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Impediments Hindering Administrative Reform

Administrative reform, in its broad conception, is a lot more than a simple operation of modifying the administrative centers. It goes nowadays in harmony with the concept of developing and modernizing the entire Administration in order for it to perform with high competence and efficiency. But the administrative reform as a defined process cannot find solutions to all the problems of the state and should therefore go along with reform processes elsewhere, like in economics, justice, electoral law, education and others.

In order for a reform process to be successful, it should be comprehensive, keen on change and open to others' ideas, as well as adopting an enlightened review. Any reform movement has also to avoid seasonal or circumstantial work, and commit to perseverance in work, permanent discussion with the public, and care for all the remarks given by the media in order for it to be consecrated an ongoing and extemporal process, since reform is a methodology that goes along with the administrative work in this era of globalization and unequal competition, in an era of international and regional conflicts for hegemonic ambitions.

The main goal behind the administrative reform process is to serve the citizen, to develop the positive relationship between him and the state, to promote the role of the government as a tool for national unity and a meeting point for all the parties of which the society is formed in order to reach targeted decisions and to implement well-designed developmental plans.

In fact, in many states, governments are living some retrogression; populations are claiming the elimination of many costly administrations. In fact all populations agree on vital and sensitive objectives that impose on governments the way of improving performance, reducing financial costs and performing tasks in the fields of security and civil protection, social security, health, education and environment.

As a result of the financial crisis suffered in many countries, the administrative reform procedures seem very urgent in order to promote the government structure, to reduce its volume, to bring up and motivate a dynamic private sector and to establish a good civil society with a strong middle class that would be the warrant for the society.

As a process aiming at evaluating and developing the situation and even changing its bases and trends, it is natural for reform to drag opposition and strong resistance from the part of very conservative forces that consider any change in the current situation as a danger for their presence and interests. This calls upon the reform process, if it is really to succeed, to be patient, to use mind and wisdom in containing the impediments hindering

its way and in showing everybody that it is persevering in achieving its aspired objective in order to serve everybody, even those who are against it.

Since all reform initiatives provoke excitement among citizens and believers in change and reform, it is natural that this initiative faces resistance from the part of those who consider that it will influence the entire system of administrative authorities distribution be it with radical steps radical or moderate ones.

This is an everlasting problematic, but I think that the best solution for it is to exhibit the initiative to the public and institutions and to discuss it thoroughly, in particular with its opponents, and consequently have everybody participating, each in his area, in the launching of such initiative.

It may be the hard way, but it is surely the best; it needs patience, will and conviction in order to implement an efficient participation, a principle on which are built modern democracies.

The main element for the success of a reform process is the political decision at the High authorities level, through the provision of all possible means and the elimination of all hinders that may impede the reform. The main difficulty rises when this decision disappears or equivocally appears, since nobody in power considers it wise to reveal his opposing stance to reform. Everybody waves with reform, but resistance against it is generally underlying.

In this context, our venture starts in showing the hurdles standing against reform. The starting point is the Lebanese experience that has seen and still sees steps forward and others backward, in the light of an ongoing discussion- which is the best we have got- in this sea of overlapping and clashing regional and international interests.

My remark here isn't only inspired from books, it comes more from my close experience with the ongoing administrative reform process in Lebanon. Thus, I don't pretend that what I see represents the truth in itself, because things are so complicated and our only means out is to try.

In this context, the main hurdles against administrative reform can be enumerated as follows; I would first like to note that the reform experience in Lebanon is the one adopted herein as reference and background. I'll start with enumerating some of the impediments that, in my opinion, are the most important:

One: The hegemony of the executive power and the centralization of the entire authority within it, at the expenses of the legislative, judicial and local authorities. This hegemony causes an imbalance in the principle of separation of complementary powers. This leads to impeding the course of justice and prompts the public administrations and institutions to become subordinates and leaking the spirit of initiative and gives way to direct interference in its decision-making process, thus turning the Administration into a tool to achieve material gains and political objectives (paying services to followers and refusing them to opponents, giving permits, renting lands at low prices, getting briefed on road

planning, disregarding some infractions), which encourages recession at a time when we need some movement, openness and innovation. This prevailing culture that freezes the authority, its followers and causes results in procrastination, repetition and turning around one's tail. This culture that encourages the employee to leave oneself to his destiny and satisfy those who are above him in hierarchy and to dismiss responsibility will never open any door for reform and change; this culture will consider itself as a fort defending the old values, guarding the institutions and protecting them from the winds of change and development.

Two: The old administrative culture that considers the state as the responsible for the society, having the right to control it and to orient it, giving what it feels like, depriving those it wants, choosing who it wants to cooperate with, and discarding the common criteria and standards it wants. It is not surprising that some very proud administrative positions refuse to cooperate with the private sector and consider participation as a sign of weakness after having been the absolute ruler. This mentality is especially present if it is supported by some decision makers. It is not surprising to see these proud forces pretending not to need any new administrative culture with its ideas, methods and tools; to the extent that these forces refuse to share administrative information and statistics with other institutions and to abandon some prerogatives to others; that they refuse to adopt the scientific methods at the communication and information levels. I remember here, that during my mandate as Minister of State for Administrative Reform in Lebanon, the frozen administrative positions were faced with others, open to modernization, willing to learn and acquire, convinced with the idea of continuous training. I would like here to pay tribute to the response that I have had from the part of the Central Inspection Service whose members are above sixty years old and who have agreed on getting training on the use of computer and adopting it in their work. At another level, I have faced problems in convincing other positions to get started on this venture that I considered at that time very necessary for the development of the Administration and enabling it to process citizens' transactions through mail and without direct contact with them. In fact the last point is a very sad story in Lebanon, because the citizen thinks it over a thousand times before he faces an administrative official; he asks about his political belonging, his confessional appurtenance and the way he deals people in order for him to be on the safe side, and maybe call a leader or make sure that he will be well looked after and he will get his transaction done properly.

Three: In the light of a lagging, imposed-from-above electoral law, through which its defenders try to achieve their own interests and get reelected, it is very difficult to find an enthusiastic legislative atmosphere for some reforms that would liberate the Administration from the political despotism transforming it into an Administration in the service of the citizen and economic development. Even if laws exist, it is important to find the will to implement it in neutrality and objectivity; this prompts the ones responsible for reform in the political authority as well as the judiciary one to be honest and coherent in order to be able to commit the political, security and administrative officials to execute the judicial sentences and to disseminate tranquility in the spirits of citizens, investors and visitors so that everybody feels the rule of law and gets attracted to investments. But in Lebanon, it is very natural for the sectarian regime, built on quotas

and clientelism, to resist the reform trends fearing for their influence in administration and society. Those who are controlling this regime and those who are illegally benefiting from it will not of course open the doors for the winds of change and reform; their interest pushes them to spread the de facto culture in the state and society and to cripple any reform trend through means they master very well.

Four: The weakness of the supervision organs responsible for accountability and supervision over transparency in public deals and law obedience at the civil servants level. But when the civil servants rely on a political support that would allow them to evade any accountability and helps them seek protection in their sectarian belonging in order to cover for their delinquency, they are able to build a very thick barrier to face administrative reform. In order to open a hole in this wall, it is necessary to activate the supervisory organs and to insure their independence, to support their capacities and expand their cadres, to strengthen their prerogatives and add to their developed human resources that are capable of practicing a contemporary supervision. The control organs need specialists in economics, engineering, finance, statistics and auditing along with the conventional specializations predominantly existent in the Lebanese Administration today.

Five: The political regime internal structure weakness and the hegemony of the executive authority on all other authorities weakens the practices of accountability on which is based any flexible democratic regime. As well, the political authority dominance over administrations and public institutions, the control exerted through the prerogatives of appointing, transferring and laying off, all this results in interests that dread reform and change calling, instead, for some work on consecrating the principle of power separation and balance achievement as well a recourse to the CSOs and free media in order to strengthen the legislative authority and guaranty the independence of Justice. Some legislative modifications in this field are necessary in order to put an end to political authority intervention in administrative work, and submit the issue of appointing employees- especially for high positions- to an independent administrative process to which would participate the private sector as well as the university sector; a process that relies on competence, skills and experience as conditions for appointing them far from any accountability, nepotism or interest.

Six: The lagging of the legislative structure and the interdependence between the laws; this opens some holes that may be exploited by a very influential minority at the expenses of the public finance. The weakest points at this level are in the bids system where all attempts to modernize have failed alike the public accountancy law and the Budget law that lacks clearness and transparency and that open the door for expenditure far from any efficient legal supervision. This delay in drafting new laws is becoming very suspicious; and suspicions will only fade if tangible results and new modern and clear laws are drafted, where there is no real room for jurisprudence.

Seven: The centralized decision-making consecrates the hierarchy system that transforms the civil servant into a passive obedient person lacking initiative. He will become a part

of a huge bureaucratic machine, unable to move faster than the group that is clinging to the summit of the pyramid.

This strongly centralized method is no more acceptable or efficient at a time of fast changes and flow of information. Any enlightened leadership would recognize the sterility of such stubbornness, and would recognize the importance of adopting the principle of undermining the prerogatives and authorities in return of a real accountability that guarantees the good performance and the best for the citizens. As well, it is very necessary to promote administrative decentralization and separate the Ministry of Municipalities and Rural Affairs from the Ministry of Interior.

Eight: Corruption, so widely spread in the various administrations and public institutions, that it is starting to threaten many programs and achievements that were possible in the past and it influences the investment movement itself where the various efforts have failed to simplify the procedures and facilitate transactions because of the cruelty of bureaucracy that is drowning in corruption, sponsored, on a common basis, by some influential political figures. Any person who wants to get a construction permit has to endure this endless experience, despite the issuance of the new law on construction.

Nine: The political regime that is based on sectarian quotas and that is not well responding to the tumultuous changes and in particular during the wild globalization period that calls for some flexibility lacking among the ruling class that is only interested in achieving its own benefit and within the bureaucracy that is drowning in conventionalism and repeating the same productive pattern. Such a regime, where interests go against reform, where division threatens unity, we need some intense and ongoing efforts from the public opinion side to open a breach through which the winds of political, administrative and financial correction would enter.

Ten: Ambiguity in the general vision and the lack of vision in setting sustainable developmental priorities and the position of the reform process within it, along with the structural weakness of which the constitutional institutions -one of which has been crippled- (the Constitutional Council) are suffering while the others face, and since a long time, a deterioration accompanied with conflicts and foreign interventions that would limit its capacity to make decisions and follow them either on the legislative or the executive level.

Eleven: A small category monopolizing power and refusing the principle of sharing on which flexible democratic regimes are based; these regimes that can, more than others, achieve in administrative reform. It is true that the problem lies at the level of the civil service and the Administration, but the major problem is this category of political figures that see in authority a monopoly in decision making on all political, economical and media levels, that protects the corrupted ones and takes illegal ways to compile fortunes even at the expenses of the Public Treasury.