

NS/RD/0308/346

ON
JOINT PRINCIPLES ON THE ESTABLISHMENT AND
INTRODUCTION OF SPECIAL OPERATION AGENCY

I, the undersigned,
Preah Karuna Preah Bat Samdech Preah Borom Neath Norodom Sihamoni,
The faithful and devoted servant of the country, religion, nation and the Khmer
people; the protégé of Buddha and Indra; the unifier of all Khmers; and the
defender of independence, territorial integrity and peace of Kampuchea; and
the happiness, liberty and prosperity of the Khmer people,
Preah Chau Krong Kampuchea Thipadei;

Pursuant to:

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0704/124, dated July 15, 2004, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Royal *Kram* No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Royal *Kram* No. 06/NS/94, dated October 26, 1996, promulgating the Law on the Common Statutes of Civil Servants of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0904/284, dated September 27, 2004, on the Establishment of the Supreme Council for State's Reform;
- Request from *Samdech Akka Moha Sena Padei Techo HUN SEN*, Prime Minister of the Kingdom of Cambodia;

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Hereby order

CHAPTER 1
General Provisions

Article 1.-

This Royal Decree aims to determine joint principles on the establishment and introduction of the special operation agency in its acronym "S.O.A" in order to increase the effectiveness of public service delivery;

Article 2.-

The special operation agency is the mechanism for public service delivery by ministries and institutions, in which various functions are integrated in order for the said agency to be fully qualified, intertwined, harmonized and consistent with other mechanisms for public service implementation so as to provide services determined in line with the Royal Government's policy;

Article 3.-

The special operation agency has been arranged with the aim of:

- Improving quality and providing public service at the required places and times;
- Changing mindset and behaviors of officials in accordance with the qualifications of public administration of having strong will to work honestly by focusing on service with professional ethics;
- Promoting the management based on work results with precaution, effectiveness and transparency;
- Building capacity in the provision of public service;

CHAPTER 2

Attributes of Special Operation Agency

Article 4.-

The special operation agency is an agency of ministries and institutions, and has a separate structure different from other entities of the ministry and institution concerned;

The special operation agency shall have the following key attributes:

- Procedures for and bureaucracy in the process of providing service to service consumers shall be deducted;
- The chief of the special operation agency shall be provided with the right to manage both financial and human resources sections;
- The chief of the special operation agency shall bear responsibility and accountability for the work;

- Possess accurate mission conditions, management contract and report;

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Article 5.-

The special operation agency shall possess mission conditions that shall clearly determine the goal, purpose, roles, position, prospective outcomes, types of services to be provided to service consumers, principles of monitoring and evaluation, responsibility and accountability in the management and fulfillment of works of the chief of the special operation agency as well as other appropriate competencies provided by ministries and institutions;

Article 6.-

Within the framework of mission conditions, the chief of the special operation agency shall enter into an annual management contract with the chief of the institution concerned. The management contract shall indicate measurable or assessable outcomes compared to outcome indicators. The management contract shall be signed and approved by the chief of the special operation agency and the Minister or the representatives of the ministry and institution concerned:

The management contract shall determine:

- Target and type of service as well as service quality standard that the special operation agency guarantees to provide to the service consumers;
- Service price and time to be provided to the service consumers;
- Main work activities to be implemented by the special operation agency;
- Resources needed by the special operation agency;
- Indicators of prospective outcomes;
- Formalities and procedures for monitoring and evaluation;
- Internal regulations;
- Regime of making report to the ministry and institution concerned and relevant ministries and institutions;
- Incentives and fines;

Article 7.-

The special operation agency shall send working report, audit report and evaluation report on a regular basis to the ministry and institution concerned as well as relevant ministries and institutions;

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CHAPTER 3

Management of Work Activities

Article 8.-

The special operation agency shall have an appropriate location in order to afford the service consumers every possibility to get access to the request for and acquisition of service;

The said agency shall have a frontline service delivery section, which meets with the service consumers in person and may have a supporting unit to help support the frontline section having mixed functions such as human resources management and development as well as financial management functions. The structure of the said agency shall be flexible in order to meet the operation demands;

Article 9.-

The minister and institution concerned shall undertake to monitor and inspect the implementation of the management contract of the special operation agency towards effectiveness;

All activities of the special operation agency shall focus on achievements in work performance compared with prospective outcomes;

Article 10.-

The special operation agency shall prepare employment contract of each official according to hierarchy as specified in each contract about the responsibility that has individually been allocated in the achievement of its prospective outcomes;

Officials of the special operation agency shall be evaluated on a regular basis according to the work action plan via the employment contract;

The special operation agency shall make a regular report as per the stipulations in the management contract and mission conditions;

CHAPTER 4 Personnel Management

Article 11.-

The special operation agency shall be led and managed by a chief assisted by staff members who are civil service officials or contractual officials of the ministry and institution concerned. The personnel management shall mainly focus on:

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- Transparency and professional ethics
 - Individual and group accountabilities
 - Promotion of operation capacity

Article 12.-

The special operation agency shall have the competence and obligations within the framework of leading and management of human resources as specified by the law and legal standard on the management of civil services such as recruitment of officials, incentives and employment of contractual staff members and conditions as stipulated in the management contract;

Article 13.-

Civil service officials who serve at the special operation agency shall be paid in salaries and benefits including other incentives specified in the employment contract;

As for the remuneration for contractual officials, it shall be determined within a separate standard;

Article 14.-

Officials serving at the special operation agency shall enter into an employment contract with the chief of the special operation agency, including:

- Compliance with the internal regulations
- Fulfillment of assigned works with responsibility and accountability for their positions
- Clear confirmation on the list of their work activities
- Report on work outcomes
- Incentives and fines

CHAPTER 5 Financial Management

Article 15.-

The special operation agency shall possess:

- Operational budget that is predictable and stable
- Appropriate process within the concept of the law in force
- Transparency and regular report

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Article 16.-

The special operation agency's budget is part of annual budget of the ministry and institution concerned.

The ministry and institution concerned and relevant ministries and institutions shall determine and ensure the budget to be provided to the special operation agency in a timely manner. The special operation agency's budget planning shall be based on the scheduled work scheme;

Article 17.-

Sources of the special operation agency's resources and financial incomes include:

- National budget
- Division of service proceeds
- Financial grants from development partners

- Other sources

Article 18.-

The special operation agency shall have the following main competences and obligations:

- Plan its annual expenditure
- Be autonomous to cover the expenses according to the determined plans and principles
- Possess appropriate procedures for expenses

Article 19.-

The determination of service fees and division of service proceeds shall be carried out according to the actual circumstances of the place where the special operation agency is located according to a joint *prakas* from the Minister of the Office of the Council of Ministers and the Minister of Economy and Finance following an approval from the Minister of the Ministry and Institution concerned;

Article 20.-

The management, examination, inspection and audit of all incomes and expenditures as well as the work process shall be carried out according to the legal provisions and standard in force;

CHAPTER 6

Usage of Information Technology

Article 21.-

The ministry and institution concerned as well as relevant ministries and institutions shall afford the special operation agency every possibility to use electronic system in communication in order to facilitate the request for and provision of a faster and more transparent service to consumers;

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Article 22.-

The usage of information technology shall be arranged in order to strengthen the internal process of the special operation agency such as taking measures to effectively use the information technology in support of human resources management and financial management of the agency;

CHAPTER 7

Establishment and Appointment

Article 23.-

The ministry and institution concerned shall be encouraged to use the mechanism of the special operation agency in order to improve the service delivery by the ministry and institution as per the demand from the service consumers;

Article 24.-

The Office of the Council of Ministers shall have the roles to coordinate, promote and introduce each special operation agency and monitor the implementation of mechanism of those special operation agencies;

Article 25.-

The establishment and introduction of each special operation agency shall be carried out by a subdecree with the overall key contents of mission conditions and management contract attached as annex;

The appointment of chief and staff members of each special operation agency shall be clearly determined in the subdecree on the establishment of the said special operation agency;

CHAPTER 8

Final Provisions

Article 26.-

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Public establishment that is currently in operation cannot be changed to a special operation agency;

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Article 27.-

Any provisions that are contrary to the said royal decree shall be abrogated.

Article 28.-

Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia shall undertake to implement this royal decree from the date of royal signature onwards.

RL 0803-356

*To have reported to His Majesty the King
for royal signature.*
Prime Minister
Signature
Samdech Akka Moha Sena Padei Techo
HUN SEN

Royal Palace in Phnom Penh,
March 28, 2008
Royal signature and stamp
NORODOM SIHAMONI

No. 345 C.
For copy and distribution
Phnom Penh, April 1, 2008
Under-Secretary-General of the Royal
Government
(Signature and stamp)
KHUN CHINKEN