

**A STRATEGIC APPROACH TO COMBATING
THE CORRUPTION MENACE IN SOMALIA**

POLICY BRIEF

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About the Author

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About SIPAM Institute

SIPAM is a non-partisan, independent, not-for-profit organisation based in Mogadishu, Somalia. It was established as a leading advisory, research and training centre aimed at developing the capacities of public and private sector players to competently deal with major challenges in administration and management. SIPAM conducts research to inform strategic interventions and evidence-based practices for sustainable development.

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Summary

International Anti-Corruption Day is commemorated on 9th December every year around the world, and countries like Somalia wish to understand the global view of corruption and the effects it has had in different countries, while also learning about the need for appropriate measures to prevent and combat corruption. Speaking at the opening of the third session of the Federal Parliament in March 2018, the President of the Federal Republic of Somalia asserted that “It is undeniable that there are serious corruption allegations in the government perpetuated by some of us. It’s obvious that there is a lack of trust.” To address this, the Federal Government has initiated a number of initiatives to crack down on offenders and the perpetrators of corruption, as a measure to curb the damage corruption is causing to the country as it embarks upon recovery.

Recent convictions of individuals accused of corruption include a senior official at the Ministry of Humanitarian Affairs and Disaster Management and port officials. Tough talk, arrests and/or convictions of individuals accused of graft might begin to lift the cloud of corruption from Somalia. However, this move is unlikely to arrest the spread of endemic graft in the long term, unless the country is willing to have a national conversation about corruption, and adhere to a coherent, inclusive and clear-cut strategic approach to combating corruption. Thus, this policy brief investigates the corruption menace within the public sector of the Federal Republic of Somalia, offering recommendations on how the government’s anticorruption efforts can create a substantial impact on governance, integrity and accountability across all public service systems.

Introduction

A recent corruption perception index released by Transparency International places majority of African countries below average in terms of limiting corruption and showing little or no progress towards ending it. In Africa, Somalia is ranked last out of 54 countries, with a score of 13.6 out of 100 in terms of overall governance, as per the 2018 Mo Ibrahim Index of African Governance. In a comparable report, the Trace International for Bribery Risk index 2017 ranks Somalia lowest with an overall risk score of 88. In addition, among the 190 countries assessed by the World Bank in 2018, the country comes last as the worst performing in terms of ease of doing business.

Due to lack of political stability over the last three decades, it has been extremely difficult to establish public institutions capable of upholding the rule of law. Between the year 2000 and 2018, Somalia has had five Presidents, thirteen Prime Ministers and frequent cabinet reshuffles. This in turn has led to serious accountability and transparency challenges, affecting various state and ministerial offices. In turn, institutions such as the Legislature, Judiciary and the Executive are ill-prepared to carry out their requisite governance roles and responsibilities.

In his last briefing to the UN General Assembly regarding the situation in Somalia, the special representative of the Secretary General and head of the United Nations assistance mission in Somalia, Michael Keating, stated, “Corruption is systemic, used to gain and retain power, it penalizes the poor, who are unfortunately the majority. Untraceable money changing hands continues to be the defining feature of Somali politics”. Undoubtedly, there is growing demand for a professionalized civil service, governed by the dictates of the constitution and principles of integrity and accountability.

Sector-Wide Realities

Corruption is a multifaceted social, political and economic phenomenon which impacts negatively on all systems of governance and the domain of public administration. It challenges democratic societies, reduces economic development and contributes to both instability and insecurity.

The nature of corruption in Somalia is both a development and social issue which has proven to greatly impede change and represents a serious constraint to economic growth, poverty alleviation and stability in Somalia. Various sectors, including education, Judiciary, Security and Treasury have been hard hit by this corruption menace.

Corruption in the **education sector** takes many forms, including ghost teachers and asking for payment for services that should be provided free of charge, such as scholarship positions. This sector remains unregulated, resulting in academic fraud, and a lack of quality assurance and standardization. In July 2018, the Minister of Education was relieved of his duties after claiming that the Ministry did not recognize all the universities in the country because of poor educational standards. “The real damage to a society occurs when entire generations of youth are mis-educated – by example -- to believe that personal success comes not through merit and hard work, but through favoritism, bribery, and fraud. Such lessons have the potential to undermine civil society well into the future.”¹

The **judicial system** handled zero prosecutions or convictions related to corruption between 1991 and 2018. This was despite claims that efforts were being made to mitigate the corruption menace in the country.

It was not until November 2018 that the Benadir Regional Court jailed eight officials, all of whom had been charged with corruption.

The **treasury’s** failure to publish statutory financial documents detailing government expenditures during each fiscal year curtails the efforts put in place to measure accountability and transparency in the Ministry. During an interview in September 2018, conducted with VOA's Somali service, the Finance Minister Abdirahman Duale Beileh admitted the fight against corruption is far from over.

Graft within the **security forces** is also reportedly rampant. Accusations, allegations and reports on graft in the military have been associated with the cancellation of food, fuel and aid supplies from the United States. This is further endangering the capacity of the military to execute its security and defense mandate. Moreover, there are widespread allegations that government security forces have been mounting illegal roadblocks to extort money from motorists, aid workers and locals.

¹ Chapman, D. (2002) *Corruption and the Education Sector*. Prepared by MSI, sponsored by USAID, DCHA/DG, Available at:

https://pdf.usaid.gov/pdf_docs/PNACT874.pdf
[Accessed on 11 Nov 2018].

Recommendations

Central to the realization of the following proposed recommendations are:

- Holding a national conversation about corruption;
- A critical review of the current state of corruption in the public sector;
- An open dialogue with key stakeholders;
- Preparation of a strategy and work plan and a review of the current strategy (if any exists); and
- Implementation and monitoring plan of the strategy.

National Conversation

It is impossible for the government to win the fight against corruption without support. Having a national conversation about the negative consequences of corruption would enable citizens to understand their own role in the fight against corruption. Therefore, it is critical to encourage the active engagement of relevant stakeholders. This will inevitably require the transformation of beliefs, stereotypes and attitudes regarding corruption as well as to establish a relationship of mutual trust between the government and its citizens.

A more participatory approach must also be adopted through the involvement of civil society, members of the private sector and the public through community public

dialogues and forums. People led initiatives directed towards fighting corruption must also be increasingly given prominence to actively involve members of the civil society in the fight against corruption.

Coherent Strategy

Goodwill from the government is evidenced by the drafting of a National Integrity Policy that serves as a precursor for a National Anti-Corruption Strategy. Moreover, the government is in the process of establishing an Anti-Corruption Commission. However, to date, the success of national bodies formulated in the past including the Independent Constitutional Review and Implementation Commission (ICRIC) and the Boundaries and Federation Commission, has been limited from the outset by the inadequate allocation of funds to run their operations. For the Anti-Corruption Commission to be impactful it is essential for the government to set aside and allocate adequate funds. Furthermore, the government should ensure sufficient and timely allocation of resources for the anti-corruption campaign, to create the necessary decision-making structures and develop a clear communication strategy.

There should be well-articulated and deliberate moves put in place to create a strong foundation, through which the Federal Government of Somalia can

extricate itself from the deep social crisis of eroded principles, values and morals. Clear efforts must be expanded by designing and incorporating strategies to combat corruption in everyday life, in an effort to eradicate the culture of corruption inculcated amongst the citizenry.

Evidence-Based Approach

Evidence based practices should be adopted at the beginning of any corruption investigation and review. The government should strive to intensify its evidence gathering mechanisms to criminalize individuals found guilty of corruption. This approach will be beneficial as it will support the delivery and provision of pragmatic solutions likely to yield realistic expectations rather than haphazard reaction that may lead to the underperformance of various enforcement bodies and authorities.

Tackling the Root Causes of Corruption

Emerging victorious in the fight against corruption requires a deep understanding of its root causes. Weak institutional accountability, lack of transparency and an inability to stand against political pressure creates an environment that allows corruption to thrive. Complaint systems (Ombudsman) must be implemented to

allow members of the public to report and give feedback regarding their experiences confidentially. Efforts to eradicate poverty and address issues surrounding salaries and remuneration for public servants must also be addressed urgently.

Anti-Corruption Education

Raising awareness through public engagement forums and dissemination of anti-corruption information with a view to increase and foster civic responsibilities can create a climate where the vice is not tolerated. This can be attained through making use of various platforms including printed and electronic media. The messages must be tailored towards managing risk for public servants and the public, limiting opportunities to engage in graft related activities and simultaneously promoting nationalism. Tailored workshops and serially aired programs on civic education will awaken the public's desire to recognize the retrogressive nature of the vice to their own wellbeing and in turn allow them to own the process of fighting corruption. Statutory obligations must be enacted to ensure all civil servants undergo anti-corruption education and training regularly. Moreover, they should also sign a code of conduct and ethics stating an oath obligating them to offer services to the public without graft.

Judicial and Legal Reforms

Adherence and respect for the autonomous nature of the Judiciary and its mandate to dispense the rule of law will improve the efficiency with which justice is administered, and cement stratification and separation of the power within courts and between the courts and the state. To instill a sense of public confidence, the Judiciary must dispense punitive judgments to graft offenders across the political and social divide. Major restructuring and capacity building efforts for judges need to be geared towards reforming the Judiciary's agenda. Additionally, the salaries and remuneration of judicial officers should be commensurate

with the work they do of dispensing justice. It is also essential that the review of these salaries be considered important to guaranteeing reform.

Signing and/or ratification of International Treaties and Conventions

Somalia should sign and/or ratify essential international treaties and conventions, including the United Nations Convention against Corruption (UNCAC), The African Union (AU) Convention on Preventing and Combating Corruption, and the Arab Convention against Corruption. These treaties and conventions cover a wide-range of domestic and foreign corruption offences



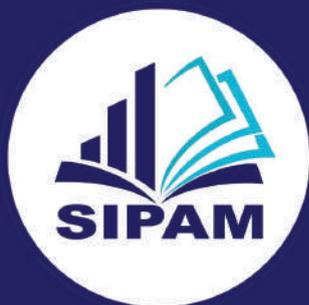
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