

4. 基盤行政・自治の創出・カンボジア化

基盤行政・自治の創出・カンボジア化

事前評価調査団員（地方行政/研修カリキュラム）

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行政学には「基盤行政」という概念がある。あらゆる行政制度やその活動の設計・準備に、時間的にも論理的にも先行すべきインフラといった意味である。明治日本もまずその整備から近代国家の建設作業に着手した。“住民把握行政”とも呼ばれ、徴税、徴兵あるいは就学予定児童といったデータを提供する戸籍制度や地券の発行等がそれであるが、なかでも明治20年代に最終的に確立した公開競争試験の原則を採用する文官試験制度は、まさに基盤行政の名にふさわしい改革であった。こうした作業なしにはあらゆる行政システムはつねに脆弱さをまぬがれない。

過去5年間の講師としての国別研修体験と、今回の1週間のプノンペン滞在で、改めて痛感したのはこの「制度インフラ」の未整備である。このような状況はカンボジアに限らず、途上国には多少とも見出されるものであろう。しかし、そこでは類のない内戦による人材の喪失と行政を含む公式制度の徹底的破壊という負の遺産の影響が大きい。地方制度改革のための人材育成という、その成果・効果の評価が極めて困難なプロジェクトが、この国において切迫した緊急性を帯びてくる所以である。

他方でこの国では、このような「近代以前」的な制度状況のなかで、中央集権の確立のないまま地方分権を追求するという、大胆な課題に取り組もうとしている。中央集権とは、通常、自治を求める住民や地域団体の要求や熱望を圧殺する権威的な政治・行政の運用といった負の文脈やイメージの下で語られるが、英国や新大陸で自生的に住民自治によって国の根幹をつくった米国といった例外的国家を除けば、およそ近代的な行政制度の構築にはこの「集権」という契機が不可欠であった。なぜなら、この集権によってはじめて国の資源全体を把握し、管理するためのネットワークが作りだされるとともに、その過程において国益の増進を求めるナショナリズムを随伴するからである。そうだとすれば、カンボジアが「地方分権」と「業務分散」という二つの事業を同時に推進しようとしていることは、ひとまず肯定的に受け止めなければならない。「業務分散」とは本来的には、中央省庁レベルでの業務の整序と地方（州）レベルでの知事の下への集権を意味するからである。この州レベルの集権は、領域的なまとまりを生みだし、中・長期的にこの行政段階の完全自治体への移行を準備することになるであろう。

したがって、この国がいう「地方分権」とはさしあたり、州及び基礎自治体レベルでの行政任務の拡充と実質化ということになる。拡充とは、現時点で戸籍管理や選挙関連業務にとどまっている基礎自治体の任務を住民の身近な要求に広げ、州レベルでの国事業を州民の要望にこたえる方向に集約して行くことであり、実質化とはその際、最小限の住民負担の仕組みをつくりあげていくことである。住民負担（税・料金等）、すなわちその「懐の痛み」によって、住民ははじめてその負担の決定過程の透明性と公正性、負担と受益のバランス、さらに使途の適正さについての自覚を持つことになる。それが自治の精神の創出に弾みをかけることになる。

行政任務の拡充への要請は、いかに歪みをともなったものであれ、国内の経済活動の量的増大と質的变化によってやがて都市部を発火点として強まってくる。幸いにも、労働環境等、その実態はともかく首都圏及びその近郊の経済活動は、内戦後復興の段階を超えて活発さを増しているように見えた。環境、教育、保健医療あるいは都市計画であれ、経済活動の拡大にともなって生

じてくる個別の行政課題への対応策を講じるさいに、この「負担と受益」の仕組みを取り込んだ支援策が不可欠となってくることになるだろう。

今回の内務省高官との会談で幾度も聞いた言葉は、地方制度改革の「カンボジア化」である。だが、この言葉の意味するところは決して一義的ではない。国連関連機関の手になる「組織法＝自治基本法」の策定結果をそのまま鵜呑みにはしないという決意の現れとも取れるし、アジアの中で戦前、前後の二度にわたっていち早く欧米の地方自治制度を咀嚼しつつ取り入れ活用している日本に倣いたいという願望の表明であるかもしれない。さらにまた自国の社会経済的な発展段階を十分自覚したうえでの制度の主体的な取捨選択や、伝統的な住民連帯の精神や慣行の組織化という意味かもしれない。しかしいずれにせよ、そこに仄見えるのがカンボジア・ナショナリズムの息吹であることは明らかである。このナショナリズムが、その健康さを失わない限り、制度改革への熱と活力もまた持続することになるだろう。その道程は決して短いものとはいえないけれども。

今回の滞在の後半になってはじめて実現したカンダール州内のコミューン事務所訪問は、その飾り気のない、あえて言えばその自治の原初的な姿が感動的でした。決して立派とはいえない薄暗い家屋の中に、質素なテーブルと椅子を配しただけの議場、その奥にはコミューン長の執務室があり、好々爺風の長が在勤されていた。まさに自治の始原はここにあり、である。いわば上からの地方分権と業務分散政策とが下降し、この建物に体现された下からのコミューン自治が成長・上昇して出会うとき、地方分権は始めてその内実を持つことになる。その芽は、小さいけれども確かに蒔かれていた。

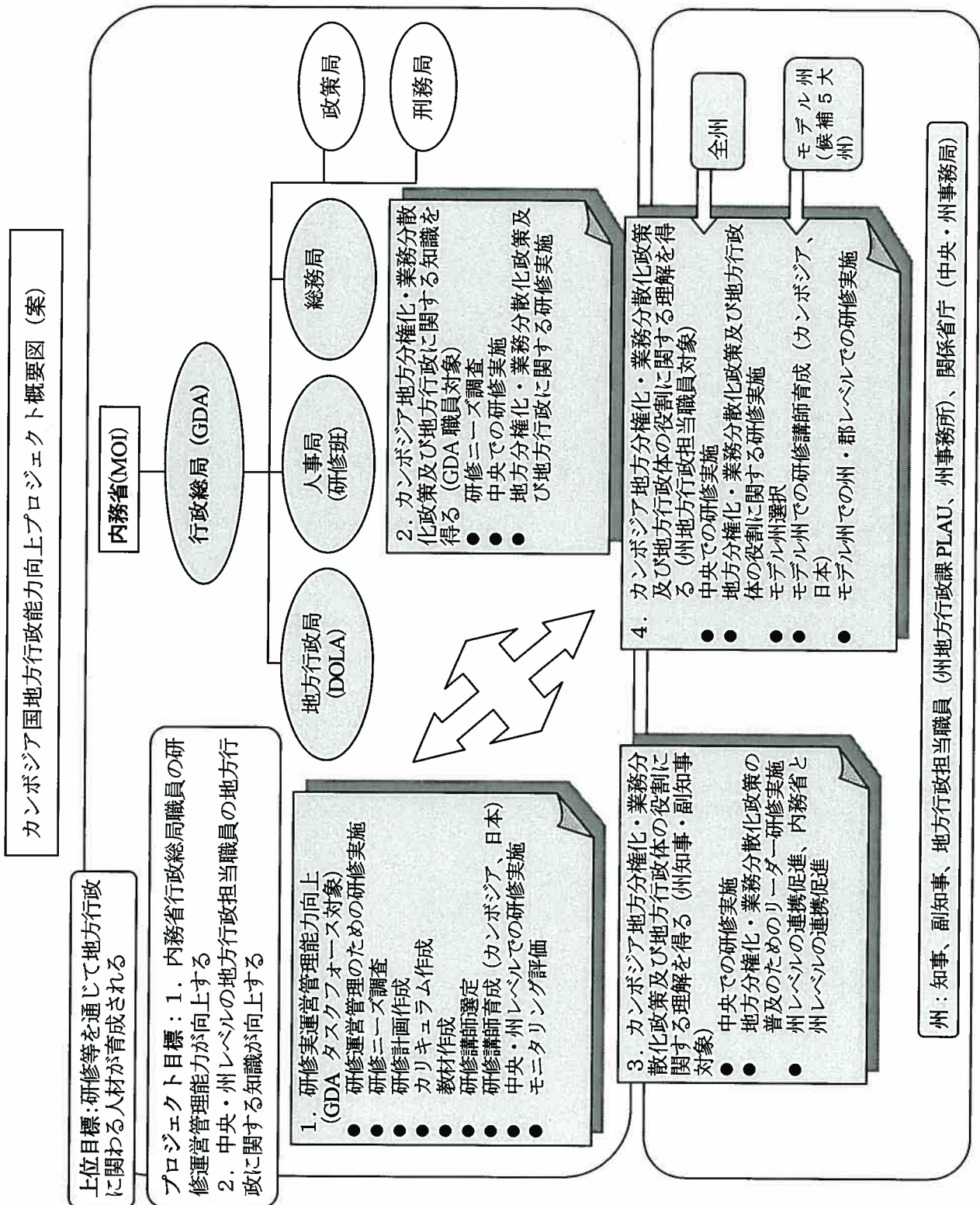
私にとって、広島や東京から派遣された JICA 関係者及び東広島市担当職員、さらに現地事務所の職員との折に触れての議論もまた、きわめて貴重なものであった。特に JICA の若手職員の情熱的な活動振りには、「国外にあってはじめて故国の人材を知る」との想いを改めて抱かされたことを最後に記しておきたい。

5. カンボジア地方行政体制の現状と今後の方向性

カンボジアの地方行政体制の現状と今後の方向性

項目	州 (市)	郡 (カーン)	コミュニティ (サンカット)
1) 数	20 (4)	171 (14)	1,510 (111)
2) 現状	<ul style="list-style-type: none"> 知事、副知事 (いずれも内務省職員) が国から任命されている。 州知事が統括する知事室、長官室、財務課、地方行政課と、中央政府のライン省が管轄する各省州事務所とに2分されており、予算、人事、責任体制が別になっている。(中央集権) のため、各部門の業務に重複がある。 州及び郡は、Sub-national level として扱われており、local administration ではない。 	<ul style="list-style-type: none"> ほとんど機能していない。 ライン省では、事務所をもっていないところもある。 	<ul style="list-style-type: none"> 2002 年の選挙で設置されたコミュニティ評議会 (行政と議会の両方の機能が) が、計画・予算を作成・管理している。コミュニティ評議会議長が、代表者となっている。 州からコミュニティへの支援体制は弱い 最小単位の自治体。 Local Administration という場合、このコミュニティが該当する。
3) D&D改革に基づく、今後の方向性	<ul style="list-style-type: none"> 新しく施行される州に関する組織法に基づいて、行政管理が行われる。(プノンペン特別市は、同様に同特別市組織法に基づいて行政管理が行われる。) D&D 改革では、州・郡、コミュニティの3つのレベルを local administration として扱う。 統一行政体 unified administration (知事が全部門を統括する) を作り、開発計画、予算作成、職員管理、公共サービスの調整を行う。 州知事 (国の任命)、副知事 (国の任命) をおき、日常業務を担当する 州評議会 Council (コミュニティ評議会議員が政党に投票し政党が議員を任命する間接選挙 indirect election、議席数は人口と地勢状況による、任期5年) が、市民を代表する組織として予算、計画の承認、評価を行う。必要なら、知事の決定事項について説明を求められることができる。 知事直轄委員会 Board (知事、副知事、その他委員) を設置し、行政全体を監督する。 州事務所には、長官 secretary general と知事室 cabinet をおく。 州は、統一予算 unified budget と地方職員管理システムを持つ。 州は、同区域内で徴収される予算の全部または一部を受け取ることができ、また、国の予算の移転を受けられる。 州知事は、国に代わり、郡、コミュニティの活動の適法性 legality を監督する。 	<ul style="list-style-type: none"> 新しく施行される郡に関する組織法に基づいて、行政管理が行われる。 	<ul style="list-style-type: none"> コミュニティ組織法はすでに施行されており、改定される同組織法に基づいて、行政管理が行われる。 州、郡レベルの部門から多くの公共サービス業務が移転される。

6. プロジェクト概要図案




**MINUTES OF MEETINGS
BETWEEN
PRELIMINARY EVALUATION TEAM AND
AUTHORITIES CONCERNED OF THE GOVERNMENT OF
THE KINGDOM OF CAMBODIA
ON
THE PROJECT ON IMPROVEMENT OF LOCAL ADMINISTRATION IN CAMBODIA**

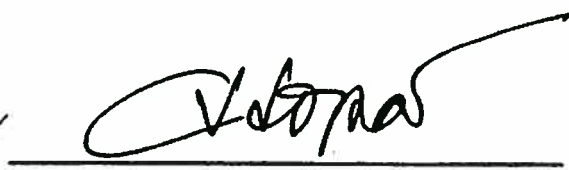
The Preliminary Evaluation Team (hereinafter referred to as "the Team") for the Project on Improvement of Local Administration in Cambodia (hereinafter referred to as "the Project") organized by Japan International Cooperation Agency (hereinafter referred to as "JICA") and headed by Mr. Juro Chikaraishi, has visited the Kingdom of Cambodia from 5th October, 2005 to 11th November, 2005 and had a series of meetings with Ministry of Interior (hereinafter referred to as "MOI") and authorities concerned of the Royal Government of Cambodia for the purpose of working out the details of the technical cooperation program.

The Team exchanged views and had a series of discussions with the Cambodian authorities concerned in respect of the desirable measures to be taken by both sides for the successful implementation of the Project.

As a result of the discussions, and in accordance with the provisions of the Agreement on Technical Cooperation between the Government of Japan and the Royal Government of Cambodia, signed in Phnom Penh on June 17th, 2003 (hereinafter referred to as "the Agreement") (attachment ANNEX V), the Team and the Cambodian authorities concerned agreed to recommend to their respective Government the matters referred to in the documents attached hereto.

Phnom Penh, 28 October, 2005


Mr. Juro Chikaraishi
Resident Representative
Cambodia Office
Japan International Cooperation Agency


H. E. Mr. Prum Sokha
Secretary of State
Ministry of Interior
Kingdom of Cambodia

ATTACHED DOCUMENT

I. PROJECT TITLE

Both sides have agreed that the Project title is "the Project on Improvement of Local Administration in Cambodia."

II. SUMMARY OF THE PROJECT

1. Both sides had a series of discussions and agreed with the draft of the Summary of the Project as shown in ANNEX I, the draft of the Outline of the Project as shown in ANNEX II and the draft of the Outline of the Country-focused Training as shown in ANNEX III.
2. The contents of the Summary of the Project would be revised during the process of finalizing the Record of Discussions (hereinafter refer to as "R/D").

III. TENTATIVE SCHEDULE UNTIL THE COMMENCEMENT OF THE PROJECT

Both sides have agreed with the tentative schedule until the commencement of the Project :

1. End of November 2005: Authorization of the results of Preliminary Evaluation of the Project by JICA
2. End of December 2005: Signing on the R/D between MOI and JICA
3. Middle of April 2006: Expected commencement of the Project by dispatching the Japanese experts

IV. ORGANIZATION OF PROJECT IMPLEMENTATION

1. Joint Coordinating Committee

For the effective and successful implementation of technical cooperation for the Project, Joint Coordinating Committee will be established in order to fulfill the following function:

- 1) To approve the annual work plan of the Project based on the Tentative Schedule of Implementation within the framework of the R/D
- 2) To evaluate the result of the annual work plan and the progress of the technical cooperation.
- 3) To review and exchange opinions on major issues that arises during the implementation of the Project

The Joint Coordinating Committee will be held at least once a year. The Chairperson will be the Secretary of State of MOI and will bear overall responsibility for the administration and



implementation of the Project. The members of the Joint Coordinating Committee will be decided in due course upon consultation of JICA Cambodia Office.

2. Organization Chart

Proposed Organization Chart of the Project implementation is given in ANNEX IV.

V. TERM OF COOPERATION

1. The duration of technical cooperation for the Project would be three (3) years. It might be revised depending on the final evaluation.

VI. MEASURES TAKEN BY JICA

1. Dispatch of Japanese Experts

JICA will provide the services of the Japanese experts.

2. Provision of Machinery and Equipment

JICA will provide such equipment and other materials (hereinafter referred to as "the Equipment") necessary for the implementation of the Project.

3. Training of Cambodian Counterpart Personnel in Japan

JICA will receive Cambodian counterpart personnel connected with the Project for technical training in Japan.

VII. MEASURES TAKEN BY THE ROYAL GOVERNMENT OF CAMBODIA

1. The Royal Government of Cambodia will take necessary measures to ensure that the self-reliant operation of the Project will be sustained during and after the period of Japanese technical cooperation, through full and active involvement in the Project by all related authorities, beneficiary groups and institutions.

2. The Royal Government of Cambodia will ensure that the technologies and knowledge acquired by the Cambodian nationals as a result of the Japanese technical cooperation will contribute to the economic and social development of the Kingdom of Cambodia.

3. The Royal Government of Cambodia will take necessary measures to ensure that the knowledge and experience acquired by the Cambodian personnel through technical training in Japan will be

utilized effectively in the implementation of the Project.

4. In accordance with the laws and regulations in force in the Kingdom of Cambodia, the Royal Government of Cambodia will take necessary measures to supply or replace at its own expense machinery, equipment, instruments, vehicles, tools, spare parts and any other materials necessary for the implementation of the Project other than the Equipment provided by JICA under VI-2 above.

5. In accordance with the laws and regulations in force in the Kingdom of Cambodia, the Royal Government of Cambodia will take necessary measures to meet the running expenses necessary for the implementation of the Project.

VIII. SIGNING OF RECORD OF DISCUSSIONS

The R/D will determine the framework of the Project. The R/D would include the contents of this Minutes of Meeting. The R/D would be signed between JICA Cambodia Office and the authorities concerned of the Kingdom of Cambodia.

A handwritten signature in black ink, consisting of a stylized 'b' followed by a long horizontal line and a cursive 'm'.

ANNEX I

Summary of the Project (Draft)

Project title: Improvement of Local Administration in Cambodia

Implementing Agency: General Department of Administration (GDA), Ministry of Interior

Background of the Project:

The capacity development of officials involved in local administration in Cambodia was greatly delayed due to the civil war. There are not enough mid-career human resources that sustain administrative institutions, and training system for officials in charge of local administration was also insufficient. However, the Royal Government of Cambodia (RGC) has been making its most efforts by developing "Governance Action Plan in 1998 and 2005" and promoting decentralization and deconcentration. In February 2002, local election was conducted, and 1621 commune/sangkat councils were established for providing better public service to citizens. In 2004, "Rectangular Strategy" was introduced as a national development strategy, and mentioned the importance of decentralization for better public service delivery. Moreover, "Strategic Framework for Decentralization and Deconcentration Reforms" was approved as the government policy of decentralization and deconcentration by Council of Ministers in June 2005.

The RGC has been conducting administrative institutional development so far by enforcing law and regulations in the area of administration. Council for Administrative Reform (CAR) was established as an institution responsible for deconcentration in the Council of Minister in 1999. National Committee for Support to Commune/Sangkat (NCSC) was established as an Inter Ministerial Committee for setting commune/sangkat management in line with decentralization in 2001. Department of Local Administration (DOLA) was established in the Ministry of Interior in 2002. However, local administration system has not been clearly established, and provincial and district governors are still assigned by political appointment. Now, Ministry of Interior has been preparing the draft of "Organic Law" and will try to enforce the law in 2007. Ministry of Interior is also trying to integrate related institutions into one institution such as Inter Ministerial Commission (IMC) for promoting decentralization and deconcentration.

The capacity development of officials in central and commune levels for improvement of local administration has been promoted by the support of UNDP, ADB, GTZ and other donors. Training courses on project management in commune level has been implemented through SEILA program. However, there is no support from donors for the capacity development of officials who are in charge of local administration in province and district levels. Therefore, the capacity of those officials for improvement of local administration is very limited. Ministry of Interior has been trying to implement reforms on administrative management systems and structures, such as local administration system, local finance system, local taxation system, inter governmental relations, drafting organic law for promoting decentralization and deconcentration. However, the capacity of officials in General Department of Administration (GDA) in Ministry of Interior is limited to implement the reforms. There is no public administration training system in Ministry of Interior. It is difficult to improve the capacity of GDA officials and provincial officials involved in local administration without the support from donors. Therefore Ministry of Interior requires the capacity development of officials for improvement local administration.

JICA offered an opportunity to 50 officials to participate in the training courses on local government administration system of Japan for 5 years and the training course was terminated in 2003. In this situation, the Cambodian government requested the technical cooperation project on the technical assistance to improve the capacity of training management of the GDA officials and to the capacity development of GDA officials and

provincial officials for improvement of local administrations.

Overall Goal:

The capacity of officials involved in local administration will be improved.

Project Purpose:

1. Officials of GDA will acquire the capacity of training management.
2. Officials in charge of local administration at national level and provincial level will improve the knowledge of local administration.

Outputs:

- 1-1 Capacity of GDA Officials for implementing training is improved.
- 2-1 GDA officials improve the knowledge of local administration.
- 2-2 Provincial Governors and Vice Governors understand the basic framework of local administration.
- 2-3 Officials of provincial offices improve the knowledge of local administration.

Project Activities:

- 1-1 Capacity of GDA Officials for implementing training is improved

<GDA Task Force>

- (1) GDA task force members brush up their basic skill of training management by JICA experts
- (2) Conduct training on training management
- (3) GDA task force assesses the progress of Decentralization and Deconcentration, and conduct needs surveys for training
- (4) GDA task force develops a training plan
- (5) GDA task force develops a training methodology
- (6) GDA task force produces training curriculum
- (7) GDA task force produces training materials
- (8) GDA task force implement training by the trainers using materials in national level and provincial level
- (9) GDA task force conducts monitoring and evaluation of implemented training, and feed back the results to improve training management

<Candidates of Trainers>

- (1) MOI and JICA experts select appropriate trainer candidates considering their experience and background
- (2) JICA experts conduct training of trainers (TOT) in Cambodia
- (3) Implement Country-focused Training Courses for trainers and trainer candidates in Japan
- (4) Trainers and trainer candidates contribute the acquired knowledge and experience from TOT to implement training and develop local administration system in Cambodia

- 2-1 GDA officials improve the knowledge of local administration

- (1) Assess the existed training courses for GDA officials, and conduct needs surveys for training
- (2) Conduct trainings on the Decentralization and Deconcentration Policy (D&D Policy) and the local administration system



- (3) Implement Counterpart Training Courses in Japan
- (4) Contribute the acquired knowledge and experience from the training in Japan to develop local administration system in Cambodia

2-2 Provincial Governors and Vice Governors understand the basic framework of local administration

- (1) GDA task force organizes Top Management Seminars on the D&D Policy and the basic knowledge of local administration by invited necessary human resources as lecturers
- (2) GDA task force conducts monitoring and evaluation of the seminars, and feed back the results to improve the next Top Management Seminars
- (3) Promote cooperation of provincial authorities and relationship between MOI and provincial offices

2-3 Officials of provincial offices improve the knowledge of local administration

<All Provinces>

- (1) GDA task force organizes training on the D&D Policy and the local administration system for selected officials from all provincial offices
- (2) The Trainers implement training by using the materials in MOI
- (3) GDA task force conducts monitoring and evaluation of the training, and feed back the results to improve training management

<Model Provinces>

- (1) Select model provinces
- (2) GDA task force conducts TOT by the trainers for selected provincial officials in model provinces
- (3) The trainers implement training on the D&D Policy and the local administration system by using the materials in model provinces and districts
- (4) GDA task force conducts monitoring and evaluation of the training, and feed back the results to improve training management in provincial and district levels

Input from the Japanese Government:

- Experts: Chief Advisor/ Local Administration, Project Coordinator, Training Management, Training Planning, Monitoring/ Evaluation, Others
- Training in Japan: Local administration and autonomy, History of decentralization in Japan, Present local administration system in Japan
- Provision of equipment: Personal computers, Software, Printers, Audio-visual equipment for training, Photocopier
- Training in Cambodia: Training management, Decentralization and Deconcentration Policy, Local administration system, TOT, Others

Input from the Recipient Country:

- Counterpart personnel
- Office space and necessary furniture for Japanese experts
- Running cost for the project activities
- Approval for the implementation of training for officials who are in charge of local administration for the project activities

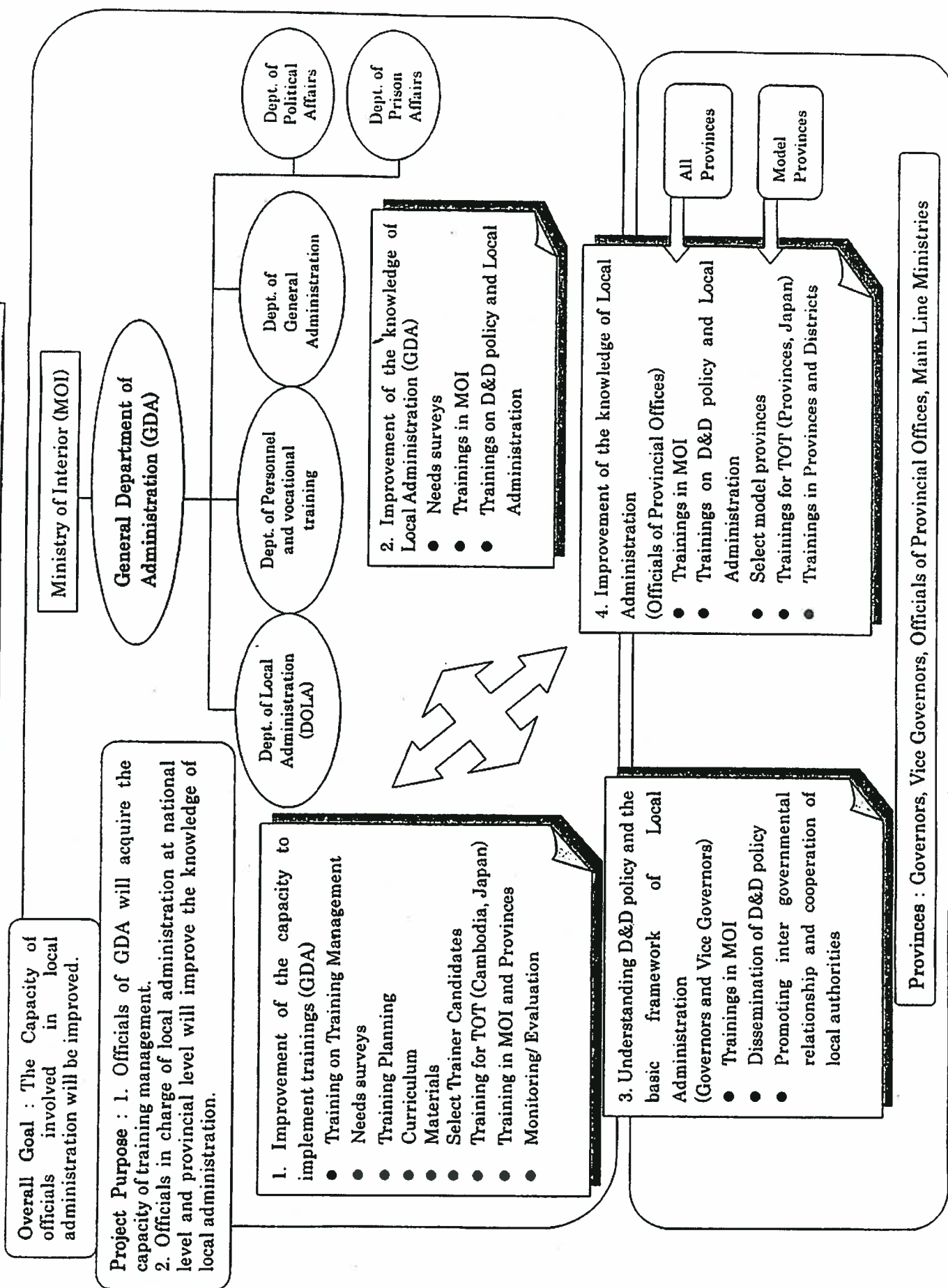
Pre-Conditions:

- The RGC will continue to promote the Decentralization and Deconcentration Policy.

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Project on Improvement of Local Administration in Cambodia (Draft)

ANNEX II



**Outline of the Country-focused Training
(Draft)**

1. Objective

- 1) To understand the mechanism and the actual work of local administration in Japan through lectures, field studies and discussions.
- 2) To understand the significance of the local administration system in accordance with the situation in their own country ("Cambodianization") by learning the process of decentralization in Japan ("Japanization").
- 3) To disseminate the knowledge on decentralization and local administration to the officials at provincial/district levels based on what they learn and acquire in Japan.

2. Target

The training will be implemented as a part of Training of Trainers (TOT) in the project. Participants should be selected among the candidates for trainers of GDA and provincial offices in model provinces (Participants for the 1st year will be selected from GDA. The target of participants after the 2nd year would expand to the provincial officers of model provinces according to the progress of the project).

The training in Japan is closely linked to the in-country training activities. Participants are expected to put their knowledge acquired in Japan into the training in Cambodia.

3. Curriculum & Methodologies

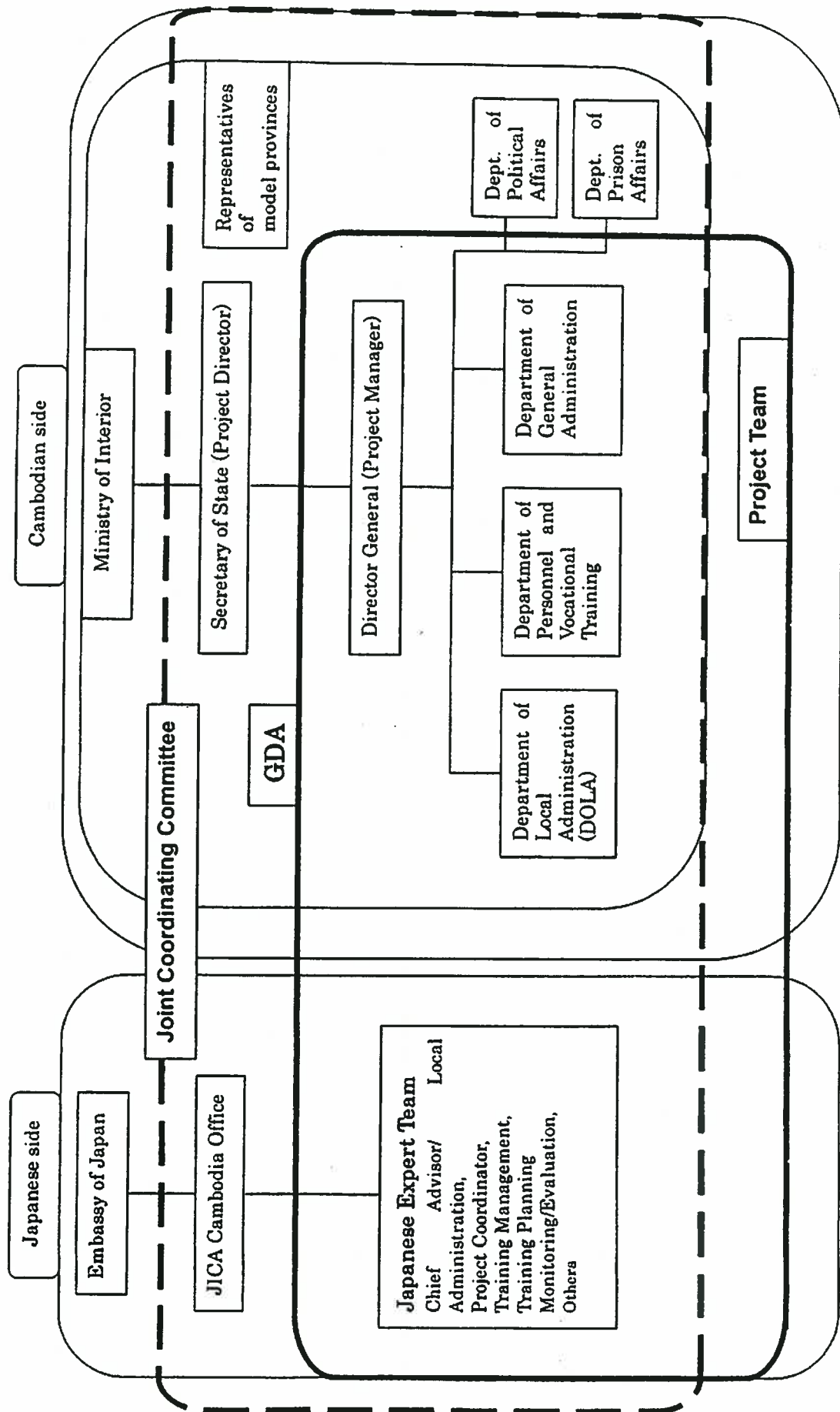
(1) The curriculum of the training will cover the following items:

- 1) General idea of local administration and autonomy
- 2) History of decentralization in Japan
- 3) Present local administration system in Japan
 - Law system for local administration in Japan
 - Organizations of local administrative bodies in Japan
 - Local government official system in Japan
 - Tax/Financial systems in Japan
 - Election system / Assembly system in Japan
 - Public administration training system in Japan
 - Cooperation of local authorities in Japan

(2) The training methodologies are as follows:

- 1) Lectures
- 2) Field studies
- 3) Discussions
- 4) Preparation and presentation of final report by participants

PROPOSED ORGANIZATIONAL CHART OF THE PROJECT



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AGREEMENT ON TECHNICAL COOPERATION
BETWEEN THE GOVERNMENT OF JAPAN AND
THE ROYAL GOVERNMENT OF CAMBODIA

The Government of Japan and the Royal Government of Cambodia,

Desiring to strengthen further the friendly relations existing between the two countries by the promotion of technical cooperation, and

Considering mutual benefits derived from promoting the economic and social development of their respective countries,

Have agreed as follows:

ARTICLE I

The two Governments shall endeavor to promote technical cooperation between the two countries.

ARTICLE II

Separate arrangements which govern specific technical cooperation programs carried out under this Agreement shall be agreed upon between the authorities concerned of the two Governments. The authority concerned of the Government of Japan is the Ministry of Foreign Affairs, and the authority concerned of the Royal Government of Cambodia is the Ministry of Foreign Affairs and International Cooperation.

ARTICLE III

The following forms of technical cooperation will be carried out by the Japan International Cooperation Agency (hereinafter referred to as "JICA") at its own expense in accordance with the laws and regulations in force in Japan as well as with the arrangements referred to in Article II:

- (a) providing technical training to Cambodian nationals;
- (b) dispatching experts (hereinafter referred to as the "Experts") to the Kingdom of Cambodia;

- c) dispatching Japanese volunteers with a wide range of technical skills and abundant experience (hereinafter referred to as the "Senior Volunteers") to the Kingdom of Cambodia;
- (d) dispatching Japanese missions (hereinafter referred to as the "Missions") to the Kingdom of Cambodia to conduct surveys of economic and social development projects of the Kingdom of Cambodia;
- (e) providing the Royal Government of Cambodia with equipment, machinery and materials; and
- (f) providing the Royal Government of Cambodia with other forms of technical cooperation as may be decided upon by mutual consent between the two Governments.

ARTICLE IV

The Royal Government of Cambodia shall ensure that the techniques and knowledge acquired by Cambodian nationals as well as the equipment, machinery and materials provided as a result of the Japanese technical cooperation as set forth in Article III contribute to the economic and social development of the Kingdom of Cambodia, and are not utilized for military purposes.

ARTICLE V

In case JICA dispatches the Experts, the Senior Volunteers and the Missions, the Royal Government of Cambodia shall:

- (1) (a) exempt the Experts, the Senior Volunteers and members of the Missions from taxes including income tax, and fiscal charges imposed on or in connection with salaries and any allowances remitted to them from overseas;
- (b) exempt the Experts, the Senior Volunteers, members of the Missions and their families from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of:

- (i) luggage;
 - (ii) personal effects, household effects and consumer goods; and
 - (iii) one motor vehicle per Expert, per family of the Expert, per Senior Volunteer and per family of the Senior Volunteer assigned to stay in the Kingdom of Cambodia;
- (c) exempt the Experts, the Senior Volunteers and their families who do not import any motor vehicle into the Kingdom of Cambodia from taxes including value added tax and fiscal charges in respect of the local purchase of one motor vehicle per Expert, per family of the Expert, per Senior Volunteer and per family of the Senior Volunteer; and
- (d) exempt the Experts, the Senior Volunteers and their families from the registration fee of the motor vehicles mentioned in (b)(iii) and (c)
- (2) (a) ~~provide~~ at its own expense suitable office and other ~~facilities~~ facilities including telephone and facsimile ~~services~~ necessary for the performance of the duties of the Experts, the Senior Volunteers and the Missions as well as to bear the expenses for their operation and maintenance;
- (b) provide at its own expense the local staff (including adequate interpreters, if necessary) as well as Cambodian counterparts to the Experts, the Senior Volunteers and the Missions necessary for the performance of their duties;
- (c) bear expenses of the Experts and the Senior Volunteers whenever local conditions and financial possibilities of authorities concerned of the Royal Government of Cambodia permit for:
- (i) daily transportation to and from their place of work;
 - (ii) their official travels within the Kingdom of Cambodia; and
 - (iii) their official correspondence;

- (d) provide the convenience for acquisition of appropriate housing accommodation for the Experts, the Senior Volunteers and their families; and
- (e) provide the convenience for receiving medical care and facilities for the Experts, the Senior Volunteers, members of the Missions and their families;
- (3) (a) permit the Experts, the Senior Volunteers, members of the Missions and their families to enter, leave and sojourn in the Kingdom of Cambodia for the duration of their assignment therein, offer them the convenience for procedures of alien registration requirements, and exempt them from consular fees;
- (b) issue identification cards to the Experts, the Senior Volunteers and members of the Missions to secure the cooperation of all governmental organizations necessary for the performance of their duties;
- (c) offer the Experts, the Senior Volunteers and their families the convenience for acquisition of car driving license; and
- (d) carry out other measures necessary for the performance of the duties of the Experts, the Senior Volunteers and the Missions.

2. The motor vehicles mentioned in paragraph 1 shall be subject to payment of taxes including customs duties if they are subsequently sold or transferred within the Kingdom of Cambodia to individuals or organizations not entitled to exemption from such taxes or similar privileges.

3. The Royal Government of Cambodia shall accord the Experts, the Senior Volunteers, members of the Missions and their families such privileges, exemptions and benefits as are no less favorable than those accorded to experts, senior volunteers, members of missions and their families of any third country or of any international organization performing a similar mission in the Kingdom of Cambodia.

ARTICLE VI

The Royal Government of Cambodia shall bear claims, if any arises, against the Experts, the Senior Volunteers and members of the Missions resulting from, occurring in the course of, or otherwise connected with, the performance of their duties, except when the two Governments agree that such claims arise from gross negligence or willful misconduct on the part of the Experts, the Senior Volunteers or members of the Missions.

ARTICLE VII

1. (1) In case JICA provides the Royal Government of Cambodia with equipment, machinery and materials, the Royal Government of Cambodia shall exempt such equipment, machinery and materials from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation. The equipment, machinery and materials mentioned above shall become the property of the Royal Government of Cambodia upon being delivered c.i.f. at the port of the disembarkation to authorities concerned of the Royal Government of Cambodia.

(2) In case JICA provides the Royal Government of Cambodia with equipment, machinery and materials, the Royal Government of Cambodia shall exempt such equipment, machinery and materials from taxes including value added tax and fiscal charges in respect of the local purchase.

(3) The equipment, machinery and materials mentioned in sub-paragraph (1) and (2) shall be utilized for the purpose specified in the arrangements referred to in Article II of this Agreement unless otherwise agreed upon between the authorities concerned of the two Governments.

(4) The expenses for the transportation within the Kingdom of Cambodia of the equipment, machinery and materials mentioned in sub-paragraph (1) and (2) and the expenses for their replacement, maintenance and repair shall be borne by the Royal Government of Cambodia.

2. (1) The equipment, machinery and materials, prepared by the Government of Japan, necessary for the performance of the duties of the Experts, the Senior Volunteers and members of the Missions shall remain the property of the Government of Japan unless otherwise

agreed upon between the authorities concerned of the two Governments.

(2) The Royal Government of Cambodia shall exempt the Experts, the Senior Volunteers and members of the Missions from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of the equipment, machinery and materials mentioned in sub-paragraph (1).

(3) The Royal Government of Cambodia shall exempt the Experts, the Senior Volunteers and members of the Missions from taxes including value added tax and fiscal charges in respect of the local purchase of the equipment, machinery and materials mentioned in sub-paragraph (1).

ARTICLE VIII

The Royal Government of Cambodia shall maintain close contact, through organizations designated by it, with the Experts, the Senior Volunteers and members of the Missions.

ARTICLE IX

1. The Royal Government of Cambodia shall admit JICA to maintain an overseas office of JICA in the Kingdom of Cambodia (hereinafter referred to as the "Office") and shall accept a resident representative and his/her staff to be dispatched from Japan (hereinafter referred to as the "Representative" and the "Staff" respectively) who perform the duties to be assigned to them by JICA relative to the technical cooperation programs under this Agreement in the Kingdom of Cambodia.

2. The Royal Government of Cambodia shall:

- (1) (a) exempt the Representative, the Staff and their families from taxes including income tax and fiscal charges imposed on or in connection with salaries and any allowances remitted to them from overseas;
- (b) exempt the Representative, the Staff and their families from consular fees, taxes including customs duties and fiscal charges, as well as from the requirement of obtaining import license and certificate of foreign exchange

coverage, in respect of the importation of:

- (i) luggage;
 - (ii) personal effects, household effects and consumer goods; and
 - (iii) one motor vehicle per Representative, per Staff, per family of the Representative and per that of the Staff assigned to stay in the Kingdom of Cambodia;
- (c) exempt the Representative, the Staff and their families who do not import any motor vehicle into the Kingdom of Cambodia from taxes including value added tax and fiscal charges in respect of the local purchase of one motor vehicle per Representative, per Staff, per family of the Representative and per that of the Staff;
 - (d) exempt the Representative, the Staff and their families from the registration fee of the motor vehicles mentioned in (b) (iii) and (c);
 - (e) permit ~~the~~^{the} Representative, the Staff and their families ~~to~~ enter, leave and sojourn in the Kingdom of Cambodia for the duration of their assignment therein, offer them the convenience for procedures of alien registration requirements, and exempt them from consular fees;
 - (f) issue identification cards and special passes to the Representative and the Staff to enter airport/seaport beyond passport control point to receive and send off the Experts, the Senior Volunteers and members of the Missions;
 - (g) offer the Representative, the Staff and their families the convenience for acquisition of car driving license; and
 - (h) carry out other measures necessary for the performance of the duties of the Representative and the Staff;
- (2) (a) exempt the Office from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificate of

foreign exchange coverage, in respect of the importation of the equipment, machinery, motor vehicles and materials necessary for activities of the Office;

- (b) exempt the Office from taxes including value added tax and fiscal charges in respect of the local purchase of the equipment, machinery, motor vehicles and materials necessary for the functions of the Office; and
- (c) exempt the Office from taxes including income tax and fiscal charges imposed on or in connection with office expenses remitted from overseas.

3. The motor vehicles mentioned in paragraph 2 shall be subject to payment of taxes including customs duties if they are subsequently sold or transferred within the Kingdom of Cambodia to individuals or organizations not entitled to exemption from such taxes or similar privileges.

4. The Royal Government of Cambodia shall accord the Representative, the Staff and their families as well as the Office such privileges, exemptions and benefits as are no less favorable than those accorded to representatives, staff and their families as well as offices of any third country or of any international organization performing a similar mission in the Kingdom of Cambodia.

ARTICLE X

The Royal Government of Cambodia shall take necessary measures to ensure security of the Experts, the Senior Volunteers, members of the Missions, the Representative, the Staff and their families staying in the Kingdom of Cambodia.

ARTICLE XI

The Government of Japan and the Royal Government of Cambodia shall consult with each other in respect of any matter that may arise from or in connection with this Agreement.

ARTICLE XII

1. The provisions of this Agreement shall also apply, after the entering into force of this Agreement, to the

specific technical cooperation programs which have commenced prior to the entering into force of this Agreement, and to the Experts, the Senior Volunteers, members of the Missions, the Representative, the Staff and their families staying in the Kingdom of Cambodia as well as to the equipment, machinery and materials related to the said programs.

2. The termination of this Agreement shall neither affect the specific technical cooperation programs being carried out until the date of the completion of the said programs, unless otherwise decided upon by mutual consent between the two Governments, nor affect the privileges, exemptions and benefits accorded to the Experts, the Senior Volunteers, members of the Missions, the Representative, the Staff and their families staying in the Kingdom of Cambodia for the performance of their duties in connection with the said programs.

ARTICLE XIII

1. This Agreement shall enter into force on the date of the signature thereof.

2. This Agreement shall remain in force for a period of one year, and shall be automatically renewed every year for another period of one year each, unless either Government has given to the other Government at least six months' written advance notice of its intention to terminate the Agreement.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement.

DONE in duplicate in English at Phnom Penh on June 17, 2003.

For the Government
of Japan:

川口順子

For the Royal Government
of Cambodia:

