

Recommendations: Capacity Building Programme on Public Policy

NUST input in the NPC Review Programme

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1. Introduction

As a public servant in several positions advising management from 1987 in the Central Personnel Institution and later in the Office of the Prime Minister, I have been involved over 16 years in advising public managers about public policy making an implementation until 2002. Being in an academic position for 17 years, I have experienced, especially since 2000 a deterioration of policy implementation. This is within the context of the broader deterioration of the public morale, an increase in political interference, an increase in corruption and a decrease in public servant competency levels. The latter deterioration of the public ethos took place contrary to international trends such as the knowledge-based economy, e-governance, value added governance, network governance and sustainable governance as reflected in the Sustainable Development Goals of the UN.

2. Policy as an interdependent and interrelated System

Policy is a process that is part of a larger system of processes and practices as reflected in programmes and projects. Public policy making and implementation are processes of a much larger value chain that requires cross checks and balances between all six phases of the policy process. Currently there is limited commitment to measure indicators for improved implementation. Although indicators can be improved at all levels, some contributors to limited implementation are vested in the implementation or rather non and limited implementation and repetitive policy and project implementation oversights. Over the years Namibians have observed excellent plans such as Harambee. However, the momentum to monitor ongoing implementation of plans and institutionalising it into policies and workable programmes and projects to rectify shortcomings are evident in a graveyard of unachievable outputs and outcomes. Covid 19 and the inconsistent

implementation thereof is still fresh in the memories of Namibians. The recent opening and closing of borders is a prime example of incoherent and inconsistent policy implementation that resulted in criteria investment leaving Namibia.

3. Legislation as an enabler of sustainable policy

A trend that has been observed is the increase of legislation that is vague, open for discretion, an administrative nightmare to implement and challengeable in court. Eg the Marine Resources Act that legalized the corruption of Fishrot. NEEEB and the implementation thereof will not contribute to successful policy implementation, because the bill in its current form, is unsustainable and an administrative nightmare. Several legislations are outdated and originated from the *Apartheid* era. Such legislation needs to be scrapped and/or revised, eg the Terrorism Act. Successful policy formulation and implementation starts with sound and legitimate legislation that represents the will of the people, not by government that press for scoring political points prior to election time. Such legislation cannot make policy formulation and implementation executable. People resist such legislation, policy and its implementation in whatever form of regulations, programmes, projects and initiatives such as PPPs. The Procurement Act is an example of an act that probably created more uncertainty and loopholes compared to the previous legislation and policy related thereto.

4. Accountability and policy monopolies

In order to improve policy making and implementation, accountability should be increased, delegation should be used to make that possible. Policy making is a system and systems engineering can be used to improve it. The current system of policy making has almost no ability to rectify itself because public servants seems to shy away from accepting accountability (could be due to just following instructions, political interference and protecting their employment opportunity), are not reprimanded for no or partial implementation and those in control of the policy making process (senior public office bearers), are the same people that protect their positions and they are protected by the politicians that appoint them and to whom they report, the Ministers. Adequate checks and balances are not in place to rectify policy failures. Monopolies in the policy implementation should be minimized in order to provide more checks and balances for improved implementation. Eg both the Prosecutor General and the CEO of the Anti-

Corruption Commission have the sole discretion in terms of prosecution and investigation of corruption cases respectively that are guarantees for policy monopoly and policy failure in the judicial policy framework with no policy mechanism for self-correction and/or rectification.

5. Rethinking the role of Government

The approach that government should be the main driver of policy formulation and implementation should be aligned with international trends of value-added governance and network governance where government is just one player in the policy making process. Government is supposed to only facilitate the social dialogue for enabling all stakeholders to participate. Government is not even supposed to drive the process of policy formulation, that should be done by the public in the form of active interest groups and making use of social platforms such as Facebook, Twitter etc. Interest groups and advocacy groups are not adequately involved and not respected by Government for their input. Being an Associate Researcher of the Institute of Public Policy Research (IPPR), a founding member of the Action Coalition for Access to Information Namibia (ACTION), a board member of the Economic Policy Research Association (EPRA), Project Consortium Africana (PC-A), Pax Africana and Citizens Trust (CT), the absence of public officials attending any interest group presentation is evident and demonstrated over decades the inability of Government to facilitate policy formulation based on ongoing social dialogue for continuous improvement of public policy based on research, international trends and best practices. Interest groups tend not to receive feedback regarding policy formulation. However, Government rather entertains a short process of public consultation before implementation. The policy making process is also too centralized and driven by Government instead of being tested and verified based on public demand, eg NEEEB.

6. The undervalued role of the Media

The role of journalists in providing positive criticism to improve the policy making process are not adequately reflected. This is evident in the fiasco regarding the spokesperson of the Office of the President and tens of journalists that have expressed their disappointment in the one-sided communication of the latter spokesperson.

7. A Success story

The process interaction between the IPPR and the Ministry of Finance of propagating the Citizens Budget can be used to improve democratic participation in the pre-budget process.

8. Gaps of coordination and alignment

In general, policies, processes and practices are not adequately aligned for effective and efficient implementation. Customers at ground level are not aware about targeted outputs and outcomes and cannot challenge or hold public servants accountable. Such targets and outputs, eg are not published at regional, rural and at school level so that public servants can hold public servants accountable for money earmarked, targets not achieved, overspending and underspending. The pre-budget process is exclusive to public servants with almost no input from citizens and stakeholders.

9. Rethinking policy, programme and project challenges

Programme and project cost inflation is a reflection of policy failures at operational level. This is evident in project cost inflation of approximately seven hundred percent of Neckartal, the Walvis Bay Petroleum facility, etc. Policies are ineffective because of the implementation thereof in the form of substandard project planning and specification that has become part of the public culture in Namibia where projects are rarely completed on time, on budget and without perceptions of corruption. Projects are planned with deliberate specification oversights in order to create cost overruns, emergency procurement without tendering and under the table deals. In order to improve policy implementation, a new culture needs to be developed in offices/ministries/agencies that embraces a new programme and project management system that moves away from a penalizing approach and embraces an incentive based approach. Internationally, projects that execute policies are planned without taking into consideration cost overruns, time overruns, disputes, colluding etc. Projects are disputed and ended regularly in court cases and out of court settlements because the loopholes of project risks are not foreseen and not planned for. The Canadian project management system, FIDIC embraces an incentive -based system of project monitoring and management that is beyond comparison internationally and worthwhile considering for adaption and implementation in Namibia.

Due to overwhelming evidence of policy failures, Government should seriously consider moving away from the current project management system of Financing and Build, Financing, Build and Operate and Financing, Development, Build, Operate and Maintenance (FDBOO), A much more improved framework for policy implementation and the most effective and efficient approach that has been developed by Pax Africana and Project Consortium Africana (Not for Profit Organisations) developed over twenty years of continuous improvement where the author of this document is a board member, is Project Management, Exploration, Procurement, Construction, Commissioning and Monitoring (MEPCCM). In this project management process, checks and balances are secured at all stages right from the first stage before continuing to the next stage. A formal presentation is possible to explain the process.

10.Late PPPs as Special Purpose Instrument

Government should move away from conventional early PPPs and enable the private sector to initiate PPPs in terms of initiative and funding so that government can become a minority shareholder in what is called late PPPs. This can alleviate scarce government resources and enable much improved operations and maintenance that is almost always a disaster when government takes over private sector projects and PPPs after Build Transfer and Operate and Build and Operate.

11.The Simasiko Policy Quartet

The Quartet as will be explained is the brainchild of Mr Simasiko, a former Permanent Secretary of the Ministry of Mines and Energy and the first CEO of the Electricity Commission.

In order to provide adequate checks and balances for improved policy implementation, there is a need to put a policy quartet in place where four role players should have an equal role and weighting as follow.

- Government as the facilitator of policy formulation and enabler of social dialogue so that stakeholders are inspired and valued to participate in a democratic policy formulation and implementation process.
- The customer in the form of the public in whatever interest and/or advocacy group that are encouraged by Government to provide input based on vested interest and expected and/or demanded offtake.

- The supplier of a service(s) to the public for the Government that pays directly or just provide the private sector with the opportunity to participate in the market and sell a private service to the public based on cost and quality.
- An independent regulator of a service/sector that oversee the fair and equal compliance of suppliers of public and private services to customers in the form of standards and regulating instruments such as licenses and permits etc.

The Simasiko Quartet can enable the self-rectification of policy and system failures because of independent checks and balances that function as cross checks. Without such cross checks, any system is beyond self-rectification. This is evident in the form of institutional failures where such failures cannot be rectified by an institution due to undue vested interests in the system over which it has sole power and discretion.

12. Water Regulator gap

In the water sector, there is no regulator. Eg the City of Windhoek is a service provider of water to citizens while simultaneously is responsible for water purification standards and the regulation thereof. Such a water policy gap needs to be closed.

13. One Regulator

Namibia should have one regulator as in New Zealand that host all sector regulators that have excellent competency levels that can enable a common pool of skills and experience to be shared between several sectors.

14. Synthesis

To conclude, it is recommended that policy implementation should be seen as a value chain process from legislation level to programme and project operational and maintenance level that is one integrated and interdependent system. The role of Government in policy implementation should be aligned to international trends and best practices as proposed and a new culture of democratic policy formulation should be facilitated in which checks and balances are institutionalized, safeguarded and interlinked in a stages of policy implementation in a well-defined roles of a Policy Quartet as proposed in order to enable sustainable policy

implementation and governance. In such a Policy Quartet, policy should be demand driven by the public, based on unfalsified researched.