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Accountability

and Neo-patrimonialism in Cambodia: A Critical Literature Review



Pak Kimchoeun, Horng Vuthy, Eng Netra, Ann Sovatha,
Kim Sedara, Jenny Knowles and David Craig

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Working Paper 34

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Responsibility for the ideas, facts and opinions presented in this research paper rests solely with the authors. Their opinions and interpretations do not necessarily reflect the views of the Cambodia Development Resource Institute.

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Foreword

I am pleased to introduce *Accountability and Neo-patrimonialism in Cambodia: A Critical Literature Review*, the 34th in CDRI's Working Papers series. As the preface to this Working Paper explains, the term 'accountability', as a key element of 'good governance', is widely used in both international development policy and practice, and in governance and public sector reform processes in Cambodia. It is a complex and highly contextual concept even for those who are native English speakers and educated on major development issues, and even more so for those who are neither.

This is the first time that CDRI has published such a critical literature review. Some regular readers of CDRI publications might observe that this working paper is more 'academic' than some of CDRI's earlier working papers. This is by design and for good reasons. CDRI's current 2006-10 Strategic Plan, as part of its emphasis on improving the quality of our policy research and its application to Cambodia, and the capacity of our researchers, also makes a specific commitment to deepening the theoretical basis and analysis utilised in the design of empirical policy studies, and to better utilising current international research literature, methodologies and expertise. This working paper reflects that commitment.

This new approach to understanding accountability combines both technical and socio-political analysis, and reflects the perceived need for a stronger contextualisation of accountability in Cambodia. It explores the feasibility and usefulness of coining new definitions and conceptions of accountability that better reflect the complex Cambodian context, administratively, politically, culturally and historically. This approach has also meant a more effective process of collaborative and two-way learning between researchers and international experts, connecting our researchers to global development paradigms while remaining firmly located in their Cambodian environment. And, finally, this approach reflects CDRI's view that the words commonly used in development practice, particularly in areas such as governance, and the complex concepts they represent, and who uses them, and how and when, all matter in international development policy and practice, especially where words and concepts do not translate naturally or easily between languages and cultures. This is particularly important in cases where international development practitioners may have poor local language skills and limited cross-cultural preparation for their often complex and challenging local tasks.

We hope that *Accountability and Neo-patrimonialism in Cambodia: A Critical Literature Review* will make a useful contribution to the local and international research literature on accountability, to a more meaningful and effective dialogue on governance and accountability in the international development community in Cambodia and elsewhere, and to the conception and design of governance reforms and international development assistance programmes that better serve the needs of Cambodia.

Larry Strange

Executive Director CDRI

Preface

In many developing countries, including Cambodia, it is not unusual to see frustration between state and non-state actors when development outcomes do not meet expectations. Stakeholders in any country's development ask why some development results are so poor when others have fared well. In the past decade, much international development effort, both in policy and practice, has emphasised the strengthening of institutions, through legislative and institutional reform, on the basis that stronger institutions are 'necessary' for long-term sustainability of development outcomes. As development practitioners everywhere have now found, strengthening institutions through legislative and institutional reforms to sustain long-term results is a hard, uncertain business, and even stronger institutions are not 'sufficient' to deliver the greater goals of 'pro-poor accountability' and 'democratic development'. Simply put, pro-poor accountability outcomes could only be sustained when there are strong institutions supported by genuine and committed political leadership, the lack of either of which would jeopardise sustainability.

The paper deliberately uses the adjective 'pro-poor' in its discussion of accountability. It does this to make the point that, while the current Cambodian political and administrative system does have elements of accountability, it is also important to understand the ways in which the current accountability relationships within political and administrative structures could be transformed to be more pro-poor, that is, to be more effective in achieving national sustainable development outcomes that will benefit the poor.

In Cambodia, the term 'accountability' has moved to the forefront of both the Cambodian government's and donor community's reform agendas in recent years, particularly those that focus on good governance, poverty reduction, decentralisation and democratic development. Yet, CDRI's research shows that the concepts of accountability in Cambodia are understood in a wide variety of ways. Because the conceptualisation and operationalisation of accountability is largely driven by western public administration experience and thinking, the application of this concept in Cambodia, with a quite different history and context, creates many difficulties for reform agendas and for development outcomes. Therefore, both the concept and its potential applications, need to be contextualised to reflect the Cambodian situation, and to improve its application in institutional reform efforts and their potential pro-poor impacts.

This working paper sets out to provide such contextualisation. In so doing, the paper analyses both western-introduced, rationally constituted, public administration techniques and how they achieve accountability (normative approach), and the Cambodian historical and contemporary patron-client politics and how these politics are embedded in modern public administration and accountability to produce a kind of governance context, which this paper describes as 'neo-patrimonial'¹ (political economic approach). The combination of these two sets of analyses provide the reader with a contextualised and richer understanding of what accountability means in its western conception, how it is interpreted and applied in Cambodia, and how Cambodia's own history and politics affects efforts to achieve pro-poor accountability. The paper then concludes with the formulation of a locally contextualised definition of pro-poor accountability for Cambodia, which reflects the international rational assumptions and the Cambodian situation.

Identifying and agreeing on the 'necessary' is relatively easy: lists of what ought to be ('normative' approach) are easily drawn up. Then these 'necessary' elements are usually addressed through technical interventions designed to equip the institutions with the needed systems, technical capacity and resources to enable them to perform their functions

¹ Definition and details in Chapter 4 and 5.

accountably. However what in reality constitutes the ‘sufficient’ elements of institutional reform is much less clear-cut, often requiring time, careful situational and institutional analysis, sustained effort and flexibility. In Cambodia, in particular, better understanding of these elements often means broad and deep analysis of historical and contemporary patron-client politics and the power relation that will play out in the course of strengthening institutions.

Formulating interventions to fulfil the ‘necessary’ and ‘sufficient’ requirements becomes very challenging because it involves understanding and addressing the complex stakeholder interests that particular institutions or political parties or groups of individuals bring to institutional reform, and how these impact on and interact in reform processes. In Cambodia, as elsewhere, these interests take many forms: institutional interests, political interests, the interests of individuals, the interests of the poor. It follows that accountability in Cambodia, again not unlike elsewhere, is a matter of ‘who’, as well as a matter of relationships and institutional structures. From all this it follows that institutional strengthening reforms are more likely to avoid the experience of ‘partial reform syndrome’² if the chosen design and implementation approaches are able to balance or resolve the often conflicting interests of the many stakeholders.

This paper is structured into six chapters. Chapter 1 lays out the rationale for having a contextualised understanding of accountability by bringing together international public administration ideas and Cambodia’s neo-patrimonial governance context. It differentiates analytically between (i) structure and agency accountability, and (ii) formal and informal accountability. The foundations of accountability derived from both traditional public administration theories and modern donor-driven conceptions are discussed in Chapter 2 and 3: from Weberian rational bureaucracy to new public management, to new institutional economics, to decentralisation, to World Bank-espoused triangle accountability. Wherever relevant, the chapters try to pinpoint the characteristics or types of accountability each theory promotes or overlooks.

Chapter 4 introduces ‘patrimonialism’ and ‘neo-patrimonialism’ as concepts in international theory and how they shape accountability. Particular attention is paid to understanding the hybrid nature of neo-patrimonial governance, which combines traditional patron-client interests with modern legal-rational bureaucratic systems. Cambodian examples, experiences and practices of patrimonialism and neo-patrimonialism are illustrated in Chapter 5. Combining international public administration theory and its implications for accountability with Cambodia’s experiences of patrimonialism and neo-patrimonialism can be confusing. To minimise this confusion, a set of practical analytical tools and new definitions of accountability that reflect Cambodia’s national and sub-national governance context are provided in Chapter 6. These definitions of accountability not only incorporate features of international concepts, but also take into account neo-patrimonial characteristics of the Cambodian government system. Two levels of definitions are presented, one a broad definition of pro-poor accountability with a strong normative dimension, and the other an operationalised definition of pro-poor accountability applicable to governance at the provincial level.

In Cambodia, as elsewhere, it is a continuing challenge for development actors to carry out and ‘fully’ achieve pro-poor reforms, particularly on governance issues. Technically-oriented interventions by international development agencies are necessary but these alone cannot sustain long-term pro-poor governance and service delivery outcomes. This paper argues that, by trying to better understand the politics and power relations that sit alongside and bear considerable influence over formally constituted institutions of governance, the design and implementation of future reforms may be more locally relevant, effective and sustainable.

² A case where powerful vested political interests prevent the institutions from doing their job, or in worse form, use institutions to serve private interests.

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In particular, we would like to thank several patient peer reviewers who reviewed various drafts of this work along the way, including Mr Daniel Adler, Dr Doug Porter, Dr Brett Ballard, Dr Victoria Beard and Dr Peter Bartu. However, any inevitable shortcomings of this report are ours alone.

List of Acronyms

| | |
|---------|---|
| ADB | Asian Development Bank |
| C/S | Commune/Sangkat |
| CARERE | Cambodia Resettlement and Rehabilitation Project |
| CAS | Country Assistance Strategy |
| CDRI | Cambodia Development Resource Institute |
| CPP | Cambodian People Party |
| CSF | Commune/Sangkat Fund |
| CSOs | Civil Society Organizations |
| D&D | Decentralisation and Deconcentration |
| DFID | Department for International Development, UK |
| DIW | District Integration Workshop |
| DK | Democratic Kampuchea |
| GAP | Governance Action Plan |
| GTZ | (German) Society for Technical Cooperation |
| IFAPER | Integrated Fiduciary Assessment and Public Expenditure Review |
| KR | Khmer Rouge |
| LMAP | Land Management and Administration Project |
| NGOs | Non-Government Organizations |
| NIE | New Institutional Economics |
| NPM | New Public Management |
| NRDP | North-western Rural Development Project |
| NSDP | National Strategic Development Plan |
| PBC | Planning and Budgeting Committee |
| PIF | Provincial Investment Fund |
| PRK/SOC | People's Republic of Kampuchea/State Of Cambodia |
| RGC | Royal Government of Cambodia |
| RPRP | Rural Poverty Reduction Project |
| SWAps | Sector Wide Approaches |
| TPA | Traditional Public Administration |
| UN | United Nations |
| UNCDF | United Nations Capital Development Fund |
| UNDP | United Nations Development Program |
| UNDS | United Nations Development Systems |
| USAID | United State Agency for International Development |
| VDCs | Village Development Committees |
| WB | World Bank |
| WDR | World Development Report |

Khmer Word List

| | |
|-----------------------|--|
| <i>aeng</i> | 'you' which is informally used to address people of lower status |
| <i>bong</i> | older brother/sister |
| <i>chbap</i> | rules |
| <i>ek</i> | first or premier |
| <i>ek oudom</i> | his excellency |
| <i>kanakney</i> | account |
| <i>kanakney-pheap</i> | accountability |
| <i>kaud</i> | admiration |

| | |
|-----------------------------|--|
| <i>ksae</i> | string or rope, literally refers to patron-client relations. |
| <i>klach</i> | fear |
| <i>knorng</i> | back, metaphorically refers to backer and patron in a patronage network. |
| <i>korob</i> | respect |
| <i>krom samaki</i> | Solidarity Group |
| <i>lok</i> | 'you', which is formally used to address people of higher status |
| <i>neak</i> | 'you', which is semi-formally used to address people of the same level |
| <i>neak sré</i> | farmer |
| <i>neak krong</i> | city dweller |
| <i>neak cuo</i> | superior person |
| <i>ngoey skork, aon dak</i> | when referred to rice, literally means if rice grows high up, it has no seeds, but if rice bends down, it has many seeds |
| <i>krop</i> | supreme |
| <i>oudom</i> | status or being |
| <i>pheap</i> | 'you', which is used to address the Buddhist monk |
| <i>preah dech kun</i> | the citizen-supporting regime ruled by King Sihanouk, 1953-1973 |
| <i>Sangkum Reastr Niyum</i> | |

Chapter 1: Conceiving Accountability in the Cambodian Context

1.1. The Accountability Challenge in Cambodia's New Decentralisation and Deconcentration Environment

Accountability has moved to the forefront of both the Cambodian government and donor community's concerns in recent years, appearing with increasing frequency in government reports, public speeches and donor agendas around good governance, poverty reduction and Decentralization. The *National Strategic Development Plan 2006–2010* defines good governance as involving “wide participation, sharing of information, openness and transparency, *accountability*, equality, inclusiveness and strict rule of law.” (NSDP 2006–2010: 34). As well, in its Decentralisation and Deconcentration (D&D) process, the Royal Government of Cambodia (RGC) is embarking on a major restructuring of the government, framing Organic Laws which are to “operate with transparency and *accountability* in order to promote local development and delivery of service” (Decentralisation and Deconcentration Framework 2005:6). In the World Bank's publication *Cambodia at the Crossroads: Strengthening Accountability to Reduce Poverty*, decentralisation is promoted as “shortening the route of accountability [and] bringing government closer to the people” (2004: 17). Thus, within the new D&D context, accountability will be more important than ever. Yet, the term continues to mean different things to different people, so developing a consistent and shared understanding between Cambodians and donors alike remains an important challenge.

Our formative research identifies four critical blockages to establishing accountability in relationships and systems in Cambodia today.

- First and perhaps most importantly, donors introduce Western-oriented public reforms which fail to factor in Cambodia-specific conditions. As a result, such initiatives are poorly understood, much less owned, by Cambodian policymakers. According to a recent study by Kim Sedara (Kim, forthcoming), less than 5% of villagers surveyed had ever heard the term accountability.
- Second, accountability is a recently invented term³ in the Cambodian language, often translated as “*kanakney-pheap*,” which literally translates from the English root words “account” (*kanakey*) and “ability” (*pheap*) to mean “status” or “being.” Put together, the term is understood as “status or being of accounts” and is most often considered by Cambodian civil servants to concern “financial accounting.” Other interpretations are drawn from experiences such as the Seila program, which entails a New Public Management perspective, or within public finance operations, where it is understood as transparency, control and compliance.
- Third, vast informal relational networks underlie the formal governance system. These networks not only have their own accountabilities (to family, party members, and patrons) but also shape formal bureaucratic activities and functions. Often undermining expected outputs from policy implementations, such influence has consequences for service delivery and meeting sustainable development objectives.
- Fourth, higher-level government officials typically have extensive knowledge of the challenges associated with Cambodian public sector management, but lack strong conceptual frameworks to systematically analyse and improve them. Particularly at lower levels of government, many civil servants and politicians lack an adequate understanding of institutional and individual accountability. This deficiency leads to

³ Our research team has also done a check in Archbishop Choun Nat's most referred to Khmer-Khmer Dictionary, and found that the term did not even exist. (Archbishop Choun Nath, 1967)

inappropriate actions, an inability to engage with and transmit the essence of good governance principles to citizens and, as already mentioned, poor implementation outcomes.

1.2. Accountability Study Focus

CDRI's Democratic Governance and Public Sector Reform Unit's 2006 accountability study, *Strengthening Provincial Governance in Cambodian Decentralisation and Deconcentration Reforms: Accountability in the New Management System* sets out to identify policy priorities for the D&D process, with the goal of increasing accountability in the new arrangements. The study focuses on accountability issues related to existing sub-national arrangements, especially at the province level, paying particular attention to public finance, human resource management, and planning processes. The study also considers accountability in relation to both formal and informal activities and networks, political and administrative systems of governance, and the resulting hybrid neo-patrimonial form (see further below), which has emerged from the interaction between these dimensions. In sum, the research investigates the following research questions:

- 1) What important accountability issues and processes can be identified in the existing administrative and political structures and relations at the provincial level?
 - a) What are the formal and informal bureaucratic and political structures and processes which influence accountability at the province level?
 - b) How does the interaction between formal structures and informal processes result in neo-patrimonial governance outcomes?
- 2) How can the design of the D&D reform be strengthened to promote better accountability at the provincial level in the future?

In our literature review, then, we set out to explore the meaning of accountability from two perspectives. First, we focus on how accountability has historically evolved within traditional fields of Public Administration and international donor policy environments. Second, we explore how Cambodians understand accountability culturally, historically, administratively, and politically. Accommodating these various points of view allows a shared dialogue and analysis process to emerge between both international and Cambodian audiences. The goal being to help Cambodian policymakers and reformers build accountability into the new D&D arrangements, particularly at the sub-national level, ensuring good outcomes for all Cambodians, especially the poor.

1.3. Rationale and Structure for Literature Review: Bringing Together International Public Administration and Cambodian Neo-Patrimonial Contexts

Like Mulgan (2000: 555), who describes accountability as an ever-expanding, complex and chameleon-like term, we find that defining accountability is not a simple process. Keohane (2002:2) compares the study of accountability to four blind men trying to guess what an elephant looks like by each of them touching different parts of the animal. Defining accountability through too narrow a conceptual lens, or without adequate contextualization, risks missing a number of important dimensions. Thus, our review is driven by a need for such clarification, both in terms of analysis and implications for D&D policy design. Our approach has therefore been to firstly adopt the most useful analytic strengths of each approach, while also recognizing analytic and practical limitations. This has enabled us to approach accountability not just *normatively* but also *critically*, allowing us and our readers to be well aware of where each approach is coming from, and where it can and can not shed helpful light in the Cambodian case.

To build a composite understanding of accountability, we draw on a number of key analytic concepts to construct our own composite definition of accountability, which we

present in chapter 6. In Chapters 2 and 3 we explore the different meanings of accountability as defined across different schools of Public Administration. These approaches stretch from early-mid twentieth century Traditional Public Administration perspectives, to the more recent, development-focused approaches advocated by such multi-lateral donors as the World Bank and the UNDP. For example, from our reading of the Traditional Public Administration approach, we have borrowed aspects of enforceability and answerability. From New Public Management, we draw on notions of performance. From New Institutional Economics, we have pulled from the concept of incentives. From the 2004 World Development Report, *Making Services Work for Poor People* (World Bank 2004), we have expanded our conception of accountability to also encompass horizontal, inter-governmental and shared linkages, both within and external to government (such as demand-driven accountability spurred by citizen and civil society organizations).

But even this two-sided approach is not sufficient to enable an understanding of accountability in the Cambodian context. Cambodia has a long and unique history of governance, going back thousands of years. Aspects of Cambodian tradition and culture are still central to current understandings of accountability. Of particular importance is the way traditional power, especially the power of patrons and their networks of clients, has merged in recent years with the formal structure of government to form what is defined here as a *neo-patrimonial* form of government. Thus, understanding how neo-patrimonial governance works is central to understanding accountability in Cambodia today. We have therefore devoted two chapters to understanding the international theory and experience of neo-patrimonial governance (chapter 4) and describing the Cambodian experience of both traditional patron-client social networks and current neo-patrimonial arrangements (chapter 5). This approach allows a definition of accountability beyond narrow normative terms (where accountability mechanisms are defined and deployed to reduce corruption), but also in broader critical, placed and historical terms, which enable us to consider power relations and politics over time. In chapter 6 we conclude with a presentation of our composite definition of accountability, which draws from both international and Cambodian viewpoints, and is contextualised around the D&D process and the chosen areas of focus: public finance management, human resource management, and planning.

1.4. A Note on Methods and Perspectives: Structure and Agency, Formal and Informal Accountability

We conclude this introduction with a note on how we have approached accountability in relation to individuals, relationships, and systems, and to formality and informality in accountability. In considering all of the above aspects of accountability, and especially in choosing which aspects of accountability to emphasise in this study, we have balanced our analysis with approaches which emphasise accountability as based on a relationship between individual actors (e.g. accounts which emphasise *agency*), and accounts emphasising the importance of structures and systems in enabling and constraining actors and their accountabilities (e.g. accounts which recognise the importance of *structure*).

Both international literatures and Cambodians familiar with the term recognise the useful distinction between these two dimensions of accountability. In much of the literature that we have encountered, accountability is viewed as ‘*of whom, to whom*’ with specific accountability ‘*for what*.’ For many Cambodians, accountability is conceptualized as what we term ‘one-to-one’ accountability of an individual of lower rank to an individual with higher rank. Yet, we would argue that accountability is more complicated than just two individual actors holding each other responsible for each others’ actions. Accountability is also determined by the ways in which the wider governance system affects the behaviours and beliefs of the actors. For example, what an individual local official is able to do, and the extent to which she is able to be held accountable for this action, depends on whether the wider system (such as public finance) has given her the basic resources and training to get the

job done in the first place, as well as on other structural factors, like the way she was recruited, how much she needs to act to favour the needs of a patron, and so on.

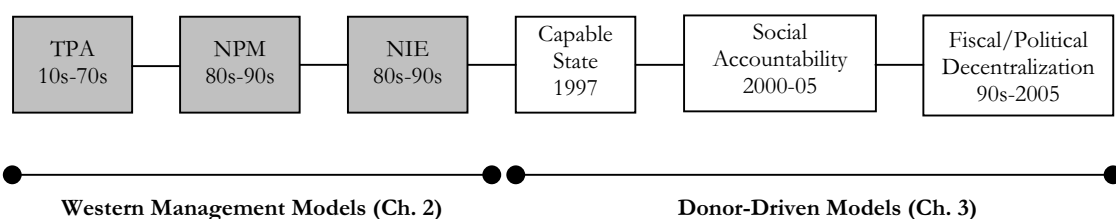
Finally, we have also recognised that both formal and informal structures and networks of accountability entail both individual accountabilities between actors, as well as systemic and structural accountability. Often, the ‘informal’ accountability between a powerful patron (*Knorng*) and his kin, friendship or political network is more powerful than, and thus just as structurally important as, the formal system of bureaucratic rules and hierarchies. In sum, formal and informal, as well as one-to-one individual and structural or systemic accountabilities, are all important dimensions of everyday accountability in today’s Cambodia and thus form important analytic cornerstones for this study.

Chapter 2: Foundations of Accountability in Traditional Public Administration

The study of accountability has a long history both within Western private management contexts and public sector development projects. Within Western countries, the notion of accountability has been one element of a broader strand of development of public administration models that have taken many forms in the past century. These models have been influenced by a number of fields, particularly Traditional Public Administration (TPA), New Public Management (NPM), and New Institutional Economics (NIE). In developing countries, these models have had a significant impact on the evolution of public administration reforms, as well as understandings of accountability. In addition to leading first-generation reforms in their own right, such models have contributed to the development of second-generation reform frameworks promoted by donors, including the ‘Capable State’ model, decentralization, the World Bank’s triangle model, and notions of social and political accountability. In this chapter we provide an overview of TPA, NPM, and NIE (see first 3 boxes of figure 1 below) to document key assumptions driving public management models in developing countries. We then turn to Chapter 3 to document the second-generation reform models to highlight their contribution to the evolution of good governance and accountability conceptualizations in the international development environment.

Because each of these theories are entire fields of study in and of themselves, this review is not in-depth, but is constructed to provide an overview of the evolution of the notion of accountability over time as the result of changes and adjustments in wider international public administration and development theories. Thus, for both chapters, we review each theory’s history, rationale, and defining characteristics before turning to consideration of each theory’s definition of accountability, driving assumptions, and limitations in practice. We provide Cambodian examples wherever possible. From this foundation, we are able to draw on the analytic strengths of each framework to theoretically explore the Cambodian case, as well as identify key differences in understandings between Western and Cambodian actors.

Figure 1: Evolution of Public Administration and Development Theories



2.1. Western Traditional Public Administration Perspectives: Rational Bureaucracy

2.1.1. Definition, background, rationale, and features

Focus on government activity has been a field of study since the emergence of formal political systems. Concerns over decision-making, use and abuse of power, and the structures and delegation of positions which form these systems, have been age-old concerns. Evidence exists from as early as the 16th and 17th centuries that constituents of traditional patrimonial governance systems in Europe grappled with the challenges of personalised rule of power, people, and families. However, the notion of creating more efficient management systems that exhibit greater neutrality emerged from the work of the early 20th century German sociologist

Max Weber. He identified *rational bureaucracy* as a management form which better protected individuals (be it employees or citizens) from leaders' abuse of power. From this foundation, the shape of the modern activist, interventionist, and bureaucratic state, with its largely independent, politically neutral public service emerged (Minogue, 2001). As state administrative systems have grown, rational bureaucratic forms have in fact come to dominate much of the public sector in many richer countries. In the past century, the field of Public Administration has emerged as a distinctive discipline focused specifically on the *administration* of the public sector, with particular foci on: a) the study of the *carrying out* of public policy decisions by decision makers in a political system and b) examination of how such policy actors *serve the interests of the public* (Heady, 2001).

Weber described the emergence and characteristics of the legal-rational system of bureaucracy, which he saw as an increasingly important mode of political and administrative power. In such a system, there is a strong separation between political and administrative aspects of governance, with politically neutral officials enacting policy "without fear or favour." In this sense, he proposed that administration should be governed by universal laws and procedures which treat everybody alike, free from political pressure (e.g. allegiance or bias) and individual financial reward. Thus, such a system entails a set of expected behaviours and roles. To achieve this, the legislative and administrative system, not particular patrons, were to: a) set the rules for administrators to follow, b) provide directives for recruitment based on objective criteria, c) define duties to be performed, and d) establish who should be made accountable for performing such duties. Financial and other resources would belong to the system as a whole, not to individuals, and be distributed according to enacted rules and laws. Administrators are expected to be trained professionals, paid a regular salary, and driven by a sense of public duty. They are able to ascend a career path by completing their designated roles and duties. Recognised qualifications and defined service expectations allow such ascendance. Authority (and accountability) in the system is exercised through a hierarchy of command, control and enforcement according to the set rules of the system as a whole (Minogue, 2001). Good governance in such systems depends very much on careful supervision and the rational organization of the task of government (Ackerman, 2005).

Table 1: Traditional Public Administration (Rational-Bureaucratic Form) Summary

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|--|---|
| Definition | <ul style="list-style-type: none"> • Rational system, governed by the rule of law, with strong separation between political and administrative aspects of governance • The legislative and administrative system, not particular patrons, are to set the rules for administrators to follow, provide directives for recruitment based on objective criteria, define duties to be performed, and establish who shall be made accountable for performing those duties • Individuals delegated a clearly defined task within a system based on a division of labour, with appropriate levels of associated human, financial and other resources |
| Influence on Cambodia | <ul style="list-style-type: none"> • RGC ministries structured to hold authority over certain defined areas and delegate operational responsibility down to lower levels of actors through 'lines' of command • <i>Civil Service Statute</i> developed to meet requirements of rational-bureaucratic model |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> • Answerability and enforcement must exist within the system to create accountable administrative outcomes |
| Analytic Tool | <ul style="list-style-type: none"> • Clear hierarchical structures and rule-based authority • Obligatory 'account giving' and submission to scrutiny • Application of incentives or sanctions |
| Future Applicability | <ul style="list-style-type: none"> • Improved structures, role definition and delegation to improve accountability |

2.1.2. Applications to the Cambodian case

In Cambodia, like in many other developing countries, a version of this legal-rational system has been applied since the colonial period, serving as a foundation for the political and administrative regime set up by the French colonial power. Both the French and post-colonial leaders depended on classic French administration models to modernise poor countries, by transforming their state institutions along rational lines (Heady 2001). In practice, this system was dominated from the centre by highly paid ex-patriot French bureaucrats and their Khmer staff. Few services were extended to provinces, and the dominant flow of resources was from the provinces to the centre.

This system thus still provides the basic forms and structures, though not always the practices, of much of Cambodian government. The legacy of the French system is still apparent in the structure of the RGC ministries, where each ministry has authority over certain defined areas, which is delegated down to lower levels through lines of command and operations (hence “line ministries”). Positions for officials are structured to follow these same lines of hierarchy. The *Civil Servant Statute* is another application of TPA in Cambodia. It elaborates the roles and responsibilities for each position in the RGC along rational-bureaucratic hierarchical principles. Because of the discrepancy between form and practice, accountability is a highly relevant issue in the current system. It is to these accountabilities, and the challenges to their implementation in the Cambodian case, that we now turn.

2.1.3. Accountability according to Traditional Public Administration models: Answerability and Enforcement

Answerability and *enforcement* (Schedler, 1999) are two defining aspects of accountability derived from the Traditional Public Administration framework. For TPA, accountability depends on whether a particular employee, when questioned by a superior or other interested party, is able to ‘give an answer’ or ‘give an account’ of their actions, according to the rules and delegated responsibilities they have been given. If they are able to answer, they are ‘answer-able.’ He or she is obliged to be answerable to both the institutional hierarchy and rules, as well as to a supervisor, though in the latter case, only in terms of clearly defined duties. Thus such actors are obliged to be ‘called to account’ for their actions, making them ‘account-able.’ Schedler (ibid) proposes that the production of ‘reliable facts’ (i.e. *information*) and provision of an explanation of why things have happened the way they have (i.e. *justification*) are key characteristics of an accountable system (ibid). Thus, a department is expected to offer information about its budget and how and where it is spent. Individual public servants are expected to account for why certain results are or are not achieved.

Yet, those to whom the account is given must also have the ability to make a judgement of the account, approve or sanction it, accept or reject it, and then enforce compliance with the desired course of action through punishment or reward. Here, it is the combination of answerability and enforcement that produces accountability. Answerability without sanctions is generally considered to be weak or inconsequential accountability (Schedler, 1999). Thus, enforcement, which is defined as ‘rewarding good, and punishing bad behaviour’ (ibid), gives ‘teeth’ to accountability and ‘gets the incentives right’ (Brinkerhoff, 2001 and Keohane, 2002). In sum, the answerability and enforcement perspective requires obligatory ‘account giving’ and submission to scrutiny, as well as the application of incentives or sanctions applied when the account is or is not accepted.

2.1.4. Challenges of the application of TPA to the Cambodian case

Traditional bureaucratic models work well if key assumptions are met, such as respect for authority and organizational structure. Unfortunately, developing countries do not always match such assumptions, as political and administrative realities can be quite different for a number of reasons. Although politics and patronage are involved to some degree in all bureaucracies, even the most stable democracies like the United States, developing countries

often exhibit traditional value orientations toward patron-client social structures which make the application of TPA models difficult. For example, in the Cambodian experience, like in many other colonies, the French deliberately fed off of traditional patron-client relationships, promoting powerful Cambodian patrons, especially those linked to the throne, to positions of tax collection and security provision in order to maintain political, military and fiscal control. At the same time, it kept Cambodian administrators weak by heavily underpaying them in comparison to their French superiors and restricting them to subordinate roles.

As Minogue (2001) points out, decision-making in the public sector does not always conform to existing rules or economic rationality, but is influenced by conflicts, negotiations and exchanges of interests. This is particularly the case in Cambodia, where the clear separation between policy and administration envisaged in the theory rarely exists (Minogue, 2001). In the post-colonial period, the formal bureaucracy has rarely been powerful in relation to patrimonial and security interests, as a legal-rational system requires a functioning legal system grounded in principles of rule of law to create real answerability and enforceability. Regulatory frameworks remain weak, impotent to ensure implementation or enforcement.

Interestingly, at the same time, a perverse effect of rational-bureaucratic bureaucracies is their potential for rigidity, inflexibility, and unresponsiveness, which can result in indifference to the interests and concerns of the citizens (Minogue, 2001). Rules and regulations become an end in themselves and not a means to achieve overall welfare for society. Systems become highly centralised and rigid in their vertical control, unable to respond to different local situations and population needs.

Most damagingly, though, is that despite their apparently rational form, which should guarantee a promise of service ‘without fear or favour,’ post-colonial bureaucracies are highly susceptible to patronage. Traditional public administration also assumes that there are enough resources flowing in the system for effective functioning. In Cambodia, this is not the case. Adequate and predictable fiscal resources are not available and intergovernmental transfer integrity does not exist among different levels of government. The result is a corrupted system with an inflated and inefficient civil service, exhibiting high levels of clientelism as jobs are sold for rent-seeking possibilities, creating what is also known as a ‘predatory state’ (Tilly, 1985, Fatton, 1992, Moselle & Polak, 1997).

2.2. New Public Management (NPM) Approaches

2.2.1. Definition, background, rationale, and features

NPM evolved from earlier experiments in the 1950s and 60s with decentralizing management in the private sector. This movement, influenced by ‘management guru’ Peter Drucker, focused on ‘letting managers manage’ (Drucker, 1954, 1964) by decentralizing decision making, letting managers choose inputs (albeit within a budget constraint), and proceeding by whichever means were necessary to achieve their objectives (Clark and Newman, 1993). NPM was also heavily influenced by the ‘*Managing for Results*’ (Drucker, 1964) movement in the early 1980s, which assumed that managerial decentralisation could actually improve central control over outcomes and quality. This approach, which advocated that managers should be free to use whatever mechanisms necessary to achieve results (subject to close performance review), came to be more generally termed ‘*Managerialism*.’ It was framed and championed by Peters and Waterman (1982) in their highly influential books on ‘*Managing for Excellence*.’ In particular, following a paradigmatic shift towards emerging neo-liberal philosophies of governance, *Managerialism* also urged ‘setting managers free’ to use market tools, such as private sector contractors and competition for contracts, to achieve outcomes more efficiently (Walsh, 1995).

By the 1980s, NPM gained prominence as an alternative to traditionally-styled public bureaucracies, which critics argued were sluggish and no longer keeping pace with service delivery demands in a rapidly changing world. NPM especially promoted the use of private

sector practices by the public sector in order to enhance efficiency and cut ‘government fat.’ Such tools included privatization of service delivery, efficiency reforms, contracting out, restructuring of the civil service, performance-based management and partnership formation with external actors (Minogue, 2001). Development of new performance incentives for managers, reorienting thinking around ‘citizens’ to ‘customers,’ and creating discretion for creative thinking and entrepreneurship in problem solving (Minogue, 2001, Ackerman, 2005) were considered the magic bullet that would revitalize public service. In short, government was expected to ‘steer (and fund), not row’ (Osborne and Gaebler, 1992), by setting clear objectives and then letting local managers be entrepreneurial about finding conduits (like NGOs or private contractors) to reach them.

Here, its intention and effects were in line with neo-liberal models of bringing the private sector into areas occupied by governments. Here, it was imagined, the state could be downsized, made more efficient, and private sector involvement in the economy could be expanded.

Table 2: New Public Management Summary

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|--|---|
| Definition | <ul style="list-style-type: none"> Transform management accountability and behaviours in state bureaucracies by shifting from management by centralised ‘command and control’ to management by clearer objectives, which gives local managers more power (and more accountability) for producing results |
| Influence on Cambodia | <ul style="list-style-type: none"> Contracting out/Privatization of services Programme-based budgeting and management Deconcentration and devolution Seila programme |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> Empower local managers to be more accountable for producing results Bringing the private sector into areas traditionally occupied by governments can result in more efficient and streamlined governance |
| Analytic Tool | <ul style="list-style-type: none"> Incentives and sanctions Competition creates accountability Notion of principal-agent relationships |
| Future Applicability | <ul style="list-style-type: none"> Downsizing, managerial entrepreneurship |

2.2.2. Applications to the Cambodian case

Applications of NPM in Cambodia have been primarily around contracting out, which has entailed both international donors contracting to NGOs to work in Cambodia, as well as RGC ministries increasing use of private firms or NGOs to provide certain public services, such as local health care and agricultural extension activities. Donors have also tended to use NPM-style accountability and reporting mechanisms, such as contracts to measure performance against key indicators and outputs, especially in dealing with government agencies. For example, the Carere programme, which provided a basis for Seila, had decentralised, province-based project management units which developed extensive contractual arrangements with central, provincial and local governments. The attempts by the Government, with support from the donor community, to move to programme-based budgeting and management is another example of NPM’s influence. Although such arrangements oftentimes provide higher quality and more efficient services, as elsewhere (Bennett and Mills, 1998), this contracting system has not been without problems, some of which are discussed below.

2.2.3. Accountability according to NPM

NPM offers a different set of approaches to promoting accountability in the public sector by applying more private-sector oriented notions of *incentives* and *sanctions* (Hood 1991), such as clearly defined performance requirements and proper incentives to perform, as well as preventive steps to keep public servants from using their positions for personal interests. Here, according to Drucker (1964), the objectives of performance need to be defined in quantifiable and measurable ways and the quality of the work needs to be controlled. At the same time, managers should be free to choose, though in practice this is often within very closely defined and monitored parameters. In short, manager accountability is based on various measurements related to the meeting of centrally defined objectives.

An important NPM approach to looking at accountability in the public sector is to consider the state, public managers, and other actors delivering services, as embedded within a *principal-agent relationship* (Jensen and Meckling, 1976, Moe, 1991). As the *principal*, the state has a need to have services delivered. As representatives of this principal, public sector managers can choose a variety of *agents* to do the work. The agent might be a public service manager or an NGO who manages the service to be delivered in such a way as to achieve the contracted outputs. The result, in theory, is an objective control over outputs and fiscal resources. The principal delegates authority to agents along with resources, while at the same time creating incentives for the agent to provide value-for-money in the use of such powers and resources. In all cases, the principal-agent relationship responds to various incentives and is subject to potentials for abuse. However, once each is known, it can be managed through inclusion in the contract and appropriate monitoring, especially by providing clear information about what has and hasn't happened. Thus, the potential for agents to deviate can be reduced systematically (Ross, 1973).

Examples of accountability implications for NPM abound, particularly within *contracting out* arrangements. Managers in public sectors are given the right to contract with the private sector or other levels of government to deliver functions or services. Contractors compete for the rights to provide services, but are answerable to the principal through clearly defined output expectations, tight monitoring and evaluation against key performance indicators, and meeting the terms of the contract.

2.2.4. Challenges of the application of NPM to the Cambodian case

Although NPM was the pre-eminent model for downsizing the Western state in the late 20th century, it is unclear whether such a system can be applied in developing countries (Schick, 1998, Minogue, 2001). Schick argues, for example, that developing countries, which are dominated by informal markets, are risky candidates for applying NPM since they often lack rule-based governments and robust markets.

NPM approaches can also lead to fragmentation of accountability, as various players (government, NGOs, private firms) deliver services, all within narrow vertical accountability relations, but with greatly reduced shared accountability or horizontal coordination ability. Such has been the common experience in New Zealand, where agency theory-based NPM reforms have been widely implemented (Craig and Porters, 2006, Schick, 2001). One result has been managers' accountability focus placed on delivering outputs, but not outcomes. Consequently, in such narrowly defined lines of accountability, wider social issues like reducing poverty, which require shared accountabilities (e.g. multiple agencies working on the same issues) and horizontal coordination (e.g. the ability to work together across line departments at local level effectively) are made much more difficult.

Another shortcoming of the NPM approach to accountability is the fact that it sees *accountability* only as a principal-agent relationship. As indicated by Moe (1991) and Keohane (2002), it would be misleading to study accountability with respect only to specific principal-agent relationships, since all accountability relationships are embedded in broader institutional and political arrangements and contexts, all of which constitute *accountability*.

systems. Such institutional arrangements include both those of formal (e.g. the structure of government and its finances) and informal/background settings (such as the persistence of patrimonial power, as discussed below). The formal institutional setting might also embrace the regulatory and organizational frameworks, whereas the informal ones might include a wide variety of factors. These include political culture, the personal commitment of powerful leaders, wider cultures of political participation, and the role of civil society to hold others accountable (Jutting, 2003). This issue is of great significance in developing countries like Cambodia, where informal relations play a significant role in establishing such accountabilities. In short, NPM and agency theory-based approaches are too narrowly focussed on individual relationships, when in many cases, including Cambodia's, the problems are of a much more systemic nature.

The limitations of NPM have been indicated to be more severe in developing countries. Its applicability has not been well contextualized and has been criticized for being 'long on rhetoric and short on results' (Polidano, 2001 and McCourt and Minogue, 2001). The main causes for these limitations include: political will to reform existing patronage systems, institutional weaknesses, and systemic failings in public finance and basic public administration functions (ibid). Among other things, civil servants in these countries receive low pay and lack capacity, resulting in poor understandings and motivations to act accountably. Poor sharing of information is also a critical factor in large public sector organizations, while thick patronage networks, centralisation, and nepotistic tendencies do not create an enabling environment for managerial discretion or NPM reforms (Batley, 1999, McCourt, 2002). This problem is compounded where, because of underlying problems, extra compliance surveillance is needed. Thus, in some cases NPM might actually result in more layers in the bureaucratic system (ibid), or in such problems as compliance systems (such as audits) actually offering more opportunities for rent seeking.

Deconcentration and devolution to local government authorities have been important aspects of the application of NPM in developing countries (McCourt and Minogue, 2001, McCourt, 2002), but have been limited in their use of human resource measures promoting performance accountability (Taylor, 2001). Major procurement efforts are handled by ministries of economy and finance, leaving only minor procurements to be managed within line ministries. Furthermore, local managers have not been held accountable for failing transfer systems, job selling, and other practices which have undermined capacity to deliver against hard output targets.

2.3. New Institutional Economics (NIE)

2.3.1. Definition, background, rationale, and features

The discipline of NIE (North 1981, 1990, Williamson, 1985) emerged in the early 1980s as a hybrid theory which incorporated Institutional Theory and Neo-Classical Economics. NIE proposes that economic development cannot be viewed and comprehended using only Neo-Classical Economic assumptions, which assume that free or unregulated markets are the basis for successful economic functioning. Rather, NIE starts with the assumption that perfect markets do not exist outside of theoretical economic models. Rather than attempting to replace Neo-Classical Economics, NIE builds on the fundamental neo-classical assumptions of scarcity of resources and the need for competition, but incorporates the importance of information, ideas and relevance of 'transaction costs' (see below) and connects them to production costs and the wider efficiency of markets which promote growth (North, 1990).

Central to NIE is its special definition of *institutions*, which has become highly influential in development circles (World Bank 1997, 2002). NIE proponents propose that 'getting the institutions right' should result in economic growth and poverty reduction, at least over the long term. Defined from an NIE perspective, *institutions* refer not primarily to big government agencies and departments, but to the everyday *rules and resources* (especially information) actors bring to economic or market exchanges or transactions (North 1990,

World Bank, 2002). New Institutional Economists like Douglass North propose that good institutions are necessary to reduce the costs in human exchange - what he terms “transaction costs” (North, 1990). Efficient markets (e.g. markets which work well and with low transaction costs) emerge because institutions have been established which ensure clear rules and expectations, as well as adequate information. However, everyday realities result in incomplete information and limited capacity to process such information, both of which create transaction costs.

NIE exponents like North, Williamson, Ostrom (1990) and Coase (1988) hold that societies which have succeeded economically are societies where efficient market exchange mechanisms (i.e. institutions) have developed strongly over time. They are also societies where centralised control of economies has been weakened, and where many competing actors engage in repeated transactions, enhancing efficiency and generating market-led growth over time. Here, heavy handed regulatory institutions are not needed because consumers can demand accountability (and create efficiency) themselves by using their capacity for ‘choice, voice, and exit’ (e.g. their ability to choose, go to another supplier, or spread negative information about a poor supplier). What matters then for economic development is the manner in which market institutions function, which theorists propose include three factors: 1) multiple actors for clients to choose between exist (competition), 2) good markets and local information are available, and 3) agreed frameworks of exchange (formal and informal contractual arrangements) can be made. By the 2002 World Development Report, *Strengthening Institutions for Markets* (World Bank, 2002:11), this three part recipe would be formulised into ‘inform, enforce, compete.’

Within this formula, New Institutional Economics approaches provide important assumptions and rationales for the marketising of government arrangements. Like other neo-liberal approaches such as closely related Public Choice theories, NIE approaches take a fully functioning market as the model for what an ideal institutional environment (and accountable system of government) should look like. Within this model, everyone is considered as an actor, within a set of relationships and market-like transactions, informed by locally gained market knowledge, and governed by enforceable rules. Properly functioning institutions and the existence of consumer choice between multiple providers are expected to create great efficiencies, especially around the costs of individual transactions (North, 1990). Based on these assumptions, NIE and other ‘public choice’ advocates hold that such marketised institutional and accountability arrangements set governments free from the dead hand of state control. They propose that this in turn produces efficient, cost effective, and decentralised services in any sector (Dunleavy, 1991, Self, 1993, Kitchen, 2005) that might also produce greater accountability.

NIE fits closely with NPM, Public Choice and Structural Adjustment agendas concerned with privatising and downsizing the state (Craig and Porter, 2006), but has retained considerable influence in more recent models seeking to build a ‘capable state’, discussed in the next chapter. NIE’s influence within Development circles expanded in the late 1990s as wider institutional approaches honed in on ‘institutional capabilities,’ especially in the aftermath of the late 1990s Asian currency crisis. Strengthening institutions became a major focus for the World Bank, as it sought to move away from structural adjustment efforts and towards comprehensive development frameworks rooted in broader poverty reduction strategies, good governance, and ways to make markets work (Cammack, 2004, Craig and Porter, 2006). Interestingly, in this new phase, as evidenced by the World Development Report 2004 (World Bank, 2004), the ‘inform, enforce, compete’ aspects of NIE sit right alongside wider concerns to create strong core state institutions, as well as efficient participation and partnerships with civil society (see Chapter 4 for further discussion). In addition, emerging models of accountability rooted in these frameworks depart from NIE’s primarily institutional focus to include other, state-related kinds of accountability.

Table 3: New Institutional Economics Summary

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|--|--|
| Definition | <ul style="list-style-type: none"> • Institutions refer not primarily to big government agencies and departments, but to the everyday rules and resources (especially information) actors bring to economic or market exchanges or transactions • Market institutions function best when there are: 1) multiple actors for clients to choose between, 2) good market and local information, 3) agreed frameworks for exchange (formal and informal contractual arrangements) |
| Influence on Cambodia | <ul style="list-style-type: none"> • Marketisation of state services by opening up to contractors and NGOs • RGC began to put fragmented services back together again through partnerships and harmonisation • De-regulation of Education and Health sectors • NIE continues to influence notions of competition, privatisation, and decentralisation of services |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> • Strong markets with many competing actors delivering public services to client customers ensure accountability, as clients are presented with more choices and are therefore enabled to express voice and exit. This creates strong incentives for competing suppliers to perform |
| Analytic Tool | <ul style="list-style-type: none"> • Incentives |
| Future Applicability | <ul style="list-style-type: none"> • Improve incentive structures to produce rewards and sanctions that create answerability and enforcement in the current system. (Consider different levels, actors, and methods) |

2.3.2. Applications to the Cambodian case

What is important for our study of accountability in Cambodian governance is the way NIE principles have spilt over into delivery of services and the proliferation of private and non-government organizations on the ground in Cambodia. The effects of NIE-related reforms have been felt by developing countries like Cambodia in two phases. The first phase, ‘marketisation of services,’ is discussed here alongside NPM, as part of a wider neo-liberalisation/state-minimalising phase, where state services were opened up to contractors, or NGOs. The second phase, ‘putting fragmented services back together again through partnerships and harmonisation,’ was made especially necessary by NPM and NIE fragmentation. It is discussed in the following chapter, alongside growing emphases on the ‘capable state’ and the role of civil society and social capital in changing accountability definitions.

In the first phase, NPM, NIE and public choice-related reforms happened first in donor countries, and affected Cambodia indirectly (Craig and Porter, 2006). Donor countries opened up their aid and development programmes to literally thousands of competing private contractors and NGOs. These NGOs would, under NPM output-oriented accountabilities, be accountable primarily to their own governments. They would have little hard accountability to either local governments, clients or other NGOs and programmes working in the same province, or even commune. Inside Cambodia, public choice models also encouraged the de-regulation of education and health sectors, which, because of state weakness, already had many private schools and clinics. This model continues to be relevant to Cambodia in that it still informs many influential perspectives, including those on the need for competition in services, multiple actors in various activities, and the wider need for privatisation and decentralisation. To some extent, all parts of the Cambodian government have been opened up to this kind of competition, though in the main, this was restricted to low-end procurement.

In decentralisation circles, the Seila programme has been especially active in promoting competitive contracting, albeit within a framework which does create some stronger local accountability.

2.3.3. Accountability according to NIE

NIE theorists promote the notion that many points of small accountability generate much greater overall accountability. NIE theorists predict that the establishment of a strong market, consisting of many competing actors who are delivering public services to client-customers, will ensure accountability as clients are presented with more choices. With this expanded choice, clients themselves can exercise their enforceability by choosing the most preferable suppliers, which creates strong incentives for competing suppliers to perform. Where providers fail to deliver, consumers with a choice of different provider opportunities can exercise the power of exit (threatening to go elsewhere), or voice (warning others about the poor service, or complaining to a watchdog group or the media) (World Bank, 2002). Larger social outcomes, it is argued, would ultimately be shaped 'bottom up' through all of these many individual market choices. Better health and education would come through people choosing better service providers from a range of public and private options. Competing actors would improve their services. Competition would force prices down, generating still greater efficiency. Here, markets would create incentives for building local knowledge, which could be used to hold suppliers accountable. Marketising and decentralising governance transactions would do away with the need for ponderous mechanisms for centralised surveillance and accountability (Mullins, 2004). Marketising could even do away with the need for donors to plan to harmonise their programmes since the 'invisible hand' of the market would allocate resources to services.

2.3.4. Challenges of the application of NIE to the Cambodian case

NIE provides a framework that positively (as described above) and negatively (discussed below) affects both accountability and decentralisation of service delivery. In many situations it is clear that consumer voice and choice do not prove to be as powerful a means to hold providers accountable as predicted. For instance, watchdog organizations often prove to have few teeth, especially where powerful actors threaten social regulation and security⁴. For many public services, like education and health in Cambodia, the client/citizens do not have enough information about the performance of the providers, be it state or non-state. In addition, even in cases where awareness of poor performance exists, citizens are faced with very limited choices and therefore can not impose strong demands for change.

In Cambodia, as elsewhere, this model has impacted *horizontal accountability*, which is defined as the ability of governments at all levels to effectively coordinate actors in their territories to mutually achieve outcomes like poverty reduction (e.g. province level planning) (Mullins, 2004). It partly explains the fragmentation of NGO and donor activities, as donor country governments have used aspects of this theory to provide fragmented funding to many NGOs, each of which is only accountable directly back to the contracting agency in their own country. Service delivery in Cambodia is thus fragmented, in part because it has received its share of these NGOs, creating a very complex aid environment which Cambodian officials have not been able to effectively coordinate or control (Craig and Porter, 2006). Consequently, such systems create multiple agencies, accountable not to the Cambodian state or people, but to meeting their own contracted outputs. Now in Cambodia, as elsewhere in the world, issues of horizontal accountability and coordination between NGOs, local governments, and line ministries have become terribly complex and difficult (Mullins, 2004).

Indeed, in the places where NIE was fully implemented, such as New Zealand, the flaws in its almost complete faith in market models quickly became obvious. As critics like Bevir, Stoker and Rhodes argue, neo-liberal institutional reforms fragmented service delivery

⁴ From CDRI's unpublished study on Devolved Service Delivery (2004)

and weakened central control without creating markets (Bevir, 2005, Rhodes, 1997, Stoker, 1999). Accountabilities were narrow and fragmented, focused on the micro-details of individual services, rather than on wider social outcomes like poverty reduction in a particular poor region. This narrow accountability mode made it harder to get agencies to work together on shared outcomes. Certainly there was no shared accountability for results on the ground (see Craig, 2004, Craig and Porter, 2006). Based on this experience, Schick wrote a paper called "Why most developing countries should NOT follow New Zealand's reforms" (Schick 1998, 2001). In poor countries themselves, the assumptions underpinning NIE approaches look even more doubtful. Patronage and a range of other weaknesses mean that efficient markets for the delivery of effective services are not likely any time soon. Neither is the poor's voice easily heard, nor their interests protected, either through direct or participatory democracy, or civil society outlets. In short, 'inform, enforce, compete' may not be the best option to build accountability around good services and other outcomes for the poor in Cambodia. Yet, despite these problems and their long-term consequences, this mode of service delivery and accountability is difficult to displace. NGOs consider themselves as 'civil society' and are a powerful lobby group in donor countries. Competitive contracting for services is popular with donor managers, as it makes clear who is responsible for delivery, if not for wider social outcomes.

Chapter 3: Accountability's Evolution: Donor Conceptions

The three models discussed in the previous chapter, i.e. Traditional Public Administration, New Public Management and New Institutional Economics, despite their respective shortcomings, represent some of the most influential thinking around the areas of public administration and development in both developed and developing worlds. As of mid-2006, NIE and NPM remain highly influential approaches to governance and accountability relationships. However, since the mid-late 1990s, a range of other approaches have also gained prominence in international development circles, in some cases in reaction to the downsizing, fragmentation and horizontal coordination issues raised by NIE and NPM approaches.

We now turn to several development-placed models which have had a similar influence on Cambodian management systems and conceptualisations of accountability. The chapter begins by considering “Capable State” approaches promoted by the World Bank and other major donor agencies. From these concepts, we go further to discuss decentralisation as a way to promote accountability, followed by a review of Political and Social Accountabilities, both efforts to promote people’s voice and participation. We then turn to discuss the recent World Development Report (2004) framework for promoting three-way accountability between the state, service providers and people. Finally, we consider some emerging notions of common and shared accountability. In each of these frameworks, central attention is on promoting a capable state, a concept which has borrowed heavily from NPM and NIE, but emphasises the role of the state as a balance to purely market forces, in order to enhance a society's ability to meet economic and social development objectives.

3.1. Capable State Approaches – The World Development Report 1997 and others

3.1.1. Definition, background, rationale, and features

The major development agencies’ approach to the state during the 1980s and 90s was largely directed towards under programmes of structural adjustment, attempts were made to “downsize” the state. Here, the state was seen as corrupt, oversized, and inefficient, and a problem for development - a problem that market oriented arrangements like NPM and NIE could help fix. Under programmes informed by NPM and NIE approaches, functions that had been exercised by the state, such as service delivery, were often privatized or contracted to NGOs. This conception of the state changed during the 1990s, as the important role of the state in governance, and especially in providing a strong institutional framework for markets and development became more obvious. The 1997 World Development Report (World Bank, 1997) introduces the notion of the Capable State, arguing for greater roles for the state in development in order to complement, not replace markets. Capable State approaches combine many concepts from Traditional Public Administration, New Public Management and New Institutional Economics, but as opposed to earlier foci on downsizing and removing the state as much as possible, a key facet of this strategy is building up institutional capacity to counteract market failures. The development of state accountability becomes a cornerstone of such an approach. Now under the banner of “Good Governance,” rather than attempting to do too much, the capable state should focus its activities on the functions that match its potential capacity, and which, if done well, will enable markets and economic growth.

To address these problems and their root causes, the 1997 World Development Report suggests governments focus reforms on three important building blocks. First, a government must build a strong central capacity for formulating, coordinating, and translating policies into strategic outcomes. To do this, mechanisms that lead to well-informed, accountable and disciplined decision-making processes must be created. Secondly, after policies are

formulated and translated into such strategies, processes are needed to transform them into outputs. To do that, effective management and structures, together with strong voices and participation from citizens, are needed to ensure satisfactory performance by the State. Finally, the third block of an effective state must include motivated and capable civil servants who make up the lifeblood of the system.

Table 4: Capable State Summary

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| Definition | <ul style="list-style-type: none"> • Building up institutional capacity to counteract market failures, with developing state accountability as a cornerstone • State should focus its activities on the functions that match its potential capacity, and which, if it does them well, will enable markets and economic growth. • Even weak states with relatively low capacity should: (i) establish a foundation of law and property rights, (ii) sustain a conducive policy environment including macro-economic stability, (iii) invest in people and infrastructure, (iv) protect the vulnerable, and (v) protect natural resources and the environment (World Bank, 1997: 41) • Fostering capable state = strengthening the components of democracy; providing sound economic management, providing efficient public services, and assuring more effective donor support. (http://www.uneca.org/eca_resources/Speeches/amoako/96_97/berlin.htm) |
| Influence on Cambodia | <ul style="list-style-type: none"> • Ongoing NIE and NPM activities • "Good Governance" paradigm shift by donors • Capacity building at central levels • Strategic management mechanisms are needed to transform them into actual performance and delivery of outputs • Enhancement of the role of civil society |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> • Capable state promotes different forms of accountability • Private sector provision of services results in expanded choice for citizens, increasing accountability |
| Analytic Perspective/ Tool | <ul style="list-style-type: none"> • Capacity of the state to ensure strong institutional (including public finance and service delivery) and legal frameworks • Getting the right mix of state, market, and civil society in services |
| Future Applicability | <ul style="list-style-type: none"> • Beyond service delivery and basic financial management: capability of the state to regulate areas of major social outcomes and areas of environmental and other security vital to the poor • Ongoing negotiation of mix of role between the state and markets will produce more efficient services • Combining capacity, policy, mechanisms, and motivated civil servants results in stronger governance and better service delivery |

3.1.2. Applications to the Cambodian case

In line with the international emphasis on building a capable state, good governance and state capacity building make up the core of the development agenda for both the RGC and donors,⁵ and are highlighted in the National Strategic Development Plan (NSDP) for 2006-2010 and the Governance Action Plan (GAP). It is most extensively elaborated in the Rectangular Strategy (2004) of the RGC, which clearly indicates that 'good governance' is the core of building successful poverty reduction efforts. The Rectangular Strategy names four key areas of such reforms: (1) general anti-corruption efforts, (2) legal and judicial, (3) public administration and (4) armed forces (RGC, 2004: 4). These reforms reflect the Capable State approach as they aim to strengthen the capacity of the RGC to promote other aspects of development including: (1) enhancement of the agricultural sector, (2) private sector growth and employment, (3) continued rehabilitation and construction of physical infrastructure, and (4) capacity building and human resource development (ibid: 5).

3.1.3. Accountability according to Capable State Approaches

Moving beyond service delivery arrangements formulated by NIE and NPM, the Capable State approach places primary emphasis on the role of the state to ensure accountability within such arrangements, regardless of who delivers them. The World Bank (1997) proposes that the primary role of the state is to ensure accountability in service delivery arrangements by promoting different forms of accountability, which should be applied depending on specific arrangements or modes of service delivery (e.g. by the market, the broader public sector, or core public sectors). Thus, like NIE and NPM approaches, markets and the private sector are encouraged to provide public services in order to expand user choice. Here too, delivery options can be further expanded through contracting out to NGOs and performance-based government agencies. The difference under a capable state approach is that the state maintains a powerful role in facilitating and monitoring such service delivery, maintaining delivery responsibility for certain core institutional functions and public goods, since this approach considers compliance to rules and loyalties of civil servants crucial to their successful delivery.

3.1.4. Limitations and challenges of Capable State Approaches

The capable state model, founded on liberal governance assumptions in the same vein as TPA, NPM, and NIE approaches, requires a high level of political commitment, a powerful democratic process, and a political middle class to hold actors accountable. However, in neo-patrimonial settings, such conditions often do not exist. Accountability is readily undermined by a lack of rule of law, inadequate pay for civil servants, and abuse and capture of contractual arrangements by powerful neo-patrons. In fact, policy formation processes often have little relevance to real flows of resources. Thus, danger lurks in the application of a 'good governance' agenda which assumes the existence of a capable state. Great resources may be fed into the state without it being able to make good use of them. In Cambodia as well as many other countries, neo-patrimonialism and capable state reforms have been able to coexist without radically altering the dominance of the neo-patrimonial order (Van de Walle, 2001, Craig and Porter, 2006).

⁵ Country Assistance Strategy (CAS) for 2005-2008 of the World Bank Group in cooperation with the Asian Development Bank (ADB), UK Department for International Development (DFID), and the UN Development Systems (UNDS) makes it clear the need to focus on good governance through the country program, adding that poor governance has been the primary constraint on the impact of the donors' assistance to poverty reduction (WB, 2005: ii).

3.2. Decentralisation

3.2.1. Definition, background, rationale and features

Decentralisation means “reversing the concentration of administration at a single centre and conferring powers of local government” (Smith 1985: 1). Decentralisation involves the delegation of power to lower levels in territorial hierarchy (*ibid*). During the 1980s, decentralisation has gained popularity in less developed countries. Out of 75 developing and transitional countries with population of more than 5 million involves in different forms of decentralisation (Crook and Manor, 1998: 1, World Bank, 2005: 6). Generally, the term refers to two things: political and administrative decentralisation. Political decentralisation occurs when power and functions are transferred from central to local government. The local government is based on political representation, in which councillors are locally elected representatives of the people who live in the areas (Manor, 1999). Administrative decentralisation or deconcentration, refers to delegation of tasks and transfers of authority from central government to sub-national governments, which can be seen as branches of the central governments (Cohen and Peterson, 1999).

A core driving principle is ‘subsidiarity’ (Breton et al, 1998), which states that functions should be assigned to the lowest level of governance capable of performing them. It has been a tool employed in combination with NPM, NIE, and Capable State approaches as a way to increase accountability, particularly at lower levels of service delivery functions. However, decentralisation under the capable state perspective is not just a matter of giving governance functions to the market or to local managers. Decentralisation efforts must ensure that the local state is also capable. According to principles of fiscal decentralisation, alignment of a number of key dimensions is vital to success. Clear ‘assignments’, ‘delegations’ and ‘functions’ must be in place to ensure civil servants know and are capable of performing the tasks allocated to them, and receive adequate support by capable human resource and management systems (Bahl and Smoke, 2003). These arrangements are expected to improve performance in service delivery, resource allocation and mobilization (Blair, 2000: 22), enabling local governments to exert accountability over such processes.

To be capable of delivering these functions, the local state must first have a viable system of securing public finance, primarily through fiscal decentralisation efforts which mainly involves assigning functions and resources to local governments, developing appropriate transfer systems and strengthening capacity at local level (Smoke, 2000b). We focus much of our review on creating this key accountability link, where much attention has been placed (Bahl and Smoke, 2003). Such efforts often involve 1) complex formulae for sharing resources between levels of government (e.g. intergovernmental transfers), 2) targeting grants to areas of special need or performance, or 3) central level matching or compensating of sub-national government’s ‘own source’ funds (e.g. taxation and other revenues) (Schroeder, 1988, Shah, 1994, Bahl and Linn, 1994, Andrews and Schroeder, 2003). The impact of the implementation of such fiscal decentralisation efforts has been noted in poorer countries such as South Africa, Uganda, and parts of Latin America, and has become increasingly accepted as standard practice in development circles (Rondinelli, 1982, Crook and Sverrisson, 2000, UNCDF, 2006, Craig and Porter, 2006).

Table 5: Decentralisation Summary

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| Definition | <ul style="list-style-type: none"> Disaggregation of governance units to appropriate levels, ensuring that the local state is also capable to handle tasks |
| Influence on Cambodia | <ul style="list-style-type: none"> <i>Political decentralisation</i> began in 2002, with elections for commune councils Development of budget transfers to commune level were “scaled up” into a national programme, which is now largely integrated into national budget and administrative arrangements. Many donors supported this system, and much capacity was built at provincial and lower levels. |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> Local state must have a viable system of securing public finance, primarily through fiscal decentralisation efforts Smaller units for managers to oversee increases oversight ability, and thus accountability Decentralisation creates stronger accountability and greater responsiveness between citizen and state by ‘bringing government closer to the people,’ resulting in more effective service delivery Local people can hold local politicians accountable for failures |
| Analytic Tool | <ul style="list-style-type: none"> Responsiveness, Subsidiarity, Alignment |
| Future Applicability | <ul style="list-style-type: none"> Consider clear ‘assignments’, ‘alignments’, ‘delegations’ or ‘functions’ which are necessary to create effective, supportive human resource and management systems with the capacity to perform the tasks allocated to them? Identify how current system creates conduits of responsiveness. |

3.2.2. Applications to the Cambodian case

Decentralisation has been a significant component of development efforts in Cambodia, with the first activities occurring in conjunction with the UNDP's Carere program in the mid-1990s. This programme focused more on building a capable, post-conflict state by engaging citizen participation, building capacity of local officials, and establishing a reliable intergovernmental transfer system than "marketising" service delivery. However, a decade later, Cambodia's decentralisation has barely commenced, with *political decentralisation* beginning in earnest in 2002 with elections for Commune Councils.⁶ In early experiments with Local Development Funds within the UN, the Carere 2 programme, and its later evolution, the Seila programme, development budget transfers to commune levels were “scaled up” into a national programme which is now largely integrated into the RGC's national budget and administrative arrangements. Seila's overall effects in regard to boosting accountability within Cambodian governance require a separate, and full evaluation. Suffice here to say that Seila has introduced and built capacity around many measures designed to increase transparency incentivise accountability to commune and lower level actors, through participatory planning, and enforced contract measures. Seila budgetary accountability and enforceability (and ongoing donor confidence) has also been strongly safeguarded by 1) maintaining separate (some say parallel) foreign currency-denominated, inter-bank transfer systems (albeit locally administered and existing within the RGC Treasury structure), 2) closely monitoring contractual arrangements, 3) installing centrally-funded advisors, and 4) focusing a great deal of capacity building on provincial and lower-level officials. Several

⁶ The most comprehensive account of this and related administrative and fiscal decentralisation activities is to be found in Rusten, Kim, Eng and Pak (2005). Accounts of important parts of this process can also be found in Westcott and Porter (2001), Romeo and Spykerelle (2004), Rudengren and Ojendal (2002), Hughes (2005), Turner (2002), Blunt and Turner (2005), UNCDF (2006), and at the Seila programme website www.seila.gov.kh

lessons from the Seila experience are quite relevant to reform of the overall system in the coming years.

It is also important, however, to note some limitations in the Seila system, related to its ability to expand its accountability mechanisms into other areas of government. Seila's regular transfers and coordinative events are in practice focused on development budget lines (and especially on the Commune Sangkat fund), and have yet to substantially impact recurrent budgets or core line ministry business. At sub-national level, line departments work very much in their vertical lines with little horizontal coordination. In such arrangement, most of the functions and resources still rest with central ministries, leaving provincial and district governors little power (Horng et al, 2005). The problem indicates that although devolution has made progress, deconcentration still lags behind. As a response, the RGC has launched in mid 2005 the Strategic Framework for Decentralisation and Deconcentration Reforms. The Framework envisages a unified and more active administration at provincial and district levels (RGC, 2005). With the Organic Law being finalized, it is expected some implementation of the emerging reform will take place in coming years.

3.2.3. Accountability according to decentralisation approaches

Decentralisation processes are designed to create stronger accountability between citizen and state by "bringing government closer to the people" and that accountability is crucial for decentralisation to succeed (Manor 1999: 67). The quality of accountability depends first on (i) the accountability of the elected representatives to the citizens in their territories, and (ii) the accountability of the local bureaucrats, other government agencies and executive officials towards the elected representatives (*ibid*). The two accountability relationships need to complement one another to make government at the local level more responsive to citizen desires and more effective in service delivery" (Blair 2000: 21, see also Faguet, 2000, Mullins, 2004, Craig and Porter, 2006).⁷

Free and fair election is the first requisite to ensure accountability between elected representatives and local people. But election alone is not enough if there is no continuous participation from people: there needs to be mechanisms by which people can express their preferences between elections as well as their views on the performance of the representatives (Blair, 2000: 27). A number of factors can contribute to that including competitive election environment, strong civil society built on strong social capital, active public media, public meetings, formal grievance procedures, and opinion surveys, etc (*ibid*: 27-31). Local taxes constituting own source revenue is another important factor to achieve the primary accountability relationship. Local tax can be classified according to different degrees of central versus local control over tax rate, tax bases and the ways the tax collection is administered (World Bank, 2005: 107-128). The rationale is that if local governments continue to depend heavily on the national transfers (which is the case with many Asian countries), they would tend to be held accountable by central governments rather than by local people. Absence of local taxes or local contribution might also be a reason why local people are not keen enough to participate and monitor how local developments are carried out.

Establishing accountability between bureaucrats and local elected representatives is more administrative which requires setting up the appropriate formal structure of a decentralised system. Prominent authors on administrative decentralisation (e.g. Manor and Crook, 1998, Cohen and Peterson, 1999, Smoke, 2000a, b) point out a number of factors important for ensuring such accountability: (i) size and level of the local governments which are likely to have a significant effect on their administrative and revenue mobilization ability, (ii) the mix of devolved and deconcentrated institutional arrangements which would have

⁷ Local coordination is also encouraged (as for example in Cambodia's District Integration Workshops), and can offer both horizontal (between local departments) and vertical (between communes and provincial departments) accountability.

implications on multiple competing hierarchy and hence on managerial efficiency, (iii) coordination, linkage and partnerships among governments and between governmental and non-governmental actors, (iv) sequential assignment of functions and expenditures, (v) autonomy of the local governments to spend entitled resources to respond to local needs, and (vi) capacity at the local level to accommodate new functions and resources so as to avoid patronage and corruption.

3.2.4. Challenges of the application of the decentralisation approach in Cambodia

The virtues and difficulties of enhancing accountability via decentralisation activities are described in an extensive literature (Prudhomme, 1995, Batley, 1999, Mullins, 2004, Shah, 2006, Craig and Porter, 2006). Here, we cover only the most salient aspects. First, decentralisation accountability and performance depends on national and local arrangements. Thus, the relationship of decentralisation programmes to underlying political and social formations, such as neo-patrimonialism is critical. As Crook and Manor describe, “it is clear... that even the most appropriately designed institutions for decentralisation cannot work independently of, or even against, contradictory forces coming from the political and social structures within which they are embedded” (Crook and Manor 1998: 302). In the Cambodian case, it is apparent that decentralisation and the underlying social and political structures of neo-patrimonialism typically work in close relation: sometimes disrupting, sometimes reinforcing each other. In all cases, the impact on accountability and the performance of local officials is profound. In contexts where conflict, patrimonial power, and vertically integrated neo-patrimonial systems are present, fiscally decentralised arrangements can be captured by local patrons. Under these arrangements, decentralised governance arrangements can struggle to maintain effective social regulation and security (against, for example land grabbing, or against diseases like HIV), and fail to reign in the rogue interests which are able to colonise local spaces opened up by the decentralisation process, turn them into (neo) patrimonial domains (Prudhomme, 1995, Craig and Porter, 2006).

The subsidiarity principle of assigning functions to the lowest possible levels of governance capable of performing them can often lead to decentralisation processes which are overly biased towards the most local levels. In practice, this can make issues of crucial horizontal coordination and accountability more difficult, particularly engendering too much fragmentation, which ultimately creates enormous local complexities. As well, devolution to lower-level private contractors and NGOs also lacks horizontal coordinative ability. For example, services like healthcare require not just local delivery, but wider coordination across populations, especially if public and preventive health outcomes are to be promoted (Craig, 2004). Issues of scale also remain problematic. Participation in shared strategy and regular sector-wide forums involving multiple agencies tends to be non-mandatory and reliant on voluntary commitments, producing weak accountability. Such forums' activities rely on very limited 'extra' discretionary funds and are often linked to pilot projects with uncertain futures (ibid). Together, these weaknesses greatly impact the potential of these kinds of measures for reaching social outcomes like horizontal equity, health outcomes, substantive accountabilities, and wider poverty reduction (Craig and Porter, 2006).

Horizontal coordination can remain weak unless strongly unified governance emerges at province or district levels. In Cambodia, horizontal coordination has so far been limited to small processes, as significant incentives for broader coordination do not exist within the Seila programme's sub-national arrangements (including PIF and DIW). They do have the advantage of being nationally implemented and of functioning at many levels of governance and territory but they lack the integration and substantive resourcing of a more fully decentralised approach which better enables increased horizontal coordination.⁸ Cambodia's

⁸ An example is Uganda's common accountability platform arrangements for harmonizing sectoral and local government finances and reporting (Craig and Porter, 2006).

new D&D arrangements attempt to address such coordination issues in part but the implementation of such a strategy will remain challenging.

In addition, political and fiscal decentralisation efforts are designed to be coupled to achieve strong local accountability, particularly in terms of firm alignment with higher-level fiscal decentralised arrangements.⁹ However, whether this occurs requires further exploration. According to fiscal decentralisation theory, local governments should still be strongly accountable to central government, especially in key areas of budget and fiscal constraint, since local governments might create fiscal problems at national and local levels by abusing their decentralized powers of discretion, and overspending their budgets. "Hard budget constraints" (e.g. limits on local spending prescribed by central government) are the primary means of creating fiscal accountability (Smoke, 2000a, Mullins, 2004). Even where funding, function and mandates are fully assigned, aligning planning and budgeting across departments can still pose major problems (Mullins, 2003, Craig, 2004).

3.3. Political Accountability

3.3.1. Definition, background, rationale and features

Political accountability refers to the relationship and quality of institutions, procedures, and mechanisms which ensure government responsiveness to citizen needs (Brinkerhoff, 2001). Political accountability defines the relationship between state and society, is a core principle of democracy formation, and thus holds major implications for all other aspects of accountability (March and Olsen, 1995, Fox, 2000, Keohane, 2002, World Bank, 2004, Burke and Nil, 2004, Malena, Foster and Singh, 2004, Rusten et al, 2004, Horng et al, 2005). Politicians and political processes are crucial to reinforcing accountability, including strengthening civil servant capacity and their sense of accountability, instituting stronger rule of law, delivering on electoral promises, fulfilling the public trust, and representing and responding to citizen's interests and concerns (Brinkerhoff, 2001).

Political accountability has two pathways: vertical and horizontal (DFID Key Sheet¹⁰). Vertical accountability is expressed through regular, free and fair elections and is linked to the division of power at different levels of government (national, sub-national, and local). Horizontal accountability is created through the separation of powers (executive, legislative and judiciary) which create checks and balances to prevent power abuse (DFID key sheet, Schedler et al, 1999). Horizontal political accountability can be promoted through demand by non-state institutions such as civil society organisations, political parties, and international actors (Fox, 2000: 2).

⁹ In Cambodia's case, this refers to the provincial and district levels.

¹⁰ Decentralisation and Political Accountability key sheet from DFID website www.keysheet.org

Table 6: Political Accountability Summary

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| Definition | <ul style="list-style-type: none"> • The relationship and quality of institutions, procedures, and mechanisms which ensure government responsiveness to citizen needs |
| Influence on Cambodia | <ul style="list-style-type: none"> • National and local elections • Local participatory planning process • Donors support to political parties and NGOs to work with the government |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> • Political competition with election in place • Separation of power between branches of the State • Rule of law |
| Analytic Tool | <ul style="list-style-type: none"> • Participation • Responsiveness • Transparency • Accountability |
| Future Applicability | <ul style="list-style-type: none"> • Creation of new horizontal and vertical relationships within and outside government to enhance accountability of public officials and the institutions within which they reside |

3.3.2 Political accountability in Cambodia

During the last decade there have been three consecutive national elections, which have produced governments which share power across all three major political parties. The 2002 elections of local Commune Councils is a major example of the creation of stronger vertical political accountability. These elected councils received some discretionary funds to implement development plans established through a local participatory planning process, which requires commune councils to be increasingly accountable to its citizens, allocating funds for local needs.

In a growing number of cases including Cambodia¹¹, attempts to boost horizontal political accountability have involved donor support of political decentralisation at the commune level, as well as advocating civil society and financing political party development. There are also increases internationally for donors to invest bilateral aid in institutions of horizontal accountability (in legislative and judiciary branches) while engaging political scientists to gauge the possibility for politically-led pro-poor reforms. Political accountability in Cambodia, however, can still be strengthened. At the moment, the 'primary accountability' of elected officials at commune level to national level is restricted and sometimes diluted, with, for example, ministers rarely held responsible by the electorate or media for standards of service delivery or for abuses by ministry staff (Rohdewohld and Porter, 2006, Hughes and Conway, 2004).

3.3.3. Accountability according to political accountability

Theory proposes that democratic political competition through elections is hugely important for creating political accountability (Whitehead, 2002: 90). Political competition, especially the power to vote, allows people to choose the kinds of leadership they want and shape leaders' attitudes towards policy. Such competition requires government ministers to acknowledge that their performance is directly related to people's trust, and thus, their vote in elections. Elections also require them to be accountable for the performance of their ministry portfolios, as well as their participation in collective decision-making at the Cabinet level, since they are representatives of the elected party.

Additional combinations of political accountability, such as access to information, an active media, installation of policy watchdog groups, and the ability to impose sanctions for non-performance, create additional mechanisms which can ensure that politicians are

¹¹ See Fox, 2000, Johns, 2000, Hughes and Conway, 2004

responsive to what their constituents want, not just to party or other powerful interests (March and Olsen, 1995: 162). Legislative bodies, a strong and independent court system, a free press, other independent actors, and individual citizens can enhance political accountability by accessing and disseminating information, as well as creating and enforcing sanctions. Formal and institutional arrangements (ibid: 166) also bind government officials to follow rules, codes of conduct and legal instruments. Individual internal motivation created by personal honor and duty and a sense of obligation to the public good may be the most productive orientations to create such accountability, especially if such are reinforced by the voting public's voice and in the media (ibid: 167). Such internal mechanisms can be most effective if such values are socially accepted and a powerful culture of reference groups develops in the society (ibid).

In summary, political accountability is established over time through a careful mix of activities which engenders both vertical and horizontal accountability, within and outside the government. Elections can strengthen the accountability of officials to citizens, but they must be frequent, transparent, and fair. Incentives must be created to encourage elected officials to spend on lower-profile, longer-term investments rather than just highly visible, vote-securing projects like roads or bridges. Establishing legal, political, fiscal, and administrative mechanisms can enhance accountability of civil servants to elected councils and citizens, but must be complemented by instruments of voice and restraint between elections such as citizen participation, local political parties, organised interest groups, and an active media.

3.3.4. Challenges of the application of political accountability models to the cambodian case

An unaccountable government is one which fails to serve the people who vote to put it in power. Although elections are a foundational activity of vertical accountability, Keohane (2002) proposes that what matters most is what happens between elections. This requires strengthening of horizontal accountability mechanisms to ensure accountability towards citizens (Malena, Foster and Singh, 2004: 2), but Cambodia and other developing countries have been limited in achievement and enforcement of this type of political accountability.¹² Access to agencies and information disclosures about government operations are often restricted or well guarded (March and Olsen, 1995: 163). As well, a lack of credible political competition and weakness in the political party system, poor transparency in public policy-making, flaws in legislative, executive, and judicial institutions, a lack of separation of powers, and a lack of enforcement of conduct and performance further exacerbate challenges to achieving appropriate political accountability (DFID key sheet).

Cambodia is plagued by many such challenges. Elected representatives and state bureaucrats are rarely called upon to be accountable for their decisions or performance, such as in the lack of responsibility taken by the national level for the lack of delivery of previously allocated commune/sangkat funds in 2004 (Rusten et al, 2004). At the same time, there is poor information sharing between elected councils and citizens, and almost no mechanisms for enforcement of performance. Political parties are very closed and hierarchical (Burke and Nil, 2004) so elections, which are based on proportional representation along party lines, actually tend to weaken political accountability since individual politicians removed from their positions can work within the political party machine to be reinstated to another position based on their placement on the party's list (Horng et al, 2005 :9).¹³ The relationship and coordination capacity between different levels of government undermines political accountability, especially since these relationships are weighted against local

¹² Argued by March and Olsen is that "enforcing political accountability is impossible, not so much because of resource inequalities among citizens as because of the size and complexity of the public sector" (1995: 165).

¹³ Since it is parties that are elected and not individuals, it becomes difficult to remove an individual who may have party support but no popular mandate.

governments (Fox, 2000 :6). For instance, elected councils cannot demand performance assessments or hold provincial officials accountable and no mechanisms exist to enforce temporary agreements signed by the councils and the provincial departments at the District Integration Workshop.¹⁴

3.4. Social Accountability

3.4.1. Definition, background, rationale and features

Social accountability is defined as an approach towards building accountability that relies on civic engagement in which ordinary citizens and/or civil society organisations participate directly or indirectly in exacting accountability (World Bank, 2003: 1). These efforts have been described as supporting the 'demand side' of political accountability: strengthening people's demands for such accountability by fostering and strengthening civil society participation (Malena, Foster and Singh, 2004, DFID Consultancy, 2006), particularly engagement with state officials in order to make them more accountable. Public sector reforms, including decentralisation efforts, also create venues for enhanced social accountability.

Social accountability is an approach which has been especially promoted by the World Bank and DFID in recent years as policy formulators seek to add another dimension to political accountability (Malena, Foster and Singh, 2004, Ackerman, 2005, DFID Key sheet). Two key assumptions drive this agenda. First, governments can do much to strengthen internal accountability; but this is not sufficient to ensure accountability of all government operations (Ackerman, 2005: 11). The second rationale, suggested by Ackerman, is that society is the key actor that can force accountability from the government (ibid). However, societal actors can position themselves to demand accountability from government only if they are organised using appropriate mechanisms and tools (e.g. gathered under the social accountability heading) to complement and enhance conventional mechanisms of accountability (Malena, Foster and Singh, 2004: 4). The World Bank describes such tools as citizens building 'strong demand' institutions, such as ombudsman offices, which promote programmes that are able to articulate demand in key reform areas. (World Bank, 2003).

¹⁴ Author observations from conducting fieldwork with the Independent Study team from Feb to Mar 2006 in 5 provinces. It is also interesting to note that at the same time, the commune councils' activities are strictly monitored by higher levels.

Table 7: Social Accountability Summary

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| Definition | <ul style="list-style-type: none"> An approach towards building accountability that relies on civic engagement, in which it is ordinary citizens and or civil society organisations who participate directly or indirectly in exacting accountability |
| Influence on Cambodia | <ul style="list-style-type: none"> Establishing NGOs associations on human rights watch etc Create Village Development Committee participating in local development activities and planning process Establishing Commune Accountability Board for citizens' complaints |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> Government accountability mechanism is not enough Society actors' demand and pressure on government's mechanism Insert voice and feedback from society actors and citizens to improve accountability of the government Create expectation and responsibility to monitor and provide feedback regularly to government is essential |
| Analytic Tool | <ul style="list-style-type: none"> Participation Rule of law Representation Enforcement Information sharing Voice |
| Future Applicability | <ul style="list-style-type: none"> Enhanced focus on demand-driven accountability from outside of government structures, and on capacity inside government structures to respond to these voices. |

3.4.2. Assumptions related to social accountability

In contrast to earlier government accountability efforts which had an "either-or" orientation (Uphoff, 1996: 36) and thus focused solely on supply-side efforts through government mechanisms or purely on civil society efforts to ensure such accountability, current social accountability thinking assumes a "both-and" frame: neither government nor civil society can be left out of the accountability equation. Thus, program designs now focus on building reinforcing partnerships founded on mutual interests between civil society and government actors. "State-society synergy" is now a crucial element (World Bank 2005b: 13) of social accountability efforts, which is made up of a group of 'soft' institutions which theorists propose have been previously under-exploited as powerful accountability tools: citizen participation, NGO and watchdog networks, and partnerships with NGOs and donors. These actors engage in a number of actions and mechanisms heavily promoted by social accountability advocates as capable of enhancing society's demand for government accountability (Malena, Foster and Singh, 2004: 3). These include: (i) promotion of citizen voice and user report cards; (ii) demonstrations, advocacy campaigns, and investigations of public interest problems; and (iii) use of media and unions to monitor progress and increase participation in government's policy making processes and budget activities.

3.4.3. Social accountability in Cambodia

Cambodia is just beginning to explore opportunities to enhance social accountability, but emerging examples include NGO associations like the ones that have formed around election monitoring and education, as well as human rights promotion since the early 1990s. Such groups exert demand on government accountability through education and awareness activities, advocacy and public campaigns demanding government responses to public problems, and mobilising individuals to form associations to address certain public problems.

Other examples of engaging citizen participation in local politics and development to enhance upward accountability are the creation of Village Development Committees (VDCs). The VDCs play a significant role in citizen participation in local planning processes, including identification and prioritisation of local issues, allocation of local funds, and monitoring project quality implemented by commune councils. The most recent example of the implementation of a social accountability tool has been the establishment of an *Accountability Board* for the commune/sangkat fund (CSF), which serves as a mechanism to ensure accountability within commune elections, citizen participation in commune affairs, and oversight of complaints of misuse of C/S funds or poor quality projects.

3.4.4. Accountability according to social accountability

Six mechanisms for transforming civic engagement into social accountability tools are promoted by advocates. These include: creating a balance between punishment and reward-based mechanisms, promoting both rule-following and performance-based mechanisms, institutionalising and deepening civil sector involvement over the long-run, making participatory activities more inclusive, and focusing attention on appropriate branches of government (Ackerman, 2005:13). Although "punishment-based" mechanisms like media exposure or protests are often considered key "enforcement" tools, too much of punishment or incentive-promoting mechanisms have been found to lower government receptivity to change. Instead, civil society actors are encouraged to create performance-based mechanisms which build on the experience of Weber's rational-legal bureaucracy and performance-based evaluation systems under NPM. Citizens can participate in quality monitoring and evaluation of delivered services, improving public servants' attention to rules and performance indicators in the future.

Temporary and ad-hoc initiatives typically achieve only short-term solutions with limited impact, resulting in a lack of long-term institutionalisation of reforms. To create long-term accountability, advocates encourage societal participation in all stages of government implementations, with government agencies taking an active role in creating laws which mandate ongoing citizen inputs into the policymaking process. Furthermore, accountability can be strengthened through civil society if the accountability mechanism and tools contribute to the empowerment of state's own checks and balances (Fox, 2000: 1). At the same time, broad-based participation from all civil society actors is considered to be at the heart of creating sustainable social accountability, since civic engagement is more effective when public officials and society actors are not part of the same "epistemic community" (Ackerman 2005: 22). Further, creating multiple external eyes from various civil society groups, not only those that are well-behaved or more readily accepted by government leaders, are important to ensure enforcement (Ackerman, 2005: 22). Finally, initiatives entailing a wide range of interests are seen as more legitimate than small groups since they represent a more broad-based ownership and acceptance of an initiative. Regardless of the mix, the capacity of civil society organizations to react, organize, and horizontally coordinate amongst each other is critical to their success.

Yet, the depth of involvement and the focus of civil society must also be considered. To what extent *can* and *should* citizens be part of the government's decision-making process? What level of involvement elicits the strongest accountability while also maintaining appropriate independence and autonomy from state actors and processes? Which agencies are best targeted to build long-term accountability? Often, the Executive branch is the main target because it manages the majority of state resources. Legislative and Judiciary agencies are less targeted since the Executive provides the majority of public resources. However, recent trends in several countries have indicated that accountability reform initiatives within these two branches, such as the World Bank's "Justice for the Poor" programmes, are increasing civil society's ability to hold government accountable (Ackerman, 2005: 24).

3.4.5. Challenges of the application of social accountability models to the Cambodian case

One major challenge presented by an increased reliance on demand-driven accountability is the perception of civil society actors and activities being seen as external, or vertical, mechanisms of accountability (Malena, Foster and Singh, 2004). If public interest groups which confront government accountability are not viewed as legitimate conduits for expressing demand, or are considered inappropriate participants in ongoing implementation processes, the institutionalisation of these mechanisms into ongoing government structures and processes is thus limited. Such organizations are seen to be unable to cut through the power and underlying politics at the core of the accountability equation (Malena, Foster and Singh, 2004: 13).

A second challenge relates to a key assumption of this model, which is that local and international civil society organizations (CSOs) can legitimately articulate accountability demands, and themselves be held publicly accountable. Such entities often lack a clearly defined constituency (Fox, 2000: 12), holding conflicting accountabilities to numerous parties such as their members, grassroots constituencies, leaders, political parties, funders, umbrella NGO associations, and each other (ibid). As well, CSO's representation tends to concentrate on areas and problems that concern their particular constituencies, so they are greatly influenced by their own agendas and funding sources before holding accountability to a wider audience. The interests of poor and marginalized groups in society may be the last to be included in such efforts. Relatedly, it has been documented that citizens work well collectively when they face problems of mutual concern, especially those concerning basic livelihood issues. However, without facing a problem of immediate import, citizens do not organise well collectively to demand general accountability from their government.

Public interest representation is not automatically created with the development of a 'civil society.' CSO's typically consist of middle class activists who have self-appointed as representatives of civil society, oftentimes exercising enormous power on their behalf (John, 2000: 5). In a neo-patrimonial society, it is particularly difficult for civil society leaders to represent the broader public, as they continue to be influenced by their *ksae*, maintaining connections to political patrons which may even be a requirement to be able to work within the neo-patrimonial system to effect change. In more extreme cases, civil society can be co-opted by criminal organisations and powerful interest groups lobbying solely for personal and group benefits (Ackmerman, 2005: 11) to the detriment of other interests in society.

If social accountability-oriented tools are engaged inappropriately or too frequently, accountability relationships can be re-shaped to the detriment of what should be the primary relationship of accountability: between citizen user and the government agency providing a service. For example, there is a growing trend to use NGOs to provide public services where NGOs are contracted to first represent users' voice in determining their service needs and satisfaction and then deliver the services. This arrangement shifts primary accountabilities to between the NGO provider and user, and between the provider and contractor or funder. Such arrangements ensure short-term outputs and improve the quality of services as specified in the contract, but undermine the accountability between user-citizens and their elected councils and state bureaucrats. This relationship is often a primary missing ingredient in newly created democracies like Cambodia.

Finally, social accountability approaches which focus on articulating demands from outside of government can often neglect the fact that administrative capacity inside government (and politicians too) are restricted in their ability to respond to such demands. A provincial or district authority, for example, might not have even the money to pay for petrol to have one of their officers investigate a complaint, let alone the ability to prosecute a misdemeanour, or to stage an enquiry, or mobilize higher level action when this is required.

In conclusion, social accountability represents a package of tools which can strengthen the voice and participation of citizens and civil society in demanding accountability from their

elected officials, but such approaches must complement and empower government accountability mechanisms to achieve sustainable shifts in accountability.

3.5. Triangle Accountability According to the World Bank

3.5.1. Definition, background, rationale and features

The 2004 World Development Report (WDR), *Making Services Work for Poor People*, brings many of the principles of earlier public administration approaches forward, re-packaging them into an expanded vision of accountability and improved public service delivery for developing countries. Like the CDRI study, the WDR recognizes that accountability has become a worryingly slippery concept in the past decade. It's authors review different models of accountability implemented to date in order to distill five key relationship dimensions:

- delegation (meaning clear assignments),
- finance (*adequate funding at all levels*),
- performance (*of public servants, ministries, and other service providers*)
- information about performance, (*as described above, see also Schedler, 1999*) and
- enforceability (*again, see above*) (World Bank, 2004a: 47).

This WDR approach increases focus on the need to enhance structural integrity, as well as individual performance, to improve institutional accountability. In particular, it sees accountability not simply as an *ex post* perspective (after the event) but as also an *ex ante* perspective: accountability issues should be relevant before, during and after events take place. Thus the report argues that “one cannot strengthen accountability – holding providers responsible for outputs and outcomes – in isolation. If providers do not receive clear delegation, precisely specifying the desired objectives, increasing enforceability is unfair and ineffective. If providers are not given adequate resources, holding them accountable for poor outcomes is again unfair and ineffective” (World Bank 2001: 47). The level of authority and discretion for managing those resources must also be clear.

Mulgan (2000) describes political accountability as the “extent to which governments pursue the wishes or needs of their citizens,” which he deems “responsiveness.” Mulgan (2000: 556) identifies an additional dimension of the expanded meaning of accountability, “accountability as dialogue”, wherein citizens get together as civil society, to discuss and debate policy and outcomes. In the WDR conception, these accountabilities make up the three cornered relationship of the ‘accountability triangle’ – between the state (politicians and policy makers), service providers (the managers and frontline workers), and citizens or clients of services, bringing dimensions of social and political accountability into a formalised accountability model.

The WDR proposes two routes to poverty reduction through increasing accountability around governance and services. The direct route has providers dealing directly with the poor, sending large amounts of money down the silos of service delivery (especially health and education), where they are, for reasons we highlight below, expected to have quick and demonstrable impacts on the Millennium Development Goals’ poverty indicators. The indirect route, also known as the ‘long route of accountability,’ proposes to improve services and poor people’s outcomes by increasing the quality of governance at central and local state levels (World Bank, 2004a: 6-12).

The range of accountability modes invoked by the triangle accountability model entails both direct and indirect accountability relationships and holds NIE-oriented assumptions at its base, particularly the importance of connecting the poor to functioning markets at the same time as ensuring that services, and their governance, are focused on achieving outcomes that directly help the poor. In short, the model assumes that engaging the poor in a web of service and governance accountabilities will not only increase their empowerment, but also their

ability to better participate in markets and to lead more secure lives. One tool, the “Eight Sizes Fit All” decision-tree diagram, represents such a “pro-poor” process. The diagram is used to analyse each of the three relationships in the Accountability Triangle to identify the most suitable arrangements of service delivery to the poor by asking the following questions: Are the politics involved pro-poor or clientelist? Are clients a homogeneous or heterogeneous group? Is the concerned service easy or hard to monitor?

Table 8: Triangle Accountability Framework Summary

| | |
|--|--|
| Definition | <ul style="list-style-type: none"> Triangle accountability relationship represents the service delivery chains consisting of three main actors: citizen, policymakers, and service providers. The accountability in this context is defined as a relationship among these actors, which consist of five features: delegating, financing, performing, informing and enforcing. This definition adds ‘ex-ante’ dimension to accountability. |
| Influence on Cambodia | <ul style="list-style-type: none"> The framework is relatively new and therefore it is yet to be seen how it will be applied in Cambodia. However, it is a useful tool for understanding complex accountability relationships at both national and local levels. |
| Assumptions Related to Accountability | <ul style="list-style-type: none"> Public service provision for poor people requires the long-route of accountability, i.e. citizen – policymakers – service providers. The accountability chain will break down if one or more of the accountability chains break down. To improve accountability in service delivery for poor people, a multi-pronged strategy combining the roles of market (citizen – service providers), political institutions (citizen – policymakers) and public/bureaucratic institutions (policymakers – service providers) |
| Analytic Tool | <ul style="list-style-type: none"> Delegation Financing Performance Information Enforcement The connection between the different links of the tri-angle accountability frameworks |
| Future Applicability | <ul style="list-style-type: none"> Emphasises not only one but a combination of the roles of the market, the government and civic engagement in promoting accountability for service delivery to poor people. |

3.5.2. The triangle accountability model In the Cambodian case¹⁵

The triangle-accountability model provides an analytic flexibility to consider complex accountability relations at all levels of government in Cambodia. For instance, national-level accountability relationships are formed by citizens electing politicians and policymakers into office and entail policymakers demonstrating accountability back to voters, creating what the model terms the ‘people-policymaker/politicians’ accountability relationship. In addition, in the Cambodian government, politicians are typically the primary policymakers, but do not perform the actual functions of the state, which are delegated to bureaucrats. This delegation thus creates a relationship where bureaucrats are firstly accountable to politicians, creating ‘policymaker/politicians-service providers’ accountability relationships. Yet, Cambodian voters also deal directly with bureaucrats through service-oriented interactions taking place in

¹⁵ We do not include a sub-section on Challenges of the Application of the Triangle Accountability Model to the Cambodian Case as this framework is in its nascent stages of policy implementation.

numerous public sectors, from enrolling a child in school, to visiting a primary health centre, to obtaining a driver's license, to interacting with a policeman; thus constructing the 'service provider-people' accountability relationship. This triangle helps to contain the primary accountability relationships necessary to ensure effective and pro-poor service delivery. As well, this model is powerful for dissecting accountability relationships at the local level, where commune/sangkat councils make up the 'politicians/policymakers,' clerks and selected project contractors are the 'service providers,' and 'local people' serve as the electors of the councils and the beneficiaries of the services or goods.

3.5.3 Limitations of the triangle accountability model

While the triangle accountability model incorporates many aspects of previous models, and is therefore much less narrow than other accounts in terms of the kinds of measures it supports, it is not strong when it comes to considering the impact of existing vested interests on the processes it proposes. It misses, in other words, the primary constraints on accountability arising from neo-patrimonial governance, and from the ability of powerful local and wider actors to occupy and take advantage of the processes of government and executive action it proposes to strengthen accountability (Craig and Porter, 2006). It assumes that either through people's agency in political action, or through consumer demand around services, authorities can be brought into more accountable relations. But when the main agency being enacted in a situation in fact comes from powerful people abusing their positions and consolidating their political position through the mechanisms of elections or service delivery, individual agents are likely to practise avoidance of both. At the same time, this model misses the ways that strengthening one form of accountability can unintentionally weaken another: for example, a donor may contract with a local NGO to deliver a service, replacing government responsibilities with NGO ones. Thus what is a strengthened (though narrow) accountability relationship (the NGO's contract to deliver services) in fact weakens the need of, for example, local commune councillors or line ministries to respond to public demand (Rohdewohld and Porter, 2006).

3.6. Horizontal Accountability: Reaching Towards Shared Accountability and Accountable Outcomes?

In recent years, a great deal of discussion internationally about accountability relates to problems emerging from the application of New Public Management and New Institutional approaches to public administration. Very early on, observers of these approaches noted that they created major coordination problems (called, in the literature, 'fragmentation' and 'steering' (or coordination and strategising) problems) (Rhodes, 1999). In short, these problems as described below meant that getting agencies to work together, and especially to be accountable together for the outcomes from what they did, was very difficult. When agencies can work together in these ways, and share accountability for outcomes, this kind of accountability can be described as a kind of "horizontal accountability": accountability, in other words, shared between agencies which act on the same or a similar level, often in some kind of partnership (or more strongly linked) ways. At their strongest, these approaches can create what are called common or shared accountability frameworks or platforms (see Craig, 2004).

In development circles, this problem has been treated as issues of coordination between donors (harmonization), and addressed mainly through the formation of mechanisms like Sector Wide Approaches (SWAs), which try to coordinate all donor's activities within a particular sector around agreed priority programmes, although rarely around targets and outcomes. More robust donor shared coordination and accountability efforts include, in Cambodian contexts, the Seila programme. To some extent too, indicators like the Millennium Development Goals have also had a coordinating role. Issues of coordination dealing with the multiplicity of different agencies, and how their activities can be coordinated or 'joined up', then, are of rising importance, both in donor countries, and in Cambodia.

3.6.1. Definition, background, rationale, and features

Having seen what fragmentations can emerge and how accountability based on actual outcomes can be undermined, a number of governments and sectors in donor countries have made moves to strengthen their ability to ‘ensure’ social outcomes through better ‘joined up’ governance (Giddens, 2004). In countries like New Zealand and the UK, which originally led NPM reforms, new social democratic governments have come to power in the late 1990s, claiming that new institutional fragmentation had gone much too far (Boston et al, 1996)¹⁶. In their reviews of existing governance arrangements, these governments sought, as one commentator put it, to have “all the king’s horses and all the king’s men” pooling their efforts to ensure that the “Humpty Dumpty” of the shattered state could be put together again (Gregory, 2003). Tried here were approaches to ‘managing for outcomes’, rather than just the outputs specified in typical NPM approaches. Also attempted have been approaches including shared strategy building (especially around public health and wellbeing issues) and attempts at constructing shared accountabilities or “common accountability platforms”.

‘Managing for outcomes’ proposed that managers should be held accountable not just for delivering on narrow outputs (such as number of tube wells dug) but on wider outcomes (such as sustainable, equitable access to drinking water achieved for all the people in x province), which would mean that managers would have to consider things beyond just their own organization and tasks, and think about how to integrate this with, for example, the local commune council or Ministry of Rural Development’s ongoing maintenance budget and operations, and with longer term programmes of water management at, for example, the Province level. They might also have to coordinate with other NGOs working in the same area, to ensure even coverage.

The difficulty here remained in getting local actors and departments to collaborate (e.g. horizontally coordinate) to achieve outcomes when they were under no strong mandatory obligation to do so. Each department and agency, especially after NPM reforms, had its own accountabilities back to particular principals, and the costs of coordinating (traveling to and holding meetings and coordinating actions) were not usually written into such contracts or mandates. Constructing shared or ‘Common’ accountability platforms, where agencies have a strong basis or platform for working together based on strong incentives and accountabilities for producing shared outcomes has thus had a number of challenges. Here approaches have involved trying to get government and other agencies to coordinate activities around shared indicators (such as health and wellbeing statistics), or around shared policy or sectoral goals and strategic plans, to which agencies again make voluntary commitments. Sometimes, such arrangements have involved creating incentives to coordinate through creating pots of funding only accessible on a shared or ‘interagency’ basis, perhaps by funding a third “joint venture” project or programme. As noted above, the soft institutions of networks, community and communication were widely deployed in these efforts (Bevir, 2005). This involved more consultation with communities, sponsoring stakeholder forums and inter-agency local well-being/community health strategies. Reviewing such arrangements, commentators have

¹⁶ New Zealand’s now 15-year long experience suggests that trying to create shared accountabilities at local levels is hindered by long-term “path dependencies” and the costs of NIE and NPM reforms. The outcomes of initial reforms have become institutionalised, further shaping and creating new constraining effects themselves. These effects include things we have already drawn attention to, such as low coordinative and strategic planning capability, and ongoing high transaction and compliance costs in a complex environment (Craig and Porter, 2006). Theoretically, however, NIE and Public Choice models still hold considerable influence in central policy units, think tanks and academic economics departments, and powerful departments such as the UK and New Zealand Treasury. Following agency theory’s prescribed focus on individual transactions, these models expressly discourage shared accountabilities across government agencies (Boston J. et al, 1991). What this means for Cambodia’s case is that agency theory prescriptions mean that each NGO or donor agency is subject to accountability only to one major principle: that is, their donor, and not to, for example, Cambodian central or local government.

however focused on either the hoped for gains (social capital) or the evident weaknesses of these, especially in dealing with issues which are crucial for achieving social outcomes like poverty reduction, such as horizontal coordination of actors. It also seems these approaches generate significant transaction costs of their own (Boston et al, 1996). Early results of this experimentation have led some commentators to conclude that the net result has simply been more complexity, and less assurance of the governability of the social sector via outcome-oriented programmes, with no great improvement in overall accountability (Craig, 2004).

3.6.2. Application to Cambodia

In Cambodia, evidence of much uncoordinated donor activity, and multiple agencies working with different variations of contracts and partnerships, and very different accountabilities, is everywhere. Nonetheless, attempts to increase horizontal accountability have been around for some time, especially under SWAp and Seila arrangements.¹⁷ One hope is that the new D&D arrangements will strengthen horizontal coordination through creating “unified administrations” at the province level. Under the leadership of a governor and a related council, all the arms of government operating at province level could be more coordinated, and together act towards increasing public good or social outcomes such as reducing poverty, or protecting the environment.

Here it is important that the limitations of NPM and NIE models are understood, and that other approaches to generating shared accountability across provincial level’s new unified government are allowed (Mullins, 2003, Boston et al, 1996). While SWAps and Seila’s District Integration Workshops are examples of approaches which try to increase coordination and horizontal accountability, it is clear that so far they have not had the success they might have. Coordination involving NGOs (representing citizens) and provincial line departments (e.g. often the primary service provider) is mainly voluntary and typically does not move beyond lower levels of coordination activities, such as District Integration Workshops, which themselves have limited coordinating reach. Oftentimes, such coordination is restricted to individual projects. Cambodia too has had now many situations where partnerships between multiple agencies and NGOs have been used to try to strengthen coordination and gain synergies that can lead to better outcomes and more accountability. But it is still proving very difficult to get NGOs to coordinate their activities, where each of them still has primary accountability to their home country contracting organizations and funders, and not, for example, to the province department or national ministry. The fact that, under NPM and Principal agency theory based arrangements, NGO contractors are usually only accountable to single principles, does not help.

3.6.3. Challenges of the application of horizontal accountability models to the Cambodian case

If these obstacles are to be overcome, programmes which share responsibilities for wider outcomes need a different accountability basis, as well as more resourcing, stronger mandatory bases and other incentives for all agencies working in a province or sector to coordinate. With shared funding and mandate arrangements in place, processes like shared planning at province and other subnational levels of government can make further progress. To some extent, Seila’s District Integration Workshop already functions as a basic ‘common accountability platform’. However, this mechanism could be strengthened considerably by increasing the resources on the table, making all budgeting processes in provincial departments a part of DIW-type arrangements, and, for example, strengthening provincial planning exercises across the new unified administrations.

There remains the possibility, however, that sufficient alignment and resources could contribute to some significantly improved outcomes, especially in areas like health, where, for

¹⁷ For more information, please see RGC, 2006 (development cooperation), RGC, 2006 (NSDP), Seila Task Force, 2005, World Bank, 2005a.

example, Craig and Porter argue the possibility of creating what they call “smart territorial accountabilities” through closer shared monitoring of health outcomes against the social factors (such as income, education and other social factors that determine health outcomes), with regularly adjusted, population-responsive funding arrangements (Craig and Porter, 2006). Here, all the agencies relevant to attaining better health outcomes for a population could be funded together on the basis of what their efforts can and should do to improve the health of a district’s population. Here, “common (or shared) accountability platforms” (Craig, 2004), could mean agencies are able to access extra and shared funding based on their working together in the planning and delivery of services.

3.7. Conclusion

With the conclusion of this chapter, we’ve taken you through a journey of the most influential management models influencing the structuring of accountability relationships in Cambodia today. It is increasingly clear that democracy requires accountability of public officials, elected councils, citizens, civil society, political parties, donors, NGOs, media (March and Olsen, 1995, Paul, 2005). However, as this literature illustrates, it is less agreed as to how accountability is defined, for whom, for what, and why (Karim as cited in Edwards and Hulme, 1996: 139), how accountability goals can be achieved, and what form and what arrangement should be used to make public officials and elected councils more accountable.

We have moved from introducing the role of rational bureaucratic models, markets and the private sector to bolster the accountability equation in Chapter 2, to bringing in a multiplicity of emerging dimensions of accountability in Chapter 3. In this chapter we have looked at the “supply side” of accountability by reviewing the components of the Capable State and Political Accountability approaches. We then turned to the “demand side” by considering the infusion of Social Accountability tools into internally-driven government accountability models, closing with the presentation of the most recent, and most inclusive model of accountability, the 2004 WDR Accountability Triangle. The amalgamation of these approaches results in three clear policy directives: (i) strengthen the state accountability structures and mechanisms, including legal, administrative, fiscal, and democratic; (ii) foster civic engagement, voice and participation from citizens in monitoring and evaluating governments’ performance and conduct; (iii) promote involvement of societal actors such as civil society, NGOs, media, donors, and independent bodies to strengthen accountability. Finally, better understanding of cross-cutting multiple accountabilities requires further consideration of accountability between, and across, different levels of government. Cambodia’s D&D reform process can enhance these accountabilities by empowering each leg of the accountability triangle which is the heart of the accountability equation: the relationship between the state (public officials and elected councils), service providers (public and/or private providers) and citizens (clients).

This package of 7 lenses on management and accountability has prepared us to enter the field to consider manifestations of Cambodian accountability at the provincial level. To further prepare us for this analytic journey, the remaining chapters of this literature review are aimed towards a broad description of the neo-patrimonial administration that currently exists in Cambodia, considering such an environment’s influence on creating strong accountability relationships in the future. In Chapter 4 we review the international literature on traditional patron-client cultures which underlies more modern manifestations of patronage in bureaucracies, for example the neo-patrimonial administrative structure, and define and describe the characteristics of this culture. In Chapter 5 we apply these models to the Cambodian case to assess the degree to which Cambodia is a unique case on the international stage before turning to the presentation of our revised Cambodian accountability model, which we’ve designed to bridge international theoretical understandings of such environments and the practical realities of policymakers and citizens alike.

It is our hope that this literature review and our study on accountability in Cambodia will contribute to a better understanding and conceptualising of accountability in Cambodia,

improving its application in the near future as the country moves further into its D&D reform phase. It is not clear whether the Cambodian definition will most closely emulate the World Bank's Triangle definition, or more social-accountability driven approaches emerging from NGO and grassroots actors. Maybe in the end, the country will end up with something closest to Rondenelli's practical accountability definition: "a process of negotiation among stakeholders rather than the imposition of one definition or interpretation of effectiveness over another" (Rondinelli 1993:12 cited in Edwards and Hulme 1996: 11).

Chapter 4: Patrimonialism and Neo-Patrimonialism: International Theories and Exemplars

Having documented seven lenses for considering formal management structures and accountability dynamics in Cambodia, we now turn to a review of traditional cultural orientations which influence present-day bureaucratic forms and processes in developing countries (Chapter 4), paying particular attention to such manifestations in Cambodia (Chapter 5). In this chapter, we present a typology of characteristics of traditional patron-client relationships and neo-patrimonial bureaucracies found in the international literature in preparation for our broader study of accountability at the sub-national level in Cambodia. In this review, we avoid the temptation to perform normative judgment on these complex phenomena, and instead present simple typologies and documented impacts of such orientations. Within the discussion of neo-patrimonial systems, we extend our analysis to consider broader implications of such systems on the role of the state, and more specifically, on accountability in present-day administrative structures.

4.1. Patrimonialism

4.1.1. *Patrimonialism defined*

The concept of patronage (e.g. patrimonialism) was first elaborated by the German sociologist, Max Weber, in *Politics as a Vocation* (Weber, 1965), and *Economy and Society* (Weber, 1978). Using the term *traditional patrimonial governance*, Weber describes a situation where administrative positions and structures are set up by patrons who then assign authority to deputies over certain parts of the overall patronage domain (Weber, 1978). In short, patrimonialism is a power regime based on the personal power of the patron, and his/her discretionary ability to dispense favour and resources to clients, who in turn rule as sub-patrons within their own domains (Weber 1978: 1010f). Further, Weber identifies a personalisation of power structures, where powerful figures often exercise some kind of territorial or dynastic dominance through military or family power in order to enhance their authority, social status, wealth and/or other personal resources.

Such patron-client relationships remain common in Southeast Asia, South America, much of the African continent and less-developed sections of Europe (Scott, 1977, Neher, 1981). Several prominent scholars have paid particular attention to patronage in Southeast Asia, proposing that such relationships make up the heart of power and authority dynamics at both local and national levels (Scott, 1972, Hanks, 1975, Neher, 1981). Scott defines patronage in these contexts as:

"a special case of dyadic (two person) ties involving a largely instrumental friendship in which an individual of higher social-economic status (patron) uses his influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services to [the] patron" (Scott 1977: 92).

4.1.2. *Chief characteristics of patrimonialism*

Patrimonialism can manifest itself in different forms, but it has been observed to possess a number of common characteristics across various political settings. We review these common traits below. We begin by identifying several common characteristics of patron-client relationships, including their adaptability, structural similarities across countries, and the

personalised power and domain formation-focus at the base of the patron-client exchange. We then describe the wealth accumulation-focus of these relationships, while contrasting these to inter-personal and affection-based ties also embedded within the relationships. We then go on to describe hierarchies and the resulting chains of unequal reciprocity between clients and patrons, the role of cultural and traditional values in the influence of such relationships, and patronage's impact on the poor.

Patron-client relationships are adaptable. One reason for the persistence of patronage relationships is their ability to adapt to surrounding environmental factors, particularly to ensure access to wealth accumulation opportunities. Thus, certain types of patronage regimes might disappear, but new forms of patronage continually emerge. Scott (1977: 93) emphasizes that patron-client relationships are very flexible, depending on the relative bargaining power of the patron versus the clients. The bargaining comes from the differences in goods and services that patrons can provide, in contrast to how badly the clients need the resources and whether the client has an opportunity to select a different provider. This adaptability can be seen in the emergence of a hybrid administrative form - neo-patrimonialism (described below) - which shows the flexibility of such networks to blend with other systems, such as a legal-rational bureaucratic form. Another explanation for such adaptability is the fact that such relationships are deeply embedded in inter-personal interactions (discussed further below), thus these relationships do not disappear as a result of economic development, changes in political regimes, or modernisation efforts (Eisenstadt, 1984).

Patronage networks are typically structured around 'clusters' and 'pyramids' (Scott 1977: 96) or 'entourages' and 'circles' (Hanks 1975: 197-202). 'Cluster' refers to the group of people that are the immediate clients of the patron. The members of the cluster compete to build good relationships with the patron, which creates what Scott calls 'factional systems.' These members are also themselves patrons in sub-domains, which can extend as far down as village level, and are also known as 'pyramids.' Information flows through these networks of overlapping and interrelated groups (Neher, 1981: 105). Patronage ties thus do not exist autonomously, but are linked with other patronage ties that pervade society at all levels. Such a massive network plays an integrating role, as clients are linked into the hierarchy. In theory, it is possible to graph hierarchical patronage chains from peasant farmers to the highest reaches of powerful elites in a nation's capital.

Patrons personalise power and form specific domains of territory and resources to maintain their control. The power of a patron vis-à-vis his clients depends very much on his authority over the resources over which he has direct or indirect control. To do this, the patron retains central authority and wide discretion; using administrative and military staff as well as rules and resources to achieve his personal interests (Weber, 1978: 1028-9). Staff, loyal servants and retainers are considered "part of the rulers' personal household and private property" (Weber 1978: 1028), with the ruler often retaining sovereign rights over their person and property. Natural, human and economic resources are all regarded as being under the personal control of the ruler.

In the public sector, a patron personally embodies and combines legislative, executive and judicial power. The ruler retains personal sovereignty over law and rules, often personally adjudicating disputes, unilaterally pronouncing edicts, while retaining personal impunity. In short, "the patrimonial state offers the whole realm of the ruler's discretion as the hunting ground for the accumulation of wealth" (Weber 1978: 1099). A patron must also be skilful in maintaining and stabilising patronage structures. To do that, a patron needs to maintain his resource base, engender trust and loyalty, especially among those in his immediate 'cluster', and produce minimal levels of client satisfaction (Scott, 1977: 100).

To do this, patrons are generally heavily involved in domain formation - the sectioning off of areas of territory and resources in order to maintain domination and discretion over them. As Weber noted, some of these domains can be highly decentralised, offering high

discretion to a local client 'lord' or governor (Weber, 1978: 1051f). To do this, the patron frames these domains for his clients to operate within, which actually serve as traps for rent-seeking. Routinely, with this bounding, gatekeepers are needed to transfer mechanisms, for monitoring and extracting rent of resources coming and going into the domains, and defending them from external competition (ibid).

Exchange and wealth accumulation are key activities at the base of patronage relationships. Scott (1977) argues that patronage is largely instrumental: a patron and his clients exchange support and resources to meet their own interests, particularly those of the patron. Such resources can be those that a patron owns, or has control over and can be economic or social, as well as in the form of information or knowledge. Thus, patrons and sub-patrons at all levels exploit their office by seeking rent from it (Weber, 1978: 1099). Most common means of wealth accumulation include eliciting gifts, fines, taxes and informal payments through such positions (Weber, 1964: 61). Wealth extraction can also occur through the appointment of staff, the selling of positions, or the use of discretionary powers to delay approvals until tributes and rents are paid (Brinkerhoff & Goldsmith, 2002). Social relationships can also be used to create connections to powerful people, or conversely, to provide protection from individuals in positions of formal or informal authority. The resources that clients can provide back vary, but might include labour, military and political supports (ibid).

Yet, interpersonal obligations and affection are at the base of patrimonial relationships. Although patron-client relationships are instrumental and exchange-oriented in nature, they are also social and flexible as well. The combination of these characteristics depends on the relative bargaining power of the patron versus the clients. The bargaining comes from the differences in goods or services that patrons can provide to the clients, how badly the clients need the resources, and whether the client has a choice in providers of such goods/services (ibid). Although mutual interests and reciprocity are among the main elements required to maintain and strengthen such relationships, at the foundation are affection-oriented relationships based on personal loyalties, friendships, and kinships. As well, Scott (1977) argues that the closer the person is to the 'big' patron, the higher the level of affection or trust at the base of the relationship. The lower the person in the system (e.g. the pyramid), the more instrumental the relationship becomes.

Because of the social nature of such relationships between a patron and his clients, they are not usually legally or contractually-bound. Instead, they are 'informal' but a strong and binding understanding exists between the two parties (Eisenstadt, 1984). 'Debts of obligations' are one crucial element reinforcing the 'affection-based' element within a patronage relationship (Scott, 1977: 99). When a person does a favour for another person, the latter owes a 'debt of obligation' to the former, which he needs to pay as the relationship matures. Such mutual reciprocity can result in vicious cycles of ongoing obligation or, if the relationship goes well, an increase in the amount of affection and bonding between the two parties. While almost everyone in a patrimonial society will have some kind of links to a patron, because of the extent of obligations involved, many people will avoid getting too close to some patrons, because of the potential obligations involved. This avoidance can have implications for people's willingness to approach the state, and to seek services or other kinds of responses from public officials.

There are vast hierarchical differences and chains of unequal reciprocity between patrons and clients. Although mainly about exchange, the benefits from a patron-client relationship are mainly given to the patron. As Weber (1978: 1014) points out, the most fundamental obligation of the client is the material maintenance of the ruler. In short, keep the ruler rich and powerful, and thus able to maintain authority so that he can dispense favours back down. From their position of power, patrons form unequal reciprocal relationships with less powerful ones which offer both parties greater access to and control of resources (Kaufman, 1974). Weber describes these subordinates as "personally dependent [on the patron]: slaves, household officials, attendants, 'personal favourites'..." (1965: 3). These

relationships are "purely personal connections" involving "favours, promises and privileges" (Weber 1978: 1041), with rewards arriving financially or in-kind. (Weber, 1965:3)

The unequal reciprocity, or imbalance in benefits, between a patron and his clients reflects the disparity in their relative wealth, power and status (Scott, 1977, Neher, 1981). The imbalance, it is explained, comes from the fact that the patron often is in a position to unilaterally supply goods and services which the potential clients and his family need for their survival and well-being. One consequence of this is the relatively high bargaining power of the patron over the clients. This power has implications on the balance between 'voluntarism' (where a client might choose to approach a patron) and 'coercion' (where a client is forced to depend on or comply with a patron) involved in a patronage bond. When the clients face limited choices, they are more likely to be oppressed by the patrons who hold higher power over resource distribution. As well, the implication of this is that the greater the coercive power of the patron vis-à-vis his client, the fewer rewards he must supply to retain him. On the other hand, all patronage involves some kind of benefit for the client, even if this is just security from the patron's further oppression. As Schedler (2002) has shown in his study of a Mexican election, the range of things that get allocated to people who are considered as clients is remarkable, including cash, caps, T-shirts, pencils, beer, washing machines, chickens, cows, cardboard, sand, and shovels (a fuller list is cited in Brinkerhoff and Goldsmith, 2002: 3).

Cultural and traditional values have a significant impact on the nature of patronage, supporting strong hierarchies but also presenting limits to patrons themselves. Neher describes how "every facet of politics is affected by a society's pattern of values, beliefs, and attitudes about political objects. Political culture can [thus] help us understand the problems and prospects of political stability, integration, and conflicts" (Neher 1981: 91). Attitudes towards religion, relationships to authority, and social order have significant impacts on a society's patronage structures (Eisenstadt, 1984, Scott, 1977, Neher, 1981, and Hanks, 1975). For instance, Buddhist concepts of merit, karma and leader benevolence have profound impacts on basic social, political, economic and cultural patterns of Burmese, Thai, Laotian, and Cambodian people, which in turn affect the notion of hierarchy in these societies (Neher, 1981: 92, Eisenstadt, 1984: 117-137). In contrast, traditional values also serve as constraints to patronage relationships, especially on the part of the patron (Weber, 1978). For instance, a patron can be quite powerful in relation to his clients, yet still be compelled to demonstrate respect for traditional and religious values, as well as cultural norms.

Patronage carries negative and long-term impact on the poor. The imbalance of reciprocity and the issues of choices can be useful to explain the effects of patronage practices for poor people. In describing rural politics in Southeast Asia, Neher (1981: 145) argues that agriculture is the centre of villager life in the region. Villagers are usually poor and, economically, at the mercy of natural elements such as droughts and floods and therefore are also at the mercy of people more powerful than them who can assist in times of threat to their very survival. Therefore, the poor face very limited choices and need to live and work within patron's domains, practicing avoidance from the powerful patrons where they can, but drawn into patron's ambits to solve problems or when seeking assistance (Auyero, 2001). The solutions they seek are often short-term, relating to an immediate crisis, and may mean money borrowing, protection, or assistance with a procedural matter. All these transactions are exacted at a cost, sometimes considerable and long-term (Brinkerhoff and Goldsmith, 2002: 2) and thus are part of a wider pattern of a 'politics of survival' for the poor (Migdal, 1988). It has been noted that patronage tends to flourish in societies where there are marked inequalities in wealth, status, and control (Neher, 1981: 105).

However, Neher (1981: 146) counters this portrayal by demonstrating that patronage relationships at local levels are a source of stability and security. The patronage ties, based on the reciprocal needs of both patron and clients, are related to the very livelihood of the poor farmers. The villagers painstakingly establish links with, for example, landowners, officials,

and entrepreneurs to assure the family's basic needs and security. The patron, on the other hand, also has interests to keep on providing support to the farmer in exchange for support such as labour, protection or deference, but also to ensure 'minimum satisfaction' of the client, which is crucial for the stability of the patronage itself (Scott, 1977: 94).

4.2. Neo-patrimonialism: When Patrimonial and Formal Bureaucratic Power Mix

4.2.1. Neo-patrimonialism defined

Bratton and van de Valle (1994) define neo-patrimony as a regime where:

"the chief executive maintains authority through personal patronage, rather than through ideology or law. As with classic patrimonialism, the right to rule is ascribed to a person rather than an office. In contemporary neo-patrimonialism, relationships of loyalty and dependence pervade a formal politics and administrative system and leaders occupy bureaucratic offices less to perform public service than to acquire personal wealth and status. The distinction between private and public interests is purposely blurred. The essence of neo-patrimonialism is the award by public officials of personal favours, both within the state and in society. In return for material rewards, clients mobilise political support and refer all decisions upwards as a mark of deference to patrons" (Bratton and van de Valle, 1994:458).

Neo-patrimonial power thus represents a hybrid of two forms of governance and power - patrimonial and legal-rational bureaucratic, defined by Weber in *Politics as a Vocation* (Weber, 1965), and *Economy and Society* (Weber, 1978). In Weber's ideal type of legal-rational power, rational bureaucracy should be operated in domains separated from political influence. 'Genuine officials' will not engage in politics, but administrate impartially, running the bureaucratic system according to the rationality of rules, rather than patronage (Weber, 1965:10). The rationality of each rule is reinforced by the wider rationality of the whole system, which is designed to deliver the most efficient and accountable system of governance, according to however these are normatively defined. As Weber put it:

"...there is domination by virtue of 'legality,' by virtue of the belief in the validity of legal statute and functional 'competence' based on rationally created rules....[O]bedience is expected in discharging statutory obligations. This is domination as exercised by the modern 'servant of the state' and by all those bearers of power who in this respect resemble him" (Weber 1978: 79).

However, Weber points out that this legal-rational power, although superior, is usually affected and disrupted by traditional patrimonial power, particularly involving conflicts between different groups, especially between patrimonial chiefs and administrative staff. In the literature addressing this relationship between formal bureaucratic governance and patrimonial governance, especially in development oriented 'good governance' approaches, bureaucratic power is very often normatively considered as good and the latter as corrupting the rule-based norms and processes of legal-rational governance. Nevertheless, despite, or perhaps because of, the apparent differences between patrimonial and rational-bureaucratic governance, the two tend to exist together in awkward hybrids (Kitschelt, 2000), particularly pronounced in post-colonial countries and emerging democracies in South East Asia, Latin America, and Africa (Ames, 2000, Coronel, 1997, Rusten, Kim, Eng and Pak, 2004).

All systems of governance involve some degree of hybrid accommodations (Eisenstadt and Roniger, 1984). In some cases, patrimony persists despite attempts to reform it democratically and bureaucratically. In others, democratic and bureaucratic measures actually enable the persistence of patrimonialism. For instance, Craig and Porter (2006) argue that liberal legal and regulatory frameworks protecting property and favouring markets inherently support powerful interests which use ideologies of equal opportunity to turn markets and

territories into regulatory 'level playing fields,' which they are then able to dominate through various applications of power.

4.2.2. Chief Characteristics of Neo-Patrimonial Regimes

Neo-patrimonialism shares many characteristics with traditional patrimonialism, while also making adjustments to operate in tandem with, or even dominate, its partner, the legal-rational system. The following section highlights common characteristics of neo-patrimonialism across countries, pointing out relationships to patrimonialism.

Neo-patrimonialism is a highly personalised, patron focused, and often presidential system, where the benefits of resource extraction through formal state apparatus are concentrated only among a small group of elites. Even when operating alongside and underneath the rational governance system, the patronage system is still personalised, focusing especially on the patron and a small number of clients close to him or her. Such regimes are highly 'presidential', with great power and discretion over a large share of the state's resources focused on the leader, even though he or she may be elected (van de Walle, 2001: 52). As Chabal and Daloz note, the patron also becomes the personal focus of hopes and problems. There is often a "universal resort to personalized solutions to societal problems" (1999: xix).

Patrons in neo-patrimonial relationships are also required to have a special ability to manage the system. Neo-patrimonial power effectively combines mastery of the formal system with mastery of the informal as neo-patrons straddle two or more power bases, combining resources from cultural (traditional), family, economic, political and administrative worlds (Bayart, 1993, Brathern, 2002). At lower levels too, individuals can exercise extraordinary power within their patrimonial domains over persons of lower sections, be they clan, region or faction.

The personalised and small elite-focused nature of neo-patrimonialism also arises from the fact that the system is focused in geographical centres of power, around central political figures in central ministries and high military command, as well as in arms of government with control over considerable financial and natural resources. The most powerful patrons, "the political aristocracy," are those centrally located figures with personalised control over core government agencies. Van de Walle (2001: 52) estimates that in the case of Africa, these figures may not constitute more than a couple of hundred people in an entire nation. Yet, these neo-patrons extract surplus from the levels below them, often becoming extraordinarily wealthy despite having limited formal income. Such centralism can have a number of perverse effects though, such as the enlarging of the central bureaucracy, multiplication of high offices allocated to key cronies, and a premium on promotions which brings client officials into the country capital (Vidal, 2003, Thomson, 2000, ch6). Lower-level figures may also benefit, but considerable negative effects are also felt further down the system.

Neo-patrimonial systems co-opt the formal and informal mechanisms of the state to gather personal wealth, via rent seeking. Patronage networks prove highly adaptable to operating within legal-rational systems to maintain 'wealth accumulation' networks within the constraints of bureaucratic structures. Thus, the formal governance systems in the neo-patrimonial state become a machine for harvesting income and gaining resource control. The public institution becomes an instrument for private enrichment, with higher-level officials buying jobs to extract rents (i.e. informal fees) and control regulatory and judicial processes, both to solidify their power and wealth accumulation (Brinkerhoff and Goldsmith, 2002). As a consequence, electoral politics are "businessified" (made to involve exchange of money, goods and other resources and incentives), with high profile business people occupying elected positions (Crook and Manor, 2001). Some government ministries present greater opportunities for neo-patrimonial exploitation. Ministries and sections within ministries with high levels of control over financial flows, staff appointments, capital spending on

infrastructure, policing and security, natural resources and the environment, and donor funds become key focal points for neo-patrimony and rent seeking (Hughes and Conway, 2004).

As such, rent seeking eventually pervades the system so that all transfers are subject to budget-crippling deductions and all services are subject to informal payments. Lower level officials may need to exact bribes just to earn a living (called 'survival corruption') (Bertucci and Armstrong, 2000). In extreme cases, the state evolves into a vehicle for plunder, predation and 'kleptocracy' (Acemoglu et al, 2003), choking commercial and other activities, as seen in India's 'permit raj' (Yergin and Stanislaw, 1998). The impacts on state accountability to citizens are powerful and numerous.

Such rent-seeking processes have considerable impact on private sector activities as well. Control over the formal process and structure of the state provides patrons and their private sector clients with access to economic, political and state resource privileges (van de Walle, 2001: 52). Any public assets of worth are held at the personal discretion of a patron, allocated and privatised through neo-patrimonial networks without consideration for public interests. On a larger scale, neo-patrimonial relations can also extend into large national corporates, which are often 'owned' by close cronies (sometimes on behalf of public figures), and which get sweetheart and monopoly deals from government. This arrangement has been described as 'crony corporatism' or 'crony capitalist state' (Haber, 2002, Krugman, 2002, Stiglitz, 2002). The same dynamics can extend to more localised networks, with central patrons controlling local or provincial assets and sharing collected rents with lower clients who act as local landlords or brokers.

Systems of neo-patrimonialism manipulate policy implementation and law enforcement processes, as well as cause disruption to judiciary accountability. In neo-patrimonial systems, the rules-based nature of rational-legal bureaucracies is affected by the interpersonal obligations, loyalty, and reciprocity at the base of the patron-client relationship. Consequently, neo-patrimonialism involves systemic informality and selectivity and discretion in the application of judicial, regulatory and bureaucratic rules. In practice, certain rules will be applied excessively in order to extract rent (for example, minor traffic violations) or reward certain clients (such as the need for permits or signoff, only obtainable from a client). Other rules will be selectively ignored. In such regimes, the challenge is not a lack of laws (in fact, having such laws legitimates the whole system, and thus strengthens neo-patrimonialism), but their selective application at the discretion of the patron (Weber, 1978: 1099). In such circumstances, "formal rules about how political [and administrative] institutions are supposed to work are often poor guides to what actually happens" (O'Donnell 1996: 40). Rather, informal systems, based on "implicit and unwritten understandings" (Brinkerhoff and Goldsmith 2002: 1) leave no paper trail, resulting in personalised decision-making processes steeped in secrecy and impunity.

The enforcement of laws and regulations, crucial to ensuring accountability, is often undermined by neo-patrimonialism. The result is the development of a culture of impunity among elite groups. Key patrons, family and core supporters become immune from sanction and enforcement in civil, criminal and other areas of law. Patrons maintain the illusion of a functioning judiciary, even as they dominate it. They exploit the state's monopoly on legitimate violence (Weber, 1965) to intimidate and prevent political opponents from verbally attacking those in power (Quah, 1999, Leiken, 1996, Helmke and Levitsky, 2004).

Neo-patrimonialism disrupts core services and functions and creates inequity. As neo-patrons occupy bureaucratic positions in order to enhance personal wealth and power and secure benefits for their clients, the quality, predictability, and delivery of public services suffers (Bratton and van de Walle, 1994: 458). As patronage networks substitute for legitimate state apparatus, arbitrary decisions direct resources in informal and personalized ways, destroying bureaucratic accountability (Weber, 1978: 1092-5). Privatisation of key services and utilities to 'corporate cronies' can lead to primacy of commercial interest over

public service outcomes (see, for example, Harrison, 1999). This results in an inequality in the receipt of public services (Brinkeroff and Goldsmith, 2002).¹⁸

In fact, on the one hand, despite their typically poor condition, elites use public services to gain citizens' votes in order to create a sense of legitimacy for their position. Rather than reform public institutions, patrons give out gifts ranging from clothes, to groceries, to school construction to gain support from the poorer segments of the population (Brusco et al, 2002, Hughes, 2003). Because of the lack of choice and access to formal sources of assistance available to the poor, they often join the patronage system as a short term solution to their common concerns (Auyero, 2001).

Conversely, the introduction of democratic, legal-rational bureaucratic systems also changes the nature of patronage relationships, both horizontally and vertically, in at least three ways. According to Scott (1977:109), elections improve the client's bargaining positions with a patron by adding to his resources, since the mere giving or withholding of his vote affects the fortunes of the patron who is running for office. Election dynamics also promote the vertical integration of patronage from village level to the central government as well as expanding patronage networks and more deeply politicising the existing bonds as patrons compete for the ballots.

Neo-patrimonialism creates permanent fiscal crisis. Neo-patrimonialism also results in what van de Walle (2001: 52) calls a *systemic fiscal crisis*. Here, the formal systems of the state are chronically starved of resources. Taxes and other revenues are either not collected, subject to highly selective collection, subject to skimming, or routinely avoided. As a result, monies formally designated to provide services or pay salaries are skimmed, are reduced by handling 'percentages,' or diverted into private bank accounts. Finance thus becomes a vulnerable point of neo-patrimonialism (Callaghy, 1984), undermining the accountability that should be expected of public servants at all levels in a bureaucracy. As central actors skim from the budget, insufficient resources exist to pay lower-level staff salaries and funds are not available to ensure even basic service delivery. Neo-patrimonialism becomes further institutionalised as lower-level staff turn to rent extraction from their positions to supplement their meagre salaries. This 'petty' rent-seeking process creates a market for the most lucrative positions. As 'rents' increase, so does the 'price' of the position, thus creating an ongoing cycle of extraction and payments which powerfully undermines accountability at the lower levels of bureaucracy as well (Hughes, 2003: 50-58).

Neo-patrimonialism pervades governance from top to bottom, becomes institutionalised, and becomes highly reform resistant. Neo-patrimonialism is composed of a hierarchy of various layers of patron-client relationships which often map directly onto formal bureaucratic organisation charts. As a result, an endless series of dyadic exchanges, from village level to the highest reaches of the central state (Van de Walle, 2001: 51), make extensive use of networks, create horizontal and vertical informal links, and brokering and protection arrangements, thus firmly linking the centre and periphery (Kettering 1988). Such hierarchies and networks often are related to the structures of political parties, meaning a heavy, even pervasive, politicisation of the Executive and Judiciary (Kitschelt, 2000).

Once institutionalised, neo-patrimonial relations become a substantive and enduring part of the institutional configuration of the state. Operating at each level of the bureaucracy, these activities have systemic implications which no individual or single reform can easily unravel (Martz, 1997). As Migdal (1988) describes, 'triangles of accommodation' emerge

¹⁸ Tripp (2001) indicates that neo-patrimonial regimes also affect gender equality as patrons tend to reflect wider patriarchy. But while patronage arrangements can easily extend to women's groups, independent women's groups may be as well placed as any actors to challenge many aspects of neo-patrimonial governance (*ibid*).

among bureaucrats, politicians and strongmen, even pervading donor relations.¹⁹ In short, "bureaucrats tend to opt for token implementation of official policies, doing just enough to give the appearance of delivering services according to formal regulation and procedures, while informally trading public resources for power, influence and cooperation" (Brinkerhoff and Goldsmith 2002: 19).

Yet, transitions from neo-patrimonial systems have occurred, although the regimes may endure for long periods as the basic arrangements pass from one strong leader to the next (Bratton and van de Walle, 1994: 460-466). Such transitions have typically occurred as a result of popular and social protest, internal fracturing over access to patronage, or top-level rivalry among factional leaders (see Eisenstadt and Roninger, 1983: 263f for a discussion of instability within patronage relations).²⁰

4.3. Accountability within Patrimony and Neo-patrimony

As the previous characterisations demonstrate, the co-existence of a patronage system within a bureaucratic administration undermines the fundamental assumptions at the core of such a rational-bureaucratic structure. Enforceable rules and clear lines of reporting which are meant to ensure answerability and enforcement are non-existent. Yet, we can not be too quick to dismiss the rationality that exists at the root of such patronage relationships. Such exchanges are rooted in rational choices based on financial incentives available to both patrons and clients alike. Thus, answerability and enforcement exist, but they are not created by structures and explicit rules. The mechanisms that ensure accountability lie at the economic transaction at the root of such relationships, as well as the instrumental or affective ties which establish and solidify patron-client relationships. Although the main purpose for the development of such bonds is wealth accumulation for both parties, the obligations related to friendship, kinship, trust, and debts of obligation between the patron and client hold many implications for accountability within the neo-patrimonial system. If we do not examine these dynamics, we miss important accountability clues to reforming administrative cultures rooted in traditional patron-client networks.

That said, this does not resolve the issue at hand, which is that patronage systems routinely subvert the bureaucratic governance accountability systems they operate with and through (van de Walle, 2001: 53). With the existence of a patronage system, public officials may be informally subject to many players including political parties, influential businesses people, families and friends. Commonly, this leads to patrimonial capture and strengthening of some executive functions and systemic weakening of others, a general weakening of legislature functions (within a system of entrenched dominance), and a subservient judiciary (ibid). Where public officials capture their authorities and use them for rent seeking activities, incentives to be transparent are undermined, state functions that have little potential for rents are neglected, and ultimately, pro-poor policy formulation and implementation hardly exist (ibid).

Thus, as a result of the intermingling of the two systems, the accountability (or part of it) of the formal system is transformed by that of the patronage system. In some cases, patronage systems are so strong that they significantly substitute the formal state apparatus and the formal accountability lines (Hughes and Conway, 2004). Consequently, the distinction between private and public interests is deliberately blurred (Bratton and van de Walle, 1994: 458). Administrative positions succumb to politicisation, the discretion of the Executive and Judiciary branches is undermined, and informality and a lack of predictability

¹⁹ In line with wider centralism, donors tend to have major activities located in central ministry PSUs, and their extension to localities tends to be executed by central officials who find numerous opportunities in and around projects to extract rent.

²⁰ Worth noting, though, is that the state failure and civic unrest that leads to such social protest are also possibly the side effects of neo-patrimonialism itself, leading to loss of the legitimacy of the regime (Reno, 1995, 1997).

abound. However, this does not mean that neo-patrimonial systems do not possess a degree of predictability and accountability. In fact, they represent the institutionalisation of patrimonial practice.

Thus, such informal processes can not be ignored, but a different lens must be applied to consider such practices which are enmeshed in non-bureaucratic formalities based in traditional values (Weber, 1978), personal relationships, and culturally defined impunity. Yet, such predictability cannot simply be read off the bureaucratic rule books or an organisational chart. Chapter 5 explores the roots of the traditional patron-client culture that exists in Cambodia and considers the assumptions which guide many fundamental aspects of social life which have seeped into administrative culture at all levels.

Chapter 5: Patrimonialism and Neo-Patrimonialism in Cambodia

Chapter 5 explores the realities of Cambodian administration by first identifying characteristics of traditional patron-client relationships, then turning to an overview of neo-patrimonial bureaucracies, as identified in Chapter 4. We begin by reviewing Cambodian history to identify those deeply rooted cultural orientations under-girding the current hybrid bureaucratic system and reinforced in different ways by different regimes of the past century. Historical values which support ongoing patrimonial structures include the personalisation of power, the prevalence of interpersonal obligations and chains of unequal reciprocity, and expectations around domain formation and wealth accumulation activities. We also consider patrimony's impact on state-society relations and how rules of social behaviour influence notions of hierarchy which keep patron-client networks embedded in society, and finally, the role that the genocidal regime of the Khmer Rouge had on more recent behaviours related to patrimonialism, before turning to a review of manifestations of such experiences in the current neo-patrimonial administrative environment.

5.1. Understanding Patrimonialism in Cambodia

We begin with a review of patrimonial characteristics embedded in the Cambodian historical and cultural context. We discuss two characteristics: the personalisation of power and domain formation as reflected in Cambodian history up to the late 1980s, when Cambodia started its economic liberalisation. We pick up more recent history in the subsequent section on neo-patrimonialism. We then document patronage practices at local levels through a review of various historical studies of Cambodia. The discussion shifts to focus on traditional values and finishes by looking at the impacts from Cambodian recent history of wars and genocide on patronage practices in this country. By presenting this history, this section aims to bring patronage concepts as discussed in Chapter 4 into the Cambodian historical and cultural context to serve as a framework for the more recent manifestations of the hybrid neo-patrimonial administration which has strongly emerged since the time of economic liberalisation.

5.1.1. *Patrimonialism in Cambodian historical context*

Cambodia's experience as a patrimonial society can be traced as far back as the pre-Angkorian period, with Indian, Hindu, and Buddhist values deeply influencing the notion of patronage. Personalised power, the concentration of various powers in one, or a group of patrons (Eisenstadt and Roniger, 1984), accompanied by practices of domain formation along the lines of personal loyalty has continued from pre-Angkorian conceptualisations of god-kings until the present day. As in many other countries in the region, Cambodia has a strong tradition of leaders having absolute power: power sharing, loyal opposition and elections were all alien to the Cambodian context (Chandler 1991:4).

History indicates that prominent Cambodian leaders have had strong tendencies to build their own dynasties, one after another. Studies (e.g. Marston, 1997, Chandler, 1991, 1996) indicate that associated with personalisation of power was the effort to build a domain or sphere of power which worked to include some people and exclude others. Personal loyalty of clients towards the patrons in the domain was very crucial. History also shows that conflicts between different networks or factions have led to political unrests and that more often tensions among different lines of personal loyalty rather than lines of ethnicity or ideology were actually the real causes (Marston, 1997: 81).

Traditional orientations towards personalisation of power and patronage were also seen to have intensified and transformed upon the arrival of French colonialism and administrators in the 1860's. Not only did the French strengthen the Cambodian monarchy, providing it with ceremonial trappings and other bases for an enlarged entourage; it also created an extended administrative system based on heavy extraction of revenues. The greatest influence came from the French hire of Cambodian civil servants on a strictly instrumental basis: to collect taxes from Khmer farmers "to the limits of endurance" (Martin 1994: 35).²¹ These civil servants gained prestige through their support by the French and gained power in their role as tax collectors, but had no related responsibility or accountability to local people, as they might have had had they for example been a landlord class. Because of the fear these tax-collecting authorities were able to raise, their position allowed them to form instrumental domains within an official system for accumulating further power.

In post-independence Cambodia, the same patterns of personalising power and patronage have been evident in several historical periods, including King Sihanouk's *Sangkum Reastr Niyum* and General Lon Nol's Khmer Republic. *Sangkum Reastr Niyum* was a Socialist movement founded by the young King Sihanouk after he abdicated the throne shortly after Cambodia gained independence from France. This movement swept all the seats in the national elections in 1955 (Chandler, 1991) and resulted in the first post-colonial regime. During this period, the political scene was dominated by Sihanouk, whose popular support and respect from common people were derived from the concept of "royal authority" (Ledgerwood et al., 1994), which allowed him to enjoy personalised and absolute power to rule and to eliminate his rivals (Chandler 1991, 1996, Ebihara et al., 1994) without being challenged.

Patronage and personalisation of power were also present in the regime following *Sangkum Reastr Niyum*, that of General Lon Nol who, like Sihanouk, "saw himself at the pinnacle of Cambodian society" (Chandler 1991: 5). But unlike Sihanouk, who was described as "hyperactive" (ibid), Lon Nol's leadership reflected his calm and reserved personality (ibid) and actually became more authoritarian over time. In 1973 he abolished freedom of expression and censored the press (Martin, 1994: 131). Although his regime was viewed by many Cambodians as foreign, unequal, exploitative and corrupt (Chandler, 1996: 208) and was characterised as "sliding toward chaos" (Chandler, 1991) by the time of the Khmer Rouge takeover in April 1975, his style of personalised, corrupt leadership had established itself as a Cambodian leadership model in the post-colonial national political environment. Further into the Khmer Rouge regime, which is considered as following the Marxist-Leninist style, personalisation and concentration of power was also observed. Although he expressed a belief in collective leadership and rejected the cult of personality, Pol Pot stood alone at the pinnacle of the party and the state. By 1978, he had become known as Brother Number One and monopolised political authority following the traditions of command (Chandler, 1991). The Khmer Rouge and its genocidal rule are seen to have had significant impacts on patronage practices in Cambodia, as will be discussed in a later section.

The overthrow of the Khmer Rouge regime by the Vietnamese force in late 1978 and their subsequent installation of the *People's Republic of Kampuchea* (PRK) opened a new chapter in Cambodian history which once again "realigned the social fabric [of Cambodia and] further weakened social alliances and networks" (Boyden and Gibbs, 1997: 101). This period, which would last until 1989, was marked by an extremely complicated struggle for the control of Cambodia (Gottesman, 2003) and a protracted civil war lasting for more than a decade which displaced hundreds of thousands of Cambodian refugees. In their struggle to eradicate the Khmer Rouge and solidify control of the country, the regime engaged in continuous psychological propaganda which required unquestionable adherence to the agenda of the Vietnamese leadership and total destruction of the Khmer Rouge at all costs (Chhay

²¹ The French colony taxed rural people so heavily that it forced "Khmer peasants into a state of increased dependence on Chinese money-lenders" (Gottesman 2003: 15).

and Pearson, 2006: 4). The psychological implications of this period offer important insights into the early shaping of the accountability structures of Cambodia in both public and private domains, which we pick up in a later section.

5.1.2. Patronage in Cambodia's grassroots and central-periphery connections

Kinship and patronage customs are the main building blocks of Khmer peasant village relationships (Ebihara, 1968:186). Studying patronage relationships is useful for understanding how decisions are both made, and influence the interactions within, Khmer communities, which are themselves formed from and function within a kinship base. Khmer patronage reflects the co-existence of both instrumentally based and affection based elements as termed by Scott (1977). Operating in a flexible or 'loose system,' reciprocity and exchanges exist alongside loyalty and moral obligations in the networks (Ledgerwood and Vijghen, 2002: 114-7). The reciprocity is also observed by the two authors as unequal, based on the observation that patrons do not provide protection/benefit components that are equal to the support and assistance that are given. Marston (1997: 72), in addition, offered a note on the Cambodian patronage system. It is, he claimed, a system of "personal dependency" that is at the foundation of the patron-client relationship, not landlordism, as is the case in countries with classic patron-client structures around the world (Marston 1997: 72). He further notes that "while landlordism increased during the 1954-1975 period, this never took on the enduring institutional quality of classical patron clientelism" (ibid: 77).

Traditional Cambodian local patronage has transformed itself, especially in the last forty years, in which new dynamics have been incorporated onto the core basic patterns or characteristics. As Ledgerwood and Vijghen (2002: 143) and Marston (1997: 72-83) indicate, kinship and associated patronages are still central to understanding how reciprocity works within a village and the social bonds created and sustained through those exchanges. Although flexible, the Khmer peasant could not exist without a patron (Ledgerwood and Vijghen, 2002: 143). They need to be in *ksae* (networks) with *knorng* (patrons).²² This relationship creates strongly intertwined interpersonal obligations, as each client is also a patron to a network of clients below. In times of need, clients located lower down the *ksae* seek help and intervention from the *knorng* directly above him, continuing the patron-client chain all the way to the top of the *ksae* as needed. Looking into history, even under the French colonial period, limited impacts were made on economic patterns of the average subsistence rice farmer, which also implied that patterns of patronage as they existed at villages remained the same. Within the newly introduced concepts of bureaucracy, government officials then were not really administrators, but more like extractive patrons eating up lands and people. It is also noted that the French colonial period also represented an earliest stage of the formation of a neo-patrimonial administrative system in Cambodia, where rural peasants were exploited by powerful patrons all the way up to the highest levels of the governing authorities, be they a Cambodian king or a French administrator.

The literature suggests that, among other things, the transformation to colonial administrators changed the dynamics of local patronages themselves, and more importantly, how they interacted with those beyond the boundary of a village. Traditionally based on kinship ties, patronage networks mainly operated on a personal dependency level, with little, or only ad hoc, connection with those outside the community (Marston, 1997: 77). However, after the colonial period, with the introduction of better-defined state hierarchical mechanisms, attempts by the state to reach the local level increased. During the Sihanouk period, the outreach was still limited: the state hierarchical mechanisms were limited down to only the district level, nevertheless, As Marston observes, "If there were relatively few pyramidal links by which the grass root population linked to the upper echelons of power,

²² *Ksae* literally means 'rope or string' and refers to the string of clients who rely on the protection and support of their patron, or *knorng*, at the top of the *ksae*. Anybody who is attached to the patron is included in the *ksae* and thus relies on the *knorng* (literally translated as 'back') to gain benefits.

Sihanouk's use of television and practice of giving speeches for mass audiences throughout the country, meant that the general population may have felt a greater symbolic link to the top of the pyramid than it ever had before" (ibid: 80).

During the DK period, the old administrative systems were radically replaced by agricultural cooperatives whose three members were holding real power. Outsiders were often brought in to rule specially to break down local-bonds of loyalty and patronage. The monkhood and even family networks were undermined (Ledgerwood and Vijghen, 2002: 119). Yet, as Thion (1993) points out, the DK regime brought in a new face of patronage in which patrons exercised their power in extreme ways, such as control of food and brutal violence. DK regimes, along with the Cambodian war legacy, also have other significant institutional and psychological impacts on Cambodia and her people, which will be discussed in a later section.

In the 1980s, the PRK state exercised its controls and reached the local level more than any other government except the DK (Ledgerwood and Vijghen, 2002: 117). During the PRK, two traditional Communist-style bureaucracies were established: the party structure and the state apparatus. The Communist PRK regime promoted strict adherence to hierarchy and did not tolerate questioning of decisions of the higher authority, creating a situation in which it was not safe for everyday Cambodians to demand change. Further, the state and party structures extended their arms to the grassroots by establishing a three member village committee (Gottesman, 2003: 34-56) and institutionalising the *Krom Samaki*, cooperatives organized to sell rice to the state. Through such structures, messages from the regime reinforced the notions of interpersonal obligations and chains of unequal reciprocity by extending control to the lowest levels of community life and through the collectivisation of rural production. Everyday Cambodians were not to question the installation of such structures, nor request accountability from the higher up authorities, establishing clear political rules for the relationship between the state and society. Poor Cambodians learned that they were expected to stay quiet, keep expectations low, and express continuous gratitude to the Vietnamese for saving their lives (Chhay and Pearson, 2006: 4).

Faced with security issues and the threat of the return of the Khmer Rouge, local Cambodia during that time was also tightly controlled by the police (Ledgerwood and Vijghen, 2002: 126-135). The local police were seen to be influential patrons given their entrusted administrative, security and party authority. In some instances, the patrons exercised their power in coercive manners such as during the K5 period in which people were forcibly sent to clear forest areas especially those close to fighting zones. In the same period, Ledgerwood and Vijghen identify different, often overlapping domains at the local level: administrative, religious, educational, spiritual, economic-political, and development assistance (ibid).

Such highly vertical arrangements, both partisan and administrative, resulted in stronger connections between local patrons and central leadership. Gottesman (2003) highlights the competition among prominent party members in the PRK/SOC as each worked to win support from local patronages as their bases. The building of local networks and connections to the centre which started during the PRK/SOC period also served as strong power bases for the CPP in democratic elections from 1993 onwards. It is also clear that rural local patrons have gained their respect not only through accumulation of wealth, but also through their activeness in political activities. Also, rural village patrons are described as people who gained their position "because they were loyal supporters of the ruling party" (Ledgerwood and Vijghen 2002: 133). And, as will be shown later, the strong and penetrative political networks have been playing crucial complementary roles in addition to the economic and kinship interest-based elements of the current patronage networks.

The transition from the genocidal regime of the Khmer Rouge to the externally-controlled Communist regime transformed the fundamental nature of the relationship between people and the state, as well as the connection of local patronages to outside forces.

Historically, family and kinship and village level patronage appears to have been limited to the scope within which Cambodian people have interacted with one another. Some central-periphery interactions started in Sihanouk's regimes, making people feel attached to the top to a certain degree. Then, wartime and the Khmer Rouge period brought the state close to the people in a very unpleasant manner, and so the state-society relationship shifted from one characterised as distant but benevolent, to one that was closer, more exploitative, and oppressive. In this period, where the local authority possessed a high degree of authoritarian power (demonstrated, for example, in such activities as conscripting men for military service), people viewed authority as something to avoid. There was "*klach*, in some cases some *korob*, but very little *kaud*"²³ (Ojendal and Kim 2006: 9) in the way people viewed authority. The fear element embedded in this relationship between state and citizen is important, as it rationalises the need for security and protection that a patron or *knorng* provides. With a powerful *knorng*, "There is a lot of *korob*, some *kaud*, but not so much *klach*" (ibid). However, this analysis is mostly applied to the rural setting where people are poor, less-educated, and lack access to information. The urban version of this perception could be some *korob*, some *kaud*, but not *klach* because city dwellers do not have strong reasons to fear the authority.

5.1.3. Religious and traditional values and their impacts on patronage practices

There are two main religions influencing patronage practices in Cambodia. The early one was *Hinduism* which has had a strong influence on Cambodian social orientations since the Indianisation of the Cambodian state began at the start of the Funan period (1st - 6th century). From a patronage perspective, Hinduism influenced the strong tendencies of personalisation of power around leaders and the formation of power domains. During the Funan period, the state was highly-organised, hierarchical, and centralized (Su, 2003: 323), but the notion of god-kings (*devaraja*) with magical powers was imported by the ruling classes from the example of Indian rulers as a way to enhance their position of power. These magical powers were seen as the basis for political authority (Coedes, 1964). The principles of absolutism and hierarchy were also introduced during the process of *Indianisation*, with the rule of god-kings seen as reflecting a microcosm of the cosmic order. The cult of *devaraja* was magnified at the onset of the Angkorean period (9th - 15th century) when the Angkor Empire was founded, (Su 2003: 324). The King continued to be highly respected as a god-king and regarded as the most powerful figure in the Kingdom, where absolute power and control were inherently associated with the King, who was worshipped by his citizens.²⁴ In the past, to enhance legitimacy, the kings needed to trace or connect themselves with the previous rulers.

Buddhism has been the dominant religious force in Cambodia for the past several hundred years and as such, Buddhist beliefs are closely woven into the complex social hierarchies of Cambodian society and inform social, political, economic, and cultural orientations for individuals, families, villages, and the nation (Ebihara, 1968), as well as Cambodian patronage. Buddhist beliefs related to attaining merit through exhibitions of tolerance, compassion, and forgiveness result in particular ways of relating to and perceiving others' actions. The centrepiece of Buddhist concepts relies on the notion of *karma*, which pertains to the sum of one's good and bad actions in current, previous, and future lifetimes. Thus, performing virtuous acts, such as in-kind or in-cash giving for temple construction, sustaining monks, or supporting religious festivals, accumulates merit, which will lead to a better spiritual and material existence in subsequent lifetimes. A strong belief in *karma* influences perceptions of the social order and promotes the existence of unequal patron-client relationships in rural Cambodia. David Chandler writes, "according to popular belief, merit accumulated in previous lives [goes] a long way towards explaining a person's social

²³ '*Korob*, *kaud*, *klach*' is a common expression, documented by Ojendal and Kim, in Cambodian language which means 'respect, admiration, fear'.

²⁴ The conception of a King's power as associated with God still exists in present-day Cambodian society to some extent (Mehmet, 1997).

position" (Chandler 1991: 4). People lower down the social strata accept their socio-economic position but expect those with higher status to respect and tolerate those existing at the lower strata. Poor farmers and their families "[take] their low status for granted and [think] social change unlikely or impossible" (ibid) and instead wait for the rich to redistribute wealth to poorer people in order to gain merit. Thus, many elites in cities donate physical materials such as schools or pagodas back to the countryside. Chandler further contends that this belief also affects the ways leaders view themselves. "Those in power ... belong in power; those at other levels of society have been born to take orders" (ibid).

Although such thinking relates to perceptions of leaders' positions and behaviour, these appear to be changing. Before, leaders were assumed to have ascended to their positions due to good karma earned in previous lives, while the poor and desperate believed themselves to be the victims of their own bad *karma*. David Chandler explains that this belief is at the root of why "rural Cambodians often thought of their leaders as meritorious" (Chandler 1991: 4). Another Buddhist value is the benevolence of the leader. As indicated by Ledgerwood and Vijghen (2002: 144), moral authority is one important component of Cambodian patronage networks. Part of authority, we would argue, is affected by the notion of leadership qualities, one of which is benevolence. Leaders see themselves as persons who need to take care of their followers, and that they need to give out gifts and offer help to poor people. This belief reinforces the personalisation of contacts between a patron and his clients, and helps to justify 'how' the leaders manage to obtain the resource in the first place (Hughes, 2006: 472). However, with recent shifts in material wealth and showy displays of often ill-begotten assets, poor Cambodians are holding increasingly mixed views toward leaders. The Buddhist idea that desire, ambition, and greed cause suffering starkly contrasts the activities of Cambodian leaders exhibiting increasing attachment to material pursuits. Such shifts in thinking represent an emerging mixed-belief system, where Cambodians explain leaders' positions as a result of good *karma* in the past, but their current wealth due to greed and corruption in the present. Value orientations might be expected to continue blending as younger generations of Cambodians consider things in a variety of conceptual frameworks, not just traditional Buddhist ones.

Social placement in Cambodia is also associated with ceremonialism, which can be defined in this context as the placing of importance on outside appearances over substance. Most rural Cambodians who receive little education or exposure to foreign values view power at a superficial level, bestowing respect on those who possesses expensive goods and glittering materials. Trust is placed in individuals who exhibit an external appearance associated with high social status, rather than individuals in formal bureaucratic roles who present credible information. This association is due to long-standing and deeply embedded patterns of personal dependency where people have learned to trust the elite class who offer protection when the state has failed. Thus, it is important to demonstrate appropriate levels of respect and deference to high ranking and powerful officials who assure common citizens of their strength through displays of expensive cars, clothing, skin tone, and other traditional displays of wealth and power. Such activities reinforce people of lower status' view of themselves as inferior, as do labels such as those that distinguish between "*neak sré*" and "*neak krong*", literally farmer and city dweller, which hierarchically places the fair-skinned city dweller higher on the social spectrum than the dark-skinned farmer.

Indian, Buddhist, and Khmer understandings of social hierarchy blend to create a unique Khmer conception of justice and fairness where 'favouritism' is considered neither 'unfair' nor 'unjust.' Ledgerwood and Vijghen coined this as "Khmer fairness ideology" (2002: 128) and provide an illustration by using a Khmer villager's explanation as to why she did not receive development aid, which she attributes to not belonging to the village chief's 'client' group. She defends this as a fair practice since she is not a 'favourite' of the village chief. She goes on to further justify the experience: "After all, one is expected to favour one's kin and friends, otherwise one would be seen as neglecting the interests of one's kin" (ibid: 128). Such a widely accepted philosophy makes for few challenges to the Cambodian patronage system.

5.1.4. Hierarchy, language, and rules of social behaviour

Patronage is reinforced by a social hierarchy that is so strong in Cambodia it is the foundational principle driving social behaviour. In her article, "Social Rules and Political Power in Cambodia," Marie Alexandrine Martin states that "the first rule of social behaviour in traditional Cambodia is for the Khmer above all else, to remain in his rank, (i.e. *neak cuo*), and not leave this place fixed by a society directed by rules which have apparently not changed for centuries" (Martin 1990: 2). It is commonly accepted that if an individual is perceived as second to someone in a group, that person must submit to the superior one. The rule written in the Buddhist-inspired books called *chhap* is the respect of the 'younger' toward his 'elder'. In a family, the younger members are not allowed to question or challenge the elder. This rule, although existing in many Asian countries, is rigorously applied in Cambodia (Martin, 1994) and continues to be practiced strongly today, providing further support for Cambodia as a patrimonial society.

Two other components of social behaviour which reinforce patrimony are conflict avoidance and a culture of "saving face." Ordinary rural Cambodians prefer to avoid coming into conflict of any kind at all cost, especially involving those who are considered powerful. On many occasions, they may also prefer to be humble and take the peaceful and acquiescent path (O'Leary and Nee, 2001). Anecdotal observation suggests that ordinary villagers would prefer to be the 'loser' in the conflict to avoid further problems in order to ensure that their family could live peacefully. This preference, in general, can be attributed to an inclination to keep social interactions low-key. Such inclinations can be observed in everyday conflicts, where people are inclined to solve problems at the lowest level of a conflict, avoiding seeking a solution further up the system. An explanation of this natural inclination is that Khmer children are generally taught to behave orderly, politely, respectfully and somewhat submissively. The expectation of children maintaining a low profile is aptly demonstrated in a popular metaphor about rice seed that every Cambodian is taught: "*ngoey skork, aon dak krop*". *Ngoey skork* means when the rice grows high up, it will not have any seed, which is not good. But if it *aon* or bends down, it is going to *dak krop* or have many seeds, which is good. This rice seed metaphor has been used for many generations to educate young Cambodians not to rise high up or be rebellious, but to always bend down and be submissive, further strengthening the propensity for patrimonial behaviours.

Similar to the notion of 'staying low' (e.g. conflict avoidance), the culture of 'saving face' also influences social behaviour that reinforces patron-clientelism. Cambodians sustain and strongly encourage the culture of saving face which, according to historian Marie Alexandrine Martin, "neither knowledge nor the coming of the modern world" could weaken (Martin 1994: 14). Martin further stated that, "to avoid loss of face means to persist in one's errors. Khmers do this with a great deal of elegance, concealing their feelings behind the facade of a charming smile directed at their interlocutor, Khmer or foreigner" (ibid). This practice of saving face also comes to play in current politics. For instance, it is common that when one politician or high-ranking officer is dismissed from his office for any reason, he is rarely demoted to a lower rank. He is instead promoted to a higher position (at least on paper), but which is less influential and financially lucrative, thus saving a degree of "face" for the expelled officer. This practice is not only applicable to individual politicians, but also to institutions. In Cambodia, instead of reforming old institutions, new ones are often built because "firing people or downsizing institutions would make people lose face and lead to the creation of enemies" (Rusten et al. 2004: 45).

Language use also supports hierarchy in Cambodian society. As Neher (2000: 19) points out, "Most Southeast Asian languages reflect the significance of status in their respective societies. Hierarchy is evident in terms of reference, and also in the verb choices speakers of these languages make".²⁵ Many examples abound. The translation of the word 'you' in Khmer illustrates this hierarchical relationship. In the Cambodian context, the word

²⁵ Quoted in (Su 2003: 80).

"you" has at least four different translations²⁶ according to the rank in relationship between the speaker and the person being addressed. The word *aeng* is informal and is used to address people of lower status, *neak* is semi-formal and is used to address people of the same level, *lok* is formal and is used to address people of higher status, while *preah dech kun* is used to address a Buddhist monk. The primary criterion that individuals follow in addressing one another (except a monk) is age (Huffman, 1970 as quoted in Su, 2003: 81, Ovesen et al., 1996). Kinship terminology is also used beyond the family unit as a way to further conceptualise and order social relations (Ovesen et al, 1996).²⁷

A final example of social addressing that is relevant to the perpetuation of social hierarchy is the word *ek oudom* which means 'his excellency' in English. This word is frequently used to refer to elite officials in the government who, in the view of everyday commoners, either possess great wealth or strong power. Upon examination, this word clearly reflects this interpretation. *Ek* means 'first or premier' while *oudom* means 'supreme'. However, hierarchy in the Cambodian language should not be interpreted as incorporating negative connotations. Su (2003) quotes Smith-Hefner, who states that, "Khmer feel that recognizing social distinctions through appropriate speech and behaviour is essential to harmonious relations (ibid:139). Khmer do not see their ranked system of speaking as demeaning or confining" (Su 2003: 82). For instance, the language that elite officials at the national level use to address each other helps maintain strong connections between them. Like any average Cambodian addressing other people, the people in the elite circle, according to anecdotal evidence, also address each other by the word *bong*, which has both personal and informal connotation. Calling somebody *bong*, which literally means 'older brother/sister', in Cambodia is a typical, usual, friendly and polite way of addressing someone. Thus, by calling each other *bong* within the group, these elite officials imbue their network with familial and informal qualities, deepening the social bond. Marrying children of these key elite players further cements these bonds (Heder, 2005, Un, 2004), establishing true family connections, and consolidating power of the network even further.

5.1.5. Legacy of war and genocide: Impacts on patrimonialism

A strong tendency for personalisation of power and domain formation, the importance of family and kinship, and influences from religious values, social hierarchy and behaviours are at the core of any attempt at understanding the nature of Cambodian patronage. Still, Cambodia's experiences in the last forty years with wars, violence and even genocide have also shaped the nature of the patronage practices over time. Starting in the late 1960s, Cambodia became embroiled in the Vietnam war and was bombed by the Americans in her eastern provinces. Things got worse in the Khmer Republic period: between 1969 and 1973, the Americans dropped an estimated 550,000 tons of bombs on Cambodia (Mysliwiec, 1988: 2). Compounded by guerrilla activities, the fighting during that time left hundreds of people and displaced (ibid). In the Khmer Rouge period, Cambodia sunk into a regime known as one of the most savage and brutal periods in modern international history. Extreme violence and radical social and economic re-engineering took millions of Cambodian lives. Survivors of the regime (especially those over 45 years old) were seriously affected both physically and mentally (Boyden and Gibbs, 1997: 29-36). Civil wars and violence continued to be the prevailing faces of Cambodia in the PRK period up to the 1993 general election (ibid).

As far as understanding patronage is concerned, there are at least three key impacts from the history of wars and genocide identified in the literature. First is the impact of war, and much more seriously, genocide on family and kinship, which has been traditionally seen

²⁶ The translation here excludes the words used among the royal family.

²⁷ It is worth noting that the hierarchy in language used to address others was eliminated during the Democratic Kampuchea era. During this period, "people who had called each other in the past, 'Sir', 'Brother' and 'Uncle' - to name only three Cambodian pronouns - must now address each other [equally] as 'friend'" (Chandler 1996:208).

at the core of patronage. As Harmer (1995: 14) observed, “Certain social relations and institutions which previously gave meaning and support to people’s lives have weakened. The extended family networks and patron-client relations which formed the basis of local support systems have experienced considerable upheaval, resulting in a society where there is less ability and commitment to care for those who are less well off.” With all the suffering and loss, people can also see that factors beyond their family and village can have significant impacts on their living and security. As Ledgerwood and Vijghen (2002) indicated, connection with patrons outside the community has become more and more important. Patrons at the local level and those at the provincial or higher level find common interests to get connected for wealth accumulation and security protection.

Secondly, in the face of security threats from the unrest, Cambodian people have even stronger needs for a patron to provide them with security protection and economic benefits. The issues of security left people with limited choices in buying into relationships with a patron. This also might mean that the level of coercion is also high in the relationship. Oppression and security threats have been used as a means to demand loyalty from clients. As Chandler puts it, “terror was an indispensable ingredient of rule [in Cambodia]” (1996: 317). Poverty resulting from wars has also reinforced patronage. Lacking the production factors (e.g. land, productive labours), people found it was natural to get connected to a patron to receive economic support and basic services unavailable through the formal state apparatus. The situation creates asymmetry in control over resources (security and economic) between a majority of people (clients) and a small powerful few (patrons).

Last but not least, wars and genocide significantly affect the mentality of individual people. In addition to fear, lack of trust might be a significant impact on those having been through wars and the KR period. The KR regime promoted suspicion of one another, even within a family (Boyden and Gibbs, 1997: 102), e.g. a son reported to the Angkar about his father stealing a chicken and had him killed. Also, in the regime, strangers were brought in to control a village, which made the feeling of distrust even deeper. These effects are significant for an entire generation of people. Hope lies with younger Cambodians (who were born after the DK period), especially those who have a high level of education and are less affected by the memory of wars, and yet, well reminded about the mistakes the leaders in the past have made to bring this country into such a tragedy.

We now turn from discussing patronage as a function of Cambodia's history and culture before the Paris Peace Accords in late 1991. The late 1980s was a period that saw the PRK/SOC regime start to slowly transform itself from a socialist dictatorship to a mixed system of neo-authoritarianism (Peou, 2000: 69). The signing of the Paris Peace Accords on 23 October 1991 by the major Cambodian conflicting factions led to the first national elections in 1993, which resulted in the installation of a coalition government, which then ended in the factional fighting in 1997. We pick up our analysis from the early 1990s through to the present day, discussing neo-patrimonialism in light of the typologies set forth in Chapter 4.

5.2. Understanding Neo-Patrimonialism in Contemporary Cambodia

Chapter 4's treatment of the international literature on neo-patrimonial governance systems highlights how two forms of power mix: informal patrimonial power based on traditional patron-client power dynamics and formal bureaucratic power steeped in legal-rational bureaucratic power (Brinkerhoff and Goldsmith, 2002). Neo-patrimonialism is thus a form of governance that uses formal bureaucratic institutions to gain power, wealth, and legitimacy of leaders (Brinkerhoff and Goldsmith, 2002, van de Walle, 2001). This section attempts to extend knowledge of neo-patrimonialism in empirical contexts by identifying key characteristics of neo-patrimonialism in Cambodia, considering how the emergence of such a system since the late 1980s influences administrative, economic and political functioning. Since data on this phenomenon is extremely limited, we base our analysis on a number of scholarly articles on Cambodian contemporary politics (Hughes and Conway, 2004, Heder,

2005, Un, 2005, Rusten et al, 2004) and a few recent reports on Cambodian corruption and governance challenges issued by the donor community (Calavan et al, 2004, World Bank, 2005a). Anecdotal evidence from CDRI field visits in late 2005 further augments this analysis.²⁸

5.2.1. Neo-patrimonialism is highly centralised, but mainly supported through rural patronage

Neo-patrimonialism is characterised by the international literature as tending towards ‘centralism,’ which means power is typically amassed around central-level political figures and central ministries exercising control over resources. As stressed earlier, the real power is concentrated in a small number of elites (Calavan et al, 2004) who hold concurrent positions within the government and the ruling political party and remain closely associated with the ruler, despite the existence of a rational-legal bureaucratic system rooted in the principles of separation of power.²⁹ These elites are largely post-Khmer Rouge-era politicians who built their influence following the economic liberalisation of the late 1980s and early 1990s, although a new generation of powerful patrons have emerged in recent years. These national patrons maintain their power and influence by combining political, military, economic and administrative power through an “interlocking of pyramids of patron-client networks” (Heder, 1995, cited in Un, 2004).

This centralised neo-patrimonialism is supported and maintained by rural political support (Un, 2005, Hughes, 2001), which is secured through “patronage politics” rather than results-based policy outcomes (ibid). Rural patronage politics include the personal distribution by politicians of material gifts (clothes, food, rice, fertilizer, etc.) as well as the construction and inauguration of physical infrastructure such as schools, roads and irrigation systems close to election periods. This practice is very common during the election period when members of the political parties go down to the rural base to personally distribute gifts or to inaugurate the newly constructed or rehabilitated infrastructures, sending the clear message that votes and political donations are inextricably linked (ibid). Such activities prove to strengthen the rural political base, further legitimatising the ruling regime.

5.2.2. Informal and Personalised Control of the Formal State Mechanisms Creates Rent-Seeking Opportunities

Personal wealth is generated through control of the formal bureaucratic system and maintenance of the personalised patronage relationships embedded within the formal system (van de Walle, 2001). In Cambodia, since economic liberalisation of the early 1990s, the state “has employed the rationale of economic development to free up resources that could then be used to bolster regime legitimacy through the award of gifts and positions to clients, which in turn generates the power and opportunity to extract rent” (Hughes 2003: 61).³⁰ The use of administrative positions “among state employees engaging jointly or individually in economic activities in which the abuse of their position constitute[s] the profitable element” has also been common (ibid: 42, Calavan *et al.*, 2004). Political scientist Steve Heder points out that family connections and economic interests are what link the key state and non-state players (i.e. government and business) together (Heder 2005), observing that:

²⁸ Due to the limited nature of this literature, this review does not make any conclusive judgements but provides a number of characteristics of Cambodia’s neo-patrimonial environment which require further research.

²⁹ The Constitution provides for the separation of power between the three branches of government, Executive, Legislative and Judiciary. However, the recent debate around human rights and space of real democracy suggests a different manifestation. Complaints from NGOs and the UN body working on human rights and the response from the prime minister indicate there remains a divide in understanding of separation of power between the government and its critics (see The Cambodia Daily issues in January, February and March 2006 for more).

³⁰ The awarding of gifts and positions is very critical to maintaining loyalty from the various clients.

“This decisive melding of bureaucratic, military and economic power is rooted in a sea of change of socioeconomic transformation driven by this self-regenerating, oligopolistic and predatory entrepreneurial elite... [whose] revolution [has] generat[ed] unprecedented growth and wealth in a few sectors” (114).

The mutually beneficial relationships emerging from such melding have built a strong and cohesive, but informal, state apparatus, making it politically challenging to discipline questionable entrepreneurial activities in which other patrons or clients are involved (Hughes and Conway, 2004: 27). According to Caroline Hughes, *The Civil Servants Law of 1994* "declared that state officials and members of the military could not be prosecuted for any crime unless the court first gained the permission of their immediate superiors in the civil service or armed forces" (Hughes 2003: 43). Hughes further notes that attempts to get such permission "frequently went unanswered" (ibid: 43). To date, there have been very few such prosecutions. Such examples highlight how the formal (legal-rational) and the informal (personalised patronage politics) system of governance intertwine and legitimate the acts of wealth accumulation by centrally located powerful figures.

5.2.3. There is a blurred distinction between politics and bureaucratic sphere

In Cambodia, political power leads to economic power, as political strength is the backbone of patronage (Hughes, 2003) and so it is a powerful determinant of state activities. Patronage with strong political backup influences the very political institutions of democracy, since in all three government branches, loyalty to political leaders and party networks and hierarchies overrides loyalty to constituencies (World Bank and International Monetary Fund, 2004, Calavan et al, 2004) as informal political connections allow the executive branches and prominent political parties to dominate the legislative and judiciary (ibid) branches, which have limited financial and human capital. Such politicisation is also found at the local levels, where elected local authorities are more accountable to political parties and higher-level officials than their own constituencies as a consequence of the party-based electoral system (Un, 2005).

Politics influence the entire structure and size of the bureaucracy, as positions are created and filled in accordance with the whims of powerful patrons who appoint members of their political network as a reward for positive performance or as part of a wider process of political negotiations and compromises. Conway and Hughes (2004), in line with our research observations, describe that for political deals to be reached while still maintaining influence over important and lucrative posts, CPP gives away formally high-ranking ministerial and governor posts to its coalition partners, while placing CPP members in formally inferior posts that actually informally influence how things should be run. Because of cultural acceptance of informal and politicised power, individuals do not need to hold positions that possess formal authority to be granted decision-making power. Therefore, it is not uncommon to observe a secretary of state being more powerful than the minister, or a deputy governor who is much more respected than the governor. Political affiliation is not the only determining factor to the politicisation of the bureaucracy, however. A review of same-party governors' influence over line departments across provinces suggests that personality and closeness of connections to central party leadership circles and central ministries are also strong determinants of informal power. As a result of this system and the creation of many superfluous positions for secretaries, under-secretaries of state, and provincial and districts governors, the current Cambodian government has the largest cabinet in the world.³¹

³¹ Recently, the National Assembly voted to change the requirement to form the government from a two-thirds majority to fifty percent plus one, making it unnecessary for CPP, the ruling party, to maintain a coalition with FUNCINPEC. As a result, the doling out of political positions in the form of provincial governorships and deputy governorships to FUNCINPEC members to ensure political support has been largely discontinued.

5.2.4. State formal structures employed for rent-seeking activities are characterised by unequal accountabilities between patrons and clients

In neo-patrimonial countries such as Cambodia, vested patrons adapt themselves to exploit the formal state system, making it into a wealth accumulation network. The Cambodian state operates as a unified apparatus, serving to seek rents in a highly systematic way through a string of patron-client connections (Calavan et al, 2004, Un, 2005, Hughes, 2003). In such a system, 'who you know is more important than what you know,' especially when attempting to solve problems, regardless of their nature or magnitude. A common experience of this phenomenon can be seen when poor villagers from the rural areas appeal to specific national leaders to solve their locally derived problems. Similarly, habits around traffic accidents connote this 'personalised' focus as well. Most often, the parties in the accidents opt to call someone they know for help rather than trusting the traffic police to settle a traffic conflict. Such respected patrons then take their share of the economic spoils as a result of this intervention.

Hughes and Conway (2004: 35) argue that the important implications of the subordination of the state system to network interests include "the degree of political interest in different sector ministries...depending on the prospects that these Ministries offer for control over resources and power. To ensure access, strong patronage networks take control over lucrative sectors, such as forestry and other sectors that receive significant donor support or have a high potential for resource extraction. Ministries thus become pawns in the rent extraction game, ranked by level of influence based upon "their ability to mobilize resources from within, via networks of rent-seeking activity; the personal influence of their ministers with the Prime Minister; and their ability to capture resources from donors" (ibid: 39). Thus, such a system begins to emulate the same *domain formation* features of patrimonial relationships, with leaders of certain ministries treating sectors as personal territories or domains. To avoid conflict, people in one agency (e.g. domain) avoid interfering in other sectors, maintaining a clear delineation between what is "our business and their business." A side effect of this is that there is little coordination or information sharing across agencies, or even among section heads within the same section, regardless of political party affiliation. One particularly detrimental example of this type of behaviour is the lack of interaction between the Ministry of Interior and Ministry of Economy and Finance, which creates numerous blockages in the decentralisation and public financial reforms.

Several studies indicate two primary types of corruption in Cambodia that result from patronage networks. Grand corruption usually involves high-ranking officials, whereas petty corruption involves low-ranking bureaucrats. As described by Amundsen (1999), the two types of corruption depend on each other to generate rents, although low-ranking bureaucrats (clients) receive a much smaller share of proceeds, as they are typically unequally distributed between lower and higher patrons in the system (Amundsen, 1999, Un, 2005, Hughes, 2003, Conway and Hughes, 2004). With the economic liberalisation movement, patronage systems have also extended themselves to cover business' activities to exploit the privatisation of state resources. Many rich businessmen try to build connections with people in the government, providing financial supports in exchange for favourable treatment from the government. Cambodian government officials have high incentives to build such connections, as such arrangements even extend to ownership rights, although not publicly known, over different lucrative sectors, such as land and forestry (Un, 2005, Hughes, 2003, Calavan et al, 2004).

Neo-patrimonialism in Cambodia has given rise to powerful alternative accountability lines based on political and personal loyalty, mutual economic interests, and family connections. These relationships have, in turn, resulted in both public sector and external collusions (Heder, 2005) that actually serve to hold the state apparatus together (Hughes and Conway, 2004: 27). However, these same activities undermine the rational bureaucratic functioning of the Cambodian government. Hughes and Conway point out that they "undermine the flow of information within the state; limit the state disciplinary capacity except on exceptional occasions when the future of the entire system is in doubt (for example,

during elections); entail the need to leave discretionary power in the hands of officials, untrammelled by the dictates of law or policy; and obviate the need for technical efficiency on the part of officials, since the action of the state is not determined by expertise, but by incentives offered by individuals within society and from outside (e.g. donors and investors)” (ibid: 41).

5.2.5. Neo-patrimonialism disrupts core administrative functions and service delivery

By design, neo-patrimony is not conducive to pro-poor service delivery, as bureaucrats in such arrangements typically hold their position to gather personal wealth rather than provide strong public services (Bratton and van de Walle, 1994). Conway and Hughes identify a key aim of Cambodian senior officials to be the retention of discretionary action in order to facilitate any personal deals that may become available (2004: 42). Basic social services for the poor and private sector assistance are particularly susceptible to tampering by neo-patrons. For one, neo-patrimony undermines the quality, as well as equity, of public service delivery by creating permanent fiscal crises which have kept state apparatus under-funded, preventing available resources from reaching frontline services on a broad and equitable scale. The government’s ability to mobilise reform is weak, as businesses pay bribes to officials to lower their taxes. The permanent fiscal crisis engendered by neo-patrimonial behaviours has had an adverse effect on incentive structures faced by civil servants. With average salaries of less than USD 25 per month, it is hard to expect satisfactory performance from state teachers or doctors. Exploratory fieldwork (CDRI, 2006) in six provinces reveals that health centre staff do not work full-time and often resort to private practice to earn extra income. Such a lack of salary also results in civil servants requesting bribes or skimming from public budgets, a central cause of corruption in Cambodia (Nissen, 2005, World Bank, 2003). Such behaviours also include individuals asking bosses to retain their names on ‘ghost lists’ of personnel, without actually showing up for work, in the hopes of attaining more lucrative positions in the future.

Neo-patrimonialism also influenced the private sector as well. As indicated by the World Bank (2004b), a key concern of businesses has become issues of governance, rule of law and regulations. Cambodian firms of all sizes, located in both urban and rural settings, identify typical outputs of neo-patrimonial systems as key sectoral constraints: corruption, anti-competitive practices, informal competition and an ill-functioning judiciary (World Bank and International Monetary Fund, 2004). The report indicates that unofficial payments are pervasive, amounting to more than double that found in Bangladesh, Pakistan or China. Larger firms suffer more from such acts. Seventy-five percent of firms indicate that big companies and individuals use their personal ties to political leaders to influence national laws and regulations, creating unfair competition for other legitimate firms (ibid).

5.2.6. Neo-patrimonialism exists from the central to sub-national level

Earlier discussion has focused on neo-patrimonialism at the central level, but it is also pervasive at the sub-national level. In field visits in late 2005 to four provinces, only a few influential players appear to control access to large resources (like natural resources and externally-financed development spending). These elites are often affiliated with the ruling political party and enjoy close relationships with local economic elites and the regional military. They have benefited economically from the decentralisation process, which has allowed them to capture some control over resources and engage in contracting of major state-sponsored investment projects.³²

³² For instance, interviewees reported that a former head of Provincial Department of Rural Development in one northeastern province-owned two civil construction entities: a construction company and a quarry company. The interviewees reported that the two companies won numerous contracts of a prominent development project (CDRI Accountability Study, 2006).

Another group of actors at the provincial level is the party-affiliated technical bureaucrats who engage informally with resource holding elites in order to gain access to scarce resources. But even these few well-connected, capable bureaucrats who are able to receive salary supplements from various externally financed projects³³ are generally negatively impacted by centralised patrimonial behaviour. For example, the salary supplement one staff member receives is informally shared with the supervisors, making the take-home amount minimal. The typical result is resentment and the engagement in ‘survival’ corruption, purportedly to maintain a basic standard of living.³⁴

At the community level, neo-patrimonial interests are also present, even though the democratic election of commune councils in 2002 marked a shift from uni-party domination of the local political arena to multiple party engagement.³⁵ Despite this, local politics remain vulnerable for hijacking by the traditional patrimonial interests. A 2005 GTZ assessment of the local planning process identifies a number of examples of rational-legal processes which are subject to meddling from outside interests, including the inclusion of “high priority needs...at the instigation of PBC members... without being reviewed by villagers during the village meeting” (5). Conversely, “community officials see themselves as under the direction of higher-level authorities and.... un-reviewed projects [are included] in their priority list if suggested by [a] higher authority” (ibid).

5.2.7. Cambodian neo-patrimonialism is institutionalised and difficult to reform

Cambodia is currently involved in a series of long term public administration reforms, most notably in areas of decentralisation, civil service and public finance, all of which take place in Cambodia’s unique socio-cultural, economic, administrative and political environment. After a few years of implementation, donors have increased pressure on the government to improve governance and fight corruption among its officials (World Bank and International Monetary Fund, 2004, 2005z), but without much progress being made. Conway and Hughes (2004) point out several explanations for the slow reforms. First, government staff do not appear to hold a real commitment to change. Oftentimes, they are characterised as just ‘playing good’ to win donors’ support, which is plausible since there are no strong counter-incentives to genuinely reform when neo-patrimonial behaviours hold such high financial rewards. Second, the authors argue that policy change in Cambodia does not, and will not, emerge from the lower levels (ibid: 48) since neo-patrimonial structures are centralised and top-down and supported by Cambodian cultural norms of hierarchy. People at lower levels are not likely to point out the failures or shortcomings of the organisation under the watchful eye of a supervisor, who is likely his/her patron as well. Third, reforms are restrained by the current weak capacity of the state, including weaknesses in public expenditure management, absence of clear recruitment processes, and lowly skilled and poorly paid public servants. The lack of a legal framework permits pervasive corruption, weak implementation and enforcement of laws, and the existence of locally elected commune councils that lack authority, administrative capacity, and financial resources to deliver substantive services.

³³ Examples include Seila, the Northwestern Rural Development Project (NRDP), Rural Poverty Reduction Project (RPRP), and the Land Management and Administration Project (LMAP).

³⁴ Interview with bureaucrats working in Kampong Cham province, February 2006.

³⁵ The commune electoral law allows for each political party to have at least one member in the Commune Council (i.e. the winning party holds the chief position, the second winning party receives the first deputy chief position, and the third winning party is entitled to the second deputy chief position).

Table 9: Summary Table of Key International Concepts and Cambodian Case on Patrimonialism and Neo-patrimonialism

| | Patrimonialism | Neo-patrimonialism |
|--|---|---|
| Definition | <ul style="list-style-type: none"> • “Patrimonialism is a power regime based on the personal power of the patron, and his/ her discretionary ability to dispense favour and resources to clients, who in turn rule as sub-patrons within their own domains” (Weber 1978: 1010f). • “A special case of dyadic (two person) ties involving a largely instrumental friendship in which an individual of higher social-economic status (patron) uses his influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services to [the] patron” (Scott 1977: 92). | <p>"The chief executive maintains authority through personal patronage, rather than through ideology or law. As with classic patrimonialism, the right to rule is ascribed to a person rather than an office. In contemporary neo-patrimonialism, relationships of loyalty and dependence pervade a formal political and administrative system. Leaders occupy bureaucratic offices less to perform public service than to acquire personal wealth and status. The distinction between private and public interests is purposely blurred. The essence of neo-patrimonialism is the award by public officials of personal favours, both within the state and in society. In return for material rewards, clients mobilise political support and refer all decisions upwards as a mark of deference to patrons" (Bratton and van de Valle, 1994: 458)</p> |
| Key characteristics | <ul style="list-style-type: none"> • The main purpose of patron-client relationships is wealth accumulation and exchange • Patronage systems are highly adaptable • The nature of patronage is influenced by cultural and traditional values, such as religions and social norms. • Patrons maintain highly personalised power • Relationships exhibit a strong degree of hierarchy and unequal reciprocity, with clients 'clustering' around powerful patrons, which can also manifest as a hierarchical pyramid of clients underneath one patron • Affection-based connections (e.g. kinship, friendship...) often characterise such networks. | <ul style="list-style-type: none"> • Neo-patrimonialism is highly personalised, patron focused, and typically benefits a small group of elites. • Neo-patrimonial systems co-opt the formal and informal mechanisms of the state to gather personal wealth, via rent seeking. • Neo-patrimonialism pervades governance from top to bottom, becomes institutionalised, and is highly reform resistant. • Systems of neo-patrimonialism manipulate policy implementation and law enforcement processes, as well as cause disruption to judiciary accountability. • Neo-patrimonialism disrupts core services and functions and creates inequity. • Neo-patrimonial systems often create permanent fiscal crisis. |
| Analytical tools for understanding accountability | <ul style="list-style-type: none"> • Identification of cluster and/or 'pyramid' structures • Focus on affection-based connections as influential bridges between public and private spheres • Recognition of patterns of centralisation of power around | <ul style="list-style-type: none"> • Consideration of blurred distinctions between private and public spheres (e.g. hybrid systems) as spaces for deeper analysis of their policy implications • Tracking of centralised political and bureaucratic power chains |

| | Patrimonialism | Neo-patrimonialism |
|-----------------------|--|--|
| | <p>certain individuals</p> <ul style="list-style-type: none"> • Consideration of incentives and choices related to patron-client exchanges • Study of the influence of social and cultural values (e.g. orientations towards social hierarchy and religious beliefs, such as karma) on such relationships | <p>around those who influence and manipulate the formal structures for personal wealth</p> <ul style="list-style-type: none"> • Identify cases of manipulation of the (already weak) formal policy implementation and law enforcement, as well as the general weakening of formal accountability structures by the patronage network. • Identify rent-seeking activities and resource-extracting processes |
| Cambodian case | <p><i>(Reflecting through Cambodian historical and cultural context, covering the period up to late 1980s)</i></p> <ul style="list-style-type: none"> • Tendency for personalisation of power and domain formation have been strong since pre-Angkor period • Being in a 'ksae' with a 'khnorng' has been a common way of life in Cambodian society • Family and kinship have been central to patronage networks especially at communal level. • In last forty years, patronage started to expand beyond intra-community • Political party has become more influencing on local peoples lives • Wars, genocide and poverty adversely affect the level of trust, personal physical and economic security among people • State-society connection has been either distant or oppressive. • Religions affecting patronage include Hinduism (e.g. god king) and Buddhism (karma and benevolence of leaders), together with social placement. • Hierarchy is thick as reflected in Cambodian society including language uses | <p><i>(Focusing on the period starting from 1980s)</i></p> <ul style="list-style-type: none"> • Distortion of formal bureaucratic accountability relationships through the practice of favouritism has been observed. • High prevalence of poor service delivery in rural areas has resulted from resources being captured and kept at higher level (inadequate transfer) • There has been further strengthening of accountability based on patron-client relationships among bureaucrats because that is the surest way to ensure they could have access to resources which are controlled by patrons (informality over formality) • High degree of selectivity in enforcing laws has been identified because clients are individually protected by patrons (poor enforcement) • The practices of seeking higher-level direction and permission among bureaucrats have continued because it is not safe nor respectful to decide on something without the knowledge of or reference to higher-level leadership (top-down management and discouragement of initiatives) |

Chapter 6: Accountability: Analytical Tools and Definitions for Cambodia

After presenting Chapters 2 through 5, we now turn to our concluding chapter which is about what we have learned from the previous chapters and from there, we derive definitions of accountability which not only encompass the features of international concepts and also take into account neo-patrimonial characteristics of the Cambodian government system. Two levels of the definitions are presented, one being the broad definition of accountability with a strong normative dimension and the other being the operationalized definition of accountability applicable to the governance at the provincial level.

6.1. Analytical Tools

By analytical tools, we mean a framework which provides a set of tools or lens through which we can understand accountability issues in a given governance system. The framework suggests three main issues when analysing accountability in governance system.

- First, one needs to be clear as to what types of accountability being pursued. Pro-poor, patronage, political, financial, performance, etc. are all the main groups or types under which accountability can be classified. For instance, the type of accountability being pursued under the Cambodia's NSDP and D&D Framework is pro-poor and that promotes democratic development.
- Second, it is important to identify the actors and relevant lines of accountability among them. Usually, in a governance system, multi actors and multi lines of accountability are involved. In Cambodian decentralization context, for example, upward, downward and horizontal accountability are together involved, and
- Lastly, after identifying the types of accountability and the actors involved, the focus would then be on the structures and systems by which accountability can be achieved, i.e. putting the right institutional arrangements in place. This would be very contextual: achieving accountability in public financial management might require different arrangements as compared to those in planning and human resources.

Setting up the right institutions to achieve accountability in public sector is complicated especially in the case of neo-patrimonialism as that of Cambodia. In such context, three groups of analytical tools are summarized here including those relevant to (1) legal-rational governance system, (2) patronage, and (3) neo-patrimonialism. One word of caution: the distinction among the three groups of tools is mainly for analytical purposes; it is still strongly emphasized that in neo-patrimonial country, the clear line between legal-rational and patronage systems is not easy to identify as the two are usually intertwined and complicatedly interacted.

Legal-rational governance systems

From Chapter 2 and 3, to analyse accountability in a legal rational governance system, one can ask whether the system:

- Ensures answerability and enforcement among actors in the system,
- Is supported by clear hierarchical, rule-based and well financed administrative structures and authority, and that administrative functions free from political interference,

- Produces and allows sharing of accurate, relevant and reliable information and promote transparency,
- Well balances between rigid and compliance focused orientation, with managerial discretion and authority to allow enough flexibility in the system in performing clearly identified functions,
- Is equipped with strong enforcement mechanisms,
- Backed by institutional arrangements that promote the right incentives and lower transaction costs, such as through competition, choices and partnership among both public and non-public, state and non-state actors,
- Focuses on political accountability by promoting representation, participation, voices and partnership with citizenry, and
- Links among the tri-angle accountability relationships involving citizen, politicians and service providers.

As the original purpose of this literature review was to assist the study on ‘Accountability at Provincial Level,’ it is helpful to provide tools specially helpful for analysing accountability within decentralized context. In such as, the following issues should be further analysed:

- The size and level of local governments as they might affect their ability to be accountable,
- The mix between devolution and deconcentration,
- Legitimacy of elected leaders and people representation (e.g. if the election was free and fair),
- Mechanisms to ensure participation of the people that allow them to hold elected leaders accountable (such as civil society, active public media, public meetings, formal grievance procedures, opinion surveys, etc)
- Clear assignment of roles and responsibilities for local governments following principle such as that on subsidiarity, and sequencing of such assignments,
- Commensurate resources and authority necessary for the local government to respond to people needs,
- Mechanisms to hold bureaucrats accountable to elected leaders, and
- Mechanisms to hold local governments accountable to central level on matters such as compliance to specific service delivery standard and the uses of national transfers,
- Coordination, linkage and partnerships among government actors, and between governmental and non-government actors.

Patronage networks

It is important to note that patronage networks also have their own accountability; it is not just the same type as the one pursued by legal rational system, which is usually pro-poor and pro-democracy. When studying accountability within a patronage network, one should:

- Identify and understand the ‘cluster’ versus ‘pyramid’ structures of the patronage,
- Consider and determine the natures of incentives (such as economic benefits, protection, security issues), choices and resource bases faced by a patron and his exchange relations with his clients,
- Analyse the unequal reciprocity between a patron and his clients,

- In addition, focus on affection-based connections between those in the networks such as friendship, kinship, old day memory, loyalty, etc.,
- Recognize the patterns of centralization of power around certain individuals, and
- Study of the influence of social and cultural values and historical contexts on patronage.

In Cambodian context, the following key points should be noted:

- Personalization of power and patronage have been historically ways of life in Cambodia and its local level,
- Physical and economic security have been among the main factors compelling people to include themselves in patronage,
- Family and kinships have been the strong ties in patronage,
- Social and cultural values affecting patronage include, among others, hierarchy, Buddhist's karma, benevolence of leaders, and
- Civil wars, social unrest and genocide create a lot of distrust among people and therefore shape the nature of patronage.

Neo-patrimonial regimes

When legal rational system gets mixed with patronage networks, a complicated governance system called 'neo-patrimonialism,' emerges. The key to understand such regime is to understand the interaction between the legal rational system and the patronage. The following are the key points to look at when analysing neo-patrimonial regime:

- Blur distinctions between private and public spheres in neo-patrimonial regime,
- Extent to which formal state is run by patronage networks rather through ideologies or laws,
- Manipulation and abuses of formal authority for personal and patronage interests,
- How patronage manipulates policy implementation and law enforcement as well as disruption of judicial accountability,
- Political interference and backups to support the operation of patronage and its penetration of the formal system,
- How patronage causes disruption in civil service provision and causes inequality.
- How patronage causes permanent fiscal crisis in the formal systems, and
- How patronage pervades (and in some cases even substitute) the accountability structures in formal system from the top to the bottom.

In Cambodian context,

- Especially after economic liberation in early 1990s, patronage networks exist along side formal state apparatus and use the latter as rent generating machine,
- The patrons are largely post-Khmer Rouge era politicians who maintained their power by combining political, military, economic and administrative power,
- The patronage is supported and maintained by rural political support through material gift giving to local people,
- Cambodian neo-patrimonial regime, with strong political backup, exists from the top to local level,
- Patronage networks penetrate especially resource control ministries and exploits the resources which disrupt core administrative functions and service delivery,

- Neo-patrimonialism in current Cambodia undermine judiciary accountability and check-and-balance in the formal system, and
- Patronage networks in the current neo-patrimonial regime has become institutionalised, resisting Government's key reforms including D&D, PFM, civil service reforms, etc.

6.2. Accountability Defined in the Cambodian Context

Based on the above analytical tools/lens, this literature review derives two levels of accountability definition in neo-patrimonial context: one is overall definition and the other specifically for provincial level administration which will be reformed under the D&D.

Overall definition

The overall definition of accountability as presented below comes as a result of the combination of theories and current situation in Cambodia in relation to accountability and good governance issues.

- *Accountability is a personal, administrative and political value that is found in all systems of government, in both formal and informal, political and administrative forms.*
- *It involves both a relationship between two actors, and the mechanisms, rules, and resources to enable the system to function accountably.*
- *An accountable system which serves public interest will be Cambodian owned, and reflect Cambodian values.*
- *Supported by public participation and political responsiveness, the system should build trust in public institutions by exhibiting administrative neutrality and responsibility, protecting the public good, and supporting the poor.*
- *A better, more accountable system will be structured to provide a clear assignment of roles and responsibilities, adequate and predictable resources, horizontal and vertical coordination, transparency, enforcement of the law, and incentives for all to perform.*

Provincial level

All of the crucial elements prescribed in the general definition of accountability also apply at the sub-national level including the upcoming provincial administrative arrangement. However, a number of points as reflected in the RGC's Strategic Framework for Decentralisation and De-concentration Reforms (2005), and based on findings from the team's recent fieldworks are added, and presented as follows:

A sub-national level government in Cambodia is accountable to citizens within its territory and to the Royal Government. In addition to the features included in the overall definition, accountability at provincial level is achieved when:

- *The new administration aims to achieve democratic development through a unified administration which is Cambodian owned, and run according to the principles of democratic development such as democratic representation, transparency in its operations, open door policy for public participation, and law enforcement; and*
- *It has a proper assignment of functions, adequate and predictable resources, and a decision-making authority to serve local needs, especially the poor, as well as to be responsible to the national government.*

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