



Decentralization and the civil service reform in Sudan: Reality and challenges (1991-2017)

Hassan Hamid Mushieka ^{1*}, Abdala Mohamed Ahmed Kafeel ²

¹ Department of Political Science, University of Khartoum, Sudan

² Institute for the Study of Public Administration and Federalism, University of Khartoum, Sudan

Abstract

Decentralization in Sudan was originally tailored to solve the problems relating to the fiscal and financial relations, and to distribute powers and national resources more equitably between the various levels of government (vertically and horizontally). The 2007 National Civil Service Act, which was intended to replace 1995 public service Act, was in essence a move on the part of the ruling regime to build greater confidence and good faith with the public. Decentralization in Sudan has many dimensions that need to be considered, in order to determine the scope of the reforms required. One of the most important challenges facing decentralization and civil service reform in the country is the relative lack of efficient and effective human resources management both at federal and states levels of government; in addition to the weakness of bureaucratic control and the failure to activate the laws and regulations that should help achieve the objectives of administrative reform in Sudan. The most important recommendation offered by the present paper is that continuous attention should be paid to reforming fiscal decentralization, in order to ensure that local governments have enough fiscal controls to plan ahead their activities in more efficient ways, including that of administrative reform. However, the later recommendation should certainly be coupled with active popular participation in government which is considered as a principal requirement for good governance.

Keywords: Sudan; Decentralization; Civil Service; Reform

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* Corresponding author. E-mail address: ahmedmeshieka@yahoo.com

1. Introduction

The civil service reform agenda in developing countries has evolved and changed focus over the last few decades. Africa, in particular, has witnessed several civil service reforms over the last four decades or so, albeit with varying degrees of success. Those reforms have ranged from relatively high success, to limited success and utter failure (Gerald, 2012). Similarly, the scope for effective and accountable decentralized governance realized varied greatly among different countries, depending on historical, economic and political conditions. In Sudan decentralization has had many dimensions that need to be considered, in order to determine the scope of the reforms required. In the latter context, experimentation with performance-related reforms reflects various features of the new public management reforms in Sudan. Public sector reform does not seem to have taken account of the economic, social, cultural, constitutional and political context in Sudan.

The main target of this paper is to discuss some issues relevant to decentralization in Sudan as well as to tackle the process and efficiency of the decentralization system. Also, the paper focuses on the reform of both decentralization system and civil service in the country, with respect to the way it works, the positive and negative aspects in the system, and how could the attendant problems and challenges be addressed by responding to the realities of reform. Therefore, this paper follows a number of approaches; including descriptive approach, comparative approach, and statistical approach. And the research conducted has depended mainly on secondary and primary data, as well as on some relevant websites in the internet as the main sources of data.

2. The concept of decentralization

In recent years the topic of decentralization has received increasing attention as it has always been a highly a complex phenomenon. Decentralization is defined and interpreted in several ways. Sometimes it is considered a general term, sometimes a more specific concept, a process, a theory, a methodology, a policy, or even a trend (Nick Devas, 2005). According to current literature on public management, "Decentralization may take two broad models: de-concentration and devolution. De-concentration, also known as administrative decentralization, refers to a transfer of power to lower-level central government authorities, or to other local authorities who are upwardly accountable to the central government, e.g. districts, provinces, regions or local councils." (Al-Teraifi, 1983).

Yet, in its various forms, it has often been actively pursued by both developed and developing countries. If properly established, decentralization can be a reliable means of creating more open, responsive and effective local governments, as well as for enhancing the quality of public service, thus also promoting people's representation and political participation in local communities. It also helps in decision-making by allowing local communities and regional entities arrange their own affairs to achieve their own priorities and needs (UNDP, 1997). Hence decentralization remains a key issue for developing countries, and it entails significant transfer of public service functions from central government to lower levels of governance. "Decentralization relaxes national control and creates the potential for more regional variation in civil service conditions. Some

room for variation allows regions the flexibility to hire a civil service that matches a community's needs and budget constraints."(World Bank, 2017)

Indeed, decentralization is much more than a concern of public sector, or of the civil service and administrative reform. It involves the roles and relationships of all societal sectors, whether governmental, private sector, or civil society. Moreover, it helps promote accountability at all levels of government to be reinforced so as to ensure that national resources are shared equitably and used in accordance with national policies regarding each level of government. According to UNDP, "decentralization is the logical application of the core characteristics of good governance at the sub-national or local levels". (UNDP, 1998) Some scholars have argued that democratic decentralization, by building popular participation and accountability into local governance, can make the local governments more responsive to citizens' choices and more effective in service delivery (Munawwar, 2015).

3. Civil service reform: Theory and practice

The most common usage of the term "civil service" refers to the core, permanent administrative arm of government. It includes officials working in government ministries, departments and agencies: personnel who advise on, develop, and implement government policies and programmes and manage day-to-day activities. The civil service is critical for the responsible management of public expenditure and revenues. In turn, responsible management requires the provision of sustainable employment opportunities for competent and motivated personnel. (Munwar, 2015).

Civil service reform is usually a supporting strategy for more general decentralization in government operations or service delivery. Hence "successful public sector reforms should take account of the economic, social, cultural, constitutional and political context of the state in which they are implemented" (European Commission, 2009). The civil service as a whole can be seen as one of the principal instruments with which a government fulfills its obligations. In the context of decentralization, this instrument needs to be reshaped in order to perform a new set of duties efficiently, equitably, and effectively. Reform of the civil service, therefore, is the process of modifying rules and incentives to obtain a more efficient, dedicated and efficiently performing government labor-force in newly decentralized environment (World Bank, 2000).

In any case, civil services at all levels of government need highly capable, motivated, and efficient staff in order to deliver quality services to its citizens. When civil service structures and functions are decentralized, existing bureaucratic patterns become reorganized as roles and accountability sufficiently be shifted accordingly. Decentralization thus intensifies the need for capable staff and increases the importance of capacity-building programs.

"The organizations and governance arrangements included in the public sector varies from country to country. What is private and what is public depends on the history and development trajectory of individual states. There is no standard prescription for what should be private and what should be public" (European Commission, 2013).

4. Decentralization in Sudan: Origins and challenges

The National Salvation Government implemented a federal system as suitable system to govern Sudan (Mushieka, 2014). After a long civil war that ended in 2005, the two partners of the Government of National Unity (GNU) adopted decentralization in the National Interim Constitution of 2005. According to the CPA 2005, decentralization was tailored to solve the problems relating to the fiscal and financial relations, and to distribute powers and national resources more equitably between the various levels of government (vertically and horizontally). (Interim Constitution of Sudan, 2005).

Decentralization has also remained a key issue in Sudan's political development, confirming the imperative of the administrative transfer of civil servants and public functions to the lower levels of government as well as a means for maintaining greater balance between the different levels of government. However, it is noteworthy in this context that after almost a decade of implementing the present system of decentralization, the results are still frustrating to the people of Sudan, as poor performance in the civil service and weaknesses in public finance management have emerged clearly in most peripheral states and localities of the country.

5. Sudan between federalism and decentralization

The federal system strengthens democracy. *"The citizens have more possibilities to participate in politics and to uphold their interests. They have the right to vote at several levels: at the federal, the Land (federal state) and, finally, at the local level"* (Schnapauff, 2010). While the history and evolution of federalism is rich and complex in the world at large, yet in developing countries and particularly in Africa, it still remains vulnerable (Burgess, 2018).

The implementation of the present federal system in Sudan came as a result of the recommendations of the National Dialogue Conference convened in Khartoum (October- November 1989). There were several reasons which necessitated the adoption of the federal system, the most important of which were as follows:

- The vast area of the country and the poor means of transportation.
- The ethnic and cultural diversity.
- The variation between regions in terms of development.
- The increasing aspirations of the people for self-government in the regions.
- The recurring conflict between ethnic and cultural groups and the feeling of inequality and exclusion among citizens in the least developed regions (Republic of Sudan,1989).

According to the Tenth Constitutional Decree, the Government sub-divided Sudan into 26 states instead of the nine regions already existing, 16 of which in the North and the rest in the South. (Mushieka, 2010). The federal system has been implemented in a non-democratic environment and has lacked a stable Constitution. This has had a negative impact on the performance of the administrative institutions at various levels of the government, and therefore has produced widespread conflicts between the dominant central (federal) government and most of the peripheral states (Mushieka, 2015).

The Constitution of Sudan was approved by national referendum held in 1998. It states that Sudan is a federal republic. It lists federal, state, and concurrent powers and establishes a Federal Government Chamber, supervised by the president, to coordinate the relations between the three tiers of government (The Constitution of Sudan, 1998). The Public Service Employees Justice Chamber (PSEJC), the General Elections Commission, the General Auditing Chamber, the Public Grievances and Corrections Board are other constitutionally established federal institutions in Sudan (The Constitution of Sudan, 1998). The constitution was partially suspended in December 1999 when the President of Sudan dissolved the National Assembly before it could vote on intended constitutional amendments limiting presidential powers. However those constitutional powers were restored to the national Assembly subsequent to new legislative elections in December 2000. But the constitution was then further amended in favor of the presidency in May 2002 (UNDP, 2006).

The Machakos Protocol signed by the government and the Sudanese People's Liberation Army-Movement (SPLA/M) on July 20, 2002 envisaged new constitution written to conform to a broad set of agreed principles within the first six months of the adoption of the Comprehensive Peace Agreement (CPA, 2005).

6. The civil service during the national salvation government (NSG)

The autonomy or "neutrality" of the civil service long embedded in Sudan as a cherished tradition, was first tampered with by the 2nd military regime 1969-1985 and for all practical purposes, was declared dead by the (MSG) regime (Hammour, 2012). That actually the civil service and all the country's administrative system have presently become part and parcel of the political system. It may be stated that a full politicization of the civil service have been effectively carried out. Actually, all civil service legislations and regulations established during the latter era clearly depict this attitude. Sweeping purges at all civil service levels, especially the high levels based on political consideration. Recruitment selection, appointments and all other civil service practices were primarily carried out along political lines. However, this is not to categorically deny the occurrence of some serious attempts to redress excessively unfair and damaging measures taken. Some serious attempts to bring about administrative reform are actually being presently made, but they are practically blocked by some factors that prevent their fruition. Main among these hurdles is the following factors:

- The above - mentioned politically motivated purges that deprived the civil service of thousands of its best trained and experienced personal.
- Mobilization of thousands of trained staff by military authorities to join the war waged then in South Sudan to prevent the secession of the southern region, where actually many of them lost their lives.
- Emigration of thousands of skilled Sudanese workforce to the petroleum producing Arab Gulf States where better work opportunities and better pay.
- The emergence of new government ministries and other institutions that because of the special nature of their work, (e.g. petroleum) gave preferential terms of service and better salary scales. Similarly, the military and other forces have been getting better salaries. These measures coupled with the rising cost of living and deterioration of the value of the country's national currency, thus

forcing many more civil servants to look for better jobs and better pay with the private sector or outside the country.

The government in Sudan appears to be well aware of the presently poor living conditions of the country's people, and also of the very unrewarding pay scales of its more employees. These conditions have adversely affected the level of government performance and the quality of services offered to the public. Of late the government has exerted some effort to improve those conditions. In this respect 29 reform attempts have been made during the period since political independence in 1956 until 2011. In recent years, when government revenue was supported by oil exports (1995-2011), the government was able to subsidize some basic services and other needs of the country's population. But that improvement of services has been minimal since 2011, if any at all. Subsequently, the state of political unrest and public dissatisfaction reflected negatively on the stability and development of the civil service. Matters became increasingly worse because of the rather high frequency of change in the country's political and economic conditions and its laws, and that of regulations relating to the civil service.

The prevailing political unrest and the weak state of the economy; in addition to the rising social dissatisfaction, have all combined to further lower the morale of civil servants. This has in turn negatively impacted the level of services rendered to the public.

Apart from that, in the past few years most of the government's reform endeavors failed to attain their stated objectives. Actually, they have not brought about any positive administrative change or any recognizable social satisfaction. This was principally due to the inadequate numbers of trained administrative staff available, the poorly designed administrative reform plans themselves, and the generally in conducive work environment. Nevertheless, it may still be argued that neither the prevailing administrative conditions nor the demoralized social and popular mood, have prevented some of the ongoing administrative reform projects which have included. The following ones:

- A committee for the purpose of determining and streamlining the civil service salary structure, and for effecting administrative reform at the national scale was formed in 2003, as per the Council of Ministers decision No. 482.
- In 2008 a committee was set up for an overall restructuring (reorganizing) 144 government units. The committee was to report directly to the council of ministers in a gesture intended to show the seriousness of its intentions (Elbatari, 2015).
- Moreover, activities of the national council for training were reinvigorated, its Act was promulgated, and its secretariat resumed work on training civil servants at all top executive and middle management levels. However, the committee's activities did not indicate because of lack of funding, especially for the purposes of training abroad, (Alzien, 2016).
- Clearly designed plans for civil service staff training, and the absence of any specific criteria for selection of trainees thereby allowing malpractices in such selection.

Further, another important event that has greatly influenced the civil service structure and functions in the aftermath of the Comprehensive Peace Agreement (CPA, 2005) was the decision to introduce the decentralization system in Sudan. That decision directly impacted both the structure and function of civil service in Sudan. 17 state-level governments (Wilayat) were established by the constitution, and hence actually 17 civil services were eventually established. After implementing the federal system (in 1994) every sub-

national state established its own civil service. But in view of the dearth in trained personnel who could be at the provincial levels, and who could be entrusted with policy making, and strategic decisions, the civil services suffered even greater deterioration. That resulted in even services rendered poorer gradually to the public.

In order to make up for this problem of deteriorating services, and to help Sudan success fully face up to that challenge, many foreign institutions showed up for help. The impact of foreign assistance in narrowing the above gap, and in helping Sudan evade even greater were indeed appreciable. They became part and parcel of the efforts made toward ensuring full success of the Peace Agreement. Among those agencies were the Multi Donor Trust Fund (MDTF) and the Joint Assessment Mission (JAM) that represented the concerted efforts of a number of European nations in supporting the efforts to enhance development in Sudan administrative reform, in the civil service. It is also worth mentioning in this context that some efforts toward adopting electronic government were being made. These have been generally modest and at a limited scale.

The Civil Service Department established at the beginning of the condominium rule, mostly dealt with traditional personnel administration. But it also had come through some changes and transformations. However, all efforts made toward its reform fell short of rendering it to become a full-fledged mechanism able to be entrusted with up to-date human resources management and development. At the national level it has actually failed to provide effective solutions to the major challenges that faced the civil service. The unemployment of high school and university graduates have become rather endemic. Staff redundancy (i.e. over employment and social employment) has persisted without solutions. Poor methods of recruitment and selection have contributed to poor levels of performance, so much so that civil servant's morale has abated, and their sense of belongingness and commitment to organization's objectives has become very low and continues dwindling. The mass exodus of civil servants to the Arab Gulf states, and elsewhere have, according to official statistical figures, has become really alarming, and the whole situation could generally be described as oblique and intractable.

7. The national civil services act 2007

The 2007 National Civil Service Act intended to replace the 1995 public service Act, was in essence a move on the part of the ruling regime to build new bridges of confidence and good faith with the public. Hence its fourteen chapters have come to address all basic issues and essential concerns of the people. It could thus be described (in other words) as an administrative reform mainly addressing the concerns of the ordinary man nationals. It must be added however that it has primarily been drafted and promulgated purely by Sudanese, (National Civil Services Act 2007).

The Act consists of twelve sections (chapters). The first chapter explains the meanings of the technical terms used in the act. While chapter 2 provides for the establishment of a "High Council for Administrative Reform" that is to be established by decision of the council of ministers, and it shall have a permanent General Secretariat. The decision implies, that according to its wording the administrative reform is going to be an ongoing concern, and thereby an institutionalized process (Interview, Hammour, 2017).

Chapter 12 considers miscellaneous items. It identifies a situation where the post of the head of department, or his/her representative may be authorized to exercise the terms of the said Act, and also the powers conferred upon the Council Service based on the recommendation of the minister concerned with execution.

8. The new move to reform the civil service

The ex-minister of the Human Resources Ministry referred to the move for a "Legal Reform" as being one of the most important initiatives started in 2015 whereby a thorough reform of the existing civil service laws are expected to be carried out. However, it is just an intention to further develop and update the existing Act. The intended reform should assist in increasing discipline. It should also help activate the presently dormant central Civil Service Department, which is the original mechanism for imposing such discipline. This reform programme is at present already underway, especially regarding the computerization of human resources management (Interview, Mahmoud, 2014).

The Council of Ministers has already issued its approval as a draft legislation concerning the number of legal provisions on recruitment for national civil service in 2016. The draft legislation encompasses 71 legal Acts and 28 memoranda regarding organization, all in consistence with what is now referred to as "the Programme for State Reform". This move is intended to fully empower the commission for Recruitment to assume full control over the appointment to all positions in public employment, (Sudanese Media Center, 2016). However, the intended amendments may shiftily differ from one Act to another.

9. The process of administrative reform in Sudan

Sudan has seen multiple efforts of administrative reform under both civilian and military regimes, many of which conducted at both the central and the decentralized levels. The first attempt was in 1966, when a national committee was formed to re-organize the civil service, and in 1971 an important development took place represented in the establishment of a Ministry of Public Service and Administrative Reform, based on a study conducted by the United Nations and upon a recommendation made for the establishment of the said ministry.

In 1988, the Central Bureau of Administrative Reform, followed by the National Program for Reform and Management Development were established, but neither of them affected any reform to the already weak Civil Service institutions in the country. Later on, a conference was organized on the Public Service in Sudan in 2001 which as came to nothing. It is noted that all successive governments that ruled Sudan adopted policies highly politicized and led by narrow ideological consideration, including a program for administrative reform, in line with the political orientation and ideology of each one. All those reform policies purported to strengthen the State machinery, but in reality none of them resulted in upgrading the country's administrative. Instead, most of them led to by laying off experienced and competent, public servants under claims of public interest (Kamal, 2016). Further, administrative reform in Sudan would also need to address the effects of indigenous social and political institutions that compete for individual and group loyalty.

10. Decentralization as an instrument of civil services reform in Sudan

Recently, the decentralization system in Sudan has been identified as an important pillar of public administration reform. The effectiveness and efficiency of the public administration is crucial to achieving developmental goals, not only in Sudan but also in all country. However, almost everywhere, reform and renewal of the public service is needed perpetually to meet emerging national challenges. Drawing upon Sudan's experience, examines the integration of civil service reforms, particularly after the 2007 Act with decentralization under the principle Devolution of Power, according to this Act will be explained more in details in the coming second section of this study. The experience attempts to investigate a transformative reform that successfully achieved simultaneous reorganization of both local government and the civil service. While DOP in its original form has largely been discontinued since the split of the ruling party into two factions (thus ousting one faction from the government power) in 1999, some of its core elements have helped consolidate some urgent, and long overdue, local government reforms in Sudan (Interview with Mohamed, 2016).

11. Dysfunctional aspects of decentralization in Sudan

Considering the case of Sudan, decentralization has many dimensions that need to be considered, in order to determine the scope of the reforms required. These include the following observations: The relationships between the three tiers of government in Sudan are neither functionally useful nor structurally robust.

- 1- There is no equity, efficiency or continuity in the transfer of money to different states, and no good quality public services provided within any locality; and according to some proximate observers, urban areas are more benefited compared to rural areas, especially so in Khartoum state.
- 2- The financial operations are not always conducted according to rule (e.g. state governors have always tended to dominates over financial decision making:), thus marginalizing and undermining the roles and responsibilities of the localities.
- 3- The structures and organization of government are not yet stable in Sudan, and still mostly in a fluid condition. This is observed not only in the capital Khartoum but also in most of the states of the country.

12. Impending challenges to decentralization and civil service reform in Sudan

The impending challenges facing decentralization and civil service reform may be summarized as follows:

- There is a lack of clarity in the vision about the required place of decentralization in Sudan, even after the advent of the federal system of government.
- Both in the past and at present it has remained imperative to admit that the existing system of decentralization has failed to operate effectively and efficiently to achieve its intended objectives; particularly in public finance management at all levels of the government.

- It's essential that sub-national units for the Commission for Allocation of Revenues in Sudan are established in all the states of the country.
- The lack efficient and effective human resources management at federal and states levels of government is seriously lacking.
- The non-alignment of training policies to meet the dire needs for qualified staff at all levels of government, particularly in the peripheral states (such as Darfur and Blue Nile states).
- The weakness of bureaucratic control and not activating the laws that achieve the objectives of administrative reform.
- The adverse impact of the politicization of the civil service on its competencies and effectiveness.

Presently, the civil service in Sudan is entrusted with the critical roles of supporting the country's government in its transition to democracy through a National Dialogue, and to promote socio-economic development. In order to accordingly shape the future of Sudan, it will also have to be adequately equipped so as to meet the global Post-2015 Sustainable Development Goals and reduce poverty. Administrators will need to deliver development objectives using scarce public resources and forging new relationships between the public and private sectors. This might necessitate performing tasks that are not only daunting and complex, but also politically sensitive. Thus, reforming public service should be firmly embedded in the continuum of public policy rather than as a one-off agenda of a particular regime.

Decentralization is underway in different countries for a wide range of reasons. However, good governance, better service delivery and enhanced accountability remain common goals across all contexts. There are many examples from developing countries where public sector reforms have not always been successful, either in terms of implementation, impact on governance, quality of devolved services, or poverty reduction. There seems to exist a general consensus within the global development community that considers understanding and tackling political economy issues of governance is a basic necessity for enhancing the impact of the reforms. While it can be said that decentralization is usually successful when implemented with a strong political will and a sound strategy, yet there are lessons to be learned from different international experiences. To this effect, Sudan's experience can draw on valuable policy lessons, especially from those countries that share same traditions of public administration (e.g. Nigeria, Ghana, and India) and elsewhere in Africa, Asia, Latin America, and the Arab world where integrating public service reforms with decentralization has been crucial for delivering sustainable development.

13. Conclusion and recommendations

This paper has considered decentralization (as a process) and the civil service in Sudan, and it focused mainly the process of reform, whether it is real or not. If the reconciliation is urgently needed by the people of Sudan, what is the existent government response to that? The purpose of the reform initiatives in Sudan should be to ensure that government organizations deliver on rational economic goals of government and make public managers more accountable in the use of public resources. Obviously, the paper shows that effectiveness and efficiency in public service delivery and in administrative reform in general, are the most highly ranked characteristics of any autonomous local governments. Above all, the most visible impending challenge facing

decentralization and civil service reform consists in that the existing system of decentralization has utterly failed to operate effectively and efficiently to achieve its intended objectives; particularly in public finance management at all levels of the government.

The paper's most important recommendations are that, in order to further improve civil service reform within decentralized governance and to enhance the delivery of public services, the government of Sudan urgently needs to take into consideration certain measures and activities which are spelled out below. The present pattern of decentralized governance and civil service reform in Sudan do not make a useful mechanism for solving problems, especially in the absence of well trained and professionally qualified local government staff. Continuous attention should be paid to reforming fiscal decentralization, in order to ensure that local governments have enough fiscal control to plan ahead their activities in more efficient ways, including that of administrative reform. Finally, adopting measures to fight corruption and promote the cause of clean government, and ensuring active popular participation in government, which is considered a principal requirement for good governance.

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