

---

# NATIONAL ANTI-CORRUPTION STRATEGY

## 2020 – 2023

---

اهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ  
*Guide us to the straight path*

---

**Ministry of Justice & Judiciary Affairs  
Federal Government of Somalia**

---

XARUNTA DHEXE: WADADA ISBITAAL MARTINE, DEGMADA XAMAR-WEYNE, MUQDISHO  
SANDUUQA BOOSTADA: 629, Hotline No. +2521 - 865880, E-mail: [info@moj.gov.so](mailto:info@moj.gov.so) | [icu@moj.gov.so](mailto:icu@moj.gov.so) or  
website: [www.moj.gov.so](http://www.moj.gov.so)

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْءُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ  
النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

*“And eat up not one another's property unjustly nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully”*

*The Holy Quran*

*Surah Al-Baqarah*

*[2:188]*

□

*“It is, I believe, notorious throughout the Somali Republic that once a man becomes a minister, he works for self-interest and ambitions, and for his clan, relatives or constituents. This is irrefutable and all Somalis are aware that there is tribalism in the Somali Republic today, deeply entrenched tribalism fomented by men working for their own interests. The law and regulations must be above us, since the government – and every man, no matter what position he holds – must respect and work under the law. I ask you to declare to me personally and in writing all the property you own before you assume office. This measure would give the public confidence that the government is not working for self-interest, nor that the ministers are disposing of public funds for their own interests or ambitions, but that they are loyal men working for the nation”*

*H.E. Prime Minister Abdulrazak Haji Hussein  
June 1964*

*“My government will use the yardstick of “competent and ethical government”, as popularized by the late former Prime Minister His Excellency Abdirizak Haji Hussein, May Allah have mercy on him.”<sup>1</sup>*

*H.E. Prime Minister Hassan Ali Khaire, March 2017*

---

<sup>1</sup> For Somali translation: “Xukuumaddayda waxaa hal-beeg u noqon doona Karti iyo Hufnaan sidii hal-hayska u ahayd Ra’iisul Wasaarihii hore, Allaha u naxariistee, Mudane Cabdirasaaq Xaaji Xuseen”



## Contents

I.	ABBREVIATIONS	5
II.	II FOREWORD BY THE PRIME MINISTER	6
III.	ACKNOWLEDGEMENT BY THE MINISTER OF JUSTICE	7
IV.	INTRODUCTION	8
V.	KEY STAKEHOLDERS	9
VI.	METHODOLOGY: THE STRATEGY-DRAFTING PROCESS	12
VII.	OBJECTIVES OF THE STRATEGY	12
VIII.	THE POLICY AND LEGAL ENVIRONMENT	12
	a) The Policy Framework	12
	b) The Legal Framework	13
XI.	DIAGNOSTIC REVIEW: CORRUPTION DRIVERS AND RISK AREAS	14
	a) Corruption Drivers in Contemporary Somalia	14
	b) State Fragility	15
	d) Societal Acceptance	15
	e) Corruption Risk Areas	15
1.	NATIONAL ANTI-CORRUPTION STRATEGY: THE 5-POINT PLAN	16
	1.1. <i>LEADERSHIP: Harnessing Political Will and Engagement</i>	16
	1.2. Transparent and Inclusive Political Processes	17
	1.3. Protecting Parliamentary Oversight	17
	1.4. Establishing the “Accountability Institutions”	17
	1.5. Strengthening the Legislative Framework	18
	1.6. Equitable and Regulated Resource Management and Revenue-Sharing	18
2.	ACCOUNTABILITIES: Strengthening the Integrity, Independence and Capacity of Key Institutions	19
	2.1. AUDITING: Enabling the Office of the Auditor-General to Carry Out Audits Robustly and Independently	19
	2.2. INELEGANCY: Strengthening Financial Reporting Center	19
	2.3. COLLABORATION: Establishing a Framework for Institutional Collaboration and Exchange of Information	20

2.4.	INVESTIGATION: Professionalizing and Strengthening the Capacity of Police Services	20
2.4.1	<i>Improving Police Professionalism and Integrity</i>	20
2.5.	Building the Capacity of the Police Forces to Investigate Corruption	20
2.6.	PROSECUTION: Strengthening Prosecutorial Independence and Efficiency	21
2.7.	ADJUDICATION: Strengthening Judicial Integrity, Independence and Capacity	21
2.8.	Protecting Judicial Independence	22
2.9.	Enhancing Judicial Capacity	22
3	SYSTEMS: ‘Following the Money’ and Protecting the Public Purse	22
3.1.	Reducing Corruption Risks in Government Revenue Collection	23
3.2.	Automation of Processes and Digitalization of Services	23
3.3.	Simplification of Procedures	24
3.3.1.	Enhancing Public Education and Accessibility of Information	24
3.4.	Publication of Tax Exemptions	24
3.5.	Honest and Professional Tax and Customs Officials	25
3.6.	Strengthening the Credibility of Public Procurement and Concessions	25
3.7.	Improving Procurement Compliance and Capacity	25
3.8.	Greater Expenditure Control	26
3.9.	Improving Budget Transparency	26
3.10.	Recovering and Managing Government Assets	26
4.	BUREAUCRACY: Building a Merit-Based, Professional and Inclusive Civil Service	27
4.1.	Reviving the Public Service Ethos	27
4.2.	Clear and Objective Recruitment, Advancement and Dismissal Practices	28
4.3.	Punishing Unethical Behavior	28
4.4.	Rewarding Integrity	28
4.5.	Appropriate and Timely Compensation	29
4.6.	Career Development	29
5.	ATTITUDE: Creating a Society that Rejects Corruption	30
5.1.	Improving Public Education and Awareness	30
5.2.	Public Servants	30
5.3.	General Public	31
5.4.	Citizen-centered Service Delivery	31
5.6.	Establishing Mechanisms to Report Corruption	32
5.7.	Establishing Mechanisms to Measure Corruption	32
5.8.	CONCLUSION	32

# **I. ABBREVIATIONS**

<b>ACC</b>	Anti-Corruption Commission
<b>BRA</b>	Banadir Regional Administration
<b>CBS</b>	Central Bank of Somalia
<b>CID</b>	Criminal Investigation Department
<b>FGS</b>	Federal Government of Somalia <sup>2</sup>
<b>FMS</b>	Federal Member States of Somalia
<b>IDLO</b>	International Development and Law Organization
<b>INL</b>	Bureau of International Narcotics and Law Enforcement Affairs
<b>INPB</b>	Interim National Procurement Board
<b>JSC</b>	Judicial Service Commission
<b>NACS</b>	National Anti-Corruption Strategy
<b>NICU</b>	National Integrity Coordination Unit
<b>NIEC</b>	National Independent Electoral Commission
<b>NDP</b>	National Development Plan
<b>PGGACB</b>	Puntland Good Governance and Anti-Corruption Bureau
<b>SPA</b>	Somali Petroleum Authority
<b>SPF</b>	Somali Police Force
<b>StAR</b>	World Bank – United Nations Office on Drugs and Crime’s Stolen Asset Recovery Initiative

---

<sup>2</sup>The Government of federal Republic of Somalia is interchangeably referred to as “the Government”

## **II. FOREWORD BY THE PRIME MINISTER**

I am pleased to launch Somalia's National Anti-Corruption Strategy, 2020 – 2023, which we have developed for the very first time. The ubiquity of corruption coupled with its cross-cutting effects on our economy, security and the welfare of our people call for a concerted and well-coordinated response. For far too many years, Somalia has been perceived as among the world's most corrupt countries. It is now incumbent upon us as the government to change this perception and take lead of Somalia's anti-corruption movement.

The cure to corruption lies in a 'whole-of-government and society' approach. Combating corruption must be a business for everyone: for those in government, for the private sector, for civil society, for the general public, and for the youth, who must play a pivotal role in seeing this agenda through so that their future is built on solid and honest foundations. In this spirit, both the development and the implementation of the Strategy shall be guided by a multi-stakeholder coalition comprising of representatives of the Federal Government of Somalia (FGS) at both the federal and regional levels, civil society, the business community and international partners, where appropriate. The lynchpin institution in this process will be the independent Anti-Corruption Commission, which I have recently signed into law. This approach will allow for ownership of the anti-corruption movement by all and for transparency in our efforts to address corruption.

While corruption manifests in all spheres of society, it is important that this first wave of action against corruption begins in the public sector. All public institutions must take steps to prevent corruption. I am appealing, therefore, to all public offices to heed this clarion call, to exercise vigilance against all manner of corrupt practices, and to take concrete steps to address with urgency the recommended measures contained in this document.

I am personally committed to the fight against corruption and I appeal to all other leaders in government, the private sector, civil society, religious institutions and in our diverse communities across the country to actively participate. The National Anti-Corruption Strategy, 2020 - 2023 is a tool to realize that commitment. Let us work together to implement this ambitious strategy and move towards restoring confidence in our state institutions and building a Somalia that is undergirded by the values of integrity, transparency and accountability.

H.E. Prime Minister, Hassan Ali Khair

Prime Minister of the Federal Government of Somalia

### **III. ACKNOWLEDGEMENT BY THE MINISTER OF JUSTICE**

I would like to thank the United States Department of State's Bureau of International Narcotics and Law Enforcement Affairs (BINLEA) as well as the International Development Law Organization (IDLO) and the United Nations Development Program (NUDP) and UNSOM for their financial support to the development of this policy document.

Special thanks go to our staff of National Integrity Coordination Unit (NICU) Dr. Mahad Mohamed and Suban Khalif who paid their maximum effort to draft this strategy and a merit thanks go to Mohamed Farah and Said Birmad who reviewed this strategy both versions in terms of legality and translation.

In Somalia, the evidence suggests that corruption is a major constraint on the efficient delivery of all services, including the administration of justice. Some of the most destructive effects of corruption are on the rule of law. It is no exaggeration to say that justice dies when corruption thrives. When the justice system itself, which is supposed to be the epitome of integrity, becomes compromised, controlling corruption becomes extremely challenging. Nevertheless, corruption prevention as opposed to punishment holds significant promise in addressing Somalia's corruption crisis.

We know that governing well is the key to long-term development, to combating violent extremism, and to preventing the resurgence of conflict. The NACS symbolizes the FGS's commitment to achieving good governance through the prevention and deterrence of corruption. This strategy represents a bold, reform agenda designed to build a public sector that is defined by service and not by private gain. It focuses on people, systems, and institutions and on building a culture where integrity is cherished, and corruption rejected.

H.E. Hassan Hussein Haji  
Minister of Justice, Federal Government of Somalia

## IV. INTRODUCTION

Though a multifaceted phenomenon, corruption is commonly defined as “the abuse of entrusted power for private gain.”<sup>3</sup> It is usually classified as either grand, petty or political, all three of which find expression in Somalia. Corruption in Somalia is not unique to any one institution or sector. Rather, it cuts across all areas of public life: from politics and procurement to justice and security.

While there is no region, country or community that is immune, corruption in sub-Saharan Africa is considered pandemic. There is evidence to suggest that corruption in Somalia is both pervasive and systemic. Measuring corruption and systematically collecting evidence on the extent and nature of corruption is challenging everywhere. As a country recovering from a protracted period of civil war and statelessness, Somalia is certainly no exception. However, the limited data that is available paints a grim picture. Since 2007, Transparency International’s Corruption Perceptions Index has consistently ranked Somalia last. In the TRACE Bribery Risk Matrix, Somalia fares the worst. Among the 190 countries assessed by the World Bank in its Doing Business 2019 report, Somalia was identified as the worst performing in terms of ease of doing business. High ranking nations in the World Bank index reflect public sectors that are accountable and efficient, which benefits businesses and society at large. Therefore, there is a strong perception that Somalia grapples with a corruption crisis.

The pernicious economic, social, and political effects of corruption have been well-documented. Corruption is arguably the single most important threat to stability, justice and development in Somalia. It undermines reform efforts, exacerbates poverty and economic disparities, diverts aid, discourages foreign direct investment, and erodes the confidence and trust of Somalis in their leaders and institutions. Its implications for national security cannot be overstated – corruption plays into the hands of violent extremist groups, legitimizing their agendas and threatening the critical peace-building gains made over the last few years. On the whole, it is a systemic issue that urgently requires a systemic response.

The FGS is committed to tackling corruption and improving overall governance. State-building in Somalia has made tangible progress. With the assistance of its international partners, the last few years have seen the implementation of an ambitious set of reforms aimed at enhancing the business environment and supporting higher, more inclusive growth while curbing corruption. The Government’s stated priorities include the creation of viable Federal Member States (FMSs), the holding of credible elections, the reform of

---

<sup>3</sup> This is the definition used by Transparency International (an international non-governmental organization mandated to combat corruption globally) and is frequently cited in anti-corruption literature: [www.transparency.org/what-is-corruption](http://www.transparency.org/what-is-corruption)



public financial management systems, the strengthening of the security sector, and the provision of social services. However, the Government's success in these areas largely hinges on the ability of the Somali leadership to control corruption, which in turn has a bearing on the very legitimacy of the State.

At the outset, it is important to recognize that there is no 'one-size-fits-all' antidote to corruption. While policymakers and experts alike agree that it is imperative to combat corruption, evidence about which anti-corruption strategies are most effective remain scarce globally. Above all, any anti-corruption strategy must be embedded in rigorous contextual understanding if it is to be viable or legitimate. Therefore, this policy document has been elaborated through a conflict-sensitivity lens and represents an attempt to identify priority anti-corruption reforms that are modelled to the unique social, institutional and political realities of Somalia. Accordingly, the FGS is pleased to present the National Anti-Corruption Strategy, 2020 - 2023.

## **V. KEY STAKEHOLDERS**

Corruption occurs everywhere and affects everyone. However, the main institutional stakeholders include specialized anti-corruption bodies, key ministries, judicial authorities, audit institutions and parliamentarians in addition to non-governmental stakeholders such as the business community, civil society, youth, women, independent media, and academic and research institutions.

The bill for an independent Anti-Corruption Commission was signed by presidential assent in September 2019. This paves the way for the establishment of anti-corruption bodies at both the federal and regional levels.

The National Integrity Coordination Unit (NICU) is housed within the FGS's Ministry of Justice. The Unit envisions and strives to build a government – at the federal, regional and local levels – that upholds the highest standards of ethics and integrity. The NICU is generally mandated to protect the integrity of the public sector and to promote an organizational culture underpinned by the values of transparency, accountability and meritocracy.

As a central coordinating office, the NICU has the following specific functions:

To serve as the government's policy arm in the fight against corruption by developing and reviewing anti-corruption laws, policies and strategies;

To support public sector institutions in the development, implementation and monitoring of sector and institution-specific anti-corruption plans;

To synergize and strengthen anti-corruption and accountability institutions in terms of staffing, training and equipment to ensure efficiency and effectiveness in their operations;

To mainstream ethical values and standards across all public institutions in Somalia through education, sensitization and training;

To engage with non-governmental actors (namely civil society organizations, women and youth groups, academia, the business community and independent media) in a bid to cultivate a culture and society that discourages and rejects corruption; and

To cooperate with other governments and international agencies to adopt measures that will effectively address corruption in the global dimensions

It is important to distinguish the NICU from the Anti-Corruption Commission. While the NICU is a governmental body, the Anti-Corruption Commission is constitutionally mandated as independent of the government. The NICU has no investigatory mandate or powers.<sup>4</sup>

To further its activities in an efficient and inclusive manner and to keep the Unit accountable, the NICU utilizes a number of cross-institutional platforms:

A Governmental Core Group where the NICU engages with key governmental stakeholders:

Office of the Auditor-General

Office of the Attorney General

Judiciary

Financial Reporting Center

Office of the President

Office of the Prime Minister

Ministry of Finance

Central Bank of Somalia

Somali Police Force (Criminal Investigation Department)

Puntland Good Governance and Anti-Corruption Bureau

Puntland Ministry of Justice

Jubaland Ministry of Justice

Hirshabelle Ministry of Justice

South-West State Ministry of Justice

Galmudug Ministry of Justice

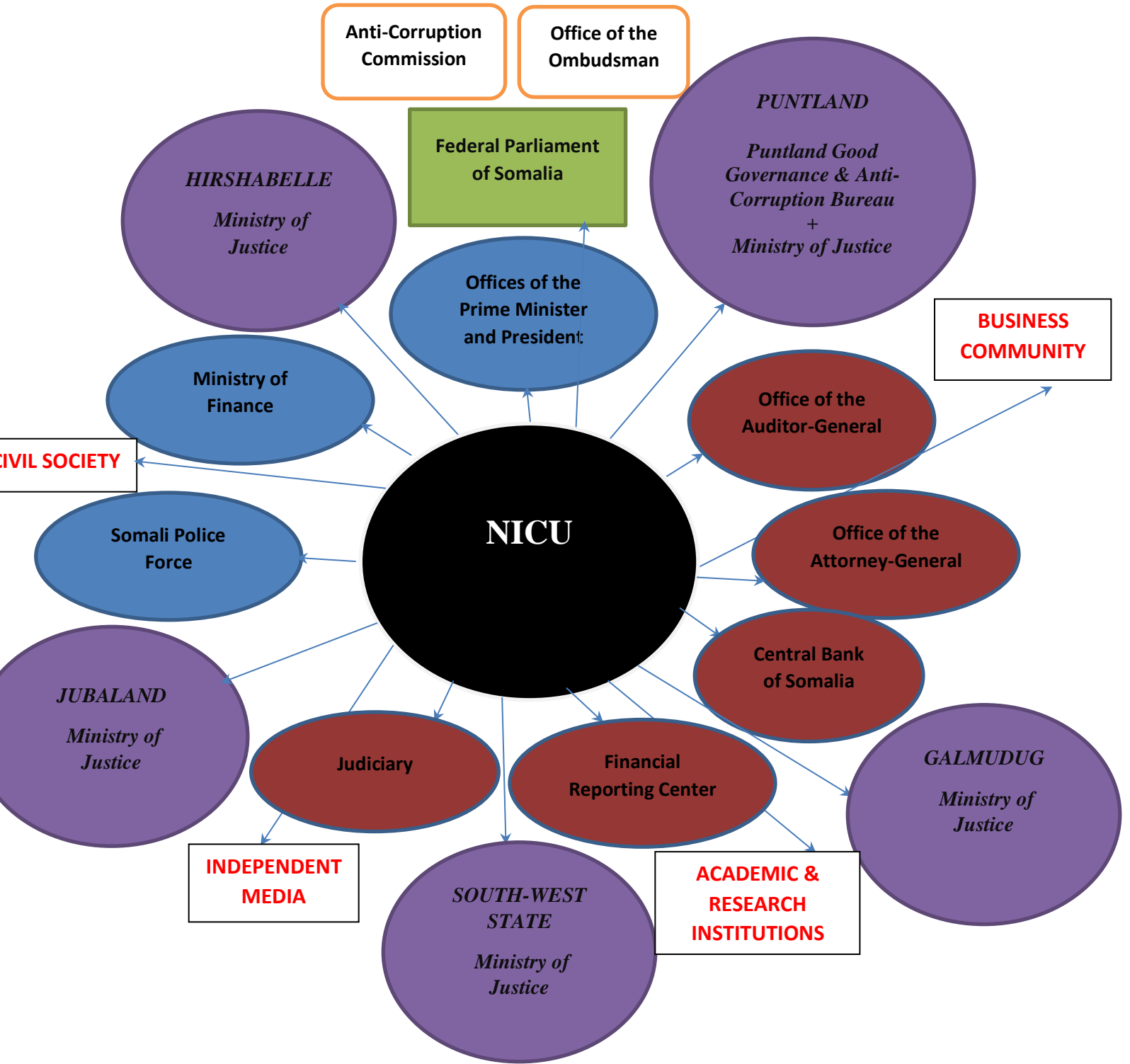
Banadir Regional Administration focal point

An FGS-non-governmental actors' platform where the NICU engages with non-governmental stakeholders including the private sector, civil society organizations, and academic and research institutions

An FGS-international partners platform where the NICU engages with regional and international partners

---

<sup>4</sup> See Section "The Policy and Legal Environment" for an explanation of the Anti-Corruption Commission's mandate and powers.



## **VI. METHODOLOGY: THE STRATEGY-DRAFTING PROCESS**

The NACS has been developed through a consultative approach. The NICU organized a series of consultations to gather and gauge the opinion of all key stakeholders throughout the development of the NACS. Input from the following set of stakeholder consultations has identified priority measures and has helped enrich the final policy document:

- a) Consultations with diverse federal and regional governmental institutions (“Core Group”)
- b) Consultations with representatives from civil society, the business community and academic and research institutions
- c) One-to-one consultations with Core Group governmental institutions
- d) Consultations with regional counterparts and experts
- e) Consultations with international counterparts and experts
- f) Final validation meeting with all key stakeholders

## **VII. OBJECTIVES OF THE STRATEGY**

This document reflects the aspiration of government actors and other key stakeholders for an effective and efficient response to corruption. The NACS is intended to:

1. preliminarily gauge the current status of corruption in Somalia by assessing corruption drivers and primary risk areas, and by reviewing existing anti-corruption measures;
2. intervene at the legal, technical and institutional levels to generate far-reaching changes in attitudes, policies, institutional structures and frameworks for fighting corruption, and;
3. provide a means for coordination and harmonisation of the government’s anti-corruption efforts

The NACS’s long-term vision is to encourage and create an environment in Somalia that is adverse/averse to corruption.

## **VIII. THE POLICY AND LEGAL ENVIRONMENT**

### **a) The Policy Framework**

*The National Development Policy 9 2020-2024 (NDP-9) is Somalia’s chief policy document. NDP-9 makes reference to corruption 58 times, underlining the centrality of controlling corruption to the country’s developmental prospects. NDP-9 prescribes a holistic approach if the root causes of corruption are to be eliminated, stating that “no single institution or piece of legislation will successfully address” the scourge.<sup>5</sup>*

---

<sup>5</sup> *National Development Plan, 2020-2024*, Federal Government of Somalia, p. 177

Most notably, the policy instrument identifies the lack of anti-corruption bodies, “laws, processes and systems to criminalize or outlaw vote-buying” as a hurdle to inclusive, national politics.<sup>6</sup> NDP-9 also acknowledges that alleged corruption in the security institutions and in the judiciary has slowed progress on security sector reform.<sup>7</sup> It identifies corruption within the security sector as a threat to national security.<sup>8</sup>

Under its plans to build effective and efficient institutions, the NDP 2017-2019 envisions building “a functioning public administration that is able to deliver quality services efficiently and consistently to all citizens across the whole territory of the Federal Republic of Somalia”.<sup>9</sup> The NDP specifically sets out to “substantially reduce corruption and bribery in all their forms” and to “develop effective, accountable and transparent institutions at all levels”.<sup>10</sup>

## **b) The Legal Framework**

Corruption is addressed by the following legislative schemes:  
The Federal Republic of Somalia Provisional Constitution (2012)

Specific references to corruption in the Federal Republic of Somalia Provisional Constitution, the supreme law in Somalia, can be found in Article 111(c), which codifies the establishment of an Anti-Corruption Commission charged with the investigation of corruption allegations within the public sector.

### **The mandate of the Commission is:**

- a) to promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- b) the advancement, facilitation and support of international cooperation related to anti-corruption policies; and
- c) to promote integrity, accountability, and proper management of public matters and property.

### **The powers of the Anti-Corruption Commission include:**

- a) to prevent, investigate and publish corruption allegations;
- b) to freeze, seize, confiscate or return any gains from criminal activity; and
- c) to support the adoption of such laws and other measures necessary to effectively prevent and prosecute criminal offences relating to corruption.

However, the related terms “transparency”, “accountability” and “integrity” are enshrined in various provisions of the Constitution with reference to the House of the People (Article 68), the Upper House (Article 75), the civil service (Article 115), the independent

---

<sup>6</sup> *National Development Plan, 2020-2024*, Federal Government of Somalia, p. 142

<sup>7</sup> *National Development Plan, 2020-2024*, Federal Government of Somalia, p. 156

<sup>8</sup> *National Development Plan, 2020-2024*, Federal Government of Somalia, p. 157

<sup>9</sup> *National Development Plan, 2017-2019*, Federal Government of Somalia, p. 81

<sup>10</sup> *National Development Plan, 2017-2019*, Federal Government of Somalia, p. 81

commissions (Article 110), the Security Forces (Article 127), and on federal legislation on financial matters (Article 124).

### **Public Procurement, Concessions and Disposal Act (2015)**

Though not fully operational, pending the establishment of a procurement authority, the Public Procurement, Concessions and Disposal Act was passed to provide procurement control and applies to all public entities, including government agencies, local governments, state-owned enterprises, and other public institutions. The law is currently enforced by the Interim National Procurement Board and its procedures, a stop-gap measure pending the establishment of a permanent procurement authority.

### **Anti-Money Laundering and Countering the Financing of Terrorism Act (2016)**

The Anti-Money Laundering and Countering the Financing of Terrorism Act was passed to strengthen and provide more oversight over Somalia's nascent financial sector. The law addresses a wide range of activities including money laundering and terrorist financing, customer verification and due diligence requirements during financial transactions. Article 10 specifically deals with politically-exposed persons (PEPs) who are treated as "higher risk" and require enhanced monitoring and due diligence.

## **XI. DIAGNOSTIC REVIEW: CORRUPTION DRIVERS AND RISK AREAS**

It is impossible to combat a problem that is not understood. A review of the root causes of corruption and where it occurs will produce a strategy that addresses the actual situation. Though there is very limited data on the nature and extent of corruption in Somalia, the NACS has been tailored to the corruption drivers and risk areas set out below which were gleaned from consultations with stakeholders and experts.

### **a) Corruption Drivers in Contemporary Somalia**

Traditionally, Somalia is a collectivist country with a strong cultural regard for justice, a deep respect for contracts and property rights, and an entrenched ethic of entrepreneurialism. The Holy Qur'an, which has been revered by the Somali peoples for hundreds of years, is clear about the importance of earning halal income – income earned through work and not from bribery, theft, or extortion. Somalia's earliest anti-corruption program can be found at the inception of the Somali state in the post-independence government of Aden Abdulle Osman and his premier, Abdirizak Haji Hussen which famously came to be known as "karti iyo hufnaan" (competent and ethical government). Nevertheless, despite their best efforts, corruption continued to thrive in the new republic and in the following administrations, culminating in total state capture by Siad Barre's military dictatorship. In modern-day Somalia, the story of corruption cannot be told without it being prefaced by another story: that of the cataclysmic collapse of the Somali state and the obliteration of all signs of institutional life for over two decades.

Some of the key conditions and dynamics that drive corruption in Somalia today are expanded on below:

## **b) State Fragility**

In the wake of state collapse, there was a prolonged absence of legitimate or effective state institutions alongside an inherited history of predatory state behaviour. Today, Somalia continues to be characterized by chronic state fragility. For much of the last three decades, political energy has been concentrated on restoring peace and reaching political settlements rather than on matters such as accountability and integrity. Gaps in the legal framework, embryonic institutions, top-down, elite-dominated political processes, a lack of meaningful reconciliation, and a rampant culture of impunity have conflated to create an environment that is highly conducive to corruption.

## **c) Socio-economic Pressures**

Poverty and unemployment are rife in Somalia. In addition to low or delayed salaries, factors such as dangerous working conditions, entrenched inequality, nepotistic practices, and a lack of organizational purpose conspire to demoralize public sector staff and undermine motivation to work honestly or productively. It can be argued that these composite pressures incentivize public servants and officials to illicitly supplement their official incomes.

## **d) Societal Acceptance**

Across Somalia, there is broad acceptance of corruption in public life. In part, due to the prolonged absence of the state and its trappings – public institutions, public services, and legal order – public goods are simply not conceived as belonging to the public sphere. The legacy of this is that corruption is not seen as a transgression but as a norm. This situation is further exacerbated by clan loyalties, which continue to compete for authority with formal state structures. The use of clan-based patronage networks to obtain political appointments, public contracts and government employment is still a popular practice.

## **e) Corruption Risk Areas**

The following primary corruption risk areas were identified (on the basis of which five priority areas for combating corruption have been distilled further below):

- a. Elections and other political processes
- b. Resource-sharing and management
- c. Customs and revenue collection administration
- d. Public procurement
- e. Public financial management
- f. Human resource management
- g. Court services
- h. Police services

# 1. NATIONAL ANTI-CORRUPTION STRATEGY: THE 5-POINT PLAN

## 1.1. LEADERSHIP: Harnessing Political Will and Engagement

*“I am very pleased today that the Council of Ministers has agreed that we shall not tolerate corruption, that we will work collectively as a coalition to fight corruption...I promise to work to eradicate it; as I said at the very beginning of my term, fighting corruption is my top priority. To move this country forward, to unite the Somali peoples, to ensure that the 15 million Somalis living in this country get the lives they deserve, we cannot allow a few to do as they please. We cannot allow corruption to darken the future of the Somali boys and girls born today. If history is to remember us kindly, and if our people are to have a future, it is inevitable that we address corruption.”*

*H.E. Prime Minister Hassan Ali Khaire addressing his Cabinet during the Council of Ministers’ annual retreat in November 2018*

Genuine and consistent political leadership and accountability at the highest levels is the most important precondition for the success and durability of any anti-corruption strategy. The senior leadership of the FGS is committed to the successful implementation of the NACS.

One of the greatest challenges faced by Somalia is the emergence of a ‘political marketplace’ characterized by pervasive rent-seeking by members of the political and business elite.<sup>11</sup> Public office in Somalia is conceived as a means to self-enrichment or wealth accumulation. Chronic political instability and the transience of political careers mean that an ‘eat-while-you-can’ attitude prevails in government.

The current Government has publicly highlighted the fight against corruption as a strategic priority. In February 2017, at the outset of the incumbent administration, tackling corruption was one of three core pledges made by President Mohamed Abdullahi Farmajo. More recently, in the Somalia Partnership Forum Joint Communiqué adopted in Brussels in July 2018, the Government and the international community committed to work together on “taking visible and consistent measures to protect and expand the integrity and accountability of the management of public finances and resources as well as to advance the legal and institutional framework to curb corruption.”<sup>12</sup>

The NACS concentrates on the following priority areas:

“Tone at the Top”: Exemplary and Accountable Leadership

<sup>11</sup> De Waal, Alex (2017) *Somalia Synthesis Paper, 2017*, London School of Economics and Political Science, London, UK: <http://eprints.lse.ac.uk/100162/>: “The political marketplace is the most appropriate framework for understanding Somali governance, including the drivers of conflict and political coalition management, since the 1980s. The consolidation of public authority in Somalia – including attempts to build state capacity and legitimacy – requires attention to the logic of political marketplace” (p. 4)

<sup>12</sup> Somalia Partnership Forum Joint Communiqué (2018): [https://eeas.europa.eu/headquarters/headquarters-homepage/48540/somalia-partnership-forum-joint-communicu%C3%A9\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/48540/somalia-partnership-forum-joint-communicu%C3%A9_en)



Any effective fight against corruption in Somalia must be top-down with the country's most senior leadership at its helm. Providing appropriate "tone at the top" has a deterrent effect and will precipitate a shift in societal attitudes towards corruption. The President, the Prime Minister, the Speakers of Parliament, as well as the leaders of the FMSs, must have a national conversation about the challenge of corruption by highlighting it in their public appearances and speeches.

The senior leadership must not only encourage the fight against corruption but must demonstrate by example. It is important that leaders are not ethically questionable and that they are held to account regardless of their rank. There is a need to put in place clear mechanisms of disqualifying from office corrupt public officials. To enhance the trust of citizens in public administration, the Government will develop an asset declaration regime to which heads of state and government, ministers, and upper and lower house legislators are subject, and which includes clear verification and sanction procedures.

## **1.2. Transparent and Inclusive Political Processes**

Corruption during elections is a major obstacle to democracy in Somalia. Opaque, elite-dominated politics must give way to transparent and participatory political processes. The most promising measure to disrupt the political marketplace is through direct, credible elections. Accordingly, the Government is laying the groundwork for universal, 'one-person, one-vote' elections in 2020. At the June 2018 National Security Council meeting in Baidoa, a national electoral model was agreed upon. A draft Electoral Act has been submitted to Parliament. The National Independent Electoral Commission has planned and instituted a series of reforms to make the electoral process more transparent, including the registration of political parties.

## **1.3. Protecting Parliamentary Oversight**

The constitutional principle of the separation of powers was intended to provide for checks and balances in the state. The parliamentary oversight function – which includes scrutiny of government policies and actions, monitoring of the executive branch's financial accountability and the efficiency of operations, and representing the will and interests of citizens – needs to be protected and strengthened. The Federal Parliament of Somalia, particularly the Parliamentary Finance Committee, must be allowed to exercise an appropriate oversight role.

## **1.4. Establishing the "Accountability Institutions"**

### **Judiciary Service Commission**

In 2015, the Council of Ministers approved the Judicial Service Commission (JSC) which is mandated to regulate the judiciary and specifically, to deliberate on judicial appointments and disciplinary action. However, the JSC has not yet been established.<sup>13</sup>

### **Office of the Ombudsman**

---

<sup>13</sup> This is expanded on below in the section "ACCOUNTABILITY: Strengthening the Integrity, Independence and Capacity of Key Institutions"

The Office of the Ombudsman has not yet been established and represents an important institutional gap. The Government shall take best efforts to introduce a law establishing an independent Office of the Ombudsman. The constitutionally-mandated entity is empowered to investigate complaints by members of the public concerning the administrative action of any public authority or official including where these officials behave unfairly or “act in a corrupt manner” (111j(5)(a), Provisional Constitution).

### **Anti-Corruption Commission**

*The Establishment of the Anti-Corruption Commission Bill is, at the time of writing, undergoing legislative review before the Federal Parliament of Somalia. Once passed, the law will pave the way for the establishment of an independent Anti-Corruption Commission which is expected to carry out a wide range of anti-corruption programs and activities.*

*At the regional level, Puntland State established the Puntland Good Governance and Anti-Corruption Bureau (PGGACB) in 2017, the first body of its kind in the country. Through the NICU, the FGS shall build its relationship with the PGGACB for the purposes of peer-learning and information-sharing. The PGGACB shall also assist the remaining FMSs to similarly institutionalize their anti-corruption efforts so that corruption is controlled at every level of government.*

### **1.5. Strengthening the Legislative Framework**

To underline its commitment to the global fight against corruption, Somalia shall accede to the United Nations Convention against Corruption and the African Union Convention against Corruption. Domestically, the Government shall strengthen the legislative framework by developing a Corrupt Practices Act with adequate offence definitions and enforcement provisions, a Leadership Code of Conduct Act that regulates the conduct of public officials, and a Whistleblowers Protection Act that protects whistleblowers when they report wrongdoing.

### **1.6. Equitable and Regulated Resource Management and Revenue-Sharing**

Somalia has significant natural resource potential across a wide range of sectors, with the potential to generate significant economic activity. However, unless managed transparently and equitably, natural resource revenues present serious corruption and conflict risks. As Somalia continues to define its federal model, promising political settlements have been reached on resource-sharing between the different levels of government. In June 2018, the FGS, FMSs and BRA reached agreement as reflected in the Petroleum Management and Resource-Sharing Agreement. While this intergovernmental cooperation is encouraging, revenue allocation between the three levels of government must not only be equitable and transparent but must also be grounded in a sound legal and regulatory framework. The Ministry of Petroleum and Mineral Resources’ Regulatory Department currently acts as the interim Somali Petroleum Authority (SPA). In May 2019, Parliament passed the Petroleum Law, which provides for the establishment of the SPA.

## 2. ACCOUNTABILITIES: Strengthening the Integrity, Independence and Capacity of Key Institutions

*“If that which one is entrusted with goes missing, he too must be gone [removed from office]”*

*H.E. Prime Minister Abdirizak Haji Hussein warning of*

Corruption is particularly corrosive when combined with impunity as it breeds disillusionment and emboldens corruptors. It is important that individuals and officials are held to account regardless of their rank or affiliation. The anti-corruption institutional framework can be categorized into two types: enforcement institutions and oversight agencies. Three key enforcement institutions – the police, the prosecutorial services, and the courts – play a critical role in deterring corruption by holding corruptors accountable. Oversight agencies that operate alongside these institutions include the supreme audit institution (Office of the Auditor General) and the Financial Reporting Centre, both of which are mandated to detect cases of corruption.

However, most of these offices lack the capacity or resources to adequately fulfil their mandates. Moreover, these institutions themselves are corruptible and subject to interference. Therefore, the ability to successfully detect, investigate and adjudicate corruption in Somalia hinges on the integrity, independence and effectiveness of these institutions.

The NACS identifies the following priority measures:

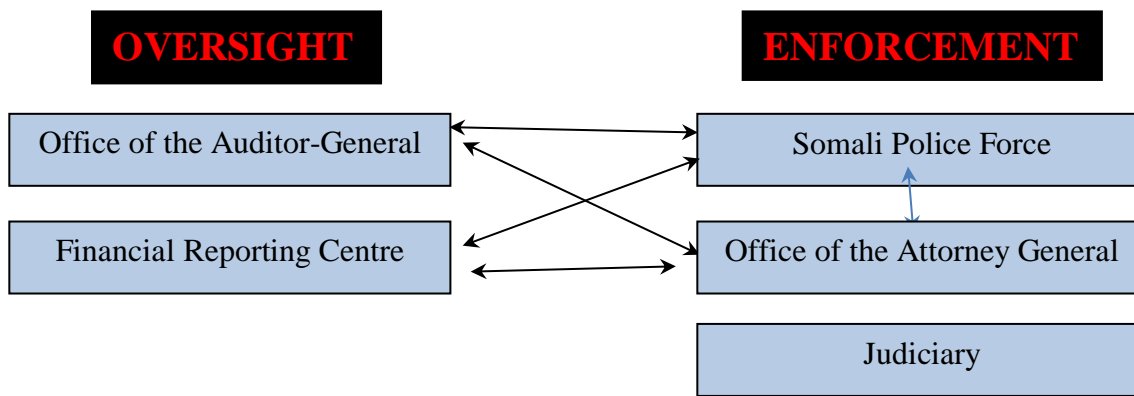
### **2.1. AUDITING: Enabling the Office of the Auditor-General to Carry Out Audits Robustly and Independently**

If managed appropriately, government audits by supreme audit institutions can be effective tools in detecting and combating corruption. The Office of the Auditor-General is vested with the authority to oversee and report on government revenue and spending to ensure financial accountability in the public sphere. The Office’s capacity to carry out audits independently, as guaranteed in the Provisional Constitution, must at all times be protected. An Audit Law to this effect and that is in line with international best practices shall be enacted.

### **2.2. INELEGANCY: Strengthening Financial Reporting Center**

The Financial Reporting Center (FRC) is Somalia’s chief financial intelligence center and is mandated to monitor, analyze and investigate suspicious financial activity. Though the FRC’s operational capacity has improved in recent years, its oversight potential is hindered by its infancy as well as the immense challenge of regulating Somalia’s financial sector.

### 2.3. COLLABORATION: Establishing a Framework for Institutional Collaboration and Exchange of Information



It is often the case in Somalia that the oversight and enforcement agencies listed above operate in silos rather than in collaboration. To improve information-exchange and synergy, to avoid collusion, and to set collective efforts among these competent authorities, a multi-agency Anti-Corruption Task Force shall be established.

### 2.4. INVESTIGATION: Professionalizing and Strengthening the Capacity of Police Services

#### 2.4.1 *Improving Police Professionalism and Integrity*

As the face of law enforcement, the credibility and professionalism of the Somali Police Force (SPF) needs to be urgently strengthened. The biometric registration of all police officers in the country has been an important first step in improving the management and accountability of the SPF. However, the institution continues to face serious integrity gaps. The police do not enforce judicial decisions in a reliable and consistent manner. There is significant anecdotal evidence of SPF officers soliciting and accepting bribes both during and outside the course of police investigations. The Ministry of Internal Security shall work with the SPF to develop and implement a Code of Conduct and Discipline outlining professional policing practices as well as disciplinary procedures and oversight mechanisms. Ethics training in the form of workshops and seminars shall be given to all staff to make them understand and respect the applicable codes of conduct for the honorable and proper performance of their functions.

### 2.5. Building the Capacity of the Police Forces to Investigate Corruption

In accordance with the New Policing Model, various reforms and capacity-building programmes have been adopted to improve the SPF's efficiency in responding to security threats. However, little attention has been dedicated to their capacity to investigate financial/economic crimes such as corruption. Once an allegation of corruption is reported to the SPF, it is the Criminal Investigations Department's (CID) responsibility to investigate the claim. The operational capacity of the CID to handle such cases needs to be enhanced. For efficiency and administrative convenience, a specialized unit should be established within the CID tasked with investigating financial crimes.

## **2.6. PROSECUTION: Strengthening Prosecutorial Independence and Efficiency**

In the justice chain, the Office of the Attorney General plays the important role of bringing and prosecuting cases of corruption. The Office's constitutionally-protected status as an independent office shall be safeguarded. It is important that oversight and reporting mechanisms are strengthened to prevent abuse in the pursuit and closure of cases.

To improve its operational effectiveness, prosecutors in the Office require appropriate training on handling serious crimes such as corruption.

## **2.7. ADJUDICATION: Strengthening Judicial Integrity, Independence and Capacity**

Public confidence in the judiciary is of the utmost importance in a modern, democratic society. It is impossible for judges to impartially adjudicate if the bench itself is corrupt. There is evidence to suggest that corruption in Somalia's courts is commonplace and that formal courts are among the least trusted dispute resolution mechanisms in Somalia.

To combat corruption in the ranks of the judiciary, the Office of the Chief Justice shall develop codes of conduct regulating the conduct and activities of judicial officers and staff. Furthermore, the judiciary shall adopt a statement of principles of judicial conduct, taking into consideration the Bangalore Principles of Judicial Conduct (which establish internationally-recognized standards for judicial conduct). The judiciary should ensure that this statement of principles is disseminated widely among judges and service recipients. Ethics training in the form of workshops and seminars need to be conducted to heighten vigilance in the judiciary against all forms of corruption. Ultimately, judges must honour their roles as public servants over and above their personal interests and appreciate their profession's central tenets of integrity, transparency, objectivity and accountability.

Alongside this, there is a need to educate the public on the important role that the judiciary plays and the importance of the bench displaying the highest standards of integrity.<sup>14</sup> A credible public complaints system that explains how and to whom to direct complaints needs to be urgently established so that integrity breaches in courts can be better detected and addressed.<sup>15</sup> Relatedly, overall discipline in courts needs to be strengthened. In the absence of the Judicial Service Commission (JSC), appropriate disciplinary mechanisms need to be put in place for investigation and penalties. To send the necessary deterrence signal to would-be offenders, reported cases of corrupt practices should be dealt with objectively, seriously and transparently with complaints received and action taken publicized.

---

<sup>14</sup> The role of public education is expanded on below in the section "Attitudes: Creating a Society that Rejects Corruption"

<sup>15</sup> Public complaints systems or reporting mechanisms are expanded on below in the section "Attitudes: Creating a Society that Rejects Corruption"

## 2.8. Protecting Judicial Independence

It is important that Somalia's courts are protected from political pressure or control. The Government shall work with the judiciary and relevant stakeholders to establish an independent JSC that will be responsible for matters such as appointments to the judiciary and disciplinary action. Finally, adequate and independent budgetary resources need to be allocated to the judiciary to enhance justice delivery and protect judicial independence.

## 2.9. Enhancing Judicial Capacity

Competence and diligence are fundamental prerequisites to the due performance of judicial office. Sufficient priority must be given to improving the human and institutional capacity of Somalia's courts. A Judicial Training Institute needs to be established to enhance the professional development of judges generally; where serious offences such as corruption are concerned, there is a need for specialized training and the establishment of a special court within the judiciary to handle such cases. Despite the paucity of legal and judicial representatives in Somalia and limited access to justice, there is a need for more rigorous standards for entry into the legal profession and for judicial accreditation. As a first step, the draft Advocates Act, which establishes the Somali Bar Association and sets the criteria for admission to the practice of law, needs to be passed by Parliament. Additionally, case management capacities and the use of modern technology – particularly in the automation of rote judicial processes - need to be enhanced to provide for more efficient and timely court services which will in turn reduce user-court interactions and opportunities for corruption.

## 3 SYSTEMS: 'Following the Money' and Protecting the Public Purse

*“You have been entrusted with tax revenues collected from citizens. I caution you to distance yourself from every kind of corruption that exists. I call on the staff of the Ministry of Finance to support the Ministry's new leadership so that they can implement this new process of accountability”*

**H.E. Prime Minister Hassan Ali Khaire addressing the federal Ministry of Finance's new leadership during a handover ceremony in April 2017**

Sound financial governance is of paramount importance for any government. In a conflict-affected state facing severe resource constraints like Somalia, it is even more crucial to ensure that public financial management and fiscal policy are effective tools for national development. Over the last two years, the FGS has launched a robust set of economic reforms, which it has successfully implemented. As a result, there is greater confidence in Somalia's country systems.

**These reforms include:**

- a) payroll reform, whereby all government employees are paid directly through their bank accounts rather than through cash or via intermediaries;
- b) the biometric registration of security personnel to verify their number and identities;
- c) the modernization of revenue collection mechanisms, which allows for the deposit of tax revenues directly into the Central Bank of Somalia (CBS), limiting the transit of funds and opportunities for embezzlement;
- d) the centralized consolidation of revenue collected from all ministries, departments and agencies by the Ministry of Finance;
- e) the institutionalization of tax services evidenced by the establishment of the Large and Medium Taxpayers Office;
- f) the passage of the National Communications Law which paves the way for regulation of and revenue collection from telecommunications companies;
- g) and the review and renegotiation of high-value, public-private contracts

There has also been a legislative overhaul to improve financial integrity and transparency with the recent submission to Parliament of a Public Financial Management Law, Audit Law, Revenue Law, and Company Law.

Nevertheless, there continue to be ample opportunities for corruption at various points in the management of the public coffers. The NACS prescribes the following measures to make public financial flows more transparent and accountable:

**3.1. Reducing Corruption Risks in Government Revenue Collection**

Revenue collected from taxes lies at the very heart of the social contract binding citizens to the State. Though significant progress has recently been made in revenue mobilization, the FGS still struggles to generate sufficient revenue from taxation in part due to security and enforcement challenges. These revenue leakages inevitably translate to less available funding for public service provision, infrastructure and other policy goals. This, in turn, erodes public trust and confidence in the Government. Therefore, corruption in revenue collection must be controlled not only because of the direct drain on the public purse, but because of the indirect politico-security stakes at play. Specific measures to prevent and curb corruption in tax administration include:

**3.2. Automation of Processes and Digitalization of Services**

The use of technology in improving efficiency and transparency in government processes holds great promise in Somalia. Moving from manual operations to automation will improve efficiency in customs operations and leave less room for human manipulation. The Government has already computerized some processing facilities in Mogadishu; the federal Inland Revenue Department plans to further expand this by installing a computerized, integrated tax administration system. Similarly, the Ministry of Finance has committed to adopting a customs management system such as the Automated Systems for Customs Data (ASYCUDA). The Government recognizes the efficiency, transparency and accountability

gains in digitalizing government services (“e-governance”). The Ministry of Commerce and Industry has recently made it possible to register businesses online. To detect and deter corruption, the Government shall expand the use of e-governance systems. Technology can also enhance accountability in tax and customs operations by providing a reporting platform. The Government shall develop a hotline or online application whereby citizens can report their experiences with public servants.<sup>16</sup>

### **3.3. Simplification of Procedures**

Somalia’s tax rules and procedures must be simplified and standardized as much as possible. Simpler procedures to pay and collect taxes reduce tax officials’ discretionary power, increase predictability, and hence reduce opportunities for rent-seeking. The Government plans to modernize the legislative and administrative framework governing inland revenue in consultation with its FMS counterparts and the business community.

Characterized by inadequate documentation of processes, unclear forms and procedures, and an outdated tariff system for assessing customs duties, Somalia’s customs system is ripe for reform. These ambiguities at ports confer customs officials with undue discretionary powers, allowing them to misclassify goods and “under-invoice” when inspecting shipments in exchange for bribes. In close cooperation with FMS Ministries of Finance, the federal Ministry of Finance will develop a Customs Modernization Plan which includes a roadmap for transitioning from volume-based to value-based customs tariffs.

#### **3.3.1. Enhancing Public Education and Accessibility of Information**

Too many Somali residents are simply unaware of their tax obligations. Revenue administration officials benefit from this lack of knowledge, allowing some to mislead and extort. Therefore, opportunities for corruption can be further reduced by improving taxpayers’ knowledge and awareness of their rights and obligations. It is particularly important that citizens are educated on what taxes or fees they are required to pay. The Government shall carry out public education drives and organize high-level forums that bring different stakeholders together with this intent. Tax and customs rules and procedures shall be made more accessible through the distribution of printed materials as well as online publication. Finally, the Government will develop a Taxpayers’ Charter which will set out the rights of taxpayers and the responsibilities of tax officials.

### **3.4. Publication of Tax Exemptions**

The Government seeks to minimize the award of tax exemptions, particularly in public contracts and concessions. This commitment can be demonstrated by the recent amendment to the Public Financial Management Bill submitted to Parliament, which restricts the power to grant tax exemptions solely to the Minister of Finance. Furthermore, to ensure that the enforcement of tax law as uniform as possible and to limit leakages in revenue collection, tax exemptions granted by the Government to individuals and companies shall be made publicly available.

---

<sup>16</sup> Reporting platforms are expanded on below in the section “Attitudes: Creating a Society that Rejects Corruption”



### **3.5. Honest and Professional Tax and Customs Officials**

Effective, efficient and capable tax and customs officials that uphold the highest ethical standards are instrumental in mobilizing and administering domestic fiscal resources. Corruption by tax and customs officials is reported to be common across Africa and takes various forms such as the solicitation of bribes in exchange for a “lower tax”, extortion that involves taking advantage of taxpayers’ incomplete knowledge of rates, and embezzlement of collected revenue. The federal Ministry of Finance, with its regional and local counterparts, shall develop specific codes of conduct for revenue administration officials. These codes should include rules on bribery and corruption, conflicts of interest, confidentiality of tax information, and gifts and favors. There is also a need for greater institutionalization and professionalization of revenue administration in Somalia. Tax and customs officials must be easily identifiable with proper uniforms and IDs. Institutional and technical capacities must also be strengthened through training of administrators on local rules and international standards for revenue collection.

### **3.6. Strengthening the Credibility of Public Procurement and Concessions**

Public procurement can be particularly vulnerable to corruption due to its complexity, the size of the financial flows it generates, and the close interaction between the public and private sectors. Historically, the award of government contracts in Somalia has not been subject to open competition, fueling suspicions of corruption and bias in the selection of suppliers. However, over the last few years, there has been high-level political commitment to procurement reform beginning with the passage of a Procurement Act in 2016. However, in the absence of a Procurement Authority, the legislation has been of limited utility. As a result, the Council of Ministers’ Economic Committee established an Interim National Procurement Board (INPB) and approved interim procurement requirements to guide public procurement until the Procurement Act can be adequately implemented. In accordance with its commitment to more transparent and competitive contracting, the FGS continues to review high-value, sub-optimal contracts and concessions entered into by previous administrations. The Government shall continue to guard the public interest and renegotiate or cancel these contracts as appropriate.

### **3.7. Improving Procurement Compliance and Capacity**

Procurement capacity and understanding of procurement due process remains limited across the Government. Although the Ministry of Finance has disseminated the interim procurement requirements to all spending agencies, many continue to award high-value contracts and concessions on a sole-source basis without following established procedures or oversight from the INPB. The Procurement Act itself allows ministries to procure contracts of any value and to use non-standard bidding methods such as sole-sourcing without third party approval. To remedy this, the Ministry of Finance has proposed amendments to the Procurement Act to enable centralized approval of high-value contracts and non-standard bidding methods. Crucially, both the Ministry of Finance’s Procurement Unit and the procurement units within ministries urgently require capacity-building support to achieve their mandated objectives.

### **3.8. Greater Expenditure Control**

The Government has successfully instituted significant reforms in expenditure control. The Public Financial Management Bill which has been submitted to Parliament will further allow the government to exert greater control over its expenditures and improve overall transparency.

Historically, government expenditures had been paid entirely in cash, creating ample scope for diversion of public funds. Cash handling has since been drastically reduced with expenditures such as salaries being paid directly to individuals' bank accounts and non-wage expenditures paid directly to suppliers. In the security sector, efforts to biometrically register all Somali National Army personnel and pay all salaries and stipends directly to individuals' bank accounts are ongoing. The Government plans to establish an Inspection Unit within the Office of the Accountant-General to verify the delivery of goods and services prior to the payment of invoices, particularly for high-value rations contracts.

### **3.9. Improving Budget Transparency**

The FGS recognizes that fiscal transparency is critical to prevent waste and misappropriation of public assets and resources. The Ministry of Finance has recently taken a number of encouraging steps to improve fiscal transparency by publicly disclosing information on how the Government raises, spends and manages public resources each year on its website and by publishing the Citizens' Guide to the 2018 Budget with the purpose of educating the public on the budget. In the long-run, the Ministry is committed to laying the groundwork to meet the IMF's Fiscal Transparency Code.

### **3.10. Recovering and Managing Government Assets**

The misuse of public land and property for personal gain has been a common practice in Somalia since the collapse of government in 1991 and even before. In 2015, the Central Bank of Somalia (CBS) established the National Asset Recovery Team to identify and recover all national assets, whether financial or physical. The World Bank – United Nations Office on Drugs and Crime's Stolen Asset Recovery Initiative (StAR) has been advising the CBS in its asset recovery efforts. The Government will continue to use this international support and cooperate with relevant countries to recover national assets abroad.

In January 2019, the Government announced the appointment of an 11-member committee tasked with the protection and recovery of public lands and properties. The committee's first undertaking will be to compile an inventory of all public lands and properties.

## 4. BUREAUCRACY: Building a Merit-Based, Professional and Inclusive Civil Service

*“L'uomo giusto per il posto giusto!”*

*An Italian dictum that translates to “the right man for the right post” and which was regularly invoked by H.E. Prime Minister*

Civil service reform is a key policy instrument to tackle corruption in many developing countries. In the Somali civil service, evidence of nepotistic behaviour and a lack of transparency and accountability, further amplified by institutional inefficiencies, poor performance and low morale among personnel are sufficient indicators that dedicated action is warranted.

While designing effective civil service reforms is a tremendously complex task, the 2018 Civil Service Staff/Human Resources Audit carried out by the federal Ministry of Labor and Social Affairs represents the first attempt to get a clearer picture of the state of Somalia’s public sector. The urgent need for such an exercise becomes apparent when one considers that the Government’s 2018 national budget set aside USD 130.4 million for government employees’ compensation up from USD 128 million in 2017 and more than double (USD 52.9 million) in 2015. This is against a USD 274 million budget, meaning almost half of the national budget was allotted to civil servants’ salaries.

An amended Civil Service Law is currently before the Federal Parliament of Somalia. With the anticipated establishment of a robust legislative and policy framework, the Government envisions a civil service regulated more by rules and procedures than by individual discretion. If the civil service is to become efficient, competent and inclusive, reform is required at every point of the human resource management cycle, that is: recruitment, promotion, performance management, dismissal, pay, career development, and integrity management.

The NACS concentrates on the following priority areas:

### **4.1. Reviving the Public Service Ethos**

There exist high levels of absenteeism, idleness and overall dissatisfaction among civil servants in Somalia. When the environment in which many public sector workers in Somalia work is considered, this situation is not surprising. Working for the government in Somalia can be a dangerous endeavor; it is not uncommon for civil servants to be targeted and attacked solely due to their status as civil servants. Therefore, shifting organizational culture and rhetoric about public service is a promising anti-corruption strategy. At every level of government, the public service must be rebranded as a noble calling. If civil servants associate their work with service and bravery, they will feel more motivated and invested

in their jobs and less likely to engage in unethical behavior such as corruption. Crucially, through public education and training, civil servants and citizenry alike must be sensitized to view government work as an opportunity for service rather than private gain since the opposite sentiment prevails across Somalia.

#### **4.2. Clear and Objective Recruitment, Advancement and Dismissal Practices**

Unqualified personnel who owe their positions to political or clan patronage pose an enormous obstacle to achieving a professional, accountable civil service in Somalia. Hiring culture must be reoriented to encourage hiring based on objective criteria such as competence and experience rather than factors such as clan affiliation or personal and business relationships. Recruitment, advancement and dismissal procedures must be clearly enshrined in law and policy.

A competitive, merit-based selection process is a high priority. There must be greater synchronicity between the educational background and skills of workers and their positions. With the greatest possible transparency, jobs must be publicly advertised and candidates must be systematically assessed in written and oral examinations. However, at the outset of advertising jobs, it is important that clear job descriptions, expected work outputs, and clearly defined organizational structures are developed. In addition, without clearly defined processes in place to gauge performance, fair opportunities for career advancement will be elusive. The establishment of performance management systems will make it easier to manage out poor performers and identify high-performers. A restructured, independent National Civil Service Commission will play an important and centralized role in carrying out the above-stated activities.

#### **4.3. Punishing Unethical Behavior**

Penalizing unethical behavior can be a powerful deterrent to engaging in corruption. If government staff expects that they will be held accountable and face sanctions (such as pay cuts or dismissal), they are less likely to commit corrupt acts. Appropriate disciplinary measures must be adopted. However, without catching the corruption in the first place, the utility of setting up systems of consequences is limited. Therefore, monitoring capabilities in the civil service must be enhanced alongside the introduction of penalties. Measures such as comprehensive, independent audits, automation of government processes and improved record-keeping can help detect corrupt behavior.

#### **4.4. Rewarding Integrity**

Disciplinary measures should be balanced against the provision of incentives or rewards for demonstrating integrity. While the Government may have limited ability to provide financial incentives for compliant behavior, staff demonstrating integrity can be rewarded through other mechanisms. For example, institutions may organize appreciation ceremonies and issue awards to those who demonstrate a strong commitment to exemplary service.

#### **4.5. Appropriate and Timely Compensation**

The NACS is mindful of the harsh socio-economic realities of Somalia and recognizes that it is difficult to avoid engaging in corruption if workers are so underpaid or irregularly paid that they are unable to survive on the proceeds of honest labor. Indeed, there is evidence to support the contention that corruption emerges when salaries are below a basic living wage. Therefore, it is critical that the salaries of public servants are, at least, commensurate with their responsibilities. The Government recognizes that a clearly articulated pay grade system and benefits schemes are important to attracting and retaining capable staff with incentives to avoid corruption.

#### **4.6. Career Development**

Institutional inefficiency in the public sector is a tell-tale symptom of corruption. Due to a combination of factors, namely nepotistic appointments, poor opportunities for training, falsified qualifications, and incongruence between positions and educational or professional backgrounds, Somalia's civil service faces severe capacity gaps. The bureaucracy is replete with idle and disempowered staff with untapped potential. Building a professional and competent civil service that withstands changes in ministers or administrations is vital. However, overcoming the culture of survival and short-term job horizons requires trust that there will be a medium or long-term career path. Therefore, enhancing professional standards in the public service through career development and providing fair opportunities for training shall be given sufficient priority. To this end, the Government is laying the groundwork to establish a civil service training institute.

## 5. ATTITUDE: Creating a Society that Rejects Corruption

*“Corruption is the normal practice of the Somalis”*

*A translated excerpt from an early 1900s poem by Sayid Mohamed Abdullah Hassan, famed anti-imperialist leader of the Dervish Movement*

Rent-seeking, disregard for the law, and an allegiance to the clan over the State have combined over the last few decades to steadily erode common values in Somalia. At present, it seems that many corrupt practices continue to be treated as acceptable behavior. It is expected that decision-making favors specific groups, that public servants are open for bribes, and that the civil service is nepotistic. Corruption cannot be tackled systemically unless these kinds of expectations are subverted and corruption is redefined as unacceptable, criminal behavior.

The NACS concentrates on the following priority areas:

### 5.1. **Improving Public Education and Awareness**

Too many people in Somalia are simply unaware of what constitutes corruption. Given its omnipresence in the country, it is crucial that all parts of society, including government leaders, members of parliaments, religious leaders, public servants, academic institutions, and the general public are made aware of corrupt practices, their impact, and how to address them.

### 5.2. **Public Servants**

In both the Institutions and Bureaucracy sections of the NACS, ethics and integrity training of public servants is a recurring theme. Ethical values and standards need to be mainstreamed in the public service beginning from the top leadership. Under the Prime Minister’s tutelage, discussion of corruption was given significant priority at a recent 2-day Cabinet retreat. The Government shall continue to prioritize the anti-corruption agenda and NACS at high-level forums. Officials at the ministerial and directorate levels shall be sensitized on the need to exhibit the highest possible integrity, transparency and accountability, and will be required to make undertakings in the form of integrity pacts. Similarly, training on anti-corruption, integrity and public service shall be delivered to staff at all levels.

### **5.3. General Public**

Somalia has at its disposal a rich Islamic faith that ardently cautions against theft and the misappropriation of others' property. In addition to religious addresses, the Government shall use official government speeches, media and radio communications, and curricula in schools and universities to educate and mobilize the public so as to strengthen civic responsibilities and bring about a socio-cultural shift whereby corruption is no longer tolerated but condemned. There is also a need for general civic education with a view to sensitizing the public on the constitutional roles and duties of the legislature, judiciary, political leaders and the police, and the importance of integrity in these offices. To achieve these ends and to keep it accountable, the Government shall empower and work alongside civil society and the private sector in collaborative anti-corruption programming including but not limited to the development of educational films, radio messaging and corruption surveys.

### **5.4. Citizen-centered Service Delivery**

Citizen Service Charters enhance public service delivery, improve organizational effectiveness, and decrease opportunities for corruption thereby increasing government revenues received from public services. Unethical behavior in the public service is encouraged by the fact that the public is rarely guided or given information concerning the services offered by the state or the service standard that underpins those services including timelines and fees. This lack of knowledge is taken advantage of by some public service workers to exploit citizens. Therefore, every public office will be required to draft and publicize Citizen Service Charters that will keep the public informed about the services and standards it can expect. These charters constitute a pledge by public servants and must be signed and understood by them. In government offices that provide at-cost services, all fees and charges must be publicly published.

### **5.5. Anti-Corruption Mainstreaming at the Institutional Level**

Instead of responding reactively to corruption, it is important that corruption prevention is mainstreamed across public institutions in Somalia. From the highest to the lowest ranks of ministries, departments and agencies, corruption prevention must be proactively mainstreamed with each institution developing its own anti-corruption action plan.

Citizen Service Charters enhance public service delivery, improve organizational effectiveness, and decrease opportunities for corruption thereby increasing government revenues received from public services. Unethical behavior in the public service is encouraged by the fact that the public is rarely guided or given information concerning the services offered by the state or the service standard that underpins those services including timelines and fees. This lack of knowledge is taken advantage of by some public service workers to exploit citizens. Therefore, every public office will be required to draft and publicize Citizen Service Charters that will keep the public informed about the services and standards it can expect. These charters constitute a pledge by public servants and must be signed and understood by them. In government offices that provide at-cost services, all fees and charges must be publicly published.

## 5.6. Establishing Mechanisms to Report Corruption

In order to detect and seriously address corruption, it is critical to establish platforms for individuals to report allegations or experiences of corruption. The Government shall prioritize the development of an accessible, efficient and credible public complaints mechanism that allows for complaints to be lodged according to the sector, for e.g. corruption by a tax official, by police, or by a judge, etc.

## 5.7. Establishing Mechanisms to Measure Corruption

One of the greatest obstacles to addressing corruption in Somalia is insufficient data on the specific nature, extent and locations of corruption that would guide meaningful policy formulation and enforcement. The Directorate of National Statistics within the Ministry of Planning shall take the lead in establishing mechanisms to collect, record and disseminate information concerning the extent and variety of corruption across Somalia. Sector-specific Vulnerability to Corruption Assessments (VCAs) need to also be conducted in the executive branch (with particular focus on the highest-spending ministries), in the legislature, and in the judiciary.

## 5.8. CONCLUSION

In the wake of statelessness, Somalia continues to contend with a legacy of fledgling institutions, poor enforcement of laws and administration of justice, chronic poverty and inequality, and broad social acceptance of corruption. These conditions have inevitably created an ecosystem in which the dividends for committing corruption are significant.

To curb corruption, these dividends must be reduced. Somalia's first NACS envisions achieving this through: (i) consistent and genuine political will and engagement by all levels of government; (ii) well-functioning institutions– supreme audit institution, police and courts – to break the cycle of impunity; (iii) strong public financial management systems that ensure the transparency and accountability of public financial flows; (iv) a meritocratic civil service characterized by an organizational ethos of service, integrity, and efficiency; and (v) a shift in socio-cultural attitudes towards corruption through a 'whole-of-government and society' approach.

Cognizant of Somalia's status as a fragile state, the NACS has sought to strike a careful balance between preventative measures aimed at decreasing incentives for corruption and punitive measures that increase the cost of engaging in corrupt practices.

اهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ  
*Guide us to the Straight Path*

[Al-Fatihah 1: 6]



## THE ACTION PLAN: ENSURING EFFECTIVE IMPLEMENTATION

	TASK	RESPONSIBLE AGENCY	TIMELINE
<b>1</b>  <b>LEADERSHIP:</b>  <b>Harnessing Political Will and Accountability</b>	Strengthen national anti-corruption dialogue: expand public engagements by senior officials – particularly the Chief Justice, Auditor General, Attorney General, Minister of Justice and Minister of Finance – to discuss progress on fighting corruption in national media.	Office of the President/Office of the Prime Minister; Ministry of Justice	Ongoing
	Develop an asset declaration regime with verification and sanction procedures	Ministry of Justice	Short-term
	Prepare the groundwork for universal, ‘one person – one vote’ elections in 2020	National Independent	Short-term
	Operationalize the Anti-Corruption Commission	Ministry of Justice	Short-term
	Develop legislative framework for and establish the Office of the Ombudsman	Ministry of Justice	Long-term
	Institutionalize anti-corruption efforts at the FMS/district levels, including the Puntland Good Governance and Anti-Corruption Bureau; develop anti-corruption strategies for each State	Ministry of Justice	Long-term

	Accede to the <i>United Nations Convention against Corruption</i> and the <i>African Union Convention against Corruption</i>	Ministry of Justice	Immediate
	Develop Corrupt Practices Act, Leadership Code of Conduct Act, and the Whistleblowers Protection Act.	Ministry of Justice	Long-term
	Establish a Somali Petroleum Authority (regulator) before governments enter into PSAs.	Ministry of Petroleum and	Long-term
<b>2</b> <b>Accountability:</b> <b>INSTITUTIONS:</b> <b>Strengthening the Integrity, Independence and Capacity of Key Institutions</b>	Develop and implement a Code of Conduct and Discipline for Somali Police Force.	Ministry of Internal Security	Short-term
	Conduct comprehensive ethics training for Somali Police force.	Ministry of Internal Security	Short-term
	Establish a dedicated anti-corruption/financial crimes unit within the Criminal Investigation Department.	Ministry of Internal Security	Long-term
	Develop and implement codes of conduct for judicial officers and staff; develop and distribute Statement of Principles among judges and service users	Supreme Court	Short-term
	Conduct comprehensive ethics training for	Supreme Court	Short-term
	Establish the Judicial Service Commission	Office of the President	Long-term
	Establish Judicial Training Institute to enhance competence and professional development of judges	Supreme Court	Long-term
	Establish Economic Crimes bench within the judiciary tasked with adjudicating corruption cases	Supreme Court	Long-term
	Enactment of the <i>Advocates Act</i> ; regulation of the legal profession through the establishment of the Somali Bar Association.	Ministry of Justice	Long-term
	Establishment of a multi-agency Anti-Corruption Tasks. Force (police, prosecutorial services, judiciary, supreme	Ministry of Justice	Immediate

	audit institution and financial intelligence centre) with a clear Terms of Reference		
<b>3</b> <b>PUBLIC FINANCE:</b> <b>'Following the Money' and</b> <b>Protecting the Public Purse</b>	Automate revenue administration processes by installing a computerized, integrated tax	Ministry of Finance	Long-term
	Establish a digital customs management system	Ministry of Ports; Ministry	Long-term
	Modernize and simplify the legislative and administrative framework for inland revenue	Ministry of Finance	Long-term
	Develop a Customs Modernization Plan including a roadmap for transitioning from volume-based to value-based customs tariffs	Ministry of Finance	Long-term
	Carry out public education on taxes through TV and radio communications and through high-level tax forums	Ministry of Finance	Short-term
	Improve access to tax and customs rates and procedures through distribution of printed materials and online publication	Ministry of Finance	Short-term
	Develop a Taxpayers' Charter explaining the rights of taxpayers and the responsibilities of	Ministry of Finance	Short-term
	Publish information on tax exemptions granted to individuals and companies	Ministry of Finance	Short-term
	Develop and implement comprehensive codes of conduct for revenue administration officials	Ministry of Finance	Short-term
	Professionalize revenue administration officials through provision of uniforms and IDs and provide capacity-building support to improve technical capacities	Ministry of Finance	Long-term
	Hold training sessions to ensure that all MDAs understand and comply with INPB procurement requirements	Ministry of Finance	Short-term
	Enhance the procurement capacity of Ministry of Finance's Procurement Unit as well as procurement units in MDAs through training and capacity-building.	Ministry of Finance	Long-term

	Establish an Inspection Unit within the Office of the Accountant-General to verify the delivery of goods and services prior to payment of invoices.	Office of the Accountant-General/ Ministry of Finance	Long-term
	Compile a full inventory of public lands and property	Committee for the Protection and Recovery of Public	Long-term
	Review all public property leasing and disposals since 2012	Committee for the Protection and Recovery of Public Property	Long-term
<b>4</b> <b>BUREAUCRACY:</b> <b>Building a Merit-Based, Professional and Inclusive Civil Service</b>	Carry out sensitization drives and training programs for all public sector staff on ethics, on the meaning and importance of public service, and on the obligations of public servants	Ministry of Labour and Social Affairs	Short-term
	Enact the amended <i>Civil Service Law</i> currently before the Federal Parliament of Somalia	Federal Parliament of	Short-term
	Develop a clear and objective National Recruitment Policy	Ministry of Labour and Social Affairs; Ministry of Justice	Short-term
	Develop clear policies on dismissal, career advancement, career development, benefits, ethics, inclusivity and discrimination, health and sanitation, etc.	Ministry of Labour and Social Affairs; Ministry of Justice	Short-term
	Modernize and restructure the National Civil Service Commission as an efficient, centralized human resource management hub that advertises positions with clear job descriptions and expected work outputs.	Ministry of Labour and Social Affairs	Short-term
	Establish results-based performance management systems	Ministry of Labour & Social Affairs; National Civil Service Commission	Long-term

	Develop clearly defined organizational structures for all MDAs	Ministry of Labour and Social Affairs; National Civil Service	Short-term
	Publish the findings from the 2018 Civil Service Audit and implement recommendations	Ministry of Labour & Social Affairs	Short-term
	Develop and enforce public service code of conduct and discipline	Ministry of Labour & Social Affairs; National Civil Service	Short-term
	Set up clear administrative/disciplinary sanctions for violation of the public service code of conduct	Ministry of Labour & Social Affairs; National Civil Service	Long-term
	Initiate national public service awards scheme to recognize integrity and exemplary service; hold civil servant appreciation events	Ministry of Labour & Social Affairs	Short-term
	Develop clearly articulated pay grade system so that civil service salaries are commensurate with responsibilities	Ministry of Labour & Social Affairs	Short-term
	Establish mechanisms to boost the capacity of the civil service including but not limited to a civil service training institute	Ministry of Labour and Social Affairs	Long-term
<b>5</b> <b>ATTITUDES:</b>	Mainstream ethical values and standards at the ministerial and directorate level through integrity retreats and ethics sensitization	Ministry of Religious Affairs and Endowment; Ministry of Justice	Short-term
	All ministers and directors sign comprehensive integrity pacts in public signing ceremonies	Ministry of Religious Affairs and Endowment; Ministry of Justice	Short-term

<b>Creating a Society that Rejects Corruption</b>	Conduct robust public education drives (using media and radio platforms, religious addresses, political leaders, and school/university curricula) to sensitize citizenry on what constitutes corruption, its ethical and economic implications, and the legal consequences of engaging in corrupt practices.	Ministry of Religious Affairs Ministry of Education, Ministry of Youth and Sports; Ministry of Justice	Ongoing/ Long-term
	Draft and publicize Citizen Service Charters and ensure that they are understood and signed by public servants.	All MDAs; Ministry of Justice	Short-term
	Publish all fees and charges associated with the provision of public services so that they are plainly visible to service recipients	All fee-collecting MDAs	Short-term
	Develop accessible, efficient and credible public complaints mechanism where public can report allegations or experiences of corruption	Ministry of Information, Culture and Tourism; Ministry of Justice	Short-term
	Conduct Vulnerabilities to Corruption Assessments (VCAs) in the highest-spending MDAs	Ministry of Planning; Ministry of Justice	Long-term
	Carry out VCA in the legislature	Ministry of Planning; Ministry of Justice	Long-term
	Carry out VCA in the judiciary	Ministry of Planning; Ministry of Justice	Long-term
	Establish mechanisms to collect, study and disseminate information on the incidence and location of corrupt practices in Somalia	Ministry of Planning	Long-term