



CAPAM Featured Report:

Ethical Dilemmas in the Public Service

June 2010

Commonwealth Association for
Public Administration & Management (CAPAM)





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Introduction

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The purpose of *CAPAM Featured Reports* is to present and capture strategies, approaches and implementation challenges in three main areas; human resource management & governance, leadership in the public service, and innovations in citizen centered service delivery. This publication will serve as a knowledge transfer tool that complements and extends the sharing and learning process of CAPAM conference programmes and activities.

Each series offers a continued learning and analysis tool for practitioners, academics and experts. The cases and papers bring together various country approaches for comparative and sharing purposes.

Ethical Dilemmas in the Public Service

Papers and cases included in this publication draw from presentations or paper submissions for the CAPAM *Good Governance , Accountability and Trust Conference* held May 18 - 20, 2010 in Abuja, Nigeria, in partnership with the Government of Nigeria through the Head of Federation of Service. The purpose of this report is to present and capture some ethical dilemmas public servants face in their everyday activities.

Acknowledgements

CAPAM would like to thank and acknowledge the leadership and management of the Government of Nigeria, through the Head of Service of the Federation and their tremendous efforts as partners in the organization of the conference. In particular, we would like to extend our appreciation to *Mr. Stephen Oronsaye, Head of Service of the Federation, Ms. Amal Pepple, CAPAM Board Member, Nigeria and the Local Organizing Committee.*

CAPAM extends great appreciation and thanks to the contributing authors in this publication. The authors offered not only their expertise and knowledge, but the lessons and good practices of their respective organisations. Their efforts have contributed to the fostering of exchange and dialogue between Commonwealth countries.

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Ethics, Ethical Dilemmas and the Public Service

Dr. David Menyah, Manager, Programme Development, CAPAM

Introduction

The reputation and success of governance depends upon the conduct of public functionaries and what the public believe about their conduct. It is therefore of fundamental importance that public functionaries act justly and fairly to all, not only paying lip service to ethical conduct but also ensuring that these are manifestly and undoubtedly seen to be done. It is imperative that all public functionaries upon accepting government employment recognize that they have a special duty to be open, fair and impartial in their dealings with society. Personal self-interest should be subordinate to the public good in all circumstances, especially if circumstances arise where the possibility of a conflict of interest may become an ethical dilemma.

Ethics and Ethical Dilemma Defined

The meaning of ethics is contested. While some authors define it in terms of what it is not, referring to matters such as misconduct, corruption, fraud and other types of illegal behavior, others refer to notions of integrity, honesty, personal values and professional codes. The first of these two ways of defining ethics is the anti-corruption approach and the second is the integrity approach (Uhr, 2002). The anti-corruption approach frames discussion about ethics in negative terms. The integrity approach frames ethics in positive terms. Yet there appears to be general agreement that ethics is about relationships. Several writers argue that ethics can be divorced from religion and/or from morality but most refer to its religious and philosophical bases. Ethics 'is about what we ought to do' (Freakley & Burgh, 2007). It requires a judgment be made about a given problem or situation. Further, the term, ethics, 'is sometimes used to refer to the set of rules, principles or ways or thinking that guide, or claim authority to guide, the actions of a particular group' (Singer 1994). For instance, Codes of Conduct identify standards of official conduct that employees are expected to perform.

Ethics, then, could be considered to be 'about how we ought to live. What makes an action the right rather than the wrong, thing to do? What should our goals be?' 'Ethics is about positive not negative values'. It 'is about asking hard questions about values, giving honest and public answers, and living by them'. By extension, 'public sector

ethics [is] about how we live our lives together in public sector institutions' (Preston & Samford, 2002).

Viewing ethics in this light indicates that people are faced with choices requiring them to make decisions enabling them to lead an ethical life within the context of their relationships with others. This suggests that people can be placed in ethical dilemmas. An ethical dilemma arises from a situation that necessitates a choice between competing sets of principles. Thus an ethical dilemma can be described as a circumstance that requires a choice between competing sets of principles in a given, usually undesirable or perplexing, situation. Conflicts of interest are possibly the most obvious example that could place public sector leaders in an ethical dilemma. Other types of ethical dilemmas in which public servants may find themselves include conflict between: the values of public administration; justifications for the institutions; aspects of the code of conduct; personal values and supervisor or governmental directive; professional ethics and supervisor or governmental directive; personal values and professional ethics versus governmental directive; blurred or competing accountabilities; and the dimensions of ethical conduct (Cranston, Ehrich & Kimber 2002, Edwards 2001, Preston & Samford 2002).

Ethical Dilemmas Faced by Public Servants

Some of the most common ethical dilemmas with which public servants are confronted, revolve around aspects such as:

- administrative discretion
- corruption
- nepotism
- administrative secrecy
- information leaks
- public accountability
- policy dilemmas

Administrative Discretion

Public officials are not merely executors of public policy. They make decisions pertaining to the lives of people, for example, about taxes, survival and the dismissal of people. In doing so they exercise discretion. The question is then how decisions are to be made to avoid ethical dilemmas.

In other words, the promotion of general welfare depends to a large extent on the use or abuse of administrative discretion.

It is true that within the rules and regulations laid down by legislation and within the prescribed procedures, there is ample opportunity for the public official to use his discretion. When faced with alternatives the choice of the public official poses an ethical problem: the choice may be acceptable to only a small section of society. The problem is that the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other affiliations, or even personal aggrandizement, thereby disregarding known facts and thus the possibility of rational decision making. It could well be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be viewed as unethical or even corrupt.

Corruption

The majority of officials uphold the high standards required by public office and are devoted to promoting the general welfare. The ethical standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure an expeditious response from a public official some pecuniary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public.

The corruption of public officials by private interests is usually very subtle, for example, favors by the public to the official under obligation and he gradually substitutes his public loyalties to those doing him favors. The ethical dilemma that faces the public servant with regard to corrupt practices as result of private interests primarily concerns his reaction to the situation. If a corrupt practice or an attempt to corruption is discovered, it is quite possible that the official's personal loyalties or party political affiliations may be in conflict with his official duties. Should he sacrifice the public interest or try to end the corrupt practice by direct personal confrontation, or should he blow the whistle on the practitioner of corrupt practice?

Administrative Secrecy

An area which lends itself to the creation of situations and actions which could prove to become major ethical dilemmas is the secret conduct of public business. This is especially so because secrecy can provide an opportunity to cover up unethical conduct. Secrecy is an ally of corruption and corruption is always practiced in secrecy. It is generally

accepted that in a democracy the people have a right to know what the government intends to do and it would be in the interest of the public for the administration of public affairs to be conducted openly.

Nepotism

The practice of nepotism (the appointment of relations and/or friends to public positions, thereby ignoring the merit principle), may lead to the downgrading of the quality of the public service. This disrupts the esprit de corps and trust and resulting in corrupt administration, owing to the ability of a select few to impair control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others. In other words, those who are appointed with the view that they will conform to the standards and views of their appointing authority could prove to be problematic. The preferential treatment of one individual over another, without taking into account the relative merit of the respective individuals, represents nothing but victimization of an individual or individuals.

Information leaks

Official information is often of such a sensitive nature (for example, pending tax increases, rezoning land, retrenchment of staff) that disclosure of the information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions and can be an ethical dilemma.

Public Accountability

Since public officials are the implementers of public policies, they ought to be accountable for their official actions to their superiors, the courts and the public. It is nevertheless, possible for them to hide behind prescribed procedures, the cloak of professionalism and even political office-bearers.

Policy dilemmas

Policy makers are often confronted by conflicting responsibilities. They have specific loyalties to their superiors, but also to society. They have freedom to act on behalf and in the interest of others, but they must also answer to others - their superiors and society - for their actions. The official's obligation to respect the political process may conflict with his view on how the objects of policy making are treated. In other words, the dilemma of the public official is the clash between his view of the public

interest and the requirements of law.

Other Problem Areas

Apart from the areas of possible conflict referred to above, other problem areas from which ethical dilemmas may arise can be identified, inter alia:

- the political activity of public servants resulting in divided loyalty on the part of those officials who sympathize with the views of a specific political party;
- Other more subtle ethical problems, such as the abuse of sick leave privileges, extended tea breaks and the violation of office rules in general.

Dilemma of the public servant

The potential areas for conflict are not necessary ethical dilemmas in themselves. It is what the public servant does when he is confronted by activities pertaining to these phenomena that could prove to be the ethical dilemma:

1. Would he keep silent when he finds that administrative discretion is abused, or that corruption or nepotism are practiced?
2. Or should he blow the whistle?
3. Should he actively engage in pressure group activities because he sympathizes with their views?
4. Should he actively participate in party politics?
5. Or should he endeavor only to promote the public good and uphold the high standards of public office?

Ethical Dilemma Case Study Types

An ethical dilemma case study is a portrayal of an actual or fictitious scenario, usually multifaceted and illustrate instances dilemma. Under the more generalized category of case study exists several subdivisions, each of which is custom selected for use depending upon the goals and/or objectives. These types of case study include the following:

Illustrative Case Studies

These are primarily descriptive studies. They typically utilize one or two instances of an event to show what a situation is like. Illustrative case studies serve primarily to make the unfamiliar familiar and to give readers a common language about the topic in question.

Exploratory (or pilot) Case Studies

These are condensed case studies performed before implementing a large scale investigation. Their basic function is to help identify questions and select types of measurement prior to the main investigation. The primary pitfall of this type of study is that initial findings may

seem convincing enough to be released prematurely as conclusions.

Cumulative Case Studies

These serve to aggregate information from several sites collected at different times. The idea behind these studies is the collection of past studies will allow for greater generalization without additional cost or time being expended on new, possibly repetitive studies.

Critical Instance Case Studies

These examine one or more sites for either the purpose of examining a situation of unique interest with little to no interest in generalizability, or to call into question or challenge a highly generalized or universal assertion. This method is useful for answering cause and effect questions

Sample Ethical Dilemma Case

Nwankwo is a senior public servant who has worked in two State public service departments over a twenty-year period. Prior to this he was employed as a chartered accountant. In the course of performing his duties, involving primarily monetary and budgeting issues, Nwankwo becomes aware that public revenue is being used inappropriately. While he is not directly responsible for this aspect of the budget, he raised his concerns about the channeling of funds from one part of the budget to another to Uche, the Head of Division. Nwankwo learns that not only is Uche aware of this practice, but also that he condones it. Not long after, Nwankwo is summoned to talk to Uche and to the Director-General about the issue. In preparation for this meeting Nwankwo prepares a short paper that identifies his understanding of the key issues and presents this to Uche and the Director-General. Due to the politically sensitive nature of the issue, Nwankwo is told that the matter is not within his jurisdiction and therefore he should 'keep his nose out of it'. This advice is based on the fact that the incumbent government will not tolerate questions about how it puts its budget together but that it also faces electoral defeat if the matter were to be made 'public'. Nwankwo and his two supervisors are acutely aware of the tensions between the department, the minister and the government. This unease manifests itself around the advice the department provides the minister with, and the advice that the minister and the government want to hear in particular: After much soul searching, Nwankwo decides to obey his supervisors by leaving the matter alone.

Commentary and Discussion

The critical incident in this situation can be summarized as the misuse of public money with senior officials trying to

hide the fact. There seem to be several dominant forces at play in Nwankwo's ethical dilemma. It is apparent that Nwankwo draws upon his beliefs about ethical conduct from his training as an accountant, thus professional ethics is one of the key forces bearing upon his decision. His professional ethics derive from his beliefs about the appropriate role of public employees in serving the public interest. There is the expectation that public servants will use public funds in defensible and ethically accountable ways. The society force refers to key players, such as taxpayers, public servants, government members and groups served by a particular department, who stand to lose in some way by the misuse of public funds. The political framework also appears to be a pervading force in the case study, since there is the politicization of advice evident in the tension between the department, on the one hand, and the minister, on the other hand.

Legal, institutional and organizational factors may have influenced Nwankwo's thinking regarding the dilemma also. The legal factor not only relates to public sector legislation (e.g. Whistleblower Protection, Freedom of Information, and other important guidelines), but what is perceived as legal and illegal behavior for government officials as well. As for the legal factor, the institutional factor concerns codes of conduct and pertinent policies and guidelines that outline correct procedures for reporting incidents like the unethical behavior of colleagues.

Finally, whether the organizational culture in which Nwankwo works is reliant upon relationships of trust (or lack thereof) among organizational members and whether the actions (and past actions) of leaders support or discourage people from reporting unethical behavior are questions of some significance, as an organizational culture that fosters trust and enables leaders to model ethical behavior is one in which organizational members will be encouraged to make ethical decisions.

The political factor seems to be the most potent in directing Nwankwo towards a resolution to the dilemma since he chooses to accept the advice of his supervisors and not to pursue the matter further. By taking this action, Nwankwo risks his commitment to an independent public service and to the professional code of conduct governing accountants. The implication of Nwankwo's decision on the department and government is minimal since the practice of misrepresenting funds remains hidden and no blame is apportioned to them. This situation is not the case for the community as the inappropriate use of public funds could have dire implications for community members who may be disadvantaged in some way or another. While Nwankwo does not lose his job, does not defy his supervisors, and

does not leak this matter to the press, he personally experiences a lingering sense of doubt and guilt that he did not make the best decision at the time. It is evident that Nwankwo's personal and professional values were significantly tested by this dilemma.

It could be argued that the situation Nwankwo finds himself in might be described as one of multiple and conflicting values or accountabilities. There appears to be tensions among sets of competing values. Possible conflicts include:

1. Obeying supervisors' directives versus following his own personal values
2. Choosing to serve the best interests of the community versus the need to be responsive to the government of the day; and
3. Following his professional ethics versus his desire to maintain his career.

In this illustration, there is little doubt that Nwankwo was caught in a highly complex dynamic milieu of factors. The case reinforces the point that public servants do not work within a political vacuum; the context is highly politicized. Public officials also control, in various ways, the use of financial and other valuable resources provided by the community. The use, and misuse of those resources raise important questions of professional ethics for administrators. It is similarly expected that those public officials who control the financial and other resources provided by the community have an ethical obligation to ensure that those resources are used efficiently and appropriately. In the case provided, it is anticipated that Nwankwo would have been aware of the issues identified above when he weighed up the options and reached his decision. In making his final decision Nwankwo seemed to be guided by the principle of what would create the least cost to the majority of the people. In choosing not to act, he considered very carefully the implications and future repercussions of the decision on himself personally, the government and his immediate supervisors. If he had ignored the advice from his supervisors and taken the issue to the minister, Nwankwo may have risked not only his current position but his career as a public servant as well. This consequence could have weighed heavily upon him. Concern over losing one's position and jeopardizing one's future career prospects through making mistakes or failing to take the advice of supervisors was a theme that emerged from a qualitative study of thirty new managers' experiences of ethical dilemmas within organizations (Badaracco & Webb 1995). An important conclusion reached by Badaracco and Webb (1995) was that because people are so concerned about their careers, this can have the effect of 'creat[ing]

strong pressures to choose the easier wrong rather than the tougher right in a difficult situation' (pp. 23-24).

Similarly, in a public sector characterized by intensified politicization and pressure, it appears that there is a greater chance of public servants choosing to give advice to ministers that they know will please them out of fear (Smith & Corbett 1999). By extension, a public servant could refuse to give certain advice to ministers because that advice may displease them. This latter situation seems to be applicable in Nwankwo's situation. His case suggests that the politicization of advice - which might be considered to be the most insidious form of politicization can be related to the appropriate and ethical conduct of public servants and ministers. In an impartial public service Nwankwo would not have feared addressing the issue of misappropriated funds openly with the minister. Providing such advice was the 'right' action to take. It seems that the rhetoric of a politically neutral and impartial public service is at odds with the reality. It appears that the possible dire set of consequences of the dilemma prevented him from being able to take the 'right' action. In fact, it would be a brave individual who would speak out against unethical practices operating within an organizational culture such as the one in which Nwankwo worked. Not only was the organizational culture not conducive to ethical behavior and practices, but also Nwankwo's supervisors lacked the type of leadership essential for promoting, supporting and building an ethical public service.

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Issues of Ethics and Professional Values

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Reaction to Scandals

Scandals have caused a rapid decline in investor confidence, caused governments to “over-legislate, over-regulate, and over-prosecute,” and inspired “state officials to enter the fray for political advantage. Blame for the scandals is laid on a widespread abandonment of adherence to ethical obligations” among corporate leaders. Following the widely known frauds of Enron and WorldCom came scandalous discoveries in the mutual and hedge fund industries, sham bidding schemes by insurance companies, and deliberately misleading accounting statements by mortgage giants. “Is it any wonder the public have doubts over corporate integrity?”

What is Ethics?

In a general sense, ethics is the code of moral principles and values that governs the behaviors of a person or group with respect to what is right or wrong. Ethics sets standards as to what is good or bad in conduct and decision making.

Ethics deals with internal values that are a part of corporate culture and shapes decisions concerning social responsibility with respect to the external environment. An ethical issue is present in a situation when the actions of a person or organization may hurt or benefit others.

Three categories of Human Action

Ethics can be more clearly understood when compared with behaviors governed by laws and by free choice. Figure 1 illustrates three categories of human action.

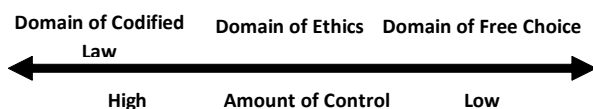


Figure 1: Three Domains of Human Action

Codified law

Where values and standards are written into the legal system and enforceable in the courts. In this area, lawmakers have ruled that people and corporations must behave in a certain way, such as obtaining licenses for cars or paying income/corporate taxes.

Free choice

The domain of free choice is at the opposite end of the scale and pertains to behavior about which law has no say and for which an individual or organization enjoys complete freedom. An individual's choice of religion or a corporation's choice of the number of products/services to offer are examples of free choice.

Area of ethics

Between these domains lies the area of ethics. This domain has no specific laws, yet it does have standards of conduct based on shared principles and values about moral conduct that guide an individual or company.

Summary of the Domain

In the domain of free choice, obedience is strictly dictated by oneself. In the domain of codified law, obedience are laws prescribed by the legal system. Whereas in the domain of ethical behavior, obedience is unenforceable norms and standards of which the individual or company is aware. An ethically acceptable decision is both legally and morally acceptable to the larger community. Many organizations and individuals get into trouble with the simplified view that choices are governed by either law or free choice. It leads people to mistakenly assume that “If it's not illegal, it must be free choice,” as if there were no third domain. A better option is to recognize the domain of ethics and accept moral values as a powerful force for good that can regulate behaviors both inside and outside organizations. As principles of ethics and social responsibility are more widely recognized, companies can use codes of ethics and their corporate cultures to govern behavior, thereby eliminating the need for additional laws and avoiding the problems of unfettered choice.

Ethical dilemma arises because ethical standards are not codified, and disagreements and dilemmas about proper behavior often occur. An ethical dilemma arises in a situation when each alternative choice or behavior is undesirable because of potentially harmful ethical consequences. Right or wrong is not clearly identifiable.

Moral agent

The individual who must make an ethical choice in an organization is the moral agent. Consider the dilemmas facing moral agents in the following situations:

A top employee at your small company tells you he needs you to provide him with health insurance and some time off because he has AIDS. Granting his request will open the floodgate to many other employees with similar problems. You know the employee needs the job as well as the health insurance benefits. Providing health insurance has already stretched the company's finances, and paying this premium will cripple the company financially. Should you accept the request? What will you do?

Guiding Ethical Decision Making

Sometimes ethical decisions entail a conflict between two groups. For example, *as the mayor of your city, should the potential for local health problems resulting from the effluents of a company take precedence over the jobs it creates as the city's leading employer? The Company employs over 60% of the city's residents!.*

Managers faced with these kinds of tough ethical choices often benefit from a normative approach - one based on norms and values to guide their decision making. Normative ethics uses several approaches to describe values for guiding ethical decision making. Five of these that are relevant to managers are the **utilitarian approach, individualism approach, moral rights approach, and justice approach.**

Utilitarian Approach

The utilitarian approach holds that moral behavior produces the greatest good for the greatest number. Under this approach, a decision maker is expected to consider the effect of each decision alternative on all parties and select the one that optimizes the satisfaction for the greatest number of people. The utilitarian ethic was the basis for the state of Oregon's decision to extend Medicaid to 400,000 previously ineligible recipients by the refusing to pay for high-cost, high risk procedures such as liver transplants and bone marrow transplants. Although a few people needing these procedures have died because the state would not pay, many people have benefited from medical services they would otherwise have had to go without. Critics of the utilitarian ethic question whether the common good is squeezing the life out of the individual. Critics also claim that the Oregon decision does not fully take into account the concept of justice toward the unfortunate victims of life threatening diseases.

Individualism Approach

The individualism approach contends that acts are moral when they promote the individual's best long-

term interests. Individual self direction is paramount, and external forces that restrict self direction should be severely limited. Individuals calculate the best long-term advantage to themselves as a measure of a decision's goodness. The action that is intended to produce a greater ratio of good to bad for the individual compared with other alternatives is the right one to perform. In theory, with everyone pursuing self direction, the greater good is ultimately served because people learn to accommodate each other in their own long-term interest. Individualism is believed to lead to honesty and integrity because that works best in the long run. Lying and cheating for immediate self-interest just causes business associates to lie and cheat in return. Thus, individualism ultimately leads to behavior toward others that fits standards of behavior people want toward themselves.

Moral-Rights Approach

The moral-rights approach asserts that human beings have fundamental rights and liberties that cannot be taken away by an individual's decision. Thus all ethically correct decision are ones that best maintain the rights of those people affected by it. Moral rights that could be considered during decision making are:

The right of free consent: Individuals are to be treated only as they knowingly and freely consent to be treated.

The right to privacy: Individuals can choose to do as they please away from work and have control of information about their private life.

The right to freedom of conscience: Individuals may refrain from carrying out any order that violates their moral or religious.

The right to due process: Individuals have a right to an impartial hearing and treatment.

The right to life and safety: Individuals have a right to live without endangerment violation of their health and safety. To make ethical decisions based on the moral rights approach managers need avoid interfering with fundamental rights of others. Thus, a decision to eavesdrop on employees violates their right to privacy. Sexual harassment is unethical because it violates the right to freedom of conscience.

The right to free speech would support whistleblowers who call attention to illegal or inappropriate actions within a company.

Justice Approach

The justice approach holds that moral decisions must be based on standards of equity, fairness, and impartiality. Three types of justice should be of concern to managers.

These include;

- Distributive justice
- Procedural justice &
- Compensatory justice

Distributive justice requires that different treatment of people not be based on arbitrary characteristics. Individuals who are similar in respects relevant to a decision should be treated similarly. Thus men and women should not receive different salaries if they are performing the same job. However, people who differ in a substantive way, such as job skills or job responsibility, can be treated differently in proportion to the differences in skills or responsibility among them. This difference should have a clear relationship to organizational goals and tasks. Procedural justice requires that rules be administered fairly. Rules should be clearly stated and be consistently and impartially enforced. Compensatory justice argues that individuals should be compensated for the cost of their injuries by the party responsible. Moreover, individuals should not be held responsible for matters over which they have no control.

Factors Affecting Ethical Choices

When managers are accused of lying, cheating, or stealing, the blame is usually placed on the individual or on the company situation. Most people believe that individuals make ethical choices because of individual integrity, which is true, but it is not the whole story. Ethical or unethical business practices usually reflect the values, attitudes, beliefs, and behavior patterns of the organization culture; thus, ethics is as much an organizational as a personal issue.

Managers bring specific personality and behavioral traits to the job. Personal needs, family influence, and religious background all shape a manager's value system. Specific personality characteristics, such as ego, strength, self-confidence, and a strong sense of independence, may enable managers to make ethical decisions. One important personal trait is the stages of :

Pre conventional level

At the pre conventional level individuals are concerned with external rewards and punishments, and they obey

authority to avoid detrimental personal consequences. In an organizational context, this level may be associated with managers who use an autocratic or coercive leadership style, with employees oriented toward accomplishment of specific tasks.

Conventional level

At level two, called the conventional level, people learn to conform to the expectations of good behavior as defined by colleagues, family, friends, and society. Meeting social and interpersonal obligations is important. Work group collaboration is the preferred manner for accomplishment of organizational goals, and managers use a leadership style that encourages interpersonal relationships and cooperation.

Moral development

At the high moral development or principled level, individuals are guided by an internal set of values and standards and will even disobey rules or laws that violate these principles. Internal values become more important than the expectations of significant others. For example, when a navy ship sank after being torpedoed during World War II, one navy pilot disobeyed orders and risked his life to save men who were being picked off by sharks. The pilot was operating from the highest level of moral development in attempting the rescue despite a direct order from superiors. What are the implications for the pilot's actions?

The great majority of managers operate at level one. Not many advance beyond level two and only few reach the level three stage of moral development. People at level three are able to act in independent, ethical manners regardless of expectations from others inside or outside the organization. Managers at level three of moral development will make ethical decisions whatever the organizational consequences for them.

Transformative or Servant Leadership

When managers operate from this highest level of moral development, they use transformative or servant leadership, focusing on the needs of followers and encouraging others to think for themselves and to engage in higher levels of moral reasoning. Employees are empowered and given opportunities for constructive participation in governance of the organization.

Organization

The values adopted within the organization are important; especially when we understand that most people are at the level two stage of moral development, which means they believe their duty is to fulfill obligations and expectations of others. Research has shown that the values of an organization or department strongly influence employee behavior and decision making. In particular, corporate culture serves to let employees know what beliefs and behaviors the company supports and those it will not tolerate.

For example, an investigation of thefts and kickbacks in the oil business found that the cause was the historical acceptance of thefts and kickbacks. Employees were socialized into those values and adopted them as appropriate.

Guidelines for Ethical Decision-Making

When confronted with ethical dilemmas, managers use such criteria as whether they would be proud to tell their parents or grandparents about their decision or whether they could sleep well at night and face themselves in the mirror in the morning. Managers often rely on their own personal integrity in making ethical decisions. But knowing what to do is not always easy. As a future manager, you will almost surely face ethical dilemmas one day. The following guidelines will not tell you exactly what to do, within the context, will help you evaluate the situation more clearly by examining your own values and those of your organization. The answers to these questions will force you to think hard about the social and ethical consequences of your behavior.

1. Is the problem/dilemma really what it appears to be? If you are not sure, find out.
2. Is the action you are considering legal? Ethical? If you are not sure, find out.
3. If you do it, how will you feel about yourself?
4. Do you understand the position of those who oppose the action you are considering? Is it reasonable?
5. Who does the action benefit? Harm? How much? How long?
6. Would you be willing to allow everyone to do what you are considering doing?
7. Have you sought the opinion of others who are knowledgeable on the subject and who would be objective?
8. Would your action be embarrassing to you If it were made known to your family, friends, coworkers, or superiors?

Conclusion

There are no correct answers to these questions. Yet, if you determine that an action is potentially harmful to someone or would be embarrassing to you, or if you do not know the ethical or legal consequences, these guidelines will help you clarify whether the action is socially responsible.

Reflections on Public Service Dilemmas: Nigeria's Experience

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Preamble

This paper is a continuum of the growing global concern for promoting ethical fitness as an underpinning tonic for sound public service and better governance. The ongoing globalization of market economies and information technology demand for demonstrable commitment to transparent sound ethical fitness in the public service, and the strategic focus of this Conference on Public Service Code of Ethics, and Reflections on (Public Service) Ethical Dilemmas, from which this paper has emerged, is an expanded expression of the same concern.

Be that as it may, this paper reflects on Nigeria's experience in dealing with public service ethical dilemmas with the aim of highlighting some useful lessons for improved public service. In doing this, the structure of the presentation comprises: a synoptic overview of the normative nature of public service ethical dilemmas; Nigeria's experience in dealing with public service ethical dilemmas; and concluding remarks.

Normative Nature of Public Service Ethical Dilemmas

In the public service domain, normative nature of ethics tends to be in the frontline of ethical reasoning, thereby downplaying its empirical dimension. Consequently, public servants usually understand ethics to be a system of prescribed and commonly shared values and standards [e.g. trustworthiness (i.e. honesty, integrity, reliability and loyalty), responsibility (i.e. accountability, pursuit of excellence, self-restraint), fairness (i.e. open and unbiased process, impartiality, equity), respect (i.e. civility, courtesy, decency, and tolerance) and compassion], and rules of conduct (especially, those regarding financial gains, use of public resources, transparency and accountability, fair process, etc.) for guiding the obligatory, permissible, and prohibitive official conduct in the public service. Invariably, demonstrable due compliance with ethical values, standards and rules would bolster public confidence and trust in the public service, whilst ethical misconduct would erode that same confidence and trust.

Accordingly, ethical dilemmas do arise when a public-servant-decision-maker has to choose between competing considerations of ethical values and rules in order to

determine the right-thing-to-do. These dilemmas are in three broad categories:

- Personal Cost Ethical Dilemmas, arising from situations in which compliance with ethical conduct results in a significant personal cost (e.g. jeopardizing held position, missing opportunity for financial or material benefit, injuring valued relationship etc.) to the public-servant-decision-maker and/or the Agency;
- Right-versus-Right Ethical Dilemmas, arising from situations of two or more conflicting sets of bona fide ethical values (e.g. public servants' responsibility of being open and accountable to citizens versus that of adhering to the Oath of Secrecy/Confidentiality etc.); and
- Conjoint Ethical Dilemmas, arising from situations in which a conscientious public-servant-decision-maker is exposed to a combination of the above-indicated ethical dilemmas in searching for the "right-thing-to-do".

Nigeria's Experience in Dealing with Public Service Ethical Dilemmas

Perhaps, it is worthwhile to use the above-sketched defining characteristics of normative ethics in reflecting on Nigeria's experience in dealing with public service ethical dilemmas. The reflection focuses on the:

- frequently encountered ethical dilemmas; and
- adopted framework of mechanisms for improving ethical fitness
- Frequently Encountered Ethical Dilemmas tend to arise from three critical relations of:
 - Civil Servants and Political Office Holders;
 - Civil Servants and Citizens; and
 - Intra-Civil Service [i.e. Ministries, Departments and Agencies (MDAs) that make up Nigeria's Civil Service].

Civil Servants and Political Office Holders

Classical cases arise from the management of the relationship between the Minister, who is an extraction of the political office holders' class, and the Permanent Secretary, who is an extraction of the Civil Servants' class.

Conventionally, the Minister is the Political Head and Chief Executive of the Ministry. Before assuming duties of office, the Minister subscribes to the Ministerial Code of Conduct and Ethics and publicly expresses commitment to uphold it with a view to preserving and enhancing public confidence and trust in the public service.

On his part, the Permanent Secretary is the Chief Policy Adviser to the Minister, Administrative Head, and Accounting Officer of the Ministry. In the exercise of these responsibilities, he ought to strictly adhere to the prescribed and commonly shared ethical values and standards, and rules of conduct in the public service, whilst demonstrating unflinching loyalty to the Minister.

However, in practice, the management of the discharge of the foregoing responsibilities often triggers conflict between the Minister and the Permanent Secretary, especially over expenditure and administrative controls. The Minister is usually under the pressure of material and pecuniary demands from his political, social and family constituencies. For political expediency, he may feel obligated to meet the demands. Consequently, he may decide to ignore the Ministerial Code of Conduct and Ethics, and transfer the demands to the Permanent Secretary, with a directive to oblige. But it may be clear that meeting such demands may lead to violation of the acceptable accounting standards and practices, as well as administrative ethical principles.

In trying to arrive at the right-thing-to-do, the Permanent Secretary's conscience may raise a myriad of perplexing questions, including:

- Would refusal to oblige the Minister's directive not displease him, thereby straining the relationship between the Minister and the Permanent Secretary, and echoing the latter's disloyalty to the former?
- Would a protracted conflict, arising from this incident, not stunt the delivery on the Ministry's mandate and adversely affect the corporate image of the Ministry with a collateral damage on the required public confidence and trust?
- Would succumbing to the pressures of the Minister, with a view to pleasing him, not lead to the violation of the acceptable accounting standards and practices, as well as administrative ethical principles, thereby derailing Nigeria's crusade for sound public service ethical fitness?
- Would a violation of the public service ethics not expose the Permanent Secretary to the risk of misconduct sanctions (i.e. termination, dismissal, retirement in public interest etc.) as contained in the

applicable sections of the Public Service Rules, and anti-corruption laws, notably, the EFCC, ICPC and Public Procurement Acts?

- Would such an act not be inimical to the overall corporate image of the public service?
- In such a situation, would the Permanent Secretary's reliance on the advice of participants at the Maiden Annual Forum of Serving and Retired Permanent Secretaries (July 2009) provide a valuable exit? It would be recalled that the participants' advice is that Permanent Secretaries should, inter alia:
 - o strike a healthy balance between their responsibilities as Accounting Officers and that of the Honorable Ministers as Chief Executives to avoid unnecessary conflict;
 - o uphold the rule of law, due process, firmness, fairness and tact in carrying out their responsibilities; and
 - o uphold the highest administrative, financial, ethical and moral standards in the Civil Service, irrespective of political pressure

As a footnote to the foregoing, it needs to be observed that the application of these optional principles by Permanent Secretaries in practice is not always easy for resolving ethical dilemmas that confront them. For example, the application of the option of striking a balance is a form of euphemism for acquiescence while the other two options are squarely all about maintaining integrity and perhaps damming the consequence. However, very tactful Permanent Secretaries do get the Ministers to commit all their demands in writing in such a way that puts potential culpability on the Ministers. In this way, Ministers with excessive tendencies for unethical actions are checked within the boundaries of the law. The Nigerian experience shows that many Permanent Secretaries have been able to resolve this dilemma in the performance of their duties.

Civil Servants and Citizens

Ethical dilemmas arising from the relationship between the civil servants and citizens are in the domain of service delivery. The citizens expect that their entitled service should be delivered timely, fairly, honestly, efficiently, effectively, and transparently. On their part, civil servants have subscribed to meeting the citizens' expectations through the SERVICOM Charters, which have been developed and publicly displayed in every Ministry, Department and Agency (MDA), but in a manner that does not compromise the principle of confidentiality of official information.

However, in practical terms, the selection of a deemed best course of action, from amongst several competing options, has usually depended on the administrative discretionary choice of the civil-servant-decision-maker. And this poses an acute anxiety for appropriate answers to perplexing questions such as:

- Which preferred administrative discretionary choice would demonstrate professional discipline, equity, impartiality, fairness, honesty, integrity, reliability, pursuit of excellence, accountability, and pre-eminence of loyalty to the principle of safeguarding the best interest of the citizens, thereby enhancing public confidence and trust in the public service?
- Which preferred administrative discretionary option would offend the sensibilities of the citizens with a collateral damage on public confidence and trust in the public service?
- Which preferred administrative discretionary choice would please the citizens at the expense of the survival, growth and development of the public service?

Intra-Civil Service

Being the Administrative Head of the Ministry, the Permanent Secretary is frequently confronted with situations requiring his decision on meeting staff expectations on a range of matters such as training, welfare, promotion and discipline. In search of the right-thing-to-do, he is guided by the applicable policies on staff matters, and is assisted with the opinions of the Directors of Departments and designated staff committees.

However, he is also confronted with pressures from a myriad of vested interests. In trying to strike a balance between the applicable policy guidelines and the mounting pressure from the various vested interests, the civil-servant-decision-maker faces a daunting quandary that triggers series of questions in his thinking process. Such questions include:

- What would be the best line of action to take towards boosting staff morale and productivity, being a valuable tonic in discharging the Ministry's mandate?
- What would be the best course of action to take towards promoting professional merit and meeting staff expectations whilst avoiding waste of government resources?
- What would be the best line of action to take towards preventing conflict between self-interest and best interest of staff?

Framework of Mechanisms for Improving Ethical Fitness

In navigating through the labyrinths of ethical dilemmas, Nigeria's public servants have had to be creative and artful whilst relying on guidance from the country's adopted framework of mechanisms for enthroning sound ethical fitness. This framework of mechanism resonates the contemplation of Article 23 of the Charter for Public Service in Africa, which enjoins public functionaries to refrain: from any activity that is inconsistent with ethics and morality, such as misappropriation of public funds, favoritism, nepotism, discrimination, influence peddling or administrative indiscretion; from soliciting, accepting, demanding or receiving, directly or indirectly, any payment, gift or other advantage in kind, in return for performing or refraining from performing their functions or obligations; from offering gifts or other advantages that might influence in their favor or in favor of family members and friends, the judgment or decision of another person; and from using public property or prevailing upon subordinates to perform activities other than those falling within the scope of their functions or mandates. But challenges do exist in the operationalization of this framework of mechanisms. The foregoing is summarized here-below.

Preventing Ethical Misconduct

The common methodology for delivering on this framework of mechanisms include:

Re-Sensitization Program on Ethical Values and Standards with a view to halting the decline of the time-honored ethical principles and rules in the public service; broadening and deepening the general public's understanding of ethics in the public service; and promoting the culture of sound ethical fitness.

Highlights of the operational activities comprise:

- General public enlightenment campaign, which spans the Ethical Revolution (1981); War Against Indiscipline (1986); MAMSER (Mass Mobilization for Self-Reliance, Social Justice, and Economic Recovery) (1987) and its successor agency, NOA (National Orientation Agency). Others are Independent Corrupt Practices and Other Related Offences Commission (ICPC), established in 2000 with a mandate to educate and enlighten the public on and against corruption and other related offences towards enlisting and fostering public support for the anti-corruption war; SERVICOM (Service Compact with

all Nigerians), established in 2004 and has produced Charters for its operational day-to-day implementation in all the Federal Government Agencies -the Charters are the basis for Customers' expectations of quality service delivery, demand of their rights to good service, recourse when service delivery fails, and involvement in the Service Delivery Program; Nigeria's Re-branding Project(2009), and STEPS (Stewardship, Trust, Engagement, and Professionalism) (2009); peer consultative forums, notably, the Federal Service Management Committee (an assembly of all Federal Permanent Secretaries under the chair of the Head of the Civil Service of the Federation) for peer-review and advice on performance in the MDAs, including analysis of ethical dilemmas; Retreats and Workshops where ethical issues resonate both in deliberations and conclusions, culminating in public declaration of re-commitment to upholding ethical values and standards [e.g. 2001 Kuru Declaration, Deliberations and Conclusions of the Maiden Annual Forum of Serving and Retired Permanent Secretaries (July 2009) etc.]; and embodiment of values re-orientation in the national development agenda, notably the APRM Nigeria's 2008 National Program of Action (NPOA), which underscores ethical re-orientation of public servants as a critical step in curbing corruption and scaling up integrity;

- Training in Ethical Values and Standards, as contemplated in the Public Service Ethics/Integrity Resource Project, under the on-going public service reform program, for enhancing the capacity of public functionaries in analyzing and resolving the commonly encountered ethical dilemmas;
- Leading by example, as subscribed to by all the serving Ministers and Special Advisers to the President in the Ministerial Code of Conduct and Ethics, and as further demonstrated in the case of the late President Yar'Adua's declaration of his assets and liabilities to the Code of Conduct Bureau and publishing same in the media. This has been adjudged by some public policy analysts as a practical demonstration of leadership commitment to promoting a culture of sound ethical fitness in the public service, which transcends mere compliance with the constitutional requirements in the Code of Conduct for Public Officers as spelt out in the 5th Schedule, Part 1, Section 11 of the 1999 Constitution of the Federal Republic of Nigeria. Indeed, the 2008 APRM Country Review Report on Nigeria (a deliverable from Nigeria's governance review by the Committee of Participating African Heads of State and Government in APRM) has recognized and applauded this development as one of Nigeria's best practices of commitment to

transparency in governance.

Promoting Administrative Accountability

This has been done by enshrining ethical values and standards in the:

- Codes of Conduct, encouraging public servants to adhere to the mandatory and permissible conduct in the public service. Relevant indicators include, the 1999 Constitution of the Federal Republic of Nigeria, which provides for National Ethics, Code of Conduct for Public Officers, abolishment of corrupt practices and abuse of power, and Oath of Office for Principal Officers of the Executive, Legislative and Judiciary Arms of Government at both the Federal and State Levels (vide Chapter II, Section 23; 5th Schedule, Part I; Chapter II, Section 15 (5), and 7th Schedule, respectively, of the said Constitution); Civil Service Handbook, which spells out the Code of Ethics in Government Business in its Chapter 4, underscoring the value of discipline and adherence to service rules and regulations; Ministerial Code of Conduct and Ethics, to which all serving Ministers and Special Advisers to the President publicly subscribe and express commitment to uphold towards preserving and enhancing public confidence and trust in the integrity, objectivity and impartiality of public functionaries;
- Laws and rules, which prohibit misconduct and corruption, as well as prescribe appropriate punishments for violators, e.g. regular penal codes criminalizing corruption; Corrupt Practices and Other Related Offences Act (2000); Economic and Financial Crimes Commission (Establishment) Act (2002); Public Procurement Act (2007); Fiscal Responsibility Act (2007); Nigeria EITI (Extractive Industries Transparency Initiative) Act 2007; 2008 Public Service Rules (PSR), which prohibit misconduct, and serious misconduct, as defined in PSR 030301 and PSR 030401 respectively, but also prohibit seeking influence of prominent persons (FR 030427), receipt of presents in recognition of service rendered or anticipation of service to be rendered (FR 030433), bribery and corruption (FR 030434), and conduct prejudicial to state security (FR 030501); and 2009 Financial Regulations (FR), which provide guidance to all public officers in carrying out government financial transactions (FR 101);
- Public Service Reforms, a series of which was launched with the constitution of the Gorsuch Committee in 1954, have been undertaken to reposition the federal public service for better

performance. In the same vein, the Federal Government of Nigeria launched the on-going Public Service Reform Programme (PSRP) in 2003. Its implementation is being guided by the National Strategy for Public Service Reform (NSPSR). The Strategy document provides a common vision and a long term agenda (including ethical and accountable workforce with a changed work culture) to guide the rebuilding and transformation of the Federal Public Service to a world-class standard for achieving Nigeria's Vision 20:2020.

Establishment of Integrity and Moral Rectitude Watchdog Bodies, including:

- Internal bodies such as the Code of Conduct Bureau, which has been enshrined in the 1999 Constitution of the Federal Republic of Nigeria by the provisions of its Section 153 and the 3rd Schedule, Part 1, Section 1; Public Complaints Commission (PCC) (Nigeria's Ombudsman), established by Decree No. 31 of 1975 (as amended by Decree No. 21 of 1979) with the mandate to provide impartial investigation of complaints received from aggrieved citizens against government agencies (i.e. Federal, State, and Local Governments), corporate organizations and their officials; Bureau of Public Procurement (BPP), established by the provisions of the Public Procurement Act 2007, with the mandate to prevent fraudulent and unfair procurement, and where necessary apply administrative sanctions; Auditor-General for the Federation (AuGF), mandated to undertake financial audit, appropriation audit, financial control audit, and value-for-money audit with a view to ensuring due compliance with the applicable accounting practices and standards (vide FR 108 and FR 109 of the 2009 Financial Regulations);
- Independent external bodies, including the Media, organized Non-Governmental Actors [e.g. Nigerian Chapters of Transparency International, and Friedrich Ebert Foundation, Integrity Club (formed in 1998) etc.], and professional bodies [e.g. Institute of Chartered Accountants of Nigeria (ICAN), Nigerian Medical Association (NMA), Nigerian Bar Association (NBA) etc.] have been actively involved in the crusade for promoting compliance with ethical principles in the country.

Managing and Enforcing Ethical Principles and Laws
Nigeria believes that the emplacement of a framework of mechanisms for preventing misconduct in the public service is necessary but not sufficient per se. This measure needs to be supported with structured

mechanisms for managing misconduct and enforcing compliance with the acceptable ethical principles for enthroning effective and durable sound ethical fitness. Such management and enforcement measures not only facilitate the disciplining of violators, but also deter would-be violators. To this end, Nigeria has established a system for:

- Disclosure of misconduct and corruption, which encourages and protects whistle-blowers under the principle of confidentiality of official information, whilst providing adequate avenues and procedures for facilitating disclosure and investigation of misconduct or corruption cases. This measure, which necessitated the placement of Public Suggestion Boxes at the entrances and exits of Government Agencies, has been reflected in several administrative instruments, with varying degrees of emphasis, notably, the 2008 Public Service Rules (PSR), which provide procedures for reporting misconduct (PSR 030304), disciplinary procedure for misconduct and serious misconduct (PSR 030305), and petitions and appeals (Chapter 9); and the Code of Conduct Bureau, Public Complaints Commission, SERVICOM and Economic and Financial Crimes Commission etc. have established procedures for receiving complaints and appeals without hindrance from aggrieved citizens and for protecting the petitioners. Furthermore, the Auditor-General for the Federation (AuGF) is empowered by Section 88 of the 1999 Constitution of the Federal Republic of Nigeria to investigate and expose corruption, inefficiency or waste of public funds to the National Assembly, whilst Section 128 of the same Constitution replicates same for the 36 States of the Federation;
- Disciplinary control is being exercised via the occasional Ad-Hoc Commissions of Inquiry, and the established investigating, disciplinary, and prosecuting bodies, notably, the Disciplinary Committees provided in the 2008 Public Service Rules, especially its Chapter 3 which is dedicated to discipline; Independent Corrupt Practices and Other Related Offences Commission (ICPC), and Economic and Financial Crimes Commission (EFCC), are mandated to prohibit and prescribe punishment for corrupt practices and other related offences as well as economic and financial crimes, whilst the Attorney-General of the Federation and Minister of Justice is empowered to prosecute perpetrators of corruption in his capacity as the Chief Law Officer of the Federation (vide Section 150 of the 1999 Constitution of the Federal Republic of Nigeria). Furthermore, the ICPC has the power to investigate petitions against

public functionaries hitherto granted constitutional immunity i.e. the President, Vice-President, Governors and Deputy-Governors. Again, the Constitutional Oversight Bodies (i.e. the Senate Committees on Ethics and Petitions; Public Accounts; and Finance and Appropriations, and House of Representatives' Committees on Ethics and Privileges; Public Service Matters; Public Petitions; Appropriation; Finance; and National Ethics, Values and Anti-Corruption) have powers to investigate alleged cases of corruption and visit the necessary disciplinary sanctions on violators.

Commonly Encountered Challenges

The commonly encountered challenges comprise the:

- immunity clause in Section 308 of the 1999 Constitution of the Federal Republic of Nigeria which protects sitting President and Vice-President at the Federal level, and Governor and Deputy Governor at the State level from facing civil or criminal proceedings. Undeniably, this constitutes a daunting hurdle in driving the anti-corruption crusade, in spite of the ICPC's powers to investigate but without the powers to prosecute the beneficiaries of the immunity clause;
- reticence of some public servants to disclose ethical misconduct within the Public Service in spite of provisions for encouraging and protecting whistle-blowing. This is believed to arise from the prevailing ignorance on the rights and obligations of whistle-blowing, and/or the fear of risking personal cost ethical dilemma (e.g. jeopardizing held position, missing opportunity for financial or material benefits, injuring valued relationship etc.);
- subsisting obstacles to sound ethical fitness, notably self-interest, self-protection, self-deception, self-righteousness, and self-indulgence in dishonesty, corruption, nepotism, indiscipline, and prejudices etc.;
- lack of fair remuneration that is commensurate with the civil servants' responsibilities and performance, and enables them to live in dignity, and insecurity of tenure of Civil Servants (especially regarding the uncertainties of retirement life), do trigger and sustain ethical misconduct in the public service. This concern, which has sustained the perennial tug of war of wits between the Civil Service Unions and the Governments, featured prominently at the discussions of the Maiden Annual Forum of Serving and Retired Federal Permanent Secretaries (July 2009) leading to call on government to put in place a living wage package for Civil Servants by "assessing the correlation between the existing salaries and inflationary trends and establishing a sensitive salary

regime";

- conflict of interest, arising mainly from pressure to make ends meet. For instance, as a result of poor remuneration, a sizeable number of Civil Servants engage in secondary income generating activities which often times clash with their official time; and
- environmental challenges in the city of Abuja (Nigeria's capital) create additional ethical dilemmas for Civil Servants in such areas as housing and transportation. Lateness to work has become a key feature in this regard.

Concluding Remarks

As a way of conclusion, it is worthwhile to recall and underscore that:

- preventing and managing misconduct as well as enforcing ethical values and standards are very complex issues. However, a possible exit is for the public servants to ensure that their official conduct is always guided by the emplaced mechanisms for improving ethical fitness;
- demonstrable political commitment at the highest political authority level is critical for successful promotion of durable sound ethical fitness;
- peer consultation is very valuable in navigating through the labyrinth of ethical dilemmas in the public service; and
- respect of public perception is very critical because public functionaries are stewards of public confidence and trust, which can only be gained and maintained by consistent avoidance of not only actual ethical misconduct, but very importantly the public perception of it.

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Clash Between Religious Values and Regulations Governing the Conduct of Public Organizations

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Introduction

The relationship between religious values and regulations governing the conduct of business in public organizations still presents challenges to decision makers. Whilst some people believe that the rights and freedoms of the citizens as enshrined in the country's constitution should not be violated under any circumstances, some contend that the operations of public organizations should not be affected negatively by the religious values cherished and upheld by their members. It therefore becomes imperative for one to ask the question: should the interests and operations of public organizations take precedence over their members' constitutional right to worship God?

The case study

The University of Botswana community is made up of people of different religions. Some of the staff members and students are Muslims while some are Christians. The differences between the two religions are well known and have sparked tensions in certain parts of the world. It is also common knowledge that the different Christian denominations have different ways of doing things as evidenced by the fact people who belong to the Seventh Day Adventist Church go to church on Saturdays. According to them, the Sabbath starts at 6pm on Friday and ends at 6pm on Saturday. During this period, all members are not supposed to do anything that may be viewed or perceived as "work." Members of other churches such as the Methodist church, Anglican etc. on the other hand, go to church on Sundays.

As a result of these differences, the University of Botswana was at one stage faced with a difficult task of satisfying the religious interests and liberties of members of the Seventh Day Adventist church without compromising the welfare and the interests of other religious groups. As a way of ensuring that students are not overburdened with work during the final examination period, a decision was taken that some of the papers should be written on weekends. Members of the Seventh Day Adventist church demanded that they be excused from sitting final examinations on Friday evenings and Saturdays because that is the time that they use to worship God.

They contended that the university has no right to force them to sit examinations on their day of worship because the country's constitution gives them the right to worship God as freely as possible. Instead of being forced to comply with the university regulations governing the conduct of final exams, they argued that special exams must be set for them so that they can worship without any hindrance from the university authorities.

When the issue was discussed at the departmental level, some departments felt that the exams regulations should be enforced without fail. This means that those who fail to sit for exams because of religious reasons should be awarded a zero mark as it is done with those who fail to sit exams for personal reasons. The argument advanced was that students can make a choice between their academic work and their religious beliefs more especially that the University of Botswana is not a secular institution. Most importantly, some people argued that if students do not sit for the final exams because of their religion, Lecturers will be forced to prepare special exams for them thus increasing their workload particularly in a university where final exams have to be moderated and be presented to a departmental board for approval.

Other members of staff argued that by failing to accommodate the interests of the affected students, the university will be contravening the country's constitution which gives people the right and freedom to worship as they please. They strongly contended that it will be highly embarrassing for an institution of higher learning to trample upon the fundamental human rights and freedoms of the affected students.

Conclusion

As a result of this stalemate, the university management decided that all final exams scheduled for weekends will go ahead as it has always been done. It was explained in clear terms that all students who miss exams for personal or religious reasons will be awarded a zero mark and will have to retake the course(s) that they have failed when they are offered again in the subsequent semesters. This is because students belonging to other Christian denominations wanted to be accommodated and argued that they should also be exempted from sitting for exam

on Sundays. The Muslims also contended that no exams should be set for Fridays because that would deny them an opportunity to go to the mosque and pray. Hence, the university management decided that religious beliefs should not be allowed to interfere with the operations of the university.

Reflections on Ethical Dilemmas in the Implementation of a New Performance Appraisal System (Pas) in the Public Service, the Kenyan Case

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Case Overview

The Government of Kenya launched a Strategy for Performance Improvement in the Public Service in 2004. The strategy sought to increase productivity and improve service by optimizing the human resources employed in the public service. It outlined the actions that were necessary for a lasting and sustainable change in the way public services are offered. Consequently, the Ministries and all Government departments were required to develop a performance management system that includes strategic plans, human resource planning, performance contracting, annual work plans, monitoring and evaluation and a Performance Appraisal System (PAS).

Since the introduction of the performance management strategy, the public service has improved in terms of service delivery. However, the whole area of performance appraisal system is surrounded by a wide range of ethical dilemmas that senior public officers continue to wrestle with. Senior public officers experience difficulties in objectively appraising staff due to cultural bias, habits and beliefs that inhibit professionalism in the appraisal system. In most cases, staff evaluation scores are too high yet the objectives or the targets are not met.

The Kenyan case study will examine some of the ethical dilemmas experienced by the public servants in Kenya during the implementation of performance management strategy at the PAS stage.

Introduction

The subject of ethics in Public Service has attracted a lot of attention in the recent past. Admittedly, public officers the world over are confronted daily by ethical dilemmas in many areas of service delivery. These ethical dilemmas become more complicated as the public officers find themselves serving in a rapidly changing work environment. According to Lewis and Gilman (2005) ethics are standard actions that persist over time and that identify what is right and proper. Ethics is that which conforms to professional standards of behavior. One

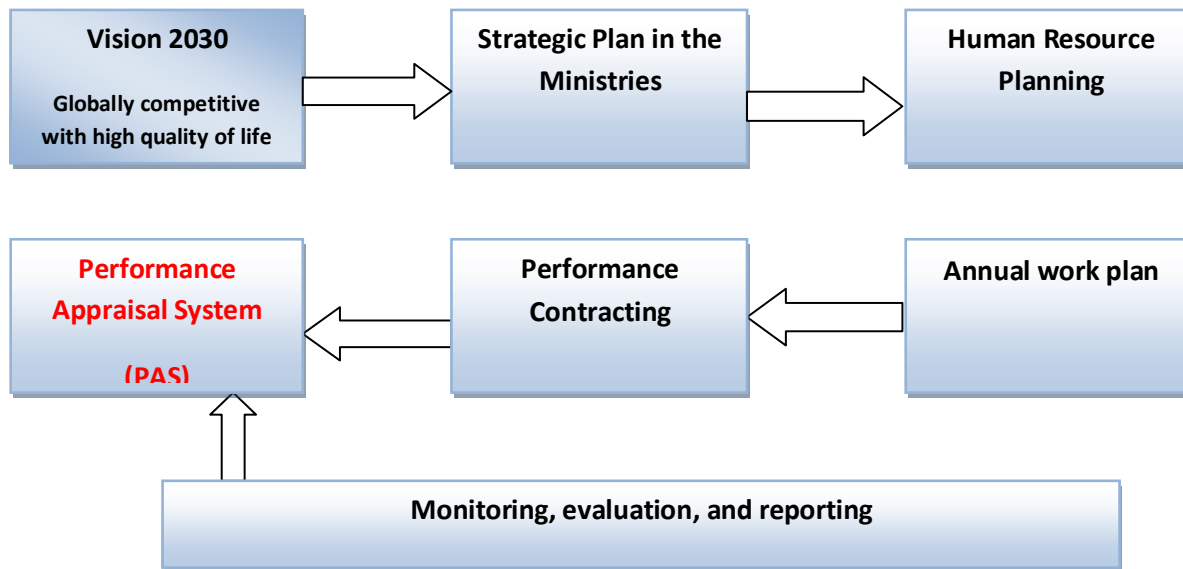
of the challenges faced when dealing with ethics is the fact that there is no shared understanding of what ethics mean when applied in public service. For instance, do the social values change over time, and should they, therefore, be open to questioning and debate? An ethical dilemma arises in a complex situation which creates a mental conflict between choices. Nevertheless, it is widely acknowledged that a public service committed to professionalism and ethics is more likely to achieve its goals if an ethics infrastructure has been put in place. The public service as a profession should champion values of civility, probity, decency, integrity, transparency, accountability, and fairness among others. The public expects, and even demands, that public officers demonstrate a high level of ethical behavior and professionalism.

The call for higher moral and ethical grounds among public officers has increased in the last decade. To respond to the call, the Government of Kenya enacted the Public Officers Ethics Act, 2003 to guide the public officers and members of the public and help them understand and resolve ethical dilemmas in their daily work and interactions.

Kenyan Experience

The Government of Kenya launched a Strategy for Performance Improvement in the Public Service in 2004. The strategy sought to increase productivity and improve service by optimizing the human resources employed in the public service. It outlined the actions that were necessary for a lasting and sustainable change in the way public services are offered. Consequently, the Ministries and all Government departments were required to develop a performance management system that includes strategic plans, human resource planning, performance contracting, annual work plans, monitoring and evaluation and a Performance Appraisal System (PAS).

The framework below shows the performance management cycle in the public service in Kenya. Since the introduction of the performance management



strategy, the public service has improved in terms of service delivery. However, the whole area of performance appraisal system is surrounded by a wide range of ethical dilemmas that senior public officers continue to wrestle with. Senior public officers experience difficulties in objectively appraising staff due to cultural bias, habits and beliefs that inhibit professionalism in the appraisal system. In most cases, staff evaluation scores are too high yet in reality the objectives or the targets are not met.

Dilemmas in PAS Implementation

The Kenyan case study will examine some of the ethical dilemmas experienced by the public servants in Kenya during the implementation of performance management strategy at the PAS stage. The Kenya Institute of Administration (KIA) was tasked with responsibility of training on the implementation of PAS to the senior officers in the Ministries. Though the issue of performance appraisal was not entirely new in the public service, the Government has faced a myriad of challenges in implementation over the years. The handling of the appraisal process was far from being professional and most of the officers were not committed to it. Some of the ethical dilemmas included the following:

1. Resistance to change from the old system of appraisal to the new appraisal system. There was outright contempt from supervisors who kept saying that PAS could not work but without pointing out precisely the aspects of the appraisal system that was not working. Much of the contempt was as a result of supervisors fearing their work being measured and revealing their weak performance. How do you make staff embrace the PAS tool when they are suspicious that appraisal

2. results may affect their prospects for promotion? Supervisors failed on their roles of discussion on targets, scoring and provision of timely feedback to the appraisees. Some of the supervisors felt incompetent to discuss targets and advice their subordinates accordingly raising the question of how do you reduce power distance for effective negotiations between a supervisor and supervisee? How do we get public officers to accept that acknowledging lack of knowledge in a certain area is not a weakness but it is an opportunity for learning?
3. Misrepresentation of facts. Sometimes the supervisors would want to please everyone (Mr. / Ms Nice) and hence give good scores to all. This means that the employees would never know their performance gaps even when such existed. How can public officers candidly give objective performance feedback and maintain good working relations with staff?
4. Knowingly setting of soft/low targets thus defeating the whole objectives of performance management. For example, how do we know the exact targets we should set and be held accountable? Are public servants averse to performance measurement?
5. Lack of meritocracy. Rewards and sanctions not based on PAS outcome lead to accusations of favoritism, nepotism and even tribalism and hence PAS was frowned upon by most in the public service. When one wanted to score well, all one needed was to please their supervisors, not necessarily through their job-related performance. How do we as public servants embrace the values of meritocracy without apologizing for being firm?
6. Some members of staff saw PAS as opportunity to

compete with colleagues therefore, killing the spirit of team work. For example, how do you encourage the spirit of teamwork when members of staff view PAS as competition?

(vi) Implementation and use of data from a reliable and valid PAS enhances trust and accountability of individuals and teams in an organization.

Lessons Learned

The journey to performance management is not without challenges. We continue to improve on the whole performance management system to increase the level of service provision as well as develop the careers of the public officers. Some of the lessons learned include the following:

(i) Effective management of change. People will, in most cases, resist change even when it is for the better. Timely and effective communication is vital on the reasons for the change, and the benefits accruing to individuals, teams and the organization as a whole.

(ii) Need for top level support. The successes that have been registered over the past few years emanated from the support from the top in the public service (Strategy Launch by Head of State 2004). The top level leadership involvement demonstrates Government's support to the reform initiative and hence support by all. Further, this support ensures there is consistency across the public service.

(iii) There is need for continuous improvement in the process of measuring performance. No measuring tool can be perfect. The PAS was reviewed several times and there is still room for improvement to ensure reliability and validity. Sometimes, members of staff complain that most of what they do each day is not captured in their performance measurement.

(iv) There is need to increase the level of trust and accountability in the performance appraisal process. Apart from revealing performance gaps among employees, performance appraisal is used for career development and succession management. Transparency in the application of the results will ensure that the right decisions are made and ultimately ensure that the culture of meritocracy is institutionalized.

(v) Training alone in PAS does not guarantee change of attitude towards performance culture. An integrative approach to capability development that includes a supportive work environment was necessary.

Reflections on Ethical Dilemmas: A South African Perspective

Professor Solly Mollo, Director General, PALAMA, South Africa

Introduction

The global discourse on good governance is underpinned by a call for governments to be proactive in fighting the spread of corruption. It is in this context that state institutions in the public service are expected to be exemplary in promoting and maintaining a high standard of professional ethics¹. Achieving this standard requires a strong ethics infrastructure that is supported by enabling policies and a commitment to implementing them.

In 2004 the South African government developed a range of key policy instruments and frameworks necessary to promote and support a high standard of professional ethics. The government also committed itself to a range of multi-lateral anti-corruption agreements and has acceded to various international instruments on anti-corruption². Collectively, these developments have helped shape the ethical identity of the public service.

Background

In 1955 the South African anti-apartheid formations led by the African National Congress converged in Kliptown, Soweto, where they drafted the Freedom Charter. The Charter articulated the values of our democracy when it proclaimed that “South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people”; and that our country will never be prosperous or free until all our people enjoy equal rights and opportunities.

This essence of the Freedom Charter has informed South Africa’s Constitution which is transformative and speaks of recognising “the injustices of our past”. The Constitution emphasizes the importance of good governance and administration based on democratic principles, including the rule of law³. These basic values and principles governing public administration include that:

- Public Administration must be governed by a high standard of professional ethics.
- Efficient, economic and effective use of resources must be promoted.
- Services must be provided impartially, fairly, equitably and without bias.
- Public administration must be accountable, responsive and open.

- Transparency must be fostered by providing the public with timely, accessible and accurate information.

The government is committed to transformation and ensuring that a democratic ethos is embedded in the values of public servants. These values are enshrined in the public service principles of “Batho Pele” which means putting people first by being open, transparent and honest. This is what Plato referred to when he said “do no service for a present”⁴.

The public interest which is central to public administration has to be an integral part of the democratic process. The standard by which we address the public good is the dual imperative of historical redress and socio-economic improvements in the well being of all our people. Judged against this dual imperative, public servants are under obliged to assess their performance and conduct as well as their discretionary powers against their effectiveness in meeting the moral imperative that is, serving the public with integrity and free of corruption⁵. But this also requires an examination and re-examination of performance. This kind of introspection allows one to get at the corruption of values and allow for an honest assessment of service to the people.

Good governance is a prerequisite to preventing and combating corruption. Public officials operate in an environment that constantly requires them to balance between personal interests and the interest of serving the public. The promotion of good governance and ethics regulation seek to assist and guide those vested with the responsibility of administering and directing the state to act in a manner consistent with public interest and in so doing preserve public confidence. Ethical behaviour, while highly desirable, respected and valued, cannot be assumed. It is therefore important to have specific measures and institutions to safeguard integrity and to promote ethics⁶.

The South African approach to combat corruption is a multi-pronged strategy that entails detection, prevention, education as well as awareness campaigns. The country has also put in place measures to enhance the capacity of the law enforcement agencies and other institutions to fight corruption⁷. The country has also adopted a multi-sectoral approach in fighting corruption which has

enhanced partnerships between and among government, business and civil society sectors and contributed to anti-corruption reform in South Africa. The role of civil society is integral to a national integrity system, and contributes towards mobilising and raising awareness about the impact of corruption on democracy, ethics and development⁹. Civil society is in all respects part of designing the anti-corruption measures that are put in place. Equally important is the supportive role played by the private sector. This support is important because in most cases corruption occurs at the interface of the public and the private sectors. Therefore business participation is critical in the fight against corruption and it ensures the highest standards of ethical and responsible business practices.

It follows from the above analyses that South Africa understands corruption to be a societal problem, which affects all sectors of society differently. The principles of democratic administration, transparency, accountability and the rule of law form the basis of a more comprehensive understanding of corruption. We need to reflect on this as we build democracy and promote economic growth and development in order to create a better life for all our people. Corruption compromises democratic political process and generates apathy and disengagement amongst citizens. The onus is on leadership to articulate and sketch a vision based on the values of a society and to design programmes to give meaning and content to this vision. Strong leadership across all sectors of society being political, economic, administrative and civil society must be based on integrity and give concrete expression to the codes of good practice available.

Parliament and the Judiciary are paramount to building our national integrity system. In addition, Chapter Nine of South Africa's Constitution makes provision for State Institutions that have a critical role to play in establishing an ethics culture. These institutions include the Public Protector, the South African Human Rights Commission, the Commission for Gender Equality, the Auditor General and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. The Public Service Commission has also been very instrumental in promoting the constitutionally enshrined democratic principles and values in the public service through investigating, monitoring, evaluation and reporting on public administration.

The public service is continuously under close scrutiny by the public and the media. Such scrutiny is a necessary measure on how public servants are executing the government mandate. In performing their duties, public

servants are entrusted with public funds and their actions must therefore be above repute.

Government's integrated approach to the combating of corruption is reflected in its conception of a Public Service Anti-corruption Strategy. National Government has introduced and promoted various pieces of key legislation such as:

- The Protected Disclosures Act, 2000 (Act No 26 of 2000),
- The Promotion of Access to Information Act, 2000 (Act No 2 of 2000),
- The Financial Intelligence Centre Act, 2001 (Act No 38 of 2001),
- The Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), and
- The Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004)⁹.

The Prevention and Combating of Corrupt Activities Act makes provision for a Register of Tender Defaulters within the Office of the National Treasury, as well as the compulsory reporting of corruption and certain common law offences to the South African Police Service by persons who are in a position of authority.

The establishment of strong institutional capacity at national level to complement basic police work, with institutions such as the Public Protector, the National Prosecuting Authority, the Special Investigating Unit, the Public Service Commission, the Financial Intelligence Centre and the Auditor-General. These institutions, individually and collectively, are reaching levels of maturity and efficiency, which have provided the country with a strong anti-corruption capacity. Other measures include:

- The establishment of dedicated Commercial Crime Courts that have enjoyed great success insofar as prosecution is concerned.
- The establishment of an Asset Register for Accounting Officers and mandatory financial disclosure of assets and interests for all Senior Managers.
- The enactment of the Public Finance Management Act, (Act No 1 of 1999), including the requirement for departments to do risk assessments and develop fraud prevention plans.
- Government also commissioned a study into all agencies involved in anti-corruption work with a view to increasing efficiencies and impact. This study was completed in August 2001 and Cabinet approved proposals for a minimum anti-corruption capacity to

- be established within all government departments.
- A national, Public Service anti-corruption hotline (NACH) was launched on 1 September 2004. Possibly the most visible and collaborative anti-corruption effort post 2004 was the creation of the hotline. Prior to 2004, there were different department-specific and provincial hotlines for this purpose, a practice which led to poor coordination and inefficient implementation. The NACH provides a 'one-stop' mechanism for members of the public to report acts of corruption and creates an opportunity for different role players to cooperate better in receiving and handling allegations of misconduct. Indeed, the NACH has turned out to be a widely used mechanism to report corruption, and each year the PSC has witnessed an increase in the level of its utilisation¹⁰.
- The South African Auditing and Assurance Standards Board undertook to adopt International Auditing Standards issued by the International Federation of Accountants verbatim with effect from January 2005.
- The establishment of the Anti-Corruption Learning Network that provides a platform for anti-corruption practitioners in the public sector to share experiences, knowledge and other good practices. It is in forums like these where our skills and knowledge will be sharpened. The Anti-corruption Learning Network is the forum where vibrant ideas will be exchanged. Our public sector needs all sorts of creative and innovative ideas to implement our anti-corruption measures.

South Africa has also ratified numerous international conventions. This is in line with our determination to promote our national anti-corruption values and interests throughout the world. As a member of the international community, we have domesticated the international agreements of the SADC, the African Union (AU), the United Nations (UN) as well as the Organisation for Economic Co-operation and Development (OECD) Convention on the Bribery of Foreign Officials in International Business Transaction¹¹. All these instruments recognise the inter-relatedness of sectors in the prevention and eradication of corruption. The ratification of these legal instruments signals our commitment and dedication to fighting corruption.

Civil society and business will play a prominent role in assisting Government to implement and monitor application of these instruments. Government has ensured that access to information and levels of transparency required for the credibility of the monitoring process are in place.

However, and this is largely attributed to the measures

of transparency that we have put in place that open up any acts of unethical behavior, our people still feel that we are not doing enough to fight corruption¹². On occasion they find themselves in situations where they have to pay for government services they are entitled to. As a consequence, we have put in place additional measures such as Know Your Services Rights Campaign launched by our Government in 2008. This campaign has been instrumental in educating and creating awareness about the rights of our people to services provided by Government. The National Anti-Corruption Forum (NACF) also launched an awareness and communications campaign in 2007 and 2008. The aim of both these campaigns is to create awareness around our anti-corruption legal framework.

The country is well on course to implement recommendations of the African Peer Review Mechanism to improve our good governance structures. South Africa has opened its doors to public scrutiny through various peer review mechanisms. South Africa has received our phase one examination report from the OECD Working Group on bribery which found the country to be ethical and competitive.

South Africa has also shown commitment to work with its African counterparts in fighting corruption. It is against this backdrop, that we have signed and are implementing a Memorandum of Understanding with the Democratic Republic of Congo (DRC) which makes provision for co-operation on areas of anti-corruption.

Anti-Corruption Training

Training is one of the key components in the fight against corruption in South Africa. There are training programmes on anti-corruption that are conducted throughout various government departments.

In 2006, the Department for Cooperative Governance and Traditional Affairs developed the Local Government Anti-Corruption Strategy. The roll out of the Strategy was supported by the implementation of the ethics training programme developed by Public Administration Leadership and Management Academy (PALAMA), which is a training department of government. To date PALAMA rolled out 39 training sessions to 680 Municipal employees including Municipal Managers.

In collaboration with the Department of Public Service and Administration (DPSA), PALAMA has also developed a programme to create ethical organisational ethos in Departments as well as the implementation of the Public

Service National Anti-Corruption Strategy approved by Cabinet in January 2002. The strategy prescribes that a Minimum Anti-Corruption Capacity (MACC) be established in all national and provincial departments. A comprehensive pilot training programme was developed to assist departments to build the capacity of employees performing these minimum and related functions. To date PALAMA has conducted 20 training sessions to a total of 383 anti-corruption officials from across national and provincial departments. Furthermore, two pilot sessions for local government took place wherein 12 municipalities and a total of 27 delegates participated. Overall, the data gathered from all three spheres of government training sessions of the Minimum Anti-Corruption Capacity Training Pilot Programme yielded positive results both on the course material and the overall training programme itself.

Ethical dilemmas in the Public Sector¹³

Endless media accounts of conflicts of interest situations among public officials reveal the following key issues for South Africa's integrity management system. First, the unregulated grey zones are attractive for unethical conduct. Second, where regulations do exist they can sometimes be ineffective.

The first instance relates to where public officials are recruited by the private sector to take up lucrative jobs in companies that have business interests in government. This might result in these officials using their government connections to benefit themselves or their business interests. Laws to prevent these abuses from taking place are still under debate. As a result, there are no restrictions on high-ranking officials leaving the Government to accept positions in the private sector.

In the second instance, even where regulations exist, they are often ineffective, partly due to inadequate monitoring and oversight. For an example, in South Africa the Code of Conduct for Assembly and Permanent Council Members and the Public Service Regulations, requires Members of Parliament and senior managers in government to declare ownership shares in private companies, directorships, and other forms of private interest that could represent a conflict of interest.

According to a 2006 report by the Auditor General more than 1,600 Members of the Executive Councils in Provinces and senior managers in government were identified as directors or members in companies and close corporations. The Auditor General reported that the majority of them did not disclose all their interests. The

report also stipulated that over 50,000 employees below the senior management level were directors or members of private businesses. The Public Service Commission reported 48% compliance in terms of financial disclosure requirements among senior managers in the Public Service in 2008 and recommended charging the non-complying members with misconduct.

Finally, where regulations exist there are occasional loopholes such as the dual employment of public servants. However, the Executive is revising existing ethics regulations to close such gaps by, for an example, the adoption of a comprehensive policy framework on the management of conflicts of interest. Clear timelines will also be set for this process and communicated to Parliament to facilitate political oversight.

Concluding/anecdotal remarks

To conclude, it is worth noting that ethical behaviour, where it is promoted and corruption combated, benefits the economic wellbeing of the country. In South Africa, the Special Investigations Unit (SIU) has made a significant impact in addressing weak processes, recovering past losses and preventing future losses through forensic interventions¹⁴. More specifically:

- More than R8 billion cumulative savings have been achieved through recoveries and prevention of future losses (Social Grants)
- Over 10 000 criminal offenders prosecuted through SIU facilitation
- Audited more than 1.1 million drivers licenses and found 8% invalid
- The Department of Correctional Service's anti-corruption strategy has netted recoveries of over R47 million from 46 medical practitioners who fraudulently and excessively claimed against the medical aid fund.
- Medical aid claims were reduced by about R500 million per year since the institution of investigations commissioned by Correctional Services. The claims were earlier hovering above R1 billion and have since gone down to about R500 million¹⁵.

These are just some of a series of success stories arising from the initiative to promote ethical behaviour in South Africa. The country aims to build a public service which upholds the highest moral values, integrity and ethics. To create a civil service that strives to promote and live out the values of professionalism, transparency, efficiency, accountability and responsiveness, we must be hard on corruption. Democracy and good governance are built on the foundation of a competent civil service. A Public

Service comprises of people who always strive to deliver speedy, courteous and empowering services to all, regardless of race, colour or creed.

End notes

¹ State of Public Service Report 2008, Public Service Commission

² South African Yearbook 2008/9

³ The Constitution, Section 195 (1) (a)

⁴ Plato, The Laws 349 (A.E. Taylor trans., Aldine Press 1960).

⁵ DPSA Country Corruption Assessment Report, 2003

⁶ Public Service Anti-Corruption Strategy, 2002

⁷ Ibid.

⁸ Eweje, G.: 2001, 'Corporate Social responsibility and Multinational Enterprises in Developing Countries: Natural Resource Exploitation in Nigeria, South Africa, and Zambia'.

⁹ State of Public Service Report 2008, Public Service Commission

¹⁰ Ibid.

¹¹ DPSA Country Corruption Assessment Report, 2003

¹² Ibid.

¹³ (Adapted from article in Business Day 24 August 2009 by Schulz-Herzenberg is a senior researcher in the Conflicts of Interest Project in Cape Town).

¹⁴ State of Public Service Report 2008, Public Service Commission

¹⁵ DPSA Presentation to Anti-Corruption Learning Network 30 July, 2009

Reflections on Ethical Dilemmas

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Background

The global economic meltdown of the last 2 years occurred with harsh consequences which manifested variously on the corporate, personal, and national levels. On the surface, the failure of regulatory institutions and market determinism were suggested as causative factors of the meltdown, but deep down lies the reality of severe moral failure on the part of those entrusted by society, in the financial and business sectors, to advance its interest and promote the common good. In our current seamless world of globalization, the effects of unethical conduct are no longer confined to national boundaries, as they reverberate across nations and continents, causing a domino effect to produce a global disequilibrium, and the threatening of our collective prosperity.

Let me reflect on my own experience in Nigeria. As a young man, I lived in a nation where everything showed a progressive sign of working well and this positive progression was confirmed by the Human Development Indices. Without any controversy, the Nigerian Civil Service from the 50s up until the early 70s was once regarded as one of the best in the Commonwealth. It was conscious of its role in national development and did so conscientiously. In that golden dispensation, the civil service spoke truth to power; was almost rigid in the observance of its rules, regulations and procedures, while its officers earned their positions by merit, hard work, and performance.

Regrettably, the public service in Nigeria in recent years was no longer regarded as a virile national institution for advancing the welfare and well-being of the people. It became the whipping dog of the populace and incompetent political office holders of successive Administrations. Accordingly, the public service was being derided as inefficient, incompetent and corrupt; and having little or no regard for the needs and preferences of the citizens in the delivery of services. While some of these descriptions might have been too generalized and exaggerated, there was sufficient evidence to show that the Nigerian public service needed massive moral and ethical regeneration in order to win back the public trust and confidence.

Our first concern is an understanding of the role of the public service in the polity, particularly in the context of

a developing country. My submission is that the Public Service exists to foster the developmental objectives of the nation state] by energizing and working with all relevant stakeholders and partners to advance the welfare and well-being of the citizenry. Accordingly, the paramount role of the public service is to facilitate national transformation by placing its knowledge and expertise at the disposal of the society, to be harnessed for the common good. It is in the fulfillment of this larger role that the Public Service can be sufficiently motivated to serve with integrity, which to me, connotes currency and purity of character, in upholding the public trust, through selfless service.

Having defined the purpose of the Service, the next concern is to address how best to foster integrity as an enduring culture in the Public Service. There are sectoral obligations that each of us must fulfill in order to preserve our National Integrity:

Sector	Obligations
Executive	Should ensure that all areas of conflicting interests in the society are taken into consideration.
Legislature	Must work with the Electoral Commissions to ensure free and fair elections; It must assist in promptly enacting into law executive Bills
Judiciary	Should be independent of the Legislature and the Executive as well as all other influence groups in the society but must dispense justice, fair and clean
Public Service	Should serve the public interest, and uphold the public trust

Regulatory & Enforcement Agencies	Must recognize and uphold integrity to achieve credibility and sustainability
The Press	Should rise above partisan, primordial and/or publisher's interests and focus on national interest
Civil Society	Should serve as conscience of the oppressed

Government, as an employer, must recognize the imperative of paying public servants remunerations that enable them to live with human dignity.

The codes of ethics are clear and unambiguous and are interred in various regulations, guidelines and laws. For us in Nigeria, we have the Public Service Rules, Financial Regulations, Code of Conduct Act, Economic and Financial Crimes Commission (EFCC) Act; the ICPC Act; the Bureau of Public Procurement Act etc. Yet as Public Servants we face and witness on a daily basis several ethical and moral dilemmas. There is therefore an urgent need to develop a new values code for the public service, for a complete reorientation of the public service.

It is in recognition of the need to find a new way of inculcating a culture of integrity in the public service that the Nigerian Public Service Integrity Project was conceived in 2006, by the Bureau of Public Service Reforms, in collaboration with TIRI, and with funding support from the Department for International Development (DFID). The project departs from the traditional approach of moralizing integrity concerns, by recognizing the need for enhancing competencies in resolving integrity dilemmas. Through the use of a tool box comprising the revised Public Service Rules and Regulations, relevant national legislation, and other complementary international codes, to assist officers to gain sufficient knowledge about the range of options before them to enable them to make the right decisions, which are consistent with promoting public accountability and selflessness in the public service. The more an officer is trained the more he/she is expected to get deeper in the application of the public service rules and financial regulations, as well as other relevant codes, to resolve the dilemmas confronting him/her in real life situations. Integrity concerns cannot, and should not be equated entirely with anti-corruption crusade. Integrity is the totality

of the system processes and procedures for eliciting the right motivation in the public service and challenging its officers not only to rise above pedestrian levels in the performance of their duties, but to all times avoid unethical conduct and sacrificing all for the public good. As I said in 2004 in the BPSR Publication, Nigeria Public Service Reform, Organizational Integrity and Strategic Corruption Control "Official positions very often constitute pressure points for the integrity of public officers, but this is a challenge that can be managed. When, however, public officers themselves constitute pressure points for the integrity of their officers, as it is increasingly the case in recent past, then the nation is in crisis" .

As a Government Engineer in the Ministry of Works, Housing and Urban Development, you certify a bridge or building as having been properly or building collapses killing many people, how do you feel? As a Government Pharmacist working in the National Food and Drug Agency, and deployed to the ports, you certify the clearance of an expired consignment of vaccines, only to find out later that many children given the vaccines were dying. How do you feel? You are working in the Abuja Geographical Information System (AGIS) or Development Control Department and you insist that unless an allottee of a plot gives you the job of serving as his architect you would frustrate the processing of any drawing submitted to your office; where is your sense of official integrity? If as a Director, Permanent Secretary or Minister in the Ministry of Education, you already cornered some overseas scholarships slots for your wards who had lower quality degrees in the less technical disciplines as Business Administration, how do you feel when you meet a young graduate 1st of Chemical Engineering with Class Honours degree but who has been sidelined because of your influence?

It has become the vogue to lobby to be posted to "juicy" (i.e. big budget) Ministries, Departments and Agencies (IVIDAs), without taking into account the dangers that the challenges of those positions carry, only to run back and start begging to be saved when caught in messy acts. As I once said in one public lecture, "when as Public Servants we lobby to be deployed to juicy posts, we must not complain if we get "squashed" on those posts because squashing and maceration are age-long accepted processes of getting out the juice". Adegoroye, 2009. On the whole, it is important to bear in mind the injunction that a good name is much better than gold and silver. Indeed, the list of those who had shaped the history of mankind is made, not of those with stinking wealth and properties, but those who served and laid down their lives for humanity. In this connection, the Public Service

cannot hide under the convenient excuse that it cannot be an island in a society where moral values are under the onslaught of being compromised. It has no choice but to respond to its calling and sacred duty as the guardian of the public trust.

As I said earlier, the Nigeria Public Sector Integrity at Work CD/DVD was developed to facilitate our Ethics/Integrity Training Program. The project aims at developing the practical knowledge and skills of civil servants to enable them to recognize and deal with ethics and integrity issues in the workplace, using the CD/DVD search engine that links users to the appropriate Public Service Rules/Regulation and Codes. The IT based drama sketches methodology being adopted for the project has proven to be effective in conducting training on public sector ethics in Australia and New Zealand.

The Nigerian Project is the first to be introduced in Africa, featuring locally-developed case-scenarios which reflect everyday dilemmas faced by Nigerian Public Officials. Australia adopted the Kangaroo while we adopted the African Grey Parrot. The Parrot as you all know tells the truth and so symbolizes integrity.

There are 8 Case Study Videos:

“Physician Heal Thyself” -dramatizes systemic corruption in the health sector

“It’s About Time” -focuses on leadership and systems breakdown in the Public Service and the Challenges of reforms.

“Just Do Your Job” -shows the dimensions of the international crime of toxic waste dumping and lack of due diligence of the bureaucracy.

“Making Ends Meet” -shows the school enrolment and Teacher to student ratio data inflation dimension of the bedrock of corruption in the education sector.

“Not Business as Usual” -dramatizes a success story amidst the challenges of reforms.

“Kangaroo Court” -focuses on the abuse of disciplinary procedure in the public service.

“Playing by the Rules” -dramatizes the pressures encountered by officers implementing Due Process in public procurement.

“An Offer They Can’t Refuse” -plays out one example of the international connection of grand corruption of the political elite.

Each of these videos runs for 15 -20 minutes and presents 2 choices in terms of the decision available to us as public officers. There are several Ethics/Integrity issues begging for resolution across our Public Service today. But, let me end this oral part of my presentation with a moral burden of the Academic in Nigeria. Moral/Ethical Burden of Academic Staff Union of Universities (ASUU) in Nigeria.

Because of incessant strikes by Lecturers, students of Federal Universities now spend 6 -7 years to complete a 4 year Program. In the process several of these students veer off track, prematurely raising families and/or losing focus. Their transcripts become suspect as foreign scholarship committees question the quality of such students who earn 4 year degree in 7 years. While the academic records of those students remain stigmatized for life, the Lecturers on the other hand lose nothing as they earn their full pay and even plough the free time imposed by the strike in carrying out their private businesses, consultancy and research for accelerated promotion and financial gains.

