

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
No. 115/ANK/BK
December 27, 1999

Anukret
on
the Establishment of the Royal University of Agriculture
as a Public Administrative Institution

Royal Government of Cambodia

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret NS/RKT/1198/72 of November 30, 1998 on the formation of the Royal Government of Cambodia;
- Referring to Kram 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Kram No. NS/RKM/0196/13 of January 24, 1996 promulgating the Law on the Establishment of the Ministry of Agriculture, Forestry and Fisheries;
- Referring to Kram No. NS/RKM/0196/18 of January 24, 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance.
- Referring to Reach Kret No. NS/RKT/1297/91 of December 31, 1997 on the Articles of Association of the Administrative Institution;
- Referring to Anukret No. 07/ANK of February 22, 1994 on the name change of the Technical Institute of Agriculture;
- Pursuant to the approval of Council of Ministers at its plenary session on December 17, 1999.

IT IS HEREBY DECIDED

CHAPTER 1
General Provisions

Article 1: The Royal University of Agriculture ("R.U.A") is hereby declared as a public administrative institution under the technical supervision of the Ministry of Agriculture, Forestry and Fisheries and subject to the financial supervision of the Ministry of Economy and Finance.

Article 2: The R.U.A. is a legal entity with financial autonomy.

The R.U.A. shall be located at the Royal University of Agriculture at Sangkat Dangkor, Khan Dangkor, Phnom Penh. Any change of address in the future shall be done at the discretion of the R.U.A.

Article 3: The R.U.A. shall have the following roles and duties:

- To provide all level of higher learning in agricultural sciences, internship and continuing education learning to specialists by improving their quantitative and qualitative skills to meet the needs in the Kingdom of Cambodia through the offering of university system instructions, continuing agricultural skills training, certificate and degree courses, and seminars and conferences;
- To promote teaching skills and methodology for teachers and professors of the Royal University of Agriculture, general schools and agricultural schools in the country;
- To propose annual curricula for approval by the Ministry of Education, Youth and Sports;
- The R.U.A. shall, and in cooperation with other agricultural institutions, grant national degrees in agricultural education;
- To organize and conduct scientific and agricultural production research, animal production, aquaculture, forestry, agricultural engineering, agricultural irrigation system, agro-industry, agro-economy, environment and rural development, etc.;

- To design curricula, course content, methodology, and develop technical-scientific documents in Khmer and foreign languages appropriate to the geographical nature of the Kingdom of Cambodia for public use and dissemination;
- To prepare and organize placement/completion examination, conduct evaluation in accordance with policies and in a transparent manner;
- To develop material-based plan for the R.U.A;
- To administer civil servants, employees, workers, students, teachers, professors and maintain property assets of the R.U.A.;
- To establish relationships with national/international organizations, non-governmental organizations and other institutions for the improvement of study and scientific-technical research;
- To act as a mechanism of the government to develop human resources in the agriculture sector and assign these senior or formal agricultural specialists to conduct field visits to places of agricultural production at the level of districts, Khums, and Sangkats throughout the Kingdom of Cambodia;

CHAPTER 2

Administration and Management

SECTION 1

The Board of Directors

Article 4: The R.U.A. shall be governed by one Board of Directors with the mandate of fulfilling the duties specified within the scope of the provisions of this Anukret and its internal regulations.

Article 5:

5.1. The Board of Directors shall have eleven (11) directors with the following composition:

- | | |
|---|-----------------|
| - Representative of the Ministry of Agriculture, Forestry and Fisheries | Chairman |
| - Representative of the Council of Ministers | Member |
| - Representative of the Ministry of Economy and Finance | - |
| - Representative of the Ministry of Environment | - |
| - Representative of the Ministry of Rural Development | - |
| - Rector of the Royal University of Agriculture | de facto member |
| - Representative of the Council of Agricultural Research | - |
| - Representative of the Chamber of Commerce | - |
| - A dignitary of higher education and experiences | - |
| - Representative of the R.U.A.'s personnel | de facto member |

5.2. The Chairman and non-de-facto members shall be appointed for the term of three (3) years by a Anukret prepared by the Ministry of Agriculture, Forestry and Fisheries upon the request of the ministry or institution of which he/she represents.

Such term shall be terminated at any time upon the request of the ministry or institution of which he/she represents.

The representative of R.U.A.'s personnel shall be selected from among the R.U.A. staff through an election.

Article 6: The members of the Board of Directors shall be selected from among the active officials who have served in office for at least five (5) years or a Cambodian dignitary who is not over 65 years of age and has management experiences in the field economic, scientific, education, or law and has never been convicted of any crime by a court.

Article 7:

- 7.1. The Chairman of the Board shall convene board meetings and set the agenda for board meetings.
- 7.2. The Board may invite personalities with experiences in agricultural education, agro-business management, rural development, agro-industry, agricultural research and representatives of donors to attend Board meetings. These personalities shall be entitled to express opinions but cannot vote for any approval.

Article 8: The Board of Directors shall have management, direction and control powers over the functioning of the R.U.A.

Within the scope of these powers the Board of Directors shall:

- Review and make decisions on the development plan of the R.U.A. in accordance with the policies determined by the Royal government;
- Review and make decisions on current revenues and expenditures and capital in the annual budget of the R.U.A.;
- Review and make decisions on the management report and annual financial accounts;
- Determine the organizational structure and division of general responsibility of the entities under its supervision;
- Determine policy for appointment, promotion of rank, provision of benefits to R.U.A. personnel without violation any legal provisions or internal regulations applicable to agents of public functions;
- Decide the status and number of personnel of the R.U.A.;
- Decide on procurement contracts;
- Establish the internal regulations for R.U.A.; and
- Conduct a regular evaluation on the accomplishments and achievements expected by the R.U.A. and determine any adjustment measures for application.

Article 9: The benefits and wages of the Board members and the Rector shall be jointly determined by the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy and Finance upon the request of the Chairman of the Board.

Article 10:

- 10.1. The Board of R.U.A. shall meet at least once each trimester at the request of the Chairman or at the proposal of two-third (2/3) or more Board members or at the proposal of the Rector.

If the Chairman is absent from the meeting, the oldest member shall be selected from among the present Board members to chair the meeting.

The Chairman of the meeting shall appoint one non-board member to be a meeting secretary. The secretary shall have no right to vote.

The financial auditor provided in this Anukret shall attend the Board meeting but shall have no right to vote. The agenda and documents shall be sent to each Board member and all relevant ministries/institutions provided in this Anukret at least ten (10) days prior to the meeting.

- 10.2. The Board meeting shall be valid only if it is attended by more than fifty (50%) of all Board members. The absent member shall have no right to send his/her proxy to the meeting. If there is no quorum for the first meeting, the Board shall re-convene a second meeting no later than fifteen (15) days after the date of the first meeting and the second meeting shall not require a quorum and shall discuss only the agenda of the first meeting. The members who are present at the meeting shall sign their names on the attendance list. The decision of the Board shall be valid only if it is adopted by a majority vote of the members who are present at the meeting.

In case of equal votes in any meeting, the Chairman's vote shall be deemed a casting vote.

- 10.3. The resolution of the Board shall be recorded in a minute and filed at the R.U.A. office and signed by the Chairman and secretary of the meeting. Such minute shall clearly indicate the contents of discussion and shall be sent to all Board members and relevant ministries no later than ten (10) days after the meeting.

- 10.4. The R.U.A. shall submit the Council of Ministers, the Minister of Agriculture, Forestry and Fisheries, the Minister of Economy and Finance and the financial auditor the following documents:

- The minutes of the Board meetings;
- The development plan of the R.U.A.;

- The annual budget; and
- The report of management and annual financial accounts

10.5. These documents shall be sent to the addressees within fifteen (15) days.

SECTION 2

The Executive Organ of the University

Article 11: The R.U.A. shall be managed by one Rector appointed by royal decree at the request of the Prime Minister with the recommendation of the Minister of Agriculture, Forestry and Fishery. The Rector shall function as an executive Rector.

Article 12:

12.1. The Rector shall have full rights in the management and implementation of the activities stipulated in the law and this Anukret except for those activities of the Board of Directors.

The roles and duties of the Rector shall be:

- To arrange activities for the Board meetings;
- To implement the decisions of the Board and enforce the policies determined by the Board of Directors;
- To prepare the annual budget for the R.U.A. and submit to the Board of the Directors for review and approval;
- To identify roles and duties of the entities under its supervision as necessary;
- To recruit staff for all positions in the R.U.A. in compliance with the personnel number restrictions and rules of staff management;
- To fulfill responsibilities according to a hierarchy for all personnel of the R.U.A.;
- To make decisions on procurement and sign agreements in compliance with the decisions of the Board, internal regulations and other provisions associated with these issues;
- In general, to perform administrative functions and management of activities provided by the internal regulations of the R.U.A. and in accordance with the decisions of the Board of Directors.

12.2. The Rector is a representative of the Royal University in establishing relations with third parties.

12.3. The Rector shall propose to the Board of Directors for the appointment of one or more deputy-rectors with equivalent title to the director of department as assistants as necessary.

SECTION 3

Personnel of the R.U.A

Article 13:

13.1. The permanent personnel of the R.U.A. shall include the civil servants from the Ministry of Agriculture, Forestry and Fisheries or be recruited at the proposal of the Rector. The payroll and benefits for these civil servants shall be maintained as previously determined by their previous institutions.

13.2. The R.U.A may recruit contractual agents and non-permanent staff. These agents shall be subject to the provisions of the internal regulations and decisions of the Board and consistent with the labor law.

13.3. The personnel of R.U.A. shall be regulated by the personnel regulations determined by the Board of Directors. The Board of Directors shall decide on bonuses for personnel and payment procedures stipulated in the internal regulations.

SECTION 4

Properties of R.U.A.

Article 14:

- 14.1. The R.U.A. shall be endowed with immovable properties from the State as its initial assets as follows:
- The Royal University of Agriculture's land of 380 hectares in Sangkat Dangkor, Khan Dangkor, Phnom Penh located on the former Royal University of Kseitvit.
 - Administrative/research buildings, internship building, animal/tree nursery station.
- 14.2. The R.U.A. shall be entitled to receive movable and immovable properties, other than the above, which are currently used by it.
- 14.3. All movable and immovable properties of R.U.A. shall be clearly defined in the inventory book.
- 14.4. The R.U.A. may purchase or sell movable properties and purchase immovable properties that are necessary for its operations.

SECTION 5

Management of Finance and Accounts of R. U.A.

Article 15: The management of finance and accounts of the R.U.A. shall be conducted in accordance with the public accounting principles as stated in Article 122 of Anukret No. 82/ANK/BK of November 16, 1995 regarding the general regulations for public accounting.

Article 16:

- 16.1. The Rector of the R.U.A. is the initial ordonnateur of the University and shall have the following roles:
- To monitor the cash flows and verify revenues; and
 - To make decisions for payment and order expenses.
- 16.2. The initial ordonnateur may delegate the rights to the delegated ordonnateur or may create excised tax revenue or advances with the agreement of the accounting agent.

Article 17:

- 17.1. The financial management and maintaining of accounts shall be done in accordance with the internal regulations of the R.U.A under the direct responsibility of the accounting agent. The accounting agent shall be appointed by Prakas of the Ministry of Economy and Finance and sworn into office. The accounting agent shall attend Board meetings in the capacity of advisor but shall have no rights to vote.
- 17.2. The roles and duties of the accounting agent are:
- To collect revenues;
 - To make payments for expenses;
 - To maintain, manage and use the funds and resources of the University; and
 - To keep in file the regulatory documents and maintain the accounting books.
- 17.3. The accounting agent may transfer some of his/her rights to his/her sub-agents.

Article 18:

- 18.1. The resources of the R.U.A. shall include:
The initial resources given by the state upon its formation:
- Supporting funds for operations and funds as capital which are stated in the State budget;
 - Donations, support, endowments enjoyed by the R.U.A.;
 - Loans incurred by the R.U.A. or borrowed for the R.U.A.
 - Income of works and revenues from the services provided by the R.U.A.;
 - Revenues from the properties of the R.U.A. and sale proceeds of properties as authorized by the government;
 - Revenues from properties given to the R.U.A..
- 18.2. The current revenues and expenditures and capital of the R.U.A. shall be projected In the annual budget of the R.U.A.. The Board of Directors shall establish procedures for organizing and implementing the budget. The resolutions of the Board regarding budget procedures shall be approved by the Minister of Economy and Finance.

- 18.3. The budget shall be prepared by the initial ordonnateur of the R.U.A. and submitted to the Board for adoption no later than the thirtieth of September of each year. The budget shall be balanced between revenues and expenditures.

Article 19:

- 19.1. The accounting management of the R.U.A. shall include:
- The general accounting maintained in the form of double entry bookkeeping posting budget operations of the treasury and budget operations with third parties;
 - Bookkeeping of tangible and intangible assets; and
 - Cost accounting as necessary.

The Accounting of the R.U.A shall be:

- (1) consistent with the rules determined by Prakas of the Minister of Economy and Finance;
- (2) in compliance with the accounting plan of R.U.A. which is determined by the Board. Such accounting plan shall be approved by the Minister of Economy and Finance.

- 19.2. The annual financial accounts of the University shall be prepared by the accounting agent and the initial ordonnateur together with the management report and submitted to the Board for review and decision no later than three (3) months after the close of accounting period.

Article 20: The fund of R.U.A. is treated as public fund to be allocated in a separate account at the Treasury unless there is a derogation approved by a Prakas of the Minister of Economy and Finance.

SECTION 6
Taxation Regime of the R.U.A.

Article 21: Unless the derogation provides otherwise in the law, the R.U.A. shall be subject to the taxation regime applicable to public entities.

SECTION 7
Procurement of the R.U.A.

Article 22: The decision, implementation and control over the procurement of the R.U.A. shall be administered in accordance with the provisions of Anukret No. 60/ANK/BK of July 31, 1995 regarding public procurement and other relevant regulations.

CHAPTER 3

SECTION 1
Technical Supervisory Authority

Article 23:

- 23.1. Within fifteen (15) days after the Board meeting, the Rector shall submit the development plan and annual budget plan to the Minister of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance for approval. The Ministry of Economy and Finance shall have a period of one month from the date of receiving such documents to prepare his commentary for the Minister of Agriculture, Forestry and Fisheries. The Minister with the relevant technical responsibility shall have a period of two months after receiving the documents submitted by the Rector to approve such documents.
- 23.2. The approval shall be signed by the Minister or a representative of the Minister of Agriculture, Forestry and Fisheries and sent to the Rector and copied to the Ministry of Economy and Finance. The Rector shall notify this information to the Board of Directors as soon as possible.

If the Minister of Agriculture, Forestry and Fisheries fail to respond within the specified period the development program or the annual budget plan shall be deemed approved.

If the Minister of Agriculture, Forestry and Fisheries objects to the development program or the annual budget plan the Chairman of the Board shall immediately convene a Board meeting to discuss and seek ways to overcome such objections.

The development program of the R.U.A. and its capital expenditures may not be enforced if such objection was made by the institution director or technical supervisory authority.

Article 24:

- 24.1. The Minister of Agriculture, Forestry and Fisheries may raise objections on matters stipulated under Article 23, including Board meeting minutes, management reports and annual financial accounts. The Minister of Agriculture, Forestry and Fisheries shall have a period of one (1) month to make such objections.
- 24.2. The Rector shall notify the Board of Directors of the objections raised by the Minister of Agriculture, Forestry and Fisheries. The Board of Directors shall go over those objections immediately and try to find possible ways to overcome them. If the Board determined the objections to be invalid, the grounds of such Board decision shall be specified therein, and the Minister of Agriculture, Forestry and Fisheries shall be immediately notified in writing of such issues.

Article 25:

- 25.1. The Minister of Agriculture, Forestry and Fisheries may cancel or override the Board resolution or the Rector's decisions if they are:
 - Contrary to the policy of the University,
 - Contrary to the laws and regulations; or
 - Inconsistent with the provisions stated in Article 10.
- 25.2. The cancellation or override shall be made by a Prakas of the Minister of Agriculture, Forestry and Fisheries specifying the grounds or based on the claims of a relevant party. The action shall be notified in writing to the Rector and to the Board of Directors as soon as possible.

Article 26: The Minister of Agriculture, Forestry and Fisheries may order for an inspection or monitoring of the University performance as deemed necessary under the requirements and procedures stipulated under the laws and regulations in force.

SECTION 2

Financial Supervisory Authority

Article 27:

- 27.1. Within fifteen (15) days after the Board meeting, the Rector shall submit the management report and the annual budget plan to the Minister of Economy and Finance and the Minister of Agriculture, Forestry and Fisheries. The Minister of Agriculture, Forestry and Fisheries shall have a period of one (1) month from the date of receiving the documents to provide his comments to the Minister of Economy and Finance. The Minister of Economy and Finance shall have a period of two (2) months from the date of receiving the documents to approve such documents.
- 27.2. The documents properly signed by the Minister of Economy and Finance or his representative shall be sent to the Rector and copied to the Minister of Agriculture, Forestry and Fisheries.

The Rector shall immediately notify this information to the Board of Directors.

If the Minister of Economy and Finance fails to respond within the duration specified above, the management report and the annual financial accounts shall be deemed approved. If the Minister of Economy and Finance objects to any point in the report, the Chairman of the Board shall, as soon as possible, call the Board meeting to discuss and try to find ways to overcome those objections.

The management report and the annual financial accounts shall not be approved if the objections made by the Minister of Economy and Finance have not been resolved.

Article 28: The resolutions of the Board of Directors or the decisions of the Rector shall be submitted for prior approvals of the Minister of Economy and Finance and Minister of Agriculture, Forestry and Fisheries at the recommendation of the auditing official, including the following:

- Decisions regarding the sale or transfer of immovable properties;
- Decisions regarding the exemption of debts exceeding the amount determined by Prakas of the Minister of Economy and Finance; and
- Decisions regarding loan agreements and suretyship agreements or similar documents.

Article 29: The Minister of Economy and Finance shall appoint one financial auditing officer to the R.U.A. with the approval of the Minister of Agriculture, Forestry and Fisheries. Such official shall conduct prior auditing or post auditing of the R.U.A. affairs in accordance with Anukret No. 81 ANK/BK of November 16, 1995 regarding the establishment of the financial auditing of expenses of ministries, local, provincial/municipal, and public entities of administrative characteristics.

Article 30:

- 30.1. The management of the initial ordonnateur of the R.U.A. shall be subject to the monitoring of the general department of financial inspection.
- 30.2. The management of the accounting agent shall be subject to the monitoring of the central accounting agent of the National Treasury and general financial inspection department.
- 30.3. The Minister of Economy and Finance may organize the verification, inspection, or auditing of the R.U.A's affairs where he deems necessary in accordance with the conditions set forth in the relevant laws and provisions in force.

CHAPTER 4 Final Provisions

Article 31: Any provision which is contrary to this Anukret shall be null and void.

Article 32: The Minister in charge of the Office of the Council of Ministers, the Minister of Agriculture, Forestry and Fisheries, the Minister of Economy and Finance, ministers and state secretaries of relevant ministries and institutions shall effectively implement this Anukret from the date of its signature.

Phnom Penh, December 27, 1999

Prime Minister

Hun Sen

Have submitted to
Samdech Prime Minister

Senior Minister
Minister of Economy and Finance

Minister of Agriculture, Forestry and Fisheries

Keat Chhon

Chhea Song