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ETHICS IN THE NIGERIAN PUBLIC SERVICE: A DISCOURSE

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Abstract
The objective of this paper is to highlight the indispensability of ethics or sound ethical conduct as a basis for effective service delivery in the Nigerian public sector. If Nigeria must get development initiative/efforts right in the 21stcentury, then the transformation agenda of this present administration must be anchored on sound public service values and enduring ethical practices. This work relied on the utilitarian theory as the theoretical framework while using mostly secondary sources of data by way of content analysis. The paper concluded that the march towards an ethical based public service must continue and be regarded as series of "work in progress". The paper recommends among others that there is an urgent and continuous need to remould the thought and conduct of civil servants and the entire public service and its officials through the development of ethics and value reorientation that is based on probity, accountability and transparency in the public service. It further recommended strong commitment to implementation of laws, enforcement of sanctions and strengthening of institutions of governance on a continuous basis.

Key Words: *Ethics, Public Sector, Governance, Values, Morals.*

Introduction
The discussion of ethics in public administration started not too long ago among scholars and practitioners in the field. Gow (2005) posited that the study of ethics is relatively a recent phenomenon in public administration. Henry (1999) observed that "prior to the abandonment of politics/administration dichotomy and the principle of administration, the public administrator needed morality no more than a hotel clerk carrying out his or her daily duties". He queried the use of morality to bureaucrat who did no more than execute the will of the state according to scientific principles. In his view, morality is embedded in the effective and prudent (economic use of resources) discharge of their duties. From the works of Ikeanyibe (2009), it is observable that laws or rules represented by the classical contributions of Max Weber to bureaucracy cannot guarantee moral behaviour. Ikeanyibe (2009) posited further that these rules are meant to ensure accountability, and "can hardly be effective when the conduct of public officials is not controlled internally by certain ethical values and standards personally cherished and admitted". He submitted conclusively that "it is this personal moral conviction that can guarantee right actions even in an environment of reduced supervision and bureaucratic

control". In the face of widespread unaccountability (which bureaucratic rules ought to address), pervasive unethical conduct and corrupt practices, the entrenchment of sound ethical practices must underscore development initiative/efforts, if Nigeria must get it right, especially in the 21stcentury. The next section of the paper is devoted to Conceptual Clarification on ethics.

Conceptual Clarification

Ethics derives from the Greek word "ethikos" meaning custom. This Greek word has a Latin Synonym or equivalent known as "mors" which translates to custom or mores. The mores of a particular place or group of people are the customs and behaviour that are typically found in that place or group. As a field of inquiry, ethics developed as a branch of philosophy, and this explains why it is referred to as moral philosophy or taken as being synonymous with morality. Ikeanyibe (2009, 194) posited that ethics as a branch of philosophy deals with the analysis and evaluation of human conduct to determine the fundamental principle that makes it good or bad, right or wrong. He corroborated that early philosophers have taken this aspect of philosophy to handle questions on how humans ought to behave. What is good life for man? How do we determine which actions are rightly or wrongly performed? How do we arrive at a decision that certain actions are right or wrong? Upon what criterion or standards are such judgements made? Deriving from the above questions, ethics can be conceived as a science of morals(meta-ethics), and as a system of morals which defines or states the code or set of principles by which men live.

As a science of morals, it investigates the nature, sources and fundamental principles that should guide human actions. Seen this way, it is a normative science that aims at stating the way human being sought to behave, rather than empirical science which attempts to describe the way things are, (and) the way things behave (Ekennia, 2003 and Eboh, 2005 in Ikeanyibe, 2009). Lacey in Ezeani (2006) converges with Ekennia (2003) in defining ethics "as an inquiry into how men ought to act in general, not as a means to a given end, but as an end in itself". Scholars like Macham (1977); Walkings (1956); Hornby (2000) and Uduigwomen (2001) and (2003) all in Ezeani (2006) invigorated the moral foundations and underpinnings as guides to human behaviour in their conceptualization of ethics. The focus of this paper is the Public Sector, which implies that attention should be given to actions or behaviour of bureaucrats/ administrators. This inevitably leads us to ask: what is Administrative Ethics? Administrative ethics may refer to moral values (such as honesty, justice, professionalism) that are either present or absent in a worker, official or bureaucrat or in an organization. Alternatively, it can denote "a set of characteristics that is assumed to be present, or which may take different forms" (Ajuogu in Ezeani, 2006). Thus, organizations are perceived as always ethical, differing only in the form that ethics are presented. To this extent, an administrator could be regarded as unethical if he/she deviates from the moral norms or codes of the organization. Thompson (1985) sees administrative ethics as involving the application of moral principles to the conduct of official responsibilities and duties. Agara and Olarinmoye (2009) on the other hand, focused his definition of ethics on the civil service. To him ethics is the application of moral standards in the course of official work. In essence, civil servants are expected to bring to bear in the discharge of their duties, certain ethical

considerations especially where they are to make value judgement which may have a direct relationship with their professional standing.

In another work Thompson (1993) he christened unethical behaviour as mediated corruption which involves the use of public office for private purposes in a manner that subverts the democratic process. Maesschalck (2004) sees ethics as a proposed lever to restore trust in government. He also discussed ethics under two approaches-compliance and integrity. Compliance implies that an individual can choose to follow rules which he called ethical or refuse to follow the rule which he described as unethical. Integrity focuses on internal control (self-control) exercise by each public servant. He concluded by suggesting group grid theory. Grid represents the extent to which individuals are constrained by rules, laws, and procedures. And group represents the extent to which individuals are embedded into social units. Swanton (2001) examines virtue ethics as the basis for determining the rightness of an action. Thompson (1980) in discussing the moral responsibility of public official severed that because different officials make contributions to decisions and policies of government, it is difficult to identify who is morally responsible for political outcomes. This he called the problem of many hands. He therefore, came up with a model through which an official can be held responsible for the outcomes of their actions. Our working definition of administrative ethics refers to moral values or characteristics that are present in an organization or are exhibited by its employees and certain codes of conduct / morals that are upheld within an organization or a particular administrative system (Ezeani, 2006).At this juncture, it is necessary to state that there exists a debate that hinges on the status of public service ethics.

The first group of ideological spectrum on public service ethics linked it to formal rules and guidelines of correct behaviour, while the other view it as a personal matter that emanates when an individual is free to make a choice(s) (Gow, 2005).This debate is not the concern of this paper. However, a pertinent question at this point is of what significance is ethics to public administration or human endeavour in general? Answers to this question are provided by Ikeanyibe (2009) as follows:

1. Ethics as the science of human acts furnishes the norm by which relations among men are regulated. It shows what such relations must be and indicates the reasons that require them to be so.
2. Ethics as an applied science is fundamental to other fields of study and practice, it is important because it guides/ stipulates codes guiding human actions in many aspects of life.
3. It reaffirms the uniqueness of man among other creatures in view of the fact that human life is an ethical self-construction.
4. To a greater extent, the study of ethics facilitates the formation of fundamental attitudes to life. Training in ethics should enable us to see the defects in our own and other people's conducts and to understand their exact nature, so that we are better able to set things right in our own conduct and to make profitable suggestion to others.

5. It functions as a societal strategy for improving human life through the preservation of a more humane eco-system and for attaining social and global harmony. It thus facilitates common societal values, rewards/ reinforces positive values.
6. It has intertwining link with religion, implying that it shares close affinity with religion. Most religions are built on the fundamental principle that good conduct will be rewarded and bad/evil punished. This link with religion provides an ultimate reason for right deeds and aversion for evil.

Theoretical Discourse

This paper utilized the ethical theory of utilitarianism. Like other ethical theories, it emphasis is on what is morally good and the principle that should guide man's conduct. Jeremy Bentham (1748-1832) and John Stu.art Mill (1808-1873)appear to be the most prominent exponents of this ethical theory anchored on utilitarian principle. To the utilitarian, an act should be judged right or wrong based on the pleasure or happiness produced as well as the pain avoided. Utilitarians are particularly concerned with the outcome or effects of an action and not necessarily on the motive or intention. Jeremy Bentham argued that any action that has a tendency to augment the happiness of the community than it has to diminish it, is in conformity with the principle of utilitarianism. In essence, the morality of an action is determined by its ability to promote the happiness of the greatest number of people (cited in Ezeani, 2006). Chukwujekwu (2007) identifies three points that are germane to utilitarianism in respect of moral standard for deciding which actions are right and which ones are wrong. These points are:

a. Rightness or wrongness of action should be judged by their consequences;
b. The consequences are measured in terms of happiness, pleasure or pain/unhappiness. In other words, in terms of the utility or usefulness of the consequences;
c. Furthermore, the value of happiness or pain can be determined by how long (duration), how intense (intensity) and fecundity (its purity or chance that it is not followed by sensation of the opposite kind).

This is what he called hedonistic calculus. This theory has however been punctured by critics. The greatest problem of utilitarian moral theory is the difficulty in calculating how much happiness or pain an action causes. Cederblom and Dougherty (1990) described this as balancing the ethical ledger. Not only is it pretty difficult to measure the units of outcomes, the issue of probabilities is another problem to grapple with. Consequences are in the future. Utilitarian principle does not assume that the same experience is good for all people. Thus, in order to determine the overall consequences of an action, the interests of other people have to be given serious consideration. Cederblom and Dougherty observed that: making ethical decision this way is not easy. To carry out the procedure, you would have to sensitize yourself to the feelings of many people. To be as accurate as you can you have to exercise your imagination, so that you can sympathetically "live through" the experiences of others imagining the happiness or pains that you think they would feel (Cederblom and Dougherty, 1990, 41).Another difficulty associated with the utilitarian theory has to do with probability attached to the consequences of an action which has been mentioned before. Ikeanyibe (2009)noted that though "rule utilitarianism"a brand of the theory has tried to take care of this problem by

holding that the right actions are those ones that agree with those rules which could maximize utility if everybody accepted them. Popkin, Stroll and Kelly, (1969)in line with the above also highlighted the problem of subjectivism. That is if a chosen action as stipulated by rule turns out to have bad effect in future, do we say we acted wrongly in acting upon the best probabilities or rightly?.

In spite of the above criticism, this theory is still applicable in explaining unethical conduct in the Nigerian public sector and its implications on public service delivery. Ikeanyibe (2009) asserts that corruption and many other unethical practices are fingered as the bane of Nigerian public administration. This is because unethical behaviour stifles efficiency in the public sector, thereby, generating public outcry, hence the various mechanisms put in place as a response to check unethical practices in the public sector. Agara and Orimoloye (2009) argued that in spite of all the control measures put in place to ensure an ethical bureaucratic system, there seems to be no respite as the various measures have been frustrated, making corruption and unethical behaviour the norms. The increasing rate of unethical behaviour in the public sector and attendant inefficiency has led to dissatisfaction of the general public and has resulted in commercialization and privatization of some organizations in the public sector. Having laid the above background, we should ask or probe to what extent ethics can contribute to the effectiveness of public administration or the public sector in Nigeria? The next section of this paper will attempt to unravel this poser.

Ethics in the Nigerian Public Service: A Discourse

Attempts at cultivating ethical conduct in the Nigerian public sector have found overt manifestations in the Public Service Rules (as instruction manual for civil/public servants), Financial Regulations; Due Process Act and ancillary enactments that seek to guide and regulate the activities of public officials in the discharge of their duties. The profoundest and perhaps the most laudable of effort at instilling ethical behaviour is contained in the Code of Conduct for Public Officers as spelt out in the fifth Schedule of the 1999 Constitution of the Federal Republic of Nigeria. Part I dealing with general provisions encapsulates the following: conflict of interest with duty; restrictions on specified officers; prohibition of foreign accounts; prohibition of retired public officer from accepting more than one remunerative position as chairman, director or employee of any public authority or government owned/controlled enterprises; prohibition of retired public officers from service or employment in foreign companies or enterprises; restriction on loans, gifts or benefit in kind/cash to certain public officers; bribery of public officers; abuse of powers; membership of cults/secret societies is prohibited for public officers; declaration of assets by public officer; allegation of breach of these codes shall be made to the code of Conduct Bureau.

The constitution also established the Code of Conduct Tribunal which shall consist of a Chairman and two other persons. Tenure of staff, Chairman and other members of the Tribunal, powers of the Tribunal are Spelt out in the Constitution. Part II of the fifth Schedule defined/listed Public Officers for the purpose of the Code of Conduct. As lofty as the above mentioned intentions are, there are reports of unethical behaviours in the Nigerian Public Sector. To buttress this, Ikejiani-Clark (2001) submitted that “the initial

publications on Corruption...were concentrating on local government levels. They were described as institutions riddled with bribery, nepotism, politics and corruption". She averred further that "over the years, as more documentation on corruption in central government accumulated, it became evident that corruption was a universal problem". The universality of the corruption dilemma in Nigeria implies that it permeates all tiers of government and societal strata. In corroborating the above, Ezeani (2006) building on the works of Rasheed (1995), opined that recent experience with public administration has necessitated a rethink on the issue of ethics in public administration. Furthermore, Rasheed (1995) pointed out that the lack of accountability, unethical behaviour and corrupt practices have become so pervasive, and even institutionalized forms of behaviour to the extent that one may conveniently speak of a crisis of ethics in the public service and would appear to be exploratory and explanatory regarding the ethical dilemma and question on the public sector in Nigeria. It is therefore not surprising that Ikeanyibe (2009) asserted that "corruption and many other unethical practices are fingered as the bane of Nigerian public administration", and rhetorically asked how ethics can contribute to the effectiveness of public administration in Nigeria. An attempt will be made to respond to this question in the section dealing with institutional mechanisms for enforcing ethical behaviour in Nigerian public administration.

In adducing reasons or explanations for corruption and sundry unethical conducts in the Nigerian public sector, Ikejiani-Clark (2001) reports that "the complexities of modernity and the fact of cultural transmission have resulted in unsettled value systems". These unsettled value systems must be explained in the context of the interface of Nigerian culture/values with those of the capitalist West, economic interaction and inherited capitalist economic system and values which infused Western behavioural patterns/values into the Nigerian culture. Other factors according to Ikejiani-Clark (2001) are: lack of commitment to public cause; generalized poverty of Nigerians; infrastructural deficit or non-existent social services; political interference characterized by spoils system in administrative and political practice. Efforts at curbing unethical behaviours/practice and enforcing accountability in Nigeria and many African countries have received vent due to the under listed reasons:

a. The increase in the incidence of unethical practices and lack of accountability;
b. The wave of political liberalization that engulfed most of Africa since 1989, which has embolden a budding civil society into demanding greater enforcement of ethical standards and the punishment of violators;
c. A growing recognition that unethical practices have contributed to the economic difficulties that many African countries face;
d. The pressure exerted by international donors requiring stricter adherence by African countries to good governance and the curtailment of waste and squandering of resources (Rasheed, 1995, 12).

In Nigeria, the manifestation of unethical practices and the intertwining adverse effect take the form of bribery, peonage, nepotism, embezzlement, use of one's position/public office for self-enrichment, absenteeism, cronyism, corruption in administrative and personnel practices, lack of accountability and transparency in the conduct of government and private businesses. All these have untoward consequences explainable

in terms of poor or ineffective implementation of government policies and retarding development efforts generally. From the work of Ayanda, (2012), fraud, extortion, embezzlement, bribery, nepotism, influence peddling, bestowering of favours to friends among others are some of the unethical conducts in the public service. Some of the manifestations of corruption (in the Nigerian public sector) according to Egwemi (2012) include solicitation or acceptance, directly or indirectly by a public official or any other person, of any goods of monetary, or other benefit, such as a (induced) gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance, of his or her public functions. The offering or granting, directly or indirectly to a public official or any other person for the purpose of illicitly obtaining benefits for himself or for a third party; to mention just a few. Attempts at reversing the above ugly state of affairs have led successive Nigerian governments to institutionalizing mechanisms for enforcing ethical conduct in Nigerian public administration. The next section of this paper will explore these mechanisms and measures.

Institutional Mechanisms for Enforcing Ethical Behaviour in Nigeria

The measures that the central government have taken over the years in halting the tide of unethical behaviours in the Nigerian public life found expression in the creation of institutions and re-orientation programmes such as: Special Fraud Unit of the Nigeria Police Force; War Against Indiscipline/Corruption; Economic and Financial Crimes Commission (EFCC); Code of Conduct Bureau (CCB) Code of Conduct Tribunal (CCT); Public Complaints Commission (Nigeria's Ombudsman Institution); Independent Corrupt Practices and other Related Offences Commission (ICPC); Budget Monitoring and Price Intelligent Unit (BMPIU), otherwise known as "Due Process Mechanism". The Special Fraud Unit of the Nigeria Police Force predated the creation of EFCC in 2002 and was expected to perform functions akin to that of EFCC. It could not give effective bite to the corruption war, perhaps due to operational factors and issues bothering on the "Nigerian factor". The War Against Indiscipline/Corruption was initiated by the Buhari/Idiagbon military regime. It had a draconian posture and specified tough penalties for certain categories of offences with the aim of inculcating general discipline and sanity in the Nigerian public life, but it evaporated with the demise of that regime. EFCC was established with a 2002 Act. The Act mandates the commission with the responsibility for enforcing all economic and financial crimes laws among others, and had its main functions spelt out in Part II of the Act. In addition, part II, Section 6, sub section 2 of the Act specifies the responsibility of EFCC in enforcing the provisions of other laws and regulations relating to economic and financial crimes which include: The Money Laundering Act 1995;

The Advance Fee Fraud and other Fraud Related Acts 1995; The Failed Banks (Recovery of Debt) and Financial Malpractices in Banks Act 1994, as amended; The Banks and other Financial Institutions Act 1991 as amended; Miscellaneous Offences Act; and any other law or regulations relating to economic and financial crimes (Ezeani, 2006, 406).The Commission (EFCC) has been accused of (being guilty of) selective execution of its mandate, especially under the democratic dispensation of President Obasanjo when it was tagged an instrument of vendetta of perceived political enemies and critics of

government. The criticism reached a crescendo during the President Yar'adua's years when it was viewed as being flat-footed, and at moment, the anti-corruption war is being derided as "wobbling". Ezeani (2006, 406) however documented that EFCC recorded some achievement under Mallam Nuhu Ridabu's watch as chairman, citing the recovery of money and property worth over N500 billion from corrupt public officials and individuals. This is in addition to 35 convictions that EFCC secured through the prosecution of corrupt public and private persons. The Code of Conduct Bureau owes its existence to section 153 sub-section 1a of the 1999 constitution of the Federal Republic of Nigeria. It has the vision of maintaining rectitude in Public Service, and its mission is to establish high standard of morality in the conduct of government business through the enforcement of the Code of Conduct for public officers. It has the mandate of ensuring that the actions and behaviour of public officers conform to the highest standards of public morality and accountability (Ekoja, 2011). It has the duty of enforcing the Code of Conduct for public officers as listed in the fifth Schedule (1999 constitution), part I, paragraphs 1-14. This has been mired by some challenges which include the legal framework empowering the Bureau to retain custody of assets declarations by public officers and making them available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe.

The inability or default of the National Assembly after twelve years of democratic practice in prescribing such terms and conditions is considered weighty a challenge in performing CCB's constitutional duties. Other challenges include: lack of Political will and seeming insincerity on the part of government in the anti-corruption fight; conducive environment for violation of Codes of Conduct; poor reading culture of Nigerians; lack of protection for whistle blowers; inadequacy of funding and manpower (Ekoja, 2011).The Code of Conduct Tribunal is a necessary by-product of the CCB, and has its existence tied to the fifth schedule, Section 15 of the 1999 constitution of the Federal Republic of Nigeria. The structure and operations of the Tribunal had been discussed in an earlier section of this paper; suffice it to say that the Tribunal appears very cold in the anti-corruption war. The Public Complaint Commission was first established under decree 31 of 1975 and subsequently incorporated in the 1990 Laws of the Federation as Public Complaints Commission Act, Cap. 337. Section1, subsection 1 of Decree 31 of 1975 contains the citation and structure of the Commission (Ezeani, 2006) .Section 4(2) of the decree empowers the commissioner to investigate either on his own initiative or following complaints brought before him by any other person, any administrative action taken by any tier of government, ministry, department or agency of government within the purview of issues listed in section 4, sub section 3d of the 1975 decree. Matters exempted from investigation are contained in section 5 of the 1975 decree. Ezeani (2006) reported that the commission has recorded some achievements, alluding that in 2000, it received 11,832 cases, satisfactorily resolved 5,283 while 6,549 were pending. The large number of pending cases compared to the limited number of complaints /cases it receives has been severely criticized and that the commission needs to do more and give more efforts to publicity in its operations. The ICPC came into effect with the Corrupt Practices and other Related Offences Act 2000, and was signed into law by President Obasanjo on 13th June, 2000.

The Act of 2000 is the enabling legal instrument of ICPC and the Commission was inaugurated on 29thSeptember, 2000with a chairman and twelve members. Section 6(a-f) of the 2000 Act spells out the duties of the Commission. Among other things, the Commission has the mandate to prohibit and prescribe punishment for corrupt and other related offences. There has been complaint /commentaries in the public domain that ICPC and EFCC amount to duplication of functions. However Akanbi (pioneer chairman of ICPC) opines differently."The ICPC principally was to deal with corruption cases, cases of inflation of contracts, nepotism... (and EFCC) is to deal with cases of economic crimes and money laundering. They are two different things" (Akanbi, 2012).The Budget Monitoring and Price Intelligence Unit (BMPIU) has the mandate of implementing Nigeria's public procurement reform programme. It was an initiative of President Obasanjo's administration in the year 2001 and was designed to enforce transparency and accountability in public (resources) management. Ezeani (2006, 410) building on BMPIU (2005, 1) documented that "Nigeria had, in the past, lost several hundred billions of Naira due to flagrant abuse of procedures for award of public contracts, inflation of contract costs, lack of transparency, competence–based competition and merit as the fundamental criteria for award of public contracts". The main objectives and functions of BMPIU were crafted to redress the above mentioned ills, institute sanity, transparency, accountability and standards/international best practices in public procurement. This "Due Process" mechanism was reported to have "brought contract costs down and saved the government close to N60 billion in the last two years" (Obasanjo, 2003 in Ezeani, 2006, 411)

Conclusion

The importance of ethics in the conduct of human affairs and public administration cannot be overemphasized. This is predicated on the fact that as a science and system of morals which define/ state the code or set of principle by which men live, human life and governance will be devoid of order without ethics. Administrative ethics must ensure that skilled, motivated and well behaved staffs are attracted into civil/public service in order to halt the tide of unethical conduct in public organizations. This paper embarked upon conceptual clarification, identified the significance of ethics to public administration, the extent to which ethics can contribute to the effectiveness of public administration in Nigeria was anchored on our discourse of ethics in the Nigerian public sector wherein an exposition and analysis of attempts at instilling ethical behaviour through several measures were highlighted. With heavy reliance on secondary sources of data, it was found that the march towards an ethical based public service must continue and be seen as series of "work in progress". A review of institutional mechanisms for enforcing ethical conduct in Nigeria was attempted with a view to ascertaining their effectiveness.

Recommendations

In order to further entrench ethics in the Nigerian Public Sector, the paper recommends the following:

i. There is an urgent and continuous need to remould the thought and conduct of Nigerians, especially civil/public servants and officials of government through the development of ethics and reorientation that is anchored on the virtues of accountability and transparency in public service.

ii. It is not just enough to promulgate laws or specify sanctions for wrong conduct, there is a need to implement laws and enforce sanctions not only to correct deviation from norms, but to serve as deterrent to potential offenders.

iii. The strengthening of institutions of governance on a continuous basis cannot be overemphasized. Institutions built on sound foundations and effectiveness can deliver better and respond to national yearnings and aspirations on a sustainable basis.

iv. The anti-graft war should be pursued with vigour and without selection. This has the potency of exposing corrupt public officeholders, and ensuring that justice is not only done, but seen to be upheld, this can assist in redressing the prevalence of corruption and other forms of unethical conduct in the public service.

v. The current enlightenment and re-orientation campaign of "do the right thing... Transform Nigeria" by the National Orientation Agency should not only be sustained, but must be invigorated in the belief that it can reverse the slide away from normative disorientation and unethical practices in the public life.

vi. A major part of citizens' responsibility to government (apart from obeying laws and paying taxes) is to engage their leaders in constructive dialogue and engagement. This has the advantage of creating an effective link between the led and leaders, it behoves government to create and sustain this connect in order to facilitate bottom-top approach to governance. Through this, laws and measures taken to address unethical practices benefit from wide participation and compliance ultimately.

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