for the implementation of this provision.

**Article 57**

A ministry or an institution of the Royal Government shall report about the delegation of power, responsibility or agreement to Ministry of Interior and concerned province/ municipality.

**Article 58**

A Commune/Sangkat Council cannot enter into any agreement or arrangement with a Ministry or an institution of the Royal Government, or with any national or international organization or private sector without the approval of the Ministry of Interior.

**Article 59**

The Ministry of Interior shall submit the National Committee for Support to Commune/Sangkat the agreement or arrangement proposed by a ministry or an agency of the Royal Government or national and international organization that intends to delegate power or responsibility or agreement to Commune/Sangkat Council but that agreement or responsibility or arrangement is not provided in a Prakas or guideline adopted by the National Committee for Support to Commune/ Sangkat.

**Article 60**

The Ministry of Interior shall monitor the implementation of the agreement and ensure that the agreed capacity, resources and fees are properly delivered.

**Article 61**

A commune/Sangkat shall have a wide range of roles and functions. These are to-

- maintain public security and order;
- arrange for the provision of necessary public services and ensure the proper implementation of the services;
- promote and encourage the comfort and contentment of residents;
- promote social and economic development and upgrade the living standards of residents;
- protect and conserve the environment, natural resources, national culture and heritage;
- reconcile differences of opinion and encourage mutual understanding and tolerance between residents;
- undertake general affairs to meet the needs of residents.

**Article 62**

A commune/Sangkat shall implement part or all of delegated functions in accordance with available resources to promote and support roles and functions of Commune/Sangkat Council in a sustainable manner to meet basic needs.

**Article 63**

A commune/sangkat shall have authority to choose and implement any activities that are within the scope of these general functions and within the scope of available resources.

**Article 64**

Commune/Sangkat Council are prevented from implementing some specific affairs. These are -

- forestry;
- posts and telecommunications;

- national defense;
- national security;
- monetary affairs;
- foreign policy;
- fiscal policy; and
- other areas to be determined the Ministry of Interior with approval of the National Committee for Support to Commune/Sangkat.

#### **Article 65**

A commune/Sangkat may have power to choose and undertake any activity that falls outside its jurisdiction if there is special authorization from a ministry or institution of the State based on the mediation of the Ministry of Interior and shall report to the National Committee for Support to Commune/Sangkat -

#### **Article 66**

Commune/Sangkat shall manage and use available resources to choose and undertake its activities.

#### **Article 67**

The main function and role of the commune/Sangkat is to promote and facilitate the development of the commune/Sangkat by selecting appropriate and effective methods to carry out and deliver services in accordance with the choice said above.

#### **Article 68**

If a function or service that the commune/Sangkat is authorized to undertake is already being provided by another agency or organization at no cost to the Council, the Council should acknowledge this function or service.

The commune/Sangkat can then apply its own resources elsewhere, where there is no other provider.

#### **Article 69**

The National Committee for Support to Commune/Sangkat shall further study and identify the division of functions between central level of administration and commune/Sangkat.

The division as said above shall have objectives to ensure the effectiveness of the implementation.

The National Committee for Support to Commune/Sangkat shall define services to be provided by the central level of administration, agencies of the state, national and international organizations and private sector and the ones to be provided by commune/Sangkat.

#### **Article 70**

Commune/Sangkat Council shall be responsible for the preparation, adoption and implementation of commune/Sangkat development plan and budget.

#### **Article 71**

Commune/Sangkat Council shall prepare and use budget in consistence with relevant provisions adopted by the National Committee for Support to Commune/ Sangkat.

## **CHAPTER 7 TRANSITIONAL PROVISIONS**

### **Article 72**

Commune/Sangkat Council shall review all arrangements and agreement made on behalf of commune/Sangkat or by commune/Sangkat or village before the first election of Commune/Sangkat Councils.

The arrangements or agreements include the transfer of powers or rights from a ministry or institution of the Royal Government or cooperation or support from other programs or organizations.

All communes/Sangkat shall discuss with all relevant ministries, institutions, programs and organizations to:

- certify that the existing agreement or arrangement is being carried out in the commune/Sangkat or village;
- review agreement or arrangement that is in contrast with the Law on Administration and Management of Commune/Sangkat and policy of decentralization or against the guidelines of the National Committee for Support to Commune/Sangkat in order to request for appropriate adjustment.

### **Article 73**

During its mandate, the National Committee for Support to Commune/Sangkat shall be responsible for coordination with ministries or institutions of the Royal Government to define and divide specific duties between central, provincial and district levels of administration and commune/Sangkat.

### **Article 74**

The National Committee for Support to Commune/Sangkat shall certify whether a law, Royal Decree, sub-decree and legal instrument is consistent with the Law on Administration and Management of Commune/Sangkat and policy of decentralization.

Any law, Royal Decree, sub-decree and legal instrument that is not consistent with the Law on Administration and Management of Commune/Sangkat and policy of decentralization, the National Committee for Support to Commune/Sangkat shall arrange for amendment or adjustment.

### **Article 75**

All ministries and institutions of the Royal Government shall:

- certify that all laws, Royal Decrees, sub-decrees, Prakas and legal instruments of a Ministry and institution being implemented in commune/ Sangkat and villages are in consistence with the Law on Administration and Management of Commune/ Sangkat and policy of decentralization.
- review laws, Royal decrees, sub-decrees, Prakas and legal instruments that are contradicted to the principles of decentralization and deconcentration for submission to the National Committee for Support to Commune/Sangkat for urgent amendment.

**Article 76**

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

**Article 77**

The Minister in charge of the Council of Ministers, ministers and secretary of state of all ministries and institutions shall effectively implement this sub-decree from the date it is signed.

Phnom Penh , 25 March 2002

**Prime Minister**

**Hun Sen**

Having submitted to the Prime Minister  
**Co Ministers of Interior**

**Sar Kheng You Hockry**