



Machinery of Government

& Civil Service Performance

Bassey Anam

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DEDICATION

**Dedicated to Joel Anam, for keeping me up most
nights to organize my thoughts; you're the Pal!**

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FOREWORD

The need for an effective service that will cope with the various machinery of government activities in Nigeria has been a source of concern to every government, individuals and groups. The aim of this book is to provide an enabling environment for scholars and practitioners to share valuable ideas with a view to providing ways that could engage a useful input to the current process of invigorating the civil service.

This edition of the machinery of Government and Civil Service performance has the propensity of reflecting the much needed changes to disseminate accurate and reliable information to stakeholders and the civil service on the policy direction and activities of government.

Adherence to rules, regulations, ethics, standards, enforcement of discipline and personal responsibility throughout the service have also been enshrined in this book. The book puts in place an enduring system of managing affairs that is honest, transparent and cost effective in delivering the dividends of hardwork in the civil service.

I therefore urge the political class, public servants, policy formulators and the academia to acquaint themselves with the issues in this book that will guide civil service administration and effective financial management.

Edward Pius Ombe, ACAI
Deputy Provost (Academics)
Federal Training Centre, Calabar

LIST OF ABBREVIATIONS

AD	-	Assistant Director
ACT	-	Australian Capital Territory
AAO	-	Administrative Arrangements Order
APD	-	Appointments, Promotion and Discipline
BMPIU	-	Budget Monitoring and Price Intelligence Units
CA	-	Chief Accountant
CAO	-	Chief Administrative Officer
CS	-	Chief Statistician
CPAR	-	Country Procurement Assessment Report
DD	-	Deputy Director
D/PM	-	Director, Personnel Management
DPRS	-	Director, Planning, Research and Statistics
FEC	-	Federal Executive Council
FCSC	-	Federal Civil Service Commission
GL	-	Grade Level
ICT	-	Information and Communication Technology
JSC	-	Junior Staff Committee
OHCSF	-	Office of Head of Civil Service of the Federation
MDGs	-	Millennium Development Goals
NICs	-	Newly Industrialized Countries
PSC	-	Public Service Commission
PPC	-	Public Procurement Commission
PRIU	-	Procurement Reform Implementation Unit
Rec. /Appt.	-	Recruitment and Appointment
SSC	-	Senior Staff Committee
SGL	-	Salary Grade Level
SW&T	-	Staff Welfare & Training
S/T	-	Secondment and Transfer
TRG	-	Training
w.e.f	-	with effect from

MDAs	-	Ministries/Extra-Ministerial Departments/Agencies
MoG	-	Machinery of Government
OSGF	-	Office of the Secretary to the Government of the Federation
ERO	-	Establishments and Records Office
CMO	-	Career Management Office
BPSR	-	Bureau for Public Service Reforms
ICPC	-	Independent, Corrupt Practices and Other Related Offences Commission.
UNCITRAL	-	United Nations Commission on International Trade Law

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CHAPTER



**OVERVIEW OF THE
MACHINERY
OF GOVERNMENT**



To enhance performance in government activities, there must be functional administrative units. These administrative units that conduct the affairs of government; Federal, State and Local Government levels are referred to as the Machinery of Government. Their effective functioning and otherwise is significant in determining the success and failure of the government. This chapter presents an overview on the meaning, historicity and objectives of the machinery of government. A quick assessment at the chapter outlook is as follows,

- 1.1. Meaning of Machinery of Government
- 1.2. Historical Background of the Machinery of Government
- 1.3. Objectives of the Machinery of Government

1.1 MEANING OF MACHINERY OF GOVERNMENT

A machine is an instrument that exists in order to fulfil a purpose beyond itself. The parts in a machine move and change, and can be replaced or improved. Machinery therefore is a functional unit that provides enabling supports in achieving specific goals of an organization. Associating governance to a functional structures known as machinery, defines a range of departmentalized, functional and coordinating units which response to Government's policy priorities, environmental pressures and opportunities for better performance. Lets attempt detail definitions,

1. The term 'Machinery of Government (MoG)' refers to the structure of government and the allocation of government functions between departments and ministers (Barker, 1982). Also known as the 'administrative arrangements' of government, machinery of government describes a variety of organizational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios.
 2. The Machinery of Government means the interconnected structures and processes of government, such as the functions and accountability of
-

departments in the executive branch of government. The term is used particularly in the context of changes to established systems of public administration where different elements of machinery are created (Bichard, 19996).

3. Equally, Machinery of Government refers to the structures of government and how they work. It includes the changing set of organisations within government, their functions and governance arrangements, and how they work together to deliver results for both their administrative set up and the public.
4. Government conducts their daily affairs using specific structural and functional directories. These directories are referred to as its machinery. The structures of government, as shown through the names and functions of core departments, allow observers to identify areas of government focus and development agenda. Therefore, it will be right to add that, the machinery of government provides information to the public in assessing the performance of government (Chester, 1953).

Notably, the Machinery of Government revolves around constant change to ensure that government as a whole works efficiently and effectively.

1.2 HISTORICAL BACKGROUND OF THE MACHINERY OF GOVERNMENT

'Machinery of Government' is a term of art in the profession of government administration coined early in the nineteenth century, as the role of government was expanding perceptibly; Lord Brougham spoke of the 'whole machinery of the State, all the apparatus of the system, and its varied workings'. More than a century later Arthur Schlesinger Junior wrote of it both more picturesquely and more accurately as 'the sprawling mystery of government'. But the matters it embraces were recognised even in the classical world: Aristotle, writing in the Politics, asked 'whether duties should be assigned according to the type of function or to the groups involved'.

Notwithstanding concern dating from ancient times and the continuing active interest of professionals in the field, it has not attracted extensive academic interest. Key texts are such public reports as the (Haldane) Report of the Machinery of Government Committee (1918) in the United Kingdom; the 1937 report of the Brownlow committee in the USA; and the first (1949) report of the Hoover Commission on the US Federal government. One of the few academic studies of particular value-Roger Wettenhall's *Organising Government* (1986)-deals both with the Australian government and with practice in several states.

'Machinery of government' is a permeable term. It can comprehend very broad matters such as the general role of government in a democratic society and the respective responsibilities of a national government and local or regional governments. In a federation, assignment of tasks between the national government and the constituent states-typically within a constitutional and financial framework-is a constant activity (Hammond, 1990).

The term, however, more usually relates to organisation of work within the executive government of a specified jurisdiction. As defined by Wettenhall, it is 'often used to describe the operations involved in organising the broad functional areas of a given administrative system into its major structural units (i.e. ministers and their departments, public corporations and so on).' A frequent definition is allocation of functions between departments and agencies. In modern government, a major component of machinery of government decision making is determination of which minister will be responsible for which departments and agencies.

This allocation of duties is a responsibility normally exercised by the head of government (prime minister or premier) and is invariably regarded as a prerogative of great political importance and sensitivity. As such, it is jealously

¹Cited with permission from Oxford Companion to Australian Politics: Machinery of Government

guarded. Its significance was emphasized by R. G. Menzies, long-serving prime minister, when he said in 1957:

It is only the Government, acting under the control of Parliament which can decide what functions are to be performed by the various departments. The decision is a peculiarly political one, and is, of course, affected by the views which any Government may hold or the electorate may demand. Since only the Government can determine these matters, no Government can escape its responsibility for reviewing these functions to determine whether any of them are unnecessary or performed to an undue extent, or badly placed in the general departmental organization. I do not think it would be seriously said that such problems as these should be off-loaded by the Government on to some entirely non-political authority. The basic structure of the Commonwealth machinery of government is articulated in a valuable document, the Administrative Arrangements Order (AAO), issued periodically by the governor-general. It identifies each minister, the legislation for which the minister is responsible, and the principal matters dealt with by the portfolio. Another invaluable guide is the Australian Government Directory, now maintained online. Few other governments have so clear a guide to ministerial responsibility as the AAO provides, but most seek to emulate the Directory. Even so, often the best guide to a state government's machinery of government will be the telephone book. Principles of accountability alone suggest each jurisdiction should maintain a better guide to ministerial responsibilities.

The machinery of government—the numerous organisations and agencies that compose the administration—consists of bodies variously referred to as departments, ministries, offices, authorities, bureaux, commissions, boards, corporations, and tribunals. One of the major difficulties in coming to terms with machinery of government is its frequently confusing terminological variety. Some bodies are established by executive fiat; in the Commonwealth, for example, all departments are created by the governor-general. So are a variety of other bodies.

Many others are created by statute. They perform a wide range of functions: advisory, regulatory, and adjudicatory as well as operational and executive. All, whatever their name or form, come in some measure under a minister; the character of a minister's authority over a body will vary according to its nature and, where the body is a statutory creation, may well be specified in some detail. Even in the case of departments, statutory powers have sometimes been vested in the departmental secretary rather than the minister. (The designation 'director-general' usually indicated a departmental chief executive with statutory powers: director-general of civil aviation or director-general of social services for example.)

The Treasury portfolio in the Commonwealth furnishes a good example of the diversity of functions that can fall to one minister and the consequential variety of organisations for which a minister has responsibility. The Treasury, for the first few decades of the Australian Federation, was essentially finance and accounting organisation. But its functions came to embrace banking (the Commonwealth Bank); management of various superannuation programs, with overseeing boards; statistics (backed by legislation); revenue collection; and payment of pensions. The latter task was eventually hived off to a separate department with its own minister. The ascendancy of Keynesianism in economic policy brought a new dimension to treasury work and for many decades this aspect was its central mission. But in 1976 expenditure management was removed from Treasury's remit and vested in a separate Department of Finance, which also took over Commonwealth superannuation programs.

During the subsequent three decades Treasury was reconfigured as a department of the economy. To the residual functions retained after creation of the Department of Finance, such as the Reserve Bank, the Commonwealth Bank (until privatisation), the Australian Taxation Office (save for some months during 1983 when it came under the minister for finance), and the Australian

Bureau of Statistics, a number of other agencies were brought under the Treasurer's wing-the Australian Industry Development Corporation (again until privatised), originally a creation of the trade portfolio; the Productivity Commission, lineal descendant of the Tariff Board, also a long-time satellite of the trade portfolio; and the Australian Competition and Consumer Commission, originally the Trade Practices Commissioner within the attorney-general's portfolio, though for several years part of the business and consumer affairs portfolio.

Analytical writing about machinery of government is frequently preoccupied with a search for rules or principles that govern or ought to govern allocation of functions between portfolios, and such questions as when it is appropriate to assign tasks to a ministerial department and when some form of non-departmental instrument such as a statutory authority is desirable. As Aristotle observed, we have a choice between tasks to be performed and group to be served. Both choices have been evident in modern machinery of government arrangements. A department of (public) works is fairly obviously involved in construction and perhaps also property management. Departments of education implicitly have a major focus on the children and young people in a community; historically, they did not automatically include universities in their ambit of interest. Sometimes decisions have been based on processes involved; most revenue collection for example is now the business of the Australian Taxation Office (a statutory body). From time to time location has been a factor in assigning responsibilities; at Commonwealth level this has been most apparent in departments administering territories such as the Australian Capital Territory (ACT) and the Northern Territory.

Such principles as may be discerned preclude automatic or easy answers to questions of allocation, but often they do not prevent a turf war. Since its re-establishment with a minister of its own in the mid-1930s the Department of External (later Foreign) Affairs has fought a long battle to bring Australia's

relations with other nations under its control. The conflict was especially fierce where the Department of Trade was concerned during the 1960s, and was really only resolved when the two were united in 1987. External Affairs took a long time to gain control of relations with the United Kingdom-which, until 1971, fell within the prime minister's responsibilities. Treasury, itself long challenged by the Department of Trade, has always successfully fended off attempts by Foreign Affairs to play a greater role in overseas economic relations.

Purely analytical approaches to the machinery of government are unrealistic. Governments for more than a century have been firmly entrenched and are rarely able to act as if they have a clean slate. It is rather a case of making decisions about mergers, amalgamations, transfers, and various options for divesting functions including contracting out, corporatisation, and privatisation. Machinery of government matters are about methods of transacting government business as well as the institutions, organisations and structures involved. Another factor relevant to making machinery of government decisions is the location of organisations. Sometimes, otherwise logical mergers and amalgamations do not proceed because constituent parts are geographically separated; in other cases, geographical separation makes for delay in realising the benefits of change.

The desirability of centralising all administration in one field in a single organisation has been an important question in the history of machinery of government. Centralisation, manifested in what were called 'giant' or 'super' departments, has often been advanced in the interests of simplified decision making and administration, and economies of scale. But these endeavours rarely bring the large benefits promised.

The history of various transport portfolios at Commonwealth and state levels provides a formidable illustration of the gap between logically sound ideas and what can be achieved in practice. Most states' attempts to fashion an integrated

transport administration have failed, although some measure of success can be achieved when metropolitan transport management is separated from statewide systems. From 1927 onwards the Commonwealth looked for a means of rationalising transport administration, which for nearly forty years had been divided between a Department of Shipping and Transport and a Department of Civil Aviation-in which field the Commonwealth role included airport construction and management along with air traffic control. A decade-long attempt (1973-82) to bring all within a single ministerial department did not succeed; in 1982 aviation again emerged as a department separate from transport and construction. After five years, transport was again united-this time, incongruously, with communications. The link with communications was dropped in the mid-1990s (communications again became a separate department, in time combined with the arts). But transport fared better, partly because its mainly regulatory and operational tasks were privatised (airports) or vested in a range of specialist agencies-a number with overseeing boards.

In 1987 the Hawke government effected a major change in the departmental machinery of government when it significantly reduced the number of departments but established a two-tiered system of ministers in which cabinet was composed of portfolio ministers, many of whom were supported by ministers with specified fields of responsibility within the portfolio. The main exception has been the Department of Foreign Affairs and Trade, which normally has two cabinet ministers: the minister for foreign affairs and the minister for trade. For a period there was also a third minister responsible for relations with the Pacific island nations and for foreign aid. A more normal arrangement exists in the attorney-general's portfolio, where the minister for justice has often also been the minister responsible for the Australian Customs Service.

The 1987 structure was flexible enough to accommodate a number of adaptations that have given it a remarkable longevity. Of the four large departments, only Foreign Affairs and Trade now survives in the form in which it emerged from the 1987 overhaul. Employment-initially linked with education-has reverted to its customary link with workplace relations; education re-emerged as a separate department. Communications likewise was re-established. The Department of Primary Industries and Energy now has an agriculture focus (and name), and energy matters have been transferred to the industry portfolio. An omnibus department, the Department of the Arts, Sport, the Environment, Tourism and Territories, unravelled. Its various functions went elsewhere and a specialist Environment department emerged.

Machinery of government is critical to administration. If well-designed it reduces-though rarely eliminates-the need for coordination, and also reduces so-called transaction costs. It can expedite policy making and, often, policy implementation. It is a dynamic process, however, and a particular portfolio structure cannot be expected to last indefinitely. Poorly conceived machinery of government impedes expeditious decision making, overburdens the central agencies of government including the cabinet, and can bring repeated bureau-shuffling-especially notable in the Commonwealth between 1972 and 1987.

In recent years much interest in the field has focused on the non-departmental machinery of government: the range of agencies, boards and corporations outside the inner departmental sector of administration. Initiative here has come through the Department of Finance and Administration under the influence of a report by businessman John Uhrig. The major impact has been replacement of boards with executive management. Another line of interest has been the functioning and constitution of public sector boards.

1.3 OBJECTIVES OF THE MACHINERY OF GOVERNMENT

The following are the basic objectives of the machinery of government of any state or country at large,

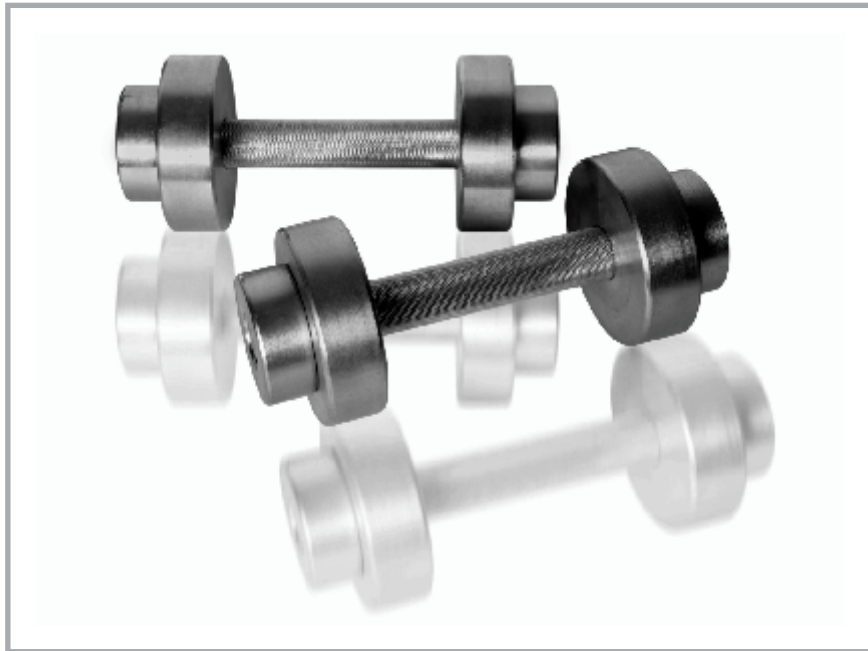
1. It clearly defines the forms and administrative arrangements of government and how they to function.
2. It is significance in promoting the principle of division of labour in public administration. Division of labour in public or private organizations leads to effective performance.
3. Through Machinery of Government, public accountability is guaranteed, as each unit acts as a watch-dog on the other.
4. It allows for dynamism in the public service, as public service function changes with new policies and administrative arrangements.

Assessment Test

1. Give two simple definitions to the concept Machinery of Government
2. Attempt a review of the historicity of the Machinery of Government
3. In recent years much interest in the study of Machinery of Government has focused on the non-departmental machinery of government.
Explain

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CHAPTER

4

**THE CONCEPT & THEORIES
OF GOVERNMENT**

The importance of government as an institution of the state cannot be over stressed. Government is necessary to the existence of civilized society. There cannot be civil service institutions without a government. Rightly put, they owe their existence to the government. The concept of government is very broad, especially its types and administrative arrangements. Given the scope of the subject matter examined here, this chapter will simply discuss the meaning, functions, basic principles, structure and theories of government in a state. It will be examined within the under listed framework,

- 2.1 Meaning of government
- 2.2 Differences between government and a state
- 2.3 Functions of government
- 2.4 Basic principles of government
- 2.5 The structure of government
- 2.6 Theories of the origin of government

2.1 MEANING OF GOVERNMENT

Simply put, government is the act or process of governing. This process involves the control and administration of public policy in a political unit. Let's examine other definitions,

1. According to Dunleavy (1989), government is the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of a state, community, etc.; political administration: Government is necessary to the existence of civilized society.
 2. The body of persons that constitutes the governing authority of a political unit or organization. It sets and administers public policy and exercises executive, political and sovereign power through customs, institutions, and laws within a state (Friedman, 1951).
-

3. Greaves (1947) argued that, government is a branch or service of the supreme authority of a state or nation, taken as representing the whole. This branch is usually referred to as a complex political institutions, laws, and customs through which the function of governing is defined and carried out.
4. Government is the organization, machinery, or agency through which a political unit exercises authority and performs functions. A government can be classified into many types--democracy, republic, monarchy, aristocracy, and dictatorship are just a few.

2.2 DIFFERENCES BETWEEN GOVERNMENT, STATE AND NATION

Though similar, there are underlying differences between a government, state and nation.

1. The concept of the state is different from the concept of government. A government is the particular group of people that controls the state apparatus at a given time. In other words, governments are the means through which state power is employed; for example, by applying the rule of law. The rule of law is a legal maxim whereby governmental decisions are made by applying known legal principles. The rule of law is rule not by one person, as in an absolute monarchy, but by laws, as in a democratic republic; no one person can rule and even top government officials are under and ruled by the law. On the other hand, a state is an organized political community acting under a government. States differ in sovereignty, governance, geography, and interests.
 2. The concept of the state is also different from the concept of a nation, which refers to a large geographical area and the people therein who perceives themselves as having a common identity. The state is a political and geopolitical entity; the nation is a cultural or ethnic entity. The nation state is a state that self-identifies as deriving its political legitimacy
-

- from serving as a sovereign entity for a nation as a sovereign territorial unit. The term nation state implies that the two geographically coincide.
3. In classical thought, the state was identified with political society and civil society as a form of political community. In contrast, modern thought distinguishes the nation state as a political society from civil society as a form of economic society. Civil society is the arena outside of the family, the state, and the market where people associate to advance common interests. It is sometimes considered to include the family and the private sphere and then referred to as the third sector of society, distinct from government and business.
 4. States may be classified as sovereign if they are not dependent on, or subject to, any other power or state. Other states are subject to external sovereignty or hegemony where ultimate sovereignty lies in another state. A federated state is a territorial and constitutional community forming part of a federation. Such states differ from sovereign states, in that they have transferred a portion of their sovereign powers to a federal government.

2.3 THE FUNCTIONS OF GOVERNMENT

Given its strategic importance, government, through its organizational set up carry out and engages in a range of activities, some derived from statutory powers, some not. The notion of a government function is a particularly vague and imprecise concept. What is perhaps less imprecise are legally defined powers defined by legislation or prerogative powers. Statutes confer powers on ministers individually and executive power is consequently fragmented. Machinery of government change often involves a reallocation of functions between government bodies.

Greaves (1947) maintained that one element of this might be the reallocation of statutory powers. Functions and activities carried out by government are often derived from a statutory basis, although government will engage in activities

which are not directly related to any statutory provision. Nevertheless, it is a function or activity of government, which has the potential for transfer. Tracking statutory powers might, in theory at least, be practicable but for the lack of any documentary source which keeps a record of these movements. Specifically, some common functions of government include,

1. **Public administration:** While the functional objectives of government administration vary from system to system, all countries that are technologically developed have evolved systems of public administration. A number of common features may be detected in all such systems.
 - The first is the hierarchical, or pyramidal, character of the organization by which a single chief executive oversees a few subordinates, who in turn oversee their chief subordinates, who are in turn responsible for overseeing other subordinates, and so on until a great structure of personnel is integrated and focussed on the components of a particular program.
 - A second common feature is the division of labour or specialization within the organization. Each individual in the hierarchy has specialized responsibilities and tasks. A third feature is the maintenance of detailed official records and the existence of precise paper procedures through which the personnel of the system communicate with each other and with the public. Finally, tenure of office is also characteristic of all public bureaucracies.
 2. **Supervision and resolution of conflicts:** conflict is an inherent nature of a political system. The conflict of private interest is the leading characteristic of the political process in constitutional democracies, and the supervision, mediation, arbitration, and adjudication of such conflicts are among the key functions of their governments. Government sets up representative institutions, especially the judicial system for the resolution of conflict.
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3. Regulation of the economy: Government regulates the economic life of the society. It regulates the production and distribution of goods and service in the state. However, this is done to promote the interest of a greater number of the society.
4. Protection of political and social rights: To some extent, all modern governments assume responsibility for protecting the political and social rights of their citizens. The protection of individual rights has taken two principal forms: first, the protection of liberty in the face of governmental oppression; second, the protection of individual rights against hostile majorities and minorities.
5. Provision of goods and services: All modern governments participate directly in the economy, purchasing goods, operating industries, providing services, and promoting various economic activities. One of the indispensable functions of government national defense has made governments the most important consumers of goods, and they have not hesitated to use their resulting pricing, purchasing, and contracting powers to achieve various economic aims.

2.4 BASIC PRINCIPLES OF GOVERNMENT

Dwight Eisenhower was right when he maintained that, “a person that values its privileges above its principles soon loses both.” Principles are the building block for performance. The principles of government define the fundamental guideline and regulatory framework of conducting the affairs of government. Government activities are guided by fundamental principles are contained in the Constitution of that country. The Constitution is the supreme regulatory framework for any country. It defines the structure and functions of the government at all levels.

2.5 THE STRUCTURE OF GOVERNMENT

It is difficult to state or identify a directional structure of government. This is because political systems having the same kind of legal arrangements and using the same type of governmental machinery often function very differently. A parliament, for example, may be an important and effective part of a political system; or it may be no more than an institutional facade of little practical significance. A constitution, which is the fundamental body of rules and regulations in a country, may provide the framework within which the political life of a state is conducted. Political systems must never be classified in terms of their legal structures alone: the fact that two states have similar constitutions with similar institutional provisions and legal requirements should never, by itself, lead to the conclusion that they represent the same type of political system.

Given this constraint, we will examine the structure of the Nigerian Democratic Government. The Federal Republic of Nigeria is governed in accordance with the provisions of a written Constitution. Significantly, the Constitution affirms that Nigeria is one indivisible and indissoluble sovereign state, whose constituent units are bound together by a Federal arrangement. It provides for a presidential system of government in which there is an Executive, a Legislature and a Judiciary, with each acting as a check and balance on the powers of the other two arms. The Constitution further provides for the operation of three tiers of government, at the Federal, State and Local levels. These provisions are binding on all authorities and persons throughout the Federation (Greer, 1992).

Nigeria is a Federal Republic modelled after the United States, with executive power exercised by the president. The government of Nigeria is also influenced by the Westminster System model in the composition and management of the upper and lower houses of a bicameral legislature. However, the President of Nigeria is the head of state, head of government, and head of a multi-party system. Nigerian politics takes place within a framework of a federal, presidential, representative democratic republic, in which executive power is exercised by the government.

Legislative power is held by the government and a bi-cameral legislature: the House of Representatives and the Senate. Together, the two chambers make up the law-making body in Nigeria, called the National Assembly, which serves as a check on the executive arm of government. The highest judiciary arm of government in Nigeria is the Supreme Court of Nigeria. Nigeria also practices Baron de Montesquieu's theory of the separation of powers.

1. Legal system

The law of Nigeria is based on the rule of law, the independence of the judiciary, and British common law (due to the long history of British colonial influence). The legal system is similar to common-law systems used in England and Wales and other Commonwealth countries. The constitutional framework for the legal system is provided by the Constitution of Nigeria. There are, however, four distinct systems of law in Nigeria:

1. English Law, which is derived from its colonial past with Britain;
2. Common law, (case law development since colonial independence);
3. Customary law, which is derived from indigenous traditional norms and practices;
4. Sharia law, used in the northern part of the country.

Like the United States, there is a Judicial Branch, with the Supreme Court regarded as the highest court of the land.

2. Executive branch

The President is the Chief Executive. The president is elected through universal suffrage. He or she is both the chief of state and head of government, heading the Federal Executive Council, or cabinet. The executive branch is divided into Federal Ministries, each headed by a minister appointed by the president. The president must include at least one member from each of the 36 states in his cabinet. The President's appointments are confirmed by the Senate of Nigeria. In some cases, a federal minister is responsible for more than one ministry (for example, Environment and Housing may be combined), or a minister may be assisted by one or more ministers of State (Friedman, 1951).

Each ministry also has a Permanent Secretary, who is a senior civil servant (Greer, 1992). The ministries are responsible for various parastatals (government-owned corporations), such as universities, the National Broadcasting Commission, and the Nigerian National Petroleum Corporation. However, some parastatals are the responsibility of the Office of the Presidency, such as the Independent National Electoral Commission, the Economic and Financial Crimes Commission and the Federal Civil Service Commission.

3. Legislative branch

The National Assembly of Nigeria has two chambers: the House of Representatives and the Senate. The House of Representatives is presided over by the Speaker of the House of Representatives. It has 360 members, who are elected for four-year terms in single-seat constituencies. The Senate, which has 109 members, is presided over by the President of the Senate. 108 members are elected for four-year terms in 36 three-seat constituencies, which correspond to the country's 36 states. One member is elected in the single-seat constituency of the federal capital.

4. Judicial branch

The judicial branch consists of the Supreme Court of Nigeria, the Court of Appeals, the High Courts, and other trial courts such as the Magistrates', Customary, Sharia and other specialised courts. The National Judicial Council serves as an independent executive body, insulating the judiciary from the executive arm of government.[5] The Supreme Court is presided over by the Chief Justice of Nigeria and thirteen associate justices, who are appointed by the President of Nigeria on the recommendation of the National Judicial Council. These justices are subject to confirmation by the Senate.

5. Administrative divisions

Nigeria is divided into 36 states and 1 territory*. They are: Federal Capital Territory (Abuja)*, Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa,

Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe, and Zamfara. Each state is further divided into Local Government Areas (LGAs). There are 774 LGAs in Nigeria. Kano State has the largest number of LGAs at 44, and Bayelsa State has the fewest at 9. The Federal Capital Territory of Abuja has 6 LGAs. LGAs replaced the Districts that were the previous third-tier administrative unit under the British government.

6. Military

The military of Nigeria has played a major role in the country's history, often seizing control of the country and ruling it for long periods of time. This is referred to as coup d'etat. Its last period of rule ended in 1999, following the death of the leader of the previous military junta Sani Abacha in 1998.

Active duty personnel in the three Nigerian armed services total approximately 76,000. The Nigerian Army, the largest of the services, has about 60,000 personnel, deployed between two mechanized infantry divisions, one composite division (airborne and amphibious), the Lagos Garrison Command (a division-size unit), and the Abuja-based Brigade of Guards. It has demonstrated its capability to mobilize, deploy, and sustain battalions in support of peacekeeping operations in Liberia, the former Yugoslavia, Angola, Rwanda, Somalia, and Sierra Leone. The Nigerian Navy (7,000) is equipped with frigates, fast attack craft, convettes, and coastal patrol boats. The Nigerian Air Force (9,000) flies transports, trainers, helicopters, and fighter aircraft; however, most of their vehicles are currently not operational. Nigeria also has pursued a policy of developing domestic training and military production capabilities. Nigeria has continued a strict policy of diversification in its military procurement from various countries. After the imposition of sanctions by many Western nations, Nigeria turned to the People's Republic of China, Russia, North Korea, and India for the purchase of military equipment and training (USAID, 2004).

2.6 THEORIES OF THE ORIGIN OF GOVERNMENT

Government is as old as human existence. This provides some difficulty in accepting one-directional theoretical proposition as to how it began. However attempt is still made by classical scholars to provide a direction as to how government is assumed to have started. The four theories you should know (take notes on each one):

- 1) Force theory
- 2) Evolutionary theory
- 3) Divine Right theory, and
- 4) Social Contract theory.

1) Force Theory

According to Greer (1992), many political philosophies that are opposed to the existence of a government (such as Anarchism, Nihilism, and to a lesser extent Marxism), as well as others, emphasize the historical roots of governments - the fact that governments, along with private property, originated from the authority of warlords and petty despots who took, by force, certain patches of land as their own (and began exercising authority over the people living on that land). Proponents of the force theory hold that one person or a small group claimed control over an area and forced all within it to submit to that person's or group's rule. When that rule was established, all the basic elements of the state - population, territory, sovereignty, and government - were present.

Thus, it is argued that governments exist to enforce the will of the strong and oppress the weak, maintaining and protecting the privilege of a ruling class. It states that the government emerged when all the people of an area were brought under the authority of one person or group.

2) Divine Right Theory

The theory of divine right was widely accepted in much of the Western world from the fifteenth through the eighteenth centuries. It held that God created the

state and that God had given those of royal birth a “divine right” to rule. The people were bound to obey their ruler as they would God; opposition to “the divine right of kings” was both treason and mortal sin.

Also, the theory holds that governments are empowered by a God or higher being. Conrad Shirokauer (1982) maintained that the state was created by God who gave those of royal birth the “divine right” to rule. People obeyed their ruler as they obeyed God. This was a widely held belief in several early civilizations such as the Aztec and Mayan, and those of Egypt, China, and Japan. It was also the basis for many governments in the Western world from the 15th to the 18th centuries. During the seventeenth century, philosophers began to question this theory. Much of the thought upon which present-day democracies rest began as a challenge to the theory of divine right (Greer, 1992).

3) Evolutionary Theory

Scholars in this school of thought claim that the state developed naturally out of the early family. They hold that the primitive family, of which one person was the head and thus the “government,” was the first stage in political development. Over countless years the original family became a network of related families, a clan. In time the clan became a tribe. When the tribe first turned to agriculture and gave up its nomadic ways, tying itself to the land, the state was born (Gulick, 1937).

The evolutionary perspective states that government is an extension of the evolutionary tendencies of family, involving the general protection of people and their lives. This connects to the dominance hierarchy in humans, which many believe exists in a very sophisticated and complex way through government. The state developed out of the early primitive family in which one person was the head. Over the years the original family unit became a network of families, or a clan. Eventually, 20 or more clans grouped together created a tribe. Once these

nomadic tribes began to settle and develop agricultural techniques, the state was born

4) Social contract

One of the most influential theories of government in the past two hundred years has been the social contract, on which modern democracy and most forms of socialism are founded. For the American political system, the most significant of the theories of the origin of the state is that of the "social contract." Philosophers such as Thomas Hobbes, James Harrington (1611-1677), and John Locke (1632-1704) in England and Jean Jacques Rousseau (1712-1778) in France developed this theory in the seventeenth and eighteenth centuries.

The social contract theory argues that the state arose out of a voluntary act of free people. It holds that the state exists only to serve the will of the people, that they are the sole source of political power, and that they are free to give or to withhold that power as they choose. The great concepts that this theory promoted, however popular sovereignty, limited government and individual rights were immensely important to the shaping of the American governmental system.

The social contract theory further argues that governments are created by the people in order to provide for collective needs (such as safety from crime, poverty, illiteracy) that cannot be properly satisfied using purely individual means. Governments thus exist for the purpose of serving the needs and wishes of the people, and their relationship with the people is clearly stipulated in a "social contract" (a constitution and a set of laws) which both the government and the people must abide by. If the majority is unhappy, it may change the social contract. If a minority is unhappy, it may persuade the majority to change the contract, or it may opt out of it by emigration or secession. This theory is based on the idea that all men live in a state of nature which is not ideal to perfect harmony. It is also an agreement among the members of an organized society or

between the governed and the government defining and limiting the rights and duties of each. Thomas Hobbes, John Locke, Jean-Jacques Rousseau are three of the most famous philosophers of contractarianism.

Assessment Test

1. Give 2 simple meaning to the term government
2. Identify the functions of government in a democratic state.
3. Mention 5 basic principles of government
4. Explain 4 theories of the origin of government

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CHAPTER

3

**RULES AND REGULATIONS
OF THE NIGERIAN FEDERAL
CIVIL SERVICE**

²This chapter details the rules and regulations of the Nigerian Federal Civil Service. It is captured in Chapters as contained in the Federal Civil Service Handbook.

PROFILE OF THE FEDERAL CIVIL SERVICE COMMISSION

1.0 HISTORICAL BACKGROUND

- 1.1 The Central Public Service Board was created sequel to the acceptance of the Nigerianisation Commission Report of 1st January, 1949. The main function of this board was to interview and recommend to the Governor-General, candidates from within and outside the service for appointment or promotion. The Board was made up of a Civil Service Commissioner, the Director of Education or his representative and one official representative of each of the Regional Boards. It was however, empowered to co-opt two additional members, if need be.
- 1.2 A caretaker Central Public Service Commission was constituted on 3rd May, 1952 under the provision of section 169 of the Nigerian Order-in-Council (Constitution) of 1951. This was a transitory body to advice the Governor-General on issues affecting the Public Service at his request. The Federal Public Service Commission was consequently established on the 1st of April, 1954 through a Provision under section 174 of Nigerian Order-in-Council (Constitution) of 1954.
- 1.3 The order provided that the Governor-General might (either generally or specially and in whatever manner he thought fit) refer to the Commission, the appointment of any person to an Office in the Public Service of the Federation, or dismissal or disciplinary control of Officers in the Public Service of Federation, or any other matter which in his opinion, affected the Public Service of the Federation. This in essence gave the Commission the authority to cover all posts (established or unestablished) for which funds were provided in the Federal Annual Estimates.

²Adapted with permission from Federal Civil Service Commission, October, 2009

- 1.4 The Commission at this stage was only an advisory body whose key mandate was advising the Governor-General. The position changed in 1956 when an amendment to the enabling legislation gave the Commission the power to appoint, promote, transfer, second, dismiss or otherwise discipline Officers belonging to certain grades. The name was later changed from Federal Public Service Commission to Federal Civil Service Commission under section 140(b) of the 1979 Constitution of the Federal Republic of Nigeria.
 - 1.5 The Federal Government announced its intention in January, 1985 to create a Customs, Immigration and Prisons Service Board which among other things removed the Civil Servants of the Services concerned from the jurisdiction of the Federal Civil Service Commission. The Government later split the Board into the Nigeria Customs Service and Immigration, Prisons and Civil Defence Corps Boards respectively. This was also the case with other agencies and establishments like the Federal Inland Revenue Board established by the FIRS Act 2007 which staff matters ceased to be handled by the Commission.
 - 1.6 At present, the Federal Civil Service Commission is one of the executive bodies established under section 153(1)d of the 1999 Constitution of the Federal Republic of Nigeria. The Constitution empowers the Commission to appoint suitably qualified persons to Offices in the Federal Civil Service. Other duties include the transfer, secondment, promotion and the exercise of disciplinary control over person holding such offices. The enabling provision indicates that in so doing, the Commission shall not be subject to the direction or control of any other authority or person.
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2.0 THE GROWTH OF THE FEDERAL CIVIL SERVICE

- 2.1 Since the inception of the Federal Civil Service Commission, the size of the Federal Civil Service has increased tremendously. The service grew from 35,252 in 1960 to peak of 302,424 in 1984 and down to 163,991 by 1997. These changes have been due to economic policies of the government and conditions prevailing at various periods in the country. These include the oil boom in the early 1970s, the purge in the Federal Civil Service in 1975 and the embargo placed on new employments from 1994 to 1999. Other factors were the commercialization and privatization policies of the Government, the Civil Service Reforms of 1988, the rationalization exercise carried out in April, 1999 under the Public Officers (Special Provisions) Decree No. 17 of 1984. During the 1999 exercise, a total of 10,029 officers made up of 2,564 on salary Grade Levels 07-17 and 7,465 on Salary Grade Levels 01-06 were removed from the Federal Civil Service.
- 2.2 The right-sizing policy under the Public Service Reform Programme of Government which was carried out between years 2003 and 2007 further reduced to the size of the Federal Civil Service. During the exercise, a total number of Forty-one thousand, three hundred and thirty four (41,334) Officers were severed from the Service out of a total number of Fifty-one thousand, two hundred and forty two (51,242) Officers recommended for removal by the Bureau for Public Service reforms (BPSR). However, the Federal Civil Service Commission received appeals from eighteen thousand, seven hundred and eighty one (18,781) aggrieved Officers who were removed and after due consideration of their cases, reinstated a total number of eight thousand, eight hundred and seventy three (8,873) Officers into the Federal Civil Service since their removal did not follow Due Process and rejected nine thousand, nine hundred and eight (9,908).
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- 2.3 At present, the size of the Federal Civil Service is one hundred and twenty thousand (120,000) Officers.
- 3.0 OBJECTIVES OF THE FEDERAL CIVIL SERVICE COMMISSION
- 3.1 The Commission derives its power from Section 153(I)d of the 1999 Constitution of the Federal Republic of Nigeria. Specifically, part 1 (d) paragraph 11 of the schedule to the Constitution vests the Commission with the power:
- (a) to appoint persons to Offices in the Federal Civil Service; and
 - (b) to dismiss and exercise disciplinary control over persons holding such Offices.
- 3.2 The Federal Civil Service Commission was set up with the following objectives:
- (i) To appoint qualified candidates to man the different Ministries and Extra-Ministerial Departments in the Federal Civil Service;
 - (ii) To recommend to the Government, personnel policies aimed at improving the effectiveness and efficiency of the Federal Civil Service; and
 - (iii) To ensure that personnel decisions are taken objectively, promptly and competently and that such decisions reflect the stated policies and interest of the government.
- 3.3 In line with the principle of Federal Character, it is the policy of the Federal Civil Service Commission has continued to ensure equitable distribution of all positions of the Federation.
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4.0 MEMBERSHIP OF THE FEDERAL CIVIL SERVICE COMMISSION

4.1 Members of the Commission are chosen from the various geo-political areas of the country. They are usually persons of unquestionable integrity and sound political judgment. They are also expected to possess vast and varied administrative experiences. Invariably, they are retired Civil Servants. The present Commission comprises of a Chairman and fifteen (15) other members. This is as provided for in part 1, Section 10 of the third Schedule of the 1999 Constitution of the Federal Republic of Nigeria.

4.2 The Honourable Chairman is the Chief Executive of the Commission and all correspondences are signed for and on his behalf. The members of the Commission are appointed for a five (5) year tenure beginning from the date of their appointment are eligible for re-appointment for a second and final term of (5) years at the discretion of the President. Both appointment and reappointment are, however, subject to the confirmation of the Senate.

5.0 DUTIES OF COMMISSIONER

5.1 A Commissioner is responsible for:

- (i) All matters relating to promotion as well as disciplinary matters of Officers in the Ministries and Extra-Ministerial Departments of supervision;
 - (ii) The recruitment of Officers from his/her State of origin;
 - (iii) Represents the Commission as Observer at Senior Staff Committee (SSC) meetings on all matters relating to promotion, appointment and discipline;
 - (iv) Holds regular consultations as well as pays consultative visits to the State Civil Service Commissions under his/her schedule; and
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- (v) Performs any ad-hoc duty assigned to him/her by the Hon. Chairman.

6.0 POWER DELEGATED BY THE FEDERAL CIVIL SERVICE COMMISSION

6.1 Section 156 of the 1999 Constitution of the Federal Republic of Nigeria empowers the Commission to delegate any of its functions, as it deem fit. The Commission therefore delegated some of its powers to Ministries and Extra-Ministerial Departments. This is to guard against delays and to allow for devolution of administrative powers.

6.2 In order to ensure that delegated powers are properly applied by the Ministries and Extra-Ministerial Departments, the Commission has introduced general and uniform “Guidelines for Appointments, promotion and Disciplines provide as follows:-

- (i) Appointment, Promotion and Discipline of Officers on Salary Grade Level 01-06 shall be undertaken by the Junior Staff Committee (JSC) of Ministries and Extra-Ministerial Departments.
- (ii) Discipline of Officers on Salary Grade Level 07-13 shall be undertaken by Senior Staff Committees (SSC) of Ministries and Extra-Ministerial Departments.

6.3 To monitor the effective utilization of the delegated powers, a representative of the Federal Civil Service Commission must attend the meetings of the Senior Staff Committees (SSC) of Ministries and Extra-Ministerial Departments. Recommendations on all Appointment, Promotion and Disciplinary cases are to be submitted to the Commission within two weeks of concluding such matters.

7.0 MEETINGS OF THE COMMISSION

7.1 The Commission meets regularly to consider briefs on recommendations from the various Ministries and Extra-Ministerial Departments. These are in respect of recruitment (including transfer and secondments) Promotion, Discipline and Appeals.

8.0 GUIDELINES ON APPOINTMENTS, PROMOTION AND DISCIPLINE

8.1 Following the release of the Federal Government White paper on the Report of the Civil Service Review Panel in 1997, the Federal Civil Service Commission issued new Guidelines on Appointments, Promotion and Discipline in the Federal Civil Service to guide the Ministries and Extra-Ministerial Departments. The Guidelines harmonized extant Rules/Regulations with the provisions of the Government White Paper on Ayida Civil Service Review Panel of 1997.

8.2 The Guidelines, which were issued on 3rd August 1998, are to be read and used in conjunction with existing Public Service Rules and FCSC Circulars.

9.0 OTHER PUBLICATIONS BY THE FEDERAL CIVIL SERVICE COMMISSION

- (i) Federal Civil Service Commission Annual Reports;
 - (ii) Guidelines Appointments, Promotion and discipline in the Federal Civil Service;
 - (iii) Notes for Guidance (Nos. 1-6)
 - (iv) Minimum Requirements for Appointments into the Federal Civil Service;
 - (v) Proceedings of the Annual Conferences of Civil Service Commissions in the Federation; and
 - (vi) Syllabus for Directorate Promotion Interview/Examination.
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FEDERAL CIVIL SERVICE COMMISSION SECRETARIAT

10.0 STRUCTURE OF THE COMMISSION

10.1 The Federal Civil Service Commission is serviced by a secretariat headed by a permanent Secretary who is also the Accounting Officer. At present, the Federal Civil Service Commission has three Operations Departments, three Common Services Departments and six Units as well as a Liason Office in Lagos. It should be noted, however, that the Commission's Secretariat had been previously headed by a Secretary until the position was upgraded to that of Permanent Secretary in 1981.

A. RECRUITMENT AND APPOINTMENT DEPARTMENT FUNCTIONS

- (i) Collation of vacancy positions in all Federal Ministries and Extra-Ministerial Departments.
- (ii) Processing the recruitment and placement of qualified persons into the Federal Civil Service.
- (iii) Issuance of letters temporary appointment to applicants.
- (iv) Regularization of appointments within six months of offer of temporary appointment.
- (v) Processing of Secondment/Transfers Officers to and from other approved/ schedule services and International Organizations.
- (vi) Issuance of letters of probational appointments to applicants.

B. PROMOTION DEPARTMENT FUNCTIONS

- (i) Processing of recommendations from Ministries and Extra-Ministerial Departments on promotion, conversation/ upgrading/ advancement to posts attracting salary grade levels 07-10;
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- (ii) Processing of appeals arising from promotion exercises carried out by Junior and Senior Staff Committees of the various Ministries and Extra-Ministerial Departments;
- (iii) Issuing movement forms for publication for posts attracting Salary Grade Levels 07-17 in the Federal Government Official Gazette;
- (iv) Developing proposals for the promotion interview of pool officers to posts on Salary Grade Level 15-17 as well as preparing for the Commission's consideration, promotion briefs in respect of officers on Salary Grade Levels 15-17; and
- (v) Secretariat for organizing and conducting promotion interview/examination for officers to posts attracting salary Grade Levels 15-17 in the Federal Civil Service.

C. DISCIPLINE AND APPEALS DEPARTMENT
FUNCTIONS

- (i) Processing recommendations from Senior Staff committees (SSC) of Ministries/ Extra-Ministerial Departments;
 - (ii) Preparation and presentation of briefs on such recommendations to the Commission;
 - (iii) Preparation and presentation of briefs on appeals from aggrieved staff of Ministries/Extra-Ministerial Departments on the application of disciplinary rules and procedures;
 - (iv) Guidance of officials of Ministries/Extra-Ministerial Departments in the uniform application of disciplinary rules and procedures;
 - (v) Liaising with the Legal Unit in respect of suits instituted by aggrieved Civil Servants against the Commission's decisions;
 - (vi) Covering of the meetings of the Commission-in-session on discipline and conveying decisions of such meetings to the affected officers;
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- (vii) Vetting of Annual Performance Evaluation Reports of all staff of the Federal Civil Service qualified to be reported on for adverse rating scores and where necessary, communicating comments to such staff in order to ensure their improved performance; and
- (vi) Monitoring the implementation of the Commission's decisions on discipline and appeal cases conveyed to Ministries and Extra-Ministerial Departments.

**D. HUMAN RESOURCES MANAGEMENT DEPARTMENT
FUNCTIONS**

- (i) Establishment matters;
- (ii) Appointment, Promotion and discipline of staff of the Federal Civil Service Commission, in respect of junior staff, Grade Level 01-06 and Senior Staff who do not belong to any Pool;
- (iii) Staff training and welfare matters such as management of the FCSC, Sports Club, allocation of office accommodation, funeral arrangements, etc;
- (iv) Management of stores and equipments;
- (v) Liaison with relevant bodies outside the Commission on all Personnel matters e.g Establishments and Records Office (ERO) of the Office of the Head of Service of the Federation (OHCSF); and
- (v) Internal circulation of Circulars.

**E. PLANNING, RESEARCH AND STATISTICS DEPARTMENT
FUNCTIONS**

- (i) Preparation of FCSC's Development plans (Rolling, Medium and Perspective) and budget proposals;
 - (ii) Monitoring and evaluation of plan implementation and capital budgets;
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- (iii) **Compilation and rendering of returns on all Capital Projects;**
- (iv) **Carrying out research and studies on issue which fall within the purview of the Commission;**
- (v) **Collection and processing of manpower data and statistics relating to the Commission's activities and the Federal Civil Service;**
- (vi) **Management of the Commission's records and information resources (Data bank, Computer Services, Registry, Library, etc);**
- (vii) **Secretariat of the Ministerial Tenders' Board (MTB) and Procurement Planning Committee (PPC);**
- (viii) **Secretariat for the annual Conference of Civil Service Commissions in the Federation; and**
- (ix) **Ministerial Press Briefing.**

**F. FINANCE AND SUPPLES DEPARTMENT
FUNCTIONS**

- (i) **Budgeting (recurrent and capital expenditure);**
- (ii) **Financial Administration;**
- (iii) **Management of the Commission's Accounts; and**
- (iv) **Audit Queries and Reports.**

**G. INTERNAL AUDIT
FUNCTIONS**

The Unit provides a continuous auditing of all the financial operations and activities of the Commission. This includes the accounts and records of revenue, expenditure, plants, allocated and un-allocated stores.

H. LEGAL UNIT FUNCTIONS

- (a) The Unit provides legal advice and interprets the provisions of the Constitution and other relevant statutory enactments in so far as they relate to appointment, promotion and discipline of officers in the Federal Civil Service;
- (b) It undertakes litigation activities involving the Commission. This function has increased in recent times following the massive dismissal/retirement of public officers from the Federal Civil Service; and
- (c) It prepares legal documents such as contract agreements between the Commission and other third parties.

I. PRESS AND PUBLIC RELATIONS UNIT FUNCTIONS

- (i) Liaises with the print and electronic media in projecting the activities of the Commission;
- (ii) Responsible for ensuring adequate coverage and publicity of the Commission's activities; and
- (iii) Organizes and covers familiarization and facility tours.

(J) SERVICOMUNIT

- (i) Serves as a link between the Commission and the SERVICOM Office;
 - (ii) Liaises with all Departments in the Commission on the issue of service delivery improvements;
 - (iii) Assists the Commission's Departments in drawing up their Charters;
 - (iv) Co-ordinates, receive and evaluate Charters from Departments;
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- (x) Receives and resolves grievances from aggrieved officers;
- (xi) Serves as the Secretariat of the Commission's Service Delivery Committee; and
- (xii) Monitors and reports to the Hon. Chairman on the progress made by the Departments and Units in performing their duties.

K. ANTI-CORRUPTION AND TRANSPARENCY UNIT

- (i) Receives and investigates reports, both oral and written of conspiracy to commit, attempt to commit or the commission of an offence of corruption;
- (ii) Examines the practices, systems and procedures in FCSC and where such practices, systems or procedures facilitate fraud or corruption recommends change;
- (iii) Educates all Officials of FCSC against bribery, corruption and related offences by organizing seminars, lectures, placing of anti-corruption posters, etc;
- (iv) Has constant Liason with the Independent, Corrupt Practices and Other Related Offences Commission (ICPC);
- (v) Monitors and advises to ensure that all external requests of whatever nature are effectively and speedily treated;
- (vi) Monitors to ensure that contract award procedures conform with the relevant government guidelines, especially "Due Process" and check all issues of diversions of funds from one sub-head to another; and
- (vii) Ensures that merit and Federal Character principle are followed in recruitment exercise.

L. PROCUREMENT UNIT

Procurement of supplies (stationery, office equipment materials, furniture, etc.).

**M. LIAISON OFFICE, LAGOS
FUNCTIONS**

- (i) Management and supervision of Federal Civil Service Commission's Staff in Lagos;
- (ii) Maintenance and care of Commission's property in Lagos such as Offices, Utility Vehicles, etc;
- (iii) Serving as a link between the Commission's Headquarters in Abuja and other Government offices in Lagos; and
- (iv) Issuing of Commission's application forms to applicants within Lagos and its environs.

**11.0 RELATIONSHIP BETWEEN THE COMMISSION AND
MINISTRIES/EXTRA-MINISTERIAL DEPARTMENTS**

- 11.1 Efficient management of human resources is a major element for the economic growth and development of the nation. Under the Presidential system of Government, the Federal Civil Service Commission, the office of the Secretary to the Government of the Federation have specific functions which individually and collectively enhance the management of human resources in the Federal Civil Service.
- 11.2 In view of the foregoing, the Federal Civil Service Commission issue guidelines regulating the relationship between it and the various Ministries/Extra-Ministerial Departments in the implementation of matters relating to appointments, promotion and discipline of Federal Civil Servants. The Commission also exercises supervisory roles in order to ensure that the guideline is complied with.
- 11.3 The Federal Civil Service Commission collaborates with the Office of the Head of the Civil Service of the Federation (OHCSF) on matters relating to appointment, promotion and discipline of officers on salary Grade Level 14 and above. The Commission has delegated its power of
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discipline of officers on Salary Grade Levels 01-13 to Ministries and Extra-Ministerial Departments. In this connection, permanent Secretaries are to make sure that returns on appointments, promotion and disciplinary actions of their Ministries are routinely rendered to the Commission.

- 11.4 The Commission also serves as an appellate body. Aggrieved officers can seek redress if they feel they have been treated unfairly or unjustly by their Ministries and Extra-Ministerial Departments. In the case of officers on salary Grade Level 14 and above, applications for redress are routed through the office of the Head of the Civil Service of the Federation for comments.
- 11.5 One FCSC Commissioner sit in as an observer during meetings of the Senior Staff Committees of each Ministry and Extra-Ministerial Department.

ACTIVITIES AND RESPONSIBILITIES OF THE COMMISSION

12.0 RECRUITMENT

- 12.1 The Commission processes applications for employment to posts graded on salary grade levels 07 - 17 in the Federal Civil Service. This is in accordance with the provisions of the “Guidelines for Appointments, Promotions and Discipline” issued from time to time by the Commission. It also considers the recommendations of the Senior Staff Committees of Federal Ministries and Extra-Ministerial Departments in respect of appointments made to posts on salary grade levels 12 - 14. Furthermore, it processes appeals made to it by senior Officers against discrepancies observed in their first appointments and raises movement forms for publication of names of Officers appointed to posts on salary Grade Level 07 - 17 in the Federal Official Gazette.
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12.2 The Commission processes applications for transfer, secondment, regularization of transfers, and representation on appropriate placement of transferred or seconded officers.

13.0 OVERSEAS RECRUITMENT

13.1 In order to avoid unnecessary competition for overseas personnel among the various Civil Service Commissions in Nigeria and to present a united image of the country abroad, the then Supreme Military Council decided in late 1974 that all overseas recruitment to posts in both the Federal and State Civil Services should be the responsibility of the Federal Civil Service Commission. States were therefore required to forward their overseas staff requirements to the FCSC for processing.

13.2 Emphasis on overseas recruitment, while it lasted, was always on recruitment of high-level and professional manpower in such areas as Education, Medicine, Engineering, Architecture, Land and Quantity Surveying. With the availability of the required manpower locally, the Commission had discontinued the exercise.

14.0 PROMOTION AND RELATED MATTERS

14.1 The Commissioners of the Federal Civil Service Commission attend Senior Staff Committee (SSC) meetings of Ministries and Extra-Ministerial Departments as observers. At such meetings, the promotion of officers on salary grade levels 07 - 14 are considered for approval.

14.2 The Commission also conducts service-wide promotion interview/examination for Officers moving to posts graded on salary grade levels 15-17.

15.0 DISCIPLINE AND APPEALS

15.1 With the abrogation of the Civil Service (Reorganization) Decree No. 43 of 1988 and the issuance of circular No. 1 of 10th November, 1995, the power to discipline Officers on posts attracting salary Grade Levels 15-17 was restored to the FCSC while powers to discipline other officers on salary grade levels 03-13 still reside with Ministries and Extra-Ministerial Departments. Routine recommendations for disciplinary action against officers are received and processed by the Commission.

16.0 AD-HOC RESPONSIBILITIES OF THE COMMISSION

16.1 The Commission is a member of the Federal Losses Committee. In accordance with the provisions of Chapter 15 of the Financial Regulations, the Honourable Minister of Finance cannot authorize the write-off of government funds or stores without the recommendation of this Committee.

17.0 OTHER ACTIVITIES OF THE COMMISSION

17.1 ANNUAL CONFERENCE OF CIVIL SERVICE COMMISSIONS IN THE FEDERATION.

The Federal Civil Service Commission organizes the Annual Conference of the Civil Service Commissions in the Federation. The objective of the meeting is to promote mutual understanding among the Federal and State Civil Service Commissions. It also provides opportunity to exchange ideas and experiences on matters relating to their functions and on how to reform the Civil Services in the Federation. The meetings of the Conference are rotated amongst the various State Civil Service Commissions yearly. The Chairman of the Federal Civil Service Commission presides at the Conference.

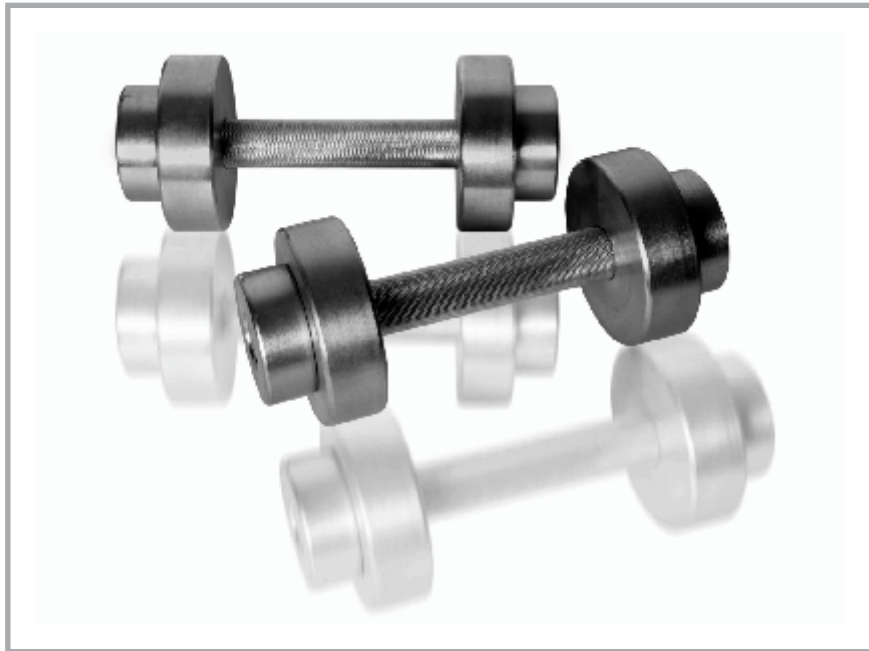
17.2 ASSOCIATION OF AFRICAN PUBLIC SERVICE COMMISSION

The Federal Civil Service Commission is an active member of the Association of African Public Service Commissions which was established on 9th April, 2008. The main objectives of (AAPScoms) the Association are to collaborate, share experiences and foster best practices among Public Service Commissions in order to promote good governance and improve service delivery in the Public Services of the Continent. The Association was formally launched at its first meeting of the General Assembly which took place in Cape Town, South Africa from 16th 18th February, 2009.

Assessment Test

Write brief notes on the following,

1. Historical background of the Federal Civil Service
 2. The growth of the Federal Civil Service
 3. Objectives of the Federal Civil Service Commission
 4. Membership of the Federal Civil Service Commission
 5. Structure of the Commission
 6. Relationship between the Commission and Ministries/Extra-ministerial Departments
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CHAPTER

4

**BUREAUCRACY
AND CIVIL SERVICE
PERFORMANCE**

Like other administrative principles and techniques, the concept of bureaucracy has found its place in administrative and goal oriented organisations. Bureaucracy is the means of carrying out organisation actions through rationally ordered social action... an instrument for socializing relations of power; bureaucracy has been and is a power instrument of the first order. Details on the Bureaucracy are captured on the Volume, “Framework of Public Administration”. For the purpose of its relevance in discussing the Machinery of Government, this chapter will address basic issues as adapted from the Framework of Public Administration. These include,

- 4.1 The Meaning of Bureaucracy
- 4.2 Max Weber on Bureaucracy
- 4.3 Basic Elements of Bureaucracy
- 4.4 Characteristics of an Ideal-Type Bureaucracy
- 4.5 Criticism of Max's Idea of Bureaucracy
- 4.6 Advantages of bureaucracy
- 4.7 Disadvantages of bureaucracy
- 4.8 Problems and Challenges of Applicability of Bureaucracy in the Public Service
- 4.9 Ways of enhancing effective bureaucratic system

4.1 THE MEANING OF BUREAUCRACY

The meaning of bureaucracy can be captured in the following sense,

1. Bureaucracy is a form of authority using structures and sets of regulation in place to control activity. It is represented by standardized procedure (rule-following) that dictates the execution of most or all process within the body. It is one of the most efficient and fair way of control over an organization.

2. Bureaucracy thus basically means office power or office rule, the rule of the officialdom. The term bureaucracy came into use shortly before the French Revolution of 1789 and from there spread rapidly to other countries. Max Weber's work about bureaucracy, translated into English in 1946, was one of the major contributions that have influenced the literature of public administration.
3. Harold Laski, in the 1930 Encyclopedia of the Social Sciences, defined bureaucracy as a system of government the control of which is so completely in the hands of officials that their power jeopardizes the liberties of ordinary citizens; the characteristics of which include a passion for routine in administration, the sacrifice of flexibility to rule, delay in the making of decisions, and a refusal to embark upon experiment; in extreme cases resembling a hereditary caste manipulating the government to its own advantage (Laski 1930:70).
4. Bureaucracy is the means of carrying community action over into rationally ordered social action... an instrument for socializing relations of power, bureaucracy has been and is a power instrument of the first order" (in Friedrich, 1940; Finer, 1941; Simon, 1947). Bureaucracy is, from a purely technical point of view, capable of attaining the highest degree of efficiency and is in this sense formally that most rational known means of carrying out imperative control over human beings.

The renowned sociologist Max Weber (1947:328) -- often championed as the father of bureaucracy -- defined the term as referring to an organization of administrative hierarchy characterized by loyalty to the office, a highly specialized division of labour, and impersonal relationships based on prestige, power, and control.

4.2 MAXWEBER ON BUREAUCRACY

Max Weber was one of the most influential users of the word. He is well-known for his study of bureaucratization of society. Many aspects of modern public administration go back to him; a classic, hierarchically organized civil service of the continental type is if perhaps mistakenly called Weberian civil service. However “bureaucracy” was an English word before Weber; the Oxford English Dictionary cites usage in several different years between 1818 and 1860, prior to Weber's birth in 1864.

Weber described the ideal type bureaucracy in positive terms, considering it to be a more rational and efficient form of organization than the alternatives that preceded it, which he characterized as charismatic domination and traditional domination. According to his terminology, bureaucracy is part of legal domination. However, he also emphasized that bureaucracy becomes inefficient when a decision must be adapted to an individual case. According to Weber, the attributes of modern bureaucracy include its impersonality, concentration of the means of administration, a levelling effect on social and economic differences and implementation of a system of authority that is practically unchallengeable.

Weber's analysis of bureaucracy concerns:

- a) the historical and administrative reasons for bureaucratization
- b) the impact of the rule of law upon the bureaucratic organisations
- c) the personal orientation and occupational position of the status group of bureaucratic officials
- d) the attributes and consequences of bureaucracy in the modern world

Weber's interest in the nature of power and authority, as well as his pervasive preoccupation with modern trends of rationalization, led him to concern himself with the operation of modern large-scale enterprises in the political, administrative, and economic realm. Bureaucratic coordination of activities, he argued, is the distinctive mark of the modern era. Bureaucracies are organized

according to rational principles. Offices are ranked in a hierarchical order and their operations are characterized by impersonal rules. Incumbents are governed by methodical allocation of areas of jurisdiction and delimited spheres of duty. Appointments are made according to specialized qualifications rather than ascriptive criteria.

This bureaucratic coordination of the actions of large numbers of people has become the dominant structural feature of modern forms of organization. Only through this organizational device has large-scale planning, both for the modern state and the modern economy, become possible. Only through it could heads of state mobilize and centralize resources of political power, which in feudal times, for example, had been dispersed in a variety of centers. Only with its aid could economic resources be mobilized, which lay fallow in pre-modern times. Bureaucratic organization is to Weber the privileged instrumentality that has shaped the modern polity, the modern economy, the modern technology. Bureaucratic types of organization are technically superior to all other forms of administration, much as machine production is superior to handicraft methods.

4.3 BASIC ELEMENTS OF BUREAUCRACY

The basic elements and characteristics of the bureaucratic organizations are Written Rights & Responsibility, Hierarchical Order of Authority, Formal Appointment / Promotion, Expert / Technical Training, Fixed Monetary Salaries, Administration as a Full-time Occupation and the Separation of Office & Person. As cited in the Framework of Public Administration by Anam (2012), the following are the essential elements of bureaucracy,

- i. **Written Rights & Responsibility:** In a bureaucratic organization, rules & guidelines are all written down on paper, and employees are expected to work within the confines of these rules & guidelines. Job & departmental responsibilities are also stated clearly, and employees are to work within their specified areas. It is a cardinal principle that the incumbent in this position should never overstep the bounds of his authority.
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- ii. **Hierarchical Order of Authority:** The organization has a order of hierarchy and the division of power involves the ranking of offices to provide a clear chain of command. In bureaucracies, the hierarchy is also typically complex leading to many levels providing a highly differentiated structure of authority.
- iii. **Formal Appointment / Promotion:** Appointments & Promotion of officers are formal, with specific titles and power which come from the office assigned to **Expert / Technical Training:** Employees are employed base on their technical competency in their position of employment. Factors like luck, favoritism or personal connection should play no part in the position the officials attains; advancement should be decided by expertise and ability alone.
- iv. **Fixed Monetary Salaries:** Employees are paid on a pre-agreed salary between the employer and employee. Salaries are tied to a pay grade system, with all employees in a certain pay grade drawing similar amount of salary. As they are promoted, they move forward in the pay grade, drawing a fixed salary for that particular position.
- v. **Administration as a Full-time Occupation:** Labour in the organization is divided into various portions, with a group of people doing fully administrative work.
- vi. **Separation of Office and Person:** All dealings within the bureaucracy and with clients should be conducted on the basis of equal treatment according to procedural routine. The objective conduct of business should be free from any personal feelings.

4.4 CHARACTERISTICS OF AN IDEAL-TYPE BUREAUCRACY

German sociologist and political economist Max Weber (1864 - 1920) famously noted six key characteristic of bureaucratic structures. Famous for his insights into capitalism and bureaucracies, Weber contributed significantly to the world of social science. By definition an organizational form of a group of workers often

characterized by inflexible routine and rigid power structure, bureaucracy introduced a shift in the paradigm of society prior to the 19th century.

1. **Hierarchy:** The first principle of bureaucracy states that a formal hierarchy must exist. The hierarchy consists of power levels that control each subsequent level. The top person in power controls all levels. Common practice entails appointment by a superior rather than election.
 2. **Rules:** The next characteristic of the bureaucratic form regards rules and decisions. The strict structure of power requires plenty of control by rules and regulations. The top power figures in the bureaucracy make the rules and decisions which must be followed consistently throughout all levels of the structure.
 3. **Function:** The third principle of bureaucracy relates to organization and order. Organization remains key to proper functioning of a bureaucracy. This principle maintains that members organize by function and skill as to keep similar individuals together.
 4. **Focus:** Defining the focus of the structure rests the fourth principle of bureaucracy as outlined by Weber. An "in focus" form serves to fulfill the needs of members. Goals of an in focus bureaucracy relate to market share and high profits. Opposed to in focus is up focus. An up focus structure serves to profit stockholders and similarly powerful people.
 5. **Impersonal:** Weber's fifth characteristic relates to the treatment of all employees, members and clients of the bureaucracy. Impersonality rests paramount to the success of the structure. Equal treatment and uniform policies and procedures allow for uniformity and impersonality.
 6. **Qualification:** The final characteristic of bureaucracies relates to employment standards. Similar to impersonality, employment within the bureaucracy relies on qualifications rather than connections and relationships. This characteristic also relates to protection from dismissal without just cause.
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According to Weber, bureaucracies are goal-oriented organizations designed according to rational principles in order to efficiently attain their goals. Offices are ranked in a hierarchical order, with information flowing up the chain of command, directives flowing down. Operations of the organizations are characterized by impersonal rules that explicitly state duties, responsibilities, standardized procedures and conduct of office holders. Offices are highly specialized. Appointments to these offices are made according to specialized qualifications rather than ascribed criteria. All of these ideal characteristics have one goal, to promote the efficient attainment of the organization's goals

4.5 CRITICISM OF MAX'S IDEA OF BUREAUCRACY

As Max Weber himself noted, real bureaucracy will be less optimal and effective than his ideal type model. Each of Weber's seven principles can degenerate:

1. Competences can be unclear and used contrary to the spirit of the law; sometimes a decision itself may be considered more important than its effect;
2. Nepotism, corruption, political infighting and other degenerations can counter the rule of impersonality and can create a recruitment and promotion system not based on meritocracy but rather on oligarchy.

Bureaucracy is no longer considered a closed system since citizens can participate in the decision-making process through advisory boards, neighborhood council and others forms. In this vein, Wilson (1989) contends that the system has become irrational and inefficient. He bemoans this situation by stating that “this popular involvement would be taken as evidence that the administrative system is no system at all, but a bungling, jerry-built contraption wallowing in inefficiency and shot through with corruption and favoritism” (Wilson quoted in Stillman, 2000).

As a result of adherence to rules and openness to the public, Wilson observed that “public bureaucracy in this country is neither as rational nor predictable as

Weber hoped nor as crushing and mechanistic as he feared. It is rule-bound without being corrupt” (Wilson quoted in Stillman, 2000, 484). He goes further by arguing that the governments of the United States were not designed to be efficient or powerful, but to be tolerable and malleable.

4.6 ADVANTAGES OF BUREAUCRACY

Some specific advantages of bureaucracies include:

- 1) Standardization of procedures creates the ability to easily pass knowledge to future workers as well as facilitating better communication among colleagues.
- 2) Division of labor creates economies of scale within organizations, enhancing productivity.
- 3) Formal hierarchy can also increase efficiency, as there is a clear chain of command eliminating the potential for some conflicts.
- 4) Impersonal relationships also lead to easier dismissal of workers, which contributes to greater efficiency.

Despite many actual and potential drawbacks, bureaucracy is the most ubiquitous form of dividing labor among members of an organization, town, state, or nation.

4.7 DISADVANTAGES OF BUREAUCRACY

Weber's bureaucracy is an ideal model. There are numerous ways in which it can degenerate, some leading only to inefficiency, others with more serious consequences for the maintenance and development of the society:

- 1) Vertical hierarchy of authority can become chaotic, some offices can be omitted in the decision making process, and there may be conflicts of competence;
 - 2) Competences can be unclear and used contrary to the spirit of the law; sometimes a decision itself may be considered more important than its effect;
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- 3) Nepotism, corruption, political infighting, and other degenerations can counter the rule of impersonality and can create a recruitment and promotion system not based on merit, but rather functioning as an oligarchy;
- 4) Officials can try to avoid responsibility and seek anonymity by avoiding documentation of their procedures (or creating extreme amounts of chaotic, confusing documents).

4.8 PROBLEMS AND CHALLENGES OF APPLICABILITY OF BUREAUCRACY IN THE PUBLIC SERVICE

Some of the problems affecting the application of Ideal bureaucratic principles in the public service are,

- 1) Overspecialization, making individual officials not aware of larger consequences of their actions;
 - 2) Rigidity and inertia of procedures, making decision-making slow or even impossible when facing an unusual case, and similarly delaying change, evolution, and adaptation of old procedures to new circumstances;
 - 3) The phenomenon of "group thinking": zealotry, loyalty, and lack of critical thinking regarding the organization which is viewed as "perfect" and "always correct" by definition, making it unable to change and realize its own mistakes and limitations;
 - 4) Disregard for dissenting opinions, even when such views suit the available data better than the opinion of the majority;
 - 5) Bureaucracy creates more and more rules and procedures, their complexity raises and coordination diminishes, facilitating the creation of contradictory rules.
 - 6) In the most extreme examples, bureaucracy can lead to the treatment of individual human beings as impersonal objects.
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4.9 WAYS OF ENHANCING EFFECTIVE BUREAUCRATIC SYSTEM

Nkup (2005), noted that there are several ways in which the bureaucracy can become more efficient and overcome all its challenges; and these ways include;

- 1 Speedy implementation and execution of policies backed by time bound rules and regulations, and judicial procedures for determining policy. The result will be continuous saving of time and money as against red-tape approach.
- 2 Procedural protection and the encouragement of participatory management, where all individuals can feel assured that they are part of the making or successes of the organisation and thus put in their best to facilitate speedy and timely delivery of services
- 3 The immunization of the Bureaus from threat to their survival which in itself can be a demerit and a merit. Immunisation gives the office holder certain degree of security to pursue and attain organisational goals with the needed zeal and commitment.
- 4 Encourages innovation. This is change-oriented in line with the current need for organisations who are ready to meet with the changes that happen daily in the society. This enables the bureau to enjoy responsibility for social functions which are normally expanded by societal need.
- 5 Encourage the public discussion of bureaucratic policies as a panacea to promote accountability and transparency in the actions of government. This approach makes visible to the public what was previously dim and obscure.

In summary, bureaucracy is an effective means of organization, but however, it does and is robbing people working in them of their responsibility by dehumanizing the employee by seeing them as part of the machine suppose to achieve a specific task, by having formal rationality being seen as more important

as substantive responsibility, and by goal displacement, where employees see the means, but not the goals of the organization.

Modern organizations however are changing, and many are moving into Human Relations Theory & Job Redesign to empower their employees. Bureaucracy is a crude, ugly machine that is able to churn out products achieving goals of the organization. As it is seen and is already the way to manage organization, it is time to start beautifying and improving on the piece of machinery, to add in certain variable one at a time to see whether it will improve to be a better tool of management.

Assessment Test

1. With particular reference to Max Weber, define the term bureaucracy
2. What are the characteristics of an ideal-type bureaucracy?
4. What are the advantages and disadvantages of bureaucracy?
5. Identify the likely problems and challenges associated with the applicability on bureaucracy in the public service.

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CHAPTER

5

**THE CIVIL SERVICE RULES
AND DIVIDED LOYALTY**

The civil service in Nigeria has emerged over the years as the most critical and crucial part of national development and democratic stability. Despite long years of military rule which in several ways distorted the character and philosophy of the service, its role in national development has remained valuable. As a vehicle and machinery of public policy formulation and implementation, the service acts as catalyst for crystallizing the shared goals of the citizenry.

Impliedly, the inefficiency of the civil service of any nation can constitute one of the greatest obstacles to development. The survival of any developmental democracy especially the democracy we have embraced in Nigeria depends largely on the efficiency and effectiveness of the civil service. As an employment system, the civil service requires the service of dedicated, loyal and trusted officers to realize its goal in driving the agenda for democratic survival in our society. This chapter attempts to examine the Nigeria civil service, characteristics and operations along the line of the complementing role or otherwise played by the officers in the service in accordance with the service rules and regulations. The chapter will examine,

- 5.1 Meaning of Civil Service
- 5.2 Evolution of Civil Service
- 5.3 Reforms in the Civil Service
- 5.4 Civil Service Rules
- 5.5 Divided Loyalty in Civil Service
- 5.6 The Dangers of Divided Loyalty in Civil Service
- 5.7 Conclusion

5.1 MEANING OF CIVIL SERVICE

In generic terms, the civil service is an employment system that is based on hiring, retaining and promoting employees on their qualifications and ability to

the work. According to Encarta World English Dictionary (1999.349) civil service constitute all government departments of a state and the people who work in them. Specifically, civil service has been described as an institution which has the pivotal role of carrying out (and advising on) government policies (Tijjani Muhammed Bande (2001.1). The civil service in the words of Emeka Emmanuel Okafor (2005.67) is also seen as that apparatus of government designed to implement the decision of political leaders. Political leaders make policy, the civil service executes it and if the civil service lacks the capacity to implement the policies of the political leadership, those policies, however well intended will not be implemented in an effective manner (Augustus, 2004).

The civil Service Hand book (1997.17) is more emphatic. It describes civil service as a body or organ which enjoys continuity of existence. Its members are not limited to a short term of office. When a civil servant relinquishes his office for whatever reason his place is taken by another person who similarly enjoys security of employment. Civil servants according to the Handbook command a pool of experience and know-how for implementing government policies. It recognises that while the civil service is the instrument of the government of the day, the service and its members are not permitted under the law to be partisan of any political party. The civil servant is also required to assist in formulating and implementing the policies approved by the government irrespective of its personal or private opinions or attitudes towards such policies. Another feature of civil service is that it is indispensable irrespective of the type of government in power (whether military or democratic regime).

5.2 EVOLUTION OF CIVIL SERVICE

The Nigerian civil service is one of those institutions created by the colonial government to facilitate the achievement of resource expropriation and maintenance of law and order. Pursuit of national development was not part of their agenda. Between 1900 and 1950, the Nigeria civil service was under the control of the British Colonial technocrats and general administrators. But there

was a change of guard during the first Republic. The period between 1966 and 1976 witnessed a number of radical changes in the role of Nigeria civil servants. During that period, the civil servants were in control of government political process due to the emergence of military rulers in political administration prevailing in the African continent then, coupled with their lack of experience of political leadership in governance. Generals Ironsi and Gowon governments for example, relied heavily on the civil servants for the discharge of their duties (Lukman 1971: 2002 2004). This situation provided opportunity for civil servants to get involved in anti-democratic ethos which led to civil servants being accused of engaging in grafts, indolence and redundancy which led to the disengagement of about ten thousand civil servants under the Murtala/Obasanjo regimes (Ade & Bashir, 1985).

The democratic government of the second republic came with a total destruction of the service as the entire civil service was politicised, polarised and factionalised which led to the struggle for supremacy between politicians and civil servants. This situation prompted the introduction of reforms in the civil service to reposition the administration of the service.

5.3 REFORMS IN THE CIVIL SERVICE

The civil service has undergone several reforms from the period of colonialism through military regimes up to the current democratic administration in Nigeria. Some of the reforms include:

1. Tudor Davis and Harragin commission of 1945 & 1946 which reviewed the wages and general condition of service in the civil service.
 2. The Corsuch Commission of 1951 which was charged with enquiring into the structure and remuneration of the public service.
 3. The Udoji Public Service Review Commission of 1975 which
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introduced the unified Grading and Salary structure in the Service.

The civil service reform of 1988 through Decree No 43 of 1988. Among all the reforms, the 1988 reform was the most elaborate. It was meant to achieve the following objectives:

- a) Enhance professionalism, decentralisation and delegation of functions,
- b) Institute checks and balances
- c) Promote general modernisation
- d) Enhance the combination of responsibility with authority
- e) Align the civil service with the spirit of Executive Presidentialism
- f) Enhance efficiency, effectiveness and speed of operations (Philips 1990, 1989, 1988)

All these reforms were intended to improve on the character of work ethics and values in the civil service. Such values and ethos directly affect the individuals who perform duties as civil servants guided by the rules of the service.

5.4 CIVIL SERVICE RULES

Like other formal institutions, the civil service is guided by a set of rules and regulations for the conduct of its members in achieving its set goals in national development. The civil service as an organ of government is functional through the activities of individuals who make up the body. The performance of the body is determined by the efficiency of the body parts or components. In this respect, the efficiency of the civil service is based on the conduct and attitude of the staff. For the staff to be efficient there must be guiding principles for everyone. Accordingly, the civil service has both rules for “dos and don'ts” as code of ethics to guide the conduct of its members.

For the purpose of this chapter, we shall dwell more on the rules that touch on discipline of the individual civil servants in the performance of their official

duties. Some of the features of the rules that touch on discipline are highlighted below:

1. Discipline -Strict compliance to the rules and regulations of the service
2. Loyalty-Loyal to government and constituted authority
3. Honesty-Honesty in doing their duties and in relation to the public
4. Courage-Hardworking embracing extensive schedule of duties
5. Courtesy-Politeness to colleagues and the general public
6. Tact-Skillfulness in handling difficult situation without giving offence to the people involved
7. Tidiness - keep working environment & offices tidy

5.5 DIVIDED LOYALTY IN CIVIL SERVICE

Loyalty in civil service is defined as an obligation of civil servants to respect and be loyal to the government which has given them opportunity to serve. It is a respect accorded a constituted authority in government institutions.

Civil servants who perform their duties in the service contrary to the rules and regulations as stipulated in the civil service rules are said to have divided loyalty to the government or institution or constituted authority under which they work. Sadly, it has been noted that over the years the attitudes and behavior of some civil servants in Nigeria's civil service are not conducive to the efficient administration of the affairs of the service. (Ejiofor1987: Ejiofor and Anagolu1984) Some of the factors responsible for the negative attitude of civil servants in the discharge of their duties include among others:

- a) Work Ethics
 - b) Values
 - c) Ethnicity
 - d) Conflict of Interest
 - e) Education
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f) Religion

g) Leaking official secret

A) Work Ethics: is seen as the pattern of behavior at work including the code of conduct expected of people at different work situations. They include such values as honesty, punctuality, commitment to set of objectives, respect for constituted authority, rules and regulations, the upholding of the values of an organization (Abhuere citing Mullins (1999) etc. Work ethics is defined as a way of determining what is right or wrong in the work place and then doing the right thing- the application of our values to work place in actual decision-making. It means the application of different values to the decision we make for example, the application of say honesty, fairness, efficiency, integrity, respect, accountability, patriotism etc in our conducts at the work including judgment on colleagues (Government White Paper on Ayida Report on the Nigerian Public Service, 1997).

b) Values: refer to the underlying factors of consideration, which impel men to do one thing instead of the other or to prefer one to another (Abhuere, 2000). They are about the things we hold dear and thus ready to protect and defend. At policy level, the values of administrators, policy makers etc are known to inform the kind of policies they initiate or support including the way they go about realizing them. These two factors as we are aware are contained in the civil service rules which embody full moral principles to guide the civil servants in the discharge of their duties. The inability of the civil servants to keep to these rules without sufficient reason amounts to what is called "serious misconduct".

Meaning of serious misconduct

Section 04401 of the civil service rule defines serious misconduct as "a specific act of serious wrongdoing and improper behavior which can be investigated and proved. It includes absence from duty without leave, disobedience example, refusal to accept posting, corruption, dishonesty, drunkenness, insubordination,

falsification of records, negligence etc.

c) **Ethnicity:** is the use of ethnic and sectional sentiment to confer unmerited and undue advantage to people of same ethnic origin. This happens in many ways including a situation where a particular part or ethnic group attempts to dominate leadership of some government institutions because of the number of officers from such region. Leadership of such institutions is treated as exclusive preserve of the dominating region.

The implication is that if you are a leader and not from that part of the region, you intend to lose the loyalty of the officers from that region. It is no mistake that Section 14 (3) of the 1999 Constitution of the Federal Republic of Nigeria stated that: “the composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity and also to command a national loyalty, thereby ensuring that there shall be no predominance of persons from a few state or from a few ethnic or other sectional groups in that government or any of its agencies.”

In giving effect to section 14(3) of the Constitution, the Constitution in Part 1 of the Third Schedule provided for the establishment of a federal character Commission.

The Commission shall have power to:

- (a) “work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and the states, the armed forces of the Federation, the Nigeria Police and other government security agencies, government owned companies or parastatals of the states;
 - (b) “Promote, monitor and enforce compliance with the principles of
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proportional sharing of all bureaucratic, economic, media and political posts at all levels of government;

- (c) “take such legal measures, including the prosecution of the head or staff of any ministry or government body or agency who fails to comply with any federal character principles or formula prescribed or adopted by the Commission.

The above provisions of the Constitution which are also replicated in the civil service rules in terms of hierarchy in service, indicate that attempt to use ethnic domination in service to scuttle existing rules or pick and choose which leader to obey or disobey in service is inconsistent with the constitution and civil service rules and there therefore amounts to divided loyalty.

d) **Conflict of Interests:** Conflict of interests is a situation where we are faced with making an ethical choice between one obligation and another. The Bible states that 'no man may serve two masters' at a time. Thus, conflict of interest arises when officers have to make decisions at work that may affect private or primordial interest. It means conflict between the public duties and private interest of a public official in which a public official has private capacity interest that could improperly influence the performance of his official duties and responsibilities. (Cindy Davids and Gordon Boyce 2008). Conflict of interest is characterized by.

A public official or civil servant having private business partnerships and board membership, government contracts without approval of relevant authorities as stipulated in rule 04301 (ii) of the Public Service Rules (revised edition 2000).

A public official who refuses to respect constituted authority of an institution because such a person holding the position of authority is not from his/ her ethnic group. Such official is said to be having conflict of interest of allegiance to

his ethnic group in contrast to the ethics of the oath of service he took.

e) **Education:** Education is a factor here because proper education inculcates national consciousness and spirit of national unity in an individual. That is why National Policy on Education stated that “Nigeria's philosophy of education...is based on the integration of the individual into a sound and effective citizen and equal educational opportunities for all citizens of the nation at the primary, secondary and tertiary levels, both inside and outside the formal school system (Yahaya 1992.35).

By this policy, civil servants are expected to possess minimum standard of education based on the requisite qualifications at the time of employment. It is assumed that education would have inculcated in the officers, the right attitude for the survival of the individual and the Nigerian society, the training of the mind in understanding of the world around him and the acquisition of the appropriate skills, abilities and competence for the individual to live in; and contribute to the development of the society and the institutions he belongs. What in-service training will do is to broaden and consolidate on the qualities believed to have been acquired by the individual before entering the service. Officers in the service who lack proper education have the tendency to lack the proper attitude, values and skills with which to understand the right attitude to the rules and would easily develop divided loyalty when obligation to the service challenges their ego and psychological disposition.

f) **Religion:** Religion is another powerful instrument exploited by public officers to achieve private gains. It is a tool in the hand of politicians as well as some top civil servants used for private and selfish ends. Despite the Constitutional provisions which are also reflected in the civil service rules, religion is often used to create division in civil service institutions by leaders who pursue primordial interests and ethnic sentiments. What follows at leadership level is divided loyalty as officers may tend to follow those in authority who

professes the same religion with them.

g) **Leaking Official Secret:** The civil service considers as very important, the need to maintain secrecy on official government documents. The Oath of Secrecy of 1962 has remained in force in the civil service to demonstrate the premium government places on official document. An official who divulges official secret in the civil service is said to have divided loyalty.

5.6 THE DANGERS OF DIVIDED LOYALTY IN CIVIL SERVICE

There is no doubt that many people who came into civil service did so because of its secured tenure and soft conditions of service. It is also true that many of them lack commitment to efficiency, effectiveness and excellence which the performance of civil service job demands in addition to accountability, transparency, honesty, excellence, due process and rule of law and quality service delivery (Abhuere, 2000). The civil service rules and indeed any rules or regulations of any organization are meant to be respected and obeyed. In any organization where rules and regulations are not respected, there is bound to be organizational calamity, pursuit of wrong values which can generate wrong attitude to work, destruction of accountability and mutual trust thus paving way for massive corruption and higher cost of services. When all these beset an institution, there is bound to be:

1. Poor regard for work- nonchalant attitude of staff whereby some people will tell you that public service is not their father's job Ineffective supervision and reluctance or unwillingness to apply appropriate sanctions to offenders
 2. Poor leadership based on selective justice Poor reward system and its inability to motivate the workforce appropriately
 3. Fatal tribalism and nepotism that is blind to any wrongdoing by kinsmen
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4. Poor knowledge of organization's goals, objectives and hazy focus by many civilservants
5. Warped value system that has little or no room for excellence, honesty, dedication or outstanding performance High level corruption and celebration of evil at the altar of money All these constitute a civil service structure that is gone out of alignment with the sacrosanct rules and tenets of service and it can only be different when rules and regulations are obeyed and constituted authority respected.

5.7 CONCLUSION

The civil service rules embody the underlying ethics, Values and ethos upon which service must necessarily run on. Divided loyalty in civil service can crumble an institution of government as it breeds disunity, mismanagement of public position and leadership crisis. It can be stated clearly that loyalty in service implies faith in the system. To have divided loyalty in the system is to adopt the view that you know better than those above you in the chain of authority who know what should and should not be done. In other words, to have divided loyalty is to lose faith in the system and to place self before the service. Often, this attitude begins with leaders (those in authority). If a leader resorts to the temptation to doubt the system, then subordinates may follow suits.

We therefore, hold the view that the strict observance of civil service rules and its application in the discharge of our duties as civil servants will no doubt contribute in repositioning the civil service and bring harmony and peace in the system. Today, the National Assembly Management is undergoing massive transformation as both Management and Staff are imbibing a new code of ethics and exhibiting high level discipline. There is no doubt that the future of the institution lies in the hand of the Leadership and staff and the new positive

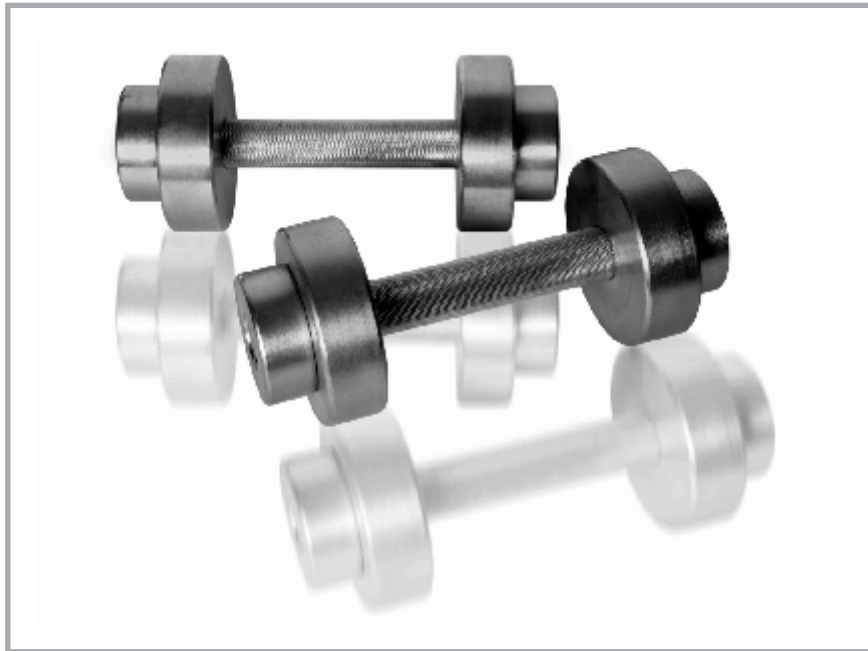
attitude of the staff indicate that the Legislature is heading to the right direction.

Assessment Test

1. What is the meaning of Civil Service?
2. Examine the evolution of Civil Service
3. Identify the basic reforms in the Civil Service
4. Define and mention 3 Civil Service Rules
5. How has the concept of Divided Loyalty in Civil Service affect performance?

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CHAPTER

6

**PUBLIC SECTOR
PROCUREMENT REFORMS:
THE NIGERIAN EXPERIENCE**

On assumption of Office in 1999, Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria observed that the time-tested approach in conducting government business had degenerated to such an extent that the Public Service Rules, Financial Regulations and Ethics and Norms of the Service were jettisoned either due to sheer ignorance or for selfish reasons. The President's preface to the Financial Regulations in January, 2000 aptly slated as follows:

“All the elements that enhance efficiency reliability and continuity of the system have been tampered with resulting in major and severe setbacks for the conduct of Government business”.

Furthermore, the President observed and emphasized that transparency in Government procedures was necessary to usher in “a great and dynamic economy” to ensure “a just and egalitarian society”.

To this end, the Government commissioned the World Bank in collaboration with some Nigerian Private Sector Specialists to undertake studies of its Financial Systems and general procurement related activities. Specifically, the World Bank was requested to assist the Nigerian Government with a process of enthroning efficiency, accountability, integrity and transparency in Government Procurement and Financial Management Systems. The clear objective was and still is to reduce the scope of corruption in public procurement and so improve the efficiency in the management of Nigeria's public expenditures. At the end of the exercise, two reports, namely the Country Report on the Financial Systems and the Country Procurement Assessment Report were produced. This chapter will examine various public sector procurement reforms in Nigeria.

“Public sector procurement reforms: the Nigerian experience”: a paper presented by Mr. S.A. Ekpenkhio, Permanent Secretary, Political Affairs, the Presidency, Office of the Secretary to the Government of the Federation at the regional workshop on Procurement Reforms and Transparency in government procurement for Anglophone African countries in Tanzania on 16th January, 2003

- 6.1 Comprehensive Review of the Nigerian Public Procurement System
- 6.2 Recommendations of the CPAR
- 6.3 Circular on New Policy Guidelines for Procurement and Award of Contracts in Government Ministries/ Parastatals:
- 6.4 Work Plan of the Steering Committee
- 6.5 A Composite Bill on Legal Framework on Procurement and the Establishment of PPC
- 6.6 The Role of Public Procurement Commission (PPC)
- 6.7 Benefits of Procurement Reforms
- 6.8 Conclusion

6.1 COMPREHENSIVE REVIEW OF THE NIGERIAN PUBLIC PROCUREMENT SYSTEM

The comprehensive review of the country's public procurement system covered the existing legal framework; organizational responsibilities and capabilities within government; present procedures and practices; the reliability of government accounting systems and the effectiveness of budgeting systems in directing resources for intended purposes. Comparisons were made in each of these areas on how practices in Nigeria differ from established international best practice. A participatory approach was used for the review, which involved all key stakeholders including Federal, State and Local Governments together with representatives of the private sector. The Task Force created for this purpose was assisted by international and national consultants, financed by the World Bank. Two Workshops were held and finally the Country Procurement Assessment Report (CPAR) was produced. The CPAR identified five major weaknesses in the existing procurement systems in Nigeria namely:

- i) that Nigeria lacks a modern law on Public Procurement and permanent oversight body to provide guidance and monitor purchasing entities.
 - ii) that the Finance (Control and Management) Act, 1958, together with the Financial Regulations which set basic rules for managing public expenditure have gaps, deficiencies and faulty implementation of
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- existing regulations on procurement (e.g. lack of permanent arrangements for control and surveillance) which create opportunities for bribery and corruption;
- iii) that due to inflation and lack of regular adjustments on the thresholds of the approving limits of the Tender Boards, their authorization were constantly being eroded resulting in abuses, prominent among which is splitting of contracts;
 - iv) that there was proliferation of tender boards which were perceived by the private sector as sources of delays and non transparency. In addition, these tender boards appeared to have limited mandates with powers to decide contracts de facto resting with the Permanent Secretary and the Minister/ Commissioner;
 - v) that Customs systems and procedures were cumbersome and major causes of delay in clearing goods, and hence a source of corruption; and
 - vi) that Procurement is often carried out by staff who substantially lack relevant training.

6.2 RECOMMENDATIONS OF THE CPAR

The main recommendations of the CPAR which were aimed at correcting these identified weaknesses in the procurement environment, focused on six main areas, viz:

- (a) the need for a procurement law based on UNCITRAL, the United Nations Commission for International Trade Law model;
 - (b) the need to establish a Public Procurement Commission (PPC) to serve as the regulatory and oversight body on Public Sector Procurements;
 - (c) the revision of key areas of the Financial Regulations to make them more transparent;
 - (d) the streamlining of Tender Boards and strengthening their functional authority, including powers to award contracts;
 - (e) a critical need to rebuild procurement and financial management capacity in the public sector; and
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- (F) a comprehensive review of the businesses related to export, import and transit regulations, procedures and practices, including the ASYCUDA System.

6.3 CIRCULAR ON NEW POLICY GUIDELINES FOR PROCUREMENT AND AWARD OF CONTRACTS IN GOVERNMENT MINISTRIES/ PARASTATALS

Government accepted the CPAR report in its entirety with the exception of the Registration of Contractors and the involvement of Political Office holders such as Ministers/ Commissioners in the award of contracts in excess of Fifty Million Naira and this was against the report. The first step towards enthroning transparency in conducting government business therefore was the issuance of Circular No. F. 15775 of 27th June, 2000 on “New Policy Guidelines for Procurement and Award of Contracts in Government Ministries/ Parastatals”. The Circular spelt out in great details the procedures and levels of approvals for the award of contracts to meet international best practice.

The main provisions of the Circular are as follows;-

- a) Establishment of a Steering Committee and Procurement Reform Implementation Unit (PRIU) to prepare the ground for the establishment and proper take-off of a Public Procurement Commission (PPC) which would be the apex policy making body on all procurements and award of contract matters in the public service;
 - b) Abolition of Federal and Departmental Tenders Boards;
 - c) Permanent Secretary to approve contracts of works, services and purchases up to N1,000,000.00 (approximately U.S. \$7,937.66);
 - d) Establishment and strengthening of the Ministerial Tender Boards;
 - e) Strict prohibition of Contract Splitting;
 - f) Open competitive tendering procedures;
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- g) Advertisement of tenders in at least, two national dailies, and or government gazette and at least, six weeks before deadline for submitting tenders;
- h) Opening of tenders in public with or without press coverage;
- i) Clearly defined bid criteria;
- j) Committee of professionals to evaluate bids;
- k) Officials involved in the tendering process to declare conflict of interest and exclude themselves;
- l) Publication of major contract awards above N20 million in two national dailies;
- m) Bid security not less than 2% for contracts valued at N10 million and above from a reputable Bank;
- n) Performance Security for all contracts valued at N10 million and above to attract performance security in an amount of 10% of bid price. Performance Guarantee to be issued by reputable banks;
- o) Interest on delayed payment by Government Ministries/ Extra-Ministerial Departments to suppliers/ contractors not settled on or before 60 days from submission of invoice or certificate of job completion;
- p) Final payment of contracts over N5 million to be co-signed by the Auditor-General or his representative in Ministries or Agencies and the contract officer;
- q) All contracts valued at N50 million and above to be approved by the Federal Executive Council (FEC).

6.4 WORK PLAN OF THE STEERING COMMITTEE

Work Plan of the Steering Committee on Implementation of Procurement Reforms:

(A) Methodology: The methodology adopted by the Steering Committee in doing its job was to set up four Sub-Committees to implement the Reforms. The Sub-Committees were on:

- (i) Administration and Legal;
 - (ii) Rules and procedures - work on Procurement Manual for the Public Sector.
 - (iii) Circular Review - collate and review comments and observation of extant Finance and Treasury Circular with a view to come out with an amended Circular on Guidelines on Procurements.
 - (iv) Price Intelligence and Monitoring - Gather and collate prices of items with a view to having a data bank on prices and monitor contracts.
- (b) Public Enlightenment Programmes: To organize public enlightenment programmes in the form of Workshops/Seminars detailing the import of the public sector procurement reforms. Two of such sensitization workshops had been held at Abuja and Port Harcourt.
- (c) A Two-week Study Tour of the USA: A delegation of the Steering Committee undertook a two-week study tour of the United States of America under the sponsorship of the US Department of Commerce. The delegation visited specialized procurement institutions and held discussions on management of procurement in a multi-sectoral and deregulated economy.
- (d) Public Sector Procurement Manual: A Draft Public Sector Procurement Manual for use in the Nigerian Public Service was prepared. The Manual introduced procedures consistent with extant Finance and Treasury Circulars. It also introduces new procurement procedures based on the United Nations Commission on International Trade Law (UNCITRAL) model on procurement of goods, works, services and construction. The Manual also provides guidance and uniformity in procurement procedures for all Government Procurement Agencies with main objective of maximizing economy and efficiency.

The use of the manual would foster and encourage participation in public sector procurement proceedings, promote competition and provide fair and equitable treatment amongst suppliers and contractors. It would also promote integrity in

the procurement process and in still public confidence in public sector procurement. The use of the Manual would enhance accountability, probity and transparency in the financial and procurement systems in the public sector. The Manual would be up-dated periodically to accommodate emerging changes, which would enhance the operation of the proposed procurement law.

6.5 A COMPOSITE BILL ON LEGAL FRAMEWORK ON PROCUREMENT AND THE ESTABLISHMENT OF PPC

The Steering Committee produced a draft composite bill for the establishment of the Public Procurement Commission. The bill contained the legal framework on procurement, based on the UNCITRAL Model and the harmonization of existing government practices and policies on procurement in Nigeria. The bill when enacted into law will regulate the procurement of goods, services, works and construction in the public sector, thereby enhancing probity, accountability and transparency in public sector procurement practices. The bill will provide adequate legal institutional framework and financial mechanism to achieve the laudable goals of government in its efforts to enthrone transparency, accountability and equal access to public sector procurement.

6.6 THE ROLE OF PUBLIC PROCUREMENT COMMISSION (PPC)

When the Public Procurement Commission comes on stream, it will among others perform the following vital roles:

- a) Act as an oversight body independent of the Tender Boards; ensure the efficiency and effectiveness of procurement functions across the public sector. It is a permanent oversight body, which would guide and monitor purchasing entities.
 - b) Developing Government Procurement at Macro level;
 - c) Monitoring of the procurement environment;
 - d) Act as instrument of administrative review;
 - e) Serve as a regulator;
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- f) Provide coordination services; and
- g) Monitor and review periodically the Procurement Law based on the United Nations Commission for International Trade Law (UNCITRAL) model.

From the above powers, duties and responsibilities of the PPC, it will include in its oversight activities, proper monitoring of disbursement of funds for implementation of capital projects contained in the Country Financial Assessment Report when it becomes operational. In the interim, members of the Steering Committee, who are Civil Servants, with the assistance from the World Bank and other friendly nations, labour to put the PPC on stream.

6.7 BENEFITS OF PROCUREMENT REFORMS

- (a) Procurement system will become transparent and create equal access for bidders of public sector contracts.
- (b) Through efficient and effective management of Nigeria's economic resources, all avenues of wastages and leakages in the economy as a result of inefficiency in the award of Government contracts and procurements would be minimized thereby increasing Government revenue base.
- (c) It will enable Contractors have a fair hearing as there will be a statutory contract Appeal Board where aggrieved Contractors and Suppliers would file their protests; and
- (d) it will assist in the codification of all the relevant laws in the aegis of procurement as already done under the Corrupt Practices and other Related Offences Act, 2002.

6.8 CONCLUSION

For the nation to reap the full benefit of the procurement reforms there is need to:

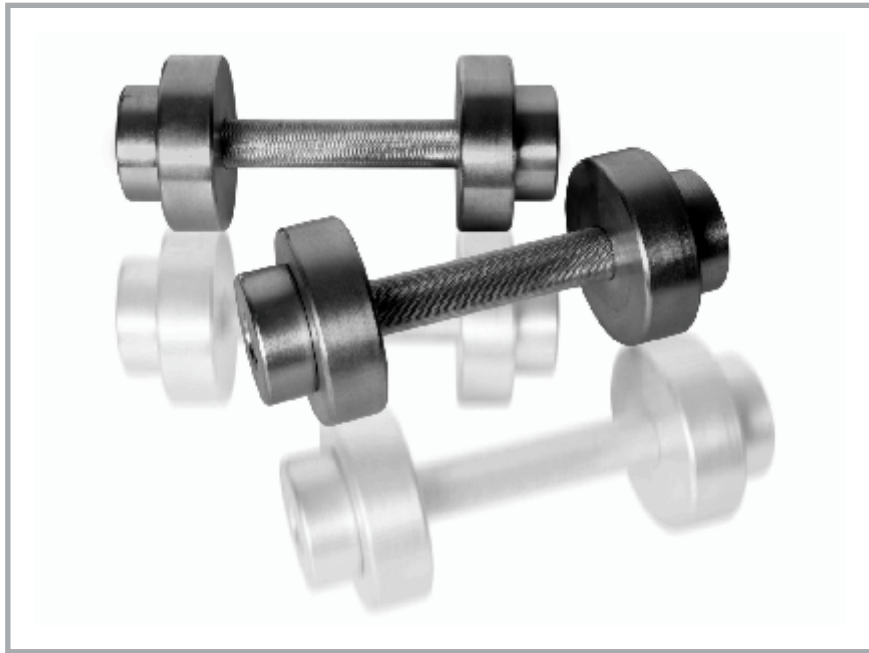
1. develop a new cadre of professional procurement officers and contracting officers in the public service for the implementation of procurement reforms;
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2. work out an appropriate scheme of service to be adopted by all the tiers of government for procurement and contracting officers;
3. organize capacity building and training (at home and abroad) workshops, Seminars, and Courses, for the new cadre of Procurement and Contracting Officers and all those involved in procurement awards;
4. restructure Ministries to create cadres of procurement officers and contracting officers in the public service so as to make for uniform implementation and easy monitoring of the procurement reforms; and
5. the need to build consensus among the three tiers of government in order to promote the smooth implementation of the procurement reforms. By a law which is binding on all the tiers of government.

In conclusion, it is appropriate to state that the successful implementation of the recommendations contained in the Country Procurement Assessment Report represents a daunting challenge to all Nigerians. However, with determination and collective efforts, the challenges of today can become the reality of tomorrow.

Assessment Test

1. Attempt a Comprehensive Review of the Nigerian Public Procurement System
 2. What are the recommendations of the CPAR?
 3. Highlight the role of Public Procurement Commission (PPC)
 4. What are the benefits of Procurement Reforms?
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CHAPTER



**DUE PROCESS AND
PROCUREMENT IN THE
NIGERIAN PUBLIC SECTOR**



Due Process implies that governmental activities and businesses can be carried out openly, economically and transparently without favouritism and corruptible tendencies. Its central importance in procurement cannot be overstressed. It is the means of fighting corruption in the country. As a mechanism that certifies for public funding, it projects effective implementation of public projects. This chapter will examine the inherent challenges in the process and the way forward.

- 7.1 Overview of the Nigerian Public Service Experience
- 7.2 Conceptual Clarifications
- 7.3 Due Process and Procurement in the Nigerian Public Sector
- 7.4 The Budget Monitoring and Price Intelligence Unit (BMPIU)
- 7.5 Conclusion and Recommendations

7.1 OVERVIEW OF THE NIGERIAN PUBLIC SERVICE EXPERIENCE

Nigerian history since independence has been stormy. There was a civil war from 1966 to 1970 and there have been five consecutive military coups. Nigeria is blessed with mineral resources. Agriculture used to dominate the Nigerian economy. “Hence at the eve of political independence in 1960, the proportion of GDP contributed by agriculture (embracing crop cultivation, livestock, fisheries and forestry stood at 67.0 percent, while that of petroleum was only 0.6 percent” (Obinna, 1997, 1). However, with the oil boom of 1970s, agriculture was neglected. This raised the Nigerian level of imported consumption and overdependence of manufacturing sector on imports. Nigerian economy after the oil boom has not been free from problems despite the various attempts from government. Obinna (1997) notes that the launching of the ambitious national development plan (1970-74) and the expedient use of contract awards for execution of national projects helped in breeding social ills in the economy. These include the culture of excessive costs, corrupt management and ill-considered contracts.

From being a middle income country in the 1970s Nigeria has fallen to be amongst the poorest nations in the world. It should be noted that in the 1960s and early 1970s, Nigeria, Malaysia, Indonesia, Taiwan, Singapore and South Korea had similar income per capital, GDP growth rates and under-developed political structure (Ekpo, 2004). However, the Asian Tigers (Newly Industrialized Countries (NICs) have actually escaped underdevelopment and poverty. Most people attribute this to the way their economies are being managed. Nigeria has gone through all the phases of business cycle-decline, depression (recession), recovery and boom. Yet none of these booms as Ekpo (2004) noted has resulted in any significant restructuring and transformation of the economy since each boom came and disappeared without being linked to the real sector and none of the benefits associated with the booms was maximized.

Nigeria, especially since the early 80s has been confronted with a magnitude of economic problems. These economic problems, in brief, include stagnant growth, rising inflation, unemployment, food shortage and mounting external debt. Nigeria therefore like most other nations, has been battling with how to achieve its major economic objectives. These objectives include full employment, price stability, economic growth and healthy balance of payments. It has not been easy for Nigeria to realize the above objectives. Some of the factors responsible for this are,

1. Poor Performance of the preferred sectors (Agriculture and Manufacturing sectors). These sectors are not doing well because of the following reasons:
 - a. Unwillingness of investors to invest in our manufacturing sector due to political instability
 - b. Misplacement of Priorities
 - c. Shortage of Basic infrastructural amenities and utilities
 - d. Problems of raw Materials
 - e. Inherent problems of agriculture in Nigeria
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- Over dependence of Nigerian Economy on a single commodity i.e. oil.
2. Management problems
 3. Social problems
 4. Inadequate statistical data for policy formulation
 5. Inadequate infrastructural amenities
 6. Gaps in the judicial and law enforcement agents
 7. Lack of effective implementation policy
 8. Lack of enabling environment

At the root of all these problems is Corruption. As Obasanjo (2004) rightly observed, until 1999, Nigeria... had practically institutionalized corruption as the foundation of governance. Hence institutions of society easily decayed to unprecedented proportions as opportunities were privatized by the powerful. This process was accompanied, as to be expected, by the intimidation of the judiciary, the subversion of due process, the manipulation of existing laws and regulations, the suffocation of civil society, and the containment of democratic values and institutions. Power became nothing but a means of accumulation and subversion as productive initiatives were abandoned for purely administrative and transactional activities. The legitimacy and stability of the state became compromised as citizens began to devise extra-legal and informal ways of survival. All this made room for corruption.

There is therefore an urgent call for Procurement Reforms and enthronement of Due Process in the Nigerian public Sector. In 2001, the Federal Government issued New Policy Guidelines for procurement and award of contracts in Government Ministries/Parastatals (Circular F. 15775 of 27th June, 2001).

7.2 CONCEPTUAL CLARIFICATIONS

Due Process implies that governmental activities and businesses can be carried out openly, economically and transparently without favouritism and corruptible tendencies (Ezekwesili, 2004). The essence of this is to ensure that rules and

procedures for procurement are made in such a way as to be implementable and enforceable. It is hoped that this Due Process should put an end to “the Business as Usual Syndrome” in Nigeria. Due Process is a mechanism that certifies for public funding only those projects that have passed the test of proper implementation packaging and that adhere stringently to the international competitive bid approach in the award process (Obasanjo, 2003).

There is no gain saying the fact that improved Public Procurement systems would have a beneficial effect on economic condition of the nation. Wittig(1999) views Public Procurement as a business process within a given political system, with distinct considerations of integrity, accountability, national interest and effectiveness. These business operations of government, as controlled by public procurement, usually affect many different elements of society. The procuring entities for instance have needs for material support like roads, hospitals, etc. to help in fulfilling their designated national mission. The business communities of actual or potential suppliers on the other hand need to satisfy government procurement requirement. There are also other interested parties like professional bodies, various agencies, interested public, etc who are all affected or influenced in one way or the other by public procurement.

7.3 DUE PROCESS AND PROCUREMENT IN THE NIGERIAN PUBLIC SECTOR

Based on wide spread corruption, conducting government business degenerated so much by the year 2000. This was due to the fact that no serious attention was paid to Public Service Rule, Financial Regulations and Ethics and Norms because of selfish reasons. The Federal Government noted the urgent need for transparency in government procedures so as to be able to move the system forward. Hence the Federal Government in 2000 commissioned the World Bank to collaborate with some Private Sector Specialists to study Financial Systems and general procurement-related activities in the country. The essence of this request to the World Bank is to assist Nigerian Government “with a process of

enthroning efficiency, accountability, integrity and transparency in Government Procurement and Financial Management Systems” (Ekpenkhio, 2003).

It was based on this that the Country Procurement Assessment Report was produced through a participatory review approach from key stake holders including representatives from private sectors and the Federal, State and Local Governments with assistance from international and national consultants. The Country Procurement Assessment Report (CPAR) identified some major weaknesses in the procurement system in Nigeria as follows (Ekpenkhio, 2003):

That Nigeria lacks a modern law on Public Procurement and Permanent oversight and monitor purchasing entities

1. That the finance (Control and Management) Act, 1958, together with Financial Regulations which set basic rules for managing public expenditure have gaps, deficiencies and faulty implementation of existing regulations on procurement (e.g. lack of permanent arrangements for control and surveillance) which create opportunities for bribery and corruption.
 2. That due to inflation and lack of regular adjustments on the thresholds of the approving limits of the Tender Boards, their authorization were constantly being eroded resulting in abuses, prominent among which is splitting of contracts.
 3. That there was proliferation of tender boards which were perceived by the private sector as sources of delays and non transparency. In addition, these tender boards appeared to have limited mandates with powers to decide contracts de facto resting with the permanent Secretary and the Minister/ Commissioner.
 4. That Customs systems and procedures were cumbersome and major causes of delay in clearing goods, and hence a source of corruption; and
 5. That Procurement is often carried out by staff who substantially lack relevant training.
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Another major problem to the existing procurement system and guidelines in the country is the difficulty of implementation. The reasons for this as Ezekwesili (2004) pointed out include absence of economic cost/benefit analysis of projects. There is lack of genuine competition and transparency since applicable rules are usually tilted in favour of a predetermined winner. Most projects are not harmonized and are not selected on priority bases. There are gaps between budget and actual releases, which usually result in under funding, delayed competition, price escalating and abandonment. It is based on the above identified weaknesses that The Country Procurement Assessment Report (CPAR) made the following recommendations (Ekpenkhio, 2003):

1. The need for a procurement law based on the United Nations Commission for International Trade Model (UNCITRAL).
2. The need to establish a Public Procurement Commission (PPC) to serve as the regulatory and oversight body on Public Sector Procurements
3. The revision of key areas of the financial regulations to make them more transparent;
4. The streamlining of Tender Boards and the strengthening of their functional authority, including powers to award contracts.
5. A critical need to rebuild procurement and financial management capacity in the public sector; and
6. A comprehensive review of the businesses related to export, import and transit regulations, procedures and practices.

It should be noted that the government “accepted The Country Procurement Assessment Report (CPAR) report in its entirety with the exception of the Registration of Contractors and the involvement of Political Office holders such as Ministers/Commissioners in the award of contracts in excess of fifty million Naira which the report was against” (Ekpenkhio, 2003)

The Obasanjo administration decided to stop the “Business as Usual Syndrome” by establishing the Budget Monitoring and Price Intelligence Unit (BMPIU) in the Presidency. By so doing, the government aimed at formulating and

implementing appropriate policies on procurement and contract awards. The Budget Monitoring and Price Intelligence Unit (BMPIU) serves as a “vanguard of ensuring fiscal transparency, strict compliance with Federal Government guidelines on Due Process Certification as it concerns budgeting for and procurement of facilities/services/contracts at appropriate costs (Ezekwesili, 2005). The Budget Monitoring and Price Intelligence Unit (BMPIU) which also addresses the development and operation of procurement of services for Federal Government and its agencies has the following objectives (Ezekwesili, 2005)

1. To harmonize existing government policies/practices and update same on public procurement
2. To determine whether or not Due Process has been observed in the procurement of services and contracts through the initiation and execution of such projects
3. To introduce more probity, accountability and transparency into the procurement process.
4. To establish and update pricing standards and benchmarks for all supplies to government
5. To monitor the implementation of projects during execution with a view to providing information on performance, output, compliance with specifications and targets (cost, quality and time).
6. To ensure that only projects which have been budgeted for are admitted for execution
7. To ensure that Budget spending is based on authentic reasonable and fair costing.

7.4 THE BUDGET MONITORING AND PRICE INTELLIGENCE UNIT (BMPIU)

The mission of The Budget Monitoring and Price Intelligence Unit (BMPIU) is “To use Due Process Mechanism to establish Transparent, Competitive and Fair Procurement System, which is integrity driven, encourages spending within

budget and ensures speedy delivery of projects, while achieving value for money without sacrificing quality and standards for the Federal government of Nigeria” For realization of The Budget Monitoring and Price Intelligence Unit (BMPIU) objectives, the government put in place the regulatory functions for regulating standards including the enforcement of harmonized bidding and tender documents, Certification functions for certifying Federal-wide procurements in categories of Resident Due Process Team certification (projects with a threshold of between N1.0 million and N50 million) and Full Due Process Certification (Projects above N50 million at various stages), Monitoring functions to supervise the implementation of established procurement policies and Training and advisory functions to co-ordinate relevant training programmes (Ezekwesili, 2005). The documents to be forwarded to The Budget Monitoring and Price Intelligence Unit (BMPIU) as requirements for Due Process Review as outlined by Ezekwesili include:

1. The Project Policy file
2. Evidence of Advertisement as appropriate
3. Tender Returns
4. Tender Evaluation Report
5. Contract Award Letter and Agreement
6. Original Contract Bills of Quantities (if any)
7. Contract Drawings (if any)
8. Other Contract Documents
9. Financial Summary and Statements
10. Progress Reports
11. Variation Requests and Variation Orders arising
12. Interim Valuation and Certificates.

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(Obasanjo, 2003). Obasanjo (2003) also stated that “the Due Process Mechanism has saved Nigeria over N102 billion in two years arising from various Federal Government's over-bloated contracts”. Ezekwesili (2003) also disclosed that her office “saved N672.4 million (an equivalent of 4.1 million Euros) from a single project by the Ministry of Health meant to procure and supply equipment to tertiary health institutions”. Various contracts awarded with spending units that failed to comply with laid down competitive bid parameters have been cancelled. Inflation of contract has also reduced to a reasonable extent. There is also a general awareness of anti corruption mechanism put in place by Government..

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7.5 CONCLUSION AND RECOMMENDATIONS

It should be noted that Due process and Procurement reforms produced some useful dividends. It resulted in a more transparent, efficient and effective procurement system which creates equal access to bidders of public sector contracts. It leads to increase in Government revenue base by minimizing avenues of wastages and leakages in the economy through efficient management of government resources. It makes it possible for Contractors and Suppliers to have a fair hearing when aggrieved through filing their protests to a statutory contract appeal Board (Ekpenkhio, 2003). However Ekpenkhio suggested that to fully maximize the benefits of procurement reforms, that there is need to develop a new cadre of professional procurement officers and contracting officers in the public service for the implementation of procurement reforms. It is also necessary to work out an appropriate scheme of service to be adopted by all the tiers of government for procurement and contracting officers. Capacity building and training (at home and abroad) workshops, Seminars, and Courses, for new cadre of Procurement and Contracting Officers and all those involved in procurement awards should be organized. It is also necessary to restructure Ministries to create cadres of procurement officers and contracting officers in the public service so as to make for uniform implementation and easy monitoring of the procurement reforms. There is also the need to build consensus among the

three tiers of government in order to promote the smooth implementation of the procurement reforms by a law which is binding on all the tiers of government.

Finally, it should be emphasized that for effective Procurement System through Due Process, a lot still need to be done. There is need for institutionalizing, internalizing and building ownership for the multitude of reforms within the public sector so as to ensure that it sustains the changes in the anti-corruption campaign. Some people feel that our Legislators are found wanting in this area. It is necessary that Legislators should play a leading role in enthroning the principles of openness, accountability, probity and transparency. They must behave in such a way that they are seen and perceived by the public as the epitome of integrity. To be able to gain such respect, it is necessary that the legislative bodies and their members reflect the highest corporate and personal standard of ethics and integrity.

On the part of the Judiciary too, a lot is still desired from them especially as regards building confidence for its vital role in the sanctioning of corrupt conducts. The public perceives the Judiciary as still battling with corruption which makes the prosecution and the judicial process less effective. Another criticism is leveled on Anti-Corruption Commission for its inability in most instances to successfully prosecute and sentence any high level public official for corruption. The Commission however has always blamed this on the failure of the judicial process which usually do not respond speedily and appropriately to the quest for effective sanctioning of corrupt acts (Obasanjo, 2003). These trends should stop for dividends of Due Process to be realized.

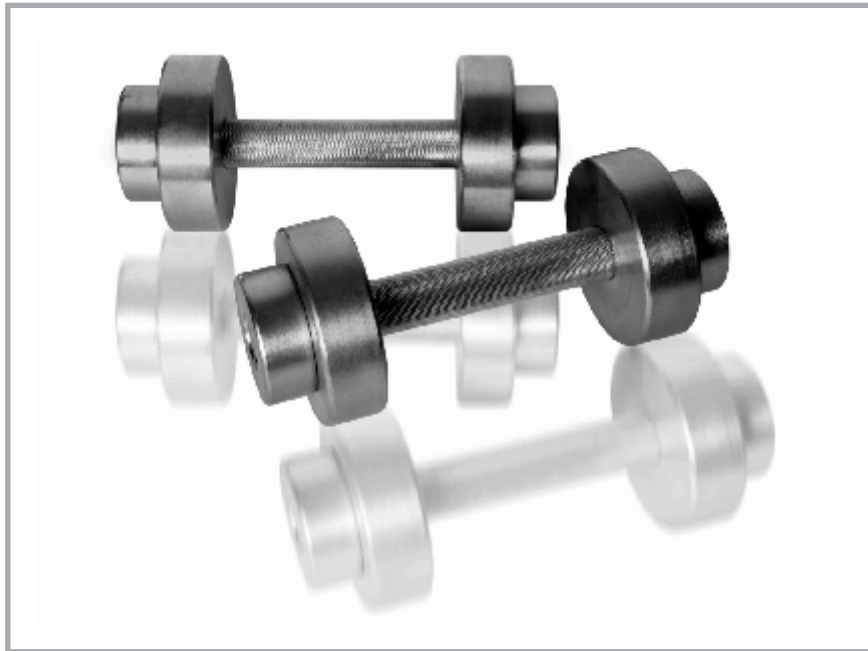
The importance of Due Process Mechanism cannot be overemphasized. It is a framework for implementation and it is committed to tackling corruption, promoting transparency and accountability in Nigeria polity.

Assessment Test

1. Examine Nigerian Public Service Experience with procurement
2. Explain the application of Due Process and Procurement in the Nigerian Public Sector
3. What are the functions of the Budget Monitoring and Price Intelligence Unit (BMPIU)?

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CHAPTER

8

**IMPLEMENTING EFFECTIVE
ETHICAL STANDARDS IN
GOVERNMENT
AND THE CIVIL SERVICE**

Implementing effective ethics standards in government and civil service will be done within the following titles,

- 8.1 Issues for Ethical Attention
- 8.2 The Insufficiency of Ethics Codes
- 8.3 Ethics and Corruption
- 8.4 Ethics Laws, Codes of Ethics, and Codes of Conduct
- 8.5 Charters of Service as Ethics Standards
- 8.6 Laws against 'Maladministration'
- 8.7 Anti-Corruption Laws and Agencies
- 8.8 Right to Obtain Access to Official Information
- 8.9 Right to Obtain Reasons for Official Decisions
- 8.10 Right of Review of Official Decisions
- 8.11 Right to Procedural Fairness.
- 8.12 Right of Protected Disclosure of Official Wrongdoing ('Whistleblower' Protection)
- 8.13 Public Finance management reforms
- 8.14 Regulatory Reform
- 8.15 Integrity Testing
- 8.16 Responsibilities of Citizens in Dealing with Public Bodies
- 8.17 Human Resource Management Reform

8.1 ISSUES FOR ETHICAL ATTENTION

In most countries today there are increasing expectations from ordinary citizens, business leaders and Civil Society that Governments will establish and deliver higher standards of ethicality and integrity in the Civil Service, agencies of government (Ministries and parastatals), and Government itself. In part this expectation is the result of better-focused media attention and public scrutiny, and increasing impatience by ordinary citizens and Civil Society, whose members want to see an end to the corrupt practices and systems of the past.

Bearing in mind the significant progress made in recent years in developing effective Civil Service Ethics, Codes of Conduct, transparency measures, Ethics and Integrity systems, and Anti-corruption agencies, there is now a need to concentrate on three areas of concern in particular, which are directly relevant to the problems of internalising integrity and Ethics in democratic governments and the Civil Service.

Areas for Attention

These are as follows:

1. Anticipating specific threats to ethics standards and integrity in the public sector: attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values, and commitment to good governance, and to preparing the necessary political and management responses;
2. Strengthening the ethical competence of civil servants, and strengthening mechanisms to support “professional ethics”: new techniques need to be undertaken to institutionalise ethically competent decision making, disinterested advice to Government, and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law;
3. Developing administrative practices and processes which promote ethical values and integrity: new and proposed pro-ethics laws require effective implementation through, for example, effective performance management techniques which support the entrenchment of the ethical values set out in Civil Service (and parastatal) Codes of Ethics.

Specific strategies which should be considered include:

1. effective laws which require civil servants to give reasons for their official decisions, (for example: a Freedom of Information law);
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2. management approaches which encourage all public officials and civil servants to deal positively with corruption and unethical practice when they encounter it.
3. whistleblower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials;
4. ethics audits to identify risks to the integrity of the most important processes (for example financial management, tendering, recruitment and promotion, dismissal and discipline);
5. new Human Resource Management strategies (which link, for example, ethical performance with entry and advancement, and ethical 'under-performance' with disciplinary processes), merit based promotion and recruitment, anti-discrimination protections;
6. training and development in the content and rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of professional responsibility, and
7. effective external and internal complaint and redress procedures.

8.2 THE INSUFFICIENCY OF ETHICAL CODES

Most Civil Service regimes (certainly in the West) still equate “Public Sector Ethics” with anti-corruption efforts, and limit their engagement with professional practice issues to a minimalist written Code of Conduct or Code of Ethics, which is usually concerned with prohibiting conflict of interests and self-dealing, and encouraging political and other forms of impartiality, and (increasingly) service to the community. In my view this is an insufficient effort. Publishing a Code of Ethics, by itself, will achieve little. It is now generally recognised that meaningful and enforceable Ethics codes, linked to systemic practices and procedures, based on legislation, and backed by management leadership and high-level political commitment, and ongoing 'professional ethics' training, are essential.

8.3 ETHICS AND CORRUPTION

Ethical conduct and corruption in the public sector are the two sides of the one coin. To the extent that an organisation succeeds in enhancing its own ethical climate internally, and that which it operates in externally, (for example, by including suppliers and contractors within the scope of an ethics program), it reduces the acceptability of corruption. Conversely, control opportunities for corruption and you make room for ethical practices to become established.

8.4 ETHICS LAWS, CODES OF ETHICS, AND CODES OF CONDUCT

The major problem for implementing effective Codes of Ethics remains that no law or Code will be of much value if individual civil servants lack the technical competence to recognise an ethics problem for what it is, or if they do not know what standards their organisation expects of them, or (worst of all), if they consider it to be not in their interests, personally or professionally, to take a stand for integrity and against corruption.

The Code of Ethics is best regarded as a general statement of 'core values' which define the professional role of the civil service. In general, modern civil service Codes of Ethics set out broad high-level principles such as Integrity, Accountability, Responsibility, Trustworthiness, etc., but gives little attention to how these principles are to be applied in specific circumstances. By contrast, Codes of Conduct usually set out specific standards of conduct expected in a range of realistic circumstances, representing a particular organisation's preferred or required interpretation of the core values or principles which are seen as important to its work. (Hence the title - Code of Conduct.)

In most western civil service 'Codes of Ethics', (especially those developed over the period 1965-1990), there is a mixture of the two elements. The earlier the Code, the more likely it is to deal with 'ethics' in a general way, and ignore specific conduct or relationships. From about 1980 on, most Codes of Ethics include at

least some of the more important (to the organization) specific conduct standards and prohibitions, and a good deal of procedural detail as well.

From about 1990 onwards, the distinction between Codes of Ethics and Codes of Conduct began to be made more clearly. This was necessary for two main reasons:

- employers began to find that disciplinary action based on an alleged breach of the general principles set out in a non-specific Code of Ethics was easily defeated; and
- the new generation of civil servants born after the 1960's could not be assumed to share the same 'core values' of their predecessors, or alternatively, the civil service of the 1980's was very different from that of the 1970's, and was changing rapidly, so that 'core values' became harder to assert with any certainty.

In any case, by 1996, the OECD's influential Public Management Service endorsed a model of standard-setting which involved both 'aspirational' ethics principles, stated generally for the entire Civil Service of a country, together with specific Codes of Conduct which set down required conduct in a range of circumstances which reflected the work of each specific organization both in terms of aspirational and disciplinary standards, so that there would be little doubt about what was prohibited conduct, and what was required. Behind this approach lay a recognition of the practical fact that the circumstances faced by, say, a police officer are very different from those faced by a teacher, or a Government Minister. While each must abide by, for example, the ethical principle of Integrity, the actual problems faced by each in their workplace would be very different. (For example - it is probably necessary that a Minister should accept a valuable gift from a visiting foreign dignitary, but it is usually ok for a teacher to accept no more than a token gift from a student, and it is never acceptable for a police officer to accept any sort of gift from a known criminal). The examples can be multiplied indefinitely.

In my experience as an employment Appeals Tribunal over more than 15 years, Codes of Ethics - by themselves - are of little or no value in disciplinary matters, either because no manager will take the risk of making a disciplinary charge on the basis of vague general ethics principles in the absence of specific conduct standards, or if they do, because an appeal usually succeeds (and the manager's reputation suffers accordingly). Where this happens, very soon managers will avoid taking disciplinary action, usually by deliberately 'failing to see' the disciplinary problem. In this way, an Ethics Code may actually reinforce misconduct and corruption.

Conversely, in my experience, a Code of Ethics / Conduct which concentrates on providing a firm basis for disciplinary action will only succeed in developing a workplace culture which focuses on narrow compliance with the rules so as to avoid punishment. Good public administration and effective Civil Service Reform cannot be maximised against a 'compliance mentality' background, and may not be achieved at all. Most modern Civil Service Ethics laws, and Codes of Ethics for civil servants and public officials, endorse the following minimum set of principles: Serving the Public Interest Civil servants and public officials are expected to maintain and strengthen the public's trust and confidence in government, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the Constitution and the laws, and seeking to advance the public good at all times.

- a) Transparency: Civil servants and public officials are expected to use powers and resources for public good, under government policy. They should be accountable for the decisions they make, and prepared to justify their actions.
 - b) Integrity: Civil servants and public officials are expected to make decisions and act solely in the public interest, without consideration of their private interests. Public employment being a public trust, the improper use of a public service position for private advantage is regarded as a serious breach of duty.
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- c) **Legitimacy:** Civil servants and public officials are required to administer the laws, and to exercise administrative power on behalf of the Government, or the Parliament, or other such authority. That power and authority should be exercised legitimately, impartially and without fear or favour, for its proper public purpose as determined by the Parliament or their employer.
 - d) **Fairness:** Civil servants and public officials should make decisions and act in a fair and equitable manner, without bias or prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.
 - e) **Responsiveness:** As agents and employees of the elected Government, Civil servants and public officials are required to serve the legitimate interests and needs of the Government, other civil servants, and all citizens, in a timely manner, with care, respect and courtesy.
 - f) **Efficiency and Effectiveness:** Civil servants and public officials are required to obtain best value for public assets deployed in or through public management, and to avoid waste and extravagance in expenditure and the use of public assets. It is important and encouraging that in a number of African countries where there is a significant Muslim tradition, other 'traditional' moral virtues such as 'Selflessness' and 'Self discipline', and 'courage' are being invoked in their civil service Codes of Ethics, specifically as a corrective to official corruption, abuse of office, and conflicts of interest.
 - g) **Codes of Ethics and Codes of Conduct:** as described above, have been implemented in various forms in most if not all western Civil Service systems. Almost irrespective of the particular content of such Codes, however, it is essential that ongoing professional training, effective institutionalisation by management, and committed leadership by political and administrative elites, be maintained or strengthened if such Codes are to be worth more than the paper on which they are printed.
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8.5 CHARTERS OF SERVICE AS ETHICS STANDARDS

Charters of service-delivery developed by civil service agencies and parastatal increasingly emphasize service and accountability - the main aspects of civil service reform - and in so doing support a number of fundamental ethical principles and specific attitudes and practices:

1. **Service:** Citizens have rights to services of many kinds. Civil servants are expected to concentrate primarily on serving the community, and the government, and in so doing to put possibilities for personal advantage to one side. Unnecessary administrative impediments to effective service delivery, ('bureaucracy', or 'red tape-ism'), should be identified and removed;
2. **Accountability:** Decisions made by civil servants and public officials should be made as transparent and open as possible. Reasons must be given for official decisions.
3. **Complaints:** Civil servants on behalf of their agencies are expected to provide effective mechanisms whereby citizens, including the business community, can lodge complaints about the agency's performance, (or failure to perform) and receive appropriate remedies. Complaints processes should be internally monitored by each agency so as to ensure that systems are reviewed and performance is improved.

In particular, Service Charters usually require specific standards to be set covering government service-delivery, but they may also be used to set and enforce standards of ethical conduct (by prohibiting bribe-seeking), departmental accountability (by providing redress for complaints), and procedural fairness (by requiring 'due process' and rule of law in decision making).

In other words, improving citizens' access to 'quality of service' by government agencies is likely to have the effect of making government and the civil service more transparent and accountable. In the same way, such Charters will also make Corruption and other forms of misconduct by officials easier to detect and

correct, by making it easier to identify specific cases of poor performance, administrative obstruction, maladministration, and improper use of discretion in administrative decision-making.

8.6. LAWS AGAINST 'MALADMINISTRATION'

'Maladministration' refers to the making of an official decision in a manner which is contrary to law, arbitrary, unreasonable, without proper justification, lacking in procedural fairness, or made without due consideration of the merits of the matter, or made corruptly. In one respect at least, Maladministration may be no more than simple incompetence. The other aspects of Maladministration, however, shade into 'Abuse of Office' - misusing public office for private gain - which is the standard definition of Corruption. In either case, Maladministration by a public official is thus inherently unethical. An 'official decision' means any decision made or purportedly made under a law or government policy, or an administrative procedure of a public body, by a civil servant or public official.

In many countries, official decisions affected by 'Maladministration' may be reviewed independently, (for example by an Ombudsman, Administrative Appeals Tribunal or Court), and corrected. Officials responsible for maladministration may also be disciplined by their employer.

8.7. ANTI-CORRUPTION LAWS AND AGENCIES

In addition to establishing anti-corruption agencies, under laws which protect the public for reporting corruption many countries have also established, and enforce, a higher duty on civil servants and public officials for mandatory reporting of all instances of suspected corruption and official misconduct, including significant breaches of the body's code of ethics. Failure to report known or reasonably suspected cases may be used as the grounds for disciplinary measures to be taken against civil servants.

8.8 RIGHT TO OBTAIN ACCESS TO OFFICIAL INFORMATION

Some governments provide citizens with a qualified right of access to any official information held by government agencies, civil servants, public officials and public bodies, usually under a 'Freedom of Information' law. The right of access generally does not operate where the responsible minister determines that disclosure of part or all of the official information sought by a person, or the disclosure of the existence of a such information, would be likely to compromise the national interest, the economy, an investigation of a criminal matter, or national security, or would otherwise not be in the public interest. The provision of FoI rights to citizens is now considered essential to ensuring accountability by public officials and Governments. The 'best practice' examples of such laws are to be found in Canada, the USA, Australia and New Zealand.

8.9 RIGHT TO OBTAIN REASONS FOR OFFICIAL DECISIONS

In some countries, citizens have an unqualified right, under law, to be advised of the reasons for any official decision of which they are directly the subject. This includes the right to be advised, at the time of the decision and in writing, of the evidence and other information taken into account by the decision maker, and of the procedure, if any, for having the decision reviewed. This provision is seen as potentially a major contribution to the integrity and probity of official decision making, good governance, and the prevention and detection of corruption. The international 'best practice' examples of providing rights to reasons for official decisions are to be found in Britain, USA, Canada, Australia, New Zealand some other OECD countries

8.10 RIGHT OF REVIEW OF OFFICIAL DECISIONS

In the interests of improved transparency and accountability, and recognising citizens rights to both substantive and procedural fairness, a number of countries have enacted laws which provide that a person who is adversely and directly

affected by an official decision has a right to have the decision reviewed by an independent decision maker, who may make a fresh decision, or return the matter for reconsideration by the original decision maker.

All significant official decisions can be made subject to independent review, and effective administrative procedures (in particular the keeping of proper records), can be required to be maintained, so as to assist effective independent review. Normally it is expected that an independent review would be conducted internally, but in more significant matters, or where effective independent review is not available internally, external review by another person or body (for example, an Ombudsman, or a Court) may be provided for by law. The international 'best practice' examples of such review processes are to be found in USA, Canada, Australia, New Zealand some other OECD countries.

8.11 RIGHT TO PROCEDURAL FAIRNESS

Increasingly, citizens are becoming entitled by law to the protections of procedural fairness in the making of all official decisions about any matter which affects them directly. This means in particular that citizens will have the right to a hearing concerning the matter at issue before any final decision is made; and the right to know the case or allegation to be answered. They may also be entitled to professional representation in more serious matters. Under this approach, citizens also have the right to have their submissions properly considered by the official who is to make the decision, the right to a decision which is free from bias or apparent bias; and the right to a decision the making of which excludes irrelevant considerations and takes into account only the merits of the matter.

8.12 RIGHT OF PROTECTED DISCLOSURE OF OFFICIAL WRONGDOING

In the interests of improving accountability and fostering the fight against corruption, some countries have passed laws to establish a right whereby a person may make a protected 'public interest disclosure' of any suspected or actual corruption, misconduct, or Maladministration by a civil servant or public

official. The main task of “whistleblower” protection provisions such as this is to maintain a reasonable and workable balance between encouraging the desirable disclosure of official wrongdoing, (by protecting those who make disclosures against acts of reprisal or revenge).

At the same time such laws protect the reputations of innocent individuals and government organisations (by providing significant penalties for knowingly false or malicious 'disclosures'. A disclosure will only be protected if it is made to a proper authority, and if the disclosure is based on an honest belief, held on reasonable grounds, that the disclosure is true. A person making a public interest disclosure in these terms has the right to be protected from reprisal in relation to the making of that disclosure. Reprisal may be defined as an act of misconduct if the person is a civil servant or public official, or a breach of the relevant Criminal Code if the person is a private citizen.

Protections attached to the disclosure procedure should not be open to abuse: a person who makes a false public interest disclosure, knowing it to be false, commits an act of misconduct if the person is a civil servant or public official, or a breach of the criminal code -section if the person is a private citizen. In general, whistleblower protection laws require government agencies to provide appropriate and effective administrative procedures for making a public interest disclosure, and for ensuring that the identity of the discloser is kept confidential to the maximum extent possible consistent with the effective investigation of the disclosure.

Government organisations are also required to provide an appropriate and effective procedure for ensuring that a person who makes a public interest disclosure is protected from reprisal. For example, the law can provide that a person who discloses improperly the identity of a person who has made a public interest disclosure commits an act of misconduct if the person is a civil servant or public official, or a breach of the Criminal Code if the person is a private citizen.

The restriction of protection to disclosures made to a 'proper authority' effectively prohibits disclosures to the media. The restriction of protection to disclosures which are reasonably believed to be true is intended to discourage malicious attempts to damage reputations. No person should be able to disclose the identity of a whistleblower without proper authority. This is important to ensure that the protections available to the person who discloses wrongdoing are effective. 'Reprisal' should be defined broadly, by law, so as to include any act intended to cause, or actually causing, harm or damage, or the threat of harm or damage, to any person's property, career, employment, trade, business, well-being, or family, or any form of harassment, done because or in the belief that a person has made, or may make, a public interest disclosure, or a complaint.

This definition is intended to ensure the maximum possible deterrent to reprisal against a public interest disclosure: the definition includes, for example, threats against a third party (e.g. a member of the family of a discloser) and threats made in the belief that a person has made a disclosure, even where that belief is mistaken. Britain, USA, Canada, Australia, and some other OECD countries have enacted effective 'Whistleblower Protection' or 'Public Interest Disclosure' laws in the past decade.

8.13 PUBLIC FINANCE MANAGEMENT REFORMS

Many countries have traditionally adopted stringent statutory controls on the management and expenditure of public finances, in an effort to control public expenditure and to minimize corruption, waste and inefficiency. Most such measures are overseen by an independent Auditor General, who is usually an officer of the Parliament, rather than a civil service office. Increasingly, Parliaments have adopted Public Accounts Committees to add to the oversight of Governments and their budgets. More recent approaches have emphasized the need to ensure 'value for money' ('VFM') management and control strategies to ensure that public monies are controlled in such a way as to maximize the benefit to the Government and the public, and that expenditure controls are not unduly expensive to administer.

8.14 REGULATORY REFORM

The elimination of unnecessary administrative 'red tape' – discretionary bureaucratic decision making of little or no added value – is endorsed by OECD countries as potentially making a significant contribution to reducing the cost of government (by reducing the size of the public administration machinery), and the compliance costs to the community. Perhaps more important, however, is the contribution that reduction of administrative controls may make to controlling corruption, by reducing the number of administrative opportunities for bureaucrats to extract bribes and 'facilitation payments', or subvert the process outright by 'losing' the file.

8.15 INTEGRITY TESTING

Integrity tests are one measure for encouraging the observance of an organisation's Code of Ethics / Code of Conduct. Integrity testing is generally employed by the employee's agency or an anti-corruption body, to detect individuals who are prepared to accept a bribe, or other inducement, to act corruptly by doing (or not doing) something that they are required to do in their position. To be acceptable and credible, and fair, the 'test' set must be realistic, in that it must reflect the circumstances of the officer's position in relation to his or her responsibilities, and be carried out in such a way that the test does not amount to 'entrapment'. This process is to be subject to independent review in every case, to prevent abuse of the power to impose a penalty.

8.16 RESPONSIBILITIES OF CITIZENS IN DEALING WITH PUBLIC BODIES

A relatively recent development in the integrity field has been the introduction of formal requirements that all citizens in their official dealings with public bodies, civil servants, and public officials, are required to observe a number of responsibilities of good citizenship, in relation to, for example, honesty, lawfulness, and the prevention of corruption. The responsibilities have regard to reasonable expectations of lawfulness, honesty, and integrity on the part of

citizens, and seek to discourage citizens from to refrain from acting corruptly or unlawfully by offering inducements to civil servants improperly. Under this provision, citizens are also expected to refrain from deceptive, dishonest or fraudulent conduct, to report any actual or suspected corruption, or misconduct to a proper authority, and to refrain from making frivolous or vexatious complaints or demands.

In the interests of enhancing public understanding of the way government organisations function, citizens are also required to give an honest account at all times of any dealings with a civil servant, public official, or public body. In the event of a citizen's serious failure to comply with these requirements, a government organisation may impose an administrative penalty, usually in the form of a withdrawal of a service provided by the organisation, for a limited period of time. This penalty should be subject to independent review in every case, to prevent abuse of the power to impose a penalty.

This provides an important mechanism whereby a public body may exercise a measure of control over persons having official dealings with the body, such that unnecessary administrative actions, including the waste of time and other resources, and opportunities for corruption, might be minimised. The approach also provides a measure of defence against persons who might seek to undermine the government organisation's Code of Ethics, for example by offering a bribe.

8.17 HUMAN RESOURCE MANAGEMENT REFORM

Many countries are now re-considering the effect of past and current HRM practices on the ethical climate of their Civil Services. It may be fairly said that a civil service organisation which fails to implement, (through adequate and effective training and management leadership) and enforce (through effective leadership, disciplinary and management action) its Code of Ethics in practice, can expect to be ineffective in controlling corruption, and inefficient or incapable of providing services to the public.

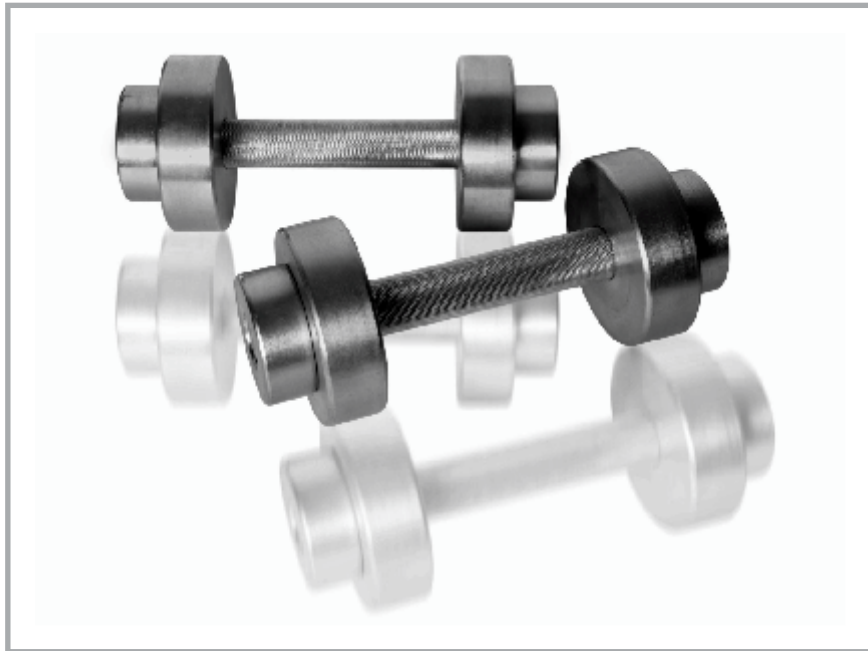
In most established civil services, traditionally Promotion and recruitment to the civil service has been based on merit, not political or family connections, and is protected by law. Patronage and favoritism in public employment is generally prohibited by law, and protected by effective independent appeals mechanisms. Increasingly, attempts to employ friends relatives and cronies contrary to merit-based procedures required by such laws are being treated as a serious form of corruption, and have led to dismissals and prosecution for public officials (including Ministers) who engaged in such practices. Arbitrary dismissal from the civil service through the intervention of a Minister, is unlawful, and may likewise be regarded as a form of abuse of office or corruption.

Civil Service Discipline and management practices must be objective, fair, and reasonable. Managers are expected to be trained able to deal with such matters as providing adverse assessments on performance, enforcing required work processes, requiring punctuality, and dealing with employee grievances, effectively and fairly, to ensure that the efficiency of the workplace is not compromised unnecessarily. Perhaps most important of all, Civil Service salaries must reflect the cost of an adequate standard of living, both to minimise individuals' temptation to corruption, and to maximise the Civil Service's ability to attract and retain talented employees who can make a contribution to their community.

Performance may be taken into account in setting pay, increment, or bonus levels, but must be based on actual performance, objectively assessed, and properly documented. But by itself this implementation will be likely to be insufficient. Civil servants will not abide by an organisation's published Ethics Code if they see major breaches of the Code routinely ignored by the management of the organization. Managers (including the political leadership of the organisation) must set the example.

Assessment Test

1. Identify issues for Ethical Attention
 2. Explain the following rights
 - a. Right to Obtain Access to Official Information
 - b. Right to Obtain Reasons for Official Decisions
 - c. Right of Review of Official Decisions
 - d. Right to Procedural Fairness.
 - e. Right of Protected Disclosure of Official Wrongdoing
 3. What are the objectives of Public Finance Management Reforms?
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CHAPTER

9

**THE CIVIL SERVICE AND THE
QUEST FOR ACTUALIZATION
OF THE MILLENNIUM DEVELOPMENT
GOALS IN NIGERIA**

Achieving the MDGs is increasingly becoming very challenging for most African countries, especially the Sub-Saharan Africa. Despite an acceleration of economic growth to about 4.4 per cent in 2004, this rate still lags far behind the 7 per cent growth rate needed to achieve this goal. Furthermore, debilitating conflicts and wars in Africa continue to exacerbate human deprivation, social crisis and poverty, Governance remains feeble and the HIV/AIDS pandemic is threatening the existence of states and societies in Africa. Overall terms, the progress of development remains sluggish in the continent. While government of African countries are setting up institutional mechanisms capable of enabling effective actualization goals of the MDGs, the Nigerian government is not left out. This is manifest in the 2010 progress report on MDGs in the country. Compared to the 2004 progress report earlier published, analysts agree that there is a measure of progress, but observed that, on areas of noticed weaknesses, only an effective public service can salvage the nation. The challenge of developing an efficient civil service to further strengthen the actualization of the MDGs in Nigeria is the focus of this chapter.

- 9.1 The Millennium Development Goals and Development Challenges in Nigeria
- 9.2 Evolution, Functions and Challenges of the Nigerian Civil Service
- 9.3 Functions of the Federal Public Service Commission
- 9.4 Challenges of the Nigerian Civil Service
- 9.5 Actualizing the Millennium Development Goals: the quest for an Efficient Civil Service
- 9.6 Steps to improve the performance of the Nigerian Civil Service
- 9.7 Conclusion

9.1 THE MILLENNIUM DEVELOPMENT GOALS AND DEVELOPMENT CHALLENGES IN NIGERIA

The Millennium Development Goals (MDGs) were derived from the United Nations Millennium Declaration, adopted by 189 nations in 2000. Most of the goals and targets were set to be achieved by the year 2015 on the basis of the

global situation during the 1990s. It was during that decade that a number of global conferences took place and the main objectives of the development agenda were defined. The baseline for the assessment of progress is therefore 1990 for most of the MDG targets. The Millennium Development Goals are the world's time-bound and quantified targets for addressing extreme poverty in its many dimensions—income poverty, hunger, disease, lack of adequate shelter and exclusion—while promoting gender equality, education, and environmental sustainability and global partnership for development are stressed. They are also basic human rights—the rights of each person on the planet to health, education, shelter, and security.

However, meeting the Goals will require a substantial re-orientation of development policies to focus on various aspects of growth, including those associated with the implementation process, i.e. civil service (Antai, 2008). Usually referred to as an arm of the executive or administrative sector of the state, the public service represents one of the very oldest, most highly prized, most widespread and celebrated values in the history of humankind. In traditional societies, little distinction was made between voluntary service for the good of the community and remunerated work performed on a professional contractual basis. A fusion of the roles of government and governed, direct participation in the affairs of state, and the growth, in this manner, of a political culture and administrative skills were favoured by conditions of relative stability and the presence of a leisured class imbued with a strong commitment to the polity's well-being.

In modern times, the rise of the administrative state, from the eighteenth century onwards, also led to a vast expansion of the public service. It has been accompanied by bureaucratization which, as Max Weber (in Khan, 1988) observed, profoundly revolutionized organizational structures and values. Ironically, those values have lately come into conflict with the long cherished

claims of democratic citizenship and participative government. Professionalization of the public service has changed the nature of public organizations by implanting deeply the instrumental rationality that has dominated societies around the globe. This dominance, however, has been more pronounced in the Western countries than in developing nations. This has a consequent effect on their performance, especially in actualizing the goals of public policy.

This chapter describes in general the background of the Millennium Development Goals (MDGs) Declaration and emphasis of an effective public service in achieving the MDGS. Getting an effective public service calls for improvements that touch virtually all aspects of the public sector: from institutions that set the rules of the game for economic and political interaction; to decision-making structures that determine priorities among public problems and allocate resources to respond to them; to organizations that manage administrative systems and deliver goods and services to citizens; to human resources that staff government bureaucracies; to the interface of officials and citizens in political and bureaucratic arenas (Alma, 1998). Equally, Aldaba&Petilla (2002) noted that the success of government in providing access to basic social services and protecting and promoting a life of dignity rests in its ability to provide stable and enabling institutions.

Thus, the need for an efficient and effective civil service is one of the central issues, where attentions are needed to achieve the UN Millennium Development Goals because an efficient, accountable, effective and transparent, public administration, at both the national and international levels, has a key role to play in the implementation of the Millennium Declaration.

9.2 EVOLUTION, FUNCTIONS AND CHALLENGES OF THE NIGERIAN CIVIL SERVICE

Before assessing this critical role, it will be important to examine the historical framework of the civil service in Nigeria. The history of the Civil Service dates back to the colonial period. With the creation of the Northern and Southern Protectorates of Nigeria in 1900 and eventual amalgamation of both in 1914, the British colonial masters saw the need for the gradual evolution of a modern Public Service patterned toward the British module. Initially without equivocation, the policy was formulated with the logic of imperialism, buttressed by a false belief about the incapacity of Nigerians to develop initiatives in co-habiting as a nation. Thereafter, from 1922 - 1954 there were a deluge of Constitutional reforms, ranging from Lyttleton Constitution, to that of Bourdillon, and Richards, Macpherson 1951 and that of 1954. These Constitutional reforms were known as Order-in-Council and they brought about the evolution of Civil Service in Nigeria, as well as, the creation of regional Governments (Aldaba, 2002).

Consequently, a major attempt in establishing a central Public Service in Nigeria emanated from the acceptance of the Nigerianization Report of 1st January, 1949 by the colonial office. Later, a Caretaker Central Public Service Commission was constituted on 3rd May, 1952 under the provision of Section 169 of the Nigeria Order-in-Council (Macpherson Constitution) of 1951. The Federal Public Service Commission was established on 1st April, 1954 under Section 174 of the Nigeria Order-in-Council (Constitution) of 1954 (Aldaba, 2002).

9.3 FUNCTIONS OF THE FEDERAL PUBLIC SERVICE COMMISSION

With the evolution of modern state and the adoption of the concept of separation of powers, the Civil Service emerged as an organ of the executive responsible for

advising it on policy directions and implementation of decisions. The great English Public Servant, Sir Warrant Fisher in his report of the Royal Commission on the Civil Service in 1929 stated that: "Determination of policy is the function of ministers; and once a policy is determined, it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with precisely the same goodwill, whether he agrees with it or not" (Bigsten & Shimeless, 2003). In other words, the basic functions of the civil service and the civil servant all over the world are:-

- a. To assist the government in the formation of policy by providing the necessary data,
- b. To implement the decisions (that is, the approved policies) without fear or favour,
- c. To ensure that when advising government the civil servant sets out the wider and more enduring considerations against the exigencies of the moment so that the conveniences of today does not become the embarrassment of tomorrow.

9.4 CHALLENGES OF THE NIGERIAN CIVIL SERVICE

The critical issues involved in the analysis of the Nigeria Civil Service in nation building through effective policy implementation are the need to measure the Civil Service vis-à-vis globally accepted parameters. According to Ahmed (2008), these critical factors are:-

1. the demonstrable ability and capacity of Nigerian State to deliver goods and services to the people of Nigeria in cost - effective, efficient and timely manner,
 2. the existence of State Institutions that are guided by high ideals of public service in carrying out their mandates in a fair, equitable, transparent and accountable manner,
 3. the perception by the citizens that State Institutions are respectful of citizens rights, interests and generally demonstrates respect for the laws
-

- of the land, the legitimate use of physical force and coercion by agencies of Government,
4. the existence of safe and secure environment that allow citizens to carry out their daily routines without fear, encumbrances and hindrance other than those imposed by law,
 5. the general perception that justice is dispensed justly, fairly, equitably and in a very timely manner,
 6. The legitimate enforcement of laws, rules and regulations that is not selective or perceived to be tainted with bias.

Looking at the above indicators, he highlighted that the Civil Service is instrumental and in most cases responsible for:

1. the expansion in the scope of activities in the area of education, health, housing development, agriculture and other social services, as well as, increasing National and Per capital Income. As a matter of fact the performance of the Public Service in the first few years of Nigerian Independence gave cause for hope that the expectations of Nigerians for rapid socio-economic development would be fulfilled with reasonable efficiency.
 2. attaining visible strides in the expansion of state capacities to provide for its citizens literacy level, more colleges and universities, several thousands of kilometres of roads including new airports, human capital development were vigorously pursued, new cities were developed and conscious urban renewal efforts were made,
 3. the sustenance of the Nigerian nation as an entity as well as its unity in diversity despite deep cultural and ethnic diversities of the component units,
 4. the transformation of Nigeria colonial structure of 1914 into the present 36 state structure of a federal system of government in response to the
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yearnings and aspirations of the multi-ethnic groups that constitute the Nigerian state,

5. The National Youth Service Scheme has served as a meeting point between many Nigerians from different parts of the Country who for several years during their growth were restricted to their geographical zones. Some have gotten inter-married and this has resulted in the establishment of organic social relations amongst different families, tribes and states of the Federation.
6. Government and the civil service Bureaucracy through the Ministry of Defence, Ministry of Foreign Affairs and the Police have been able to contribute successfully to various Global Peace Missions across the continents in the last fifty years,
7. Also, Government bureaucracies have been responsible for entrenching Nigeria amongst the Committee of nations i.e. African Union (AU), United Nations (UN) and other International Organizations (Ahmed, 2008).

However, Brinkerhoff (2002) maintained that there are aspects of the performance of the civil Service in the development of modern Nigeria that are by no means so impressive. Corruption, lack of transparency and accountability in the Civil Service and indeed poor political leadership resulted in the rapid regression of Nigeria to a near "failed state" (Karim, 2000). Consequently, Public trust in the Civil Service capacity and efficiency was seriously eroded. This is aptly captured in the scenario below:-

- i. As instrument of social transformation and failed political process, the bureaucrats running the nation's Public Service were themselves tainted with the cankerworms of ethnicity and sectionalism as amply demonstrated by their active participation in partisan politics. They aided election rigging, manipulation of census figures, falsification of reports on Government contracts and frustration or poor implementation of Government development programmes,
 - ii. Public contracts were no longer executed with a sense of value for money.
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Maintenance culture which was the hallmark of the colonial service and the Nigeria Public Service immediately after Independence were jettisoned,

- iii. The Civil Service deteriorated, abandoning its tenets of commitment and service to the people, with huge public sector investment wasted and in some cases, vandalized by those placed under its care. The rot reinforced the capacity of Politicians and military dictators to plunder the Nigerian State and its component units.
- iv. The Citizenry and the International Community were appalled by the unprecedented maladministration of the State and its agencies (the Police, the military, the security outfits, the electoral bodies, and the civil service), etc.
- v. Nigerian deteriorated into almost a Failed State, as infrastructures failed; conflicts become exacerbated amongst neighbours in some parts of the Country.
- vi. This bad governance which resulted in the inability of the Public service to respond to the aspirations of Nigerians, created multiple political and economic distrust, hunger, poverty and endemic diseases, further decay in infrastructure, exacerbated illiteracy and ignorance, intermittent heavy debt burden and external aid to fund haphazardly very limited services/infrastructures, despite our huge oil wealth.

Alma (1998) revealed that a fundamental drawback to the effective implementation of policies in Nigeria is the inability of the Civil Service to effectively discharge its responsibility. Despite several reforms, it is painful to note that the Nigeria Civil service is characterized with,

1. Lack of good leadership,
 2. Inadequacy of qualified human capital,
 3. Inadequate and poor infrastructure for administrative performance,
 4. Inconsistency and lack of continuity of public policies,
 5. Conflicts and civil strife in some States of the Country, etc.
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The above deficiencies have brought to the front burner the need for the Nigeria Public Service to be transformed into a state where it will be capable to first salvage the Country from sliding into a failed State, meet with the objectives of building a 21st century successful nation, and move in tandem with New Partnership for African Development (NEPAD) objectives, as well as, the Millennium Development Goals (MDGs).

9.5 ACTUALIZING THE MILLENNIUM DEVELOPMENT GOALS: THE QUEST FOR AN EFFICIENT CIVIL SERVICE

At the 2000 UN Millennium Summit, 189 Heads of State and Governments committed in the Millennium Declaration to free their citizens from the conditions of extreme poverty. The Declaration reaffirms universal values of equality, mutual respect and shared responsibility for the conditions of all peoples and seeks to redress the lopsided benefits of globalisation. At the heart of the Declaration are human rights, peace, gender equity, environment and the pressing priorities of the Least Developed Countries and Africa. After review and editing by the United Nations Secretariat, IMF, OECD and The World Bank, the objectives were published in September 2001 as a set of 8 major goals accompanied by 18 targets and 48 indicators for measuring progress towards the goals. The 189 member states of the United Nations, have consistently perceived the current global concerns as major challenges that need to be met head on with the will and resolution of the international community (Ali, 1999).

In the final Declaration, the nations at the United Nations Millennium Summit also singled out specific areas that constitute special threats to the social values that need urgent and additional attention. These include:

- a. Human rights, democracy and good governance;
 - b. Protecting the vulnerable, namely the children and civilian populations
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- from disproportionate consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies;
- c. Meeting the special needs of Africa that is: consolidation of democracy, lasting peace, poverty eradication and sustainable development.

An efficient civil service is therefore imperative in actualizing MDGs. The under listed will be instrumental in enhancing a viable civil service in the country. Approach towards the actualization of these goals must be nationally led and driven. The approach must be coordinated and strengthened with an effective institutional and administrative framework. The civil service is the engine of government administration. An efficient civil service is therefore imperative in actualizing these goals. The under listed will be instrumental in enhancing a viable civil service in the country. There are,

1. the determination of appropriate work structures that will lead to efficient departmentalization,
2. The installation of an effective Human Resource Acquisition Process for the Service and.
3. The installation of an efficient Performance Measurement system for upward mobility and promotion in the service.
4. Efficient cooperation between the Civil Service Commission, the Head of Service and the Secretary to Government must exist in order to synchronize at all times the programmes of Government and the harmonization of reform programmes.

In ensuring that only those who are needed in the Service are retained for the purpose of service delivery and meeting the objectives of the Service, a rightsizing/downsizing exercise may require the under-listed recipe if the Service is not properly manned. This may involve the application of these concepts:-

- i. Redundancy is where employee job is no longer required, i.e. under the current Civil Service Reforms, those still occupying jobs that have been
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overtaken by modern work processes, are to be right-sized out of the service. These shall include, civil servants designated as Messengers, Clerical staff, Typists, Telephone Operators, Executive Officers {General Duties}, particularly those that have not obtained relevant HND or its equivalent. Most of them that have risen to SGL. 08 and above, do not exhibit required competence, necessary for job performance, in a modern bureaucracy. In a reformed service, jobs are specific with defined scope, thereby making the position of general duties staff irrelevant, indeed, our globalized economy is knowledge based, where performance is driven by core competencies.

- ii. Medical Ground is where employee is no longer capable of performing the job responsibilities on grounds of ill health; has regularly been absent from duty under the cover of being sick in the hospital; has impaired disability that impedes performance of the job; absent from duty on ill health without due medical certificate. In this particular criterion, the recommendation of the Health Management Board may be necessary.
 - iii. Mandatory skills is the possession of organised and co-ordinated pattern of mental and, or physical ability necessary for the performance of the job tasks designated to an employee, in the service. It is a practical way of exhibiting expert knowledge, necessary in the execution of tasks. When it is absent in an employee, such a person is said to lack mandatory skill. It could also be the lack of appropriate qualification, required by an employee, before occupying a job position in the 'service.
 - iv. Efficiency, an employee is said to be efficient when his/her action on the job results in the production of desired objective, with minimum waste or effort. Consequently, an employee is said to be inefficient when his/her actions results to undesired objectives, waste of efforts and in most cases, at a cost to the Service. Inefficient employees are in most instances unable to accomplish job tasks satisfactorily.
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- v. Monetized jobs are job positions for which benefits are paid directly, as part of the emolument of an entitled public officer. Under our current disposition, these jobs are monetized:-Motor Driver/Driver Mechanic, Steward, Gardener, Kitchen Attendant/Cook and all categories of domestic staff.
- vi. Outsourced jobs are job positions that are either contracted out, or are consigned to other organization believed to have better capacity to manage such job. In our current circumstance, such jobs include, all Catering and Hotel Services, Washerman [Laundry Services], Cleaning or Cleaner, Security Services or Watchman, Catering Assistant, Catering Officers and Catering Instructors, Training and Staff development of civilservants etc.
- vii. Abolished Cadres are jobs that have been phased out or jobs that would be overtaken by the reforms. Such jobs include: - Porter, stores attendant, All jobs on GL. 01 - 05 whose entry requirement is below OND.
- viii. Unsatisfactory Conduct is when an employee is seen to be dishonest, inefficient, disobedient, not conforming to rules and regulations, disloyal to appropriate authorities, undutiful and uncommitted to work objectives, etc.

9.6 STEPS TO IMPROVE THE PERFORMANCE OF THE NIGERIAN CIVIL SERVICE

The Nigeria Public Service has suffered from gross inefficiency of the upper echelon of the Service. In order to address this at both Federal and State levels, the following recipes are recommended:-

- i. Performance contract already in practice in some African Countries such as Botswana and South Africa should be adapted to shore up performance of top civil servants and service delivery within the Service. Time frame for implementation is now.
 - ii. The tenure of term of office of Permanent Secretaries and Directors in the Public service based on performance contracts with a resolve that the
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- office of Director in the Public Service should be tenured for a period of five (5) years and renewable for another maximum term of five (5) years only, while those of Permanent Secretaries should be tenured for a term of four (4) years and renewable for another maximum term of four (4) years only. The attainment of 60 years of age, 35 years of service, or whichever that comes first should remain as part of the conditions for exit from service under this contract arrangement. Time frame for the evolution of performance contract modalities: Now; while time frame for the tenure of office of PS and Directors: Effective 1st January 2009.
- iii. That the renewal of the tenure of office of the Permanent Secretary and that of a Director in the Federal and State Public Service as well as their continued stay in office should be based on an annual crystal clear meeting of established targets by the Permanent Secretary or the Director during his first term in the office. Time frame for implementation: Effective 1st January 2009.
 - iv. That the Human resource Management practice existing in Nigeria Public Service must be re-engineered and fine-tuned with necessary tools provided as input and remuneration improved to pay competitive wage to Civil Servants working in central Agencies such as Civil Service Commission, Office of the Head of Civil Service and office of the Secretary to Government.
 - v. That in order to create a world class Public Service such as those obtainable in the emerging markets of Asia and the developed economies of Europe and America, the Public Service in Nigeria must evolve new ways in talent management. This will enable the Service attract and retain some of the best brains required for its service delivery. Time frame for implementation: Now and annually.
 - Vi. That good Human Resource Management practice and Information and Communication Technology (ICT) have become twin catalytic agents
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of modern Public Service and that for the Nigeria Public Service to effectively compete in the globalization process, the Civil Service Commissions in Nigeria (Federal and States) must as a matter of urgency and deliberate practice seek this knowledge and apply them for effective service delivery. In this connection, it is suggested that only those with core competence and capacity in Public Administration, Human Resource Management and ICT should be deployed to the Civil Service Commission as civil servants.

Away from their traditional role of “file servants”, the civil servants, with their wealth of experience and professionalism can be viable instruments in strengthening measures towards effective actualization of MDGs. Such areas where civil servants can be viable instruments include:

1. **Assisting in Strategic Policy Formulating and Analysis:** There is no doubt that civil servants, among several functions formulate public policies, but this requires capacity building such that, they become policy planners in strategic realms of policy gap. Perhaps the weakest link between government capacity and economic challenges is in the area of policy analysis and policy formulation. Enhanced capacity is needed for more pragmatic, meaningful and transparent policy formulation. Good policy analysis requires dependable information in terms of credible data and statistics as well as improved human resources. Both require training and skills enhancement, institutional strengthening and a proper incentive structure to become master in the policy formulation areas (Alam, 2006).
 2. **Providing Access to Reliable Information:** Access to, and use of, information is a means not only to hold national and local government to account, but also to combat social and political exclusion. Without correct and reliable information on mandates and financial flows, citizens will be unable to hold government bodies to account. It is also difficult to justify the results and achievements. A greater role for parliament in the
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debate, consultation and oversight of development policies should be accompanied with enhanced public access to information on how decisions are made, what decisions are made and how they will be monitored. Recent research showed that providing users with more and better information on both the financing and delivery of public services is one of the more promising interventions to hold government to account and improve service delivery. Access to public information was also seen as a prerequisite in empowering poor and vulnerable groups to participate in key decision-making and oversight functions. It is also important to disaggregate monitoring of progress towards the MDGs. Such detailed information provided by the civil service would help identify regional and group-specific poverty, and thereby improve targeting of resources.

3. **Assist in Macroeconomic Stability and Economic Growth:** Frequently, poor policy articulation means that tensions among various state units result in misguided trade-offs. For example, finance ministries and central banks often pursue macroeconomic stability with limited consideration for other socio-economic objectives. As a result, budgets are balanced at the cost of long-term human development. Macroeconomic stability and human development are hardly “either-or” questions, however. Although macroeconomic stability is an essential prerequisite for economic growth and human development, it should not be pursued as the only development objective and priority. Thus, policy coherence and balance are important. Playing this role, an efficient civil service is a viable mechanism.
 4. **Initiates and Support Poverty Reduction Strategies:** Poverty reduction initiatives need to pay attention on several fronts, i.e. links between poverty reduction strategies and other reform issues (such as governance, the environment and gender equity), developing capacities to formulate macroeconomic policy and sectoral strategies as improving
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the effectiveness of poverty reduction strategies requires including pro-poor policies, needs-assessment methodologies including preparing handbooks and guides for integrating the MDGs into poverty reduction strategic plan. Moreover, policies for pro-poor employment generation and labour market reforms are also needed.

5. **Domestic Resource Mobilization and Expenditure Rationalisation:** Resource mobilization falls within the responsibility of the civil service. As such, an effective tax administration, more progressive tax rates and a broad tax base gained through focusing more on direct taxes (such as income tax) could have powerful poverty reducing effects, especially if combined with improved rates of tax collection. The enabling institution that can help in this direction is the civil service. Efficiency and accountability in resource mobilization can help in the achievement of MDGs.
6. **Monitoring and Evaluation:** The development of effective institutions for monitoring and evaluation is essential to address the challenges of implementation and thus the challenges of achieving the MDGs. Monitoring and evaluation identifying the progress and gaps in development, which can help formulate future policies. It also identifies individuals and organizations responsible for various duties and provides information on how well they are meeting their obligations. Data and statistics are critical components of monitoring and evaluation. A thorough approach would consist of developing a comprehensive statistical structure with benchmark surveys; systems for data collection through censuses and surveys; provisions for gender sensitive and disaggregated data on the basis of regional differences, socio-economic groups and ethnic disparities; means for updating the system regularly; and systematic dissemination of information. This role, the civil service can be effective at it.

9.7 CONCLUSION

While continuing debate on improving the institutional and human development capacity of the civil service to become viable mechanism in actualizing the goals of MDGs, it is important to further state that, government's willingness to make achievement of the MDGs a national priority is of utmost importance. Political will is a complimentary factor in achieving the Goals. This is a real challenge. Political leaders are only accountable to their own people and electorates. Thus, to bring real change it is necessary for the citizens and civil society to hold their leaders to account. There is a strong need to initiate 'national campaigns' to ensure a stronger political commitment to the MDGs. Political accountability means regular and open methods for sanctioning or rewarding those who hold positions of public offices through a system of checks and balances among the executive, legislative and judicial branches.

Accountability is the willingness of politicians to justify their actions and to accept electoral, legal, or administrative penalties if the justification is found lacking. Accountability must have the quality of answerability (the right to receive relevant information and explanation for actions), and enforceability (the right to impose sanctions if the information or rationale is deemed inappropriate). There is a notion that citizens' voices may not be sufficient for accountability; it may lead to answerability but it does not necessarily lead to enforceability of actions by those making decisions.

Assessment Test

1. Examine the Evolution, Functions and Challenges of the Nigerian Civil Service
 2. Identify the role of the civil service in actualizing the Millennium Development Goals
 3. What are the steps to improve the performance of the Nigerian Civil Service?
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CHAPTER

10

**COMMON TERMINOLOGIES AND
COMMON OFFICE ABBREVIATIONS
IN THE CIVIL SERVICE.**

10.1 COMMON TERMINOLOGIES IN THE CIVIL SERVICE

- Imprest** - Sum advanced to a public officer to meet expenditure
- Imprest holder** - Officer who is entrusted with the disbursement of public money for which voucher cannot be presented immediately.
- Advance** - Cash loan to individual officer
- Duty Tour Allowance** - Allowance paid to any official tour
- Salary** - Personal emolument paid to an employee usually monthly for service rendered.
- Financial Authorities** - are legal instrument that empower and guide all public officers in carrying out government financial transactions.
- Accounting Officer** - An officer of government who is in full control of, and is responsible for human, material and financial resources.
- Sub-Accounting Officer** - an officer who is entrusted with the receipt, custody and disbursement of public money and is required to keep a cashbook.
- Revenue Collector** - One who is entrusted with an official receipt, license or ticket booklet for regular collection of revenue.
- Appointment** - Filling of vacancies not already in the civil service.
- Misconduct** - Specific act of wrong doing.
- Condonation of Service** - Official pardon granted an officer who had a break in service.
- Disturbance allowance** - is allowance paid to an officer on reposting from one station to another.
- Payment voucher** - is a documentary evidence used to discharge obligation through disbursement of money.
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10.2 COMMON OFFICE ABBREVIATIONS

The following abbreviations feature regularly in official communications

a.b.c.	-	at back cover
a/c	-	account
a.f.c.	-	at front cover
a.g	-	acting
A.I.E	-	authority to incur expenditure
A.S	-	assistant Secretary
a.y.c.	-	at your convenience
b.c	-	back cover
b/f	-	brought forward
b.o.f	-	back of file
B.U.	-	Bring up/Brought up
B.U.F	-	Bring up File
C.B.	-	Confidential Branch
c.c.	-	carbon copy
C.C.O.	-	Chief Clerical Officer
C/F	-	Carried Forward
Cap	-	Chapter (usually of the Laws)
c/o	-	Care of
Conf.	-	Confidential
Cons.	-	Consideration
Contd.	-	continued
C.S.C.	-	Civil Service Commission
D.A.V.	-	Department Adjustment Voucher
d/d	-	dated
Dept.	-	Department
D/O	-	Demi-Official (Letter)
D.P.S.	-	Deputy Permanent Secretary

D.V.E.A. Book	-	Department Vote Expenditure Accounts Book
e.g.	-	for example
Enc.	-	Enclosure
E.O.	-	Executive Officer
E.T.A	-	Estimated time of Arrival
etc.	-	and so on
E.T.D.	-	Estimated time of Departure
f.f.a.	-	for further action
F.I.	-	Financial Instructions
f.i.o.	-	for information only
f.n.a.	-	for necessary action
F.R.	-	Full Rate
f.u.a.	-	for usual action
f.y.c.	-	for your consideration (or convenience)
f.y.i.	-	for your information
G.C.A	-	Government Coastal Agency (or Agent)
G.E.C.	-	General Executive Class
G.O.	-	General Orders
H. of D.	-	Head of Department
H.E.	-	His Excellency
H.E.O	-	Higher Executive Officer
Hon.	-	Honourable; Honorary
Hqrs.	-	Headquarters
h/w	-	herewith
i.a.w.	-	in accordance with
i/c	-	in charge of
i.d.c.	-	in due course
i.e	-	(<i>Id Est</i>) that is: in other words
i.f.o.	-	in favour of

i.r.o	-	in respect of
i.v.o.	-	in view of
k.i.v.	-	keep in view
L.P.C.	-	Last Pay Certificate
L.P.O	-	Local Purchase Order
L.S.	-	<i>(in loco sigili)</i> the place of the seal
L.T.	-	Letter telegram
Misc.	-	Miscellaneous
Mylet.	-	My letter
Mytel.	-	My telegram (cablegram)
n.a.	-	not applicable (or necessary action)
N.A.	-	Native Authority
n.a.t.	-	necessary action taken
N.B	-	Nota Bene (take notice)
N.B.C.	-	Nigerian Broadcasting Corporation
N.E.T.	-	Nigerian External Telecommunications Ltd.
n.f.a.	-	no further action
N.P.A.	-	Nigerian Ports Authority
N.R.C	-	Nigerian Railway Corporation
O/C	-	Officer in charge
O.C.B.	-	Officer in charge of Confidential Branch
O.K	-	All correct; agreed.
O.&M.	-	Organization and Methods
P.A.	-	(i) Put away; (ii) Personal Assistant.
para.	-	Paragraph
P.E.O.	-	Principal Executive Officer
Perm. Sec.	-	Permanent Secretary
pp or PP	-	Pages; papers
p.p	-	Personal Papers (Personal file)

P.P.S.	-	Principal Private Secretary
P.S.	-	Postscript, ie written afterwards
P.T.O.	-	Please turn over
P.U.	-	Put up (papers or suggestions to an officer)
P.V.	-	Payment Voucher
q.e.d.	-	which was to be demonstrated (proved)
recd.	-	received
Ref.	-	Reference
R.S.V.P.	-	Repondez s'il vour plait (Reply if you please)
R.V.	-	Receipt Voucher
S.A.S.	-	Senior Clerical Officer
s.f.c.	-	submitted for information
S.F.M.G.	-	Secretary to the Federal Military Government
S.F.G.	-	Secretary to the Federal Government
S.R.V.	-	Stores Receipt Voucher
s.f.s.	-	Submitted for signature
S.I.V	-	Stores Issue Voucher
"T"	-	Temporary
T/Y orTY	-	Thank you
u.f.s.	-	Under flying seal (to pass through a higher authority).
N.A.C.	-	Nigerian Airways Corporation
N.E.P.A.	-	National Electrical Power Authority
N.N.S.L	-	Nigerian National Shipping Line
W.A.E.C.	-	West African Examination Council
w.r.t.	-	with reference to.
Yourlet	-	Your letter
Yourtel	-	your telegram (or cablegram)
ad. infinitum	-	without end
ad valorem	-	according to value

et.seq.	-	and the following (and what follows)
idem (id)	-	the same.
inter alia	-	among other things
in toto	-	entirely
ipso facto	-	by that very fact, therefore.
pari passu	-	on an equal footing
per se	-	by itself, considered apart
prima facie	-	at the first glance
pro rata	-	proportionately
sine die	-	indefinitely
status quo	-	existing state of affairs
ultra vires	-	beyond their powers
vide	-	see
viz	-	namely; to wit.
D.A.B	-	Departmental Appointment Board.
D.S.B.	-	Departmental Selection Board.
