

**DEEPENING GOOD GOVERNANCE AND DEMOCRACY THROUGH PROMOTING
PROFESSIONAL ETHICAL PUBLIC ADMINISTRATION ACROSS THE AFRICAN
CONTINENT.¹**

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1.0 INTRODUCTION

- 1.1 The topic for consideration in this paper encompasses a number of important concepts that must first be defined and ‘unpacked’ to ensure consistency of understanding and purpose.
- 1.2 First is the issue of governance. A commonly-used definition of governance is that it consists of the traditions and institutions by which authority in a country is exercised, and includes the capacity of the government to formulate and implement sound policies, and to deliver, or ensure the delivery of, services to its citizens.² This definition by the World Bank in the World Governance Indicators emphasises the electoral process, the capacity of the state to make and deliver policies that benefit citizens, and respect for the rules that govern economic and social interaction in society. It measures Voice and Accountability, Political Stability and the Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. Given circumstances such as a history of colonialism, long years of military dictatorships, only a recent history of democracy, a long history of inefficient state-owned enterprises, civil wars and ethnic conflicts, and high levels of corruption, it is perhaps not surprising that many African countries score low on these measures.
- 1.3 Closer to home, the Mo Ibrahim Foundation defines governance as the provision of political, social and economic goods that citizens have a right to expect and that a state has the responsibility to deliver. This ‘rights and responsibilities’ approach measures the quality of governance on Safety and Rule of Law, Participation and Human Rights, Sustainable Economic Opportunity and Human Development. The continental average for Africa in 2015 was 51.5%, a score that was dragged down by issues such as insurgency, ethnic conflicts and unstable political environments in many African countries. For instance, Nigeria scored a relatively healthy 53.2% in public management, which was higher than the continental average of only 47.1%. However, it scored a dismal 16.5% in Personal Safety, largely as a result of the Boko Haram insurgency in the north east of that country.

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² World Bank (2010), World Governance Indicators

Somalia, Eritrea and the Central African Republic were bottom on virtually every score. This is perhaps not surprising, as it is rather difficult to exercise rights and expect government responsibility or to focus on Human Development and Sustainable Economic Opportunity in the middle of conflict.

- 1.4 There are many more definitions of 'governance' but the broad elements are: how government delivers public goods to its citizens, the checks and balances through which government is held accountable for its actions, and the ability of citizens to participate in the process of governance.³

2.0 GOOD GOVERNANCE

- 2.1 The notion of "good governance" is a nebulous one that generally idealises the way things are done in western liberal democracies in Europe and America. Proponents of the 'good governance' agenda claim that a given set of governance capabilities is necessary for economic growth and poverty reduction. These capabilities particularly include stable property rights, the rule of law, anticorruption and government accountability. The Aid organisations take this idealistic model and seek to rigidly apply it in developing countries, particularly in Africa, often with very limited results. Of course, it is difficult to argue against the merits of stable property rights, rule of law, low corruption and accountability to citizens. Where the right conditions exist, these could lead to poverty reduction.

- 2.2 However, given the political structure of many African countries, their history, composition, culture, level of development and economic structure, is 'good governance' really the *only* way out of poverty? Do we need 'good governance' to achieve poverty reduction and economic growth? The realisation of the essentialist nature of the good governance agenda has shifted the thinking of some authors to the concept of "good enough governance." This concept understands that you cannot tackle everything at once, that improvement in governance takes time, and that there is no need to wait until everything is perfect before you can move forward.⁴ We will return to this issue after we briefly consider the next major concept: Democracy.

3.0 DEMOCRACY

- 3.1 The concept of democracy is another important one that needs deconstructing. Democracy, in its proper sense, is said to have a number of characteristics. First, there should be competitive elections. Second, there are rules for conducting those elections, including a lack of intimidation and violence, and punishing cheating. Third, there are checks and balances on the government that is elected, including constraining

³ McNeil, M. and Malena, C., eds., (2010), *Demanding Good Governance: Lessons from Social Accountability Initiatives in Africa*, The World Bank, Washington DC.

⁴ Grindle, M., (2005), *Good Enough Governance Revisited*, Overseas Development Institute.

that government from crushing the opposition.⁵ The Oxford Economist, Paul Collier has argued that what exists in most of Africa only satisfies the first criterion (elections), and is not really democracy in its comprehensive sense, as described above. The question for us in Africa is: does it really matter?

3.2 While the positive correlation between democracy and increasing wealth has long been established, the causal link between the two is still hotly contested. Indeed, authors like Mushtaq Khan argue, with empirical evidence, that developing countries do not need democracy or even good governance to achieve economic growth.⁶

3.3 It is clear that countries like China, Malaysia, Singapore and South Korea cannot be said to have developed as a result of western-style democracy, freedom of speech or freedom of political association. Indeed, China has laws and practices that constrain press freedom, restrict access to the Internet, restrict the practice of religion, and even limit the number of children that a family can have. Economists that promote democracy as the only route to economic growth are having difficulty reconciling China's lack of freedom with its phenomenal economic growth and poverty reduction. Even the World Bank's President, Dr Jim Yong Kim, admitted recently that:

“China has lifted 600 million people out of poverty in the last 30 years. Demand is growing among other developing countries to learn from this remarkable progress.”

3.4 Remarkably, China achieved this unprecedented feat without “good governance” in the western sense, without democracy, and without taking the advice of one single Western economist or development practitioner. It is for this reason that many African countries are now also looking East, rather than just West. Given that the population of the whole of Africa is currently about 1.1 billion, if 600 million people could be lifted out of poverty in Africa over a 30 year period, that would be significant not just for Africa but for the rest of the world.

3.5 Having said that, most African countries have embraced Democracy, or at least the concept of competitive elections, and, given the fall of the Soviet Union, democracy is now by far the world's most popular form of government. The need to nurture democratic values and move away from military rule and destructive dictatorship cannot be over-emphasised, particularly given how Africa has suffered from vile dictatorships. Therefore, Africa clearly needs to deepen democracy (i.e. the ability of citizens to freely chose their leaders, hold them accountable for their actions, and participate in governance). However, this should not be

⁵ Collier, P. (2009), *War, Guns and Votes: Democracy in Dangerous Places*, Vintage Books.

⁶ Khan, M., (2009), *Governance, Growth and Poverty Reduction*, DESA Working Papers, No. 75, downloaded from the internet on 30 March 2015 at http://www.un.org/esa/desa/papers/2009/wp75_2009.pdf

confused with the notion of deepening western-style “good governance”, which is very quick to tar all of Africa with the brush of Corruption and weak institutions.

- 3.6 Of course, good governance is important everywhere. We should not, in any way, encourage or seek to emulate China’s repression of its citizens. What we have sought to show with the China example is that countries can develop without western-style good governance. The argument here is therefore one of prioritisation and sequence. For Africa, good governance should first mean lifting Africans out of poverty, just like China has done, by focusing on Agriculture, Manufacturing, Infrastructural Development and Health and Education. It should mean ensuring that Africans have food on the table, have the infrastructure that they require for economic growth, can get an education and can free themselves from avoidable diseases.
- 3.7 According to Mushtaq Khan, “Neither theory or evidence strongly support the plausibility of significantly reducing poverty through the good governance agenda.” We should first pursue a growth-enhancing governance strategy as set out in the African Union’s Agenda 2063.⁷ The more idealistic concepts in the Western-style good governance agenda can be pursued later.

4.0 PROFESSIONALISM AND ETHICS

- 4.1 We will now turn to the next major concept in this paper: Promoting Professional Ethical Public Administration. Not many people see Public Administration as a profession, in the same way as they see Medicine, Engineering, Law or Accountancy. Indeed public servants that come from these professional backgrounds tend to hold on to those backgrounds, rather than seeing Public Administration as a profession in its own right, with its own ethics and values.
- 4.2 In 1996, the United Nations General Assembly overwhelmingly passed an *International Code for Public Officials* as an annexe to its resolution titled: *Action against Corruption*. The code requires public officials to ensure that they perform their duties ethically and with integrity. The overwhelming majority of votes with which the code was passed reminds us all that public administration is a value-driven activity with deep moral groundings.⁸
- 4.3 Closer to home, Article 10 of the *African Charter on Values and Principles of Public Service and Administration* is concerned with Ethical Behaviour. It advocates integrity, and respect for rules, values and codes of conduct.

⁷ African Union (2014), Agenda 2063: The Africa We Want, http://agenda2063.au.int/en/sites/default/files/agenda2063_popular_version_05092014_EN.pdf

⁸ Dobel, J., (2005), Public Management as Ethics, in *The Oxford Handbook of Public Management*, Oxford University Press.

It outlaws soliciting or accepting any gift, donation or reward for services rendered and expects public servants to display attributes of impartiality and loyalty. One of the key overall objectives of the Charter is to “Promote the moral values inherent in the activities of Public Service Agents with a view to ensuring transparent service delivery.” The Charter has been signed by 32 countries and acceded to by 7 countries. South Africa is expected to be the 8th country that will accede by mid 2015. Nigeria is currently finalising a *National Strategy for Public Service Reforms* that fully reflects the Charter and that should make Nigeria’s accession to the Charter straightforward.

4.4 Similarly, the Commonwealth Forum of Heads of African Public Services devoted its fifth forum in Maputo, Mozambique, in 2008 to ‘Creating a Value-based and Ethical Public Service in Commonwealth Africa.’ It defined Ethics as a set of moral values and principles that form the standards guiding the code of conduct of individuals, organisations and professions. It distinguished Ethics from Values, which it took to mean virtues such as trustworthiness, honesty, courtesy and respect that are inculcated in people from childhood and which help to shape their character. When people are employed into the public service, these basic values translate into an expectation that they carry out their activities ethically, with integrity, justness, fairness, and accountability to the public for actions.

4.5 In summary therefore, public administration is a professional endeavour in its own right. It has certain moral values *inherent* in it and follows a set of moral values and principles that order its conduct.

4.6 Having established our views of definitions and concepts, we will now return to the topic that we were asked to address: ‘Deepening Good Governance and Democracy Through Promoting Professional Ethical Public Administration Across the African Continent.’ However, it is my view that the purpose of the organisers may be better served if the topic is viewed in light of the theme of this year’s General Assembly: ‘Harnessing the energy and commitment of African Public Service Commissions to promote and build the African governance architecture.’ Doing this will get us away from arguments about ‘governance’, ‘good governance’, ‘good enough governance’ and the true meaning of ‘democracy.’ It will enable us to focus on the real issue of how public service commissions can promote ethical conduct in public administration for the development of the continent. It will also accord with the African Unions Agenda 2063: “The Africa We Want.”

5.0 ETHICS, PUBLIC ADMINISTRATION AND DEVELOPMENT

5.1 Much of public administration involves decision-making. Rules and regulations are seldom so clear that they do not involve the exercise of

discretion. "Laws arrive vague, aspirational and underdetermined."⁹ When enacted, they are the final product of a series of compromises among multiple actors. They require rules of implementation and procedures that public administrators will follow in interpreting and implementing those laws, which in turn require the exercise of discretion.

- 5.2 How discretion is applied is perhaps the key element of public administration. It is in the exercise of discretion that ethics, values and professionalism come to the fore.¹⁰ Is discretion exercised for reasons of pecuniary interest, family benefit, tribal or ethnic favouritism, or personal corruption? Or is it exercised selflessly, impartially, impersonally and patriotically?
- 5.3 How public servants exercise discretion is conditioned by values and the ability to distinguish between right and wrong inculcated in them at an early age, but also by ethical conduct, training and experience that can be developed over time as public administrators. It is public administrators that develop policies and strategies for the political class. It is public administrators that conduct elections. It is public administrators that interpret rules and regulations and guide politicians. Their motivation for the policies that they develop, the elections that they conduct, the rules that they interpret, the advice that they give and the discretion that they apply lies at the core of any consideration of professionalism and ethical behaviour. This is where we can harness the energy and commitment of African Public Service Commissions to promote and build a professional and ethical public service that can grow Africa out of poverty.
- 5.4 Public Service Commissions are essentially the 'employers of labour.' Every employer has the opportunity, and indeed responsibility, to set out the rules of conduct for its employees, within the laws and regulations of the country. The conduct of the employer can often condition the conduct of the employee. An employee that comes into the public service through open and transparent recruitment is more likely to behave ethically than one that has come in as a result of primordial sentiments. Therefore, public service commissions should, as much as possible, recruit openly and transparently and, itself, display the courage and ethics that it will come to expect from those that it recruits.
- 5.5 Upon first recruitment, it is important that new entrants are thoroughly inducted (or perhaps even indoctrinated) about the ethics, values and rules that guide public administration. These should be reinforced at every promotion or advancement to a new grade. An example of the core values that public service commissions can promote comes from the Nigerian Federal Civil Service Commission. These are Political Neutrality,

⁹ Dobel, J., (2005), Public Management as Ethics, in *The Oxford Handbook of Public Management*, Oxford University Press.

¹⁰ Moti, U., (2013), Public Service Ethics: Concepts and Principles, in Nnachi, U. (ed.), (2013), *Ethics in Public Service*, Vol.1, Office of the Head of Service, Ebonyi State, Nigeria.

Impartiality, Anonymity and Meritocracy. Of course, these are not easy values to protect in any developing country and there are often opposing rules and regulations that constrain the pursuit of these values. A good example is the tension between meritocracy and diversity.

- 5.6 Similarly, most public service commissions are responsible for discipline. Upholding discipline in the public service should similarly be done impersonally, impartially and without fear or favour. Public service commissions can quickly lose credibility and authority if they do not handle the issue of discipline with seriousness and fairness.
- 5.7 The history of colonialism and the cobbling together of diverse people into single countries mean that many Africans may not have a patriotic affiliation to their nation state. Instead, affiliations and loyalties remain to tribes and ethnic groupings. The task of inculcating patriotism and love of country into African public servants is not an easy one. However, it is one that must be undertaken. African public service commissions have an important role to play in this regard in terms of recruitment, promotion and discipline. The ability of public service commissions to foster patriotism in the way that they recruit, advance and discipline public servants will directly affect the behaviour of public servants. Patriotism will condition how they exercise discretion and will ensure that the interest of the country is placed above personal or primordial interests.
- 5.8 At its 60th anniversary celebration in 2014, the Nigerian Federal Civil Service Commission identified a number of issues facing the Nigerian civil service. These included “the need to prepare the present crop of Nigerian civil servants to be disciplined, patriotic and globally competitive.” If African public service commissions can focus on these across the board, it will bring forth professional, disciplined, ethical and patriotic public administrators who can develop and implement growth-enhancing strategies that can lift Africa out of poverty and into global competitiveness.