



Opportunities for Conflicts of Interest and Discretionary Decision-Making Must Be Eliminated from the Textbook Creation Process

The procedure of supplying textbooks to general education institutions of the Republic of Armenia and of publishing textbooks for the general public education subjects is stipulated by Decree 752-N of the Republic of Armenia Minister of Education and Science.¹

Textbook creation is a challenging process comprising phases of textbook development, publishing, expert examination, and assurance.

Under the Republic of Armenia Law on Education, the Ministry of Education and Science (“MES”) shall ensure the development and publishing of public school textbooks and academic manuals.²

The state budget provides state public elementary school students with the textbooks stipulated by the general elementary education curricula free of charge. Their procurement is carried out in accordance with the procedure stipulated by the Republic of Armenia Law on Procurements.³ Textbooks for grades 5 to 12 are procured by the Textbook and Information Communication Technologies Revolving Fund, under the procurement procedure established by the World Bank.

Despite the existence of legal regulations on textbook creation, there are a number of factors creating corruption situations in the process.

Issues

The experts developing textbooks are often acting in a situation of conflict of interest.

There are presently no mechanisms preventing conflict of interest in the textbook creation process. Hence, experts developing general education criteria and curricula may develop them based on their private interests – developing, without any hindrance, curricula with a view to their own future textbooks, thereby creating an uneven competition field for other authors. As the experts developing criteria (often employees of the National Institute of Education) are much better informed about the content of future textbooks, they mostly win the tenders for textbooks. This fact is not denied even by officials responsible for the sector.

There is presently no legislation that would prevent conflict of interest situations in the textbook creation process.

There are preliminary agreements and unfair competition conditions in the textbook tenders.

The textbook tender commissions and their selection procedure are rather vulnerable aspects of the textbook creation process. Publishers with more ample financial resources and social ties have their allies among the pool of expert members of the tender commissions, and a random selection by even one or two of such members will give such publisher an advantage over competitors. Though the requirements on members of tender commissions are rather rigorous, and there are few experienced specialists in specific subjects, it is virtually impossible to avoid conflicts of interest. Though the legal and technical safeguards for tender commission impartiality have been put in place, problems due to the influence of personal ties persist.

Moreover, there are anti-competitive agreements between the publishing houses, about which even the publishers have hinted, stating that they do not get involved with the tenders for a number of textbooks so that the others do not get involved with “their tenders.”

The publishing house directors often have extensive ties or belong to the ruling party’s elite. Competing against them is rather hard. No one dares to complain due to the perception that the complainer will lose the chance of winning future tenders and getting order, and will end up in a so-called “black list.”⁴

The selection of textbooks is often steered by the sector officials.

In many schools, the textbook selection is steered. Yerevan City Administration and regional government education officials often enter shady deals with publishers, resulting in schools under the Yerevan City Administration or a particular regional government mostly requesting the textbooks of the particular publisher. There are at times even more flagrant violations, such as disappearance of textbook requests or their modification to the benefit of another publisher, among others.

The request filing or steering is not subject to proper oversight, and no sanctions are currently imposed. For textbooks under its control, the MES sometimes orders larger quantities than those requested by the schools, which can be indicative of shady deals between the MES and the publishing houses.⁵

The legislation of the Republic of Armenia prescribes a mechanism for alternative textbooks, which is based on the international best practices and the principles of education democratization adopted by the state.⁶

The operation of the mechanism for textbook provision so socially vulnerable children is contingent upon the school principal's discretion.

The principle of providing free-of-charge textbooks to 10 percent of the total number of students in a school does not take into consideration the local peculiarities. In some schools, which have a large number of students, this quota implies a rather large number of students – greater than the number of students needing textbooks in such schools.

The distribution of the textbooks among such 10 percent (the socially vulnerable students) in the schools is carried out without any criteria, subject only to the school principal's discretion, leaving room for abuse.

Recommendations

The following recommendations are aimed at reducing the identified corruption risks.

THE REPUBLIC OF ARMENIA NATIONAL ASSEMBLY SHOULD:

- Adopt legislation prohibiting:
 - ✓ The participation in textbook tenders of the employees of state bodies making decisions in the textbook creation process; and
 - ✓ The participation, in textbook tenders in the capacity of textbook authors, of the experts that develop public education criteria or curricula; and
- Adopt legislation introducing and enforcing sanctions for persons acting or making decisions in a situation of conflict of interest, for instance depriving a commission member of the right to be a commission member in the future.

THE REPUBLIC OF ARMENIA MINISTRY OF EDUCATION AND SCIENCE SHOULD:

- Require demanding a signature of tender commission members confirming the absence of conflicts of interest;
- Create mechanisms for presenting public and transparent justifications in the press and on the website of the authorized bodies about the tender results and about decisions to publish more costly textbooks;
- Introduce effective mechanisms for appealing the textbook tender results, which will enable publishers and authors to understand why they dropped out of or lost the tender;
- Develop mechanisms to safeguard textbook selection transparency;
- Establish a mechanism for approving more than two textbooks, eliminating the tenders, so that a teacher, having reviewed the electronic texts, selects the textbook that he or she wishes to teach by, after which the parents will procure such textbook for their children;
- Establish and enforce severe sanctions for failure to collect textbook requests in a proper and timely manner, violating the preliminary requests, and non-conformity of the request to the real request, limiting the future activities of the concerned persons in the relevant sector;
- Enable the authorized bodies to download the textbook requests directly in the Internet;
- Require publicity of the requests and the methodology council decisions justifying the requests;
- Introduce severe sanctions for shady deals between publishing houses, for instance by depriving such publishing houses of the possibility of participating in a tender for a certain period;

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- Develop clear criteria so that the textbooks provided to schools free of charge will be distributed on the basis of objective criteria, reserving the decision-making function for the governing board, eliminating the school principal's discretionary power;
 - Apply a differentiated approach between Yerevan, the regions, and rural schools, especially those near the border, where all textbooks should be provided free of charge; and
 - Fully liberalize the textbook market or introduce textbook liberalization in parallel to the existing system, allowing parents to purchase the textbooks from bookstores.

¹ Republic of Armenia Minister of Education and Science, Decree 752-N dated 21 August 2009.

² Republic of Armenia Law on Education, Article 37.

³ Republic of Armenia Law on Education, Paragraph 4 of Article 6, and Article 37.

⁴ [Case is truly scandalous](#), Hraparak daily, 19 July 2011.

⁵ [MES published textbooks worth over US \\$100,000, which schools did not need](#), Hetq online, 2 December 2016.

⁶ Republic of Armenia Minister of Education and Science, Decree 752-N dated 21 August 2009.

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