

DISCUSSION PAPER: Poor Governance Issues within the Formal Education Sector in Cambodia

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(Note: The views expressed in this paper are those of the author and do not necessarily reflect those of KAPE)

1. BACKGROUND

1.1. Governance and Accountability

The lack of good governance within the formal education sector has long been a missing prerequisite for effective development in Cambodia. Although there has been considerable movement forward in the sector with improvements in infrastructure, curricula, and the increased availability of material resources, the lack of good governance has been a factor that has historically held back efforts to improve educational quality, particularly in so far as it relates to what happens in the classroom and at school level. Poor governance in the sector manifests itself mainly in one of two general ways, both of which relate to accountability or the absence thereof.¹ One important symptom of poor governance refers to frequent instances of criminal behavior such as corruption; that is, where resources are used dishonestly or where decisions are made in a way, which are self-promoting. A second symptom, which is just as insidious, refers to high tolerance levels for incompetent behavior that usually results when performance is de-linked from rewards and punishments within the education system, as it usually is. Although tolerance for corrupt behavior tends to be more of a red button issue among development practitioners and donors, both corruption and tolerated incompetence are each symptoms that stem from the same disease, which is weak or non-existent mechanisms to ensure accountability among state personnel. Because accountability issues are really at the heart of the problem of governance within the education sector, the following discussion will necessarily consider both the pervasive existence of corruption as well as tolerated incompetence in so far as each is linked with varying levels of accountability within the education sector.

In practice, the absence of accountability presents serious dilemmas for the donor community. Without accountability, there is no assurance that donor-provided resources will be used effectively or even honestly in development projects. Even in cases where corrupt or incompetent behavior is detected, there is often little that a donor or project implementer can do to stop it, other than cutting off assistance and insisting on repayment. It is particularly surprising that even in cases of behavior that is criminal, action is rarely taken. It has often been observed that in the last two decades, no one in the education sector has ever been fired from his or her position for egregious incidences of

¹ A third symptom could also be construed to take in the practice of unofficial fees charged by teachers. This phenomenon, which occurs mainly in urban areas such as Phnom Penh and provincial capitals where the cost of living is higher and where the demand for education is greater, is more a function of low salary levels rather than being directly linked with governance issues. In practice, the Ministry of Education, Youth, and Sport has been effective at stopping unofficial school fees through the introduction of PAP school operating grants in 2001 but has been much less so in the area of teacher fees being linked as they are to low salary levels in the sector.

corruption. At most, individuals are sometimes demoted or moved from one position to another, but even when such actions occur, they are usually as the result of intense pressure from donors and civil society groups. More recently, Cambodia has seen occasions where funds that have been misused have been paid back to a donor but the officials and individuals responsible generally go unpunished. And in any case, this is a relatively recent phenomenon in Cambodia.

1.2 Implications of Low Accountability for Human Resource Development

The weakness of accountability provisions in the education sector has been most debilitating in its implications for human resource development. In this respect, Cambodia's educational system has seen considerable investment in human resource development, particularly at school level where the vast majority of human resources in the sector is to be found. In general, this investment has yielded outcomes that generally fall far short of expectations.² For example, many donors have tried and largely failed to improve the quality of teaching in classrooms through huge investments in teacher training. What usually happens in the aftermath of these activities is that teachers return to their classrooms and are able to revert to their usual manner of teaching. School directors generally do not hold teachers accountable for how they teach or even if they show up for work at all. Similarly, school directors returning from capacity building activities find there are few incentives to comply with guidelines studied in such workshops and few strictures to face if they do not. In such an environment, compliance with study content or the application of learned principles is generally very *ad hoc* and hinges primarily on the professionalism of individual educators. Although few studies have systematically tried to assess professional ethics among school directors, anecdotal statements by many working in the sector have described as many as one-third to one-half as untrainable and another third as borderline. These conditions combined with a weak culture of accountability ensure that capacity building inputs in the sector have at best muted impacts.

2. CAUSALITY FOR THE ABSENCE OF AN ACCOUNTABILITY CULTURE

There are a number of factors to consider in trying to understand why there is no or little accountability in the education sector and how these factors promote corruption and high tolerance levels for incompetent performance. These factors relate to cultural attitudes, political sensibilities, and structural considerations within the sector.

² See, for example, Wheeler, C., (1998) *Rebuilding Technical Capacity in Cambodia*. Phnom Penh: UNICEF/Sida.

2.1. The Role of Patronage Networks

It is generally acknowledged that patronage networks in Cambodia provide the population with the social safety net that is not provided by government.³ The association with a patron ensures that an individual will have someone with power and wealth upon to whom to depend in times of family or individual crisis or need. In turn, the client (or *kon chao*, in Khmer) provides a service to the patron when needed. Low levels of payment in the civil service ensure that patronage networks are doubly important for one's survival. Patronage networks are deeply embedded in all forms of social organization in Cambodia and the education sector is no exception. Individuals such as district and school directors usually hold their positions not by merit of their ability or competence (though it happens too that they may sometimes be competent) but by their affiliation to a patron in a broad network of social dependency that may extend all the way up to the provincial office of education and beyond. Given this environment, it is not surprising that individuals who are engaged in corrupt behavior or are found to be grossly inept usually keep their positions. The patron protects such individuals who will in turn be expected to provide a service in return if asked by the patron when the need arises. This situation helps to explain why no one has ever been fired in the education sector for corrupt behavior. Put another way, strictures within the education system that are designed to promote accountability collide head on with patronage networks that are deeply embedded in society. In such an environment, accountability is something to which the education system must give lip service but which cannot trump the imperatives of the patronage network that binds individuals tightly together for purposes of mutual survival.

2.2 Politicization of the Education Sector

Those working in the education sector need to recognize that there are two parallel systems of administration. On the one hand, there is the official structure that begins with the Minister and extends downwards through Secretaries of State, POE Directors, DOE directors, and school directors. On the other hand, there is the party structure (i.e., the CPP party structure), which is infinitely more potent and closely linked with patronage networks that are largely defined by political affiliation (though family affiliation also often plays an important role). It has been commonly observed that the Minister of Education does not appear to hold much real authority in the education system. This is largely because the Minister has historically been affiliated with the junior coalition partner in government. Thus, decisions, when they are made, must have the concurrence of the party structure to have the force of real authority.

³ See, for example, Hinton, A.L. (2005) *Why Did They Kill?* Berkley CA: University of California Press.

The above situation ensures that the education system is highly politicized. Individuals do not get promoted, moved, or fired unless the party structure is in concurrence. And because the party structure is linked with a vast patronage network defined by political affiliation, it means that compliance with the expectations of the patron is the primary criterion for what happens. Violation of government rules, corruption, or simple incompetence count for much, much less. Thus, a school director who has been found to be stealing rice from a school breakfast program cannot be easily removed if his patrons feel that he or she has been effective in serving the party in matters such as getting the vote out or general campaigning. This is not to say that everyone is comfortable with this arrangement. It often happens that a professional POE or DOE Director may want to remove a corrupt or incompetent director but feels that to do so means putting himself at odds with his patronage network, upon which he depends for his own political survival as well. If enough pressure is placed on the patron, however, he or she may relent because keeping the client is too costly in other terms. Usually, it requires a great deal of social pressure over an extended period of time for this to happen.

Teacher Retirement Policy: A Famous Example of Politicization in the Education Sector

One of the most famous examples of politicized management in the education system refers to now rescinded rules governing the age of retirement. Following the 1993 elections, FUNCINPEC was in dire need to distribute patronage to a large network of individuals who had served the party during the elections. The large number of civil service positions in the education sector seemed a fruitful means through which the party could distribute such patronage. Unfortunately, this brought the party into collision with CPP who was intent on protecting its own patronage network in the nation's schools. After considerable wrangling, it was mutually agreed to force all individuals who reached the age of 55 to retire regardless of political affiliation. Unfortunately, this agreement resulted in numerous teaching vacancies in rural schools where FUNCINPEC clients did not wish to relocate. Many of these positions, therefore, went unfilled contributing to a teacher shortage from which the country has yet to fully recover.

2.3 How Patronage Networks Can Project the Conditions for Strong or Incompetent Leadership

It is interesting to consider why management capacity often seems to vary so consistently and greatly from district to district within a province. That is, some districts seem to be endowed with a large number of competent, and seemingly incorruptible school directors while others very close by seem to be in dire shape. These differences can often be explained by how a patronage network works. For example, it sometimes happens that a DOE director who is nevertheless part of a patronage network can ensure that affiliated clients who are appointed to given positions are also competent. As positions for the directorship of various schools become vacant through retirement or resignations, a DOE director can, over time, have great influence in ensuring that those ap-

pointed to lead schools are competent. Such individuals may also be a part of a network but they can also be relied upon to be strong and honest leaders. More frequently, however, it often happens that a DOE director does not carefully consider competency in appointments but relies solely on considerations of affiliation (either political, familial, or social). Over many years, the number of incompetent (and usually corrupt) school directors seems to snowball in such districts as networks that operate on an affiliation only principle fill vacancies in schools from year to year. These variations in the way that patronage networks work help to explain why so many districts in such close proximity to one another appear to differ so greatly in their overall governance quality.

A Tale of Two Districts

Svay Theap District in Province X is one of the best-managed districts in Cambodia. The district was recently asked by the Ministry to make a presentation to the National Education Congress as the most child friendly school district in the country. Borai District, which is adjacent to Svay Theap, however, has a reputation in the province as one of the most corrupt districts. How does one explain the difference? Largely, it appears to be a matter of a long and consistent history of careful and thoughtful appointments by the DOE director based on merit that are also acceptable to the local political establishment. Over a period of 10 years, Svay Theap District has built an education administration that is well-known for its high standards of governance.

2.4 Structural Organization in the Education Sector and How It Undermines Measures Designed to Promote Transparency

Government and donors have tried to increase local accountability in the education sector by fostering cooperation between commune governments (which in theory are supposed to be the legal representative of community members) and schools. Unfortunately, the line management of commune councils and schools runs through different ministries. Schools are accountable only to District Offices of Education who are in turn accountable to Provincial Offices and the central Ministry of Education. Recommendations or complaints of corruption filed by commune councils are, therefore, nonbonding since the councils

The Case of School X

School X is located in Steung Meanchey District of Province W. The school is run by a director who has a long history of corruption. The accountant in the school is his brother-in-law. Local community members are well aware that the director has been forging signatures for many years that determine how PAP funds are spent. When the School Support Committee recently filed a complaint to the district demanding that the director repay 7 million riels in embezzled funds, the director responded by dissolving the committee and appointing friends and relatives to a new committee. Members of the old committee brought the matter to the attention of the Provincial Office of Education who promised to take action but never did. The committee has now taken its case before the Provincial Governor where it is currently pending.

are under the jurisdiction of the Ministry of Interior. Although councils can in theory complain to a district education office, the fact that schools are not directly accountable to communities or communes greatly mutes the impact of transparency measures. School directors usually know that only serious pressure from without will result in his or her removal and communes have great difficulty in generating such pressure, even if they wanted to (which they usually do not).

Improprieties in the use of PAP funds are a good example that demonstrates the limited effectiveness of transparency in promoting good governance in schools. In this respect, both government and donors have tried to use transparency as a means to project accountability within the education sector when constructing the financial mechanisms that govern the use of PAP funds. Thus, the allocation of PAP funds for any given purpose is in principle contingent upon the agreement of all stakeholders including directors, teachers, and community members. In actual practice, however, directors can forge signatures with impunity to show that stakeholders agreed to specific allocations when submitting paperwork to Budget Management Centers (BMCs). Even though community members are often aware that directors have spent PAP funds without reference to other stakeholders, in violation of all regulations, they are powerless to do anything about it. This is because school directors are not under the authority of local government, which in any case may be governed by the same patronage networks that would inhibit a district office from taking action.

3. OPTIONS IN FUTURE DEVELOPMENT TO PROMOTE ACCOUNTABILITY

3.1 General Observations

Development practitioners in the education sector have often asked themselves how to rid the system of corruption and promote accountable performance among those working in the sector. In the best of possible worlds, this would require a radical transformation of Cambodian society in which the political establishment agreed to dismantle the very system upon which it depends to retain power and govern the country. That is, it requires the country's leadership to do something that is inimical to its self-interest for the sake of the country. A second thing that would have to happen is for the government to triple or quadruple salary levels for civil servants, so that the latter would be less dependent on patronage networks in the first place. In the real world, it does not appear likely that either of these things is going to happen soon. Thus, it means that development projects must move to a second tier of actions (described below) to make the best of a bad situation since this bad situation may yet be with Cambodia for some time.

In moving to a second tier set of responses to low accountability levels in the education system and in particular to the incidence of corruption, development projects are often confronted with a dilemma regarding their desire to build trust with government counterparts while at the same time projecting zero tolerance levels for corruption. The tension between these two goals means that projects must walk a fine line between them. In essence, this means that projects must play the role of 'good cop' and 'bad cop' at the same time, something that is very difficult to do. If they move too far in one direction in playing the 'bad cop' and project the role of a policeman who confronts government managers in cases of corruption, they damage trust and cause loss of face, which can have broad implications for the smooth operation of project activities. If they move too far in the other direction in their role as good cop, they essentially lose their stance for 'zero' tolerance for corruption and undermine their desire for social change in the process. Donors require projects to both build trust with government counterparts and play the role of policeman to prevent corruption but the degree to which projects are able to hone their management between these two conflicting objectives varies greatly from project to project. The fact that donors themselves vary considerably in the degree to which they expect projects to play the 'bad' cop complicates matters even further. The fact that some donors do not place the same high priority on governance as others confuses expectations among government counterparts and makes it difficult for projects funded by governance-minded donors to make the mark that they are expected to make. Although all donors claim that they expect government to promote accountability and good governance, in actual practice many take the government at its word that corruption is the exception and not the rule, when the evidence from the field does not really support this view, particularly with respect to the use of PAP funds. The fact that aid levels for Cambodia have continued to increase year after year in spite of little action to prevent corruption suggests that many donors do not place the priority on accountability that they say they do. This in turn sends a very clear message to Government about the need for reform.

In spite of the difficulties facing development projects to foster good governance and accountability in a situation where the odds are stacked against them, there are a number of very basic things that can be done to move an anti-corruption agenda forward. This refers to a second tier set of responses that were mentioned above. Although the list of responses described below is far from exhaustive, it does suggest some general strategies that projects can adopt to strengthen their efforts to promote accountability and prevent corruption.

3.2 Identifying Allies within the Government Who Can Assist

Although everyone in the education system must participate in a patronage network, there are many individuals of integrity and of high position who are able to exert influence to strengthen good governance, albeit within the context of his or her own network. The case of Svay Theap District in the snapshot above demonstrates how this can happen to good effect. There are also other examples where individuals of integrity in the Ministry have been able to greatly curtail corruption in the sector, the clean-up of the examination process for PTTC entry being one of the important success stories in the sector. Projects that are interested in governance can ally themselves closely with such individuals in order to help them exert influence in the desired direction. This influence can take many forms including stern instructions to local counterparts or advice on where or with whom to work. To be sure, it is still difficult to talk openly about corruption in the sector even with these individuals. Whatever their differences, members of the government are loathe to discuss sensitive internal matters such as corruption with outsiders and generally prefer to present a façade of silence to foreigners. It often takes many, many years before project personnel can build a close enough relationship with such individuals to talk somewhat openly about corruption and accountability. Usually, the only time that issues of corruption can be raised openly with such individuals is in immediate cases involving misuse of project funds.

3.3. Strategic Targeting and Management Assessments before Implementation

When identifying target locations in which to work, many projects make the mistake of looking at need only (e.g., poverty rates, low promotion rates, etc) during preliminary site selection surveys. Considerations of management potential and governance issues as essential prerequisites for a decision to work in such sites are often overlooked. Given the observation that at least a third of school directors are incorrigible when it comes to accountable performance, such omissions can place projects in an untenable situation with respect to their implementation. This suggests that it is important for projects to develop instrumentation that will provide information on governance issues and management potential during the site selection process. It is also equally important to inform Ministry and POE officials why a district or school was not selected as a target area if the reason is that the local education system has a poor reputation for governance. That is, it is important for them to understand that investments in such areas are unlikely to have very much impact on intended beneficiaries and that barring significant change, they do not qualify for assistance. This can help send a message to government that areas with a reputation for poor governance and/or corruption will not receive investment from donors. It is unfortunate that very few projects ever consider management potential in their strategic targeting, which implies that poor governance and

corrupt behavior are not necessarily an obstacle for investment when they in fact should be.

3.4 Intensifying Public Pressure

It has already been noted that local knowledge of improper governance in schools does not often generate adequate public pressure to lead to personnel changes or a diminution of the behavior in question, mainly because of the disjuncture between local government bodies (i.e., commune councils) and the education system (see Section 2.4 above). Projects might, therefore, consider measures to generate public pressure at a higher level where those at district and provincial level are more likely to see it and where the political costs of doing nothing may reach a magnitude that forces decision-makers to rethink their possible options. One way in which this might be done is for projects to rate target schools on governance on a sliding scale and publish school scores in local newspapers, which are then purchased in mass and distributed to villages and local governance bodies, such as commune councils. Ideally, such action would be taken with the concurrence of the POE in order to ensure that it did not create the conditions for a confrontation. If a project could achieve this, it would create considerable political pressure for a DOE to take some action, which could entail a review of a school director's performance. Because of the influence of patronage networks, it is unlikely that such pressure could lead to personnel changes but it would at least help to highlight the issue in a broader context than is currently occurring.

3.5 Alternatives to the State Education System

An important reason why many donors may not place stringent conditions linked to governance on development assistance relates to the lack of alternatives to investing in the state education system. That is, many donors may really want to foster better accountability in the system but find that if they press the government too forcefully on governance, they may be forced to rethink or even cancel planned assistance, which they do not want to do. Donors and NGOs find themselves in this situation because the state education system is really the only show in town. Either the donor gives the Government the benefit of the doubt (which in practice means putting up with current conditions essentially as they are) or must pull out of the sector entirely since there are no alternatives to the state system. Without a credible alternative to the state education system, there really is no competitive pressure for change or much room for donors to negotiate about governance with Government. If there were a private or even semi-private education sector in which to invest, donors would have a great deal more leverage in dealing with Government when it comes to governance issues.

The emergence of a parallel private education sector at primary and secondary school level is a relatively new phenomenon in Cambodia. Private schools offering basic education services are few in number and exist mainly in the capital city to serve the children of the country's elite. As such, the private education sector does not have much of a draw for donors who are usually more interested in assisting marginalized groups in society, not the country's elites. But this could change with strategically targeted donor support to the private education sector. This could take several forms including public-private ventures to set up magnet schools in poor rural areas or even innovative schools affiliated with NGOs as has recently been done successfully in Thailand. Another possible option could entail taking hopeless state schools and handing them over to NGOs to run them directly until such time (two to three years) as they could be given back to the state system in a transformed state. While such public-private schools could not serve the needs of all poor children in rural areas, they could still provide educational opportunities of high quality to significant numbers of the rural poor. In the process, their emergence would help to jump-start the establishment of real alternatives to the state education system. With such alternatives in place, donors would have much more leverage to press for improvements in governance in the state system since the latter would have to compete with a private sector for resources. Currently, the total absence of competition promotes complacency and inaction in the state education system, leaving donors with few other options.

4. CONCLUSION

This discussion paper has sought to create the conditions for innovative thinking about how to address low levels of governance in the formal education system. Core factors that allow the continuation of poor governance conditions, which in turn promote corruption and incompetence in the sector, relate to the prevalence of patronage networks and the politicization of the education system. Because the possibilities for radical transformation of Cambodian society involving the dismantling of patronage networks are only a very remote possibility at this time, there is the danger that donors and NGO partners may feel that they are only left with the option of 'tinkering.' The authors of this paper hope that the discussion above has strengthened the view that the donor and NGO community can do more than just 'tinker' with the system. Rather, there is still a second tier of options that, though perhaps falling short of radical social change, nevertheless can help move forward an agenda for improved governance through changes in project design, intensified social pressure for change, forming alliances with like-minded Ministry decision-makers, and creating alternatives to the state education system.