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CABINET OF THE COUNCIL OF MINISTERS
ROYAL GOVERNMENT OF CAMBODIA

ANU-KRET (SUB-DECREE)

**ANU-KRET ON THE ORGANIZATION AND FUNCTIONING OF
THE COUNCIL FOR DEVELOPMENT OF CAMBODIA (CDC)**

This Sub-Decree has been adopted by the Council of Ministers on June 26, 1995

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree of His Majesty the King of Cambodia, Samdech Preah NORODOM SIHANOUK VARMAN, dated November 01, 1993 on the Formation of the Royal Government of Cambodia;
- Seen the Royal Decree of His Majesty the King of Cambodia, Samdech Preah NORODOM SIHANOUK VARMAN, dated October 24, 1994 on the Reorganization of the Composition of the Royal Government;
- Seen the Law on the Organization and Functioning of the Council of Ministers and its Promulgation by the Royal Decree dated July 20, 1994; and
- Seen the Law on Investment of the Kingdom of Cambodia and its Promulgation by the Royal Decree dated August 05, 1994.

IT IS HEREBY DECIDED

**CHAPTER 1: THE ORGANIZATION OF THE COUNCIL FOR THE DEVELOPMENT
OF CAMBODIA**

ARTICLE 1:

The composition of the Council for Development of Cambodia "CDC" is as follows:

- | | |
|---|---------------|
| 1. Samdech Krom Preah First Prime Minister | Co-chairman |
| 2. Samdech Second Prime Minister | Co-chairman |
| 3. Senior Minister in charge of Rehabilitation and Development | Vice-chairman |
| 4. Senior Minister in charge of Culture, Arts, Land Management and Urbanization | Member |
| 5. Minister of Public Works and Transports | Member |
| 6. Minister of Foreign Affairs and International Cooperation | Member |
| 7. Minister of Economy and Finances | Member |
| 8. Minister of Planning | Member |
| 9. Secretary-General of CDC | Member |
| 10. Secretary-General of the Cambodian Rehabilitation and Development Board | Member |
| 11. Secretary-General of the Cambodian Investment Board | Member |

ARTICLE 2:

The organizational structure of the Council for Development of Cambodia (CDC) is as follows:

1. The Cambodian Rehabilitation and Development Board "CRDB" shall be under the direct supervision of a Secretary-General.
2. The Cambodian Investment Board "CIB" shall be under the direct supervision of a Secretary-General.
3. The General-Secretariat of "CDC" shall be under the direct supervision of the Secretary-General of "CDC". This General-Secretariat shall be supported by four divisions, namely:
 - Legal and Dispute resolutions.
 - Finances and Administration.
 - Personnel Management.
 - Strategic planning.

ARTICLE 3:

The Secretary-Generals of "CDC", "CRDB" and "CIB" shall respectively be assisted in the performance of their duties by a Deputy-Secretary-General. Each Deputy-Secretary-General shall perform their task as delegated by his Secretary-General and subject to the approval of the executive committee of "CDC". In the performance of their duties, the Secretary-Generals shall consult on a regular basis with their respective Deputy-Secretary-General.

ARTICLE 4:

The organizational structure of the Cambodian Rehabilitation and Development Board is comprised of the following departments in charge of:

1. aid coordination and public relations
2. documentation and information
3. the management of bilateral aids:
 - Japan and Asia
 - France and Europe
 - Australia and Oceania
 - The United States of America
4. the management of multilateral aids:
 - Asian Development Bank
 - World Bank and International Monetary Fund.
 - European Union
5. the management of aids of the United Nations Development Programmes and other UN specialized Agencies.
6. coordinating NGOs
7. projects evaluation
8. administration

ARTICLE 5:

The organizational structure of the Cambodian Investment Board is comprised of the following departments in charge of:

1. information and documentation
2. public relations and promotion of the private sector investments.
3. investment project evaluation and incentives.
4. environmental impact assessment

5. interministerial coordination.
6. strategic planning of private sector investments.
7. legal procedures and other matters relating to the Law on Investment.
8. administration.

ARTICLE 6:

Each department and each support division shall have an equivalent echelon of a Department. Such department or division shall be supervised by a department or division chief who in turn can be assisted by one or more deputy-chiefs.

ARTICLE 7:

The daily operation of CDC shall be led by an Executive Committee composing of the following members:

1. Co-chairmen of CDC
2. Vice-chairman of CDC
3. Secretary-General of CDC
4. Secretary-General of the Rehabilitation and Development Board.
5. Secretary-General of the Cambodian Investment Board.

CHAPTER 2: ROLES AND RESPONSIBILITIES OF CDC

ARTICLE 8:

CDC shall be the executive agency of the Royal Government and shall have the following responsibilities:

- to be the “Etat Major” and the “one-stop service” of the Royal Government responsible for the rehabilitation, development and investment activities.
- to guide the preparation and the conception of development frameworks and strategies for Cambodia in cooperation with the relevant institutions
- to coordinate contributing countries, bilateral/multilateral organizations and NGOs in order to sensitize them with the country’s economic framework and the priorities of the National Programme to Rehabilitate and Develop Cambodia to ensure an efficient acceptance and reallocation of external aid according to the needs and priorities of the nation.
- to facilitate and coordinate interministerial activities, as well as the activities of the ministries and institutions involved with donor countries, organizations and investors.
- to provide guidance in the utilization of public and private resources in the development process of Cambodia.
- to facilitate and streamline administrative procedures for donor countries and investors.
- to review and decide all the matters pertaining to the rehabilitation and development and other public sector investments through the "one stop service" mechanism of CDC.

ARTICLE 9:

The CDC shall submit for the approval of the Council of Ministers, any of the following investment projects involving:

- a capital investment of at least USD 50 million.
- politically sensitive issues.

- the exploration and the exploitation of mineral and natural resources.
- possible negative impact on the environment.
- long-term strategy.
- Projects on a Build-Owned-Transfer (B-O-T) or Build-Owned-Operate-Transfer (B-O-O-T) or Build-Owned-Operate (B-O-O) or Build-Lease-Transfer (B-L-T) basis.

ARTICLE 10:

The CDC shall take full responsibilities for its actions before the Council of Ministers.

ARTICLE 11:

The CDC's roles and responsibilities in the rehabilitation and development process are as follows:

1. to cooperate with the relevant ministries and institutions in preparing the conceptual frameworks of the National Rehabilitation and Development and in setting the priority needs of the country for the immediate term, the short-term, the medium-term and the long-term in order to prepare rolling plans of action. These plans of action are to be coherent, inter-related and mutually reinforcing.
2. to cooperate with the relevant ministries and institutions in preparing socio-economic, and sectoral planning to develop Cambodia.
3. to manage public sector investments in cooperation with the relevant ministries and institutions. This process shall mainly be related to the coordination and direction of the allocation and utilization of the national resources and external aid with the aim of rehabilitating and developing Cambodia.
4. to serve as the "Focal Point" and the "one-stop service" of the Royal Government and the contributing countries, international organizations and NGOs, as well as being the "Focal Point" and "one-stop service" between the ministries and other governmental institutions in the coordination of external aid allocation and utilization.
5. to sign pursuant to the delegation of authority of the Co-Prime Ministers and on behalf of the Royal Government, any legal agreements with bilateral and/or multilateral donors and international organizations pertaining the acceptance and the allocation aids.
6. to lead preparatory works, in cooperation with the relevant ministries and institutions for the international conferences for rehabilitating Cambodia such as the "Consultative Group for Cambodia", and so on.
7. to prepare for domestic and international distribution relevant documentation and regulations pertaining to public sector investments.
8. to produce and submit semi-annual and annual reports to the Royal Government for its review and its recommendations of corrective measures of the rehabilitation and development works.

ARTICLE 12:

In the management of the public sector investments, the roles and responsibilities of CDC are the following:

1. CDC shall be the coordinator for setting the strategic conceptual frameworks and the public investment policies as well as setting up the priorities for public investment projects for the medium-term and for one year.
2. The Ministry of Foreign Affairs and International Cooperation shall be the diplomatic window.
3. The Ministry of Planning shall prepare the 5 Years Plan and the public investment program, in cooperation with the relevant ministries and institutions.

4. The Ministry of Economy and Finances shall prepare the macroeconomics framework for the medium-term and the budget for implementing the annual public investment programs and control the allocation of financings.
5. The line ministries shall prepare the sectoral public investment projects and programs in cooperation with the Ministry of Planning and CDC, and is responsible respectively for the implementation of their relevant projects and programs.

ARTICLE 13:

The ministries and institutions hereinabove mentioned in article 12 shall undertake and implement their tasks with regards to public sector investments in coordination and through the "one-stop service" mechanism.

ARTICLE 14:

The Cabinet of the Council of Ministers and the ministries or institutions hereinabove mentioned in article 12 shall monitor the projects and programs within their respective responsibilities and in coordination through the "one-stop service" mechanism.

ARTICLE 15:

In the management of the private sector investments, the roles and responsibilities of CDC are the following:

1. to serve as the "one-stop service" mechanism and the "Etat Major" of the Royal Government to review and decide on matters pertaining to investments as specified in Article 3 of the Law on Investment of the Kingdom of Cambodia.
2. to study "the competitive advantage" of Cambodia in the international market. To set the vision of the private sector investment for Cambodia and to turn Cambodia into "Cambodia, Inc". To cooperate with the relevant ministries and institutions to prepare the strategy for private sector investments and to set private investment projects.
3. to promote the private sector investment projects which have been determined by the Royal Government and to inform the investors of such projects in accordance to the procedures as set in the internal regulations of CDC.
4. to coordinate the management of "B.O.T", "B.O.O.T", "B.O.O" and "B.L.T".
5. to initiate and coordinate the management of special development zones.
6. to identify and recommend to the Royal Government on the draft of laws, amendments, and other regulations so as to create favorable conditions conducive to private sector investments.
7. to prepare for domestic and international distribution relevant documentation and regulations pertaining to private sector investments.
8. to produce and submit semi-annual and annual reports to the Royal Government for its review and its recommendations of corrective measures concerning private sector investments.

ARTICLE 16:

The roles and responsibilities of CDC pertaining to private sector investments and its relations to the ministries and other governmental institutions are the followings:

1. The CDC shall be the "one-stop service" of the Royal Government in the review and the decision of private sector investment projects.
2. The relevant ministries and institutions shall provide their opinions in the review and the decision of private sector investment projects through the "one-stop service" as specified in Article 29.

ARTICLE 17:

The CDC and the relevant ministries or institutions shall undertake and implement their tasks with regards to private sector investments in coordination through the "one-stop service" mechanism.

ARTICLE 18:

The CDC, in cooperation with the Cabinet of the Council of Ministers, the Ministry of Planning, the Ministry of Economy and Finances, the Ministry of Commerce and other relevant ministries or institutions, shall monitor the private investment projects which have been approved by CDC and in coordination through the "one-stop service" mechanism.

CHAPTER 3: THE FUNCTIONING OF CDC

ARTICLE 19:

The roles and responsibilities of the Co-chairmen of CDC are as follows.

- to be responsible for the overall operation of CDC.
- to preside over the meetings of the Executive Committee of CDC and the plenary meetings of CDC.
- to lead the discussions and maintain the discipline of the meetings of the Executive Committee of CDC and the plenary meetings of CDC.
- to sign on minutes of the meetings of the Executive Committee of CDC and the plenary meetings of CDC.
- to convene the extraordinary meetings of the Executive Committee of CDC and the extraordinary plenary meetings of CDC.
- to be responsible for the budget of CDC.

ARTICLE 20

The roles and responsibilities of the Vice-chairman of CDC are as follows:

- to be responsible for the overall operation of CDC in the event of the absence or illness of the Co-chairmen of CDC.
- to be responsible for managing and supervising the daily operation of CDC.
- to preside over the meetings of the Executive Committee of CDC and the plenary meetings of CDC and to sign on the minutes of the meetings in the event of the absence or illness of the Co-chairmen.
- to be in charge of the coordination of interministerial matters between CDC and the ministries or other institutions of the Royal Government.
- to be in charge of the international cooperation with the donor countries and international organizations.
- to preside over the meetings of the "one-stop service" as organized by CDC in order to obtain consensus on matters pertaining to the rehabilitation and development and investments before the submission to the Executive Committee of CDC.

ARTICLE 21:

The roles and responsibilities of the Secretary-General of CDC are as follows:

- to be responsible for the coordination of the Cambodian Rehabilitation and Development Board and the Cambodian Investment Board as well as managing the functioning of the General-Secretariat of CDC.

- to prepare the work programs for CDC, the agenda or the necessary documentation for the meetings of the Executive Committee of CDC and the plenary meetings of CDC.
- to prepare minutes of the meetings of the Executive Committee of CDC and the plenary meetings of CDC for the signature(s) of the Chairman of the meeting.
- to prepare the press release for CDC
- to produce and submit semi-annual and annual reports on all matters pertaining to rehabilitation, development and private sectors investments for CDC review and approval before final submission to the Royal Government.
- to participate in meetings of the "one-stop service" to review and approve on all matters pertaining to rehabilitation, development and investments.
- to execute other tasks as delegated by the Co-chairmen or the Vice-chairman of CDC.

ARTICLE 22:

The roles and responsibilities of the Secretary-General of the Cambodian Rehabilitation and Development Board (CRDB) are as follows:

- to manage the operation of CRDB.
- to prepare the agenda and the necessary documentation for the meeting of the "one-stop service" on all matters pertaining to rehabilitation and development.
- to assist the Secretary-General of CDC in preparing the necessary documentation pertaining to all matters of rehabilitation and development for meetings of the Executive Committee of CDC and plenary meetings of CDC.
- to monitor the implementation of public sector investment projects and programmes in cooperation with the relevant line ministries and to submit summary reports and recommendations for the Executive Committee of CDC review and action.
- to assist the Secretary-General of CDC in preparing semi-annual and annual reports on all matters pertaining to rehabilitation, development for CDC review and approval before final submission to the Royal Government.
- to participating in meetings of the "one-stop service" to review and approve on all matters pertaining to rehabilitation, development and investments.
- to execute other tasks pertaining to rehabilitation and development as delegated by the Co-chairmen or the Vice-chairman of CDC.

ARTICLE 23:

The roles and responsibilities of CIB are as follows:

- to manage the operation of CIB
- prepare the agenda and the necessary documentation for the meeting of the "one-stop service" on all matters pertaining of private sector investments.
- to assist the Secretary-General of CDC in preparing the necessary documentation pertaining to all matters of private investments for meetings of the Executive Committee of CDC and plenary meetings of CDC.
- to monitor the implementation of private sector investment projects and programmes in cooperation with the relevant line ministries and to submit summary reports and recommendations for the Executive Committee of CDC review and action.
- to assist the Secretary-General of CDC in preparing semi-annual and annual reports on all matters pertaining to private sector investments for CDC review and approval before final submission to the Royal Government.
- to participating in meetings of the "one-stop service" to review and approve on all matters pertaining to private sector investments.

- Implementing other tasks related to the matters of private investments in according to delegating right of the co-chairmen of "CDC" or the Vice-chairman of "CDC".

ARTICLE 24:

The roles and responsibilities of the members of CDC are as follows:

- to be involved in determining the conceptual frameworks of the National Rehabilitation and Development and in setting the priority needs both in terms of public and private investments.
- to be involved in the reviewing process of the implementation of public and private investments policies, projects approved by CDC.
- review and adopt semi-annual and annual reports on all matters pertaining to rehabilitation, development and private sectors investments before final submission to the Royal Government.

ARTICLE 25:

The meeting of the Executive Committee of the CDC shall be convened every two weeks.

ARTICLE 26:

The plenary meeting of the CDC shall be convened once a month.

ARTICLE 27:

On a need basis, the Co-chairman of CDC may convene an extraordinary meeting of the Executive Committee of the CDC or an extraordinary plenary meeting of the CDC.

ARTICLE 28:

The functioning of the meetings of the Executive Committee of the CDC and the plenary meeting of the CDC shall be specified in the internal regulations of the CDC.

ARTICLE 29:

The implementation of the "one-stop service" mechanism of CDC for reviewing and approving the matters pertaining to rehabilitation, development and investment shall be set according to the following principles:

1. For the organization of the Cambodian Rehabilitation and Development Board:
 - a). The Ministry of Foreign Affairs and International Cooperation, the Ministry of Economy and Finances, the Ministry of Planning and the Cabinet of the Council of Ministers shall appoint respectively its own official with an equivalent echelon of the Department Chief or Deputy-Chief to assist in the Cambodian Rehabilitation and Development Board. Such officials shall have the following qualifications:
 - to be competent in his or her work
 - must have the delegation of authority from the head of his institution and be able to interact with him, on political and technical issues, particularly on obtaining comments and recommendations from him.
 - to be actively involved in the operation in the Cambodian Rehabilitation and Development Board.
 - to have the capability to communicate in foreign languages, particularly English.
 - b). Other ministries and institutions of the Royal Government shall delegate respectively a representative to participate in the "one-stop service" but on an "Ad Hoc" basis whenever their respective ministry's competence comes into play, and upon the request of the Secretary-General of "CRDB".

- c). The Secretary-General of "CRDB" shall provide necessary documentation to be inspected and approved at the meeting of the "one-stop service" to all representatives of the relevant ministries and institutions one week prior to the meeting so that the head of the relevant institutions may inspect such documentation and provide his opinions through his respective representative.
 - d). After preparing the necessary documentation, the Secretary-General of "CRDB" shall fit such projects or programmes in the agenda of the "one-stop service" meeting for review.
 - e). The Secretary-General of "CRDB" shall organize the necessary documentation and other pertinent information resulting from the "one-stop service" meeting to the Secretary-General of CDC for his eventual submission to the Executive Committee of CDC.
2. For the organization of the Cambodian Investment Board (CIB):
- a). The Ministry of Economy and Finances, the Ministry of Commerce, the Ministry of Planning and the Cabinet of the Council of Ministers, shall appoint respectively its own official with an equivalent echelon of the Department Chief or Deputy-Chief to assist in the Cambodian Rehabilitation and Development Board. Such officials shall have the following qualifications:
 - to be competent in his or her work
 - must have the delegation of authority from the head of his institution and be able to interact with him, on political and technical issues, particularly on obtaining comments and recommendations from him.
 - to be actively involved in the operation in the Cambodian Investment Board.
 - to have the capability to communicate in foreign languages, particularly English.
 - b). Other ministries and institutions of the Royal Government shall delegate respectively a representative to participate in the "one-stop service" but on an "Ad Hoc" basis whenever their respective ministry's competence is related to private sector investments, and upon the request of the Secretary-General of "CIB".
 - c). The Secretary-General of "CIB" shall provide necessary documentation to be inspected and approved at the meeting of the "one-stop service" to all representatives of the relevant ministries and institutions one week prior to the meeting so that the head of the relevant institutions may inspect such documentation and provide his opinions through his respective representative.
 - d). After preparing the necessary documentation, the Secretary-General of "CIB" shall fit such projects or programmes in the agenda of the "one-stop service" meeting for review.
 - e). The Secretary-General of "CIB" shall organize the necessary documentation and other pertinent information resulting from the "one-stop service" meeting to the Secretary-General of CDC for his eventual submission to the Executive Committee of CDC.
3. After receiving the necessary documentation and other pertinent information from the Secretary-General of CRDB and the Secretary-General of the CIB, the Secretary-General of CDC shall fit such projects or programmes in the agenda of the meeting of the Executive Committee of CDC for their review and approval.

ARTICLE 30:

The details of the organization and functioning of the "one-stop service " and the CDC shall be specified in the internal regulations of the CDC.

ARTICLE 31:

The CDC shall have its own "cadres" as civil servants and its own budget. The management of the revenue and expenditure of the budget of the CDC shall be subject to the Financial Law.

CHAPTER 4: FINAL DISPOSITIONS

ARTICLE 32:

Any existing Sub-Decree and decision contrary to this Sub-Decree shall be annulled.

ARTICLE 33:

The CDC and the relevant ministries or institutions shall implement this Sub-Decree from the date of its signatures.

Phnom Penh, June 26,1995

The First Prime Minister

The Second Prime Minister

Royal Signature and Seal
NORODOM RANARIDDH

Signature and Seal
HUN SEN