Accountability in Cambodia: Relevant Concepts and Their Application[1]

Introduction

This paper discusses the concept and application of accountability within Cambodian governance. Based on personal observations of the author, while important and often used, accountability as a concept has been little understood by many Cambodians, including those in policy-making positions of the government. This is because the term is new and its application has been largely influenced by Western concepts of good governance and has not been well contextualised in Cambodia.

As an international concept, accountability is complicated, ever expanding and understood differently by different people. This paper does not intend to provide a sophisticated, one-size-fits-all definition of the term. Instead, it wishes to (1) discuss some of the key governance concepts shaping the different understandings about accountability, (2) provoke thought by presenting its own arguments about the limitations in the application and understanding of accountability in Cambodia and (3) make some suggestions for future research.

There are two important notes on how this paper is produced. Firstly, the paper is a summary and updated version of the CDRI working paper Pak *et al.* (2007), *Accountability and neo-patrimonialism in Cambodia: A critical literature review*. While a significant part of it is still relevant, the working paper needs to be updated to reflect the current debates about accountability and related concepts as well as policy developments in Cambodia. Secondly, the paper aims at a Cambodian audience. It is thus written to be understood by practitioners and Cambodian students interested in accountability (including a Khmer version).

What Exactly Is "Accountability"?

The concept of accountability has a long tradition in political science and financial accounting (Lindberg 2009). However, the term has been extended to mean different things, from "being responsible" to institutions that control public official behaviour to standards used in financial management. The result is increasing confusion about what the term means, let alone how best to apply it (Mulgan 2000). This has led to continual needs for clarification of the meaning of the term in particular contexts (*ibid.*).

In Cambodia, the increasing importance of the "good governance" agenda has made accountability a key theme in policy documents of the government and donors. Despite its frequent use, the term is poorly understood by Cambodian audiences. When translated into Khmer as *kanakney-pheap*[2] people do not understand it, confuse it with "accounting" or at best think that it means "responsibility". To help reduce such confusion, this paper offers the following clarifications.

One needs to distinguish the basic characteristics, types and systems or structures used to ensure accountability. Accountability is said to have the following characteristics (Lindberg 2009):

1. an agent or institution who is to give an account (the agent)
2. an area, responsibilities or domain subject to accountability (the domain)
3. an agent or institution to whom the agent is to give account (the principal)
4. the right of the principal to require the agent to inform and explain and justify decisions with regard to the domain and
5. the right of the principal to sanction the agent if the agent fails to inform and justify decisions regarding the domain of responsibility.

First, accountability can be political, social, professional, legal, financial and several others types. Each type of accountability implies different rules or standards used to define how the agent should be accountable to the principal and for what domain. Such rules do not need to be formal but can also be informal or personal.

Second, accountability implies some mechanisms to ensure (1) that the agent is answerable and provides justifications to the principal of how his or her authority has been exercised (i.e. answerability) and (2) that the principal can reward or sanction the agent for what he or she had done (enforceability). Accountability is considered "without teeth" if there is no

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1 This paper is prepared by Pak Kimchoeun, a researcher at CDRI.

2 A check in Archbishop Choun Nat's most referred to Khmer-Khmer Dictionary (published in 1967) indicates that the translated Khmer term did not even exist.

enforceability (Brinkerhoff 2001; Schedler 1999).

From personal observations of the author, when accountability is used in policy dialogues in Cambodia, clear indications are rarely provided as to the types of accountability being discussed, who is accountable to whom, for what, what rules or norms are being applied and what systems are being used to ensure answerability and enforceability.

However, clarity on these specific points can be much more difficult to provide than it seems, especially in the public sector. In government, it is not always clear which types of accountability and rules apply. Even more challenging, a person in the public sector is often accountable for, not one, but many domains and to many individuals at the same time.

In the following sections, concepts are discussed to provide clarification to such complexity. These are big concepts, and this paper has no intention to go into their details. Instead, it will mention the key points and what they mean for accountability.

Promoting Accountability in the Public Sector

Accountability in the public sector refers broadly to the way state institutions respond to people's needs. In a democracy, the people elect and give authority to government, which in turn needs to serve the people. This creates an accountability relationship between the two, the government being the agent and people being the principal. This is called political accountability (March & Olsen 1995).

Elected politicians, however, cannot perform all the tasks needed to respond to people's needs. Therefore, a bureaucracy is established to deliver services and perform other tasks required of the state. In this arrangement, bureaucrats need to be accountable to elected officials. This is bureaucratic accountability (Brinkerhoff & Goldsmith 2002).

Whether it is political or bureaucratic accountability, the five core characteristics and the key questions mentioned earlier still apply. However, complexity starts to creep in when discussing *how* to ensure accountability and why one governance system is better than another for that purpose. The following discusses some of the key theories regarding this "how".

The first theory is that of traditional public administration (TPA), first developed by Max Weber in the early 20th century. This argues that, to serve its people, a state needs to have "legal, rational bureaucracy". In that bureaucratic system, there is a strict separation between political and administrative aspects of governance, with politically neutral officials enacting policy "without fear or favour".

Weber proposed that administration, including financial and personnel management, should be governed by universal laws and procedures.

According to TPA, accountability exists between a bureaucratic boss and subordinates as defined by bureaucratic rules. In other words, accountability exists to the extent that an agent is called to account by his/her supervisor, who in turn can reward and punish accordingly (Weber 1978). TPA emphasises accountability for compliance.

TPA has been criticised as too rigid and centralised. Therefore, the theory of new public management (NPM) was created in 1950s and 1960s. Favouring decentralisation, NPM argues that public managers should be given discretion and resources so that they can respond more flexibly to the needs of those they are supposed to serve. NPM has been used to promote public sector reforms including privatisation, contracting out and performance-based management.

According to NPM, accountability exists when a public manager or contractor is able to achieve the result expected of him/her, using the resources and discretion given. NPM focuses especially on the incentives for those who perform a job, together with preventive measures to ensure that they do not misuse their discretion or resources (Minogue 2001).

In the early 1980s emerged a theory called "new institutionalism" (NI). It argues that institutions matter, and getting the institutions right can lead to economic growth and poverty reduction. Institutions are in this case defined as rules and norms that constrain human behaviour (North 1990) or as organisational entities, procedural devices and regulatory frameworks (Jutting 2003). Institutions are not only formal state rules and regulations but also informal norms and practices.

NI has been criticised for the lack of consistent definition of institutions and insufficient explanation on the causal mechanisms between institutions and development. It is also not clear either how NI defines accountability. But NI has become very influential within development thinking, particularly the concept of good governance, which has been increasingly advocated by international donors.

NI has contributed to the emergence of some new ideas about the roles of the state in a developing country. One influential idea was called "capable state" in World Bank (1997). During the 1980s and 1990s, most donor agencies were arguing that the state was a problem for development and therefore should be downsized, paving the way for the market. The capable state view argued for a greater role for

the state in development in order to complement, not replace, the market. This approach focuses mainly on accountability of the state to the people, arguing that the state has some minimum roles in ensuring basic public services, regardless of who actually delivers them (World Bank 1997).

For that, three building blocks are required: first, the state must have the capacity to formulate policy that reflects people's needs; second, there need to be effective management structures and competent civil servants to implement such policies; third, there needs to be participation from the people, who voice their preference and concerns about the policies and their implementation (World Bank 1997).

The notion of capable state, especially in relation to service delivery, was further refined in the 2004 World Development Report's idea of "triangle accountability". Its three accountabilities are (1) between the people and service providers, (2) between service providers and policy makers or politicians and (3) between policy makers or politicians and the people. The first relationship, called the "short route", focuses narrowly on how well state service providers respond to the needs of the poor. The second and third relationships together constitute the long route, where pressures for accountability flow from the people to policy makers or politicians and then to service providers (World Bank 2004).

Running through these three interrelated accountability relationships are five key elements: delegation, finance, performance, information about performance and enforceability (*ibid.*). This definition adds emphasis on the ex-ante aspects of accountability. It argues that before there are answerability and enforceability, it is only fair that the actor to be held accountable receive clear assignments of roles and responsibility, adequate and predictable funding and capacity to perform the tasks (*ibid.*).

Triangle accountability is a good broad framework in which other concepts about promoting accountability can be explained. One is decentralisation. Proponents of decentralisation argue that transferring more political, administrative and fiscal authority and responsibility to sub-national and local governments will bring government closer to the people (Cheema & Rondinelli 2007). In the triangle accountability framework, this means shortening the long route by having policy makers and politicians at not just the central but also lower levels.

The five elements of accountability also play out well in decentralisation. In addition to establishing locally elected councils, decentralisation also emphasises the importance of assignment of functions, then of authority over own source revenue generation, inter-governmental transfers and a system to ensure that sub-national governments are accountable to the central government (upward) and to the people (downward) and accountability between service providers and elected councils (horizontally) (World Bank 2005a).

Another relevant concept is social accountability, which is defined as civic engagement in which ordinary citizens and/or civil society organisations participate directly or indirectly in exacting accountability from the state. Proponents argue that government can behave more accountably if the people and society are more ready to demand it. Such readiness requires people to be more organised and equipped with tools and channels through which their voices and complaints can be heard (World Bank 2005b). The World Bank describes such tools as "strong demand" institutions, such as ombudsman offices to assist people in articulating their demands of the state (ibid.).

The key concepts just discussed come mainly from Western countries through their donor agencies. They have been changing and expanding over time, reflecting the lessons that these countries have learned from giving aid since the Cold War period. First, they focused on the state and its bureaucracy, then changed to the private sector, then to finding the right balance between the two. In the last two decades, the focus on the role of the state has increased, together with the rising popularity of the good governance agenda (Pak *et al.* 2007). However, good governance reforms (civil service reforms, public financial reforms, judicial reforms) have not been particularly successful. Less than satisfactory results are argued by some to stem from too vague and too ambitious objectives. Based on this experience, some argue that perhaps reforms should aim for only "good enough governance" (Grindle 2004).

Given the slow governance reform in most developing countries and the newly perceived links between bad governance and international insecurity, a new paradigm called "fragile state" has emerged. Fragile states are defined as those that have been unable to meet basic needs of their people, including security, social services and the rule of law. The fragile state agenda, although just begun, has already come under the criticism that its objective of combining security and development is too ambitious and unrealistic. Proponents of the concept, however, argue that a smooth transition from conflict

to peace and stability, while challenging, is critical for development to take hold (McLoughlin 2010).

The Concepts and Their Application in Cambodia

All the concepts discussed earlier have been applied in Cambodia. For example, the legacy of the French system, which is a form of traditional public administration, is still apparent in the structure of the current government, including ministries, their roles and responsibilities and personnel and financial management. All these reflect partly the TPA model of Weber. The application of NPM in Cambodia includes privatisation of many state enterprises and the contracting out of local services such as health and agricultural extension to private firms or NGOs, the move to performance-based pay and programme-based budgeting.

The capable state approach, triangle accountability, decentralisation and social accountability have been more common and well known in Cambodia than TPA and NPM mainly because they have been advocated by donor agencies in electoral, civil service and public financial management reforms, decentralisation and civic engagement.

From personal observations, despite their common uses, these concepts have not been well understood by Cambodian audiences, particularly when they are linked to accountability. There are at least for two reasons for this lack of understanding. The first is the lack of a clear distinction between the "what is" and "how to promote" parts of accountability. From my personal experience and observations in public forums, a large part of the Cambodian audience perceives accountability as a quality or result to be achieved, whereas, in international literature, the term implies both the results and the process by which the result is achieved. To avoid confusion, in this paper, it should be emphasized that the various concepts discussed in the previous section are about governance systems to achieve accountability in the public sector. Regardless of the concepts being applied, the core characteristics of accountability still apply.

The second reason is the lack of clarity about the types of accountability being discussed. In a democratic system, the ultimate accountability is that between the state and the people. But accountability also exists in a much more narrow sense, such as between the executive and legislative branches, between a bureaucratic boss and his or her subordinates or between a school and students' parents. It is true that in the public sector,

these different types of accountability are mixed together. However, if the intention is to have more Cambodians understand the concept and be able to apply it, clarity and specificity about the types of accountability are needed.

Even when these confusions are dealt with, Cambodian audiences will still have difficulty understanding accountability in terms of these concepts. This is because the concepts are drawn from examples of Western countries whose political and economic contexts are vastly different from those of Cambodia. Underlying these concepts is an assumption that, to achieve accountability, developing countries need to follow the examples of the West. Consequently, most reforms driven by donor agencies have targeted improving the formal and technical governance systems.

Such an approach tends to view improving governance as a matter of getting the right technical bits and pieces in place. This is unrealistic, for strengthening governance systems and accountability is not a purely technical matter, but directly involves political decisions and manoeuvres. These political questions, moreover, involves not only what is stated in the constitution or formal political arrangements but also to informal rules and practices deeply embedded in a society. Therefore, really to understand accountability in the public sector, a different concept is needed. That concept is neo-patrimonialism, discussed in the following.

Accountability, Patronage and Neo-Patrimonialism

As other studies make clear, accountability is shaped not merely by formal but also by informal rules and practices, including customs, traditions and personal relationships (Lindberg 2009). One important informal factor is patronage, which is defined by Scott (1977) 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".

Patronage takes different forms. It can be small groups or clusters of people who work to help each other. This patronage often has affection-based dimensions such as kinship, friendship or other personal relationships. But patronage can also take the form of a much larger pyramid-like network in which a person is patron to a group of people

but a client to another patron situated at a higher level. Thus, people in patronage arrangements can be simultaneously in a big pyramid and a smaller cluster that is part of a large patronage network.

Although not subject to any written rules and structures, patronage creates a form of accountability between patrons and their clients. Such accountability is influenced by the nature of the incentives, choices and resources available to a patron, and by his/her relationships with clients. Usually, patronage is instrumental (i.e. mutually beneficial) for all, although it generally benefits the patrons disproportionately (Pak & Craig 2008).

From the foregoing discussion, it seems that patronage is not always associated with something undesirable. On the contrary, it is a common form of human interaction (Scott 1977). However, in the literature about public sector governance and reform, patronage has often been viewed negatively by proponents of legal, rational states, who argue that patronage has been the source of weak governance in the developing world. For these critics, when rules are not adequately and appropriately stipulated and enforced, patronage leads to abuse of public power and hence corruption.

In many developing countries, patronage has become mixed with the formal rules and structures of the state. This mixing gives rise to a "neo-patrimonial state". Neo-patrimonialism is defined as a political system in which "the chief executive maintains authority through personal patronage, rather than through ideology or law… relationships of loyalty and dependence pervade a formal politics 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 … In return for material rewards, clients mobilize political support and refer all decisions upwards as a mark of deference to patrons" (Bratton & van de Walle 1994).

While the neo-patrimonial concept has been used more commonly to explain weak governance in many African states, according to Pak *et al.* (2007), a number of characteristics of Cambodia state fit well with the neo-patrimonial state definition. First, it found that, like other neo-patrimonial states, Cambodia has a strong tendency towards centralism, within which power and control over resources have been accumulated by a small group of people. This centralised power has been supported by vast rural networks.

Second, patronage networks in Cambodia penetrate the state. This has allowed rent seeking to

flourish, at the expense of effective functioning of formal state institutions and service delivery. Rents have been systematically accumulated and shared in pyramidal networks where a larger share is passed on to those higher in the pyramid (*ibid.*).

Consequently, it was concluded that neo-patrimonialism in Cambodia is deeply institutionalised, making it very difficult to reform. For instance, in public expenditure management, because of firmly established patronage interests, improving the effectiveness of public spending would require not only reforming the formal budgeting process and institutions but also broader anti-corruption measures and more active participation from civil society and the people (Pak & Craig 2008). Similar conclusions were found for human resource management (Eng & Craig 2008) and planning (Horng & Craig 2008).

Based on the above findings, it can be concluded that public officials in Cambodia's public administration are less subject to accountability in formal rules, but more subject to the unwritten rules and operation of patronage. These patronage accountability lines, moreover, have been so powerful and dominating that they overshadow the formal accountability structures.

Compared to the Western concepts of governance, that of neo-patrimonialism is useful in Cambodia because it guides us to look beyond what is written on paper and focus on less obvious but important variables such as patronage, rent-seeking and power relationships and how those relationships affect resource bases.

Neo-patrimonialism, however, has been criticised on a number of grounds. First, by showing that patronage-based accountability is in complete contrast to accountability based on legal, rational bureaucratic systems, the concept tends to view all forms of patronage as negative. This is contrary to the original idea proposed by Weber, who talked of patrimony not in negative terms but as a way in which a leader can establish legitimacy and command obedience from followers (Pitchee *et al*. 2009). Neo-patrimonial concept seems to also see all forms of patronage in negative ways, although such relationships are common in all societies.

Second, while the concept is helpful in providing a snapshot of how patronage-based accountability comes to mix and dominate formal, legal and rational accountability, it seems to downplay the importance of context in the shaping of such hybrid political and governance systems. This prevents rigorous application of the concept to a country like

Cambodia, whose history, culture and social values are less similar to those of Africa.

For instance, studies indicate that neo-patrimonialism in Cambodia cannot be understood without recognising its specific historical and cultural context. In addition to social values such as hierarchy, conflict avoidance and saving face, Buddhist values such as benevolence, merit-making and *karma* are considered very influential on patronage practices in Cambodia. Even more importantly, the legacy of war and genocide has also shaped attitudes towards patronage relations (Pak *et al.* 2007). Neo-patrimonialism, on its own, cannot capture these contextual factors.

As another shortcoming, neo-patrimonialism also tells us little about the evolution of the neo-patrimonial state. Only recently have proponents of neo-patrimonialism such as van de Walle started to recognise and give more attention to such evolutionary dynamics (van de Walle 2007). Understanding how and why a neo-patrimonial state evolves is particularly helpful to understanding how its accountability relationships evolve. Such understanding is undoubtedly very useful for the formulation and implementation of policies aimed at strengthening accountability within a state. Because evolution is a very contextual phenomenon, applying neo-patrimonialism requires proper contextualisation and support by empirical data.

Applying neo-patrimonialism, moreover, requires constant caution not to be over-focused on the predatory and rent-seeking nature of patrons and their clients. This does not imply that such undesirable features do not exist. Instead, it is raised to make two related points. First, neo-patrimonial states do not exist as a result of individuals reinforcing their personal mutual accountability. Instead, they have been made possible and persistent because such accountability is supported by a vast shadowy political and economic system, in which many actors interact to reinforce their interests and strengthen their power bases.

Second, while patronage and rent seeking can be undesirable, their existence will not always prevent a country from developing. Khan and Jomo (2000) have pointed out that some Asian countries (South Korea, Taiwan and, to a lesser extent, Thailand, Indonesia and Malaysia) have been able to develop despite patronage and rent seeking. These scholars argue that there is no historical evidence to show that elimination of rents, corruption and rent seeking is a precondition for development. Instead, these good governance qualities tend to emerge as economic well-being of the people improves.

The key is whether leaders are able to transform and use such rent-seeking activities in ways that are conducive to long-run economic growth. For instance, in some African countries, corruption money is usually transferred out of the country and deposited in a rich country, whereas in some Asian countries, corruption money has been re-invested in the local economy. This implies that building pro-poor accountability is not a matter of switching from patronage to the rule of law overnight, but a long-term and complicated transformation (*ibid.*).

Conclusions and Suggestions for Future Research

The most common source of confusion about the accountability among Cambodia audiences is the frequent lack of clarity about what accountability is and how it can be shaped and promoted. While international literature tends to define accountability in term of both "what is" and "how to", Cambodian audiences find this rather confusing. This paper makes explicit what accountability is, referring to the five key characteristics. While accountability by nature is rather straightforward and neutral, how it is shaped and promoted is complicated. Various concepts were developed to shed lights on the complexity.

These concepts have their own strengths and limitations. The ones that come from Western donors (such as such as TPA, NRM, NI, Capable State approach, and Triangle Accountability), while emphasising the importance of state capacity and accountability, tend to focus more on the technical and formal aspects of governance. This limitation is addressed by the neo-patrimonialism concept, which focuses on explaining patronage elements that are found in many developing countries.

The main limitation of these concepts is their lack of contextualisation. In Cambodia they have been used more as a benchmark to see what is still wrong about accountability and governance, rather than to understand better the underlying dynamics of the governance system of this country. On this, this paper puts forward two specific suggestions.

First, more research should be done about patronage practice in Cambodia, observing it through the broader political, social and economic context, to answer some of the most basic questions, e.g. how has patronage in the public sector evolved as result of economic development and the growing dominance of the ruling party in the last decade? How has patronage been expanded to include people from the business world?

This paper argues that these questions cannot be examined using the current literature on neo-patrimonialism alone. This is partly because neo-patrimonialism tends to conclude that a weak state like Cambodia is nothing but predatory and thus would not contribute anything to economic development and good governance. Such findings make neo-patrimonialism a less suitable analytical framework to explain Cambodia, where patronage co-exists with notable economic growth and the rising popularity (at least as measured by votes) of the ruling party (Blue *et al.* 2009; Pak forthcoming).

Second, to better understand accountability and governance in Cambodia and what this means for development, lessons from other south-east Asian countries such as Indonesia, Thailand or even Vietnam should be learnt. While these countries are at different stages of economic development than Cambodia, they can be good choices for comparative purposes for a number of points. As argued by many south-east Asian scholars, besides their level of modernisation, some countries in south-east Asia share features including elitist cultures, Buddhism and quiescence of the people toward the rulers (Pye 1985).

Literature on patronage in these southeast Asian countries has focused more on the cultural dimension and legitimacy among ruling elite and between elites and the mass, rather than focusing on its predatory nature (Vatikiotis 1998; Case 2006). These frameworks, if properly applied to Cambodia, hold the promise of moving beyond the debates about good governance in broad terms and starting to contextualise such sensitive issues in the broader discussion about economic development and political change. Such regional comparison will also bring Cambodia into south-east Asian literature, helping researchers to look beyond the post-conflict nature of this country.

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