

Strengthening decentralization to democratize education

La descentralización de la Educación es motivo de análisis de José Luis Carbajo, quien al mismo tiempo destaca cómo los gobiernos regionales y los gobiernos locales vienen desarrollando experiencias de gestión educativa descentralizada para optimizar los aprendizajes, sin contar con una ley orgánica ni con una matriz de competencias o funciones en los tres niveles de gobierno.

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Since 2002 in our country, social and political forces have agreed on resuming decentralization in a context of the return to democracy in order to achieve the democratization of the State and society. This principle was enshrined in the Law on Basis of Decentralization (Law 27783): “Decentralization is a democratic process” designed to promote equal opportunities for access to higher levels of human development in each area, and to promote a State-society relationship based on participation and consensus in governance.

After 10 years of decentralization, the most visible progress that can be displayed is a policy framework that has helped to launch the process in the country,¹

and that has included mobilization of citizens, political parties and independent groups to participate in local and regional elections on three occasions; transferring functions from central government to regional governments; budget increase for projects of public investment to regions and municipalities from the national government funds as a result of negotiations with international cooperation; consultation and preparation of regional development plans; management of irrigation and infrastructure projects; and, capacity building. The National As-

reform of Chapter XIV on Decentralization, Law on the Basis of Decentralization (27783), Organic Law of Regional Governments (27867), Organic Law of Municipalities (27972), Executive Branch Act; in education, the General Education Law (28044) and its regulations; most recently (January 2007), the approval of the National Education Project as a national education policy and, in 2008, the enactment of the Organic Law of the Executive Branch.

¹ The political and administrative decentralization started in 2002 with the enactment of the following standards: Law 27680, constitutional



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sembly of Regional Governments (NARG) ² a body that reunites regional presidents, currently active, has an opinion on development issues in the country and an initiative on decentralization policy facing the national government. Regional presidents have participated through NARG: in the public budget and budgeting by results to the Congress and the Ministry of Economy and Finance (MEF); have been involved in developing the competences and functions matrix of the ministries; and, participated in institutions that propose policies and advocate, such as the Roundtable for Poverty Reduction and the National Council of Education.

However, we see difficulties impeding further decentralization, such as lack of political will of the government and presidents of regional governments to give political life to the Intergovernmental Coordination Council (ICC), a body that should align national policies with the policies of other levels of government, suggesting and arranging laws and regulations to strengthen the national government in its leading role and sub national governments in developing efficient public services, avoiding duplication of functions with other levels of government. ICC is comprised by the ministers, the presidents of regional governments and representatives of the provincial and district municipalities.

The other difficulty is fiscal decentralization: the regional government funds mainly depend on the transfer from the national government. Many of

these funds have historical reference, based on current spending projected and spent by the national government, which does not allow strengthen governance and provide human and financial resources on new roles they gain as a consequence of decentralization in planning and monitoring policies. In other words: there is a gap between current spending and public investment amounts.

Regional and local governments have more resources for public investment projects. According to the General Comptroller, in 2011 regional and local governments received 15 billion soles and they invested only 60%. The problems that hinder investment are diverse: social conflict in the regions, the elaboration of projects with technical shortcomings, weakness of the body responsible for project management, and the delay of a budget that arrives at the end of the fiscal year.

HOW ARE WE DOING IN DECENTRALIZED EDUCATION MANAGEMENT?

In the education sector, progress and difficulties are part of the national context of decentralization, a situation that must be resolved in the legislative and executive branches. Each ministry and each regional government has coordinated efforts to define the functions transferred and to advance the decentralized management of the sector. And that has made decentralization a dynamic process at the three levels of government: national, regional and local.

A limitation of the Ministry of Education (Minedu) is that it does not have a Law of Organization and

² Decentralization Balance ANGR 2012. Report to the Committee on Decentralization, Regionalization, Local Government and Modernization of the State Administration of Congress. Lima, May 2012.

Functions (LOF) or with a responsibility matrix to define the exclusive and shared functions in the three levels of government; although it has a bill in progress, it has not been consulted in the regions, and submitted to the Congress. The LOF and functions matrix are necessary to advance the decentralized management of education because they will limit responsibilities, allocate the appropriate resources to execute them, and provide the framework for advancing an organized institutional process of decentralization.

This year Minedu canceled the municipalization of education through a supreme decree in order to give effect to the decision of transferring functions in education to the municipalities through the Intergovernmental Coordination Commission, involving the three levels of government. In this experience, only 29 municipalities completed the transfer of functions and resources: through an act of giving and receiving powers and functions, 17 functions, budget, documentary archives and account balances were transferred to municipal governments. We do not have an accurate assessment of how the process of devolution of functions to Local Education Management Unit (UGEL) and to regional governments is doing, but we know that some want to continue and others don't. Actually, this process is not easy.

To implement educational policies in concert, Minedu is promoting the Intergovernmental Committee on Education Management (CGIE), comprising representatives of Minedu, the Regional Government and the Regional Education Directorate (DRE). This committee is a technical-political body and seeks to strengthen decentralized education management between the Ministry and the regional governments, although the absence of municipalities prevents it from working with the level of government that is closer to schools, students, and parents.

The CGIE agenda is based on the covenant commitment between the Ministry of Education and the Regional Government for the next five years 2011-2016.³ One of its first actions was the concerted campaign for the good start of the school year and the development of the medium term plan. Both have had positive results: it has been

managed to implement national and regional strategies for meeting the goals and prepare minutes of joint commitment to follow up on the agreements.⁴ Although Minedu has not set the Intergovernmental Coordination Commission on Education,⁵ responsible for guiding decentralized educational management where all three levels of government take part, it is unknown what will happen with the CGIE. The Government will have to assess the role of each of them, or integrate them into one.

WHAT IS HAPPENING IN THE REGIONS?

While the municipalization of education will no longer go, in the country, there are varied experiences of municipalities committed to education that work to improve the quality of education in their communities, for example, they have made their local educational project, are implementing teacher training programs, hiring teachers, promoting pre-school education, supporting students learnings (such as Checacupe Municipality in the province of Canchis, Cusco region, the Municipality of Villa El Salvador, in Lima, and the Municipality of Jesus de Nazareth, Ayacucho region). Most of these initiatives are implemented without the support of regional and national governments and remain as local experiences, thus losing the opportunity of becoming policy proposals.

Some regional governments are developing institutional reforms in their structures which have reached the education sector, with the aim of improving the management of resources, promoting intersectorial coordination, coordinating with local governments and strengthening their expertise in policy management. We can see these experiences in the regional governments of San Martin, Arequipa and La Libertad. However, this reform has its limits, marked by the institutionalization of management. The most important problems are: the absence of a proposal of shared competences at every level of government; legislation which does not allow for

3 See, at Minedu website, covenant commitment signed between Minedu and regional governments (<<http://www.minedu.gob.pe/>>).

4 Minutes of the Follow up on the agreements of the Intergovernmental Committee on Education Management of Ayacucho, elaborated by Minedu and the Regional Government, June 20 and 21, 2012.

5 See supreme decree approving the "Annual Plan of Sectoral Competences Transfer to Regional and Local Governments in 2009" and other provisions for the development of the decentralization process (Supreme Decree 047-2009-PCM, Article 4: Intergovernmental Commissions).



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structural changes in the management of the regional government; and, functions transferred without budget and limited institutional capacity to assume them.

SOME CLUES AND QUESTIONS TO DISCUSS

The decentralized management of education: Is there a model, or are we building it? The norms of decentralization gives a legal framework to guide the process of democratization and one that challenges us to strengthen the three levels of government so they can account for that. In this sense, policy management at every level of government is central; this does not mean that municipal and regional governments have the same organizational strategies and policy implementation: there may be several models of educational management, but in line with the objectives of decentralization. Watching the experiences that are taking place in local governments is very important in order to build political criteria to support decentralized management of education.

Boosting the Intergovernmental Committee on Education contributes to decentralization because all three levels of government are present and it is a space for the development of decentralized management of the functions transferred to regional and local governments. An immediate task of this Committee is the bill and the matrix of division of powers and functions of the three levels of government. While political will is required to form the Intergovernmental Coordination Commission, it also requires budget to start working. Political will and budget are two important components to the decentralization process.

Decentralization has to contribute to improving the living conditions of the population and in education, to optimize learning. The different experiences that are contributing to the improvement of education strengthen the process. We know that these are processes with different times, but in a country with weak democratic institutions influence is important to give both historical viability and not be interrupted by any conservative government that prefer to govern with a centralized state. ❶