Policy on Human Resource Management and Development at Sub-national Level

Authors Note

This annotated paper has been generated for NCDD-S within the framework of the EU SPACE Programmed during May 2012. The annotation has been developed after consultation with NCDD-S (May 2012) who are also examining the draft policy and making associated recommendations for amendments.

Within this context the annotated paper can help guide internal discussion in an attempt to help a reformulation process that focuses the policy upon an achievable objective, that of establishing a sub national civil service management system.

This paper and its associated quality assessment of the draft policy have been developed to align with the consultants ToR deliverables 2.4 items 1,2, and 3 respectively. The annotations do contain various options that should be considered and taken into account for the development of a sub national civil service statute and to aid internal dialogue.

During the formulation of this annotated policy note, meetings have been held with; (1) HE Ngan Chamroeun (NCDD-S), (2) the responsible advisor deployed to assist the SSCS, (3) International senior advisor NCDD-S, (4) the national and international gender advisors for SNDD reform (NCDD-S), and (5) international policy advisor (NCDD-S).

The annotations have been made through the utilization of comment boxes, which can be easily referenced during reformulation meetings. It is also noted that during the generation of this paper the NCDD-S have since established a process with nominated key experts being made focal points to develop comments in relation to the draft strategy.

The official translated Civil Service Act of Thailand (B.E. 2551 / 2008) has been referenced since it provides some suitable articles in relation to sub national civil service management through a de-concentered civil service commission. A similar concept is also suggested within the draft policy document hence the references made to this act.

It is noted that the draft policy contains some highly relevant objectives, strategic goals, and actions however the policy would benefit from reformulation, a decision that needs to be articulated by the RGC, whereby its objective is more focused upon developing a system and introducing associated structures through pilot implementation to establish sub national civil service management.

It is anticipated that these notes can aid such internal dialogue and provide areas for consideration during any reformulation process.

Policy on Human Resource Management and Development at Sub-national Level

Policy Focus and Purpose

The policy should focus upon Strategic Human Resources and be considered as a short-term to medium-term strategy that provides a time bound framework for the establishment of a unified management system for Sub National Civil Servants for a transition period.

The policy should be re-titled to align to modernized civil service management practice that combines personnel and human resource development functions – i.e. using international conventions HR policy for Sub National Level Deployed and Employed Civil Servants

Comment Box 1.0

1. Introduction

1.1. Background

From the 1990s to the new millennium, the public servant management dramatically changed as a result of reconciliation and integration policy under the wisdom and wise leadership of **Samdech Akka Moha Sena Padei Techo Hun Sen** prime minister of the Kingdom of Kambodia. One of the effective policies that has brought peace and development to Cambodia is **"the integration policy"** . The integration is referred to (1) the combination of civil servants and military personnel of all conflicting parties, resulting from the Win-Win strategy of **Samdech Aka Moha Sena Padei Techo Hun Sen**, and (2) integration of civil servant management into a new employment management system through the Royal Government's administrative reform program 1999-2003.

It is noted that after the integration, the Royal Government has made significant achievements such as (1) the war was put to an end and the national reconciliation was made (2) the national unity was built and the whole country is at peace (3) the country development has been speeded up, and (4) the civil servants were successfully included into the new employment management system.

After the civil servants were integrated into the new employment management system, the Royal Government officially implemented a reform strategy on decentralization and deconcentration, resulting in the strategic framework for decentralization and deconcentration reform , the law on administrative management of capital, provinces,

municipalities, and Khan/districts, the law on elections of capital council, municipal/provincial council, district/ Khan council, the 10-year national program for sub-national democratic development.

With this reform, the Royal Government of Cambodia implemented the decentralization and deconcentration management system at the sub-national level in which there is a non-universal elections of capital council, municipal /provincial council, and district/khan council. Implementing this election is another turning point in which the Royal Government has created a check and balance system and decentralization and deconcentration entity at the sub-national level.

Furthermore, the Royal Government planned to set up a unified administration system to facilitate the development of the democratic development at sub-national level. This change is just a pre-condition for a modification on the public human resources management system in line with the evolution of the decentralization and deconcentration strategic reform. Thus, the below section will illustrate the rationalization of a modification on sub-national human resource management system.

General Comments to the Introduction

The extensive level of information contained within the above section is not appropriate for a strategy. The section provides a chronological sequence of events that have previous been implemented. As such the document immediately looses focus upon the core issues that are to be addressed by the strategy. The background information needs not only to be shortened but also focused upon the issue areas and highlight the problems that the strategy is intended to address.

(1) The section would be better to be re-formulated with a focus upon
(2) The challenges that SNDD decentralization presents to civil service management
(3) The vision of the NP SNDD in the context of autonomous local government that is implemented through a high caliber localized civil service
(4) The strategy should also be bold in describing the intended HR functions at sub national level and the organization that is intended to implement such functions.

Comment Box 1.1

1.2. Rationalization

On 15 June 2005, the Royal Government of Cambodia promulgated officially the strategic framework of decentralization and deconcentration. The long-term goal of the strategic framework of decentralization and deconcentration of the Royal Government is to assist full and sustainable development, to lay strong foundation of economy at the local level, to get the people involved in the sub-national development, and to provide quality public services in response to the practical needs and poverty alleviation.

In implementing the strategic framework of decentralization and deconcentration, it requires some changes in structure and functions be made in all administrative levels. In that sense, the Secretariat of State of Civil Service needs to produce and modify some legal frameworks for managing the civil servants at sub-national level, especially the regulations related to management, staffing, nomination, promotion, salary scale, employment cadre, incentives, and punishment of the civil servants at sub-national level. Those regulations shall be made in consistence with the reform policy of the Royal Government, the law on administrative management of capital/provinces, municipalities and districts/Khan, and the law on Common Statute of Civil Servants of the kingdom of Cambodia.

The law on administrative management of capital, provinces, municipalities, districts, and khan states, " the National Committee for Democratic Development at Sub-National Level and government ministries and institutions shall review and redeploy personnel to the council concurrently with the transfer of functions and duties for the purpose of establishing a body of personnel at sub-national administration" (article 262). At the meantime, National Committee for Democratic Development at Sub-National Level shall be responsible for defining policy and strategy for ensuring a proper review and redeployment of personnel (article 263).

General Comment – Evidence Informed

Reference to the ARDP studies (CARS) should be made since such studies cover this area, there may be a large amount of usable data in reports that could inform this policy making process

Comment Box 1.2

Moreover, the National Committee on Democratic Development at Sub-National Level shall define the category of personnel for councils and define measures to review and redeploy these personnel to ensure that the number of civil servants does not increase.

Requirement for the Policy to Suggest Functional Reassignment for Sub National HR

This issue will by enlarge dependent upon the functions that are assigned to the councils, this is a key assumption in that identification of category of civil servant will impact upon SN HRM especially with respect to recruitment, remuneration, and promotion since such decisions will be made by different institutional bodies based upon such category. Refer to Civil Service Law Thailand (2008), in which details of arrangement of HRM are based upon associated civil service category.

Comment Box 1.3

The management of civil servants who work with councils at sub-national levels shall be defined by a particular statute for personnel of sub-national administration (article 264).

The direction set out in the law of the Administrative Management of capital, municipalities, provinces, districts and khans shows that the management of personnel at sub-national administration shall be revised in order to develop a realistic, sound, independent, transparent, and accountable management system in response to the actual situation and development of the country.

De Concentrated Offices of Civil Service Commission – An Example

The model of CS management in Thailand provides a suitable solution, in that the Civil Service Commission have established offices within the following areas; (1) line ministries, (2) bureaus (3) departments and provincial bodies to manage the civil service HR (Section 14 (B.E. 2551))

Comment Box 1.4

2. Definition and Scope

In the context of this policy, personnel of sub-national administration are referred to personnel to councils who are civil servants. Personnel who are not the civil servants, In other words, those include the contract staff, part-timers and technical advisors are considered as an assisting staff working for units of councils but they are not personnel to councils. Personnel of sub-national administration include:

1. Personnel who are selected and appointed by the council

These personnel are civil servant recruited and nominated by the councils when there is a need of human resources to perform their tasks and duties in response to permissive and obligatory functions of the councils.

Comment – Appointed Civil Servants

Personnel employed as civil servants will need to be engaged by a unified institution or office, the strategy needs to establish an enabling environment i.e. to establish unified sub national HR system, which will include the responsibility for recruitment. It is suggested that the strategy should not reference the councils as being employers since no agreement of general mandate and functions for the SNAs have been agreed.

Additionally since the potential for sub national councils to raise revenue so as to enable employment of staff, it will be the norm that national government will provide financial means to pay civil servant salaries. It would be prudent to suggest that it will be practically impossible during the life cycle of the strategy for the sub national councils to become employers, hence this statement should not be considered

Comment Box 2.1

2. Personnel who are redeployed and transferred to councils. These staff include:
    - Personnel who are integrated into new management structures of Capital, provincials, Municipalities, Districts and Khans
    - Personnel transferred from other Ministries or institutions to the council through the transfer of functions
3. Personnel who are appointed and assigned to work with the councils. Those staff include:
    - Directors, deputy directors and officials in the structure of capital and provincial Halls (except the directors and deputy directors of administration in the capital and provincial Hall)
    - Directors of Administration in the city Hall, districts/Khan Hall
    - Chiefs , deputy chiefs offices and officials in the structure of city Hall, and district/khan Hall
    - Clerks of Commune/Sangkat

4. Civil servants in the structure of capital, provinces, municipalities, districts/khan

Transfer of HR Functions to Include Service Delivery Personnel

An additional article to consider is the proposition to transfer service delivery personnel management (i.e. teachers, heath care workers, and line ministry technical staff) to the councils – it may be appropriate that such HR management is undertaken at the Provincial level councils to ensure compliance with specific institutional guidelines and requirements and to promote the maintenance of standards.

For example in Thailand, the management of civil servants is effected through categorization and level allocation for position (Sections 46 & 46 B.E. 2551). It would be appropriate to include within this strategy also information about category and level – as this should ultimately determine HR responsibility, i.e. who and where a particular civil servant is employed and managed from. For example in the Thai case lower grade civil servant positions are fully managed and coordinated via the Provincial CSC

(10) for the instatement and appointment of practitioner and professional level knowledge worker positions and operational, experienced and senior level general positions, the supervising director-general or person designated by the director-general shall order the instatement and appointment; (Section 57 B.E 2551)

(11) for the instatement and appointment under section 53 and relocation under section 63 to a position under (9) which is not a highly skilled level general position and the instatement and appointment of positions under (10) in the regional administration, the supervising provincial governor shall order the instatement and appointment; (Section 57 B.E 2551)

Sub-national administration: in general, it refers to the Capital, province, municipality, district/khan, and commune/Sangkat.

Sub-national governance structures: In this context, it refers to management structure at the Capital, provincial, municipal, and district/khan Hall, and management structure of vertical line departments, units, or offices of central ministries or institutions.

Human resource management and development of the sub-national administration is referred to an efficient management and productive utilization of the human resources at sub-national administration in response to job requirement and the application of strengthening the capacity building of the officials through the development of knowledge skills experience and the change of civil servants behavior and attitude from administrator to service providers with culture of public service, commitment, loyalty, morality, and high sense of professionalism.

Comments to Rationalization (Definition and Scope)

Reference to this issue needs be the requirement that is contained within the organic law (2008) "Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans Specifically Article 36 –

At every meeting, the council shall make necessary decisions or bylaws (Deika) on issues relating to:

Establishment of structures, systems and resources including committees, units and personnel of the council;

Article 101

Following consultations with the Commune and Sangkat councils, the District council shall facilitate and enhance the administrative capacity or administrative resources necessary for Commune and Sangkat councils to enable them to have adequate and permanent administrative capacity or administrative resources to:

(1) Promote and sustain democratic development or perform one or more necessary functions and duties;
(2) Manage administrative capacity and administrative resources including personnel, equipment, assets and necessary materials.

The challenges that SNDD decentralization presents to civil service management suggests that at some stage the councils become responsible for HR. Article 101 additionally indicates that District Councils administratively support and manage civil service affairs at Commune / Sangkat level.

This is a key statement that needs to be highlighted within the rationale for the policy, however, it should also be considered as being long – term, with this strategy being a temporary process to establish localized systems

Comment Box 2.3

Human resource management and development activities include: the human resources planning, performance management, recruitment and selection, permanent

appointment in the tenure, rank and grade promotion, nomination in the position, movement of administrative status of civil servants, productive use of human resource to achieve organizational goal and the protection of their benefits, rewards and sanctions, code of conduct and discipline, remuneration system and allowances, training, career development, and retirement.

This policy applies at sub-national governance structures and covers over those who are defined as sub-national personnel.

The Functions of HR Practice

Reference should be given to applicable HR strategies developed by CARS

Is there a need to examine further the scope of HRM? i.e. what roles and responsibilities for civil service HRM be imparted to the SNA's or does the SSCS de concentrate similar to the strategies that have been deployed in neighboring countries (Thailand & Vietnam). Within the Thai example clear definition of role is provided (sections 14, 20 B.E. 2551)

Comment Box 2.4

3. Vision

Vision

Reference should be given to the IP3 and the 10-year NP SNDD in terms of SNDD. The policy being transition needs to vision the development of capability at the sub national level so that an identified range of HR services can be provided. The vision as included suggests a complete transition for sub national HR, whereas if the policy was correctly formulated the vision should focus upon the short-term duration of the project i.e. the establishment of suitable sub national HR systems that contribute to the vision of SNDD. Reformulation of this section should be sought.

Comment Box 3.1

The vision of this policy is to develop a management and human development system at the sub-national level to ensure capacity to response to the need of the national development and changes requirement in the region and the world, and to turn these resources as the backbone and stimulator in supporting and promoting the socio-economic development and sub-national democratic development.

In this sense, human resources management and development system at sub-national level shall be created in line with the spirit of the Law on Administrative Management of Capital, Provinces, Municipalities, and district/khan and Policy on Human Resources in

Public Administration and based on the Law on the Common Statute of Civil Servants of the Kingdom of Cambodia.

4. Objective and Goals

4.1. Overall objective

To fill the above vision, this policy has an overall objective, that is to " enhance and ensure the sustainability of good governance of the sub-national level to accelerate the development of the country toward to prosperity, and civilization through efficiency and effectiveness of human resource management and development at sub-national level in response to the local actual need as well as to promote human resource management in the public administration with capacity, transparency, accountability, loyalty, commitment, morality and high sense of professionalism.

Overall Objective

The overall objective needs reformulation to align to the short-term transitional nature of the policy. In essence the policy as written promotes the de-concentration of the services of the SSCS at its core. Whilst this potentially provides an ideal solution where amalgamation of different sub national offices is proposed, it should also provide the overall objective of the policy. For any policy to be useful it also should be realistic, thus overall objectives need be set to the context in which the policy will work. The objectives set within the document are not focused enough upon what the policy aims at.

Comment Box 4.1

4.2. Goals

To achieve the above mentioned objective, the policy identifies five goals to be implemented. These are:

First: to develop a permanent human resource management and development system at sub-national level and to response to the local actual requirement in line with national standard.

Goals - Structural

Reference should be given to similar actions that are being undertaken in neighboring countries, ie Thailand & Vietnam. Also the experience of the consolidation of CS HRM in China that has merged line ministries can be examined and inform the strategy.

It may be considered that a unified management system is proposed whereby all CS HR functions i.e. personnel and development can be undertaken by a single nominated institution – a suitable reference is the example of South Korea – MoPAS.

Comment Box 4.2

Second: to strengthen and expand capacity, skills, knowledge, experience, code of conduct, professional ethics, and understanding, of the legal norms and policies of the Royal Government.

Goals – Human Resource Development

This appears to indicate a mandatory training or capacity development function – this concept supports the overall goal as contained within the strategy. However clear links need to be sought regarding key issues of ethics etc.

Comment Box 4.3

Third: To translate gender mainstreaming strategy in the civil service into practical action in the framework of sub-national level and public understanding of local people.

Goals - Gender Mainstreaming

This should not be a stand-alone issue with gender mainstreaming should be accommodated with each sub strategy – see later (Comment Box 5.9)

Comment Box 4.4

Fourth: to contribute in reducing poverty and promoting the sub-national democratic development through the productivity, efficiency and effectiveness of human capital utilization.

Goals - Poverty Reduction

This comment / strategy area is incorrectly formulated since the strategy is about civil service HR at the sub national level – it is not relevant for this type of document to include references to contribution to poverty reduction. The policy is a government policy statement and not a programming document.

Comment Box 4.5

Fifth: to organize and restructure of the civil service mechanism at the Capital and Provinces in order to develop Civil Service implementing mechanism for coordinating and facilitating human resource management and development at sub-national governance structures.

Goals – New CS Management Structures

This should clearly define the new CS management structures that will be established to manage the sub national CS ideally following similar models that are being implemented in near neighbor countries with the new structures being placed at Provincial level. This goal is the core goal of the strategy and needs to be elevated as being a principle goal.

Comment Box 4.6

Critical Success Factors

The strategy does not comment upon or propose any critical success factors (CSF), which should be formulated from the established goals. These CSFs will also build into the strategy key monitoring and evaluation components, which are an essential feature that should be contained within any policy document. Since CSFs have not been identified nor included within the structure of the policy it is recommended that reformulation is required.

Comment Box 4.7

5. Strategy

Implementing Strategy

The implementing strategy needs to clarify areas of responsibility and accountability. Flow chart should also be used to illustrate the sequential nature of the proposed steps or stages (PERT Charting). Indicative time boundaries can be established against each step, thus in-building M&E into the policy.

The transitional arrangements need be considered to be pilot exercises to test out the strategy. These transitional arrangements should ideally see sub national CS unified HRM being implemented through a single institutional body in approximately 30 % of the Provinces as a pilot. To attempt to roll out such activity in all Provinces is not feasible in the present environment. The use of pilots additionally support the evidence informing and M&E features.

Comment Box 4.8

In order to achieve the mentioned objective and goals, the policy need to be implemented under the following 05 strategies:

First Strategy: develop legal framework for the management of sub-national administrative personnel

1.1. Transitional arrangement

Transitional Nature of the Policy

The transitional arrangements can be considered to be pilot exercises to test out the strategy. These transitional arrangements should ideally see sub national CS unified HRM being implemented through a single institutional body in approximately 30 % of the provinces (comment box 4.8)

Initially an action plan and guideline needs development, it is essential that an action plan is developed concurrently with any guideline.

Comment Box 4.9

Transitional arrangement is to set a guideline or provisional procedures to manage sub-national administrative personnel and transferred staff before the permanent legal framework for sub-national personnel has not yet been prepared and promulgated. During the transitional period, the Royal Government needs to set some guidelines and policies for a temporary implementation. This implementation can create great experience used as basis for preparing the permanent legal framework for sub-national personnel. For sustainable work, some approaches are set and utilized as follows:

- Preparing the Royal Government guideline on temporary procedures for the management of sub-national personnel before a particular statute is prepared.
- Publicizing the guideline to both national and sub-national levels
- Establishing an orientation working group in implementing the guideline of the Royal Government
- Implementing the guideline before the a new particular statute is created
- Evaluating the implementation and taking experience which will be used as input for developing permanent legal framework.

1.2. Developing permanent legal framework

Development of the Permanent Legal Framework

The policy, through its pilot exercise should develop appropriate legislation and amend existing legislation to allow for a de-concentration of civil service HR through the establishment of suitable structures and implementation of associated processes to allow autonomous localized HRM for sub national civil servants.

It therefore would be appropriate that a legal review is undertaken as a component of the policy to help determine what legislation requires amendment and where new legislation is requires to establish the pre-requisite legal base.

Only upon the legal establishment of a structure and associate systems to manage sub national civil servants should an associated sub national civil service statue be developed. This policy needs place focus upon the required institutional arrangements that need to be in place to support SNAs to effectively and efficiently manage their HR.

Comment Box 4.10

From the experience in the transitional period, it is necessary for the sub-national personnel to have a permanent legal framework to manage movement of administrative status, career development, and retirement.

The major target of creating permanent legal framework is to develop a Particular Statute for Sub-National Personnel Management. Also, the sub-national personnel need some legal norms for their work. This Particular Statute and regulatory framework related to human resource management and development at sub-national level will be taken into account of the following aspects:

- Prepare and review the relevant regulations to ensure constitutionality, legality and consistency
- The Particular Statute and other legal norms shall state the priority for women in the selection process of the officials in civil service cadre, promotion, and appointment. Moreover, this statute should set some measures to increase the number of women at the sub-national administration (e.g. setting quota for women and other incentives)
- The statute should be flexible for enabling the transfer of staff of national and sub-national levels and protecting the benefits for those staff.

Mandatory Rotation of Sub National Civil Servants

The statute can articulate mandatory rotational periods for civil servants, it should be considered that promotion between categories should only be accommodated with service provision within the sub national level, this will require other legislative amendments to be undertaken.

Additionally any sub national statute needs to set maximum positional time periods whereby civil servants remain in post for a limited period with subsequent inter-district transfers being the norm. This practice will discourage corruption and mitigate issues of low performance.

Comment Box 4.11

- The statute and other legal norms related to the management of sub-national personnel must be constitutionality, legality and under the scope of the Law on Common Statute of the Civil Servants of the kingdom of Cambodia

- The classification of the category of employment cadre, ranks and grades must be in line with the General Principles of the State Civil Service Management under the Royal decree No C.S/RKT/1297/273 dated 01/December/1997.

Sub National Remuneration - Considerations

The issuance of a sub national statute provides a possibility to support sub-national redeployment and retention capacity through the establishment of a specific and separate SNA remuneration structure as opposed to applying the General Principles of Organization of the State Civil Service (CS-KT-1297-273).

Remuneration improvements will support deployment and retention of staff, whereas if the general principles are applied no benefit will be seen by civil servants working in difficult conditions at the sub-national level. Whereas it may be suggested that additional "top-ups" via the allowance system will address this issue, it also raises the following;

(1) The potential for uncontrolled and hidden allowance payment
(2) Indiscrete awards via allowances to be realized
(3) Non application of ethics and standards applied to award of allowance

Allowance payments are also limited – the Basic Salary and Subsidiary Allowances of Civil Servants (NS-RKT-1201-450 indicate that only the Risk Allowance is only solely applicable for sub-national civil servants whereas the other allowances (functional, family, living, and pedagogic) are applied at national level.

Although it will be inappropriate for national government to make such a proposal, lessons from Indonesia may be useful, whereby SNAs are legally able to provide "top-ups" to civil servants. Today in Indonesia, sub national civil servants salaries are commonly higher than those of national civil servants, as SNAs have the ability to provide top up bonus payments that are commonly linked to regional economic performance. This mechanism not only allows the SNAs to attract high caliber personnel, but issues of personnel performance and retention are addressed.

This policy should promote the utilization of provincial top up schemes based upon various localized criteria

Comment Box 4.12

Strategy 2: Building and development of capacity of personnel at sub-national administration

Differentiating HRD and Capacity Building

Strategy 2 suggests a HRD function to support the development of civil servants at the sub national level. The term capacity building is used- this therefore includes the development and introduction of new systems as well as training (refer to RGC guidelines for capacity building which compliment the CARS HRD strategy). Within this context the issue of capacity building should also include the provision of systems and processes introduction, whereas HRD can be directly assonated to a training function. Clarity needs to be sought in terms of who will be the responsible institution to manage the Capacity Building process.*

*A Guideline on the Provision and Management of Technical Cooperation (September 2008)

Comment Box 4.13

To ensure the strengthening of good governance and acceleration of sub-national democratic development, the building and development of human resource capacity are an indispensable factor. The development of human resource capacity of sub-national administration must be carried out for newly recruited officials, new tenured officials, long-term seniority officials and non-tenured officials at sub-national level. At the same time, the national civil servants working at sub-national governance structures are also subject to the capacity building and development strategy within this policy.

The Continuous Concepts of HRD

This should be seen as a continuous process that is all-inclusive and covers all levels of civil servants, it should be fully inclusive. Mechanisms for coordination are important to mention, in that capacity building should include mandatory trainings and systems utilization. This concept will support a distinct centralized capacity building solution to be realized but also include non-mandatory technical skills trainings to use new systems or introduce new practices

Comment Box 4.14

This implementation enables the direction of new officials to be aware of their roles, duties, obligations and working norms or system implemented by those officials. Furthermore, the skilled officials and long-term senior officials also need trainings to upgrade their knowledge and experiences in order to respond to new development of the country, policy and reform program of the Royal Government as well as the needs for changes within the region and the world.

Linking Training to Awards

Since major concerns exist in relation to the professional capability of sub-national civil servants, and the retention of well qualified or high performing personnel, training should be seen also to support motivation, which can be better accommodated through the linking of training to rewards (i.e. remuneration bonuses) and or faster career path development.

This option links and provides a supportive rationale to devise an alternative sub national salary structure or to accommodate training related rewards via allowances contained within a sub-national civil service statute, as per the additional Pedagogic allowances that have been accommodated within the Changes to the Functional Allowances for Civil Servants and Pedagogic Allowances in the Education Sector (Sub Decree no 34 – April 23 2002).

To support this concept a basis for training requirements can be established within this strategy that articulates rewards for satisfactory completion of a specific training (refer to NVQs - http://www.direct.gov.uk/en/educationandlearning/qualificationsexplained/dg_10039029)

Additionally external course completion can also be considered for award payment.

Within the sub national strategy the linking of training to remuneration bonus or indeed fast track promotion needs be considered and addressed, especially being the overriding objective of the policy – it to have in position qualified and well motivated civil servants, serving the needs of local communities and citizens

Comment Box 4.15

The development of human resource capacity building should be applied the following approaches:

- Preparation of orientation training courses at the sub-national administration
- Development of Capacity Development Baseline for the Provinces, Municipalities, Districts and Khans
- Collection of data, and assessment of training need and development of human resource capacity at the sub-national levels
- Formation of training modules
- Preparation of skill supplementation and training courses for updating knowledge and promoting legal norms and policies of the Royal Government
- Preparation of French or English training courses for sub-national administrative officials
- Creation of regional schools of administration and local administration institutes at national level
- Formation of national team for capacity development and groups of provincial trainers
- Provision of annual trainings, preparation of trainings in accordance with special programs and preparation of workshops and study tours
- Creation of On the Job Training
- Monitoring and evaluation of the training
- The Sub-committee for Sub-National Personnel of the National Committee for Democratic Development at Sub-National Level has duties to lead and coordinate the implementation of this second strategy, the Working Group of the 2nd and 3rd sub-programs that have duties related to development of legal frameworks for managing and developing the human resources at sub-national administration.

Capacity Development – Wish List

The above wish list simplifies a HRD strategy – indeed the list is very generic and carries no detail. The sub HRD strategy needs to suggest that;

(1) *Basic Mandatory Training is to be applied at the sub national level*
(2) *Technical trainings to support new transferred or permissible functions will be duly developed and implemented (the implementing institutional arrangements need also be clarified including an out sourcing option and the uptake of international scholarships*

Potentially the strategy can be used to promote greater sub national autonomy through suggesting that aside of the mandatory trainings the responsible Provincial institution should effectively develop localized HRD strategies that compliment the national strategy. Such strategies for example can be developed to provide more targeted training and skills development based upon actual localized needs.

Comment Box 4.16

Responsibility for Capacity Building

Strategy 2 does not indicate or suggest any institution who will be mandated to manage the HRD function, this is especially important so that clear functional reassignment can be identified whereby the sub national institutions undertake to manage local government employees.

The strategy should promote the establishment of HR units to mange the capacity building process at sub national level, being part of the council structures.

Comment Box 4.17

Strategy 3: Delegation of the Civil Service Management

Defining the Structure for Civil Service Management

Refer to Civil Service Act B.E. 2551 (2008) Thailand – this act provides a good example of how a de-concentrated structure for CS HR can be accommodated via law and the extension of the services of the SSCS. Ideally this strategy needs to illustrate a structure for sub national HR showing the linkage and coordination mechanisms with national institutions.

The structure should articulate the roles of the de-concentrated sub national provincial offices that will effect efficient sub national civil service HRM in terms of

(1) Recruitment, will the SN offices / institutions be able to offer open recruitment, or will recruitment be based from central applicant data bases

(2) Will the SN offices / institutions be able to administer general entrance examinations?, these can be used to address the need of local employment opportunities and recruitment practice and can be limited to specific grade application – for example refer to Chapter 3 Section 57 (B.E. 2551). This strategy should address the key issues of responsibility and accountability for recruitment, instatement, and appointment in relation to the proposed responsible body.

(3) Additionally the same considerations need be applied to promotion and rotation practices (see Chapter 3 Sections 64 to 67 (B.E. 2551)

(4) Disciplinary measures and means can also be subjected to a proposed organizational rationale (see Chapter 7 (B.E. 2551)

A Note on Rotation for Senior Level Civil Servants (Sub National)

The following excerpt from the Civil Service Law of Thailand, illustrates the application of mandatory rotation for senior positions. Similar practices can also be found in South Korea and Singapore

Section 58. Where any civil servant holding an executive position has performed the same duties for four consecutive years, the supervising official authorized to make an instatement order under section 57 shall undertake proceedings to effect an exchange of duties, relocation or transfer to perform other duties, except where it is necessary for the benefit of the government service, in which case the approval of the Council of Ministers may be requested for such person to continue performing the same duties for not more than two years, in accordance with the rules and procedures prescribed by the CSC.

Similarly this should be included within any sub national HR strategy and may be considered for adoption at national level. The key principle that rotation should be encouraged throughout the district level positions, whereby people can be transferred between district / municipality / khan positions – assuring staff circulation at all levels within the SNA.

Rotation should also be considered as assisting the organizational development process at the district / municipality / khan level – whereby motivated and proficient civil servants will be circulated within a system and not remain static and tied to a single position.

Comment Box 5.1

In section (1.2.), this paper illustrates the rationalization of the implementation of decentralization and de-concentration strategic framework of the Royal Government of Cambodia. The implementation of this D&D strategic framework requires some changes in structures and functions as well as delegation of some authorities to sub-national level. Also, the State Secretariat for Civil Service is required to delegate in its field of civil service management in consistency with the policy of the government, laws and related regulatory framework. To make the delegation of the civil service management possible, the State Secretariat of Civil Service needs to institutionalize its sub-national mechanism to manage the civil servants at sub-national governance structures (the institutionalization of this mechanism is carried out in compliance with the fifth Strategy of this policy). Besides, the civil service management will be delegated as follows:

3.1. Recruitment into state employment cadre

In response to the actual needs at the local level, the selection and entrance examination in to the state employment cadre and to fulfill their tasks at sub-national levels must comply with the following principles:

- Local recruitment: This means that the sub-national administration, especially provincial councils and boards of governors, are provided with duties to conduct entrance examination of officials to fulfill services at their own places as the case may be, but it must be subject to inspection of representatives of the State Secretariat for Civil Service and ministries concerned.

Function of Civil Service Entrance Examinations

As indicated within the NS-RKM-1904-006 and Sub Decree No 20 April 30 it is suggested that there are no general rules in existence regarding the contents of competitive entrance examination. Eligibility for employment is based upon qualification hence standardization of entrance qualification is not sought across government. However since

The sub national HR strategy needs to promote the utilization of standardized entrance examinations to effectively engage motivated persons taken from local labor markets.

Comment Box 5.2

- The candidates living within the places where entrance examinations are conducted should be prioritized and, in particular, the female and ethnic minority candidates are highly prioritized.

Localization & Inclusivity

If the strategy is developed to underpin the establishment of an institution / office to manage sub national civil servants, as per the example contained within the Thailand model then Provincial localization can be practiced.

If Provincial HR localization is sought geographical placed limits in relation to civil service engagement can be practiced whereby;

(1) Standardized entrance examinations can be organized and held at provincial centers, with participation being limited to registered persons of the province, i.e. a candidate from Battambong of registered abode can not apply for civil service entrance examinations in any other Province other that his / her Province of abode

(2) Given that the Civil Service in Cambodia is a career based system (ref OECD note on civil service type – GOV/PUMA(2003)17) then the sub-national strategy can promote enhanced inclusivity within the context of localized civil service entrance using quota based systems

Comment Box 5.3

- Disabled candidates shall be given a special consideration to prioritize in recruitment into state employment cadre based on kind of jobs that disabled person are able to perform.

- The sub-national administrations have to develop a plan related to human resource requirement and annual official recruitments and submit it to State Secretariat for Civil Service for examining and making request for an approval from the Royal Government.
- Capital/provincial civil service mechanism has to coordination with provincial line departments to develop a plan for recruitments, trainings and development of capacity of civil servants at sub-national administration.

Localization & Manpower Planning

If the strategy is developed to underpin the establishment of an institution / office to manage sub national civil servants, as per the example contained within the Thailand model then Provincial based manpower planning can be practiced that provides a distinct service for the SNAs

(1) The Provincial institution / office for HR will need to be mandated to develop manpower plans (which can be bi annual, they so not have to be yearly) that reflect the needs of district / municipal / khan and commune / sangkat civil servant requirements, these plans can be consolidated at provincial level and coordinated at national level by the SSCS. (ref Section 13 (B.E. 2551))

(2) Provincial bodies should also develop training policy to meet the needs of the SNAs and be able to outsource training provision

(3) Any reference to SNA manpower planning needs to be restricted to permanent staff positions, manpower planning should not seek to address specific SNA needs in relation to the employment of non-permanent staff, which should be left to the associated councils. However, provision should be made for the Provincial institution / office for HR to verify and help determine the level of contractual staff.

(4) Engagement for SNA non permanent staff need be contractually managed by the Provincial institution / office for HR

Comment Box 5.4

- Allowing the selection and employment of non- permanent personnel to work for sub-national administration including consultants, assistants and secretaries. The consultants must have at least bachelor's degree and 5 years of experiences in public sector; the assistants must have at least associate's degree and 3 years of experience and the secretaries must have at least upper-secondary diploma. These personnel require supplementary trainings in administrative work, laws and legal norms or public policies to ensure the sustainability of public service culture and as assistance to local authorities as

well as the sub-national council whose mandate is given through direct universal election or indirect universal election.

3.2. Administrative inspection and civil servants management

3.2.1. Provision of visa and inspection of monthly payroll document

Administrative Inspection

A provincial institution / office should be empowered to inspect pay roll documentation and support the additional allowances claim through issuance of visas, as prescribed within this document. Additionally the same unit should be included to undertake performance (organizational and personnel – the latter can be limited to senior positions)

The actual role in relation to SNA HR needs to be clarified, especially with regards to the functionality of the Board of Governors

Example of Administrative Inspection (Thailand)

To supervise, oversee, monitor, inspect and evaluate the human resource management of civil officials in ministries and departments in order to maintain fairness and human resource management standards, including to inspect and monitor the performance of functions under this Act; in this regard, the CSC shall have the power to summon documents and evidence from government agencies, or to summon representatives of government agencies, officials or other persons to give statements of facts, and the power to issue rules requiring ministries and departments to file reports on human resource management of civil officials within their scope of authority with the CSC; ***Section 8 (7) (B.E. 2551)***

Comment Box 5.5

- The State Secretariat for Civil Service needs to develop its mechanism at Capital/Provinces to assist the board of governors and councils in managing and developing human resources at governance structures of sub-national administrations.
- The State Secretariat for Civil Service provides its mechanism at sub-national level with duties to verify and approve visa for the payroll documents of civil servants of capital/provincial line departments and sub-national administration.
- The payroll documents of civil servants in vertical line departments at sub-national administration and sub-national personnel which have not been inspected and permitted by civil service mechanism are considered invalid used to pay salary to civil servants at sub-national governance structures.

3.2.2. Civil servant management affairs

Sub National Civil Service HR

This section sketches out the responsibilities / duties of a de-concentrated Provincial SSCS, the following extract illustrates the clarity of responsibility allocation required to be included within this strategy.

Organization

***Section 19**. The Province CSSC shall comprise the Provincial Governor as Chairman, a Provincial Deputy Governor designated by the Provincial Governor as Vice-Chairman, and the following sub-commissioners appointed by the CSSC Chairman:*

(1) not more than three persons qualified in the field of human resource management, administration and management and law, whose works are renowned in the relevant fields and who are not civil officials in such a province;
(2) not more than six civil officials holding executive or managerial positions, who have been appointed by ministries or departments to posts in such province, and are elected from civil officials holding such positions, whereby each person shall not be attached to the same ministry.
(3) This CSSC shall appoint one person as secretary.

Duties / Function

Section 20. The Province CSSC shall have the following powers and duties:

(1) to consider the formulation of guidelines and procedures for human resource management, which must be consistent with the rules, procedures and standards prescribed by the CSC under section 8(3);
(2) to consider matters pertaining to disciplinary proceedings and orders of discharge from government service as provided in this Act;
(3) to perform duties assigned by a Ministry CSSC or Department CSSC;
(4) to carry out other acts under this Act and assist the CSC in the performance of functions pursuant to this Act as assigned by the CSC.

Source: Civil Service Law – Thailand (B.E. 2551)

Comment Box 5.6

The capital/provincial public work mechanism should be provided with duties and responsibilities for management of civil servants at capital/provincial level and local authorities through verifying all individual civil servant profile related to the changes in administrative movement and family status of civil servants as follows:

- Having the rights to approve request for appointment of civil servants at sub-national administration ranging from office deputy chief down.
- Making request to State Secretariat of State for Civil Service for approval of nomination of civil servants at sub-national levels whose positions ranging from chief of offices and higher level.
- Having the rights to approve the transfer of local civil servants from one unit to another and from one district to another ranging from the positions of office deputy chief down within its own competent territory.
- Are direct headquarters of board of governors and capital/provincial councils in management and development of human resources at governance structure of sub-national administrations,
- Having the rights to approve the request for promotion of civil servants at sub-national governance structure within the category of cadre "B", "C" and "D".

Note: *The cases above are impossible unless (1) there is an amendment of laws, royal degrees, sub-degrees and legal instruments concerned and (2) there is a particular statute for managing sub-national personnel.*

Responsibility for Sub National HR

See previous example, some of the above listed conditions will remain true

Whereby the draft strategy does not identify or provide critical success factors, the establishment of a fully operational and functional Provincial HR institution / office should be sought. The establishment of such a facility will allow for many current HR functions to be amalgamated and delegated from National Government.

Establishment will need to be underpinned with a strong legislative base which assist to implement the OL

Comment Box 5.7

3.3. Management of contractual staff and casual workers

In relation to management of contractual personnel and casual workers, the capital /provincial civil service mechanism shall be provided with competence and responsibilities as follows:

- To inspect the utilization of contract personnel and casual workers at vertical line departments and sub-national authorities,
- To make report about plans and specific number of contractual personnel and casual workers used annually by each department, sub-national administrative authorities and request for an approval from the State Secretariat for Civil Service, and
- In case improper uses of contract personnel and casual workers are found, it is necessary to report the cases to the State Secretariat for Civil Service for inspection actions.

Note: *Functions, duties, rights and jurisdictions, which are not stated in this delegation, are subject to the authorities and jurisdiction of State Secretariat for Civil Service.*

Management of Contractual Staff and Services

Contracts management, especially those dealing with staff or services, for example IT can resource hungry and require high levels of technical proficiency in terms of procurement, project management, and knowledge of contract law. It will be safe to assume that civil servants whom own such capacities will be difficult to engage to work at SNA level, especially at district and commune levels.

Therefore all contract management should be undertaken through a Provincial institution / office. This will also facilitate the standardization of contracts and payments across the Provinces.

Comment Box 5.8

Strategy 4: Mainstreaming of gender in the civil service at sub-national administration

The mainstreaming of gender in the public service at sub-national administration plays an active role in contributing to implementation of the 2nd rectangular strategy of the Royal Government of Cambodia in relation to "**gender and development**" vision. One of the key objectives of this vision is to turn the workforces and intelligence of women into a momentum for developing the socio-economy as well as supporting and propelling the process of national development. In this context, the gender mainstreaming must have objectives and measures to increase percentage of female civil servants at sub-national administration. Therefore, all developments of strategic policies and legal instruments relevant to management of sub-national administrative personnel are aimed at promoting gender equality and women empowerment in real practices.

The gender team of the State Secretariat for Civil Service plays a core role in making cooperation for preparation and implementation of this strategy. Moreover, this gender team is an operational mechanism for implementing gender-mainstreaming strategy within the civil service at sub-national administration. To achieve this goal, the mainstreaming of gender in the civil service at sub-national administration should comply with the following approaches:

- Ensure the equality in recruitment and appointment of female personnel
- Determine quota and reserve system for women and other incentive policies.
- Prioritize female civil servants to access in selection, change in category of cadres, ranks and grades promotion
- Increase understanding about gender perception for civil servants at sub-national administration
- Increase number of female civil servants into leadership position for participating in decision-making
- Provide opportunity and encourage female civil servants to access to domestic and foreign training programs

- Strengthen and expand capacity of gender working group at Capital, provinces, municipalities, districts and khans

Mainstreaming of Gender

This should not be considered as being a stand-alone strategy, indeed issues of gender equality needs to be in-built throughout the strategy.

The basis for Gender mainstreaming should focus upon the strategy providing equal opportunities not only within the context of recruitment but also in terms of; (1) Placement and positioning, (2) Promotion, (3) Remuneration and Bonus Payments, and (4) Access to Training and Education.

Of importance is the strategy specifically promotes the concept of "improved positioning" in relation to female civil servants, whereby they take up different positional roles and gain decision-making authority within the SNAs as opposed to being deployed to work with "traditional allocated" areas such as women and children affairs.

The inclusion of the mainstreaming gender as a separate sub strategy is incorrect; gender needs to be addressed throughout the strategy. It is suggested that the inclusion of gender mainstreaming as a separate sub strategy is indicative of the policy development process employed, in that the document has been developed with limited stakeholder inclusivity.

Comment Box 5.9

Strategy 5: Institutionalization of Capital/Provincial Departments of Civil Service

In 2007, a working group of NCDD at the State Secretariat for Civil Service conducted a survey on the establishment of Civil Service mechanism at capital and provinces. The survey was carried out in five provinces, including Stung Treng, Svay Rieng, Banteay Meanchey, Koh Kong and Kandal. The team selected some target officers, namely provincial governors/deputy governors, provincial department directors/deputy directors throughout the province, officers in charge of personnel and financial affairs of provincial departments and officers of National Committee for Decentralization and Deconcentration to gather their ideas for establishing Civil Service mechanism at capital/provincial level.

The responses collected from key officers within the five selected provinces demonstrated their clear will and visions for developing a Civil Service mechanism at capital/provincial level, including Stung Treng 81.58%, Svay Rieng 88.23%, Banteay Meanchey 93.33%, Koh Kong 93.33% and Kandal 94.87%.

On 30 August 2008, a team from National Committee for Decentralization and Deconcentration of the State Secretariat for Civil Service conducted a discussion and consultation workshop on preparation of Civil Service mechanism at capital/provincial level. This discussion and consultation workshop was attended by Directors of Departments of Personnel Affairs from 24 ministries/institutions, representatives of Secretariat general of Council for Administrative Reform, Capital/Provincial Deputy Governors, 12 Capital/Provincial Cabinet Chiefs, 18 officers in charge of labor and salaries from provincial department of Planning and 34 senior officers from the State Secretariat for Civil Service. As a result, the workshop produced a clear recommendation that the Civil Service mechanism at capital/provincial level "**shall be established as the Provincial Department of Civil Service".**

Institutionalizing Capital/Provincial Departments of Civil Service is a key strategic option for supporting effectively and sustainably the process of human resource management and development at sub-national governance structure, especially the development of capacity of civil servants/ personnel at sub-national governance structures as specified in the 2nd strategy of this policy.

To avoid increasing number of civil servants in institutionalizing of human resource management and development system at sub-national level, an institutionalization of Capital/Provincial Departments of Civil Service should be conducted through restructuring and upgrading of the offices of labor and salary which are located at Capital/ Provincial Departments of Planning and which are assigned to work for and on behalf of the State Secretariat for Civil Service (Joint Prakas beween Ministry of Planning and State Secretariat for Civil Service N. 231.B.K/P.K dated 13 June 2000) into **Capital/Provincial Department of Civil Service.**

Establishment of Provincial HR Departments (De-concentration of the SSCS)

This provides an appropriate solution to provide a unified HR service at the sub national level. The proposal calls for the amalgamation of the offices of labor and salary and the departments of planning. It may be appropriate that other related HR functions are also examined for amalgamation, for example the Provincial organizations that manage sub-national teacher recruitment.

The key issue is that the strategic aim of the policy is to introduce a system to provide effective and efficient sub national civil service HR management functions. The placement of the this key sub strategy (at the end of the document) illustrates that the policy does not clearly articulate a single objective, and that correctly sequenced sub strategies to achieve the identified objective of the policy have not been fully identified.

If the strategy proposes the establishment of a new structure ("capital / provincial department of civil service") the policy also needs to outline its mandate and associated functional responsibility. This will also allow the policy to describe a skeleton structure for the offices and associated task description.

Comment Box 5.10

6. IMPLEMENTATION

6.1. The implementing and relevant institutions

- National Committee for Democratic Development at Sub-National Level, State Secretariat for Civil Service and Ministry of Interior are leading implementing institutions.
- Secretariat of National Committee for Sub-national Democratic Development (NCDDs) and Secretariat General of Council for Administrative Reform (CAR) are collaborating and coordinating partners on the implementation.
- Sub-national Committee on Sub-National Personnel of the NCDD has duties to lead, direct and coordinate the sub-program 02 and 03 in developing the policy, strategy and legal frameworks related to human resource management and development at sub-national administration.
- The core institutions above are in charge of coordinating ministries and relevant national institutions as well as at sub-national governance structures in implementing this policy.

Clarification of Implementation

The above listed institutions and areas of responsibility are ambiguous, it would be more appropriate if the following assumptions could be derived.

(1) Who owns overall decision - making power?
(2) Specific sub strategies are placed under the responsibility of specific institutions, for example the SSCS should develop associated legislation to underpin the establishment of the provincial offices
(3) Is there a need to establish a temporary task force to coordinate all stakeholders ?
(4) Since the policy will establish sub national institutions and introduce new sub-national policy, what will be the role of the SNAs?

It is suggested that a stakeholder analysis is internally conducted and field trips are undertaken so that an effective temporary task force can be established and be accountable for the policy.

Comment Box 6.1

6.2. Mechanism establishment

- National Committee for Democratic Development at Sub-National Level, State Secretariat for Civil Service and Ministry of Interior should collaboratively establish national Training Institution (National Institution of Local Administration) and at sub-national level (Regional School of Administration).

National Institution of Local Administration and Regional Schools

This policy option is considered as being a long-term solution to develop and maintain high levels of capacity within the SNAs. It is therefore inappropriate to consider this option within this policy document. Focus needs to be placed upon establishing the sub national system for civil service management, which includes a high requirement of legislative amendment and development, the physical merger of various sub national offices that have HR responsibilities at the sub national level (these may include national based offices), and the basic establishment of staff and equipment's to perform the sub national civil service HR function.

Comment Box 6.1

- State Secretariat for Civil Service should institutionalize Provincial Department of Civil Service at Capital/provinces to assist capital and provincial authorities concerning civil service matters and to ensure the sustainability of human resource management and development at sub-national governance structures.

Linking the Policy to Functional Reassignment

This policy option that proposes the establishment of a sub national system for civil service HR, which will require the transfer of HR functions from national level. Critical to this policy is its linking to the various line ministry functional reassignment processes that are currently being undertaken. Within this context this policy should be seen as being an enabler to support the functional reassignment process especially in terms of civil service HR.

Comment Box 6.2

6.3. Action Plan

Comments to the Action Plan

It is considered that the draft policy should be reformulated; hence a new action plan will consequently have to be developed. However, as previously described the policy should contain CSFs which then can provide milestones for an action plan.

Comment Box 6.3

The implementing institutions have to develop an action plan and budget for ensuring effective and accountable implementation. The implementation shall be carried out in the following phases:

- Phase 1: The development of policy on human resource management and development at sub-national level, a particular statute for the management of sub-national personnel and other related legal instruments (2011-2013).
- Phase 2: Dissemination, pilot implementation, and evaluation (2012-2014)
- Phase 3: Human resource and organizational development (2013-2016)
- Phase 4: Transformation from pilot situation and evaluation into permanent status (2017-2019)

Note: *In each phase above, the detailed action plan for short and medium term must be available as an implementing map.*

6.4. Financial support

- Royal Government
- Development partners, and
- Other sources

7. MONITORING AND EVALUATION

The National Committee for Democratic Development at Sub-National Level (NCDD) has the duty to monitor and evaluate of the policy implementation process.

8. CONCLUSION

This policy paper demonstrates an additional new progress in the context of human resource development and management system in the public sector This progress is a methodological change in management and organization of personnel at sub-national administration in order to be in consistent with decentralization and deconcentration

policy, policy on human resource in the public administration, Law on Common Statute of Civil Servants of the Kingdom of Cambodia, Law on Administrative Management of the Capital, Provinces Municipalities, Districts and Khans, as well as to ensure sustainability of strengthening and expanding democratic development at sub-national level

.In the mean time, this policy indicates its vision to develop human resource development and management system at sub-national level. This includes an overall objective and some goals to be carried out to ensure support and reinforcement of good governance in the management of the state's human resources and to ensure the democratic development at sub-national level. Also, this policy identifies some strategies to be implemented in order to ensure that human resource at sub-national level is capable of providing efficient, accountable, effective public service in response to actual local requirement.

An implementation of identified strategies is to lay a strong foundation for the Royal government to strengthen efficiency, accountability and effectiveness of civil service management in Cambodia. In general, this policy shall institutionalize:

First: permanent legal framework for managing sub-national personnel in accordance with practical requirement of sub-national administration and the protection of benefits for sub-national personnel.

Second: human resource development and management system at sub-national governance structures to create favorable conditions for coordinating and promoting efficient public sector human resource development and management activitieswithin consistency and sustainability.

Third: Delegation of authority in the field of civil service management to sub-national administration which civil services will be brought closer to civil servants working at sub-national governance structure.

Fourth: restructuring of Capital/provincial civil service mechanism into Department of Civil Service to promote efficiency and accountability in providing services related to civil service matters to civil servants working at sub-national governance structures. Additionally, Department of Civil Service shall be a crucial mechanism for promoting the implementation of delegated civil service authorities and for assisting the Capital/provincial authorities to coordinate and increase the effectiveness of human resource management and development at sub-national governance structures.

Fifth: Enhancing and expanding the implementation of gender mainstreaming strategy in the civil service at sub-national administration and deeply anchoring public understanding of gender mainstreaming strategy in order to translate labor force, intelligence and active participation of women in promoting family and socio-economic development as well as in ensuring progressiveness, prosperity and harmonization of the country's democratic development process.

Sixth: Active participation in strengthening and expanding democratic development at sub-national level, reducing poverty of local people and laying strong economic foundation to ensure the eternality of the country's development process through productive, efficiency and effectiveness of the utilization of public sector human resource.

Note on Policy Formulation

The draft policy has been developed without identifying any strategic prioritized objectives and critical success factors, which in turn are translated into actionable sub strategies. It is suggested that the purpose of the HR strategy for sub national civil servants should be considered as being an enabling policy of limited time duration that specifically seeks to establish a unified HR system for sub national civil servants.

The policy should not deal with long-term training options such as the establishment of training centre(s) nor should it deal with capacity development of sub national civil servants, which should be addressed through the development of applicable training policies after the establishment of the sub national system.

The five sub strategies that are presented; (1) *Develop legal framework for the management of sub-national administrative personnel (2) Building and development of capacity of personnel at sub-national administration (3) Delegation of the Civil Service Management (4) Mainstreaming Gender, and (5) Institutionalization of Capital/Provincial Departments of Civil Service require reformulation so as to align to a more narrower policy objective.*

Ideally the policy objective (being short-term) should seek to establish a system for sub national civil service management. The policy needs to focus upon the development of the system, which will require substantial legislative amendment, and development works in addition to the merging of offices and the transfer of function

These three strategic objectives suggest that the associated policy will have a specific scope, which within the current SNDD environment will be complex to implement.

Revising the Policy Objective

As previously discussed the policy should be considered as being of a short-term duration that seeks to ***establish a sub national system for civil service HRM****, this will limit its scope so as not to address the training requirement which will require the adoption of long term policy.*

Revising the Strategic Goals

It is suggested that the five developed strategy areas are redefined to cover the previous mentioned four;

1. *Development of legislation base for effective and efficient sub national civil service HR functions*
2. *Merger strategy for sub national HR offices – including the piloting of such activity in a number of Provinces*
3. *Functional reassignment activity that helps to inform line ministry based functional reassignment exercises*
4. *Operationalization of pilot offices*

Gender mainstreaming needs to be accommodated within the above-mentioned strategic goals

Note on Policy Formulation – Continued; Identifying Critical Success Factors

The four strategic goals will need further analysis to identify critical success factors, providing measurable targets for activity. For example

Strategic Goal 1 – Development of Legislative Base

CSFs – to be considered – these only provide formulate examples

a. *Sub national HR legislation aligns to the constitution*
b. *Sub national HR legislation does not over-lap with other existing legislation especially legislation that mandates HR functions at national level*
c. *Sub national HR legislation addresses issues of gender imbalances across all sub national civil service positions*
d. *Sub national HR legislation needs to be promulgated before the end of the IP3 (time period to 2013)*

The policy needs to provide a comprehensive list of CSFs that will assist the M&E process but also sequence activity plans.

Suggested Reformulation Process

It is inadequate to develop key SNDD policy using the approach that suggests lead agencies are identified and responsible to develop specific policies. For the purpose of developing a coherent policy for sub national HR management, a task force needs to be established that provides inclusivity for all stakeholders from the outset.

The task force can take into consideration many facets (inclusive of gender mainstreaming) of HR management that is practiced today the sub national level. Ideally such a task force will aid the merger of key sub national HR functions and transfer of functions as recognized through the associated on-going functional reassignment exercises.

Additionally it would be appropriate to examine current near neighborhood practice in relation to sub national civil service HR and the de concentration of the commissions for civil service. Valuable lessons can be attained and policy direction validated from Asian countries such as Thailand, Vietnam, and China. Other alternatives i.e. South Koreas example of MoPAS and its regional antennas can also be referenced to inform the policy development process

Comment Box 7.1