

GENERAL AGREEMENT

On

CO-OPERATION

between

THE KINGDOM OF CAMBODIA

and

THE KINGDOM OF BELGIUM

GENERAL AGREEMENT ON CO-OPERATION
Between
THE KINGDOM OF CAMBODIA
And
THE KINGDOM OF BELGIUM

THE KINGDOM OF CAMBODIA

AND

THE KINGDOM OF BELGIUM

hereinafter referred to as “the Parties”

Determined to intensify their relationship of partnership and co-operation which they want to promote on the basis of mutual respect, the sovereignty and equality of the two parties, the pursuit of sustainable, harmonious development which is beneficial for all sections of their populations and particularly the most disadvantaged,

Reaffirming their attachment:

- to the principles of the Charter of the United Nations, the values of democracy and Human Rights, as recognised in the Universal Declaration of Human Rights and the World Conference on Human Rights organised in Vienna in June 1993;
- to the 20/20 concept adopted at the World Summit of Copenhagen in March 1995 on Social Development;
- to the declaration of the International Labour Organisation relative to the principles and fundamental rights at work adopted by the International Labour Conference in June 1998;
- to the dignity and value of human beings, men and women, actors and beneficiaries of development, equal in rights according to the recommendations of the fourth World Conference on Women organised in Beijing in September 1995;
- to the protection and preservation of the environment as well as to the implementation of the Agenda 21 adopted at the United Nations Conference on the Environment and Development organised in Rio de Janeiro in June 1992;

Convinced that these principles are the essential fundamentals for a relationship of co-operation between the two Parties,

Considering that it is important to establish a political and legal framework for their co-operation, based on a dialogue and shared responsibility;

HAVE AGREED AS FOLLOWS:

Art. 1. Purpose.

The purpose of this general agreement is to define the political, institutional and legal framework for the direct bilateral co-operation agreed on between the two parties.

Art. 2. Objectives of direct bilateral co-operation

The main objective of this co-operation is to further sustainable human development. To that end, it shall seek to combat poverty, to promote a partnership between the populations of the two Parties, to promote democracy, the rule of law, the role of the civil society and good governance, to favour the respect of human dignity, human freedom and human rights and to combat all forms of discrimination, whether based on social, ethnical, religious or philosophical grounds or on gender.

Art. 3. Priority sectors and themes.

The direct bilateral co-operation between the Parties shall focus on one or more of the following sectors

- 1° primary health care, including reproductive health;
- 2° education and training;
- 3° agriculture and food security;
- 4° the basic infrastructure;
- 5° conflict prevention and community building,

and on the following cross-sector themes:

- 1° equality of rights and opportunities between men and women;
- 2° respect for the environment;
- 3° the social economy.

Art. 4. Indicative co-operation programmes.

In order to implement such direct bilateral co-operation, indicative co-operation programmes shall jointly be approved or defined by the Joint Committee referred to in article 5.

The objectives of these programmes shall comply with those of the development plans of the Kingdom of Cambodia as well as with those set out in article 2.

In addition, the indicative co-operation programmes shall be situated in the sectors and themes referred to in article 3 and ensure that:

- institutional and management capacities are strengthened by entrusting a growing role to local management and local implementation;
- the programmes remain technically and financially viable after Belgian funding has ended;
- the programmes are implemented in a way that is effective and efficient, with decision-making powers being as close as possible to the target groups.

Art. 5. Joint Committee.

A Joint Committee, composed of representatives of the two Parties shall approve or define the indicative co-operation programmes referred to in article 4, and shall monitor and assess the implementation of the programmes in order to make, if necessary, any adjustments which may be necessary.

The Joint Committee shall meet at ministerial level at least every three years and, if one of the Parties so requests every year at an appropriate level of representation, alternatively in Belgium and in Cambodia.

Art. 6. Co-operation activities.

§1 The indicative co-operation programmes shall be materialised in specific co-operation activities. For each such activity, the Kingdom of Belgium's contribution may include technical co-operation, training activities or studies, grants in kind or in funds including notably budgetary aid, loans, shareholdership, debt relief or a combination of these elements.

§2 All co-operation activities shall be prepared, planned and implemented in accordance with an integrated and goal-orientated management cycle and composed of four phases: identification, formulation, implementation and evaluation.

§3 The identification of each co-operation activity shall be the result of a consultative process between the Parties.

The Kingdom of Cambodia shall have the final responsibility of the identification.

§4 In order to make sure that each co-operation activity is well adapted to the capabilities and needs of the beneficiaries, a participative approach shall be strictly followed.

For that purpose, joint local consultative bodies shall be set up.

§5 A specific Agreement, concluded between the two Parties before the start of the implementation phase, shall constitute the legal basis for each co-operation activity.

It shall stipulate notably, depending on the means of co-operation decided:

- the objectives;
- the mechanisms and timetable for its implementation;
- if applicable, the rules concerning the use and transfer of funds;
- if applicable, the rules concerning the acquisition and transfer of equipment;
- the rights, responsibilities and obligations of all the parties involved;
- the modalities for reporting, monitoring and controlling;
- the characteristics and terms of reference of the joint local consultative bodies for this co-operation activity.

Art. 7. Bodies responsible for the implementation of this general Agreement.

§1 The Ministry of Foreign Affairs and International Co-operation of Cambodia is responsible for the general implementation of this Agreement on behalf of the Kingdom of Cambodia.

§2.

1° For the general implementation of this Agreement, the Belgian Party is represented by the Belgian Embassy in Bangkok

Within this embassy, the Attaché/Counsellor for International Co-operation is in charge of all matters relative to development co-operation.

2° In principle, the Belgian Party shall entrust the implementation of its obligations during the formulation and implementation phases referred to in article 6, §2, exclusively to the Belgian Technical Co-operation (BTC), a Belgian public law Company with social purposes.

The Belgian Party shall conclude with the BTC agreements by which the BTC undertakes to respect the specific agreements referred to in article 6 §5.

- 3° If the nature of the co-operation activities requires such, their implementation may be entrusted, either by the Minister responsible for co-operation, or by the BTC, to specialised organisations.
- 4° In certain cases and subject to notification by the Attaché/Counsellor for International Co-operation to the Cambodian party, the identification phase of a co-operation activity may be entrusted to the BTC.

Art. 8. Privileges and immunities.

- 1° For the implementation of this Agreement, the Resident Representative of the BTC and his Deputies recruited in Belgium, provided that they are not nationals of the Kingdom of Cambodia, shall enjoy, in principle, the privileges and immunities applicable to administrative and technical personnel employed in diplomatic or consular missions.
- 2° For the implementation of this Agreement, all experts who are not nationals of the Kingdom of Cambodia shall enjoy the same privileges and immunities as those granted to technical experts of the United Nations.
They will be entitled notably to import or buy, free of duty, a vehicle, furniture and goods for their personal use as well as for the use of members of their family living with them. Their salary and remuneration shall be exempted from taxes on the territory of the Kingdom of Cambodia.
When required, they shall however be subject to social security in compliance with Belgian legislation or the legislation of the Kingdom of Cambodia.
- 3° Personal property and real estate of the representation of the BTC as well as equipment or services imported or purchased locally in the framework of this Agreement or a specific Agreement pursuant to it, shall be exempted from all taxes or levies.

Art. 9. Control and evaluation.

The Parties shall take all the administrative and budgetary measures necessary to achieve the objectives of the specific Agreements pursuant to this general Agreement.

To that end, the Parties shall carry out, together or separately, any controls and evaluations, whether internal or external, which they may consider useful. However, each Party shall inform the other of any controls and evaluations which it intends to carry out separately.

Art. 10. Disputes.

Any disputes arising in connection with the implementation of this general Agreement and its measures of application shall be settled by way of bilateral negotiation. In the event that it proves impossible to resolve disputes in that way, such disputes shall be subject to the procedures laid down in the United Nations Charter.

Art. 11. Duration and termination.

This Agreement is concluded for an indeterminate period.
Each of the Parties may terminate it at any time by giving notice to the other Party. In that case, such termination shall become effective six months later.
Any such termination shall not, however, result in the specific Agreements or other bilateral acts governed by the general Agreement being terminated. For that, specific termination notice must be given.

Art. 12. Entry into force and transitional measures.

This general Agreement shall enter into force on the first day of the month following the date on which the last Party notifies the other Party that it has completed the necessary internal procedures required for the Agreement to enter into force.

However, any co-operation action underway on the date on which this general Agreement enters into force shall continue in accordance with the provisions laid down in the agreements governing them.

Art. 13. Notifications.

Any notification relative to the performance of this general Agreement and the specific Agreements pursuant to it shall, unless specifically agreed otherwise, be communicated to the addresses shown below. Any change in this connection shall be communicated by diplomatic channels.

- For the Kingdom of Cambodia, to the Secretary General of the CDC, Government Palace, Preah Sisowath Quay, Wat Phnom.
- For the Kingdom of Belgium, to the Attaché/Counsellor for International Co-operation, Belgian Embassy, N°6, Street 306, Boeung Keng Kang I

IN WITNESS WHEREOF, the two Parties have signed this general Agreement.

Signed in Brussels, on May 29, 2001 in two originals, each in the Khmer and English language, each text being considered as authentic. The text in English shall prevail in the case of differences of interpretation.

For the Kingdom of Cambodia,



HOR Namhong,
Senior Minister,
Minister of Foreign Affairs and
International Co-operation.

For the Kingdom of Belgium,



Eddy BOUTMANS,
State Secretary for
Development Co-operation

ANNEX 4: Cambodia-Belgium Bilateral Cooperation

Indicative Co-operation Program for 2002-2004

1. General outline of the Indicative Co-operation Program (ICP)

1.1. Objectives

The objective of the ICP is to contribute to the realisation of the *Poverty Reduction Strategy* of the Government of Cambodia.

Therefore its general foundations are the Government of Cambodia's *Second 5-year Socio-economic Development Plan 2001-2005* and the Government of Cambodia's *Poverty Reduction Strategy Paper*.

The ICP shares the vision of the *Second 5-year Socio-economic Development Plan 2001-2005* which intends to eradicate and to alleviate poverty through:

- broad-based sustainable economic growth with equity;
- social and cultural development;
- Sustainable management and use of natural resources and the environment.

The ICP takes also into account the basic principles of the Belgian international co-operation policy

1.2. Sector and regional limitations - co-operation activities.

In order to make an efficient use of the human and financial means made available for the preparation and the implementation of individual activities under the ICP, efforts will be mainly concentrated on two provinces - Siem Reap and Kampong Cham - and two sectors - education and health.

Furthermore, the ICP will include a number of supporting and/or additional activities:

- A "consultancy fund", a tool aiming at facilitating and accelerating the preparation process of projects;
- Support to explosive ordnance disposal;
- A facility for funding of local and regional training;
- Support via the Mekong River Commission;
- Scholarships and fellowships.

The general context, the objectives and the major implementation modalities of each of these activities are given in chapter 2 of the ICP.

1.3. The budget.

The tentative budget to be made available by Belgium on a grant basis, for the implementation of the ICP, is as follows:

	in million Euro
Education and health in Siem Reap province:	9.0
Education and health in Kampong Cham province:	8.5
Consultancy Fund:	0.4
Explosive ordnance disposal (EOD):	1.2
Training facility:	0.9
Support via Mekong River Commission (MRC):	1.7
Scholarships and fellowships:	(not specified)
Total for ICP:	21.7 (875 000 000 BEF)

It should be stressed that the budgetary commitments will only be made after the formulation of each individual co-operation activity.

1.4. Implementation modalities.

The fact that the ICP shares the objectives of the Government of Cambodia's development strategies should transpire in the way its activities are implemented. There should be no "stand-alone" projects. All activities have to foster institutional sustainability, work through a participatory approach involving beneficiaries from the start in the project preparation, and use as much as possible existing institutional structures (strengthening them in the process).

The activities in the education and health sectors in Siem Reap and Kampong Cham provinces should support the Government of Cambodia's decentralisation and deconcentration policy by having their institutional anchor point at the provincial level (SEILA approach), while supporting at the same time the national policies in the field of education and health, by adopting the objectives of the relevant sector strategies. Moreover the projects will not necessarily cover the whole of both provinces. In that case concentrating the activities of both sectors on the same districts may enhance their performance.

In the rapidly evolving context of Cambodia, such double strategic and institutional integration will require a certain degree of flexibility built-in into

the co-operation activities. It also implies the willingness of the representatives of the Belgian Government and its project-implementing personnel to actively contribute to the ongoing policy preparation process and to the policy dialogue between the Government of Cambodia and the donor community, especially in the fields of education, health, and capacity and institution building at the provincial, district and commune levels.

2. Pre-identification of projects.

2.1. Education projects in Siem Reap and Kampong Cham provinces.

The general objective of the education projects in Siem Reap and Kampong Cham provinces will be to contribute to sustainable poverty reduction and alleviation through raising of training levels especially for the poor, for females, for handicapped and for other disadvantaged groups such as families of veterans.

In view of the priorities of the Government of Cambodia's strategic plan and in order to optimise the efficiency of the funding made available, the purpose of the projects will be limited to formal basic education and to teacher's training as a support to basic education.

The main goals will be to enhance access to schooling, to fight dropout and repetition and to improve quality and performance of basic education, in order to make it more adapted to the needs of the surrounding communities and their environment.

The projects implementing and management units will be situated within the department of education at the provincial level. In the design and implementation phases of the projects, special attention will be given to consultation of all parties involved. The Provincial Rural Development Committees (PRDC) will be involved in the monitoring of the projects and in the co-ordination of its implementation with other sectors.

2.2. Health projects in Siem Reap and Kampong Cham provinces.

The general objective of the health project will be to contribute to sustainable poverty reduction and alleviation through improving the health status of the people.

The main goal will be to provide sustainable basic health services of good quality; which are affordable and accessible for all, and which include awareness raising and preventive as well as curative care. This should be reached by applying the strategy of the Ministry of Health to address key causes of current low quality and limited utilisation of public health services,

such as insufficient funds for running costs and salaries, lack of sufficiently trained and motivated staff and poor management of staff and finances.

Special attention will be given to care of AIDS patients and their families.

The projects implementing and management units will be situated within the department of health at the provincial level. In the design and implementation phases of the projects, special attention will be given to consultation of all parties involved. Management and follow-up will be based on active community participation. The PRDC will be involved in the monitoring of the projects and in the co-ordination of its implementation with other sectors.

2.3. Consultancy Fund.

The objective of the Consultancy Fund will be to finance consultancies, including preparation of activities belonging to the ICP. The beneficiaries will be the Ministries and other Government agencies of Cambodia.

The representatives of the Council for Development of Cambodia (CDC) and DGIC will jointly decide on the use of the Consultancy Fund. The Fund will be jointly managed by the Cambodian authorities and the representation of Belgium in Cambodia. The beneficiary Ministry or Government agency and BTC will jointly follow-up the implementation of the consultancies. Detailed payment modalities will be defined in the Specific Agreement.

2.4. Explosive Ordnance Disposal in the south-east provinces.

Extensive contamination by landmines and unexploded ordnance (UXO) due to heavy bombing continue to constitute a serious obstacle to the socio-economic development of Cambodia. Belgium has considerable experience with explosive ordnance disposal (EOD) and has supported the Cambodian Mine Action Center (CMAC) since 1993.

The general objective of the Belgian contribution will be to further build up the EOD capacity of CMAC. Specific objectives will include the development of EOD management capability and of EOD capacity in the field, including key skills such as demolition of several items of different nature, buried bomb location, excavation and neutralisation, and dealing with chemical weapons.

The project will be implemented by the Belgian Ministry of Defence in the Southeast provinces of Phnom Penh, Kandal, Kampong Speu, Kampong Som, Takeo, Prey Veng, Svay Rieng and Kampong Cham.

2.5. Training facility.

The objectives of the special training facility will be:

- to improve the capabilities of Cambodians by facilitating their participation in university and post graduate studies, short term training programmes, workshops and seminars in the country and in the region.
- to enhance regional co-operation.

Facilitation will mainly be provided through the funding of travel costs, per diems, inscription fees and preparatory (language) courses.

Criteria for the eligibility of candidates will be established during the design phase of the facility. The Cambodian authorities and the representation of Belgium in Cambodia will jointly manage the facility. A joint steering committee will monitor its implementation.

2.6. Support of specific Cambodian needs for the Mekong River Basin through the National Mekong River Committee..

The objective will be to increase the well being of people of the Mekong River Basin and to support Cambodia for the promotion and co-ordination of sustainable management and development of water and related resources.

The Belgian contribution will be made in three different ways:

- Partial financing of the Cambodian contribution to the Mekong River Commission;
- Support for the establishment of a Master Plan for the water borne transport sector in the Mekong delta;
- Institutional strengthening and capacity building for navigation and flood management for Cambodia by technical assistance via MRC with transfer of knowledge and sustainability as major objectives.

2.7. Scholarships and traineeships

The Cambodian Ministry of Education, Youth and Sport will identify the priority needs and propose the candidates for scholarships. For traineeships the relevant line ministries will propose the candidates.

[Number of scholarships and fellowships to be defined]