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BRIEFING PAPER

REVIEW OF PUBLIC ADMINISTRATION REFORM IN SOMALIA: A PRE-CONDITION FOR FUNCTIONING STATE INSTITUTIONS

Abstract:

Public administration as aggregate machinery for the public sector Management tools requires to be enabled to function. Post conflict Somalia is exceptional in this case if indeed state institutions are to be revived to deliver much needed public services. This papers quickly reviews public administrations reforms initiatives in Somalia since 2013 and draws from number of period reports, papers, selected interviews with reform drivers and project documents aimed at improving public administration capacity in Somalia.

Keywords:

Reform

Change

Service delivery

Civil Service

Public Administration

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1: INTRODUCTION

The importance for public administration reform – meaning the entire government bureaucracy – in Somalia is documented in the literature as a critical part of the state-building and reconstruction agenda. Somalia needs an efficient public administration for social development, economic growth, stability and to meet its poverty reduction commitments. Political edifice of a state is sustainable only when social utility is established. Creating and developing public institutions that provide basic services is a contributor to state legitimacy and credibility and has been a concern to the public authorities¹. Contextualized and indigenously led public administration reform is important for restoring governing legitimacy in Somalia. This would mean providing basic services to the populations of Somalia.

Public administration in Somalia, as a noticeable exemplification of federal and member state, has co-existed agitatedly with a fragmented, decentralized society since attempts at “state-building” began in Somalia. Three years to three decades of conflict have presented a wide variety of problems for Public Administration both at the federal and member state levels, but nonetheless, the administrative structures of the state have proven to be surprisingly weak and fragmented².

The same paper found that the even though reforms aimed at Public Administration was strongly formulated, they did not provide a coherent management and accountability framework for government. The administrative practices were not basically sound and relatively less understood. As this longstanding architecture remained largely not intact, the so-called state failure in 1991 left Somalia with an “absolute slate” in terms of Public Administration. The government of Somalia and its development partners attempted to develop efficient and fiscally affordable civil administrative structure the civil service being the focus to deliver basic services to the public in what remains to be extremely difficulty and aid dependent post conflict environment.

Initially, the environment in 2004-2008 was chaotic with virtually no donors were keen to

initiate necessary reforms in Public Administration for the service delivery. However, the transfer of power in September 2012 from a transitional to a full federal government in Mogadishu generated domestic political momentum and triggered step change in international re-engagement. With new post transition government, the international community and Somali government established partnership through new deal engagement following the Brussels conference in September 2013 culminating the endorsement of Somali compact. The compact acknowledged capacity development as cross cutting issue across all state building and peace building goals of the new deal arrangements. Similarly, Interim Strategy Note of the World Bank among others identified strengthening the core economic institutions as urgent priorities³.

Capacity building which means –policies, rules, procedure, systems, organizational structures, personnel and etc- to enhance the performance of public sector was therefore priority for the government of Somalia. Since 2013, Public Administration reform has been attempting to provide a more consistent and coherent framework for reform activities. However, programs have been operating in an environment of fundamental contextual constraints. These include:

1. Lack of legal and regulatory framework governing all spheres of public administration including lack of vertical and horizontal coordination among federal and federal member states mandated to implement public administration reforms.
2. The shortage of skilled people means that salaries for skilled and semi-skilled are very high. This situation is likely to continue until a new generation of Somalis is educated.
3. The lack of financial resources available to the government for salaries. Based on present projections, Somalia is unlikely to be able to fund salaries and other operating costs from its current domestic revenues

¹Aphu Evis & Bienmali 2018, Public Institutions organizational Structures & Challenges of Reform in Ghana. International Journal of Current Research 10(12), PP 76696-76703

²Abdi, O Civil Service Challenges in Post conflict Somalia retrieved from NCSC.Gov.

³World Bank 2017-Multipartner Progress Report- Washington D.C

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4. Recruitment is made difficult by competition from the “second civil service” employed by the international aid community and funded through consultancy contracts or “top-ups” (cash payments or other benefits offered to persuade civil servants to accept certain positions).
5. The potential conflict between the need to increase salaries to retain, attract and motivate professional civil servants and the need to maintain a fiscal envelope which enables the government to reach its objective of funding the wage bill in five years and operating expenditures in ten years.
6. Merit-based recruitment runs against tradition and habit in Somalis.

Partly as a result of these constraints, the original Public Administration reform programme and its subsequent revisions have encountered a number of problems. There are mixed messages about the levels of support it now enjoys⁴. On the one hand, Public Administration Reform receives much attention because it is central to the goals laid out in the Somali Compact. The National Development Plan of Somalia (2017-2019) - the first of its kind since the collapse of Somalia central government in 1991 launched in 2016 envisioned three priorities namely (1) how government is originated, (2) how government works, and (3) what enables government to operate⁵. The first and second questions deal with legal and regulatory framework, human resource management, public finance and accountability, consistency, horizontal and vertical coherence among the Federal and Federal Member States and alignment of functional and mandates among the different agencies at Federal and within Federal Members States. See box 1 of NDP.

A functioning public administration is absolutely necessary to stabilization, state-building and sustainable economic growth. But the success of reform efforts is mitigated by the extremely fragile and aid-dependent post-conflict environment. This paper explores this apparent paradox and examines possible ways forward. It looks at whether the Somalia Compact benchmarks and other goals relating to public administration reform are likely to be met and investigates what can be done to strengthen the

environment in which reform takes place while drawing from selective research interviews, and evaluations and analysis already conducted.

Box. 1 National Development Plan (2017-2019)

How government is originated?

- SO1: Ensure horizontal coherence, consistency and coordination at the Federal and State Levels
- SO2: Ensure vertical coherence, consistency and coordination across all levels of Government
- So3: Seek functional alignment within government institutions in line with their roles and responsibilities

How Government Functions?

- So4: Improve capacity for legal and policy development capacity, planning, monitoring, evaluation and the body of evidence (statistics);
- So5: Strengthen human resource management capacity at all levels of public service including through performance management

What enables Government to operate?

- So10: Develop the operational capability of government administration

2. PUBLIC ADMINISTRATION REFORM IN SOMALIA

The Public Administration Reform programme is a framework for a series of programmes and projects aiming to provide an efficient, effective and transparent civil service. It is designed to address the following problems:

- The fragmentation of government structures, with many overlapping functions and a lack of coordination between agencies;
 - The disconnect between the Mogadishu and the FMS;
 - The unclear lines of accountability with weak reinforcement mechanisms;
 - The poor policy management capacity;
 - The need to strengthen performance management;
 - The lack of experienced professional staff with the necessary skills;
 - The need for a pay and grading structure which attracts, retains and motivates civil servants;
 - Poor physical infrastructure;
 - Slow and outdated administrative systems; and
- The lack of robust procedures for recruitment and appointment on merit, which has led to a high level of patronage-based appointments.

⁴National Civil Service Commission 2018- CIM progress Report

⁵Ministry of Planning and International Cooperation National Development Plan (2017-2019)

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Initially, Somali Institutional Development project was developed in 2013 with the donors support and United Nation Development Program (UNDP) as implementing partners. In December, 2016 the reforms aimed at reforming Public Administration comprised 7 main projects

Almost immediately upon launching, the Public Administration Reform programme ran into difficulties; the implementation of projects was slower and more difficult than anticipated⁶. In particular, the key projects including Capacity Injection Project, Strengthening Somali Governance (SSG) and Institutional Performance (SIP) projects took longer than expected. Progress was also slow in most ministries, as it was difficult for senior staff to understand procedures and establish teams with the right competencies. There was also insufficient funding for non-salary aspects of implementation, which was partly responsible for limited technical assistance (TA) to line ministries. However, to date, the Public Administration Reform programme was not redesigned to take account of lessons learnt apart from a framework for re-structuring Recurrent Cost and Reforming Financing Project that shifts the focus away from financing the senior Civil Servants and government advisors toward more comprehensive reforms involving health and education, and moving the reforms from the Centre to states and districts.

Overall, the Public Administration Reform reforms has been focusing on key five pillars across the country. These include:

- Developing capacity key cross cutting government functions
- Strengthening policies and procedures for civil service management
- Strengthening policy management, coordination and monitoring capabilities at the centre of government.
- Improving public financial management
- Training and development

1. Establishing and Support Key public administration institutions. This includes reform of centre of government machinery, meaning reform and restructuring of government ministries and agencies including subnational administration re-form, which involves the establishment and strengthening of existing and new Civil Service Commissions at

Federal and State level as well supporting harmonized government led capacity injection for all key common functions.

2. Strengthening policies and procedures:

This includes drafting legal and regulatory framework governing the civil service management including introduction of new pay and grading, performance management, recruitment and selection, competencies, career development, training and development, pension and scheme of service polices and regulations. Similarly, this includes conducting human resource audit for identifying the redundancy and ghost workers and installing modern human resource management information system.

3. Strengthening policy management, coordination and monitoring capabilities at the centre of government:

This includes developing establishing policy coordination and monitoring capabilities at the centre of the government. This also aims to create policy and research units at of the key MDAs as well as developing the leadership capacities of the top management by establishing agency based reform teams tracking reform achievements at ministerial level.

4. Improving Public Financial Management Capacity.

This includes Public Financial Management Reform Oversight, Financial Management Information System (SFMS) and expenditure control, procurement, & Accounting and financial reporting.

5. Training and Development.

This includes a comprehensive training and skill enhancement programme for civil servants; the establishment partnership training program with academia to provide CIPFA courses training; establishment of School of Management and Public Administration at Somali National University; established MoU with Kenya School of Government for accelerated and sustainable transfer of skills and expertise to school; injection of short and long term advisors through the SIP and CIP projects for skill transfers, Short term training course in the areas of HRM, M&E, Procurement, and Financial Management by SSG and SIP projects across all MDAs.

⁶Discussion with a member of reform steering committees at federal government of Somalia

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At initial stage, the pay and grading structure of Somalia was based on obsolete and outdated structure that was not attractive to the scarcely available skilled labour in Somalia.

In moving away from existing pay and grading structure for capacity Injection Modalities (CIM, see Box 2) toward a more holistic pay and grading scheme, the government proposed a new five-digit temporary grading system (replacing the current five-grade structure) with a more decompressed salary and grade scale applied to newly recruited civil servants and senior advisors recruited through merit-based process by the National Civil Service Commission.

In a review of this proposal, the FGoS argued that despite the improvements, the proposed new salary structure remained sufficient to attract, retain and motivate well qualified staff at the entry and mid-level civil service cadres⁷. However, an increase in salary for the top grades would increase costs and make reform less affordable, as well as establish a pay scale incompatible with longer-term labour market conditions, including regional salary scales particularly for female incentive allowances. Therefore, the only alternative is to develop pay and grading structures based on the project standard of living. There may be a need for a very small number of discretionary positions funded through higher salary mechanisms such as the stream B of CIM, but these should be phased out according to an agreed timetable.

Box 2. Capacity Injection Mechanism Pay manual

The CIM support the engagements, management and salary supplement of a small number of highly qualified advisors and civil servants to fill critical strategic and line management capacity needs. This is an interim solution to address the multiple capacity challenges facing Somalia. The program is divided into two streams: Stream A for Line Positions and Stream B for Advisor Positions. MDAs have gone through re-structuring to identify line positions that are to be filled through merit based competitive process. The objective of the CIM include; (1) Establish a harmonized, consistent, fair and transparent pay framework for all Somali government officers who are covered by this guideline; (2) Strengthen fiscal sustainability for the payment of critical line management staff and national advisors who are working with the government; (3) Strengthen the ability of government to hire highly-qualified staff through the CIM under the government budget; and, (4) Avoid competition and reduce the level of staff turnover between government ministries and/or donor-funded projects due to variations in remuneration rates.

CIM was intended to be an asymmetric reform effort, targeting key units in 10 MDAs rather than a wholesale approach to reform all ministries. In December 2017, a decision was made to broaden CIM to another ten MDAs, and it thus was to become an ambitious, comprehensive programme unfortunately though not formal decision was made by the government, yet expostulations is that the decision of adding more 10 MDAs to the beneficiary list may not be realized. Explanations for why this change happened vary, but it was almost certainly a combination of the tensions created by the coexistence of different pay scales within the same ministry, coupled with the difficulties of isolating key units for reform within the ministries which needed wholesale restructuring and fiscal gap created by the recurrent cost and reform financing project that solely remained to be the financing machine to the CIM recruited staff. The feasibility of this shift in the CIM was never properly analyzed, particularly in terms of implementation capacity and long-term fiscal sustainability. Nonetheless, achievements under CIM have been disappointing. There has been an over-emphasis on improved pay rather than restructuring, many changes have been rather superficial, and enforcing merit-based appointment systems has proven difficult. This has perhaps not been the fault of the programme itself, which was designed to be a temporary solution while a more cohesive overall framework was put in place.

3: MILESTONES AND PROBLEMS TO THE DATE:

To date, reforms in public administration of Somalia has witnessed number of achievements including;

- Though partially adopted, establishment and clarification of institutional mandates through re-structuring and modernizations was completed for the most of the MDAs at federal and state level.
- Establishment of Civil Service Commissions both at federal and state level with increased staffing levels

- The approval in 2018 of a civil service laws by the federal cabinet- same is for Jubaland, Southwest, and Galmud administrations and the preparation of related regulations.
- The recruitment of nearly 1,000 civil servants through merit-based procedures, including over and over 30 senior advisors to key MDAs.
- Development of various Civil Service policies including those that strengthen the ethical foundations;

⁷Discussions with Civil Service Commission & Ministry of Labour and Social Affairs at Federal

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- Conducted HR head count audit at least at Federal and Puntland state and development of HRMIS systems;
- Established Civil Service training schools within Somali National university and Puntland State University

These achievements should not be ignored or forgotten. Public Administration Reform provided a means for increased recruitment and capacity of the civil service, which has traditionally been a closed and cadre-based (meaning that a person joins the service and moves up the ladder, leading to few lateral entries). Ironically, donors have shown considerably less restraint than the government in maintaining discipline over salaries — some donors have continued to “top up” salaries while also supporting CIM pay Structures, thus effectively under-mining their own initiatives.

The absence of consolidated public sector reform strategy is a bottleneck to Public Administration reform in Somalia. There is also much concern about “cosmetic” re-structuring of ministries — meaning superficial review that results in only limited changes. In many cases there have been wholesale shifts of staff to new pay scales with very little restructuring undertaken.

Aside from the issues of continued patronage and lack of commitment to the reform, the process has also been blighted by ministries' lack of capacity for implementation. Most ministries lack the managerial skills and human resources to implement a significant reform programme. Training within ministries has also been piecemeal, uncoordinated and, in many cases, of very poor quality⁸. The technical implementation committees established in ministries to prepare work plans and priority proposals often had inadequate staffing and experience. Similarly, Inter-ministerial oversight of the reforms projects lacks the commitment and thus is weak.

Another significant shortcoming of the reforms process to date is the failure to develop an exit strategy for sustainable reform when the donor funded projects are phased out. Similarly, an effective communications strategy has not been operationalized to reach all levels of ministry staff as well as the wider public. This has made it difficult to overcome the resistance, misunderstanding and fear of job losses

widespread in ministries. As discussed above, the problems of the reform programme have been acknowledged and revisions are being made. At the time of writing in February 2019, CIM recruitment is to be discontinued, to be replaced by a more comprehensive pay and grading reform.

4: WHAT DOES PUBLIC ADMINISTRATION IN SOMALI NEEDS TO SUCCEED?

Somalia scores poorly on all six elements necessary for successful Public Administration Reform. As a very fragile state, weak political leadership is inevitable, not only in relation to Public administration reform. Changes in government following the September 2016 parliamentary election meant the involvement of a host of new players, all of varying political understanding and commitment. Public Administration Reform is part of the complex political process which sees political alliances shifting and changing on a frequent basis (for example, between the Office of the Prime Minister, the Ministry of Finance, and Ministry of Labour and Social Affairs). It is important to understand that attitudes to Public Administration Reform may fluctuate with relations among actors of varying commitment to Public Administration Reforms.

In such a dynamic political environment, it is important to ensure that the key players are strong and consistent supporters of reform agenda processes. Having said that, there have been signs that key policy-makers are beginning to take an interest in reform agenda Staff Monitoring Program of IMF becoming on the top of list. It is important to build on this momentum, ensuring collective commitment from the cabinet and individual commitment from ministers to insure the reform is driven and implemented across public administration areas.

The Prime Minister and cabinet must make significant political decisions to allow the Public Administration reform programmes to move forward. These include decisions on:

- **The overall structure of government and prioritization of ministries for reform.** It is still unclear whether the number and configuration of ministries is finalized through organizational establishment act.

⁸Discussion with members of technical implementation committees to foster the reforms

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Therefore, approval and re-structuring of government agencies still remained unapproved.

- **Approve Civil Service Policies:** this includes cabinet approval for various civil service policies including competence framework, Recruitment and Appointment for merit base recruitment, Performance Management, and Code of Conduct among others.
- **Salary Issue:** Pay and Grade structure that recognizes the standing of leaving and current fiscal pressure is necessary if qualified staff is to be attracted to the civil service
- **Skill Gap Analysis:** based on the recently completed organizational structures for the most of the MDAs, a skill gap analysis needs to be conducted across the active Civil Servants using the information provided by the recent HR Audit head count.
- **Redundancy Management:** Redundancy management policy is be drafted to deal with the surplus and redundant Civil Servants;
- **Retirement:** A clear retirement policy must be introduced for the civil service. Proposals have been prepared. Similarly pension law needs to be developed as well.

Training and Development Program: this includes building on already established Civil Service training school by fostering the implementation process of the existing partnership arrangement with regional institutions of the similar mandate as well as development training policy that foster capacity development across various cadres of public administration.

These various decisions on policy and structure, as well as the political commitment backing them, are essential to the public administration reform process and to the achievement of the extremely challenging Somali National Development plan and Government benchmarks. More importantly, if these issues are not addressed, the Somali people will continue to encounter a public administration that is poorly functioning, often corrupt and unable to provide services. This will have serious effects on government legitimacy and potentially on state stability.

5: CONCLUSION AND RECOMMENDATIONS:

International experience suggests that the pre-conditions for successful public administration reform are lacking in Somalia. Political commitment to the reform process is weak, and the overall context is not conducive to successful reform. As expected, the level of progress to date has been low. All of this is acknowledged in the Government progress reports and by the donors leading the overall reform effort. It appears that ongoing failure, or at least very minimal success, of the Public Administration Reform programme is inevitable. But because it remains critical to Somalia's overall development, its discontinuation is not an option.

So what can be done to support the reform of public administration? Can we look outside the menu of normal Public Administration Reform interventions, and find ways to make the environment more supportive of reform? The following is an exploration of possible ways forward.

1. Install an oversight Public Administration Committee from the election National Assembly:

If ministers are reluctant to carry out reforms or make improvements in service delivery, the National Assembly can play a role in encouraging them. According to the constitution, ministers must report annually to the National Assembly, may be questioned at times, and can if necessary be removed from office by a parliamentary vote of no confidence. Parliamentarians may, for example, regularly summon key policy-makers such as Minister of Labour and Social Affairs, the Chairman of Civil Service Commission, and Minister of Finance to answers questions related to the Public Administration Reforms.

Of course, it is recognized that Somalia's democracy is in its infancy, and one of the dangers is that self-interest by parliamentarians might dominate the proceedings of the National Assembly. In order for elected representatives to carry out their oversight functions effectively they need to:

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- have sufficient information about and un-derstanding of administrative reform to judge whether progress is being made in particular ministries;
- have access to improved monitoring data on the performance of ministries and departments; and,
- Be convinced of the importance of reform.

2. Foster Public Administration Reform Forum.

It is essential to stimulate public debate on what the Somalia state should do and should not do, thereby developing realistic expectations against which reality can be measured. Such debates cannot be held in the abstract, and will therefore develop over time. There should also be an active communications strategy around public administration reform, both within the government and the wider public. Within the government, such a strategy would aim to build support for Public Administration Reform among lower level civil servants at reforming ministries or other branches of government. Today, these groups often fear and resist Public Administration Reform.

A communications strategy should also inform the public about plans for public administration. This will help citizens understand what should be expected of public administration, that recruitment for posts should be open, and how to get involved with initiatives to improve accountability, fairness and transparency.

3. Ensure that donors and other international actors do not undermine long-term public administration reform.

The most effective way to build sustainable capacity in public administration is to work through government processes and procedures,

particularly the budget process. Donors need to consider their behavior in five key areas.

Firstly, they need to provide adequate revenues (to complement inadequate domestic revenues) to cover the cost of the civil service. This would enable establishment of a reasonable incentive system.

Secondly, donors need urgently to review and change their policies with regards to salary “top-ups”, funding salaries outside the core budget, and other practices that detract from the effectiveness of Public Administration Reform and take money away from it.

Thirdly, while skilled international technical assistance is needed, this should consist of appropriately qualified and senior professionals who are available for the medium to long term. These consultants should be well supervised and their input and impact closely monitored. Reports consistently show that so far, much of the technical

Fourthly, Public Administration Reform is such a critical issue that the sector has become very crowded. A programmatic approach to Public Administration Reform should now be considered, with a shift away from individual donor projects toward a multi-donor funded Somali Public Sector Reform Agency –to be established.

Fifthly, it is also important for all donors to maintain long timeframes, and to make long-term funding commitments. In particular, predictability in the core budget would enable the government to establish a realistic fiscal envelope for salaries.

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