

Central findings and recommendations

The countries participating in this study were chosen to represent the diversity of conditions on the African continent. In this sense, the main findings and some proposals for the way forward will be presented on this page in order to shed light on and offer guidance to other countries that share similar backgrounds and conditions.

Context and Structure of the Public Service

Currently, the region -- despite pockets of progress -- has been declining economically and socially, as shown by various fiscal, health and other indicators. However, since the early 1990s, many countries have committed themselves to democratisation and are trying to respond to calls for good governance and better public administration. As a result, one major issue of concern has been building up public service integrity, accountability and transparency. There is wide consensus that unchecked corruption is impeding socio-economic development and eroding confidence in governance institutions. Managing the conduct of public servants, thus stemming corruption from the "demand" side, is a major part of building up the capacities of public administration to better serve the public and further the goals of development.

The study shows that in all participating countries, the issue of ethics and the management of conduct in the public service has recently been addressed in research and programme development. While it may be too early for an in-depth evaluation of specific programmes, the countries indicate that much has already been accomplished in the way these issues are now addressed and a forum for public discourse and programme development is provided, particularly within the past two or three years. In the study countries, some ethics campaigns have been conducted through public exhortations, codes of conduct exercises, etc. Some countries are also beginning to push for better ethical standards in other segments of society beyond the government through introducing private sector and NGO codes of conduct. This area seems to be particularly promising since the provision and maintenance of an effective public service ethics infrastructure is only one component of the general moral tone in any society. A way forward with public service ethics campaigns at the national level recommended by this study could be:

- A clear focus of public service ethics campaigns, to target certain groups, mobilise adequate resources, and spend the time and effort to better communicate the campaign goals to the public servants. Ideally, this should be embedded into a broader client-orientation strategy for the public administration since many corruption perception studies persistently show a high degree of mistrust by the public of their governments.

As described in Chapter 2 of Volume I of the Project Report, the countries in the region have the legacy of colonial administrations which largely shaped their current legal systems, organisational structures, and administrative systems. The European colonial powers have bequeathed a state structure that has given preference to extracting resources and benefits for those in power over serving the local population. Since independence, the countries have been trying to transform this situation, in some cases, however, set back by the continuous rule of single party systems. The process seems to be long term, and setbacks have to be taken into account and compensated for; this fact is reflected in the present strategies found in the participating countries to further develop and sustain their public service ethics infrastructures, 40 years or more after political independence.

As part of getting a sense of government organisation and administrative structures, the study asked for basic data on the profile of the public service workforce, salary structures, and managing agencies. Many governments were unable to provide basic figures and statistics because they are not being collected systematically or are inaccessible. Given the resource constraints that many governments are facing, this is not an unexpected situation. However, since information is the foundation for any policy-making or programming, managing the workforce and its performance, and for evaluating the capacity of public agencies, it is very important to ensure that it is collected and distributed in a timely fashion. Central findings of the study in this context are:

- The capacity to collect basic public service statistics needs to be greatly boosted to manage not only the conduct of but all other aspects of the public service.
- In most countries, the public service salary structures need to be improved, both in terms of adjusting the compression of the levels, in keeping up with inflation, and in comparison with the private sector. This is a difficult issue to resolve, especially when resources to deal with the situation are severely limited. However, since the situation in the study countries indicate that salary structures differ by the rank of a public servant and by the sector in which he or she works, one way forward could be to target and limit reforms rather than applying them across the board.

Guiding the Conduct of Public Servants

Under the theme of guidance for the public servants in how they are to conduct themselves, the frameworks of core values, specified legal and administrative standards, ethics advice and counselling, and legislative prohibitions and restrictions in place in each country were examined. The individual responses reveal that:

- Values and standards are insufficiently communicated after basic induction training of the public servants. However, there is consensus among researchers and practitioners that any attempt to enhance ethical, responsible and responsive professional performance of public administrators needs to be backed up by continuous staff training and regular reminder activities on what a service-oriented, reliable and accountable public administration is about. Current standards in many countries do not sufficiently address new areas of concern such as the use of credit cards, official travel, movement to the private sector, post-employment, and lobbying. Maybe these have not yet become pressing areas of concern in the countries in the region, but they are gaining more prominence in other parts of the world.
- One age-old concern, that of nepotism or inappropriate employment and supervision of family members, also does not seem to be adequately addressed. Nepotism, tribalism and patrimonialism have been identified as a major impediment to professionalism in many parts of the developing world and should be very important targets for reform.
- The prevention of corruption or even inadvertent violation of standards have not been given proper attention through ethics advice or counselling. Usually, compliance with minimum standards begins with an adequate knowledge of their existence and provisions. Not many countries have designated, trained specialists to assist managers and employees about dealing with corruption provoking situations or ethical quandaries.
- The sample countries show that there are difficulties in applying existing criminal code provisions against corruption or specific anti-corruption laws due to the complexity of the texts and the onerous burden of proof in a crime that is not often visible. Again, the extent of this difficulty is hard to assess as enforcement and case statistics do not seem to be kept systematically.
- The countries often have in place values, standards, and laws that criminally condemn corruption, unethical acts, and incidents of maladministration. However, they are sometimes outdated and do not sufficiently cover technical developments or social trends. Also, even those values and standards that are in place are not adequately communicated to the public servants or the public in general. This situation leads to a recommendation that training and communication efforts would be a starting basis for highlighting the need for better behaviour. Furthermore, a simplification and harmonisation of the existing texts and routine collection of pertinent data may be a step in the right direction. The study findings suggest the guidance of conduct for public servants as one primary area for further programme activity.

Managing the Conduct of Public Servants

Managing the conduct of public servants entails having in place -- among other systems -- an overall national integrity strategy, sound human resources management practices, and comprehensive disclosure procedures. Essentially, managing the conduct of public servants means being able to monitor their behaviour and being able to detect any systemic failures that allow high degrees of misconduct in order to take prompt remedial action.

Although just over half of the sample countries espouse a national integrity strategy or broader ethics or anti-corruption policies, few seem to have coordinating strategies in place. Furthermore, few of them have the capacity to perform risk assessments to better target their efforts, to analyse systemic failures through seeking trends in criminal and disciplinary cases, or to provide a checklist of prevention strategies. This situation is not too surprising when viewed in the light of the overall lack of systematic collection of basic public service information. Although undertaking these activities may be difficult at first, the potential for payoff of carrying out such a broad analysis is very high. The following recommendations can be made on the basis of the project findings:

- Fair and transparent human resources policies and practices are the foundations for creating a professional and ethical public service. The majority of the national consultants did not express a high degree of confidence in the existing systems. They did not see merit playing a large role in the selection process, nor the public service leadership providing a good example to the rest of the service. And in cases of misconduct, although disciplinary procedures are in place, they are not well known by supervisors or managers and probably therefore seldom used.
- In situations where petty corruption and lax performance have become a habitual part of the working environment, reform cannot really begin until some disciplinary actions have taken place. This requires training programmes for

managers and supervisors and the provision of protection measures for those public servants willing to report on criminal or other serious misconduct of their peers. A culture of professionalism should be fostered through sound human resources management.

- A good disclosure system can be the basis for successfully enforcing criminal and other legal anti-corruption provisions. It is very difficult to prove illicit gains without baseline information of the assets and interests of public officials. Although most of the study countries have disclosure requirements for their public officials, upon closer examination, they are not as comprehensive or detailed enough to be able to capture all the possible violations of prohibited areas or conflicts of interest.
- Also, there did not seem to be systematic verification in place. Managing disclosures is an area where technical assistance can be sought from those countries where workable systems are in place. It is a matter of adapting them to the needs and levels of the country concerned.
- In order to monitor how public servants are behaving, rather than relying on hearsay or anecdotes, it is essential to have in place systems for collecting and analysing basic information. Furthermore, it seems to be crucial to provide basic human resources management and disclosure procedures that create confidence in the public service structure.

Control of Conduct of Public Servants

Measures for guiding and managing the behaviour of public servants require enforcement procedures to be effective. Enforcement serves two purposes: sanction of violations of established standards and deterrent for others contemplating similar actions.

In this endeavour, complaints or reporting procedures are the starting points. However, the survey results indicate that they are not widely known in many of the study countries, making corrupt and unethical acts difficult to report. The project findings suggest the following recommendations:

- Reporting procedures, both internally for public servants and externally for the general public, need to be simplified and widely publicised in order to function properly.
- For those people who choose to report wrongdoing, adequate protection needs to be in place. Again, although whistleblower protection may exist in writing, there seem to be insufficient practical measures in place such as transfers of work and anonymity to really protect those that expose corruption or ethical violations. This study identified a need to strengthen such practical measures. Independent oversight agencies such as the Ombudsmen, Inspectors General, Auditors General, etc. need to have the institutional capacities to carry out their mandates. Based on the limited information gathered by the study, it is hard to gauge their capacities in terms of staffing and budget levels. However, comments by the national consultants would indicate that they are inadequate. These institutions need to have the manpower, equipment, and training to function adequately. Similar observations can also be made about frontline criminal investigative agencies that usually investigate corruption such as the police.
- In terms of financial control, very few countries show that internal and external audit reports are widely circulated or made public. Without wide circulation, it is difficult to build up the consensus for pushing for changes. Few countries actually seem to prosecute corruption, either because of the difficulties involved in proving the crime or a lack of political will. This would be the final step in enforcement, and without a clear demonstration of will to take this final step, the other preceding steps are likely to lose their importance. Actions to improve the situation can involve simplifying the existing criminal legislation, considering options for shifting the burden of proof, and providing assistance to public prosecutors in carrying out their work.

Role of Non-Governmental Actors

Given the development of private sector and civil society organisations in the region, the countries show a high level of activity. Both sectors, however, still need to be encouraged through resources and capacity-building in order to provide public scrutiny of government operations and performance. Ultimately, they need to reset the balance in the governance equation of a country through demanding accountability, transparency, and ultimately, change. In this context, the following recommendations can be made:

- Governments need to be persuaded that it is in their interest to have a strong and effective private sector and civil society. They need to enhance their transparency by sharing information about their activities. Although this is already being done to some degree, harnessing technological developments in the field of e-governance and publicly accessible electronic information systems could possibly augment these present efforts further.

- At the same time, the public reporting and checking function of private media and press views are needed to ensure that government communications do not become mere propaganda. The survey indicates that, in many study countries, the press is still not entirely free to express its views or operate without government interference.
- The press need a high degree of freedom but should also demonstrate a sense of professional responsibility to inform the public without undue bias.

Outlook

The public service, as an institution, has a valuable contribution to make towards the development of countries in Sub-Saharan Africa. Among the efforts that have been made to modernise and revitalise the public service, more attention has been paid to the ethical dimensions during recent years. The sample countries in the study indicate that a planned and co-ordinated approach to enhancing ethics, both within the public service and outside, would yield the best results.

To conclude, this report recommends a two-pronged approach towards public service ethics:

- First, this report demonstrates that the encouragement of ethical conduct on the part of public servants requires an active and persistent addressing of pertinent issues from within and outside the public sector. Examples of pressure from outside the public sector are found in a number of study countries where newly-founded citizens groups have been calling for more openness and accountability on the part of their governments.
- Second, the findings of this study also suggest that the enhancement of public service ethics will come as a by product of other public sector reforms and improvements. It has been stated by the national consultants and their interviewees that old and insufficient equipment, an inadequate remuneration structure or power imbalances between the executive, legislative and judiciary branches of government -- to name just a few examples -- have contributed towards the deterioration of conduct in the public service. Any reform attempts in these areas will, thus, also lead towards, or at least facilitate, the enhancement of public service ethics.

The recent steps for the enhancement of public service ethics in Africa, and their progress, may provide lessons for other parts of the world. What makes African examples particularly interesting for countries in other developing regions is the fact that the administrative systems in Africa often have a complex interface with coexisting regulatory and welfare systems based on tradition, kinship, community and ethnicity. In order to be successful, any attempt towards the improvement of the public service has to keep these fragile and often conflicting relationships in mind.

Ultimately, ethics in the public service must be understood as an integral element of the role of public administrations in the achievement of good governance.