An Examination of Due Process Policy as a Veritable Means for Ensuring Good Governance and Accountability in the Administration of Nigerian Public Service

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Abstract

The thrust of this paper is an examination of due process as a veritable means for ensuring good governance and accountability in the administration of public service in Nigeria with particular emphasis on service delivery. No doubt, the issue of due process as it relates to good governance and accountability transcends domestic or national boundaries. The main objective of the study is to identify the problems inherent in the application of due process mechanism in the administration of public service in Nigeria, measures put in place to ensure accountability, efficiency and effectiveness in public service delivery and proffer improvement options. The paper adopts the qualitative approach which essentially makes use of secondary source of data collection which includes textbooks, scholarly journal articles, internet materials and relevant publications, establishment circulars and reports while the

theoretical framework was based on the theory of development. Its findings included among others; that Nigeria is currently bedevilled with myriad of developmental issues; ranging from economic and social challenges. It concluded that the most crucial element of a developmental-oriented state is the ability of its leaders to mobilize and harness the material and human resources for socio economic development of the nation. It recommended that for development to strive in Nigeria, its leaders must include good governance as a core ingredient of democracy and also make conscious efforts at ensuring good governance and accountability in the administration of the public service as practiced in civilized countries of the world.

Key words: Due Process, Good Governance, Accountability, Public Service.

Introduction

In 2003, the government of Nigeria set up the Budget Monitoring and Price Intelligent Unit) BMPIU otherwise known as Due Process Office check widespread corruption (Soeide, 2002), gross incompetence and related vices in procurement and service delivery (BMPIU, 2000/06). Its aims included the achieving of a systematic approach to unifying recurrent and capital budget expenditure, adoption of best operational method and monitoring and evaluation of capital spending through audit, controls and computerisation to enhance development of project profiles and feasibility studies.

It is an innovative mechanism and key government reform agency for combating widespread corruption in infrastructure and service delivery to citizens, gross incompetence and to ensure transparency and integrity in the award and execution of public contracts, openness in tendering, biding, procurement and certification process in Nigeria, budgetary discipline through planned and coordinated framework, acting as a clearing house for

all government contracts and procurement of goods and services, contributes to a more efficient allocation of resources through increased competition, huge savings for government by executing projects at the right price through rigorous checks and controls, providing effective training programmes, attract more investment by lower risk for investors, enhance the efficiency of local suppliers through competition, block the loopholes inherent in the reckless and dubious processes that contract awards often involve, ensure compliance with guidelines and procedure laid down for procurement of capital projects and associated goods and services, quality and value for money in service delivery, impact-oriented and improve quality in service delivery,

No doubt, the centrality, uniqueness and importance of the public service, entrenchment of due process, accountability and good governance in the developmental efforts and administration of any nation cannot be over emphasized. In fact, the concepts of due process, accountability and good governance are inseparable.

The public sector is generally regarded as major and important machinery and the life wire of any government. This is because of its rising prominence and timeless responsibility of implementing public policies, programmes and the rendering of essential services to members of the public through Ministries, Department and Agencies (MDAs). There is a growing belief that public service has a critical role to play in enhancing social and economic development of a nation. The success and failure of any nation in the provision of services to the people is, to a very large extent, predicated on the efficiency and effectiveness of the public service at any period of time.

A virile public service is a 'sine qua non' for any organisation that wants to discharge her mandate effectively and make meaningful impact and input in the development agenda of the nation. It is deeply involved in

harnessing the country's abundant resources to facilitate all round development. Ideally, the public service is expected to; from time to time, be productive, cost effective, and efficient in carrying out the policies and programmes of government especially in the area of service delivery.

The goals of the public service are usually carried out through the instrumentality and application of established rules or regulations and codes of conduct which are aimed at directing the actions of public officials in the course of performing their duties.

Brief Historical Perspective

The Nigerian public service is a product of British Colonial administration. Its rules have evolved in terminology from the colonial era when it was referred to as General Order (G.O.) and applicable to all government employees in government Departments and Agencies. However, shortly after independence, it was known and referred to as the Civil Service Rules which was later changed to the present title of Public Service Rules.

In the sixties and 80's, apart from assuming a gradual bureaucratic complex system, it helped to galvanize development process in Nigeria.

The Nigerian public service also went through various reforms in a bid to make it more functional. According to Obasi (2012), it has over the years undergone several reforms with the main objective of making it more development oriented.

Statement of Problem

More often than not, the state of public service delivery in Nigeria has been adjudged by many to be poor and slow in terms of rendering of service, inadequate and inefficient, poor employee engagement and negative customer relationship, deliberate neglect of laid down rules and procedures for improper motives and lack of accountability and transparency, poor

infrastructural development, unenforceable or abuse of rules and standards in the award and execution of public contracts due to actions of corrupt officials, inflation of contract, proliferation of white elephant project, diversion of public funds, just to state a few.

These negativities have frustrated and hindered efforts of government at all levels in repositioning the public service for better performance and high quality service delivery in the country.

Also, the search for good governance in Nigeria has continued to suffer drawback as a result of political crisis, economic regression, mounting and deepening dept profile and poverty (Anao, 2001). Thus, government has been unable to deliver on its promises to the people, while others just refused to embrace the ethics of good governance.

The provision of services by public organizations is usually characterized by customer satisfaction which is demonstrated through general complaints and sometimes even protests. This has resulted to pessimism and sometimes outright disillusionment and frustrations about the overall prospects of Nigerian public service arising from administrative deficits such as abuse of law by government officials, poor institutional performance by the state owned public service and very low levels of public confidence in state public service. More often than not, there is despondency and apathy about the future prospects of Nigerian public service**.**

Another factor that has bedevilled the Nigerian public service is corruption which more often than not is traceable to poverty, hunger and pursuit of selfish interest. It manifests in a wide range of unwholesome activities such as; abuse of public office for personal gains (Obo, Coker, & Omenka, 2014), giving and receiving of bribes, financial inducement to influence recruitment and other public services, fraud, extortion, falsification of

records, abuse of privileged information, favouritism, misappropriation and conversion of public funds, manipulation of procurement processes such as over-inflation of contract which may not even be executed, over-invoicing, non-retirement of cash invoices, payment for jobs not done or executed, double debiting, flagrant violation of financial regulations and release of money without the appropriate approving authority among others.

These vices have turned out to be a failure and a drawback in the quest by government to provide quality and affordable services to the people.

There are pervasive corruptions which have become almost institutionalized within the government and outside of it (Agba, 2010 & Mbama, 2011). The Nigerian government has been unable to evolve institutions that embrace good governance as a sub-culture hence it has failed to promote development.

There is a general consensus that the crisis of governance in Nigeria is as a result of pervasive corruption in public institutions and among political office holders (Osaghae, 2002).

Even the global policy of Millennium Development Goals (MDGs), the privatization policy, the Sustainable Development Goals (SDGs); and the Africa Growth Opportunity Act (AGOA) which was introduced in 2000 by the United States Congress to promote trade in some goods between African countries and the US have not been totally successful in Nigeria is attributed to incompetent and negative attitude of public service officials in the discharge of their responsibilities.

The decrease in Nigeria's share of global economic activity (especially trade), has resulted in socio-economic regression, deterioration in human welfare, rising unemployment and insecurity while poverty continued to

win more souls. No doubt, the economic growth and prosperity of Nigeria has remained largely elusive, mostly attributed to poor governance which is considered as the root cause of weak economic performance and failure of public institutions

It was in order to address these myriad of problems that government came up with such guidelines and regulatory instruments as the Public Service Rules, Code of Conduct for Public Office Holders, Code of Ethics in government Business, Financial Order, and Financial Memorandum just to state a few apart from some other agencies of government put in place to address the issue of corruption in Nigeria generally such as the Code of Conduct Bureau; the Independent Corruption Practises and Other Related Offenses Commission (ICPC), the Public Compliant Commission (PCC), and the Economic and Financial Crime Commission (EFCC).

However, despite the provisions of these regulatory and legal measures, including various management strategies, many of them are either not adequately complied with or they are out rightly misapplied or flouted by civil and public servants. Paradoxically, Nigeria is still rated among the most corrupt countries in the world according to Transparency International.

The major problem that we have in Nigeria is not absence of laws and rules, but the general unwillingness of those concerned to comply with or obey them. Nigeria has the best of laws but the problem is the level of implementation and compliance. Even those that swore to uphold the public service rules and even the constitution are the ones majorly flouting its provisions.

The indifferent of the operation of public sector administration, corruption in the procurement procedure which is particularly endemic in developing

nations, misplacement of value system, led to the initiation of due process policy in Nigeria.

Corruption (clearly against the spirit and intendment of Public Service Rules, 2008 edition, specified corruption as an example of a 'Serious Act of Misconduct in its rule 030402) which is manifested in anti-social behaviour among public officers and more specifically those in positions of power and authority, falsification (also a violation of the Public Service Rule 030402, subsection (a) which states that 'falsification of records' is an act of serious misconduct in the civil and public service, abuse of public office for private gain World Bank (2007).

Objectives of the Study

The objectives of the study are to identify the problems inherent in the application of due process in the management of public service in Nigeria, measures put in place to ensure accountability, efficiency and effectiveness in public service delivery and proffer improvement options.

Literature Review/Theoretical Framework

This paper is predicated on the theory of development. According to Ekpu and Omorede (2018), as a social concept, there is no single universally acceptable definition of the term 'development' nor has any body or institution given it an official definition. For Todaro, (1989) it should be perceived as a multidimensional process involving the re-organization and re-orientation of the entire economic and social systems.

Increased economic efficiency, expansion of productive capacity of a nation's economy and technological advancement can generally be accepted as necessary conditions for sustainable development (Adebayo, 2009). However, no matter the perception from which development is viewed; it is predicated and geared towards human development.

Good Governance

Good governance has been variously defined to suit different purposes. The World Bank adopted good governance as a condition for lending to developing countries *(*Udo; 2004*).* Good governance entails an effective, rule-based leadership. It is all conscious and rational actions for the management of regime structures with a view of enhancing the public good or for the attainment of set objectives. In defining good governance, UNDP (2002) asserts that Good Governance is about striving for rule of law, transparency, equity, effectiveness and efficiency, accountability and strategic vision.

In the good governance discourse, it includes accountability, efficiency and competency in carrying out economic reforms. It is a veritable means, sine qua non and a core ingredient for ensuring political and economic development of a nation. There is a deluge of publications on good governance in Africa, as well as its developmental challenges presently confronting the continent (Ekpu & Omorede, 2018). In no distant past, lack of good governance resulted in what was later known as "Arab spring" revolutions in some African states notably the North African states (Heller, 2012).

The crisis of development rocking African countries has been identified as one of good governance which adversely affects the economic development of the nation in the context of a growing economy.

The relationship between due process, good governance and accountability on the other hand has been a long standing debate because they are critical for durable political stability and economic development (Ekpu & Omorede, 2018).

Features/norms of good governance

Some of the features of good governance include but not limited to; good and accountable leadership, creation of safety society, access to all service deliveries and making use of them, reduction in public expenditure through effective financial management, removal of unnecessary trade barriers, improvement in foreign exchange, provision of physical and social infrastructure, proper and adequate legal framework favourable to government and informal sector, equal opportunities in governance without any form of disparities, proper articulation of citizens interests and needs of citizens into development policies and programmes, equal political space and participation, zero tolerance to corruption, observance of the rule of law, protection of the fundamental human rights of citizens, autonomous and effective impartial bureaucracy insulated from the corrupting influence of the unethical segment of the society. The above features were well articulated in the view of Atiku (2017) when he says that in democratic setting impact of good governance indicates that the government effectively and efficiently delivers on its constitutional duties and promises, fair and equitable distribution of the nation's resources, meeting emerging challenges of the society as well as being accountable and improving the peoples productive capacity, their welfare and enhancing their freedom. He further stated that government is expected to ensure security, fight corruption and restructure the polity, restore due process and respect government procedure, rules and regulations.

Due Process Mechanism

Due process means normal process, logical approach, official approach and/or optimal way of carrying out a given assignment or duty.

In order to further address the ills in the public service and reverse the diminishing state of the economy, due process as a Federal government policy was initiated by setting up the Budget Monitoring of Price Intelligence Unit (otherwise known as due office unit). Due process

mechanism was aimed at contract review, oversight and certification and by way of cutting down or eliminating frivolous expenditure and provide for efficiency and effectiveness in the procurement activities of government. Okaro (2004), BMPIU (2006).

Due process is in consonance with global trends in public procurement reforms and has the following attributes: transformation of a nation into self-sustaining economy, improvement in the living standard of the people due to the fact that losses and leakages are eliminated and such monies are injected into the economy; reduction of poverty levels due to improvement in basic welfare amenities and increasing the tempo of infrastructural development; promoting staff morale through motivational incentives; better management of financial resources; improvement in Nigeria rating in global corruption index; ensures fiscal responsibility and cost effectiveness; building confidence in domestic and international investors; protection of the economy by minimizing Irregularities in the public sector.

The introduction of due process mechanism in the public service has, to a reasonable extent, led to greater belief and trust in government. It enhances economic development (Nwankwo, 2004). It determines whether or not due process has been observed in the procurement or services and contracts thus introducing a more honest accountability and transparency into the procurement process, establish and update price standards for all suppliers to government, monitors the implementation of projects during execution with a view to providing information on performance, output and compliance with specifications and targets, ensures that only projects which have been budgeted for are admitted for execution, ensure full compliance with the guidelines, and procedures as laid down for the procurement.
It led to the Re-instatement of over 183 contractors who rightly won public contracts but were sidetracked by the ministries, agencies and department heads. It also led to the cancellation of processes for the award of over 330 federal government contracts that fell short of due process rule.

Lack of due process mechanism resulted in the loss of a whooping sum of ₦102b in 2004 budget (Ude, 2005) while as at October 2001 Nigeria saved over 140b through reduced contract sum 2005). There were also several abandoned projects because implementation process of the projects was largely not properly monitored.

In fact, due process is a panacea and a sine qua non for product financial management and effective management of any organisation.

Its monitoring functions are performed through the supervision and implementation of established procedure policies, monitoring of price of traded items and capital projects especially the one that exceeded 50% of contract sum before release of further funds, procurement audit, documentation of all projects at award and completion stages and publish same in designated journals

Its training functions include the co-ordination of relevant training programmes so as to build international capacity, enhancement in regulation establishment programs so as to sensitize various stakeholders involve in procurement and interact with public and state organization officials, National Assembly members, consultants and relevant professional bodies, so as to educate them on all aspects of the work of Due Process Office.

Its drawbacks include but not limited to: inadequate manpower, cumbersome procedures leading to unnecessary delays (Ojo, 2006), long barriers and time wasting thus creating room for manipulation and corrupt practices, sometime due process officials not present during bidding process, members are recruited by the Civil Service Commission thereby maintaining the statutes quo of corrupt dealings that are often associated with public officials, inefficient harmonization (OECD, 2005), lack of adequate information on the working of the due process office, in-house

negative activities such as leakage of privilege information to certain contractor before calling for bidding and serving as consultants to would be contractors.

Impediments to good governance

The impediments to good governance include but not limited to: weak economic performance and public institutions, inability of political leaders to embrace democratic culture of good governance, repression and exclusion of some domestic groups and individuals from governance process, insecurity just to state a few (Hanaja, Robert R. (2006).

Annan cited in UN (1998) noted that lack of good governance and accountability will continue to promote hunger and underdevelopment. On the poverty level of the country which continues to ravage ruthlessly on the people, Osinbajo (2015) stated that about 110 million Nigerians (61%) are still living below poverty line. In another development Agagu and Ola (2011) referred to political leaders as harbingers of "the scourge of poverty and crisis" that pervades the nation and inhibiting its development. Adegbami and Uche (2016) revealed that Nigeria's political leaders do not believe in service instead they are self-serving as they serve themselves more than the governed hence always play politics of wealth acquisition. Annan (2012) cited in Mbah (2013) stated that political leaders in Africa contributed to the underdevelopment nature of their various states by the pattern of governance they offered for their countries.

Improvement Options

Werlin, (2003) found that the wealth or poverty of any nation goes hand in hand with the state of governance and not merely with natural resources. Thus good governance as opined by should be considered as a fundamental tool to development policy of both developed and developing nations.

If development must strive in Nigeria, its leaders must include good governance, accountability, appropriate enabling environment as main focus of democracy including making concerted efforts in conjunction with development agencies and partners to improve on the socio-economic wellbeing of the people.

The state should evolve a new political system based on strong institutions, democratic best practices, freedom of the press, curb corruption in public life, strengthening the anti-corruption agencies, redirecting the economy through a more development-oriented institutional framework and leadership and embracing norms of governance which can stand the test of time (Ake, 1996).

It is expected that the civil service and public servants adhere strictly with the provision of the extant rules and regulations including the due process mechanism which served as a guide for all Government employees in Government Departments and Agencies and designed to ensure good conduct, honesty, loyalty, courtesy and hard work. These regulations must be made available to all employees working in the public service because ignorant of law is not accepted as an excuse in law except ignorant of law is an element of any offence.

Due process as a policy should be decentralized, managed by qualified and competent professionals through adequate training and development if government services must be accurately and effectively delivered to the people (Okotoni & Erero, (2005), Adindu, Asuquo, & Busari, (2013).

No doubt, the success or failure of any organisational goals and objectives are predicated on the development and quality of its human capital and capacity. In modern societies, service delivery techniques and practises are changing and improving at a very rapid rate globally. Therefore, the right

personnel should be employed to do the right job, right time and the right way.

It is necessary and crucial to set targets for the public servants as a component in monitoring the performance of an employee. If targets are properly set and monitored, it would minimize losses and leakages. However, when targets are set but not met, members of the public will be adversely affected by the service being provided by the public servants, hence there will be service failure (Obasanjo, 2003).

Target setting should be followed by a proper reward system tied to performance which would expectedly propels the public servants to exert necessary efforts and dissuade them from dysfunctional work ethics such as fraud and other related negative behaviours. This can be achieved through series of workshop/training and development programmes which would enable them acquire the necessary professional skills, knowledge and the competence to tackle the enormous tasks associated with the implementation of government policies and due process mechanism.

Due process mechanism should be entranced and made part of every management process to ensure transparency, accountability and productivity in the organization.

The roles of internal and external editors in enhancing due process mechanism through the process of reviewing, evaluating and reporting on the adequacy or otherwise of internal control measures put in place by the organization is imperative. Internal and external measures would provide a tool for monitoring operational effectiveness of policies, detecting and preventing errors and fraudulent practices, just to state a few.

Adequate enlightenment programmes through vigorous advertisement and other related programmes should be adopted.

However, some see due process as a clog in the wheel of progress, especially in the release of funds for the execution of project that requires urgent attention. However, if there are bureaucratic bottlenecks or delays in the application of the due process mechanism, it can only be due to human factors. Thus, every organization must strive to remove the bureaucratic bottlenecks or delays in the application of the due.

These measures, if honestly adopted, would significantly minimize the issue of corruption in every organization.

Conclusion

The positive socio-economic and political contributions of all citizens in national development cannot be overstated. The most crucial element of a development-oriented state is the ability of its leaders to mobilize the material and human resources for socio economic development of the nation. Therefore, their integration into national economic mainstream and development agenda is a veritable means of ensuring political and economic development and wellbeing of the citizens. It is apt and most desirable that all citizens, irrespective of their status and state of origin be included in all efforts not only in the planning and development process but also in the execution, monitoring and evaluation processes in order to ensure an all round development.

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