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THE IMPERATIVENESS OF TRANSPARENCY AND PROBITY IN NIGERIA PUBLIC SERVICE

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Abstract

Nigeria's public service is strategically positioned to manage the nation's resources for service delivery to the people. The service has however, been associated with poor or total absence of accountability, with the overall effects of default in service rendering. This paper examines this phenomenon within the context of governance and reveals a visible gap between performance and expectation arising from mismanagement of resources. The trend, paper recommends, can only be reversed through strict adherence to guide line for performance and compliance by the public servants, while the government must act appropriately to strengthen the existing institutional regulatory framework to mitigate the situation.

Abstract: Imperativeness of Transparency, Probity, Public Service.

INTRODUCTION

Nigeria's public service for now is the largest employer of labour as well as .the largest provider of services in Nigeria. This situation in essence represents the feature and level of the nation's present economic development where government investment was concentrated on the establishment of public enterprises. The deployment of large funds on service rendering institutions did not only widen the activities of government it has also entrusted more funds to the public servants. Regrettably, the feature of the service has been poor performance linked to waste and outright conversion of public resources to serving personal interests and the resultant stalling of pace of development. Nigeria like most other developing countries has therefore; been unable to solve the problem of autonomous and undiversified economy, mass poverty, unemployment and gross shortage of public entities. By year 2005, 100 out of 1000 children aged below five died of infant-related diseases, 34% of her gross secondary school age population enrolled for schooling, 10% pf population of tertiary school age enrolled in higher institutions while her high technology exports (%of manufactured exports} was only 20% (World Bank 2007). Alarmingly, the poverty rate keeps rising from "a modest level of 15 percent in 1960 to 28 percent in 1980. It rose further to 46 percent in 1985 and to 66 percent in 1996. In 2000, it was estimated to be over 70 percent (ERN 2001). Her value added in services in Gross Domestic Product by year 2005 was only 20 percent dropping from 26 percent and 21 percent for 1999 and 2000 respectively (World Bank, 2007).

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The overall effect of this situation on the Nigerian populace as in other developing countries created for it the genuine concern of not only the affected citizens but also that of the international regulatory institutions for a critical examination of the system of governance in the affected countries as a broader platform for addressing the problem beyond macroeconomic reforms. Therefore, in addition to market and economic reforms it is considered very important the assurance of effectiveness of the rule of law and good value system to serve as a catalyst to economic growth. The International Monetary Fund (IMF), in this regard, in its 1996, "Partnership for Sustainable Global Growth" identified "promoting good governance in all its aspects, including the rule of law, improving the efficiency and accountability of public sector, and tackling corruption as an essential element of a framework within which economics can prosper. Further is the development of institutions and administrative systems that eliminate corruption, the opportunity for bribery and fraudulent activity in the management of public resources (IMF 1997).

The contribution of functioning and independent judicial system as a regulatory framework to creating institutional structure for economic development was also realized. The African Development Bank (ADB1999) in recognition of this, insists that 'rule of law based governance is critical to creating an enabling environment and promoting socio-economic development in 21st century.

Similar measures have been taken at the regional, sub-regional, and national levels to provide appropriate principles, institutions and mechanisms for performance and compliance for development. Towards this, Africa Union (AU), through the New Partnership for Africa's Development (NEPAD) aims at enthroning better governance in the continent " in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law"(NEPAD 2001). At the national level, Nigeria drew up the Code of Best Practices on Corporate Governance in Nigeria (2001). Nigeria also established the Independent Corrupt Practices and Other Related Offences (ICPC) Act in 2000 and the Economic and Financial Crimes Commission (EFCC) in 2002 as legal institutions to fight corruption in the country.

Against this background, this paper has discussed the issue of transparency and probity in the Nigeria Public service within the context of the governance in operation in the country. There is a correlation between the character of nature of political arrangement and the social value system of a state with their concomitant effect on the management of the state resources.

Clarification of Concepts

Public service: Public service, as is used in this paper comprises the three arms of government -executive, legislative and the judiciary, rendering services to the Nigerian public. Public servants are therefore, all the persons in the employment of the government in all the three arms, senior and junior including the scheduled officers and **the** politicians holding positions in the government.

Transparency: It means openness and clearness.

Probity: literally, it means complete honesty, truthfulness and reliability. In normative usage transparency and probity mean openness without deceit, secrecy, shadiness and virtues of good stewardship, accountability and trust.

Literature

Transparency and probity provide the framework for formulation and implementation of policies and programmes and emphasize the guideline for economic and efficient management of resources along channels to communication are rigidly fort lowed. In the view of (Oshionebo 2004), transparency as it applies to the art of governance, demands that the fiscal and monetary operations of government are planned, executed and reported to the Nigerian public with absolute sincerity. This implies that government is obliged to routinely inform and explain to the public, every act or decision that affects their lives.. As a guarantee for transparency and probity, decision-making is subject to wide consultation and analysis of various options and views. Transparency in this regard serves as an indispensable tool for budget preparation and implementation and monitoring. The budget as it is recalled here is an annual plan that contains policies and programmes to be implemented within the period and for the benefit of the people. Policies programme and ideas must be subjected to critical evaluation before being accepted for inclusion in the budget for implementation. At the same time, actions are duly explained, accounted for and reported through laid down procedures and approved channels of communication.

Transparency and probity provide check on public servants as the affairs of government are conducted in the open. The people have the prerogative of information on public matters in the system that abhors information hoarding by a few.

According to Obadan (2004), transparency has the following dimensions;

i) The provision of reliable information on government fiscal intentions and forecasts;

ii) Detailed data information on government operations, including the publication of comprehensive budget documents that embody properly classified accounts of the government and estimates of quasi-fiscal activities undertaken outside the government;

iii) Clear definition of conflict of interest roles for elected and approved officials, meeting of freedom of information requirements, existence of non opaque regulatory framework, open public procurement and employment practices, code of conduct for tax officials, and published performance audits.

Transparency among others thus ensures that budgeting is done with the good intentions to accommodate and provide for the people. The budget in the circumstance explains in details the pectoral allocations indicating clearly the intended accomplishment of government within the period covered. This lays the basis for accounting for the expenditures made at the end of the period as the budget for the succeeding period, usually a year, should review first the achievement of the preceding year.

Foischer (1999) views the importance of transparency as in providing feedback for informed debate on public issues and policies. Such debates lead to better programmes and resources that are more efficient. Transparency in this regard puts the government in the open, keeps the people informed about government activities leaving them not in doubt through effective dissemination of information. Government routinely consults with the people on programmes and policies formulation and implementation. This in itself creates ombudsman, which enhances effectiveness in resource management. Oshionebo (2004) transparency is important for the following reasons:

i. It is crucial to good governance. It prevents government functionaries and agencies from doing things which cannot withstand outside scrutiny

ii. Since transparent governments can be held accountable, legislatures and the civil society will be better able to hold government accountable if they have information on government policies, programmes, practices and expenditures.

iii. Public scrutiny helps elected office holders to make decisions in accordance with their mandate.

iv. An adherence to the dictates of transparency helps to increase faith in governments. This is because the public will be in a better position to understand what their governments are doing, a situation that has potential for building more confidence in government and;

v. Transparency contributes to macroeconomic and sound fiscal stability on crucial area of merit of transparency and probity is the assurance of good planning and management of fiscal and other resources.

vi. In his contribution to this Olaniyan (2001) argues that "transparency and accountability are very critical to successful economic planning (budgeting) and management that will engender sustainable economic growth and all round national development". In his view such awareness will enable us to achieve "substantial results from our planning and budgeting efforts in the management of the country's scarce resources for rapid socio-economic transformation and development'. Ariyo (1996) notes in particular "the mismanagement of the fiscal resources and tools" which according to him "manifested through widespread corruption colossal waste and abandonment of several capital projects". He therefore made a ease for fiscal reforms. He contends further in a later work that the behaviour persists because there was no transparency in comprehensive accounting for Government Avenue and expenditure. Government was not accountable to the people" "he suggests eradication of the underlying causes of fiscal indiscipline" through accountability and transparency of government activities promotion of profit seeking and elimination of rent seeking behaviour, ensuring cost-effectiveness of public programmes, and thereby, guaranteeing value-for-money on public expenditure" (Ariyo, 1999).

Principles and codes of conduct that bear similarities have evolved over the years for public office holders across the globe for fiscal transparency, following are the highlights of the code of good practices.

i) Clarity of roles and responsibility: A clear legal and administrative Framework for fiscal management, with clearly defined policy and management roles;

ii) Public availability of information: Public provided with full and timely Information on the past, current and projected fiscal activities of government;

iii) Open budget preparation, execution and reporting: the budget should specify fiscal policy objectives and the macroeconomic policy basis, indicated procedures for the execution and monitoring of approved expenditures, timely, comprehensive and reliable fiscal reporting, which should identify deviations from the budget.

iv) Independent assurance and integrity: Fiscal information should be subject to public and independent scrutiny, Jobome (2003).

Theoretical Framework

As earlier noted, this paper examined the framework provided by governance. Governance is concerned mainly with the exercise of state authority and powers; the exercise by government of its authority to control and manage the society. World Bank (1992) refers to it as the manner in which power is exercised in the management of a country's economic and social resources for development. In other words, it is the use of political authority and exercise of control over a society and the management of its resources (WAI 1995). It is the framework for the organizational management of the state so as to create the environment necessary for deploying all the competences of a society for the development of that economy and, at the same time, removing some of the constraints and impediments to such long-term efforts. UNECA (2002) notes that "good political governance is a prerequisite for good economic and corporate governance.

This paper engages Dyck's (2002) "grabbling hands" analogy. The theory arises from the apprehension of stake-holders over securing their investments. The fear is that those they have mandated and trusted with the power of decision-making may renege on their promise and apply it not in accordance with the agreed promises or outside the laid down guidelines. This misapplication of mandate could be in the form of outright "theft, excessive pay for decision makers, nepotism" etc leading to loss of investment opportunities, poor resource allocation and slower economic growth. This theory lends itself for analysis of political, economic and corporate governance system as there are "grapping hands" in both public and private sectors. In the public sector the ""grabbling hands" are the public officials who misappropriate public funds and direct them for private use through bribery, over invoicing, direct stealing . Jobome (2003). Private grabbling hands" are the insider/managers or insider investors who grab from other corporate stakeholders (through theft, excessive remunerations, empire building, management shirking no market price dealing etc. Governance mechanisms subject to the prevailing legal, political and institutional managements may encourage or check grabbling. However, good governance requires the tying of public and private grabbling. This theory aptly fits the Nigeria's sorry case where diversion of public funds for personal enrichment by managers of the resources has become the rule rather than the exception.

The Nexus between Governance and Economic Performance

Empirical research findings have established strong link between governance and economic performance and pace of development. The work undertaken has been mainly in control of corruption in the polity and the corporate firms. Lederman et al (200)) in their above study, "measure" corruption using the international country Risk Guide (ICRG) corruption index which is based on the opinions of a worldwide network of experts. The study employed econometric estimation model, which explains corruption as a function of various factors on different aspects of political governance.

In some of their results, it is revealed that corruption is reduced by establishing a political system. On the other hand, their regression evidence suggests that as governance improves (Quality of bureaucracy increases or corruption falls). Public spending on health becomes more effect in lowering child and infant mortalities. They found similar results for expenditure on education.

Kaufinann F and Kraay (2002) in another work advanced a two-way estimation of the relationship between the quality of governance and per capital income. The work covered between 14 and 192 countries using six governance indicators which include:

(I) Voice and accountability:- indication of the extent to which citizens of a country are able to participate in the selection of governments ;

(ii) stability: indication of continuity of polity and the continued ability of the electorate to select and replace those in power;

(iii) Governance effectiveness; indication of the ability of government to initiate and implement good policies

(iv) Regulatory quality: indication of perceptions of over-regulation

(v) Rule of law:perception of the incidence of crime, contract enforceability and the effectiveness and predictability of the judiciary,

(vi) Control of corruption: indication of measure of perceptions of corruption

The finding, of the above study is that governance has strong effect on the income per capital of a country, sampling 153 countries. On the other hand, they found that attempt to estimate effect of increase per capital on governance yielded a negative effect meaning that economic growth is not likely to bring about improvement in governance.

Nigeria Performance Using the Governance Indicators.

Drawing from the data set published by Kanfmann Kraay and Mastruzzi (2003) Nigeria was compared with 12 other African countries for their governance characteristics using the six indicators earlier discussed in the study by kaufmann and Kraay. The following findings emerged from the study.

i) For voice and accountability, Nigeria trails behind most African countries and only tops a country like Zimbabwe. This shows Nigerian citizens' low participation in the selection of governments using the indices of the political process, civil liberties, political rights and independence of the media

ii) Political stability: Nigeria is in the lowest position given a perception that the country could be overthrown.

iii) Government effectiveness Nigeria scored low in quality of public service provision, bureaucracy, competence of the civil service, independence of the civil service and the government's commitment to its policies behind countries like Botswana, Mauritius and South Africa.

iv) On regulatory quality (in the foreign trade) price controls or inadequate banking supervision. Nigeria trails behind Tunisia pointing to the fact that poor quality is associated with Nigeria.

v) For Rule of law, Nigeria has not fared well in crime, contract enforceability and the effectiveness and predictability of the judiciary.

vi) In terms of corruption, Nigeria is perceived as having the test control over corruption of the countries sampled. Frequent extra legal payments, corruption in the political sphere and "state capture" by elites are seen as regular features of the Nigerian environment by respondents.

The overall picture thus presented of Nigeria is of a country that lacks effective governance mechanisms and the necessary guideline, principles, rules and structures for assuring compliance, monitoring of performance and development.

The resultant disenchantment, heightened corruption, disregard for due process for public expenditure and poor enforcement of contractual obligations and terms, little or no accountability and transparency in the conduct of public affairs. The administration started on a promising note with the establishment of some legal institutions namely the Independence Corrupt Practices and Other Related Offences (ICPC) in 2000 and the Economic and Financial Crimes Commission (EFCC) in 2002 as part of the legal framework to control the ills of corruption and financial crimes in the country.

Specifically, the ICPC has among its functions;

(i) Where reasonable grounds exist for suspecting that any person has conspired to commit, has attempted to commit, or has committed an offence under this act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempts to commit or the commission of such offence and, in appropriate cases, to prosecute offenders.

(ii) To educate the public against bribery, corruption and related offences, and to enlist and foster public support in combating corruption (ICPC Act 2000, 15-16).

The EFCC'S functions include:

i) to investigate all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal change transfers, future market fraud, contract scam. (ii)To co-ordinate and enforce all economic and financial crimes laws and enforcement functions conferred on any other person.

The ICPC and the EFCC are by no means the first anti graft institutions or bodies put in place by Nigeria to fight corruption but given the perceived seriousness on the part of the government that established them, Nigerians had hoped that these institutions would at last provide the seeming elusive panacea for the ills of corruption in the country.

Prior to the establishments of these agencies, a number of anti-corruption bodies like miscellaneous offences Act of 1991; the National Drug Law Enforcement Agency (NDLEA) Act of 1999; Advance fee Fraud (otherwise known as 419), and related offences Act of 1995; and the Money Laundering Act of 1995 (Now repealed by MLPA, 2004 (Ribadu, 2005) among others were in place. Government had to establish ICPL and EFCC as indication that previous institutions did not perform to expectation. Objective assessment today does not give the two new bodies pass mark either. Like the earlier institutions, the ICPC and EFCC have faced some problems stalling their performance. Common among the problems is the slow and cumbersome judicial process in Nigeria. Other problems that have militated against the bodies are insufficient funds, lack of awareness of their existence and activities by majority of Nigerians living outside the major cities because of the poor spread of their activities, which seem confined mainly to Lagos and Abuja.

The two commissions therefore have been largely blamed for slow and poor performance, selective arrest and prosecution. Many as having served the interest of the former president, Olusegun Obasanjo, have largely perceived the commissions whose administration established them, for assault and vengeance on his political foes This perception and the slow pace of prosecuting offenders rightly or wrongly have seriously eroded public confidence in the anti-graft bodies. Many political big shots including former governors and ministers who served during former president Obasanjo's eight years period and were indicted for money laundering have been facing trial in various courts in the country for over one year now without any single of the cases fully determined yet.

The rather disturbing tortuous judicial process is also the hallmark of the electoral tribunals trying cases of alleged electoral malpractices arising from the 2007 elections. Now above one and half years after the elections and the commencement of the trial by electoral tribunals, many of the cases are still very far from being concluded. These are proofs of the ineffectiveness of the Nigerian judiciary in for law enforcement and compliance. While we acknowledge the seeming thoroughness of the judiciary in the trial in some areas, the fact remains that the trial process is rather circuitous and too delayed

Nevertheless the result of the tribunal trials so far have substantially proved the gross abuse of the electoral process and assault on the peoples will and their right to choose their leaders .The tribunals as at the last count have voided the elections often governors. Out of this number, re-elections have been conducted for five states, Kogi, Adamawa, Sokoto, Bayelsa and Cross Rivers; for two sates, Rivers and Imo, the position has been re-awarded and replaced by their opponents; similar ruling has been made for Edo and Ondo but the incumbents are yet in the appeal court.

Another reform for which the Obasanjo's administration initially received the accolade of Nigerians and the international community as an assurance for transparency in governance is the Due Process as the guiding code for award of contracts that the administration put in place. Whereas due process had long been a code in the service for compliance, Obasanjo's administration amplified it as a tool for plugging leakages, elimination of wastes and diversion of public funds from the intended investment points and targets. It signaled an end to "business as usual" and represented a major element in the administration's reforms. According to Oby Ezekwesili, the mastermind of the project, Due process was the design of a rapid response mechanism for ensuring fiscal transparency, strict compliance with due process and effectiveness. Efficiency in costing, prioritization and execution of budget expenditure items resulting in an effective" follow-the money" tracking process by utilizing international and Nigeria expertise, and by adapting the best of information technology were also integral components of the due process mechanism.

From the above, democratic governance in Nigeria, today, lacks the essential features and characteristics to guarantee transparency and probity. It stifles the right of the citizens to participate in the affairs of the state, promotes mediocrity and lacks the effective management for economic growth. Corruption remains a prominent feature of the system that is characterized by huge shortage of basic amenities like education, potable water, health care, good roads , steady power supply etc .Unemployment rate keeps rising while crime rises in similar proportion. The country with all abundant resources therefore remains as one with the highest poverty rate in the world with meager income per capita of barely $560 as at 20G5(world bank 2007)

The Way Forward

The prevailing situation in Nigeria discussed in this paper needs to be urgently addressed. Nigeria will immensely benefit from a governance system that guarantees effectiveness and efficiency through the strengthening of the regulatory mechanism for evaluation of performance and monitoring for compliance. The existing legal framework and institutions, which are already in place, should be restructured and strengthened by enlarging their operational scope and powers where necessary, for greater efficiency in the enforcement of laws, rules and regulations.

The Nigerian judiciary in the recent times has demonstrated some measure of independence and preparedness to provide the necessary checks on the other two arms of government by the outcome of its adjudication on matters affecting these arms of government and the individuals. However, its operations are still tortuous in which condition, it is yet to attain the expected level of efficiency and win the confidence of the public. It should speedy up determination of cases to be able to check the increasing number of offenders and help to eliminate corruption from the system. Effective control mechanism with appropriate sanctions will produce necessary salutary effects on the public servants. This will ultimately instill accountability and probity in the Civil Service in Nigeria.

There is a dire need to guarantee the rights of the Nigerians to effectively participate in the affairs of the country, particularly their right to choose credible leaders. A transparent electoral process that will check abuses is a sin-a-qua-non. It is important to do this so that the genuinely elected representatives are elected. The legislators should also carry out the oversight functions at the various governance level, federal, state, and local governments. The ultimate objective of the oversight functions of the legislature is to promote accountability; transparency and responsiveness on the part of the executive and by extension check and balances his actions (Bello Imam, 2005). For now a good number of the Nigerian legislators do not render account of their stewardship to their voters and do not operate outreach offices though they collect money for it .The obvious consequence for this is that those who they represent know little or nothing about the activities of the government. The system in that situation is not open to the people and receives no feedback from them.

Furthermore, if the judiciary effectively enforces the rule of law and the Legislature carries out its oversight functions effectively, government will function as one in which separation of power truly operates. Such governance enhances openness, judicious allocation and utilization of resources, effective control and monitoring of performance and compliance. It will also engender accountability, eliminate waste, and detract from opaqueness under which corruption thrives. The panacea therefore is the fostering of the principles and guidelines that promote transparency and probity to effectively manage resources, restore the confidence of Nigerians, the international regulatory institutions as well as foreign investors who will collaborate in their efforts to work for the growth of the economy and the overall development of the country.

Transparency and probity require among others;

a) The conduct of government affairs within formulated guidelines must be subject to the people's verification and scrutiny

b) public officers must carry out their duties within the purviews of their powers as specified hi the relevant codes.

c) all government financial transactions including budgets and expenditures should comprehensively spell out in relevant documents after undertaking due consultations with relevant stakeholders.

d) openness of government activities and the people's unhindered access to information about such activities.

Conclusion

The Nigeria public service the subject of this paper is characterized by mismanagement resulting in low growth of the economy. This, in the view of this paper is largely due to the current governance which lacks transparency and probity thereby promoting corruption, and serving the personal interests by the managers of the resources. The public servant in this dispensation conducts the affairs of government without recourse to the people who have little or no information about the activities of the government. The mechanisms for control to ensure compliance are ineffective. Affairs of the government are conducted outside the knowledge of majority of Nigerians. This paper therefore, posits that the principles and guidelines for enthronement of transparency and probity in public service should be upheld as they remain the vital checks against abuse of position. If these principles are adhered to through effective control, the people will become active players in governance, their confidence as well as those of others foreigner partners will be restored in the Nigerian nation which will result in sustainable development.

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