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# **Progress and Challenges of Deconcentration in Cambodia: The Case of Urban Solid Waste Management**

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Management**

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**Cambodia Development Resource Institute**

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## Executive Summary

Rapid population expansion and urbanisation resultant of economic growth have greatly increased waste generation and associated public health issues. In light of these challenges, the Ministry of Environment jointly with the Ministry of Interior and Ministry of Economy and Finance issued in 2015 the inter-ministerial prakas on the Usage of Environmental Sanitation Service Fund with an initial amount of USD5 million allocated between 26 municipalities across the country. The allocation set the stage for the transfer of the solid waste management function to municipal and district administrations established by the subsequent Sub-Decree on Urban Solid Waste Management. This study is limited to solid waste management at the municipal level. More broadly, the transfer of various functions from line ministries to municipal and district administrations represents a new phase of decentralisation reform with an emphasis on the long-awaited deconcentration.

Based on a case study of urban solid waste management, this paper is an early attempt to assess the progress and challenges of deconcentration. It concludes that the functional transfer has helped empower municipal administrations to provide solid waste services by giving them greater responsibilities and the necessary rights and fiscal resources, though reassignment of personnel is not part of the transfer. The functional transfer effectively shifts the mandate for solid waste management from the provincial level down to the municipal level accompanied by a ministry-granted fund that is increased on an annual basis, something provincial authorities did not have prior to the transfer. The fund is sizeable but more is needed if the service is to be developed further. Municipal administrations' power to raise local revenue through waste collection fees in the foreseeable future could strengthen the fiscal base. Local revenue generation has long been sought by subnational administrations and its full realisation would represent a significant step forward for decentralisation reform. The case study suggests that municipal administrations have not experienced major obstacles in implementing the function so far although there are specific challenges related to interactions between provincial departments and municipal administrations, increased workload and service provider selection.

In general terms, the case study suggests that greater rights, responsibilities and fiscal resources can be expected to strengthen the role of municipal administrations in local development and promote their relevance in local accountability. The prospects, however, will be negated if centralising tendencies do not simultaneously subside.

## 1. Introduction

Decentralisation reform in Cambodia has entered a new phase despite a history with mixed results. A revived emphasis on deep reform by the National Committee for Democratic Development (NCDD) following the Cambodian People’s Party’s setback in the 2013 general elections is pushing decentralisation forward. By 2015, districts and municipalities had embarked upon administrative renewal,<sup>1</sup> marked by the transfer of various functions from line ministries to district and municipal administrations. As stated by the government, the goal of functional transfer is to move service delivery closer to the people in order to promote local initiatives and shorten the accountability route (Sar 2015). Against this backdrop, the new phase of decentralisation reform represents an effort to realise the promises of decentralised service delivery.

What distinguishes this latest wave of decentralisation reform is a rare public display of political commitment. The deputy chief of the NCDD secretariat, for example, made functional transfer<sup>2</sup> the core of decentralisation reform, proclaiming that “reform is about the transfer of functions and resources. If there is no transfer there is no reform” (NCDD, 2015). On the other hand, the deputy prime minister and chairman of NCDD attributed the tardiness of the earlier phase of reform to the hesitance and resistance of line ministries and urged them to take the reform seriously (Sar 2015). By accelerating functional transfer, the national government appears to have put aside concerns about the mismatch between local government capacity and greater responsibilities and become more willing to recognise the institutional imperatives of decentralisation reform such as decision-making power and resources. Given the new-found commitment, it is fair to say that decentralisation reform no longer translates into only political decentralisation (devolution) that characterised earlier commune-level decentralisation but also administrative decentralisation (deconcentration).

### 1.1 Background: the waste problem and the need for functional transfer

With rapid population expansion and urbanisation comes an increased municipal waste problem and associated public health issues. This problem is particularly acute in Phnom Penh—Cambodia’s capital and largest city—where more than 1000 tonnes of solid waste are generated daily (Blue Media Cambodia 2015). A recent report by the Ministry of Environment (MOE) indicates that waste collection has fallen short of expectations in both urban and rural areas. The ministry attributes these shortcomings to authorities’ lack of capacity and funding (Pang 2016). A senior MOE official sums up three challenges that need serious attention: 1) renovation of the governance structure for waste management; 2) strategy to reduce, reuse and recycle waste; and 3) strengthening waste collection and transport (Blue Media Cambodia 2015).

Against the backdrop of these challenges and post-election decentralisation reform targets, the MOE jointly with the Ministry of Interior (MOI) and Ministry of Economy and Finance (MEF) issued in 2015 the inter-ministerial *prakas* on the Usage of Environmental Sanitation Service Fund (thereafter the fund).<sup>3</sup> The initial budget of USD5 million was allocated between 26 municipalities across the country, with distribution of funds determined based on population size. Budget allocation set the stage for the transfer of the solid waste management function to

1 See Öjendal and Kim (2008) for discussion on the historical role of districts.

2 Alternative terms commonly found in the literature include functional delegation and functional reassignment.

3 Unofficial translation

subnational administrations. The subsequent Sub-decree on Urban Solid Waste Management operationalised the fund by assigning functional responsibilities to different tiers of subnational administration, namely the capital, municipal and district administrations. This study is limited to solid waste management at the municipal level because the fund is currently only allocated to municipal administrations.

## **1.2 Research objective and questions**

The recent development in decentralisation reform provides an important backdrop for CDRI's research programme on decentralisation reform. The programme maintains an ongoing interest in generating policy-relevant knowledge of local democratisation and development in Cambodia through the conduct of timely empirical studies as the reform progresses to provide a critical update on the outcomes, challenges and implications of new policy initiatives.

Since 2009 the decentralisation reform has shifted its territorial focus from the commune level to the district/municipal level aiming to transform district/municipal administrations from largely administrative centres into primary service providers at the local level (Eng 2016). The shift happened amid critical comments on an earlier phase of the reform. Smoke and Morrison (2008) suggest that decentralisation reform has not realised its full potential as it has been caught between creating democratic and autonomous local politics and consolidating central power. The commune councils, albeit active since the first elections in 2002, have been unable to fully embrace key development challenges consequential of their vague mandate and limited resources. Indeed, their mandate to carry out local planning and development has been limited to some small-scale infrastructure projects financed by the commune fund. Kim and Öjendal (2007) argue that these political and fiscal constraints prevent commune councils from being accountable and responsive, particularly in contentious sectors like natural resources, even though they wanted to. Because of this powerlessness, they contend that "deconcentration ... is badly needed". This call echoes Turner's (2002) view that deconcentration can be a remedy for the "disappointments" of devolution (see also Blunt and Turner 2007).

The transfer of functions that began in 2015 signifies the arrival of the anticipated deconcentration. Based on a case study of urban solid waste management, the central purpose of this study is to promote an understanding of the status of deconcentration by examining the content of functional transfer with respect to rights, responsibilities and resources that have historically been a weak link of the reform. The research questions are thus identified as: ***What rights and responsibilities for solid waste management have been deconcentrated to municipal administrations? And what challenges have they faced in exercising those rights and responsibilities?***

## **1.3 Key concepts**

To study the progress and challenges of deconcentration or functional transfer as currently labelled, several concepts need to be explored to guide empirical inquiry. These include deconcentration, central-local relations and capacity.

Deconcentration is one of the models for transferring functions to local governments, the other being devolution (or decentralisation as more commonly used in Cambodia). When a function is deconcentrated, the central ministry retains policy and fiscal discretions while subnational

administrations are responsible for implementing the function and control the personnel transferred from the ministry. A function is a set of activities such as solid waste management, health centre management or rural water supply maintenance that contributes to the functioning of the larger governance system (Pak 2011). The transfer of functions to subnational administrations in the current reform entails either *assignment* or *delegation*. Assignment refers to “the transfer of ownership of the function [and] all necessary responsibilities, power and discretion for managing and implementing the function.” Delegation denotes “the transfer of function [and] responsibilities, power and discretion for managing and implementing the function in the name of the delegators based on criteria of such delegation. The delegating authority retains ownership on the delegated function” (RGC 2012, 3). In other words, assignment is a strong form of deconcentration whereas delegation is a weak one. The former gives subnational administrations more power to exercise their responsibilities as delineated in a legal framework.

Theoretically, deconcentration relieves central ministries of routine tasks and allows them to focus on improving the quality of policy, monitoring local government performance and providing support as needed (Turner 2002; Blunt and Turner 2007). Central oversight is necessary because without a functioning accountability and governance framework local elites may abuse the deconcentrated power, leading to inequitable and ineffective service delivery (Smoke 2015). But Turner argues that the tendency to preserve centralism through regulations is one of the problems in decentralisation reform (Blunt and Turner 2007), suggesting that central control for the purpose of advancing decentralisation is more promise than reality. Romeo (2013, 69) observes that local discretion can be “undermined in the name of ‘capacity-building’ imperatives, by strict and pervasive controls and the proliferation of centrally imposed procedural guidelines and manuals that regulate how local governments should behave and make every decision they take subject to review, modification or outright dismissal by higher tiers.” In general, the more and stricter the regulations, the less decision-making power local government has and vice versa (Fukuyama 2013). In short, the role of central ministries is vital in deconcentration, but the tricky part is how they relate with local governments.

Finally, local capacity is central to achieving service outcomes of functional transfer. In many settings, however, the diagnosis of local capacity has often been manipulated by central actors to excuse or sequence the assignment of more authority to local officials. An example of rigid sequentialism is highlighted in Ryan’s (2004 cited in Smoke, Loffler and Bosi 2013, 85) study of decentralisation in Costa Rica where local government law specifies that “no functions will be transferred until capacity is demonstrated, and no finances will be transferred until functions have been assumed.” Deriving from this sequentialist approach to local empowerment, capacity building programs tend not to treat training as an ongoing process by emphasising classroom training without sufficient on-site support (Smoke 2015). Weighing up this issue, Romeo (2013, 72) argues that local governments’ limited capacity is not always the greatest hurdle. Instead, the greatest hurdle is the “low capacity of the delegating authorities ... to properly structure, support and oversee the delegation contracts and to open the space for local autonomous decisions, which ultimately may produce the expected efficiency gains of functional delegations.” Similarly, Grindle (1997) contends that public officials can be *made* to appear incapable because they are put in the wrong positions, deprived of resources and authority to perform their jobs or pressured by political forces. These arguments imply that individual competence is necessary but insufficient for capacity as a political concept. Broadly conceived, capacity must factor into structural and institutional conditions that shape local

actors' decisions and behaviours. This understanding moves beyond the simplistic view of capacity and gives more ground for local governments to advocate for more resources and authority. Based on this view, this study takes into special account local officials' perspectives on their own capacity in light of functional transfer as well as central actors' views on local capacity.

#### **1.4 Research method**

This study is based on document analysis and interviews. Legal texts including sub-decrees and ministerial directives on solid waste management were collected and read carefully to discern the scope of power and resources assigned to local governments and the responsibility of each level of government in the functional transfer. That knowledge was then compared with empirical data collected in four municipalities in three provinces in February, March and June 2016. The research sites were selected to ensure broad geographic variation and the selection was aimed at a thematic analysis of waste management rather than at producing comparative case studies. A total of 16 semi-structured interviews were conducted with government officials from the MOI, provincial NCDD office, the MOE and its provincial and municipal agencies, and municipal administrations. Being mindful of confidentiality, names of the informants and municipalities are not revealed. The interviews focused on acquiring data about the challenges in implementing the function, change vis-à-vis pre-transfer implementation, interactions with ministerial officials and perspectives on the delegated power.

Triangulation was used to maximise data accuracy and minimise bias. As a rule, any general statements in this paper were supported by at least two different sources from different organisations. When any information is considered sufficiently significant to be included, expressions such as “the municipal informant said that” are used to indicate statements that lack confirmation.

## 2. Findings

Before going into the discussion of functional transfer, it is worth pointing out that solid waste management has historically been a considerably deconcentrated function. The 1999 Sub-decree on Solid Waste Management assigned the responsibility to the provincial level. Provincial authorities were made responsible for the disposal, collection, transport, storage, recycling and dumping of solid waste. But large-scale and technically oriented developments such as the construction of dumpsites, incinerators, storage sites or recycling plants required provincial authorities to obtain approval from the MOE (RGC 1999).

A tier under the provincial authority, municipal authorities have disproportionately engaged in solid waste management. In some provinces, the provincial authority delegated the function to municipal authorities which enabled them to sign contracts with private companies and exert accountability from them. A few municipal authorities such as Stung Treng and Battambang have a specialised unit created for this purpose (NLLC 2016). Despite the delegation, a recent National League of Local Councils (NLLC) survey gives a broad overview of the challenges confronted by municipal/district authorities in managing waste before the functional transfer. The survey shows that only a small number of municipal/district authorities integrated solid waste management into their development and investment plans and monitored private service providers on a regular basis. The survey indicates that municipal/district authorities were not given sufficient power for the delegated function. They complained of a lack of discretion as they needed instructions or guidelines from above before they could take action and to avoid mistakes (NLLC 2016). The challenge is exemplified by the musing of a municipal informant asking “how fair was it to evaluate my performance when the money and power stayed with the province?” referring to the annual national clean city contest.

### 2.1 The legal framework: rights, responsibilities and resources

The advance of functional transfer has brought about some major changes. Under the 2015 Sub-decree on Urban Solid Waste Management, municipal administrations are assigned five broad responsibilities for solid waste management: 1) prepare annual management, action and budget plans, 2) plan and implement tasks for solid waste management, 3) establish and manage waste collection, transport and dumpsites, 4) advise the people on sanitation practices and waste service usage, and 5) educate the people about environmentally safe practices (the 3Rs – reduce, recycle, reuse) and promote the consumption of recycled products.

An area that is less deconcentrated is dumpsite management. Due to its technical nature, the role of municipal administrations is limited to identifying an area to be used as a dumpsite. The decision, however, must be approved by provincial administrations. Its construction and management must be reviewed and monitored by the MOE.

These responsibilities are accompanied by rights and resources. To support function execution, municipal administrations are allowed to: 1) issue warrants or other legal instruments, 2) operate directly or contract cleaning and/or collection and/or transport and/or dumpsite services to the private sector, 3) cooperate with other neighbouring subnational administrations to jointly deliver services, 4) delegate a part or the entire function to *sangkat* councils or assign rights to communities to implement one specific or some sub-functions, 5) determine fees for cleaning-collection-transport and dumpsite services, 6) use municipal funds or funds from other sources

to supplement the fund for solid waste management, and 7) approve organisational or individual requests for solid waste for private use (RGC 2015).

Specific responsibilities of municipal administrations

- Identify an operator model for waste collection and transport
- Determine waste service fees and collection mechanisms
- Monitor waste disposal in collection areas
- Disseminate solid waste management practices such as cleaning, separation, packaging, placing and disposal
- Prevent littering, waste disposal or burning in restricted or private areas
- Install public garbage bins and ensure the collection and transport of waste generated by vending activities in the streets or other public areas
- Identify temporary waste storage areas and disposal schedules in those areas
- Address dysfunctions in waste collection and transport
- Identify dumpsite locations

Source: RGC 2015

With respect to resources, in 2015 the studied municipalities received funds in the range of USD45,000 to 90,000 depending on their population size. This represents major progress relative to the meagre provincial budget for solid waste management in the pre-transfer time (Pak and Craig 2008). The centrally allocated funds are generated from three sources, namely a 2 percent deduction in taxes on plastic and electronic products, contributions from individuals and contributions from development partners and international financial institutions under a cooperative grant agreement (MOE, MOI and MEF 2015). In addition, municipal administrations will be able to generate own-source revenue through collecting waste service fees based on a fee ceiling designed by central ministries. Based on the ceiling, municipal administrations can determine fee structures for their localities depending on business type, location, income level and waste volume. To arrive at a decision, municipal administrations must consult service users and other relevant stakeholders. Also, they are responsible for designing the mechanisms for the collection, management and settlement of waste service fees. At the time of writing, this component of the functional transfer had yet to be activated because central ministries were still discussing the fee ceiling. Although funds are made available to municipal administrations, reassignment of personnel is not part of the functional transfer.

Municipal administrations have used the funds for various activities to beautify the city including picking up litter, sweeping major roads, trimming trees and shrubs, installing garbage bins and putting up education banners. One municipality creatively used a portion of the fund to renovate the road leading to the dumpsite. Except this municipality which uses a mixed model of public-private implementation of the function, other municipalities chose to contract private service providers selected through their procurement committees to carry out the described activities. In these cases, municipal administrations primarily focus on monitoring the performance of private contractors. In one municipality, *sangkat* councils are asked to assist the monitoring and the information is reported to the municipal administration by phone.

Through these activities, municipal administrations uniformly expect better environment and cleaner cities as a result. Municipalities that were ranked lowly in the clean city contest in the previous year expect to see their rankings improved. For the MOE, as all municipalities have had a more or less functioning mechanism for waste collection and transport since the pre-transfer time, the primary success criterion of the transfer is to “systematise” the existing

mechanism via modernised waste transport facilities and better organised waste collection timetables and service fee schedules.

## 2.2 Central-local relations: support and control

Under the new structure, the Provincial Department of Environment's new roles in solid waste management are to: 1) promote environmental awareness, 2) participate in the development of a solid waste management plan, 3) provide technical advice on solid waste management projects or proposals, 4) monitor, review and evaluate the progress of solid waste management, and 5) prepare semester and annual reports on the status and progress of solid waste management (RGC 2015). Given these responsibilities, municipal administrations will be able to engage more meaningfully with provincial departments relative to the past when interaction between the two parties was limited to involvement in occasional environment-related public events.

As it currently stands, relations between municipal administrations and provincial departments of environment have been flat across the studied municipalities. In one municipality, for example, a provincial department informant expressed his dissatisfaction towards the municipal administration complaining that they have become more autonomous and discretionary: "they don't listen to the department or province". He is also sceptical of the prospects of recruiting a new service provider because he thought that the existing service provider has been very helpful by responding to the department's requests and he doubts that a new one can follow suit. He even suggested that provincial departments should have been recipients of the fund instead of municipal administrations. Until recently, the Provincial Department of Environment oversaw the private service provider, which happened to be recruited by the department's former chief.

In another municipality, the provincial department has taken a more hands-off approach to the transfer. Complaints, by contrast, came from the municipal administration. Suggesting an indifferent relationship, a municipal informant complained that the provincial department has not contributed much towards waste management, before and after the functional transfer. "I used to ask them whether the fund could be used for awareness-raising activities and to buy garbage bins because it is not clear from the *prakas*; and they said they didn't know either."

Yet in another municipality, the municipal administration encountered a more assertive provincial department. A municipal informant said that his proposal to use the fund to raise environmental awareness was rejected by the provincial department who argued that the fund is for service delivery or intervention purpose only, although the informant personally thought that it was allowed by the sub-decree. He admitted that it is more important to follow what individuals say then to follow what is written on paper because they have discretion to approve fund requests and hinted at the influence of provincial departments of environment and economy and finance on the process of fund transfer. Municipal administrations are legally required to submit a request for funds along with an action plan for solid waste management to the MEF via their respective Provincial Department of Environment.

The role of municipal offices of environment, provincial departments' subordinate agencies at the municipal level, is minor because they are understaffed or not staffed at all after officials retire. Of the four studied municipalities, only one has a functioning office of environment and that has just two staff. The office supports the municipal administration and provincial

department in monitoring the performance of the private service provider and promoting environmental awareness, a role that has barely changed.

With regard to the ministry, its main role is to perform regular inspections of function execution. In case of a breach of the guidelines on solid waste management, the ministry can propose that the MEF postpone the transfer of funds to the municipal administration in question. It can also propose that the MOI warn the municipal administration concerned about its underperformance, inefficiency or noncompliance (MOE, MOI and MEF 2015). In practice, a senior MOE official said that the current priority of the ministry is to promote and facilitate the spending of the fund, implying that the transfer has not been smooth across the board. Inspection will only begin after the transfer has passed a threshold. Considering the significance of inspection, a municipal informant raised the importance of ensuring that ministerial inspection results reflect the reality on the ground, implying the possibility of collusion between ministerial inspectors and municipal officials to distort the outcomes of solid waste management. A failure to do so, he contends, would disincentivise compliance and conceal offences.

### **2.3 Issue of local capacity**

As pointed out earlier, the reassignment of personnel is not part of the transfer. This situation has disproportionately affected municipal administrations. As private contractors take up the bulk of work in solid waste management, municipal administrations are primarily responsible for monitoring. In two municipalities, a taskforce is formed led by a deputy municipal governor assisted by officials from the administration's procurement unit and city development unit. Another municipality adopts a more participatory approach forming a working group led by a deputy municipal governor and membered by officials from the provincial department and municipal office of environment. Due to its higher level of development, another municipality has a specialised unit that works on waste management and city beautification created long before the functional transfer. This municipality is best equipped for the function as a result. A municipal informant said that he has a plan to propose to the MOI to establish a similar unit to relieve the workload of his officials. Similarly, another municipal informant expressed concern about the busy workload of his officials and thinks that new personnel should come with every new function. In response to the workload concern, provincial MOE informants indicated that the lack of personnel at the local level is a general phenomenon that has no easy solution, pointing to similar problems with their departments.

Despite human resource constraints, all municipal informants appear to welcome the new function and reject a long-held belief that local administrations lack capacity. A municipal informant asked:

If you don't transfer the function to me, how can you know whether I can do it or not? Don't always think that the lower level can't do it. If they really can't do what is assigned, you build their capacity. There's nothing wrong with that.

Another municipal informant admits that the functional transfer puts municipal administrations in a position to become responsible, stop blaming others, and work hard to avoid being "looked down upon".

In the meantime, ministry officials' views should be sought to identify the perspective gap on local capacity. When asked to assess municipal administrations' capacity to implement the function, a provincial department informant had positive things to say about them but went on to express his dissatisfaction with the district level's "limited knowledge". He showed frustration with district administrators' failure to understand the sub-decree even after attending dissemination workshops held at the national and provincial levels. He complained that district leadership's lack of knowledge is "too much". Expressing doubt that they have passed on legal documents for their subordinates to read, he quipped that "they may have put the documents at the edge of the wall." From the informant's assessment, district administrations appear to be indifferent to the transfer, but not without reason. Given that funds for solid waste management are not allocated to the district level, district authorities have not yet been brought into the fold. So it is understandable that they are indifferent to a new unfunded responsibility.

The provincial department informant's comments resonate with the opinion of a senior MOE official who responded to a municipal informant's story about the inability of the provincial department to answer his question about provisions in the legal documents:

I don't want to blame others but there were no fewer than 20 national-level meetings about this function. Some interested municipal officials attended personally; otherwise ordinary officers attended in their place. I wasn't sure if they'd understood or whether they would pass on the knowledge when they went back. For example, I'd informed them to start implementing it but two months later some municipalities still asked me whether they could start or not. They just didn't pay attention.

He continued that for questions related to the transfer, municipal administrations can reach out to their provincial department of environment which has an established communication channel with the central ministry. But he felt that there should never have been a problem because municipal administrations should have made sure they understood the legal documents at the time they were disseminated. He added that "Overall, it depends on the city. Cities with good enough human resources never give us a headache." This comment reflects the ministry's lack of interest in providing technical support beyond conventional dissemination workshops.

## **2.4 Issue of socioeconomic context**

Beyond endogenous factors such as capacity and upward accountability, municipal administrations are also limited by exogenous factors like infrastructure and business considerations. This points to the criticality of socioeconomic conditions in shaping the extent to which rights and responsibilities can be exercised. This study has identified how these constraints play out in three areas of solid waste management implementation, namely service delivery model, service provider selection and service fee.

Although municipal administrations are empowered to deliver waste services themselves, practical reasons make outsourcing the default mode of service delivery. Given their operational footprints and facilities such as private land for use as dumpsites, private service providers remain indispensable to the business of municipal solid waste management. The allocated fund, although sizeable, is far from sufficient for municipal administrations to replace outsourcing. According to a provincial department informant, most cities do not have state-owned dumpsites and current dumpsites are owned by private contractors. The same informant complained that the lack of state-owned land is due to a lack of long-term planning: "They [higher-level authorities] never think about dumpsites. They only think about selling the land." This means

that even if municipal administrations want to collect waste themselves, they would struggle to find suitable dumpsites.

Practical reasons also affect public bidding. If outsourcing is the preferred approach, municipal administrations are required to select a private service provider via the procurement committee through public bidding. But in reality public bidding was carried out only to fulfil formalities because new contractors rarely join the bidding process. For this reason, the MEF simplified the procedure to allow municipal administrations to enter into contracts with existing companies if they are satisfied with their performance, which is justified by their experience and facilities. There is a broad consensus among the informants that public bidding will remain a formality well into the foreseeable future because it is very difficult to find people committed to the solid waste management business given multiple challenges: worker turnover is high due to harsh working conditions; dumpsites require huge investments; and profitability is stymied because only a small proportion of service users are willing to pay fees. Exception exists nevertheless. Among the studied municipalities, one managed to find a new private contractor to work alongside the existing, bigger contractor who was not considered for the new responsibility due to its poor performance. The new contractor is primarily responsible for collecting litter and household waste in a few poor communities not covered by the existing service. Waste collection is doable because the new contractor is able to share the dumpsite with the existing company.

Lastly, a municipal informant raised a concern that local circumstances may make it necessary to charge service fees that are higher than the centrally determined fee ceiling in order for the private company to make enough profit. He added that failure to do so may force the company out of business. Albeit speculation, it raises the possibility that the fee ceiling as a one-size-fits-all regulation may at some point in the future need to be flexible enough to accommodate territorial peculiarities. Consequences may result if local governments uncritically adopt inappropriate central policies (Blunt and Turner 2007).

### **3. Discussion and conclusion**

Based on a case study of urban solid waste management, this paper is an early attempt to assess the progress and challenges of deconcentration thus far. Scholars have long argued for the deconcentration of sector responsibilities to local governments to promote accountability and responsiveness in local service delivery. With the transfer of specific functions from sector ministries to municipal and district administrations since 2015, the call for deconcentration has finally materialised. Notably, the transfer has taken shape in a changed political environment following the ruling CPP's surprising setback in the 2013 election, which presumably gave rise to new political incentives to inject momentum into the otherwise sluggish reform with a renewed focus on realising the promises of decentralisation.

This paper concludes that the functional transfer has contributed to empowering municipal administrations in providing solid waste services by giving them greater responsibilities and the necessary rights and fiscal resources although reassignment of personnel is not part of the transfer. The functional transfer effectively shifts the mandate for solid waste management from the provincial level down to the municipal level accompanied by a ministry-granted fund that is increased annually, something provincial authorities did not have prior to the transfer. The fund is sizeable but more is needed if the service is to be developed further. Municipal administrations' power to raise local revenue through collecting waste service fees in the foreseeable future could strengthen their fiscal base. But municipal administrations would need to tackle the problem of nonpayment with which private service providers have struggled by devising innovative plans to optimise fee collection from service users unwilling or unable to pay. Local revenue generation has long been sought by subnational administrations and its full realisation would represent a significant step forward for the decentralisation reform.

The case study suggests that municipal administrations have not experienced major obstacles in implementing the function so far although some challenges exist. In terms of central-local relations, interactions between municipal administrations and provincial departments of environment have been flat across the studied municipalities. But more interaction can be expected once ministerial inspection of the function implementation has begun. Nevertheless, the case study did uncover an instance of veto exercised by a provincial department over a municipal proposal because they disagreed on the activities the fund can be spent on. But the veto was based on the department's interpretation of the regulation rather than an act of extra-legal interference or abuse of power. This incident has important implications for the argument on the relationship between regulation and local power. While it is plausible that less and broad regulations give more opportunities to local governments to take initiatives as suggested by Fukuyama (2013), it could in the meantime breed ambiguities that are open to particularistic interpretation. In the context where institutions to resolve discretionary discrepancies are nonexistent or weak, the prevailing power structure favours interpretation of the superordinate at the expense of the subordinates.

Nevertheless, the case study did uncover an instance of veto exercised by a provincial department over a municipal proposal because they disagreed on the activities the fund can be spent on. But the veto was based on the department's interpretation of the regulation rather than an act of extra-legal interference or abuse of power. This incident has important implications for the argument on the relationship between regulation and local power. While it is plausible that less and broad regulations give more opportunities to local governments to take initiatives as suggested by

Fukuyama (2013), it could in the meantime breed ambiguities that are open to particularistic interpretation. In the context where institutions to resolve discretionary discrepancies do not exist, the prevailing power structure favours interpretation of the superordinate at the expense of the subordinates.

In terms of capacity, municipal administrations feel determined and ready to prove themselves despite some concerns about increased workload. This optimism essentially downplays the “lack of capacity” belief as exemplified by the view that there is nothing wrong with building capacity when there is a lack of it, implying the need to normalise rather than problematise the phenomenon. Recalling Romeo’s emphasis on the need for the delegating authorities to properly organise, support and supervise the delegation, confidence on the part of municipal administrations to take on more responsibilities may shape future deconcentration arrangement in this direction, an arrangement that would involve clearing the structural and institutional bottlenecks instead of using them as reasons to hold back greater local empowerment.

Some socioeconomic factors also pose challenges for municipal administrations. The lack of available public land and insufficient funds rule out the possibility of a local state-run solid waste management service. This is not necessarily negative considering the prevalence of private involvement in the delivery of public services that has in many cases proved to be a more efficient option. But municipal administrations will need to put in place a functioning monitoring system if service negligence and underperformance are to be minimised. Also, the lack of competing private waste companies gives municipal administrations few options to identify alternatives if service providers cease to be satisfactory.

In general terms, the case study suggests that greater rights, responsibilities and fiscal resources can be expected to strengthen the role of municipal administrations in local development and promote their relevance in local accountability. The prospects, however, will be negated if centralising tendencies do not simultaneously subside.

Finally, it should be pointed out that this is an early conclusion and that richer insights leading to divergent conclusions may emerge as the reform interacts with political reality over time. It is also necessary to study other more politically contentious sectors such as education and health to arrive at a more comprehensive understanding of the dynamics of deconcentration.

In light of these findings, two general policy discussion points are proposed:

1. The process of functional transfer can benefit from having regular forums where subnational administrations and ministerial officials discuss the challenges, outcomes and future direction of functional transfer. These forums could also be an opportunity for the involved parties to clarify their differences and identify common ground.
2. Attention should be paid to establishing an effective mechanism to resolve divergent views between subnational administrations and ministerial agencies. For example, in case provincial departments disagree with subnational administrations on fund spending as a result of different interpretations of the legal documents, subnational administrations should be able to seek adjudication from a third party (e.g. NCDD or central ministry) instead of having to follow the decisions of provincial departments.

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