

2017

Round Table Policy Dialogue on Education in
Federalism and State Accountability
Event Report



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Introduction

Since 2003 as outlined by Global Campaign for Education, National Campaign for Education has been celebrating Global Action Week. At every Global Action Week, NCEN have been attracting attention of concerned state agencies on different issues regarding public education through civil society /network representatives who have been active in education sector.

This year too NCE Nepal fixed various programs within Global Action Week from 25th to 30th April with the subject of "Accountability for SDG 4 and Citizen's Participation" to ensure quality, inclusive, equity based practical education as envisioned by Sustainable Development Goal.

Similarly, Nepal is in the process of transforming its governance system from unitary to federation; government of Nepal recently announced the date of local election which will ensure new system of local governance. The constitution of Nepal has mandated village council and municipal council for the administration of basic and secondary education which means the elected local body is responsible for the management of school education including the curriculum and financing provision. In the past the central government was responsible for the governance on education.

In such context it was important to address how education system will work in federal structure. Hence, National Campaign for Education Nepal (NCE- Nepal) under the onset of Global Action Week with its members and strategic partners successfully conducted a Round table policy dialogue program titled 'Education in Federalism and State Accountability on 26th April, 2017.

Given the inevitable Nepal's transition to federal structure, the dialogue program was aimed to contribute to the discourse on education system within the federal model of the government through sharing of different states experience of education under federalism.

Many senior education experts, government personnel, teachers, educators, representatives from CSO, students, journalist were present in the program.

Vice president of Guardian Association Nepal Ms Sharita Aryal facilitated the program; Ms Aryal introduced the president of NCEN Mr. Kumar Bhattarai as the president for the program. Similarly Professor Dr. Mana Prasad Wagle, Former president of Local Body Restructuring Commission Mr. Balananda Paudel, Former secretary Mr. Mahashram Sharma, NCEN former President Dr. Baburam Adhikari, Guardian Association President Mr. Kehsav Puri, Dr Bidyanath Koirala, Professor Dr. Shankarnath Sharma, Dr. Tirtharaj Parajuli and Dr. Visnu Karki, School Management Committee Federation Chairman Mr. Krishna Thapa, NGO Federation Nepal, Confederation of Nepalese Teacher General Secretary Tilak Kunwar were introduced as invitees/guest of the program.

The main highlight of the program was Professor Dr. Mana Prasad Wagle paper presentation, the paper was based on his study of 9 federal countries with regard to their education structure. Former president of Local Body Restructuring Commission Mr. Balananda Paudel commented on the Dr. Wagle presentation. Later discussion took place among the participants and presenters.

Paper Presentaion: Dr. Mana Prasad Wagle

Professor Dr. Mana Prasad Wagle presented a working paper titled "*Modality of Education in Federalism*" during the program. Dr. Wagle shared the experience of 9 countries with regard to their education system under federalism and what Nepal can learn from them. He claimed that Nepal has a unique position with regard to education; unlike Nepal no country in the world has given total governing authority of primary and secondary education system to local government. He believed that private education must go hand in hand with public Education.

He said "Together with NCEN I did study of study the federal education system of 9 countries, NCEN has dared that it will publish the study and will distribute the study to all 744 local bodies. This is a Google study. Schedule 8 and 9 of constitution of Nepal talks about education and gives all the power related to pre-primary, primary and secondary education to Local government".

To answer what will be the situation of education system in federation he said the following:

- Now 3 tier governments will exit. Primary and secondary education will be handled by local government and University level education will be dealt by province.
- Central government will create standards which province and local government must fulfill. Union government also will give funds for education.
- 'National assessment of student' which is about student achievement will be dealt by union government.
- Province government will create a standard which will be based on raising the level of local government.
- The conflict is seen nowadays on giving pre-primary, primary and secondary level education governance authority to local government.
- We can in the future have seven kinds of curriculum, where union will only specify the curriculum framework.
- The power to register/renew organization will also be within local level.

He shared the following with regard to other country experiences on education in federalism:

- Bangladesh though is a federal country; its education system is centralized. The state has the jurisdiction on primary and secondary education only.
- India is in the process of giving all education related power to province. Ministry of Human Resource Development has huge influence on education system. Most responsibility is beared by the states. Most funding is done by the state, centre give small percentage of inadequate funds.
- Sri Lanka Education system is centralized but each province has its own education ministry. The provincial teacher to be a teacher in centre has to give Public service commission again.
- Schools in South Africa collect money from parents if the money provided by the union government is not sufficient.
- USA has given most of the authority to teachers; state wise the provisions are different.
- In Japan Municipalities manage education system, government distribute funds to schools on the basis of per head cost of each students.
- In Australia all the power is given to provincial government.
- In Germany huge emphasis is given to private education.

He further said "EMIS (Education Management Information System) system must be established so that information about the work done will be easily communicated within the three tier government. It is better that teacher service commission be replaced by Public Service Commission so that politics does not happen in requirement process. But it must be the local government who appoints the teachers on the recommendation of Public Service Commission. A Teacher Profession Development Council must be created for training and licensing the teachers .Education department only creates regulations to regulate private schools, we need hard laws (acts) to regulate them otherwise the situation will not improve".

Remarks: Mr. Balananda Paudel

Mr. Paudel thanked everyone for giving the opportunity to speak at the program. He said "Dr. Wagle's paper was very comprehensive and that the paper made us travel through nine countries. What local level offices we had in the past, were accountable to centre, the authority of budgeting and governance all came through the central level, the local body could not work independently and freely. But now the constitution has given the legislative, executive and judiciary all three the authority to Local government.

Constitution has specified exclusive and concurrent power to local government, when the local government exercises exclusive power it must not be against the constitution and while exercising concurrent power it must not be against Union Laws. Risk exist that provision of concurrent power of state and federation being misused or misinterpreted. So explanation clause that the exclusive power prevails over concurrent power must be there. If concurrent power of state and federation overlaps the 'Principle of subsidiarity' will function (the principle holds that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level¹).

¹ Principle of Subsidiarity, '*DEMOCRACIA PARTICIPATIVA*', available at http://democraciaparticipativa.net/documentos/Principle_of_Subsidiarity.htm (accessed 27th April 2017)

Our mindset is still in the unitary model of governance, the question is always there that we who could not run unitary system properly can we run the federal system? For us the federal structure is still complex. In some of the places the issues of schools relocation and remapping might arise due to territorial changes, other problems could also arise for example: one might send his/her child to school around municipality other than his/her own there the question could come is it moral to pay tax in one municipality but sending children to another. Federalism according to our constitution operates through shared and self rule, so if we cannot operate with those rules then there could be problem in the future.

In case of levying tax it is seen that the country which levy indirect tax are under developed whereas the countries which levy direct tax are developed ones. It is because when we pay indirect tax we don't feel the burden and hence are not concerned with government accountability, but the direct tax burden will be felt and we will be concerned with government accountability and pressure government to allocate and implement budget properly since it has our hard earned money. So if we are to improve the governance of our country direct taxation must be propagated.

Union cannot invest in activities other than mentioned in schedule 5 and province cannot invest in activities other than mentioned in schedule 6. Foreseeable problem in federalism is intergovernmental fiscal transfer; constitution has the provision of intergovernmental transfer under 4 headings which has its own complexities. There exists the risk that union government might put unnecessary condition while providing funds to state and local government.

The authority of local government holding executive, legislative and judiciary power is more than the authority of executive head today which only holds executive power. The local government unlike state and federation's government is directly elected and cannot be dissolved; it will remain in existence after being elected up to 5 years.

We must not advocate on limiting the power of local government but must pressure the leaders for strengthening them; it seems that this campaign role is becoming more relevant and expanding". At last Mr. Poudel thanked Dr. Wagle for his presentation and concluded his speech.

Question and Answer Session

The floor opened for questions and suggestions, the president of the program Mr. Kumar Bhattarai facilitated the session.

Questions and Suggestions:

- Executive Director of NGO Federation Mr. Dayasagar Shrestha thanked organizers for the program and said that he highly benefitted from the program. He said "It seemed that we need to change the centralized mindset and enhance the capacity of local government, to do so CSO have to play huge role to pressure the leaders. The challenge to manage private schools also is there. We worked with NCE in the past and will work in the future on education issue"
- Tilak Kunwar the president of Teachers federation said "Can the local government close the private schools or not, this was not addressed by the working paper. Each tier government union must allocate 20% budget to education. Teachers Federation is ready to take the responsibility for teachers' development program for that a teacher's council consisting of teachers must be created".
- President of Dalit Welfare Organization Mr. Chakraman Biswokarma thanked NCEN for the program and said "The presentation did not cover the issue of 'who are the out of school students', most of them are Dalits. Discrimination still exist in schools and teachers are one of the culprits of discrimination. On this issue NCEN should do a research.
- One of the participants said "The presentation did not cover the issue of parents. For us federalism too is a '*shashan*' but now by 3 different governments simultaneously. The reason for private school being qualitatively good is because the private school is operated by investors but public school is operated by government. Like teachers parents' development too is necessary".

- Former president of NCEN Babu Kaji Shrestha said "Whose school is community or public school this must be clear first. Our view is that there must not be commercialization in education. Nowadays it is seen that private schools are influencing parents so that children will not be sent to public schools. Breaking of our centralized mindset is essential".
- Program manager of Handicap International Ms. Sanju Nepali said "I believe how the issues of disabled children will be addressed by federalism must be our concern. Though the thing about bringing out of school within schools is important but it is also important to properly identify the students (whether they are differently able or not) already are at the school and give education according to the need of student.
- One of the participant said "Conducting welcome to school campaign is irrelevant if we are not giving quality education to the students who already are at the schools. Now with the challenges we also must clarify local people about what opportunities they have to reform education system. Education in today's context is not merely for literacy, we must rise above it. This campaign must be able to show the link between education in relation with local economy, opportunities and markets. What we have done today as federalism is only getting centralized education decentralized, we must now diversify education."
- Another participant thanked Dr. Wagle on delivering knowledge of 9 countries wonderfully on such a short time and said that these kinds of programs must be conducted on only on Kathmandu but on local levels. He said " Are all governments on local level capable to provide quality education, we must at least create a minimum quality standard for them to fulfill. This standard entails student's achievement standard and facilities standard. Even in USA we can see the variation on the quality of education in each state, this can and very much will happen in Nepal. SDG 4 has emphasized equitable access and quality education for all so these things must be prioritized. Government does not only have the responsibility School Management Committee does too, SMC must take responsibility and must

be accountable if the school does not function up to the standard. Teacher too have responsibility to bear since teacher are bound by contractual and moral obligation, they must be accountable too for their incompetency. Hence an accountability assessment system is essential".

- Another participant stated " even though all the things in 'Citizens Appeal' and in the presentation was good but it is the parents who are the most hurt so it was necessary that you put the issues of parents on the appeal. The owners are investing the profit from private schools on hydropower project and banks, it is essential that such investment are stopped, creation of system where profit from education will be invested only in education sector is required".
- Dr. Baburam Ram Adhikari said "I think what if this federalism implementation will bring more damage to already damaged system. Previously we used to talk about need based education but now it is not enough, we need to advocate about interest based education".
- President of Confederation of Nepalese Teachers Mr. Keshav Niraula said "Our main aim is to make public education qualitative but we are talking about strengthening local government power it must not be so. These local level leaders are last in the hierarchy of these same high level political leaders how will it be any different from existing system rather will be worse".
- Another participant asked "I want to know what kind of practices is there in federal countries regarding inclusive education and I hope Dr. Wagle will answer the question. Now we need education which will sell us not only make us learn".
- One of the participant said "We must give the information about different genders on schools too, why did not you put the issue of gender on the citizen appeal?"
- Another one said "After federalism how NGO or CSOs are to coordinate? Our education today is similar to what British government established in India, we must make our education technical and commercial".

- Dr. Kishor Shrestha said "In Sri Lanka government schools, Universities and even hospitals are free, how did Sri Lanka managed to do so these things did not come in Dr. Wagle presentation I had expected these things would be expressed. Previously too a study was conducted on federalism so it was not necessary to conduct the study on same subject rather choosing a specific subject like curriculum or teachers' development would have been better".
- Another participant said "we must be clear on whether we need schooling or school. We must also be clear about how we are to address dropouts, we must also be clear. Who will have the jurisdiction regarding University Education?"
- Dr Bidyanath Koirala said "If we are to levy direct tax then, are we to levy the tax only the students or to all the people. Citizens Appeal no 11 creates confusion regarding language. [...] We must create technology friendly education system. Giving Teachers Federation the responsibility of teachers development is good but Teacher Federation represents political party representatives hence it must be avoided."
- Another Participant stated "What is the role of CSOs here; it must have been mentioned in the appeal.

Mr. Mahashram Sharma remarked "Previously when power was decentralized to local body the real power was still centralized hence local body did not have the total liberty to work as they wished but now local body will be free from the grips of centre.[...] Since most tax is to be levied by the union, higher percentage of funding should be done by the union. The major question now is how to collect resource required for strengthening education and also how the thing about education quality and access will be addressed by local government. We must also improve our teacher production process. We urge that this campaign be continued."

Dr Mana Prasad Wagle responded the questions expressed by the participants by stating "Still yours talks shows that you guys do not believe/ trust local body. My presentation is based on 'What'

federal system might be suitable or 'What' it is going to be like, it does not address 'Why' or 'How', after stating this I do not need to answer all your questions. My study is about 46 pages long I have not been able to incorporate all the things into the paper. It seems that after our discussions I must incorporate the issues of inclusivity and LGBTQ in my paper which I will do.

Local government is the owner now of government school this might answer Sir Babu Kaji Shrestha's question. I believe that the monitoring power must not be given to bureaucrats it must be with local government. If we are to talk about technology in education then the question arises whether it is technology based education or technology friendly education or education with technology. Whatever issues were raised today I will try to incorporate it in my paper".

Mr. Balananda Paudel remarked "my understanding was further broadened by the discussion. Most of the questions were addressed by Dr. Wagle so I will try to address only the issues which remained. 18% students study in private school this '18%' is huge number, most countries around the world does not have such huge numbers. Most of you asked can we shut private school down the answer is our constitution does not prohibit private schools.

Though we are very angry about the parents who send their children to private school and about how two types of students is produced but the reality is the those parents are the ones who suffer the most. Those parents need to pay tax, school fee and also pay additional tax on school fee as well. It is time to think about those parents as well.

The interesting thing is the parents who choose private school for their children choose public school for employment purpose, why this happens we must have the answer for this question? [...] I am reminded of the thinker Chanakya who thousands of years before had stated ' in the future the teachers will be involved in politics'.

Chinese parliament consists of more than 50% of engineers, American parliament mostly consists of lawyers but it is seen that teachers are rarely representatives of parliament around the world.

We have the right to say that local level power is bit much, even political leaders think that. We can also doubt local level leaders' capacity but it is right time to support local government as well. We must now accept and respect the fact that the constitution with federalism is already functioning in this country.

All the issues of disabled is addressed by the constitution, it comes under fundamental rights which if violated can be challenged in court for remedy. Even the implementation of directive principle of the state must be prepared by the government.

There is no confusion that district assembly holds no jurisdiction on the power mentioned in schedule 8 and 9 of the constitution.

We must go towards direct tax policy, such policy will make citizen feel the burden of tax directly, which will make people pressure government for their accountability.

In the case of monitoring the schools I think differently than Dr. Wagle. It was never the bureaucracy who monitored the schools in the past and it will not do so in the future. Government officials only work on the behalf of the political leaders in power they are not directly responsible for monitoring schools.

If only 100 leaders out of 744 municipalities do good work on education then it will create a competitive environment between municipalities to do better".

Closing Remarks: Mr. Kumar Bhattarai

Mr. Bhattarai thanked everyone who participated at the program; he further said "we organized this program in association with various organizations; we all are on the same campaign.

Since 2003 under the purview of Global Action Week we have been campaigning on strengthening public education. This year Global Action Week has already been started, in this regard we have bought 'Citizen Appeal', and I want to inform everyone that we have organized an education rally on 28th April Friday 2:00 P.M, so to show us the solidarity we request you to be present at the rally. We will go on doing these campaigns and at last I will like to thank friends from main organizing committee, experts and participants".

Conclusion

The dialogue program was successful to contribute to the discourse on education system within the federal model of the government through sharing of different states experience of education under federalism. Similarly discussion session brought many new things to the issue that is education in federalism. The program also ended with the recognition that CSOs role expanded more with state's transition to federalism and that CSOs must work towards strengthening local government jurisdiction.