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# Governance in Public Higher Education in Cambodia


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## Abbreviations

| | |
|---|---|
| ACC | Accreditation Committee of Cambodia |
| ASEAN | Association of Southeast Asian Nations |
| DGHE | Directorate General of Higher Education |
| HEI | higher education institution |
| HEQCIP | Higher Education Quality and Capacity Improvement Project |
| ITC | Institute of Technology of Cambodia |
| MEF | Ministry of Economy and Finance |
| MOET | Ministry of Education and Trade |
| MOEYS | Ministry of Education, Youth and Sport |
| MOLVT | Ministry of Labour and Vocational Training |
| OARE | Online Access to Research in the Environment |
| OHEC | Office of Higher Education Commission |
| PAI | public administrative institution |
| RUPP | Royal University of Phnom Penh |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UUCA | Universities and University Colleges Act |

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# Executive summary

## Situational analysis

Compared with its more advanced ASEAN peers, especially Singapore, Malaysia and Thailand, Cambodia's higher education system is still in its infancy. Its higher education governance, financing and financial management are neither sophisticated nor robust enough to deliver quality relevant higher education to the society and economy. Higher education institutions (HEIs) have mushroomed amid inadequate regulation, supervision and support to steer the subsector's development to meet national needs and improve Cambodia's regional competitiveness. The current legal framework for higher education has perpetuated an inefficient, fragmented and reactive regulatory regime; there is no overarching law on higher education. Similarly, the development of the subsector has been dictated by a distorted market system without comprehensive policy or well-thought-out state intervention. In stark contrast to more advanced countries in the region, which over the past 20 to 30 years have passed several long-term comprehensive policies and numerous medium-term plans to guide higher education development, Cambodia did not pass a single comprehensive long-term policy or medium-term plan until 2014.

Perhaps the biggest challenge for any meaningful systematic reform is the establishment of a higher education system (and in the longer term, ecosystem) to ease interventions and investments in higher education. Cambodia's higher education system is one of the most fragmented in the ASEAN region, though signs from senior government officials suggest sufficient political will to consolidate and reform it. In Thailand and Malaysia almost all HEIs come under the supervision of a single ministry, whereas in Cambodia around 60 percent of HEIs come under the Ministry of Education, Youth and Sport (MOEYS) and the rest under 15 other state agencies. Cross-ministerial cooperation and collaboration in higher education development is limited, and there is no permanent mechanism for such dialogue. Some experts go as far as saying that there is no higher education system or subsector in Cambodia, and that this hinders higher education development and effective investment in higher education, thus limiting the role of HEIs in supporting national development.

Cambodian higher education does not value broader involvement from non-state stakeholders. This closed system limits engagement from stakeholders at all levels, including students, academic staff and higher education communities, and also limits government decisions that affect the actions of HEIs. Although prominent individuals such as the top administrators at public and private HEIs can engage in policy dialogue and planning, representatives of student and faculty bodies and professional and academic societies are barely involved, if at all, in policy making and planning.

A common regional trend is a shift towards corporate-style governing boards, though practices vary significantly from country to country. Thailand and Indonesia, and to a lesser extent Malaysia, are still more inclined towards stakeholder-type institutional governance, with significant involvement of internal stakeholders. In Cambodia, the governing boards of public HEIs are generally government-centric with narrow internal and external stakeholder representation. The governing boards, with few exceptions, are small. Legal requirements for HEIs that hold the status of a public administrative institute (PAI) stipulate that boards should comprise 5 to 9 members (previously 5 to 11), including representatives of key ministries. A

2015 government edict, or "prakas", stipulates that the governing boards of the public HEIs under MOEYS should comprise 5 to 11 members and tasks the boards to provide direction, approve institutional plans and regulations, and monitor and evaluate institutional development. In practice, governing boards are generally not fully functional and there are cases where board members do not fully understand their roles and responsibilities and merely perform their routine obligations. Their authority is less overarching than those of more advanced regional counterparts and they are very much stand-alone entities with no permanent secretariat or standing committees, as practiced elsewhere in the region. Their strategic support to, and oversight capacity over, the executive and the entire institution are therefore limited and ultimate power often rests in top senior executives.

Institutional autonomy and accountability in Cambodia have long been debated, especially in national sectoral policies. Earnest discussion of reforms towards greater institutional autonomy and strengthened institutional accountability, especially among external non-state stakeholders, dates back to the early 1990s. Although the key message points were picked up in Education Strategic Plan 2006–10 and subsequent (higher) education policies and plans, their interpretation into law and practice has been limited. Legal loopholes and political pressure to allow for certain discretionary institutional power have allowed much room for institutional entrepreneurialism and variation in degree of institutional discretionary power.

The legal constraints on institutional operation and management and the de facto practice of institutional autonomy (or anarchy, as some may argue) have resulted in two opposing narratives. On the one hand, there is a legitimate argument that there is limited institutional autonomy in all aspects of institutional management: institutional setup, financial management, personnel management and academic affairs. Institutional setup, including opening new majors/dependent units and their dissolution or modification, should conform to legal requirements and be approved by central government. Financial management of public money should adhere to government rules and regulations, giving very little room for institutional flexibility and creativity. Full-time civil servant personnel should be governed by the civil service code, thus making staff management generally rigid and bureaucratic. In principle, the government is still involved in academic affairs management through the formal pro-forma approval of any changes to the curriculum and the fact that institutional academic policies should follow national guidelines, standards and criteria.

On the other hand, there is also a legitimate argument that there is too much discretionary power at the institutional level in all aspects of institutional operation and management. Public HEIs, PAI and non-PAI alike, have almost complete freedom to decide how they wish to spend their self-generated revenues, with little rigid institutional oversight (which has led to some high salaries at prominent HEIs). Public HEIs have complete control over the staff they employ and extra services they procure from civil servant staff using their self-generated funds. This includes the power to hire and fire. In academic affairs, public HEIs have a lot of freedom too, including setting up academic and research policies, awarding degrees, and managing and developing curricula. In a sense, there is a parallel system of institutional governance in virtually all aspects of institutional operation and management. The two dichotomous narratives and status quos appear to be a result of a trust deficit, especially between public HEIs and central government.

Institutional accountability as a mechanism and process is still immature and not sophisticated enough to deliver more institutional autonomy. Many issues beset governing boards and institutional administrators, such as limited representation, rigid bureaucracy, centralised

appointments, and unclear performance monitoring and evaluation indicators. Staff participation in decision making on institutional management is limited, and governance via academic committees and faculty-level councils, and delegation of authority and functions, are alien notions in Cambodian public HEIs. Like any bureaucratic agency, public HEIs resemble a fiefdom dominated by a particular individual or group. Participation from other actors such as parents, students and communities (in the narrow and broader sense of the term) is minimal or pro forma at best.

In 2017, MOEYS developed a national policy aimed at improving higher education governance and finance. The policy recommends 10 interlocking measures, five of which deal with governance:

1. Delegate more autonomy to public HEIs
2. Adopt forms of institutional accountability that make public HEIs more responsible for quality
3. Authorise the professionalisation of the teaching corps at public HEIs
4. Stratify HEIs based on their core missions and personnel requirements in order to serve national development and societal needs
5. Establish a national coordinating body for the higher education system.

**Policy implications**

Some ad hoc efforts have been made to bring greater institutional autonomy and accountability to higher education governance. The establishment of PAI HEIs is an example of the government's attempt to devolve authority, and the minister for education has expressed his intention to grant public HEIs more institutional autonomy in exchange for more complete accountability. In practice, however, these calls for systemic and systematic reforms towards institutional autonomy and accountability have lacked any suitable blueprints for action and remain largely commitments.

If HEIs are to play a more active role in national development in Cambodia, then the government can no longer take higher education for granted. Systemic and systematic governance and finance reforms must be taken more seriously and include well-thought-out action plans to enable implementation. The reforms in institutional autonomy cannot be detached from reforms in institutional and systemic accountability and perhaps broader institutional reforms beyond higher education governance and finance. To paraphrase Clarke (1998 cited in Sato 2007), at the heart of higher education reforms lies the indispensable participation of university staff, since they can determine reform success or failure. Higher education reforms are as important as any other education reforms, and given the lack of strict supervision of higher education over the past 20 years, perhaps it is high time that reforms in Cambodian higher education were taken more seriously.

If the current level of public funding and institutional management and governance are allowed to persist, there is little hope that any significant governance reforms or massive public or private capital injections would yield significant quality improvement. Thus, this study supports the five reform measures above to improve higher education governance in Cambodia.

# 1. Introduction

## 1.1 Background

Cambodian higher education has gone through many ups and downs since the mid-20th century. The education system during French colonisation was neglected, and only after independence in 1953 did Cambodia began to build its higher education system; this intensified in the 1960s before the country fell into civil war in the early 1970s. The subsector was totally abolished during the Khmer Rouge years (1975–1979), and was later rebuilt mainly by a very small circle of educated Cambodians, with support from Vietnam and Eastern bloc countries during the trade embargo against Cambodia in the 1980s. By 1991 Cambodia had only eight public HEIs and approximately 10,000 postsecondary students. Staff salaries and qualifications were low, and libraries, laboratories and other teaching (let alone research) facilities were either not functional or poorly equipped.

Over the past two decades, the higher education landscape has transformed dramatically, especially quantitatively, with increases in the numbers of HEIs and student enrolments, particularly of self-sponsored students. Notably, this "silent revolution" unfolded with little regulatory oversight. In the words of Chet Chealy (2009, 154), "progress made within the education [system] has given Cambodia both pride and concern at the same time". The most common concern has been the role that higher education plays in the country's socioeconomic development, with recent emphasis on the disadvantages of an education system that is not producing the STEM (science, technology, engineering and mathematics) skills needed to meet labour market demands and drive industrialisation. There is strong evidence in both academic and development literature that such failure in higher education provision is resultant of weak governance and low public expenditure on higher education, and it is this that forms the starting point for the present study.

Two key policies introduced in 1997 changed the pattern of governance and financial management in higher education. First was the adoption of public-private partnerships where public HEIs were allowed to take on fee-paying students. Second was the Decree on Legal Statute of Public Administrative Institutions (revised in 2015, pending full implementation), requiring HEIs to establish a governing board (the highest authority and functioning like a private corporation) and granting PAI HEIs a degree of autonomy over their operation.

## 1.2 About the study

### *1.2.1 Scope of the study*

The aim of this study is to explore the current governance of higher education in Cambodia at both system and institutional levels. It overviews conceptual discussions in education governance where governance is considered a structure, process or object of decision making (Un and Sok 2014; Sok 2016); and examines key governance issues in public higher education. Where relevant, the study reflects on practices in Southeast Asia to draw academic and policy implications for enhancing public higher education governance in Cambodia.

### *1.2.2 Method*

This study is based on extensive analysis of an array of existing published and unpublished documents. It significantly relies on academic research and development literature on higher education in Cambodia and the wider region, policy documents and reports, legal documents, project documents (analytical and advisory work, evaluations), and formal and informal research papers.

Publications on higher education governance in Asia written solely by Asian scholars are scant, and many are collaborations with Western scholars. While useful and informative, these studies can fall short by not fully understanding local contexts. The nature of the research and the sensitivity of the issues under scrutiny can hamper evaluations and bias study findings. This study, however, is complemented by information drawn from the authors' extensive and sometimes intense discussions and interactions (formal and informal) with diverse stakeholders over the course of their professional work. Throughout their careers, they have investigated and debated the issues facing higher education in Cambodia, including governance, in numerous venues with diverse stakeholders, from lecturers and support officers to senior politicians and policymakers.

### *1.2.3 Significance of the study*

This research study is one of the first published papers dealing with higher education governance in Cambodia. The research uncovers many key issues for higher education governance that affect not only higher education quality but also its role in national development. This study attempts to review practices and outcomes of higher education governance in selected ASEAN countries and compare those with the situation in Cambodia, with a view to drawing lessons learned to inform Cambodian higher education policy. The findings have positive policy implications for higher education development in Cambodia and will significantly contribute to academic debates on higher education governance.

### *1.2.4 Structure of the paper*

The rest of this paper is divided into four sections. The literature review in Section 2 presents an overview of the conceptual discussions on higher education governance, as well as the experiences of selected ASEAN countries. Section 3 describes some key publications on Cambodian higher education governance. Section 4 examines Cambodian public higher education governance against the conceptual framework, as well as regional experiences in detail. Section 5 concludes and draws some policy implications for higher education development.

## 2. Literature review

Governance, finance and talent, according to Salmi (2009a), are the three pillars that make world-class higher education possible. The mobilisation of talent, however, depends heavily on finance and good governance. A report by the Royal Irish Academy (2012) states, "Governance is at the heart of the story of higher education." Another report by the World Bank (2000, 51) cautions: "Governance sets the parameters for management. A mismanaged enterprise cannot flourish, and institutions of higher education are no exception."

The following explores some of the conceptual frameworks and regional governance practices in public higher education. We begin by discussing the concept of governance and governance arrangements in higher education (including institutional autonomy and accountability). We then present experiences from selected countries in the ASEAN region, with a focus on three areas of public higher education system governance – policy and legal frameworks, governance system fragmentation and recent governance reforms. The final section examines the issues of institutional autonomy and accountability.

## 2.1 Some conceptual considerations

### *2.1.1 Governance at the system level*

Like the terms democracy and globalisation, governance is another buzzword that is so pervasive that it has become virtually meaningless. Although there is no common definition of what governance is, social science literature generally converges on the structure, process and objects of decision making. In the words of Jones and Sok (2015, 549), governance is seen as an "interactive and collaborative process including state and non-state actors in a proactive role, determining who is allowed to make decisions, and under what conditions".

According to Anderson, Johnson and Milligan (2000 cited in Sato 2007, 73–74), there are three widely accepted theoretical models of university governance: Anglo-American, European and Asian. The Anglo-American model has a "strong tradition of distancing universities from intervention by the state"; the European model, whereby universities are established under legislation, gives governments considerable power over university administration; and in the Asian model, governments regard HEIs "as instruments for advancing national cohesion and economic advancement".

Understanding the different governance models is important as decision-making structures, processes and objects of decision making differ. The Anglo-American model adopts the notion of shared governance, in which the state, institutional administrators, professors (and even students and nearby communities in some states) share the responsibility of university governance under the purview of a board of trustees or board of regents. In this model, the top administrators (especially the vice-chancellors and deans) and professors are empowered to manage HEIs largely unencumbered by state control or interference.

In the European model, the state and professors form two powerful elements in HEI governance. In Germany, for example, the state has more power over administrative affairs, while professors have power over academic affairs (Shin 2014, 39–40). In the Asian model, though Anderson, Johnson and Milligan (2000 cited in Sato 2007) nest all Asian universities together, there are considerable variations in how Asian states manage HEIs and how HEIs manage themselves due to differences in historical and cultural traits, colonial and postcolonial influence, and how they view higher education. Yet in essence, Asian states regard HEIs as an engine of national development and are devolving more decision-making powers and functions to HEIs, while playing a forward-looking supervisory role in addition to that of regulator and funder.

Despite wide variations, a common global and regional trend since the 1990s has been the adoption of neoliberalism in higher education. This has shifted the role of the state from controlling and managing the direct operation of HEIs to "steering from a distance" through policy and legal interventions, guidelines and quality assurance standards, and performance-based financing. Reforms in some countries have led to a separation of policy formulation and policy implementation, through either redefining the roles of line departments, devolving power to subnational levels, or creating independent specialised committees (Raza 2010; World Bank 2012, 2014).

### *2.1.2 Governance at the institutional level*

Alfred (1998, 1) defines shared governance as "collegial decision-making or the process for distributing authority, power and influence for academic decisions among campus constituencies". Reviewing studies on institutional governance in higher education as practiced in Western countries, Trakman (2008) identifies five models of board-level governance in HEIs: faculty, corporate, trustee, stakeholder and amalgam.

The faculty governance model is the most collegial. Authority rests with university senates and/or governing boards dominated by faculty representatives. The trustee model focuses on the manner of governance, with a board of trustees acting for, and on behalf of, trust beneficiaries, and is especially appealing "in times of cynicism and preoccupation with ethics and professional responsibilities" (Trakman 2008, 72). The stakeholder governance model vests decision making in diversity at board level, including representation from students, academic staff, corporate partners, government and the public; a mix of internal and external stakeholders share responsibility for institutional governance. The amalgam model is some combination of academic staff, corporate, trustee and stakeholder governance and is appropriate when an HEI is ready to "experiment with innovation in university governance" (Trakman 2008, 74). The corporate governance model is business and results-oriented. The governing board, made up of diverse stakeholders from within and without the HEI, acts as a supervisory body with the top executives playing the roles of chief executive officer, chief operating officer and chief financial officer. This model is influenced by concepts of neoliberalism which focus mainly on competition, performance and profit (for arguments for and against these models, see Trakman 2008).

With the global trend of states withdrawing from everyday HEI management, HEIs have been granted greater institutional autonomy within the purview of their board, to which the top administrators are directly accountable. HEI boards may be supported by a number of permanent and ad hoc board committees such as auditing and financial planning, with the rectors taking leadership roles in institutional management, often with support from various academic and administrative bodies such as the faculty senate and human resources division.

The definition of institutional autonomy similarly varies. While it can be defined in absolute terms as "freedom for an institution to run its own affairs without the direct control or influence of the government" (Varghese and Martin 2013, 22), autonomy can also be relative. Relative autonomy is variously defined as the "degree of freedom of the university to steer itself" (Askling, Bauer and Marton 1999, 177; Marton 2000), the "condition where academia determines how its work is carried out" (Neave and Vught 1994 cited in Raza 2010, 5), or the "power and authority of an institution to run its own affairs without undue influence or direction of government" (Shahabudin 2011). Berdahl (1971 cited in Raza 2010) classifies institutional autonomy into substantive (academic and research) and procedural (non-academic) categories. The former includes the ability of HEIs to determine curriculum design, research policy, entrance standards, academic staff appointments, and the class of degree to be awarded, whereas the latter refers to budgeting, financial management and accounting, non-academic appointments, purchasing and contracting.

While institutional autonomy is crucial, institutional accountability is no less important and is perhaps a "(pre) requisite for institutional autonomy to work" (Sok 2016, 19). "University autonomy without good governance can be dangerous!" warns Suwanwela (2008). Hauptman (2009, 91) likewise cautions that if "sufficient accountability measures are not in place, there is real danger that abuse will occur with autonomy". The term accountability is understood differently, especially between universities and state governments. For higher education professionals, according to Eaton (2006 cited in Sirat 2010, 462), accountability is about "self-responsibility and self-regulation of academic quality", while to many governments it is about performance and results. Following the second notion, Salmi (2009b, 3–11), seeing accountability through a neoliberal lens, identifies two dimensions: integrity in service delivery and honesty in the use of financial resources. The growing focus on institutional accountability around the world is reflected in the increased multiplicity of HEI governance stakeholders, themes under scrutiny, and accountability mechanisms and instruments (Salmi 2009b, 3–11; Hauptman 2007, 90–92).

## 2.2 Experiences from the region

"Region" in this report refers specifically to the ASEAN region, with a focus on Thailand, Indonesia, Vietnam and Malaysia. These countries have undertaken significant higher education reforms in the past few decades and certain nuances merit attention, especially the implications for higher education governance in Cambodia. Thailand and Indonesia are noted for their gradual approach to higher education interventions, with Thailand being the forerunner. They chose to select a few prominent public HEIs, improve their accountability structures and processes, and give them more autonomy with the intention of boosting global competitiveness and national relevance. Malaysia is known for its elaborate plans, which in practice often get bogged down. It also adopts a more centralised approach to governance and reforms. Vietnam's limited and slow moving reforms, largely attributable to its centralised governance and interventions and long history of state-controlled dominant-party regimes, limit whatever reform intentions the country might have.

### *2.2.1 Governance at the system level*

#### *2.2.1.1 Policy and legal frameworks*

In the state-steering system, the state does not fade away and retains a critical role in determining the success or failure of higher education. Instead of directly managing HEIs, and on top of regulations, it provides vision and oversight. That is, the state takes on a more proactive and developmental orientation in its interventions. To achieve this, two of the four key instruments that states can use are strategic vision and higher education legislation (Kehm 2010; World Bank 2012; Raza 2010). Many countries have their own regulations and legislations concerning higher education. Malaysia and Thailand even have separate acts to govern private and public higher education. Malaysia passed its Universities and University Colleges Act in 1971, which has since been amended many times. Vietnam's long-awaited 2012 Higher Education Law covers both public and private higher education. Thailand's 1999 National Education Act also provides extensive coverage for higher education, along with two other related acts – the 1995 Rajabat Institute Act and the 2012 University Personnel Act. Indonesia passed a higher education law in 2012, but this was revoked by the constitutional court due to resistance from some key stakeholders. The government instead issued a regulation to supplement a 1999 regulation on autonomy (Nizam and Nurdin 2014).

Although having a law to govern higher education is important, the nature of that law is more important. Thai law, for instance, supports supervision rather than strong direction to achieve institutional autonomy and accountability and subsector development. Malaysian law is more restrictive and regulatory, but sparse on details. It is important to develop and maintain the support of key stakeholders when drafting higher education law, as shown in Thailand where the Thai parliament and the Thaksin administration were supportive of higher education reforms, and this support eased the passage of higher education legislation. In contrast, the Indonesian parliament and the Ministry of Economy and Finance were not supportive of higher education law, partly leading to its revocation (Nizam and Nurdin 2014).

In addition to legislation, there is also a need for long-term planning in higher education. In this regard, Malaysia's planning and policy, especially for public higher education, stands out. In 2015, the Ministry of Education passed the Malaysian Higher Education Blueprint 2015–2025, which details key areas for intervention, strategic activities, and monitoring and evaluation mechanisms to bring Malaysian higher education on par with international standards. With Malaysia's track record of good planning but relatively poor policy implementation,

the achievement of the blueprint goals is however yet to be seen. Before the passage of this milestone document, Malaysian higher education development was guided by the Strategic Plan for Higher Education: Laying the Foundation Beyond 2020, as articulated in National Higher Education Action Plan 2007–2010 and its successor Higher Education Strategic Action Plan 2011–2015.

Thailand and Vietnam engage in longer term higher education planning than Malaysia. That said, Thai plans are generally short on details about strategic interventions, monitoring and evaluation mechanisms, and funding. According to the Office of the Higher Education Commission (OHEC 2017), Thailand is currently devising a 20-year Long Range Plan for Higher Education 2017–2036 to align with its National Socioeconomic Development Plan 2017–2036. This latest plan will focus on strategic intervention planning.[1] In the meantime, higher education development is guided by the Second 15-year Long-Range Plan for Higher Education 2008–2022, though discussion with the OHEC indicates that public investment has often gone ahead irrespective of this plan. Vietnam's higher education interventions are governed by its Higher Education Reform Agenda 2005–2020: A Vision for 2020. Complaints about limited implementation are, however, plentiful (Hayden and Lam 2006). In Indonesia, the now outdated Higher Education Long-Term Strategy 2003–2010 is the most recent plan for higher education development.

Three contextual matters are worth underlining: (1) higher education development policies in all four countries are heavily influenced by neoliberalism and hence interwoven with such concepts as autonomy, accountability, efficiency, relevance and revenue diversification; (2) tension between the dominating state and a need for liberalisation and deregulation of the subsector to free up HEIs is apparent; and (3) policy change and initiatives have been guided and frequently dominated by politicians.

*2.2.1.2 Governance system fragmentation*

The issue of governance system fragmentation is apparent in many countries in the region. In Thailand, a separate ministry for higher education was established in 1972, and it was not until 2003 that the Ministry of University Affairs was consolidated under the Ministry of Education (Lao 2015). Since the merger, the Ministry of Education has supervised an absolute majority of HEIs, with eight other ministries supervising some others.[2] In early 2017 there was an attempt to once again separate the Ministry of University Affairs from the Ministry of Education, given the perceived deteriorating quality of Thai higher education.

In Malaysia, a short-lived marriage between the Ministry of Education and the Ministry of Higher Education in the past few years signals a power struggle within the government over education governance.[3] Following a one-year reunion, the ministries were again separated in 2014 and the Ministry of Higher Education is now the main ministry responsible for higher education, supervising almost all HEIs (more than 600) with a few dozen under a few other state agencies.

Vietnam is perhaps where the fragmentation of control is the most obvious. The Ministry of Education and Trade (MOET) is the main ministry responsible for higher education, though more than 10 other ministries have oversight responsibilities for higher education (Hayden and Lam 2010). According to Vietnam's 2012 Law on Higher Education, the two leading national universities and a few regional HEIs are under the direct supervision of the Prime Minister's Office and ruled by decrees.

1 Pers. comm. with Thai senior technocrats, December 2015; May 2017.

2 http://studyinthailand.org/study_abroad_thailand_university/thai_higher_education_organization.html.

3 Pers. comm. with a Malaysian senior technocrat, December 2015.

Despite varying degrees of fragmentation, the ministry responsible for education in any ASEAN country is generally the main agency responsible for higher education.

*2.2.1.3 Regional experiences in governance reforms*

In policy intent, all countries in the region aspire to grant more autonomy to HEIs and to reform accountability mechanisms to ensure that the autonomy granted will yield better higher education management and quality. This is clearly reflected in policy statements and legislation, yet policy intent does not always translate into well-managed policy implementation. Thus a great variation exists in the status of reforms towards more institutional autonomy and accountability, the autonomy to be granted, the institutional accountability to be ensured and the accountability mechanisms to be enforced. Additionally, autonomy and accountability do not necessarily mean the same things across the region or across different stakeholders within a country.

Thailand is regarded as having granted the highest degree of autonomy to its HEIs. This is especially true for its autonomous HEIs, which have received significant autonomy – both procedural and substantive. Indonesia in recent years has tried to emulate the Thai experience, albeit on a smaller scale and not as successfully, given the lack of support from the government as a whole. Governing boards of Thai autonomous HEIs and to a lesser extent Indonesian SOLE HEIs (i.e. state-owned legal entity, as the autonomous HEIs are called) are vested with ultimate power to make institutional decisions, and their executive presidents have significant authority over the institutions' everyday management. HEIs in this category exercise a high degree of autonomy in all areas: institutional arrangements, financial management, personnel management, and academic affairs and freedom. The introduction of autonomous HEIs started in Thailand in 1997, and 23 out of 82 universities now have autonomous status (ADB 2012; OHEC 2015, 2017). Indonesia piloted this model of reform in the 2000s, and its HEIs have since been granted a significant degree of autonomy, though this initiative has been hindered by a lack of support from some key state agencies and thus is in limbo.

Autonomous HEIs in Thailand, and to a lesser extent in Indonesia, have been granted discretionary authority to manage recruitment, promotion and firing. In Thailand the executive presidents and full professors are nominated by the governing boards and appointed by the King, and in Indonesia the presidents are appointed by the governing boards. Lecturing staff (up to associate professor) and vice presidents in Thailand are recruited and appointed by the HEIs, as are the members and the chairs of HEI governing boards. In Indonesia, autonomous HEIs are entitled to recruit their own employees but, given the legal limbo, are not able to recruit teaching and support staff who are civil servants. Should they need to recruit civil servants, they are required to get approval from the ministries concerned. HEIs in both countries have great freedom to devise their own curriculum, although they need to get formal approval from the ministry of education. Generally, they are known to have unrestricted academic freedom (ADB 2012).

Autonomous HEIs also have significant procedural autonomy in setting up their own procurement procedures and make their own financial decisions. In this regard, the governing boards are the highest body that makes policy and strategic decisions and decides upon overall financial allocation. HEIs handle the recruitment and management of support staff, and are allowed to set their own compensation policies and manage student recruitment and tuition fees (for postgraduate programs). With the reforms, executive power is mostly vested in the president and deputy presidents.

The relative success of the Thai transition to autonomous HEIs in the 1990s can be credited to several factors. Initially, many university administrators, lecturers and students (and even politicians) were resistant to the reform for fear of losing government subsidies and public employment benefits. It was guarantees from the government to continue to provide financial support, the enactment of supportive legal framework, and the adoption of a transitory dual personnel system that alleviated resistance to change and eased the transition. Support from many prominent academics, who saw this as a good move for Thai public HEIs to thrive, also helped smooth the transition. Those who chose to stay in the civil service were allowed to do so and were governed by the same rules and regulations and received the same privileges as public HEI staff. Today, autonomous HEIs are no longer allowed to recruit civil servants, only fixed-term university employees. Only the positions of professor and associate professor are tenured. Former civil servants who wish to move to the university employee (both teaching and support) category need to go through a screening process and are promised better pay, usually 1.5 to 1.7 times that of civil servants. Generally, a majority of the staff, especially the younger and more competent ones and those who can benefit from early retirement, see the new scheme as more attractive. The president and vice presidents lead by example and are required by law to relinquish civil servant status. Lower level university administrators who wish to keep their civil servant status are required to relinquish their management positions. Public HEIs established after 1997 were required to be completely autonomous from the beginning.

With more freedom for self-governance, autonomous HEIs are required to improve institutional mechanisms to ensure greater accountability, as spelled out in policy and legal frameworks. In Thailand, each autonomous HEI is mandated via an act, which stipulates its organisational structure and decision-making procedures and processes. In both Thailand and Indonesia, HEI governing boards are large and consist of a diverse range of internal and external stakeholders. Thai HEIs recruit their board members themselves. The board chooses a chairperson, who is then proposed to the King for formal appointment. It is required by law that 14 board members be external experts (prominent industrialists, government retirees and academics), in a sense positioning them in line with Sporn's (2007) category of stakeholder boards. In both countries, it is required by law that HEIs establish an audit committee that is directly accountable to and supervised by the governing board, in addition to the internal auditing units under the president. Executive presidents are recruited by the governing boards and appointed for a term of four years in Thailand and five years in Indonesia, with possible reappointment for one more term. In Thailand, presidents and their deputies are appointed and leave office simultaneously. Thailand has started to adopt a more corporate-style governance model, which is reflected in the application of key performance indicators for institutional administrators as well as staff at all levels; and university faculty senates, which are run by elected teaching staff and faculty representatives, play mere advisory roles to the governing boards and top executives on academic affairs management. The education ministries in both countries, through the OHEC in Thailand, the Directorate General of Higher Education in Indonesia, the Office for National Education Standards and Quality Assessment in Thailand and the National Accreditation Board for Higher Education in Indonesia, play instrumental roles in ensuring external accountability through post-auditing, licensing, quality assessment and accreditation.

While autonomous HEIs in Thailand and Indonesia exercise significant degrees of freedom, public HEIs – which are more numerous – still come under the control of bureaucratic machinery and hence have less autonomy and less sophisticated accountability mechanisms. Public HEI employees in both countries are civil servants; and the rules and regulations governing civil servants apply, allowing limited flexibility in recruitment, promotion and firing. Public HEIs also have to follow payment schemes set by the government. Although they are allowed to

open special programs to collect tuition fees for institutional development, the proportion of institutional funding from the government is still huge – as high as 80 to 90 percent of the budget.

Malaysia started more intense corporatisation reforms after the country was hit by the 1997 Asian financial crisis; roughly the same time that Thailand embarked on its reform. Vietnam, like Indonesia, embarked on reform in the early 2000s. The difference is that Malaysia and Vietnam attempted to conduct reforms on a larger scale, resulting more in policy intent than adequate implementation. Public HEIs in Malaysia and Vietnam, even those intended to have more autonomy, have less institutional autonomy than their counterparts in Thailand. Government intention to take charge of HEI development also affects institutional arrangements; for instance, the government and ruling party in Vietnam are still heavily involved in institutional management (Sirat 2010; Hayden and Lam 2007).

Public HEIs in Vietnam and Malaysia have limited autonomy – both substantive and procedural. Curriculum development needs to gain government approval and be aligned with government regulations, especially in Vietnam. Because employees are civil servants, the rules and regulations governing the civil service apply, such as lifetime employment and promotion, thus compromising staff management. Top administrators are recruited and appointed by central government, although in Malaysia faculty senates and governing boards are allowed to nominate candidates for the Ministry of Higher Education to consider. In Malaysia, board members are appointed by central government. In Vietnam, although the law requires that a governing board be set up, this regulation has yet to be implemented.

Public HEIs in Vietnam and Malaysia have limited procedural autonomy. They must adhere to government rules and regulations for procurement and financial management. Vietnam's HEIs have limited decision-making authority over financial expenditure, while in Malaysia HEIs handle capital expenditures up to a certain threshold, beyond which a committee formed by central government takes over.[4] Tuition fees in both countries are set by government, although Malaysian HEIs are allowed to set fees for postgraduate programs. The Vietnamese government even sets tuition fees for private HEIs (Hayden and Lam 2007). Even so, the latest reforms have granted some autonomy to public HEIs in both countries. In Vietnam, public HEIs are allowed to offer special programs to generate extra revenue for institutional investment, while in Malaysia HEIs are permitted to top up staff salaries from their self-generated budget. Malaysian HEIs are also allowed to establish private arms to generate revenues for institutional development, and they have the freedom to manage those revenues. This marks a key difference between the notions of HEIs' financial autonomy in Malaysia and Thailand; in Thailand the focus is more on decentralised decision-making authority (as well as revenue generation) whereas in Malaysia the focus is more on capacity to generate revenues from service provision and diversify income sources.

Accountability mechanisms at the institutional level have yet to be decentralised in Vietnam. In Malaysia, in accordance with the Universities and University Colleges Act 1971 (UUCA), revised in 2013, HEI boards comprise 11 members consisting of representatives from government, industry and the HEI. Board members and the chairperson are appointed by the minister of higher education. Board members, with the exception of the vice-chancellor, are appointed for a three-year term, with possible reappointment. Vietnamese public HEIs, according to Hayden and Lam (2007), are required by the Law on Higher Education to have a governing board, which should comprise an extensive membership consisting of representatives

[4] Pers. comm. with a Malaysian senior technocrat, December 2015.

from ministries, trade unions and local communities, and the local Communist Party secretary. However as noted, this requirement is not implemented.

The appointment of top administrators in Malaysia and Vietnam is centralised. In Malaysia, vice-chancellors and their deputies are nominated from a range of institutions, including HEI governing boards and faculty senates, and selected and appointed by the minister of education from a final list of candidates prepared by the Department of Higher Education. In Vietnam, the appointment of rectors and vice rectors is done by the supervising ministries and influenced by the Communist Party, and is much less participatory than in Malaysia. The top institutional administrators for the two national universities (and the regional HEIs supposed to be under the Prime Minister's Office) are appointed by the prime minister. In Malaysia, the term for vice-chancellors and their deputies is three years, with possible reappointment for two more terms (two years for subsequent reappointment and one year for final reappointment).[5] In Vietnam, by law, rectors and vice rectors should serve fixed terms as well, but this has yet to be practiced.[6] Before the corporatisation of HEIs, faculty senates at public HEIs in Malaysia were run by academic staff and had a large number of members (Sato 2007). After corporatisation, the faculty senate was dominated by top institutional administrators, with the vice-chancellor as chair and able to co-opt other members into the body, thus ensuring the drastic reduction in senate size. The amended UUCA (revised in 2013) aimed to provide greater representation for professors. Since then the National Council of Professors has been mandated to select 20 professors to sit on the faculty senate. As in Thailand, the faculty senate in Malaysian public HEIs plays an advisory role to the board and vice-chancellor. In Vietnam, such an advisory body has yet to be set up in public HEIs, leaving the Ministry of Higher Education (MOHE) and MOET (and accrediting agencies) to ensure external accountability.

Two key points on institutional accountability are worth underscoring. First, while both the Malaysian and Vietnamese governments have a hand in the governance of public HEIs in their countries, the Malaysian government generally has made more effort to conduct systematic reforms towards greater institutional autonomy and accountability. This is reflected in Malaysia's adoption of numerous successive detailed policies and plans, including the Higher Education Blueprint 2015–2025 and frequent revisions of UUCA. In Vietnam, the need to involve the Communist Party as well as the state presents a challenge for any quick reforms towards institutional autonomy (Hayden and Lam 2007). Second, since the adoption of HEI corporatisation in Malaysia, the involvement of academic staff in institutional management has decreased dramatically (Sato 2007; Azman, Jantan and Sirat 2011). Even so, academic staff, especially professors, still play a significant role in HEI management (Sirat 2010). In Vietnam, the involvement of academic staff in determining the future direction of their HEIs remains relatively restricted.

### *2.2.2 Governance at the institutional level – autonomy and accountability*

Autonomy and accountability at the institutional level are discussed above. It suffices here to state that in all four countries a clear division of responsibility between the governing board, top executive team and university faculty senate is made in the hope of ensuring institutional accountability towards government and broader stakeholders as a system of institutional checks and balances for the university, and to build faculty participation and engagement in managing the academic community. The governing board is supposed to make policy and strategic decisions for the HEI including decisions about its organisational structure, recruitment

[5] Pers. comm. with a senior technocrat, December 2015.

[6] Pers. comm. with an expert on Vietnam's higher education, December 2015.

of administrators (except in Vietnam), key performance indicators for the president, and investment plans and payment schemes. Board members provide external links and play a role in resource mobilisation, the top management team run the institution on a day-to-day basis, and the faculty senate manage academic affairs and advise the governing board and executive team on academic matters. These tripartite institutional actors are expected to act as checks and balances for the HEI.

The decision-making authority of the board, executive management and faculty senate varies across the four countries. Institutional arrangements also differ significantly, with academic staff in Thai and Indonesian HEIs more deeply involved in institutional management than their counterparts in Vietnam and Malaysia. This is seen at both autonomous and public HEIs, with the boards comprising greater numbers of academic staff and mid-level administrators and academic staff running the faculty senates. In Malaysia, with the initial adoption of a corporate culture, the involvement of academic staff in institutional management has been largely sidelined. This is especially evident in the restructuring of the faculty senate by drastically reducing the number of members and putting the senate under the leadership of the vice chancellor. However, revisions to UUCA in 2013 attempted to increase the involvement of academic staff in academic affairs management, stipulating that 20 professors be elected to sit on the faculty senate. The presence of academic staff on the governing board is minimal too. In Vietnam, governing boards are not operational and faculty senates hardly exist; hence power rests mainly with the rectors and supervising ministries. Assuming that Vietnam's Law on Higher Education is fully implemented, HEIs will eventually have governing boards membered by diverse stakeholder representatives.

In Thailand and Malaysia, the influence of neoliberalism has had a twofold effect. The measuring and monitoring of institutional and individual performance is becoming increasingly important and academic staff are becoming less involved in institutional decision making. Executive power now rests with top management and overarching institutional power with the governing board.

There is no one best size or composition of board of directors (Royal Irish Academy 2012). The more developed and functional HEIs in the region have large boards made up of members from diverse spheres, and not necessarily from state agencies. Thai and Indonesian autonomous HEIs have the greatest diversity of stakeholders and perhaps the most active governing boards. The boards have no representatives from the ministries concerned. In Thailand, and to a lesser extent in Indonesia, the boards of autonomous HEIs are closest to the stakeholder governance model. The board of Thailand's Mahidol University, for example, comprises the chair appointed by the King, university president, chair of the faculty senate, president of the Alumni Association, one member (not a regular lecturer) elected by university workers, 10 members (five elected from regular lecturers and five from management at the dean or equivalent level), and 15 honorary members (external experts) appointed by the King. Governing boards at public HEIs are, however, still dominated by government representatives. In Malaysia, the boards of public HEIs have few internal representatives and are dominated by government representatives with high external representation, especially from industry. In Vietnam, the law requires that governing boards have extensive internal and external representation and should include representatives from the Communist Party (in addition to government), local government and trade unions.

In all four countries, the executive team are responsible for the day-to-day running of HEIs. Yet the line of formal accountability and the appointment process differ significantly. In Thai

and Indonesian autonomous HEIs, top managers are supposed to be accountable and report to the governing board, which is the highest management authority. Public HEIs, however, remain within the machinery of government, with their executive teams accountable to both the governing board and the government. This holds true for Malaysian HEIs as well. Vietnamese HEIs, given the non-existence of governing boards, are more directly accountable to the government.

Leadership appointments at autonomous HEIs in Thailand entail endorsement by the King. The governing board nominates candidates for the King to appoint as president, and appoints the deputy presidents on the recommendation of the newly appointed president. The president and deputies hold office for a four-year term, hold and leave office simultaneously, and can be reappointed for a second term. For public HEIs, the executive team is selected by the technical supervising ministry and appointed by the King. In Indonesian autonomous HEIs, executive presidents and deputies are recruited and appointed by the governing boards, and hold office for a five-year term, with possible reappointment. In Malaysia, the vice chancellors and deputy vice chancellors of HEIs are selected from a range of sources, with the final appointment made by the minister of higher education from a list of candidates compiled by the Department of Higher Education. They serve a three-year term, with possible reappointment (for a two-year and then a one-year term). In Vietnam, the decision to recruit and appoint rectors and vice rectors is in the hands of the technical supervising ministry; and in the case of the HEIs under the Prime Minister's Office, appointments are made by the prime minister. Rectors and vice rectors are appointed for life.

At the heart of higher education reforms and indispensable to their success is participation from university staff (Clarke 1998 cited in Sato 2007). In Malaysia, Thailand and Indonesia, the enabling mechanism for engaging academic staff in institutional management is the faculty senate. If properly established and nurtured, the faculty senate, through assisting top administrators and governing boards, can play a crucial role in institutional management and even serve as a system of checks and balances (Sok 2015). In other words, a well-functioning faculty senate can help create a high-performing institutional culture.

With the adoption of neoliberal practices, the faculty senate has taken on more of an advisory role, informing the decision making of the governing board and top management on academic affairs, including setting performance standards and recruitment policy for faculty. In Indonesian autonomous HEIs, the senate is run by elected lecturers. The same holds true for Thai HEIs, only selected faculty representatives are also included. Faculty senates have large memberships. In Thailand, the senates at Mahidol University and Chulalongkorn University comprise 40 elected members and 73 faculty representatives, respectively. The president of the senate is a member of the governing council, which is assigned to elect university council members. The senate establishes standing and sometimes ad hoc committees to deal with matters under its jurisdiction. In Malaysia, the faculty senate is chaired by the vice chancellor and includes non-teaching staff (elected or selected). The mandatory election of 20 professors is aimed at increasing the representation of academics. In the three countries, all academic matters need approval from the faculty senate before the governing board can take policy decisions. In Malaysia, this rule of prior approval is even stipulated in UUCA. The term for faculty senate presidents is two years in Thailand and three years in Malaysia.

Merely establishing institutional structures does not necessarily leverage accountability pro rata. Indeed, there are numerous instances where structures and mechanisms have been set up just to meet legal or institutional requirements, with no positive impact on accountability.

Accountability requires the establishment of appropriate mechanisms and proper decision-making procedures and processes, whereby all actors within an institution share the authority and responsibility to attain set goals.

Institutional autonomy in the four countries varies significantly. Generally, the two policy areas where governments have extended autonomy the furthest are control over academic content and control over program structure. The governments have started to adopt block grants (except in Vietnam) and performance-based, categorical and competitive funding. The Thai and Indonesian governments have also reformed personnel management at autonomous HEIs by dropping civil servant status for academic staff, who are now university employees. Apart from these, reforms in many important areas have been limited. Thai, and to a lesser extent Indonesian autonomous HEIs, have the highest degree of autonomy. Malaysian HEIs also seem to have significant autonomy, though with curtailed autonomy in financial and personnel management. Vietnamese HEIs are mostly dominated by the government – this also applies to Thai and Indonesian public HEIs, but to a lesser degree. Thai autonomous HEIs have significant substantive and procedural autonomy to decide on the opening and closure of programs, prepare curriculum (adhering to standards and criteria set by the Thai Ministry of Education), set fees for postgraduate programs, recruit staff (academic and non-academic), decide on financial expenditure and set payment schemes. Indonesian autonomous HEIs have significant freedom in academic affairs and to a lesser extent personnel management (recruiting university employees) and financial management, including the ability to generate additional or new revenue streams. There is consensus that substantive and procedural autonomy must go hand in hand if reforms are to have meaningful impact (World Bank 2012). Resistance from Indonesia's Ministry of Finance to adopt block grants and conduct broad higher education finance reforms has resulted in the inability to recruit university employees, and has led to the recruitment of civil servants in autonomous HEIs, undermining HEIs' authority to hire and fire staff as they see fit, and acting as a clear example of the effect that not reforming procedural autonomy has on broader reform efforts.

Malaysian HEIs are granted significant substantive autonomy, for instance, in curriculum development (with approval on the curriculum from the ministry once every three years) and program management. The government still keeps tight control over personnel and financial management, though room for HEIs to manoeuvre exists. All academic and support staff are civil servants; hence payment and promotion are guided by government rules and regulations. The government, however, allows HEIs to manage self-generated revenues, including to top up staff salaries and to hire contract staff. Financial management, especially large financial expenditure, is still managed by central government. Nevertheless, HEIs are encouraged to generate revenues through the provision of services to industries and the conduct of joint research and innovation, as well as to create new revenue streams. Academic and policy discussion and policy intent to devolve greater authority to HEIs in the areas of personnel and financial management have long existed, but implementation has lagged, especially compared to Thailand.

Vietnamese HEIs have the least autonomy in all areas. The government still sets the rules for higher education curricula and curriculum content requires its prior approval. Tuition fees and the number of students each HEI can accept are also determined by government. HEI staff are civil servants and required to comply with government rules and regulations. The government and the Vietnamese Communist Party maintain control over the financial management of HEIs. A possible window is that HEIs can offer special programs to generate revenues for institutional development, including to top up staff salaries. The two big national universities

and (since the passage of the Law on Higher Education) a few other designated provincial HEIs are governed by decrees and are supposed to have more autonomy. The two national universities are allowed greater freedom, including over curriculum development (something it does not exercise, though) and designated power in personnel and financial management, for example, inviting foreign scholars to visit and paying them to teach or do research (Hayden and Lam 2007). Yet despite extensive discussions over the past 15 years about granting more autonomy to HEIs, progress remains slow.

## 3. Key literature on higher education in Cambodia

This section reviews publications (e.g. consultancy reports, academic journal articles and degree theses) on Cambodian higher education governance, especially those published since the late 1990s. It does not intend to systematically review Cambodian literature against the conceptual framework or contrast Cambodia's experience with the regional experiences discussed in Section 2. Rather, it focuses on the most critical aspects of governance, at both system and institutional levels, as identified in these publications.

### 3.1 Publications, authors and topics

#### *3.1.1 Number of publications*

Publications on Cambodian higher education governance as well as finance are scant. We searched for publications using three web-wide search engines: Amazon, OARE (online access to research in the environment) and Google Scholar. Issues surrounding higher education governance and finance are often studied in tandem. We therefore include "governance and finance" in the search terms.

Amazon search engine produced zero results for the following searches:

Cambodian "higher education" governance and finance

"Cambodian higher education" governance

"Cambodian higher education governance"

"Cambodian higher education" governance and finance

"Cambodian higher education governance and finance"

A few books on Cambodian education cover higher education in specific chapters, with some reference to governance and finance issues.

OARE,[7] a prominent academic database, includes resources on education and training. A search using five key words – Cambodian higher education finance and governance – yielded 264 results, as presented in Table 1.

Table 1: Search results on higher education governance and finance on OARE

| | |
|---|---|
| Cambodian higher education governance and finance | 264 |
| Cambodian "higher education" governance and finance | 113 |
| "Cambodian higher education" governance | 2 |
| "Cambodian higher education governance" | 0 |
| "Cambodian higher education" governance and finance | 1 |
| "Cambodian higher education governance and finance" | 0 |

[7] http://oare.summon.serialssolutions.com/en/ as of June 2017.

Google Scholar[8] gives broader access to information and publications. We used the same five key words – Cambodian higher education governance and finance – customised between 1993 and 2016. The search produced 15,568 results, as shown in Table 2.

Table 2: Search results on higher education governance and finance on Google Scholar

| | |
|---|---|
| Cambodian higher education governance and finance | 15,568 |
| Cambodian "higher education" governance and finance | 9,520 |
| "Cambodian higher education" governance | 72 |
| "Cambodian higher education governance" | 0 |
| "Cambodian higher education" governance and finance | 64 |
| "Cambodian higher education governance and finance" | 0 |

The three search engines produced similar results, indicating that just over a few hundred publications touch upon issues related to Cambodian higher education governance and/or finance, and a few deal directly with Cambodian higher education governance.

### *3.1.2 The authors*

Most of the works on Cambodian higher education published in the early 1990s are authored by foreign consultants and advisors and take the form of baseline assessments or consultancy reports. However, the number of publications is limited as education interventions at that time focused on primary and secondary education and there are even fewer academic works on Cambodian higher education. These only began to be published in the late 1990s, as foreign consultants and advisors finished their work in Cambodia and then turned their fieldwork and experiences into PhD theses or journal articles. The only notable comprehensive publication at the time was *Higher Education in Cambodia: The Social and Educational Context for Reconstruction,* edited by David Sloper and published in 1999 by UNESCO Principal Regional Office for Asia and the Pacific. This edited volume relied on many advisors and consultants who took part in the Taskforce on Higher Education, a two-year project funded by multiple donors to produce a roadmap for Cambodian higher education, and other advisors and consultants who oversaw education projects in the 1990s. Another comprehensive book on Cambodian education is *Anatomy of a Crisis: Education, Development, and the State of Cambodia, 1953–1998* by David Ayres, published in 2000.

It was not until the mid-2000s that Cambodian researchers, scholars and senior government officers started to write about higher education in Cambodia. Until then, the only research papers on Cambodian higher education by nationals were postgraduate theses. The number of publications by Cambodians is growing, though consultant reports are still predominantly authored by foreigners, largely reflecting project budget allocation. Five senior government officers, Pit Chamnan, Chet Chealy, Touch Visalsok, Mak Ngoy and You Virak, have authored works on different aspects of higher education in Cambodia. And recently, Education Minister Dr Hang Chuon Naron published a book in Khmer titled *Education Reform in Cambodia: Towards a Knowledge-based Society and Shared Prosperity*.

Scholars and researchers at academic and research institutions and independent thinktanks have published degree theses, book chapters and consultant reports on different aspects of higher education. Those authors include Dy Samsideth, Keng Chansopheak, Chhinh Sitha, Ros

[8] https://scholar.google.com/ as of June 2017.

Soveacha, Sen Vicheth, Sok Say, Un Leang, Ngin Chanrith, Chhuon Rumreasy, Nith Bunlay, Ting Layheng, No Fata, Heng Kreng, Sam Chanphirun, Leng Phirom, Tao Nary, Om Sokha, Rath Chang, Ly Monirith, Sok Uttara, Vann Moniroith, Sam Rany and Sok Soth.

The number of foreign experts and academics focusing on Cambodian higher education seems to have declined from its peak in the 1990s to only three prominent authors: Louise Ahrens, Vincent McNamara and David Ford, but there has been renewed interest from Western and Japanese authors. Japanese scholars writing about Cambodian higher education include Yuto Kitamura, Takayo Ogisu, Naoki Umemiya and Yasushi Hirosato, and new Western authors include James Williams, Thomas Zimmermann and William Brehm. They contributed to a comprehensive book titled *The Political Economy of Schooling in Cambodia: Issues of Quality and Equity,* edited by Yuto Kitamura, D. Brent Edwards Jr., Chhinh Sitha and James H. Williams, published in 2015 by Palgrave Macmillan.

### *3.1.3 Topics covered*

Few of the publications on higher education in Cambodia pay close attention to governance, addressing only certain aspects, and fewer publications focus exclusively on higher education governance in Cambodia.

This overview is limited to the publications that deal with higher education governance after 1997, when the government adopted the privatisation strategy and the Royal Decree on the Legal Statute of Public Administrative Institutions, marking a turning point for Cambodian higher education. In principle, the Cambodian government allowed private sector providers to operate HEIs, and public HEIs to charge self-sponsored students tuition fees for certain programs. The royal decree was later adopted for selected public HEIs, granting them revenue generating authority and relatively more autonomy in institutional management. The shift in legal, institutional and regulatory framework dramatically altered overall higher education governance in Cambodia.

## 3.2 Governance at the system and institutional level

This section summarises four studies. The most prominent study on governance at the system level is:

1. Sen Vicheth and Ros Soveacha. *Anatomy of Higher Education Governance in Cambodia*. Phnom Penh: Cambodia Development Resource Institute, 2013.

This paper maps the governance structure of higher education in Cambodia and identifies core issues and possible policy options to respond to them. Defining governance as steering rather than controlling, the authors attribute the overall governance problem to the fragmented higher education governance structure. This is reflected in the number of parent ministries or institutions supervising HEIs, which increased from four in 1997 to nine in 2006 and 11 in 2008.

Sen and Ros argue that proper governance at the system level can be achieved only through an overarching body as articulated in the Law on Education enacted in 2007. They suggest that the Supreme National Council of Education be established to coordinate and monitor education development so that the government can properly steer the higher education subsector.

At the institutional level, the authors define governance as the interaction between top managers, academic and operational staff. They argue that the lack of a well set-out formal interaction

mechanism and lack of coordination among supervising ministries have resulted in low-quality education provision, qualifications of dubious validity, and skills mismatch. The authors argue further that political interference in staff recruitment has resulted in insufficient capacity of higher education actors at both central and institutional levels. This limited capacity affects HEIs' ability to link their programs with industries.

Un and Sok's (2014) review of higher education governance contributes significantly to the systematic development of higher education in Cambodia and makes the *Handbook of Higher Education* a timely publication.

2. Un Leang and Sok Say. "Higher Education Governance in Cambodia." In *Handbook of Higher Education*, edited by Sjur Bergan, Eva Egron-Polak, Jurgen Kohler and Lewis Purser. Berlin: RAABE Academic Publishing, 2014.

The authors provide comprehensive information on the governance structure at the system and institutional levels. They not only list all the policy and legal frameworks dealing with higher education in Cambodia, but also describe how the policy and legal frameworks were adopted and implemented (or not), especially the competencies of the law-making body, government and stakeholders. The 2007 Law on Education provided an opportunity to restructure the legal framework for higher education governance, but limited legislative competence and the politicisation and commercialisation of higher education have restricted proposed reforms.

The discussion on quality assurance mechanisms is the most pioneering section. It examines the accreditation process and internal quality assurance at HEIs, and recommends catch-up interventionist policies to bring the governance and management of higher education in Cambodia in line with more developed systems in the region. The publication also touches on the nature of institutional governance, especially how governing boards are elected and top leaders appointed and how they function. It also deals with staff recruitment and promotion.

The most prominent study on governance at the institutional level is:

3. Mak Ngoy. "Higher Education in Cambodia – University Governance." In *Higher Education in Southeast Asian Countries*. Luang Prabang: Souphanouvong University, 2008.

The 1997 Royal Decree on the Legal Statute of PAI (revised in 2015) changed the nature of HEI governance and management. The decree requires that PAI HEIs establish a governing board, the highest authority at institutional level. This was mainly influenced by administrative management reform. In this model, staff, students, alumni, communities, industries and other stakeholders are offered a chance to take part in HEI governance via their representatives on the governing board. According to the decree, the governing board can comprise five to 11 members. The mandatory (and minimum) membership comprises a representative of the technical supervising ministry, the Ministry of Economy and Finance, and the Office of the Council of Ministers, as well as the rector and the staff representative. In practice, most PAI HEIs have adopted this minimum requirement.

Mak (2008) also noted that the governance system of the non-PAI HEIs is relatively centralised, with the rectors of these HEIs, who are appointed on the recommendation of the supervising ministries, overseeing the institution on behalf of the government.

Touch, Mak and You (2014) continue the debate about HEI autonomy after the granting of PAI status.

4. Touch Visalsok, Mak Ngoy and You Virak. "Governance Reforms in Higher Education: A Study of Institutional Autonomy in Cambodia." In *Governance Reforms in Higher Education: A Study of Institutional Autonomy in Asian Countries*, edited by N. V. Varghese and M. Martin. Paris: UNESCO, 2014.

This study represents a first attempt to understand the operation of PAI HEIs. The authors observed increased autonomy in academic and administrative decision making including on recruitment and performance evaluation, especially of contract staff, at two PAI HEIs. However, they also found that perceptions of autonomy varied between the two HEIs and that in many aspects the previous top-down approach to higher education institutional management persists, despite the reform towards more autonomy.

## 4. Public higher education governance in Cambodia

This section is divided into two parts. The first examines public higher education governance at the system level and the second focuses on the same at the institutional level.

### 4.1 Higher education governance at the system level

The following looks at the policy and legal frameworks for higher education, governance system fragmentation, and stakeholder participation in governance.

#### *4.1.1 Policy and legal framework*

A regional trend in higher education governance is the transition from state control to state steering, either in close proximity or from a distance. In steering from a distance, the state's involvement in the governance of HEIs does not diminish, and its roles in determining the success or failure of the sector and its institutions remain critical. However, instead of directly managing HEIs, the state takes on the roles of visionary and overseer in addition to regulator and funder. Successful transformation to visionary leadership and system stewardship requires proactive policies and legal frameworks. The preparation and implementation of comprehensive, sectoral policies and legal frameworks are still fairly new to Cambodia given its limited policy capacity and reactive legal system.

Subsectoral policy formulation is new to Cambodia. Higher education was first incorporated into planning with Education Strategic Plan 2001–05 (updated in 2006–10, 2009–13 and 2014–18). All four plans cover the main themes – access and equity, quality and relevance, governance and management – that apply to all subsectors, yet these plans focus more on general education with few interventions and no concrete projects proposed for higher education. It was only in 2010 that the first stand-alone project on higher education was introduced, the World Bank-funded Higher Education Quality and Capacity Improvement Project (HEQCIP). It was not until 2014 that Cambodia first had subsectoral policy for higher education, Cambodia Higher Education Vision 2030, which was prepared under HEQCIP. MOEYS endorsed the Policy on Higher Education Governance and Finance for Cambodia in August 2017.

The lack of a long-term policy for the subsector and limited institutional capacity for long-term planning remains an issue in Cambodia. It was not until 2016 that MOEYS began to produce a long-term plan for higher education; under HEQCIP and with support from the World Bank and UNESCO, a team of four local experts and one foreign expert under the stewardship of the

Directorate General of Higher Education was mobilised to draft Cambodian Higher Education Roadmap 2030 and Beyond, which was adopted in August 2017. MOEYS has also drafted Higher Education Action Plan 2018–22 to guide policy intervention. Institutional policy capacity (i.e. competence and capability) has clearly improved over the years, with government agents generating more policy and planning input and MOEYS taking more ownership of policy making and planning. Even so, institutional capacity remains limited, with core staff shouldering the burden of regulatory functions, routine bureaucratic tasks and project activities (when there is a donor-sponsored project), and institutional leaders balancing the demands of hectic schedules.

Selected recent and current key medium-to-long term plans and policies include:

Education Strategic Plan 2001–05

Education Strategic Plan 2006–10

Education Strategic Plan Update 2009–13

Education Strategic Plan 2014–18

Policy on Higher Education Vision 2030

Higher Education Reform Action Plan 2015–18

Cambodian Higher Education Roadmap 2030 and Beyond

Policy on Higher Education Governance and Finance for Cambodia

Higher Education Action Plan 2018–22 (in draft)

Laws and regulations on higher education are known for lacking cohesion. The Law on Education was enacted in 2007; however, there are few detailed stipulations on higher education. In practice, higher education is governed by numerous piecemeal, issue-specific and fragmented sublaws, ranging from ministerial prakas such as the 2015 Prakas on the Organization and Functioning of the Governing Board of a Public HEI, to decrees such as the 2013 Royal Decree on the Professoriate.[9] These sublaws span more than two decades and some stipulations are outdated and conflicting (Un and Sok 2014). Cambodian laws and sublaws are often instructive and regulatory, rather than supervisory, supportive and visionary, which is similar to the Malaysian situation. Despite the fragmented and sometimes contradictory nature of the existing sublaws, Cambodia does not have an overarching Law or Decree on Higher Education. In contrast, Malaysia and Thailand each have two separate laws for higher education – one to govern private and the other public HEIs, and Laos and Vietnam both have a Law on Higher Education[10] (Sok 2016).

Selected key sublaws related to higher education include:

Subdecree on Establishment and Management of Higher and Technical Education Institutions (1992)

Royal Decree on Legal Statute of Public Administrative Institutions (1997)

Subdecree on Criteria for University Establishment (2002)

Prakas on Master's Degree Education (2003)

Royal Decree on Accreditation (2003)

9 A royal decree is signed off by the head of state, a subdecree by the head of government, and a prakas by a minister.

10 Pers. comm. with a senior Cambodian technocrat.

Subdecree on Preparation and Functioning of the Accreditation Committee of Cambodia (2003)

Decision on Credit and Credit Transfer Systems (2004)

Decision on Requirements for Issuance of Foundation Year Certificates at HEIs (2004)

Prakas on Detailed Conditions and Criteria for HEI Establishment (2007)

Subdecree on Preparation and Functioning of MOEYS (2009)

Subdecree on PhD Education (2010)

Royal Decree on the Professoriate (2013)

Sub-decree on Cambodian National Qualification Framework (2014)

Prakas on Organization and Functioning of the Governing Board of a Public HEI (2015)

Royal Decree on the Legal Statute of Public Administrative Institutions (2015)

### *4.1.2 Governance system fragmentation*

The worrisome fragmentation of the governance architecture and the apparent lack of effort to create a cohesive, overarching higher education system or ecosystem is a major issue in Cambodia. Technical speaking, 16 ministries and central agencies supervise 121 HEIs, although MOEYS and the Ministry of Labour and Vocational Training (MOLVT) supervise about two thirds of them (Table 3). Until 2004, MOEYS was the sole ministry responsible for higher education until its Department of Technical and Vocational Education was added to the Ministry of Labour to create MOLVT.

In practice, there is no clear jurisdiction or legal boundary as to what constitutes academic and vocational-technical education. Some providers under MOLVT offer programs in the academic stream even up to PhD level and selected providers under MOEYS offer associate degrees or even short-term certificates (all allowed under the newly adopted Cambodian National Qualification Framework). That the number of technical supervising ministries and agencies almost tripled in the last decade, from six in 2008 to 11 in 2012 and 16 in 2017 is an indication of serious system fragmentation (see Un and Sok 2014). Public HEIs, in terms of financial management, also come under the supervision of the Ministry of Economy and Finance (MEF).

To date, little has been done to coordinate and supervise the development of higher education, let alone create a higher education ecosystem. There have been no technical or political discussions about the prospect of bringing all HEIs under just one or two technical ministries. Likewise, no permanent body or formal mechanisms have been established for coordination and cooperation among the ministries concerned. The Supreme National Council of Education, supposed to be established in conformity with the 2007 Law on Education, has not materialised. Even a permanent coordinating body between the two big ministries overseeing higher education is lacking. According to Sen and Ros (2013), coordination and cooperation is limited and ad hoc at best, and its absence has had negative repercussions for overall higher education sector development and governance and the economy at large. If not carefully crafted, the establishment of a coordination body could lead to the re-regulation of the sector and the creation of a body pro forma with no real power or capacity to make positive change to higher education development.

Table 3: Public and private HEIs by technical supervising agency

| Supervising agency | Public | Private | Total |
|---|---|---|---|
| Ministry of Education, Youth and Sport | 13 | 60 | 73 |
| Ministry of Labour and Vocational Training | 12 | 13 | 25 |
| Ministry of National Defence | 5 | 0 | 5 |
| Ministry of Culture and Religion | 3 | 0 | 3 |
| Ministry of Agriculture, Forestry and Fisheries | 3 | 0 | 3 |
| Ministry of Health | 2 | 0 | 2 |
| Ministry of Culture and Fine Arts | 1 | 0 | 1 |
| Ministry of Interior | 1 | 0 | 1 |
| Office of the Council of Ministers | 1 | 0 | 1 |
| Ministry of Public Works and Transport | 1 | 0 | 1 |
| National Bank of Cambodia | 1 | 0 | 1 |
| Ministry of Social Affairs, Veterans and Youth Rehabilitation | 1 | 0 | 1 |
| Ministry of Mines and Energy | 1 | 0 | 1 |
| Ministry of Posts and Telecommunications | 1 | 0 | 1 |
| Ministry of Economy and Finance | 1 | 0 | 1 |
| Ministry of Land Management, Urban Planning and Construction | 1 | 0 | 1 |
| Total | 48 | 73 | 121 |

Source: Education Congress Report (MOEYS 2017)

Even among different units responsible for higher education within MOEYS there is some degree of fragmentation, with the Directorate General of Higher Education (DGHE) responsible for monitoring and supervising the HEIs under MOEYS; and two departments under DGHE – the Department of Scientific Research and the Department of Higher Education –responsible for monitoring and supervising postgraduate programs (and promoting research and innovation) and undergraduate programs, respectively. A few HEIs, namely the National Institute of Education, which is responsible for teacher training, and the few recently upgraded Regional Teacher Training Colleges, which are granted permission to offer undergraduate and postgraduate degree programs in education, are under the supervision of the Department of Teacher Training.

### *4.1.3 Stakeholder participation*

Key platforms that allow stakeholders to participate in higher education governance include the Joint Technical Working Group on Education, the Sub-Technical Working Group on Higher Education, the Rector Council of Cambodia, the Cambodian Higher Education Association, and the Accreditation Committee of Cambodia.

**Joint Technical Working Group on Education**. A number of mechanisms exist for stakeholder participation. The Education Sector Technical Working Group provides a broad platform for stakeholders to discuss and share information on education, though little discussion on higher education has taken place.

**Sub-Technical Working Group on Higher Education**. In 2014, the Technical Working Group on Higher Education was established to provide a forum for policy dialogue and coordination and a more focused platform for stakeholders working on higher education, including development partners and representatives from the Cambodian Higher Education Association and the Rector Council of Cambodia, to meet and discuss higher education development. The working group is supposed to meet quarterly, but in practice meetings have

been irregular and less frequent, especially since 2017, and substantial discussion has rarely taken place (see Un and Sok 2014). At best, it merely provides a platform for stakeholders to present their initiatives and agenda.

Un and Sok (2014, 83) observe that participation from non-state stakeholders in system-level governance has been limited, a phenomenon they attribute to the "entrenched history of centralization and top-down decision-making and the influence of neo-liberal order". Long-term observers indicate that for many stakeholders the participation is pro forma and more reactive, and they are more inclined to protect individual or group interests rather than advance a comprehensive higher education system or ecosystem.

**Rector Council of Cambodia**. Unlike Thailand and Malaysia, which have a much longer history of a university president council, the Rector Council of Cambodia was only established in 2014. In fact, a similar initiative was flagged in the mid-1990s, when the National Higher Education Taskforce proposed the establishment of a Conference of HEI Heads as a coordinating body for public HEIs (see Un and Sok 2016). The Rector Council of Cambodia initially had 12 members from HEIs across a number of key technical ministries (not including MOLVT) including eight from HEIs in Phnom Penh. Its membership has now been expanded to 15. The council comprises the rectors or directors of the 15 HEIs as members and one council president with a mandate of two years. The HEI whose rector or director is elected as president hosts the secretariat.

According to the decision that established the council, its task is "to strengthen cooperation and development amongst and to improve education quality in Cambodian public HEIs". Its roles and responsibilities include improving higher education equality, discussing solutions to the challenges each HEI faces, studying higher education development outside Cambodia to improve Cambodian HEIs, organising national and international workshops and conferences, and seeking technical support from partners to improve higher education (MOEYS 2014). Despite the stated mandate, few concrete actions or major initiatives have been carried out since.

**Cambodian Higher Education Association**. Similarly to Thailand and Malaysia, Cambodia has two separate HEI associations – one for public and the other for private HEIs. The Association of Private HEIs has a longer history than the public one, while the Cambodian Higher Education Association, which was initially intended to include both public and private HEIs, was created in 2004 as a non-governmental body, and registered with the Ministry of Interior. Its membership had risen from the initial 13 to 80 at the time of study, But, because there are only some 30 private HEIs, the majority of members are private high schools. The vision of the Cambodian Higher Education Association is to strengthen private higher education quality through the exchange of information and ideas and the promotion of members' interests (Un and Sok 2014).

**Accreditation Committee of Cambodia**. Chet (2009), Ros (2015), Vann (2012) and Un and Sok (2014) have written fairly extensively on accreditation and the Accreditation Committee of Cambodia (ACC), all noting that quality assurance (both internal and external) in Cambodian higher education is in its infancy. The ACC was established in 2003 and was affiliated with the Council of Ministers until 2014, and subsequently with MOEYS. In 2015, a new governing board was created, headed by the Minister of Education, Youth and Sport with high-ranking officials from a few other ministries and representatives from private and public HEIs as members. The ACC accredited the foundation year programs of both public and private HEIs when it was affiliated with the Council of Ministers. Since its relocation to MOEYS, it has suspended

accreditation but has revised the National Standards and Guidelines for Accreditation to make them less complex with fewer indicators and more quantifiable evidence. It has conducted pilot assessments of a few dozen HEIs since 2016, but has not formally accredited any institution (or foundation year program). At the time of writing, formal institutional accreditation, by order, had been postponed.

## 4.2 Higher education governance at institutional level

### *4.2.1 Governing boards*

This section draws extensively on Un and Sok (2014) to describe the structure, membership composition, selection and appointment, and roles and responsibilities of the governing boards of PAI and public HEIs in Cambodia.

According to the 2015 Prakas on the Boards of Public HEIs, all public HEIs under MOEYS should be overseen by a governing board composed of between five and 11 members and led by a chairperson. Each board is tasked with responsibility for overall direction, approval of institutional plans and regulations, supervision, and monitoring and evaluation of institutional performance, with board members proposed by the HEI and appointed by prakas. Under the 2015 revised Royal Decree on PAI HEIs, currently pending implementation, all public HEIs generating and managing their own revenue are to be transformed to PAI HEIs; hence the boards of almost all public HEIs will be subject to its regulations and requirements. The decree stipulates that the governing board comprises five to nine members with Cambodian citizenship, though the minimum mandatory membership has been reduced to four as the rector/director no longer sits on the board (although this decree is yet to be implemented). Both decrees stipulate that career politicians (i.e. members of government and lawmakers) should not sit on the governing boards of PAI HEIs.

In practice, the composition of the boards of public HEIs varies greatly and often violates regulations, while some public HEIs do not even have a governing board. A survey of 13 public (including two PAI) HEIs conducted under HEQCIP in 2011–12 found that only six had a governing board (see also Chan et al. 2008). The size of the boards of PAI HEIs varies significantly as well. The board of the Royal University of Agriculture, for instance, has 11 members, the maximum allowed by law. It is chaired by an undersecretary of state from the Ministry of Agriculture, Forestry and Fisheries, and comprises representatives from six ministries, a representative of the Chamber of Commerce, a staff representative, a representative from an agricultural research institute, and the rector. Other PAI HEIs such as the University of Health Sciences, National University of Management and Royal University of Law and Economics have five board members, the minimum legal requirement, and are chaired by the minister of health, a MOEYS secretary of state and a MOEYS undersecretary of state, respectively.

The boards of public HEIs vary the most in size and composition. Those of the University of Battambang and Chea Sim University of Kamchaymea, for example, comprise around 20 members, mainly representatives from selected ministries and provincial governments, and are chaired by a deputy prime minister. The Royal University of Phnom Penh (RUPP) and the Institute of Technology of Cambodia (ITC) have unique board compositions; RUPP's board comprises six members – the rector, a staff representative, the head of the National Employment Agency, a director of the National Institute of Education, and a member of the Supreme National Economic Council – and is chaired by an advisor to the government. All current board members graduated from universities in Japan. ITC has the most diverse board,

comprising representatives from various ministries, key partners (foreign and local academic institutions and funders), the private sector, and a staff representative and is chaired by the minister of culture and fine arts (a former director of ITC).

A few aspects concerning board composition are noteworthy. First, many HEI boards are chaired by career politicians and membered by government officials which is contradictory to the spirit of the law. That said, some HEI administrators opine that having career politicians on the board has advantages, especially in easing communication with ministries and the government at large. Indeed, board chairs usually come from technical supervising ministries. Second, the boards of many public HEIs are small and consequently have a narrow focus. Some are dominated by government representatives, with no external independent representatives from professional associations, academic communities or societies, and industry. And third, staff representation is an absolute minimum – just one employee representative (elected from either the academic or administrative staff). Apart from ITC, none of the HEIs have mid-level administrators on the board.

The appointment of all elected and non-elected board members should be proclaimed in a subdecree. Each board has a three-year mandate, and members can be reappointed or re-elected. Ministry representatives are selected and appointed by the ministry concerned. The staff representative is legally required to be elected by the staff. In practice, however, there are no guidelines (either at the national or institutional level) on the process for electing staff representatives. The right to stand for election is granted to civil servants only at some HEIs and to all staff at others; and at some HEIs there is no rigorous process and the election is done pro forma. The staff representative assumes office once elected, has a two-year mandate and can stand for re-election. The rector is an ex-officio and, according to the latest decree on PAIs, is supposed to be no longer a member of the governing board.

The law does not stipulate payment for board members, though the subdecrees on the establishment of PAI HEIs indicate that MEF can decide upon the payment of allowances. In practice, some HEIs offer various incentives and allowances to board members which can be worth up to USD2,000 per month. Others choose not to pay their board members. The Prakas on the Organisation and Functioning of the Boards of Public HEIs requires that the board have one annual meeting and a number of extraordinary meetings as proposed by the chair, two-thirds of the members or the rector/director. In practice, some boards meet as often as every two months. Boards that are chaired by prominent politicians tend to meet the least frequently – some have met just once since their establishment. According to the prakas, the roles and responsibilities of the board are to:

- Set direction and policy and coordinate the operations of the HEI
- Enact an institutional development plan in conformity with the Education Strategic Plan and the National Strategic Development Plan
- Enact the budget plan of the HEI
- Enact internal rules of the HEI in conformity with guidance from MOEYS
- Supervise, monitor and assess the execution of the institutional development plan of the HEI regularly.

An audit of several board meeting reports from selected public HEIs indicates that agenda vary. At two public HEIs where the boards have convened only once since their establishment, the discussion was very general, with no specific decisions made at the meetings. At the

other HEIs, meetings focused on preparing the annual budget plan and monitoring budget execution. One HEI appeared to have no annual budget plan for its self-generated budget, and budget endorsement seemed ad hoc and patchy. The boards have frequently taken on petty issues such as exit exams and the nomination of frontline or mid-level administrators. Rather than developing visionary directions, strategic plans and policies, and resource mobilisation action plans, the boards have so far played a reactive role and acted as an endorsement body. Compared with the boards of autonomous HEIs in Thailand and Indonesia and of public HEIs in Malaysia, the boards of public HEIs in Cambodia have much less institutional authority and play less active and meaningful roles in HEI development. Moreover, they are not the highest institutional decision makers, especially since the passage of the latest decree on PAIs. In short, the boards of Cambodia's public (including PAI) HEIs are too small and narrow.

### *4.2.2 Institutional autonomy and accountability*

The issues of institutional autonomy and accountability in Cambodia are complex. Public HEIs have significant substantive (academic) autonomy but less procedural (non-academic) autonomy; that is institutional set-up (needs legal promulgation), personnel (civil servant) management and financial (public funds) management. However, they wield extensive de facto power in managing their self-generated resources, which they can use to set up programs of their choice and hire contract teaching staff especially to teach fee-paying programs, or spend as they see fit.

HEIs have considerable substantive autonomy in many academic areas including curriculum design and development, research policy formulation and implementation, entrance standards and admission policy, evaluating teaching and research, identifying research priorities, teaching load guidelines, degree classification, and international linkage agreements (ADB 2011; Varghese and Martin 2013, 35–36; Sok 2016). In principle, curricula should be sent to the technical ministry for approval, though in practice this is more for pro forma purposes and to ensure compliance with legal requirements and national academic standards and criteria.[11]

Nevertheless, the appointment, promotion and firing of academic staff (i.e. civil servants) remains centralised and rigid. Full-time academic staff who are civil servants are on the government payroll and have life tenure once appointed. They must adhere to the rules set out in the Common Statute of Civil Servants, and the decision-making authority for their appointment, promotion and firing rests with the technical ministries concerned. Once the 2013 Royal Decree on the Professoriate is implemented, the power to appoint and promote professors will be in the hands of the government with candidature proposed by a technical committee. The appointment of a number of professors at the University of Health Sciences and the Royal University of Agriculture, which come under the jurisdiction of other ministries, was previously managed by the respective technical supervising ministries. However, given that the Royal Decree on the Professoriate is in hiatus, remuneration for professors is governed by the regulations that apply to other civil servants and is determined by the government, especially MEF and the Ministry of Civil Service.

Public HEIs have more institutional autonomy in procuring the services of contract staff and civil servants, mainly for teaching fee-paying programs, paid for with revenues from tuition fees and other sources. There are no rules and regulations for hiring contract teaching staff,

[11] Most HEIs, according to ADB (2012, 38), "claim to have academic freedom, in terms of free speech and academic curriculum decisions" and lecturing staff can "publish their academic works or research work freely… determine subject matter, curriculum, methods of instruction, and research topics". General observations suggest that some level of self-censorship exists, both in teaching and research.

and HEIs (top administrators and mid-level managers) are the main decision makers in this regard. Because contract teachers are classed as casual or seasonal staff, Labour Law does not apply; instead, the terms of their employment are governed by the service provider contract they enter into with the HEI. The rampant practice of relying on contracted services to teach large fee-paying programs means that at some public HEIs, and in selected programs at others, the number of short-term contract staff outnumber full-time civil servants. Contract staff are usually employed on an annual or semester basis and are paid casual hourly teaching rates. Because they are not civil servants, they cannot take up formal leadership positions at HEIs. The hiring of full-time civil servants and casual contract staff has created a dual personnel system, with associated pros and cons.

While the practice of hiring contract staff allows public HEIs more flexibility to recruit the kind of academic staff they desire and gives them discretionary power to recruit and fire some teachers, it has created a culture of "taxicab lecturers," as a lecturer of a public HEI put it. The focus on teaching alone has distorted the roles of public universities, which should also foster rigorous research, deliver community services and, as some argue, be a public space and serve the public good (Harbemas 1991). Short-term contract staff do not necessarily have a clear career path and cannot be promoted to leadership positions unless they are co-opted into the civil service. This practice has hindered the development of the academic profession as a collective entity, as well as a culture of collegiality and academic and campus culture at public HEIs. Some public HEIs have established administrative and managerial positions such as academic or research program coordinator that do not need legal approval and to which non-civil servants can be appointed. Sok (2016, 32) cautions, "Given that in many public HEIs, they form a majority of the academic staff, this status quo shall be a big concern to the government and shall be addressed properly and immediately if HEIs do not improve quality and service delivery".

Experiences elsewhere in the ASEAN region indicate that HEIs' institutional autonomy in staff recruitment is increasing. Autonomous HEIs in Thailand and Indonesia, for example, have been granted institutional autonomy over personnel management, including a more bottom-up approach to selecting administrators and the authority to hire, fire and promote staff (Raza 2010; World Bank 2012). At these universities, employees are hired on long-term contracts with the possibility of gaining a tenured position and are guaranteed a clear career path, and the core services they provide go beyond teaching to include research and community services.

The Cambodian government, like many in the region, has not been generous in granting procedural autonomy, though, legal room exists for HEIs to have significant discretionary power concerning substantive autonomy. Both types of autonomy go hand in hand and are sometimes complementary. For example, it may not be practical to grant full institutional autonomy in staff recruitment to HEIs if they cannot decide on how much to pay their staff (World Bank 2012). The functioning and operations of each public HEI are established and governed by a subdecree which stipulates individual HEI's institutional arrangements. Depending on legal requirements, any institutional reshuffle or rearrangement such as the establishment of new faculties, administrative divisions or academic departments needs approval from the technical supervising ministry and even from the government. In practice, the preparation and passage of subdecrees and prakas is a collaborative exercise between the ministries and HEIs in question.

Financial management of public funds must follow the rules and regulations set out by the Cambodian government, especially the MEF. The annual budget plans of public HEIs need to be approved by, and incorporated into, the budget of the technical supervising ministry before

any budget negotiation with the MEF. The MEF's Financial Management Manual determines the expenditure mechanisms and procedures, including petty cash and the transfer of budget allocations across lines and chapters. In principle, any budget reallocation needs approval from the technical supervising ministry, MEF or even the prime minister, depending on the nature of the movement. Procurement measures must conform to the rules and regulations set out by the MEF, and procurements beyond USD5,000 must be prepared and done by the technical supervising ministry with the MEF's participation. The autonomy to manage buildings, premises and immoveable properties, not to mention owning them, is limited (Varghese and Martin 2013, 36), and public HEIs are not entitled to borrow funds from private sources without the MEF's approval.

Public HEIs have significant discretionary de facto power over the management of self-generated revenues mainly from fee-paying programs. Both PAI and non-PAI HEIs have "some flexibility in determining tuition fees and in designing personnel compensation" (ADB 2012, 39) and revenue generation. They can set tuition fees for their programs and set and charge fees for any services they offer, often with approval from their boards. They can determine staff compensation schemes, especially top-up salaries for civil servants and wages for contract staff – both academic and administrative. More broadly, they can decide how to invest their self-generated revenue, which is kept in various accounts in private banks in their names. At PAI HEIs, the procurement of goods and services using this budget is conducted by the HEIs themselves and follows the rules and regulations set out by MEF and the PAI decree. At some public HEIs, however, procurement units do not exist or are not fully functional; instead, those HEIs have their own informal expenditure mechanisms and procedures. As with for personnel management, there is a dual parallel financial management system in place at public HEIs. The latest Royal Decree on PAIs, once in full force, will create more systematic (albeit more centralised) financial management mechanisms and procedures.

Institutional leaders have long lauded the complete freedom they have to manage self-generated revenue. This freedom allows them to use the resources to develop their HEIs and invest or spend as they see fit. The lagging supervision and oversight from government agencies and internal mechanisms has raised concerns and led to complaints from central state agents and university staff about a lack of transparency and accountability in financial management and mismanagement of self-generated revenue. The limited involvement of academic and administrative staff and limited internal, inclusive accountability mechanisms and procedures only add more suspicion. That the self-management of self-generated revenue only creates top-up salaries and allowances for full-time managerial and administrative positions at almost all public HEIs, and the limited effort to create a full-time academic workforce, partly attests to an apparent self-interest in budget management. Some rectors of prominent public HEIs receive a monthly top-up of USD5,000 or more from various payment categories, bringing their salaries close to those of the CEOs of multinational corporations in Cambodia.

Similarly to autonomy in academic personnel management, autonomy in non-academic personnel (i.e. civil servant) management is limited by regulatory requirements. The appointment, promotion and firing of administrators at all levels at both public and PAI HEIs are approved by the government, and by the King in the case of a rector. Appointments are for life and reserved for civil servants. The common remuneration for civil servants is applied to administrators, though in practice they receive top-ups and allowances from HEIs and payment for teaching. Nevertheless, some public HEIs have created informal administrative positions (especially at lower levels) which are held by contract staff whose salaries are paid from self-generated revenue.

Synergy between institutional autonomy and accountability is needed if they are to have a positive impact on institutional development. Like good governance, which refers to both the structures and processes of decision making (Jones and Sok 2015; Sok 2016), accountability needs both a broad inclusive structure and participatory decision-making processes whereby all stakeholders (especially faculty members and students) have a platform to contribute to decisions on issues that affect their institutions and their work life. Two important dimensions of accountability for HEIs are integrity in service delivery and honesty in the use of financial resources. The increasing focus on accountability is evident in stakeholder multiplicity in HEI governance, the themes under scrutiny, and accountability mechanisms and instruments (Salmi 2009b, 3–11; Hauptman 2007, 90–92). The World Bank (2000, 64) identifies academic staff-run faculty councils/senates and governing councils/boards of key stakeholders acting independently of excessive external influence as two of the most important bodies to ensure institutional accountability and good governance. Although the issue of public HEIs' institutional autonomy is more complex than many scholars anticipated, Cambodian public HEIs have inadequate institutional accountability mechanisms and rigid, exclusive, and sometimes secretive decision-making procedures and processes. These issues need to be properly addressed in any effort to grant full institutional autonomy.

In sum, the governing boards of public HEIs are generally small and narrow (Chan et al. 2008; Touch, Mak and You 2014; Sok 2016). Although there is no single best board size or composition, experiences in more developed and functional HEIs in the region indicate that they work best when staffed with diverse members and are not dominated by the state and the rector. This implies that the composition and size of governing boards in Cambodian public HEIs are unsuitable for ensuring quality service delivery, diverse resource mobilisation, and broad-based accountability. The governing boards are government centric, and are dominated by government agencies appointed to represent their ministries the rectors/directors of the HEIs. Other key voices from wider Cambodian economy and society (including professionals and academics) who could help advise on service delivery, expand non-state networks, drive resource mobilisation and ensure more inclusive accountability are absent or marginalised on HEI boards.

Academic staff are generally excluded from top decision making, and their representation on the board is limited to just one staff representative elected by academic and administrative staff. Conversations with a few staff representatives revealed the negative consequences of having just one staff representative on the board. Those who feel powerless are often subdued in board meetings and are passive in promoting causes, and protecting the interests of staff and students, let alone the public good. Others who are more vocal and active in promoting academic causes or staff interests expressed their frustration at being unable to advocate the proposed agenda and seemed to feel powerless because they are lone representatives. In general, they fight for small causes such as basic healthcare provision or other small incentives for staff.

Unlike the common practice in Thailand, Indonesia and the Philippines, mid-level academic administrators in Cambodia (i.e. deans or directors of dependent units) generally do not sit on the boards of public HEIs (with the exception of ITC). Similarly, the presence of external non-state representatives on HEI boards is usually non-existent or minimal. In more advanced countries such as Japan and Thailand, HEI boards are assisted by permanent board committees, including an audit committee. In Cambodia, there is no regulatory requirement to set up committees or advisory panels of experts, or even a permanent secretariat. Somewhat counterintuitively, current practices in Cambodia increase the reliance of HEI governing boards on the rectorate

for information and input, which reduces their decision effectiveness and efficacy and dilutes their authority.

By law, administrators at all levels are appointed by the government, and in the case of a rector, by the King. In practice, the selection and recruitment of top administrators is generally secretive and done by prominent individuals rather than through a committee and wider nomination from stakeholders, often leaving room for external influence. The selection and recruitment of mid-level and frontline administrators (i.e. deans and deputy deans, directors and deputy directors of dependent institutes, and heads and deputy heads of departments and offices), according to the latest guidelines from MOEYS, should be based on a more participatory approach whereby staff are allowed to participate in the selection process. Actual practices vary, ranging from meaningful or pro forma participation to nominate preferred candidates from academic staff to more centralised selection and recruitment at the institutional level. Unlike more progressive practices in almost all other ASEAN countries, appointment to these positions in Cambodia is for life with seniority and sometimes political affiliation put before competency and scholarly contributions (Ahrens and McNamara 2013; Sok 2016).

Top-down and centralised recruitment and appointment may stress upward accountability towards government and even political patrons, and undermine downward accountability and transparency towards staff, students and the communities HEIs are supposed to serve. Although academic and administrative staff are allowed to participate in the selection and nomination of mid-level and frontline administrators, albeit to a small extent, permanent mechanisms or procedures do not exist to allow them to participate more meaningfully in the selection of institutional administrators. The authority of the board in this matter is likewise limited – merely to approve and send nominations to the technical supervising ministry to process further. Thailand and Singapore delegate this appointment function to the board of directors (of autonomous universities), and the Philippines and Indonesia go further and establish a search committee to help recruit administrators. Indonesia even involves teaching staff in the recruitment process (Sok 2016). In Cambodia, the voices from these important stakeholders are missing or very weak.

Another accountability mechanism noticeable by its absence at the institutional level is the faculty senate/council and associated bodies. If they exist at all, they are either ad hoc or present more in form than in substance; a case in point is the establishment of ad hoc committees chaired by the rector/director (Touch, Mak and You 2014; Sok 2016). A permanent academic council and its associated committees, if properly established and nurtured, can play crucial roles in assisting top administrators and governing boards in managing HEIs and can even serve as a checks-and-balances mechanism to ensure broad participation, transparency and accountability. Experience elsewhere suggests the need for a three-way balance of authority between the governing board, the top executive team and the faculty senate if a tertiary institution is to function well and prosper. The existence of the faculty council and attached committees can also help create an institutional culture, where staff can get involved in institutional management and academic culture can be nurtured.

In Thailand and Malaysia, faculty senates play an important role in HEI management and advising HEI administrators and governing boards on academic affairs, including academic standards, performance evaluation, recruitment policy and capacity development. In Thailand, the president of the faculty senate is a member of the board of directors by default, and this academic body is assigned to elect other members to sit on the council and to run various permanent and ad hoc academic committees. In Malaysia, it is stipulated in the UUCA that

all academic matters must be approved by the faculty senate before they are put to the board of directors for approval and decision (Sok 2016). In Cambodia, according to regulatory requirements, academic affairs such as curriculum development and revision, and administrative measures for misconduct by staff and students, are managed through the establishment of an ad hoc committee, which is dissolved once the issue has been dealt with. The ad hoc nature of such committees inhibits institutionalisation of staff participation in institutional management. The absence of a permanent academic council has debilitated the active participation of academic staff in HEI management and dwarfed the emergence of academic culture such as collegiality, academic advancement and a sense of belonging.

Perhaps one of the most positive attempts towards institutional autonomy, and to a lesser extent accountability, in Cambodia is the application of the Decree on Public Administrative Institutions to selected HEIs in 1999. With this status, nine public HEIs (You 2014) have been granted more institutional autonomy. The decree also requires that HEIs have a governing board to which the rector is accountable and which is the highest institutional decision-making body, especially for the management of self-generated revenues. However, a study of two PAI HEIs by Touch, Mak and You (2014) and a report by Sok (2016) suggest that the results of this reform have been mixed. The two institutions Touch, Mak and You sampled remain entrenched in the old top-down governance system with limited systematic participation from academic staff in institutional management. Despite the reform, the government still controls HEIs and centralised control includes the selection and appointment of administrators at all levels and board members (except for the rector and staff representative), approval of institutional changes, and approval of institutional budgets. At the institutional level, the rectorate and governing boards are dominated by the authority of government bureaucracy, and rectors/directors are dominant figures that control every facet of HEI operation and management.

In this sense, the reform does not appear to have improved institutional accountability or transparency, especially towards staff and students, nor does it necessarily enable more meaningful participation from staff members or allow the involvement of representatives from non-state spheres (i.e. professional societies and associations) in HEI governance. That is, the board composition, albeit varying in size and stakeholder diversity, is still small and narrow. While the Royal University of Agriculture has up to 11 board members (many of whom are government officers), the National University of Management and the Royal University of Law and Economics have only five people on their boards (i.e. one staff representative, the rector and three ministry representatives – one each from MOEYS, MEF and the Council of Ministers). Thailand and Indonesia also adopted a gradual approach to institutional autonomy and accountability, but granted far more institutional autonomy to their autonomous universities, which are entitled to be governed by their constitution, select their administrators (by the university councils) and council members, select staff, set salary scales, and so on. As a result, their accountability mechanisms are more robust, inclusive and participatory. This is especially reflected in large governing boards with stakeholders from numerous spheres, including multiple staff representatives and mid-level institutional administrators, and a functioning faculty senate, which has its own budget and is led and run by academic staff.

### *4.2.3 Student and community participation*

Cambodia does not have a history of student and community participation in the management of public HEIs, unlike in other ASEAN countries where more advanced HEIs involve the immediate communities and engage student participation (such as through having student and community representatives on the board). Community participation in HEI management is

generally absent and while all public HEIs allow the establishment of a student body, these play a subdued role mainly involving charitable activities and mentoring new students (see Un and Sok 2014).

## 5. Concluding remarks

Cambodian public higher education reforms, including in the areas of governance, have come a long way in promoting the quality of education and the strength of governance and accountability. However, the reforms have been piecemeal and ad hoc, and higher education development at its current level is unlikely to catapult the country to a middle-income knowledge-based society by 2030, or even an advanced country by 2050, as envisioned by the government. There is an urgent need to conduct further systematic studies to inform policy planning and legal interventions that can improve higher education outcomes and enable the subsector to contribute meaningfully to national development. If the status quo for the governance and finance of public higher education is allowed to persist, the quality assurance and improvements needed across the board will likely be impossible.

Public higher education governance (and finance) is a very complex issue that requires immediate attention and remedial action if Cambodia is to have an advanced, quality-oriented, and responsive higher education system. A caveat worth highlighting is that there is no-one-size-fits-all governance arrangement for higher education, whether at system or institutional levels (Royal Irish Academy 2012; Trakman 2008, 63).

In August 2017, MOEYS issued the Policy on Higher Education Governance and Finance for Cambodia; the authors were deeply involved in designing and preparing this policy. The policy recommends 10 sets of interlocking policy measures to improve public higher education governance and finance, five of which cover HE governance, as follows.

1. *Public higher education institutions shall be given more autonomy*: As currently practiced, public HEIs arguably have limited autonomy, especially over their institutional setup, financial management (public funds), and personnel (civil servants) management. However, they have significant de facto power over all aspects of institutional operation and management. Yet many practices are not properly formalised and codified, rendering them illegal and illegitimate in the eyes of many stakeholders. It is thus very important that institutional autonomy be legalised via the passage of law and codification in institutional statutes, regulations and policies to ensure transparency, accountability and consistency. The following key four strategic interlocking actions are put forward:
    - Strategic Action 1: Pass the Royal Decree on Higher Education
    - Strategic Action 2: Pass the Royal Decree on Public Autonomous HEIs
    - Strategic Action 3: Develop national guidelines to assess public HEIs to grant full autonomy to selected public autonomous HEIs
    - Strategic Action 4: Assess selected public (including the current public administrative) HEIs to grant full autonomy
2. *Forms of institutional accountability that make public HEIs more responsible for quality and accountable to stakeholders shall be adopted*: The accountability mechanisms and processes at public HEIs are not robust and participatory enough for the state to grant more or complete autonomy. There is a need to create a checks-and-balances system and establish participatory and dynamic mechanisms and processes at the institutional level to ensure that more or complete autonomy will be translated into better service delivery. Reforms in the

management and operation of the governing board and rectorate (as well as all levels of administration) and establishment and empowerment of the academic council are necessary. The following strategic actions are recommended:

- Strategic Action 1: Enlarge stakeholder representation on governing boards of public and PAI HEIs and grant HEIs more autonomy in board member appointment.
- Strategic Action 2: Establish and strengthen the capacity of the permanent academic council to run academic affairs.
- Strategic Action 3: Create terms and performance contracts for institutional administrators at all levels, especially top institutional administrators.
- Strategic Action 4: Provide necessary training to administrators at all levels, potential administrators and faculty members, as well as the MOEYS staff concerned.

3. *The government shall mandate the professionalisation of the teaching corps at public HEIs*: There is generally no clear career path for academic staff and contractual administrative staff at public and private HEIs. The existing Royal Decree on the Professoriate is yet to be implemented. The career development and management of non-civil servant staff, which account for a growing share of total staff, need to be addressed. There is a feeling that a sense of belonging, collegiality and esteem among them are rather low. The casual nature of their employment does not ensure healthy development of the subsector, retention of qualified staff, and by extension quality service delivery. Two strategic actions are put forward:
   - Strategic Action 1: Consider the status and core services of and payment for the staff of public autonomous HEIs.
   - Strategic Action 2: Consider the status, core services and payment for staff of public HEIs.
4. *HEIs shall be stratified based on their core missions and required manpower to serve national development and societal needs*: There is no formal stratification of public HEIs. Thus all of them are funded based on the same formula, and they are simply competing with each other (as well as private HEIs) for student enrolments, with little effort to diversify their funding sources and scant consideration of their roles and contributions in national development. In a sense, this has led to a heavy focus on teaching, especially of low-cost associate and bachelor majors, and little concentration and investment in research and innovation to drive economic and social development. The current status does not allow public HEIs to play prominent and appropriate roles in national development. Efforts to stratify public HEIs based on their core missions to the economy and society and human resource needs are urgently needed, and two strategic actions are necessary:
   - Strategic Action 1: Formally classify public HEIs into different tiers with different funding schemes.
   - Strategic Action 2: Revise the standards and guidelines for institutional assessment and accreditation and funding schemes.
5. *The higher education system shall have a national coordinating body*: Cambodia can no longer afford to have a fragmented higher education system, not if it aspires to see vibrant and proactive higher education that can play a significant role in national development. As it stands, the system is too fragmented to enable long-term visionary planning and execution and creation of an enabling system, let alone, ecosystem, for higher education advancement. Further, the current high degree of system fragmentation has significant negative impacts on higher education quality. The following strategic actions are put forward:

- Strategic Action 1: Establish an interim national coordinating body to coordinate the establishment of the higher education system/ecosystem.
- Strategic Action 2: Create a national higher education system.

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