THE PUBLIC SECTOR AND ETHICAL TRANSFORMATION: ISSUES AND IMPLICATIONS FOR THE BUREAUCRACY

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Abstract

No matter how big or small or what role the state is playing, both politicians and public servants have discretionary powers; they make decisions that affect a lot of people. Therefore, these decisions ought to be based on some form of ethics. The discretionary power of public servants goes beyond manuals, orders, job descriptions and legal frameworks of their positions and duties, and professional ethics have to come in as guidelines in addition to the formal regulations. There is however a perception that standards in public life are in decline raising questions about the costs of misconduct on the part of those who have been entrusted with guarding public interest and resources. There is a move not just in Nigeria but worldwide to restore a measure of trust and integrity in public institutions through ethical transformation. The paper examines ethics as a concept as well as principles of public service ethics and the issues involved in public sector ethics. After highlighting the implications of the above on the bureaucracy, it concludes by advocating an ethical transformation in the public sector in order to build trust in public institutions.

Key Words: Code of conduct; Ethics; Governance; Public sector; Trust.

Introduction

Ethics is gaining prominence in the discourse about governance today. There is a perception that standards in public life are in decline. This raises questions about the costs of misconduct on the part of those who have been entrusted with guarding public interest and resources. These costs are losses in trust and confidence in public institutions and losses in precious resources which were meant to support the economic and social development of nations and peoples. There is a move worldwide to restore a measure of trust and integrity in public institutions and officials, to safeguard democracy and promote better governance. It could be argued that the perception of a fall in public standards is linked to the shifting role of the state, which is undergoing tremendous reform. Globalization, technological advances, spreading democratization and fiscal crises are challenging states to deal with strong external forces, be - smart - in serving its citizenry, devolve power, and divest itself of obsolete activities. As a result, the public service, as an institution, is under pressure to transform itself to respond to these changes. As public servants are asked to take on new and sometimes conflicting roles, there is a need for a cost-effective structure and an encouraging culture to enforce standards and guide their behavior.

Government and society cannot promote and enforce ethical behaviour solely through the utilisation of ethical codes of conduct or through the promulgation of a plethora of legislation. Communities tend to equate moral values and moral norms with values and norms, which apply only to personal relations. In Nigeria, all government departments are required to be efficient which includes observing particular ethical codes of conduct. The public sector, like individuals, is constantly changing through new leadership, environmental influences and socio-political development. Social mindsets are often still entangled in a micro-ethic paradigm. People tend to equate moral values and moral norms with values and norms, which apply only to personal relations structures within which they interact. Nigeria needs
an organizational culture that not only supports ethical behaviour, but sees that it also defines and underpins right and wrong conduct at an individual and institutional sphere. The concept of interrelatedness corresponds with the African concept of “ubuntu” which means brotherliness and good neighbourliness. What affects one’s brother, directly or indirectly also affects oneself (Lynch, 1999). Basically a review paper, it examines ethics as a concept as well as principles of public service ethics and the issues involved in public sector ethics. After highlighting the implications of the above on the bureaucracy, it concludes by advocating an ethical transformation in the public sector in order to build trust in public institutions.

Conceptual Issues

Ethics and the Public Sector

The public sector or the state is the government with all its ministries, departments, services, central/provincial/local administrations, parastatal businesses and other institutions. The public sector is composed of two core elements; at the political level there are the political institutions where policies are formulated and the (major) decisions are made, and at the administrative level there is the public sector administration, which is in charge of implementing these policies and decisions. This implementing level is also called the civil service or state administration or bureaucracy. The distinction between politics and administration is not entirely clear, however, because the administration also have quite some discretionary powers.

Public sector activities range from delivering social security, administering urban planning and organising national defence to the provision of health, schools and roads. In principle, there is no limit to what the state can do. There is, however, much debate on how much the state should intervene, like in the economic sectors and in the private life of their citizens. This is a political question, and the debate about the role and the size of the state and the public sector (as opposed to the private sector) is probably the single most important dividing line in political philosophy, with the socialists preferring greater state involvement, libertarians favouring only minimal state involvement (security and property protection), whereas conservatives and liberals are favouring state involvement in some aspects of the society but not others.

Ethics

The question of ethics is one that is linked with the history of mankind. Ethics deals with the character and conduct and morals of human beings. It deals with good or bad, right or wrong behaviour, it evaluates conduct against some absolute criteria and puts negative or positive values on it (Hanekom, 1984). Guy (1990) agrees with Hanekom because he views ethics as the study of moral judgements and right and wrong conduct. Furthermore, he views ethics as different from law because it involves no formal sanctions. It is different from etiquette because it goes beyond mere social convention. It is different from religion because it makes no theological assumptions. It is different from aesthetics because it is aimed at conduct and character rather than objects. It is different from prudence because it goes beyond self-interests of others. Ethics is both a process of inquiry and code of conduct. As a code of conduct, it is like an inner eye that enables people to see the rightness or wrongness of their actions (Guy, 1990).

The ethical question is closely linked to human existence. The essence of mankind lies in the fact that he/she can reflect upon, as well as evaluate, him/herself and his/her deeds. To be in a position to evaluate, a set of evaluation criteria or values is required as yardsticks (Van der Waldt & Helmbold, 1995). Heynes (1986), is of the opinion that ethics has to do with the actions of man. Consequently, it requires adjustments in the actions and attitudes of the public manager in relation to his colleagues and the public as well as in relation to himself. According to De Villiers (1989), the basis of the evaluation
of human behaviour is to be found in a system of values. Ethical values and integrity as a basic value as well as the rule of law are key elements of every democratic society. Public officials in their daily execution of their functions and management of public funding, dispose of discretionary competencies. These values must not only protect the citizens against arbitrary use of this public power, but also the public authority itself against any improper use of this power by its public officials. The public officials themselves must be protected against any abuse or diversion of law or authority on behalf of the public authority or its official bodies (Hondeghem, 1998).

In addition to the above, Hondeghem (1998), writes that ethical behaviour is essential for an effective and stable political-administrative authority as well as social and economic structures. Corruption can disturb economic competition; endanger free trade and stability on which the free market economy is based. Esterhuyse (1989) writes that to make this evaluation possible, specific criteria are required. These evaluation criteria can be utilised as yardsticks and have a regulatory and evaluatory function. Aspects such as quality of life, legitimacy of public institutions and the management style of the public sector may be derived from the moral-ethical.

The moral-ethical culture which prevails in the public sector is dependent on the values of society. A society which does not, or is not allowed to express moral protest in public can cause political office-bearers to have a low sense of responsibility and integrity. Consequently, the possibility of corruption and maladministration is increased (Esterhuyse, 1989).

**Table 1 Comparison of Public Sector ethics in the twentieth-century and twenty-first century.**

<table>
<thead>
<tr>
<th>Twentieth-century ethics</th>
<th>Twenty-first-century ethics</th>
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<tr>
<td>Determinants - ruling elites</td>
<td>Determinants - authentic discourse among all who will be affected</td>
</tr>
<tr>
<td>Common ethical code - belief in final solutions</td>
<td>Constantly managing code(s) - based on continuous authentic discourse</td>
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<td>Support guaranteed through coercion</td>
<td>Support guaranteed through consensus</td>
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<tr>
<td>Dissenters subject to punitive measures</td>
<td>Dissenters subject to punitive measures</td>
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<td>Western (colonial) ethics</td>
<td>Ethics based on anthropological and sociological pluralism</td>
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<tr>
<td>Corporate accountability (amounts to non-accountability)</td>
<td>Personal accountability</td>
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<tr>
<td>Exercise of personal morality stifled and discouraged</td>
<td>Exercise of personal morality encouraged</td>
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<td>Exercise of personal discretion discouraged</td>
<td>Exercise of discretion encouraged</td>
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<tr>
<td>Public interest nebulous, determined by governing elites</td>
<td>Public interests(s) disparate but relatively distinct, determined with all involved (authentic discourse), constantly redefined</td>
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Ethics must be seen as an ongoing activity and not as a status to be attained. Ethics is not just about establishing a set of rules or code of conduct but are an ongoing management process that underpins the work of government (Hondeghem, 1998). According to Denhardt (in Hondeghem, 1998), ethics are not a set of rules or values waiting to be discovered, that provides all the answers. In the complex world of public administration, norms and values rarely provide clear-cut answers to difficult
Ethics should be thought of as helping to frame relevant questions about what government ought to be doing and how public administration ought to go about achieving those purposes.

The importance of articulating ethics and the values that define and underpin the public service, cannot be underscored. This is seen as critical to providing both public officials and the public with a common frame of reference regarding the principles and standards to be applied and in assisting public officials to develop an appreciation of the ethical issues involved in effective and efficient public service delivery (Hondeghem, 1998). An example of the importance attached to the above-mentioned ethical principles is found in the “Seven Principles of Public Life” by the Nolan Committee in the United Kingdom. The principles (below), which are set out for the benefit of all who serve the public provide a valuable framework for evaluating recent experience and consider the future. This should be viewed against the background of Van Dyke’s (1956) distinction between what is and what ought to be. In other words, the difference between behaviouralism and normativism.

Table 2 Nolan’s Seven Principles of Public Life

<table>
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<tr>
<th>Principle</th>
<th>Description</th>
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<tr>
<td>Selflessness</td>
<td>Public officials should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.</td>
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<tr>
<td>Integrity</td>
<td>Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.</td>
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<tr>
<td>Objectivity</td>
<td>In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make their choices on merit.</td>
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<tr>
<td>Accountability</td>
<td>Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.</td>
</tr>
<tr>
<td>Openness</td>
<td>Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands it.</td>
</tr>
<tr>
<td>Honesty</td>
<td>Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.</td>
</tr>
<tr>
<td>Leadership</td>
<td>Holders of public office should promote and support these principles by leadership and example.</td>
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In general terms, ethics defines the mode of conduct. It consists of a set of imperatives that should or ought to guide the conduct of the administrator, the conditions of his work and the uses to which it might be put. Since it directly focuses on what public servants do or ought to do, it necessarily borders on the behaviour of the individual public servant. Ethics therefore define in a very broad way the rules for the conduct of the public servant.

A Code of Ethics aims at producing:

- Highly disciplined public servants who are responsible and committed to their jobs;
- Excellence in job performance;
- A high quality in the delivery of services;
- A clean Public Service free from any taint that could mar its image;
- Offer a clear statement of values, roles and duties, rights and responsibilities;
- Act as guidelines in developing ethical conduct;
- Clarify the behaviour expected of public servants;
Provide a consistent set of criteria for ethical conduct; 
Clarify procedures and sanctions to deal with misconduct; 
Minimize ambiguity and reduce uncertainty; 
Promote public trust and confidence and strengthen external credibility; 
Generate pride among staff; 
Reaffirm the values of the public service (Moti, 2006).

Under the code of conduct, misconduct leading to punishment would include willful insubordination or conducting oneself in any manner which may be reasonably construed as being insubordinate or disobedience, infidelity, sexual harassment, dishonesty, moral turpitude, disorderly behaviour, habitual lack of punctuality, being negligent in performance of one’s duties, incitement to strike and criminal conviction. Disciplinary actions arising from contravening any of the above include reprimand, warning, and forfeiture of emolument, deferment of salary movement, reduction in salary, demotion, termination and dismissal. Since in many areas of the public service it is difficult to enforce accountability, officials are trusted to act within acceptable ethical standards. Thus, observing a code of conduct is one means of building public trust (Moti, 2006).

The core ethical values that should guide the work of public servants in Nigeria include loyalty, integrity, impartiality, service, respect, transparency, accountability, efficiency and effectiveness, diligence and professionalism and responsiveness. Employees are expected to fulfill their lawful obligation to government with professionalism and integrity; perform their official duties honestly, faithfully and efficiently respecting the rights of the public and their colleagues; and should not bring their employer into disrepute through their private activities.

During the colonial period, the attributes that the bureaucracy valued most in employees were those which were likely to preserve its value-neutral position, maximize its efficiency and insulate it from external socio-political influences. Thus the most serious crimes a public servant could commit were grouped under the heading of “gross misconduct” and included financial embarrassment, engaging in political activities, disobedience of lawful order and disclosure of official information (Balogun, 1983). After independence when political power and administrative authority were transferred to Nigerians, the values of justice, fair play, accountability and merit assumed conflicting meanings. The military era and the various Public Service Reforms eroded the security of tenure, political impartiality, efficiency, transparency and integrity of the service. This had negative impact on the ethical values and the integrity of the service. Many public servants are prone to engage in unethical activities as a result of economic and other pressures from the external environment. It is becoming difficult to be honest and devoted to serving the people in an unbiased and impartial manner, upholding fair administrative practices, transparent in operations and accountable to the citizens; efficient and effective in service delivery. It has been argued that adjusting to the level of social and economic development decline in the country has become one of the major factors affecting the ethical behaviour and integrity of the public service (Moti, 2006).

The Nigerian public servant has learnt to pursue self-interest rather than public interest under these circumstances. An important feature of personnel management is the maintenance of professional ethics and upgrading the standards of administration. Elimination of corruption is seen as an element of good governance since accountability is the basic condition for not only preventing the misuse of official position but also for ensuring the application of the public resources with the greatest degree of effectiveness and prudence. The effect of corruption on the Nigerian economy and public administration has become worrisome. In the strategy for curbing corruption, government needs to focus attention on prevention, surveillance and deterrence and on dealing ruthlessly with the nexus of criminal elements and public functionaries.
The Code of Conduct Bureau has been institutionally weak in handling ethical problems in the Service. The Official Secret Act, Financial Procedures and Service Circulars are some of the strategies the Service has used over the years to deal with ethical problems. The promulgation of the Anti-Corruption Act and the Economic and Financial Crimes Commission are some of the measures taken to handle dishonesty and corruption in the Service and the country generally.

The Civil Service Commission established to oversee the management of rudimentary service regulations and conduct appears ineffective in handling this assignment. With a high rate of unemployment, and few vacancies, the Commission has almost been rendered redundant in recruitment exercises into the service. The patronage system has taken over. This form of recruitment is gradually eroding the professionalism and ethical integrity of the service.

What are the Issues?

Political Accountability

Accountability is a concept in political science and ethics with several meanings. It is often used synonymously with such concepts as responsibility, answerability, enforcement, blameworthiness, liability and other terms associated with the expectation of account-giving. As an aspect of governance, it has been central to discussions related to problems in both the public and private (business) worlds. Accountability is defined as "A is accountable to B when A is obliged to inform B about A’s (past or future) actions and decisions, to justify them, and to suffer punishment in the case of eventual misconduct".

Political accountability is the accountability of the government, civil servants and politicians to the public and to legislative bodies such as the national assembly, parliament, national audit office, and other agencies of control and oversight. Political accountability is usually divided into “horizontal accountability” and “vertical accountability”. The institutions of “horizontal” accountability (of “checks and balances” or “separation of powers”) are the Legislature (parliament/national assembly) and the Judiciary (a court of a final appeal like the Supreme or Constitutional Court), primarily, but also the various state institutions of oversight and control like special state agencies, ombudsmen, auditors and commissions. The institutions of “vertical accountability” are the institutions of popular participation, influence, voice and control, of which the political parties and elections are the first and foremost, followed by civil society organizations and the media.

Transparency

Transparency is openness of information. The concept of transparency can be defined as a principle that allows those affected by political and administrative decisions to know not only the basic facts and figures but also the principles, mechanisms and processes leading up to a decision. It is furthermore the duty of politicians, civil servants and managers to act visibly, predictably and understandably. Transparency is the principle of public access to information, accessible to all relevant stakeholders, in a timely and reliable way. Effective use of public revenues is strongly linked to accountability, which in turn requires transparency of information. A country’s citizens need to know about government revenues and expenditures, because this information can help them to exert pressure on their governments for better spending on key basic services such as health and education, for example. Thus, transparency is closely connected to accountability, as transparency is a prerequisite for accountable government. As a principle of government and administration, transparency can also be seen as an ethical imperative, or a duty. It is a principle that politicians and bureaucrats should strive for. Increased access to information is a democratic ideal and a democratic virtue (although transparency can have some costs and drawbacks). Increasing transparency opens up the decision making process to public debate, and moves the process towards more prudent and equitable
management of public resources. For example, public disclosure of basic information regarding government revenues and expenditures (a proper budget process) can help citizens hold their governments accountable for the management and, ultimately, distribution of revenues.

**Fairness**

Fairness is another duty or ethical obligation of democratic rule and of the public sector. Fairness is justice, both in terms of equality for the law and in terms of distributive justice. However, Kinchin argues that “fairness” is perhaps the most central, yet frustratingly vague principle of an effective public sector code of ethics, and that it is a difficult concept to define (Kinchin 2007).

Impartiality is a core concept of fairness; impartiality is a principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or favouritism (preferring the benefit to one person or group over another person or group, for improper reasons like greed, political support or familiarity). Justice is another core quality of fairness; both in terms of equality for the law and in terms of distributive justice. Equity is a similar concept that is based essentially on the idea of social justice and fairness; equity is the idea that all people have the same rights and the same access to resources. It refers to the fair distribution of goods, services or other treatment (Fleming and McNamee 2005). Equity strategies and policies are typically formed around given populations (e.g. groupings related to age, class, disability, ethnicity, gender) and are seen as socially and ethically desirable.

**Public Integrity**

Public integrity refers to the consistency of actions, values, methods, measures and principles of a public agency. Integrity may be seen as the quality of having a sense of honesty and truthfulness in regard to the motivations for one's actions. The term corruption is often used as the antonym of integrity. The term hypocrisy is used to describe the situation when parts of a value system that is at odds with another, or that an outspoken value system (or explicit preferences) is not leading to congruent actions. Hypocrisy is the act of preaching a certain belief, but not holding or implementing these same virtues oneself.

Integrity is one of the most important and oft-cited of virtue terms; it is also perhaps the most puzzling. For example, while it is sometimes used virtually synonymously with ‘moral,’ we also at times distinguish acting morally from acting with integrity. Persons of integrity may in fact act immorally – though they would usually not know they are acting immorally. Thus one may acknowledge a person to have integrity even though that person may hold importantly mistaken moral views.

When used as a virtue term, ‘integrity’ refers to a quality of a person's character; however, there are other uses of the term. One may speak of the integrity of an ecosystem, a computerized database, a defence system, or a public agency. When it is applied to objects, integrity refers to the wholeness, intactness or purity of a thing; meanings that are sometimes carried over when it is applied to people. Integrity is also attributed to various parts or aspects of a person's life. We speak of attributes such as professional, intellectual and artistic integrity. Philosophers have been particularly concerned to understand what it is for a person to exhibit integrity throughout life.

What is it to be a person of integrity? Ordinary discourse about integrity involves two fundamental intuitions: first, that integrity is primarily a formal relation one has to oneself, or between parts or aspects of one's self; and second, that integrity is connected in an important way to acting morally, in other words, there are some substantive or normative constraints on what it is to act with integrity. Most accounts of integrity tend to focus on integrity as the integration of self and the maintenance of identity, integrity as standing for something, integrity as moral purpose, and integrity as a virtue. Even
where the social and political dimensions of integrity are discussed, integrity is often seen as largely a private or personal affair – albeit one with important implications in the public sphere. Less attention has been given to ways in which political and administrative structures and processes may affect personal integrity. They can do this either by promoting or undermining features essential to having or practicing integrity, or the opposite.

Ideally the institutions – including forms of government and economic arrangements – should be structured in ways that promote integrity. Arguably, this is not the case, and why it may not be the case, and how to change it, is as much a problem for social and political philosophy, and ethics generally, as it is for philosophical psychology. Some social structures are of the wrong sort altogether for some individuals to be able to pursue personal integrity, and therefore questions about the moral nature of politics and administration need to be asked first, before questions about personal integrity and morality. This suggests that the very meaning of personal integrity depends upon general considerations about the nature of the society and polity, and upon what one's society is and should be.

Leadership by Example

One of the principles is that managers should demonstrate and promote ethical conduct. Larbi (2001) argues that political commitment to ethics reform is a key requirement for the effectiveness of other elements of the ethics infrastructure. In a working environment in which appropriate incentives are provided, ethical behaviour has a direct impact on the daily practice of public service values and ethical standards. Such incentives can include adequate working conditions and effective performance assessment. Managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, citizens and other public servants.

Furthermore, management policies and practices should demonstrate an organization’s commitment to ethical standards. It is not sufficient for governments to have only rule-based or compliance-based structures. Compliance systems alone can inadvertently encourage some public servants simply to function on the edge of misconduct, arguing that if they are not violating the law they are acting ethically. Government policy should not only delineate the minimal standards, below which a government official’s actions will not be tolerated, but also facilitate ethical awareness and clearly articulate a set of public service values that employees should aspire to.

Leadership by senior officials should inspire respect. Without leadership from the top, any attempt to achieve major reforms in an environment of systemic corruption will be bound to fail. Personal leadership is vital, and a leader must be seen to not just be mouthing platitudes. However, just as laws alone will not suffice to achieve reform where corruption is systemic, so, too, is leadership not enough. Coalitions can be created to support leadership, but there is a danger when they embrace interests whose pasts are questionable. Yet if only groups untainted by suspicion or past corruption problems are admitted to a coalition, they will number far too few. What is important is that coalition partners commit themselves to building a new future and, having made that commitment, that they be held to it.

Pay Reform

The pay levels are important as an incentive for civil service employees not to be corrupt or dishonest. Pay reforms are essential to provide suitable incentives. Reforming the wage structure to provide public sector employees with suitable pay and other benefits can be an important tool to change the incentive structure for public servants, but also to make remuneration more transparent, to eliminate underpay and to win more skilled personnel for the public sector. The incentives for public servants to reject corruption and work efficiently are much higher if the system of remuneration is based on the principle of meritocracy. When wages and promotion clearly depend on public servants’ respect for
rules of conduct and on good performance, they will be less corrupt and more efficient in their job, and they will place more value on the job itself. Therefore, dismissal or demotion becomes a much more serious matter. This in turn, however, means that there have to be proper and effective disciplinary mechanisms. Pay reform is therefore just one of a variety of incentives that needs to be addressed, and it cannot stand alone.

If public servants are not paid a living wage, incentives to demand bribes are considerable. Pay reforms that create living wages for public servants can, therefore, potentially curb petty corruption and ensure more integrity in the civil service. Among the measures for creating incentives for corruption-free behaviour, so-called “social benefits” should also be included. For example, retired public servants should receive monthly allowances. Similarly, public servants, who are caught in flagrant delit – receiving bribes or other corrupt benefits – should automatically lose their social benefits.

Wage reforms can also try to make public sector wages competitive with private sector wages in order to attract more highly skilled employees. Better human capital increases the efficiency of the public sector and can induce better compliance with codes of conduct.

**Recruitment and Promotion**

No institution can be expected to perform with professionalism in the absence of qualified and motivated personnel. One of the most destructive features of corruption is when people are appointed to public service based on their connections rather than on their capabilities. The institutional arrangements for selecting, recruiting, promoting and dismissing public servants are central to the proper functioning of the public sector and can be best provided through legislation. The right people have to be attracted to the right posts. This, in turn, means that the positions themselves need to be sufficiently attractive to qualified citizens and be a viable alternative to the private sector.

A public service whose members are appointed and promoted based on merit will be far less susceptible to corruption than one based predominantly on political and personal connections. In a meritocracy, staff advances on the basis of their performance and they owe their positions, at least in part, to the public they serve. Where positions have been obtained through powerful connections, the loyalty is to the connection, not to the institution to which the person has been appointed. Frequently, the beneficiary of such an appointment will look to his or her patron to protect them if they encounter any difficulties. Appointees of political parties can pose particularly difficult problems for managers who may be less well-connected.

A merit-based public service presents numerous advantages. First, candidates are judged against verifiable criteria that can be checked if breaches are suspected. Second, office holders have an incentive to perform well. Politicising the civil service leads to mediocre performance. When politicians have a direct impact upon the recruitment, promotion and dismissal or transfer of civil servants for reasons other than those based upon merit, professional discipline may be hard to enforce and performance incentives difficult to use since their appointment is short-termed.

Third, politically appointed civil servants may be more inclined to break the rules in order to maximize their personal gains in the short time they expect to be in office. Four, civil servants owing their positions to their own capabilities as well as to clear and verifiable criteria, will feel accountable towards the state that employs them rather than towards the government of the day. Five, a merit-based public service avoids the relatively short-term nature of political appointments and the consequent loss of expertise with each change of government. However, a purely merit-based civil service may have to be varied to accommodate affirmative action programs consistent with democratic practices.
For example, such programmes may ensure that minorities are fairly represented in the public service, and redress gender and geographical imbalances. Furthermore, a merit-based civil service is no guarantee against corruption. Prerequisites for corruption-free recruitment for public sector jobs include a predominantly merit-based recruitment and promotion program with objective and contestable criteria and with a clear career path; a minimization of political interference in both the action and the staffing of the public sector; a strict limitation of political appointments to certain high-level posts; suitable pay and other benefits to provide suitable incentives, and protection of public servants through internal rule of law mechanisms.

**Conflict of Interest**

A conflict of interest is a situation in which someone in a position of trust and responsibility, such as a politician, civil servant, executive or director of a corporation or a medical research scientist, lawyer or physician, has competing professional and personal interests. In other words, a conflict of interest arises when a public sector employee or official is influenced by personal considerations when carrying out his or her job. Such competing interests can make it difficult to fulfil his or her duties impartially.

Some of the most common forms of conflicts of interests include self-dealing, in which public and private interests collide, for example when a public official holds private business interests. It includes outside employment, in which the interests of the “private” job can contradict the job as a public servant. This is the revolving door politics, in which government workers or elected officials work for the companies they should regulate. It also includes family interests, for instance when a spouse, child, or other close relative is employed (or applies for employment) or where goods or services are purchased from such a relative or a firm controlled by a relative. Besides, it includes gifts from friends who also do business with the civil servant receiving the gifts.

A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the person, profession, or court system. Conflicts of interest do apply to a range of professionals and office-holders. A conflict of interests arises when anyone has two duties which conflict. For example, an employee might have a duty to well and faithfully perform their work as purchasing manager, and might also have a familial duty to their sibling who happens to be tendering for the sale of office furniture to the manager's employer. In this case the employee has a conflict of interests despite the fact that he is not a lawyer, doctor, politician, etc.

Most conflicts of interest are obvious: Public officials who award contracts to themselves, members of their family or to their friends or political patrons; public officials who personally hold – or whose close relations hold – shares in companies subject to their regulation, with which they are contracting or to which they are granting licences, etc. These conflicts require no explanation. They present circumstances that pose a threat to the public interest, however honest the official may claim to be. Conflicts of interest situations cannot be avoided. It is inevitable that, from time to time, personal interests will come into conflict with work decisions or actions. For these to be identified from the outset is important if confusion and misunderstandings are to be avoided.

**Clientelism, Favouritism, Nepotism**

Clientelism, broadly speaking, including various forms of favouritism (of which nepotism is a particular type), is representing a particular form of conflict of interest. Clientelism represents a situation in which a person (an elected official or an employed public servant) uses his or her public power to obtain a favour for a member of his or her family, for his or her ethnic or religious group, political party, friends or other interest to which he/she has an adherence.
Favouritism or cronyism is a mechanism of power abuse implying “privatisation” of and a biased distribution of state resources. Favouritism is to grant offices or benefits to friends and relatives, regardless of merit. Favouritism is quite simply the normal human proclivity to favour friends, family and anybody close and trusted.

In the political sphere, favouritism is the penchant of state officials and politicians, who have access to state resources and the power to decide upon the distribution of these, to give preferential treatment to certain people when distributing resources. The purpose is to sustain and prolong one’s power, position and wealth. Clientelism is the rather common proclivity to favour one’s kinship members (family, clan, tribe, ethnic, religious or regional group). In most non-democratic systems, the president has for instance the constitutional right to appoint all high-ranking positions. This easily adds up to several hundred positions within the ministries, the military and security apparatus, in parastatal and public companies and agencies, in the diplomatic corps and in the ruling party. This legal or customary right, of course, extends the possibilities for (and intensifies) all kinds of favouritism.

Nepotism is the special form of favouring family members (wife, brothers and sisters, children, nephews, cousins, in-laws etc.). It is a special form of favouritism, in which an office holder (ruler) with the right to make appointments prefers to nominate to prominent positions his proper kinfolk family. Many unrestricted presidents have tried to secure their (precarious) power position by nominating family members to key political, economic and military/security positions in the state apparatus. When “successful”, deeply nepotistic systems are getting closer to a “mafia” because of the shared family “values” and loyalties.

Other kinds of favouritism is for instance when certain people are commissioned to buy privatised public property (cheaply), or given preferences, state guaranteed or subventioned loans, or selected as entrepreneurs for public works, nominated to represent corporate interests in various public councils and committees, and given other privileges through various economic policies. Through such mechanisms, many politicians and bureaucrats have been able to move from public position into private business, to transfer public power into private wealth. The kind(s) of favouritism that will be preferred in each instance is dependent on the political and strategic needs of the day, and on cultural and social patterns.

Favouritism is not only a legal and procedural problem, but also a problem of flawed qualifications, lacking skills and inefficiency. Furthermore, where public position is strongly correlated to possibilities of corrupt and extractive practices, favouritism can secure substantial prerogatives and profits for certain families, clans and social sub-groups. Nepotism can cause conflicts in loyalties within any organization, particularly when one relative is placed in direct supervision over another. Such situations should be avoided.

It is perhaps not surprising that by no means all countries have anti-nepotism laws, notwithstanding how desirable these may be. When these are lacking, favouritism shown to a relative tends to be dealt with by legal prohibitions. These include prohibitions against unwarranted privilege, direct or indirect personal financial interest that might reasonably be expected to impair objectivity and independence of judgement, or the appearance of impropriety.

Basic principles for dealing with favouritism and nepotism within the public sector are to safeguard and foster meritocracy (impartiality in all recruitment and selection processes); competition (for instance by ensuring that job vacancies are openly advertised and that the advertisements are framed to both adequately reflect the requirements of the job and to maximize the potential field of candidates, and that candidates are selected according to these criteria), openness (especially regarding recruitment and selection decisions), integrity (including clearly stated sanctions for non-compliance with established policies and practices and independent persons involved in the decision making processes).
and the possibility of appeal (so that unsuccessful, but qualified applicants, who consider that proper procedures have not been followed, should be able to appeal to an appropriate authority for an independent review of the process and its outcome).

Implications for the Bureaucracy

Ethics and public service values are important elements in comprising the “body and soul” of public administration (Menzel, 2003). Accordingly, several scholars and practitioners have sought to identify and understand the ethical responsibility of the public administrator (see Berman & West 1997; Bohte & Meier, 2000; Bowman 1990; Bruce 1996; Burke and Black 1990; Zajac & Comfort 1997; Zajac & Al-Kazemi 2000), and have also attempted to offer applied ethical guidance and structured theoretical frameworks for use within the sector (Cody & Lynn, 1992; Cooper, 1990; Denhardt, 1988; Rohr, 1978). From ethical principles to recommendations, scholars and practitioners have attempted to classify what are, or should be, the foundations of administrative ethics, the appropriate ethical behaviors of public leaders, and the ethical role of the public administrator.

Yet, very often the subject of administrative ethics and the ethical qualities considered fundamental to the public administrator’s role are explored independent of values which are also associated with leadership. In his book Ethics for bureaucrats: An essay on law and values, Rohr (1978) argues that regime values are the normative foundations of administrative ethics. He later defines regime values as the values of the political entity “brought into being by the ratification of the Constitution that created the American republic”. Frederickson (1983) however calls for a renewal of civic virtue in defining a central value of public administration, and Cooper (1991) similarly argues that public administration should seek its ethical identity in the ethical tradition of citizenship. Accordingly, Stivers (2001) sets forth the major ingredients of a citizenship ethic in public administration as authoritative judgment, the public interest, citizenship as education, and community.

Further in addressing the moral and ethical obligations of public administrators, Moore (1976) states that public-sector obligations arise from three different realms which includes: (1) respecting the processes that legitimate the actions of public officials, (2) serving the public interest, and (3) treating colleagues and subordinates with respect, honesty, and fairness. Hart (1984) argues that public administration is a “moral endeavor” that requires special moral obligations and unique moral character. While Stewart (1985) similarly notes that “the role of a public administrator carries a kind of moral weight not found in private sector counterpart roles”.

Bailey (1965) suggests that the ethical dilemmas facing public administrators requires specific attitudes that must be aligned with unique moral qualities, and Waldo (1980) identifies more than a dozen sources of obligations relevant to the conduct of the public administrator’s role. Cooper (1987) further presents twenty specific virtues that directly relate to three broad “realms of obligation” for public servants, and Denhardt (1991) identifies the “moral foundations” of a public administrator’s role as honor, benevolence, and justice; while Cohen & Eimicke (1995) reduce Carol Lewis’ (1991) twenty-one rules of thumb for the ethical behavior of a public administrator to five simple principles: (1) obey the law, (2) serve the public interest, (3) avoid doing harm, (4) take individual responsibility for the process and its consequences, and (5) treat incompetence as an abuse of office.

Warwick (1981), in identifying some of the common ethical dilemmas faced by public officials in the exercise of discretion, offers five ethical principles of guidance: (1) the exercise of discretion should serve the public interest, (2) public officials should push back bounds on rationality so that deliberation may take place, (3) public officials should provide truthfulness in the discharge of official responsibilities, (4) public officials should demonstrate procedural respect, and (5) public officials should exercise restraints on the means chosen to accomplish organizational ends. Warwick (1981)
further specifies the four sources of ethical decision making by public-sector leaders as public interest, constituency interests, personal interest, and bureaucratic interest.

Similarly Cooper (1990) identifies the sources as individual attributes, organizational structure, organizational culture, and societal expectations. Dobel (1990) states that public officials need a complex array of moral resources to exercise discretion, and that adequate discretion by public officials should be seen as an iterative process among three mutually supporting realms of judgment. Thus he argues that regime accountability, personal responsibility, and prudence are the keys to ethical decision making for individuals in the public-sector (Dobel, 1990). Further in addressing even the possibility of administrative ethics, Thompson (1985) claims that administrative ethics is possible if the field can overcome the burdensome commitment to neutrality and the aversion to assigning individual responsibility for collective actions.

However O’Kelly & Dubnick (2005) unconvinced of this position argue that: The world of a public administrator is a world of multiple, diverse, and often conflicting expectations (Dubnick & Romzek 1993)...Effectively operating under such conditions renders the possibility of administrative ethics, in the sense posited by Thompson...incomplete and inappropriate, if not impossible. In general, leaders in the public-sector are expected to maintain a level of morality and integrity which serves the interests of society while at the same time demonstrates personal responsibility, diplomacy, and truthfulness. Thus given these views, many people might say that the ethical role of the public administrator can be summed up as follows: serve the public interest while being fair, honest, lawful, trustworthy, and doing the least amount harm. However, it is impossible to fully understand the ethical responsibility associated with the public administrator’s role, and the means needed to maintain an ethical public-sector environment when explored independent of the broader subject of leadership. Leadership is fraught with ethical challenges, and potentially even more so within the public-sector where leaders are held accountable to a wide variety of citizenry and stakeholders. Although not a comprehensive overview, the next section will explore various aspects transactional and transformational theories of leadership and their relationship to ethics and morality.

While much analysis remains to be done across countries and over time, the survey data from different regions point in a common direction. As Kaufman and his colleagues in the World Bank Institute stress, “governance matters;” that is why they attempt to measure it so regularly, comprehensively and innovatively. It matters for development but it also matters for political trust and confidence, consequently for legitimacy, and ultimately for political stability.

To build public trust in government, government must govern better: more transparently, responsibly, accountably, and responsively, with more active engagement with the public and in particular more rigorous respect for the law and the public interest. The bureaucracy is key here as it is one of the critical organizations of government that is often in touch with the people on a daily basis. Nothing is more toxic to public trust in government than extensive (not to mention endemic) corruption. Increasingly in the contemporary world, people believe governance should entail a democratic relationship: those who hold the power to rule (and hence to allocate resources) should exercise it temporarily not permanently, and for the public good, not their own private interests and those of their kin, cronies, and parties. Moreover, while exercising power, incumbents should be held accountable—answerable for their conduct and subject to sanctions for the abuse of office.

Corruption and abuse of power represent a betrayal of the public trust. That breach of faith cannot be repaired with mere technical institutional fixes to make government more efficient and accessible. But if political systems (and civil society reformers,) are really going to build trust in government, something more fundamental is needed. We must go to the heart of the matter—the way that government and its bureaucracy work in Nigeria. Where the first purpose of government is to generate private goods for its office-holders rather than public goods for its citizens, no reform will build trust...
unless this logic of governance is changed. Change of that magnitude is revolutionary. It will require transformation in the nature of governance and the bureaucracy, so that public officials are truly required to serve the public good, and so that corruption becomes too risky and costly to be any longer commonplace and egregious in scale. This must entail a sweeping programme of construction, reform, and empowerment of the institutions of vertical and horizontal accountability.

**Vertical Accountability**

In the vertical sense, citizens and their organizations need more access to information and decision-making. One crucial instrument is a freedom of information law. This has been passed but must be made functional. Malfeasance thrives in secrecy and obscurity. The more that government transactions and operations are transparent and visible, open to scrutiny, the more feasible it is to expose, deter, and contain corruption. For this reason, citizens must have the legal right to request and receive information on all functions and decisions of government that are not a matter of national security or that do not infringe on individual rights of privacy. In the fight against corruption, the public availability of information on government finance, procurement, and contracting is particularly important. Ideally, such information should be posted on the Internet. In particular, all government procurement above a certain (modest) level should be done through competitive bidding that is advertised on government websites. There are many uncomfortable allegations of public servants awarding contracts to their companies!

Citizens must also have the freedom to monitor and criticize what government and the bureaucracy do, and to voice concerns. In an era of rising public expectations of government, this political and civil freedom to speak, assemble, protest, and be heard must be sustained. Ultimately, it also means democracy—the right of citizens to choose their government leaders and if they wish, to replace them, in regular free, fair, and competitive elections. Fair and open political competition represents an important instrument for checking and correcting corruption and the abuse of power. If citizens cannot replace leaders in whom they have broadly lost faith, then no other institutional “fix” for waning public trust in government may be meaningful. However, when citizens do exercise this instrument of vertical accountability—by tossing the incumbent party and government out of power—this has an energizing effect on public faith in and support for the system of government.

One reason trust in government has declined so precipitously in countries like Nigeria is precisely because aspirations for alternation in government have been frustrated in a context where growing numbers of citizens appear to feel that government is not governing fairly and responsibly. Of course, free and fair elections are not enough. Another key element of vertical accountability is a vigorous and pluralistic civil society that is monitoring what government does, scrutinizing government budgets, expenditures, and legislation, raising questions, and demanding reforms. This role must be extended to the bureaucracy too.

**Horizontal Accountability**

If vertical accountability is going to function effectively—if there is to be adequate protection for freedoms of speech, press, and assembly, and reasonably free and fair elections—then the instruments of vertical accountability must be complemented, protected, and reinforced by vigorous mechanisms of horizontal accountability. Horizontal accountability is the means by which some agencies or actors within the state hold other state actors accountable. There is a strong affinity between the concept of “horizontal accountability” and “checks and balances.” Agencies of restraint and oversight—or horizontal accountability—must be independent of the government office they are holding accountable if they are to be effective. From this obvious necessity comes the concept of an independent judiciary and (at least in a presidential system) an independent legislature—indeed from executive branch control. The judiciary and the parliament are two important instruments of horizontal accountability, but only two. Control of corruption and abuse of power, and defense of the interests of the public (and
of individual ordinary citizens), requires a dense interconnected web of powerful agencies of horizontal accountability. Let me mention here a few key agencies:

**The Judicial System:**

Like the other agencies of horizontal accountability, the judiciary must have significant capacity and independence if it is to be effective in controlling corruption. There is much more to judicial capacity than modern court buildings with adequate means for communication, recording, and research. An effective judicial system requires well-trained, competent judges, clerks, prosecutors, investigators, and defense attorneys, and enough of them to keep case loads to a level that is consistent with vigorous justice and due process. The courts need to streamline their administrative management and their capacity to track and process cases, both criminal and civil. Comprehensible access to justice—and to reasonably expeditious justice—is vital to restoring public faith in government.

**Parliamentary Oversight Committees**

Particularly in a separation-of-powers, presidential system, the national parliament or congress constitutes a general check upon executive power (including the bureaucracy), and thus represents a diffuse source of horizontal accountability. In the effort to combat corruption and secure good governance, however, oversight is more effectively performed by parliamentary committees that monitor and legislate on particular areas of government policy, such as health, public works, or defense. In many democracies, any parliamentary committee can investigate suspicions of waste, fraud, and abuse within the executive agencies under its jurisdiction. Some national legislatures go further; they have standing committees to monitor the overall efficiency and integrity of government and its bureaucracy and to investigate allegations of wrongdoing.

**Conclusion**

Administrators and bureaucrats cannot avoid making decisions, and in doing so they should attempt to make ethical decisions. Administrators have discretionary powers that go beyond the manuals, orders, job descriptions and legal framework of their position and duties, and professional ethics will have to come in as guidelines, in addition to the formal regulations. Administrators should therefore seek a broad and solid understanding of ethical theories and traditions, and look for methods for thinking about the ethical dimensions of their decision-making. No matter how big and what role the state is playing (and supposed to be playing), both politicians and civil servants have discretionary powers; they make decisions that affect a lot of people. Therefore, these decisions ought to be based on some form of ethics. For instance, the public will normally expect the country’s politicians and public servants to serve in the public interest, and to serve in a rational and efficient way. They will not want them to pursue narrow private, personal, or group interests. It is recommended that to correct this mindset, and in addition to setting up the above mentioned public agencies to deal with ethical issues in the public service, there is need for ethical transformation in our public services.

**References**


