

**PUBLIC GOOD AGAINST PERSONAL INTEREST: AN ETHICS OF DUTY  
APPROACH TO PUBLIC ADMINISTRATION IN NIGERIA**

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**Abstract**

*This paper examines the application of the ethics of duty to the ethical issue of conflict of interest in public administration in Nigeria. Resolving conflicts of interest among public administrators is crucial to effective and efficient service delivery in the nation's public service. All the different forms of conflicts of interest have made the achievement of the statutory intentions of Ministries, Departments, and Agencies (MDAs) of government at all levels unachievable. Given this, the paper argues that unresolved conflicts of interest have several negative consequences such as: reducing public confidence and trust in government and public administrators, undermining stability and eroding trust in public institutions, affecting the level of effectiveness and efficiency of public service delivery, and affect the socio-economic development of the nation among others. The paper concludes that the inculcation of the prescription of the ethics of duty by public administrators will enable them to act under laws, codes of conduct, regulations, and ethics for the public good, this will, in turn, help public administrators to be ethical, effective, and efficient which ultimately brings about social, economic, and political development in the nation.*

**Keywords:** Public administration, Conflict of interest, Ethics of duty, Public interest, Personal interest, Public administration ethics

**Introduction**

Public administration constitutes the focal point through which the government implements its policies and programmes for the nation's social, economic, and political development. In Nigeria, the public sector is bedevilled with unethical practices which had over the years undermined citizens' trust and confidence in public administration. The

unethical conduct of public administrators has become a major subject of media attention in recent years. The media is awash with scandals of conflicts of interest at different Ministries, Departments, and Agencies (MDAs) of government at the Federal, State, and Local government levels. Despite the laws, codes of conduct, public service rules, and regulations put in place to check these unethical practices, the problems are increasing. Consequently, there is an urgent need to address the unethical issue of conflict of interest due to its immense negative consequences on the nation's public service. For this paper, the notion of public service refers to all government ministries, departments, agencies, parastatals, civil service, Armed Forces, Police, Immigration, Correctional Centres, Customs, Nigerian Civil Defence Corps, Federal Road Safety Corps (FRSC), all Public Tertiary Institutions, Judiciary, Legislature, Executive, Public Health Institutions and all other institutions or bodies financed by the government at any level.

Every action of a public administrator carries value implications either at the policy formulation stage or implementation stage. As a result, the Constitution of the Federal Republic of Nigeria recognizes the fact that public administrators will often face difficult ethical choices. Moral dilemmas arise for public administrators when responsibilities to promote public good conflict with personal interests. Consequently, understanding the moral implications of their actions and resolving the dilemmas they pose is one of the most difficult problems public administrators face working in the public service. Unarguably, the ability to resolve the conflict of interest in an ethical manner will be essential for the efficient service delivery and development of any nation. This is the concern of public administration ethics as an aspect of professional ethics.

Many of the studies in the field of public administration ethics in Nigeria are from a descriptive ethics perspective, but rarely examined the normative professional ethics aspect of public administration. Many of these descriptive ethics papers are concerned with the codes of ethical behaviour in public service, the place of ethics and accountability in public service, causes of unethical behaviour, and its effects on the performance of the public administrators (Ibietan and Joshua 46-59; Omotoso 119-139; Ogbonnaya 33-42; Bem 37-39; Fatile 132-151). They are concerned with "what is" as against "what ought to be"; they describe how public administrators behave in society. Given this lacuna, this present paper provides a normative approach to public administration ethics.

This paper examines one of the major ethical issues in public administration vis-a-vis the application of the normative ethical theory of ethics of duty to conflicts of interest, by attempting to address the following questions: Why should public administrators avoid conflicts of interest in their professional engagements? What constitutes a conflict of interest in public administration? What are the normative ethical foundations for public

administration ethics? What could be responsible for conflicts of interest in public administration in Nigeria despite laws, codes of conduct, and regulations? Why should public administrators act for the sake of duty? Is there an ethical theory or principle(s) that can assist public administrators to be ethical, effective, and efficient at the same time? Let us begin by clarifying three central concepts: public administration, ethics, and public administration ethics.

**Clarification of Terms:** Public Administration, Ethics, and Public Administration Ethics

The word ‘administration’ is derived from the Latin words ‘*ad*’ and ‘*ministrare*’ which means to serve or manage. Administration connotes the management of affairs, public or private. This management of affairs could either take place in public organizations or private (business) organizations. To this end, we have two kinds of administration: public and private (business) administration. Business administration deals with business organizations that are managed with the aim of profit-making, while public administration deals with public organizations or establishments which are managed with the sole aim of rendering specific public service in society. Our concern in this present paper is public administration.

Public administration, according to Denhardt and Grubbs, is “concerned with the management of public programmes” (1). For Rosenbloom and others, public administration has to “do mainly with formulation and implementation of government policies by officials that are subordinate to the executive arms of governments and government agencies” (Cited by Oyeshile 196). Onah citing Hodgson posits that public administration “comprises all activities of persons or groups in governments or their agencies, whether these organizations are international, regional or local in scope, to fulfil the purpose of these governments or agencies” (3-4). In the same vein, Gberevbic maintains that:

The activities of all public servants in any society geared towards the achievement of the goals and objectives of government such as defence, communication, agricultural development, provision of infrastructure, and maintenance of law and order to mention but a few are all within the scope of public administration (9 – 10).

These definitions imply that public administrators engage in government policy formulation and implementation for the good of the public and society, not for personal interest. They are expected to provide public services for the improvement of the living standard of the citizens in society. Public administrators work at all levels of government

Ministries, Departments, and Agencies (MDAs): Federal, State, and Local. It is expected that the professional public administrator must be familiar with the essentials of quality services and effective management of resources for the good of the public. Public administration is designed to serve the “public”. By its very nature, public administration ought to be people-oriented and even people-centred. Hence, the main duty and responsibility of the public administrator are to serve the public rather than the self; public administration is a call to serve a great number of citizens. It entails a high level of selflessness on the part of the public administrator because public administration is an opportunity to serve and constructively contribute to improving the standard of living of the citizens. It is pertinent to note that the term “public administrator” is being used here broadly to refer to a public servant, civil servant, public employee or elected official, or any other kind of official who performs public functions or duties on behalf of the State, a government, or a government agency, where the exercise of lawful power is involved. Okpo presents three definitions of ethics from different scholars. These are:

One, by Omoregbe, asserts that ‘ethics is the branch of philosophy that deals with the morality of human conduct; hence it is also known as moral philosophy’. Two, by Agulanna, is ‘the aspect of philosophy that is concerned with actions that are said to be good or bad, right or wrong, with moral responsibility and the conduct or behaviour of people in the society’. Three, Rue and Byars see ethics as ‘principles of conduct used to govern the decision-making and behaviour of an individual or a group of individuals’ (Okpo 9).

These definitions imply that ethics is concerned with human actions and conduct in society; it examines and appraises human behaviour and conduct in the light of ethical principles. Concerning professionals, ethics help professionals decide what is right and good or wrong and bad in any given circumstance. Talking about the relationship between ethics and public administration, Oyeshile asserts that “ethics plays the role of check and balance on the administrative conduct of public servants to purge them of fraudulent practices that are counterproductive to the objective for which the public service is established” (195). What then is public administration ethics?

Public administration ethics is a type of applied ethics (professional ethics) that is concerned with the moral conduct and standards governing public administration as a profession and its members. It deals with the application of normative moral theories and principles to the profession of public administration. It is the moral norms, standards, and principles that guide the conduct of professional public administration. In other words, public administration ethics is a species of professional ethics that applies moral principles to the professional life and conduct of public administrators. Moreover, the concern of public administration ethics is to address the conflicts between the interest of

self and public interest; there is a consistent clash between the interest of the professional public administrator and the common good (public interest).

Public administration ethics deals with why public administrators ought to implement government policies in an ethical manner that promotes good governance and the well-being of the general public. With regards to public administrators' role in the implementation of policies that have a direct influence on the life of the populace, public administration ethics focuses on ethical concerns faced by public administrators in their day-to-day work lives. So, rather than asking how an action of a public administrator or public policy serves the interest of some specific individual or group, public administration ethics asks whether the action of a public administrator or public policy serves everybody's interest. Public administration ethics seeks to make public policy better by making public administrators ethically responsible and accountable. Having engaged in the clarification of terms and the examination of the relationship between public administration and ethics, let us examine, ethics of duty, a normative ethical theory that this paper seeks to apply to the unethical issue of conflict of interest in public administration.

### **Ethics of Duty**

In philosophical ethics, three major normative ethical theories attempt to set rules that regulate and guide human conduct in society. These theories focus on a set of moral standards and principles or a set of moral character traits that individuals are expected to possess. These normative ethical theories include consequentialism (consequence-based theories), deontological (duty-based theories), and virtue-based theories. While consequentialism theories focus on the consequences or outcomes of individual actions, their moral goodness, and badness, deontological theories focus mainly on the principles of action, their universality, and justification. Consequentialism and deontological theories, on the one hand, are both concerned with principles and standards for appraising moral conduct. They focus on what humans should do as against the kind of person humans ought to be. Virtue-based theories, on the other hand, focus on the moral agent, the character, and the disposition of individuals (Okpo *Ethical Leadership* 78). This paper is concerned with duty-based theories: Shinto ethics and Kantian ethics.

The ethics of duty that this paper is concerned with are Shinto ethics of duty and Kantian ethics of duty. The sense of duty is at the core of both Shinto ethics and Kantian ethics. Shintoism, popularly known as Shinto, is the Japanese traditional philosophy and religion. The two core virtues in Shinto ethics are duty and loyalty. Shinto ethics, according to

Omoregbe, “emphasizes duty and loyalty so strong that individuals are always ready to sacrifice their lives to demonstrate their commitment to duty and loyalty” (*Comparative* 57). This implies that Shinto ethics support suicide as a heroic act when it is done as a demonstration of a person’s duty and loyalty. The obligation of duty, according to Shinto ethics, disregards all other considerations of personal interest. What are these duties? There are duties to the gods, duties to the ancestors, duties to the nation, duties to the leader, duties to the family, and duties to the organization among others. Failure of an individual to perform his/her duty is punished with catastrophe. Shinto ethics of duty inspires community consciousness and discourages individuality or self-centeredness as an individual is seen as part of the community and not as an isolated entity or person. Hence, the moral agent sees his/her well-being and happiness as an essential part of the general well-being of society.

For Kant, there is a single moral obligation, which he called the "Categorical Imperative", and it is derived from the concept of duty. Kantian ethics is also essentially an ethics of duty, that is, duty for the sake of duty. Kantianism is identified with an idea put forward by Immanuel Kant (1724 – 1804) to the effect that the only thing that is good in all circumstances is goodwill. Kant asserts that “it is impossible to think of anything at all in the world, or indeed even beyond it that could be considered good without limitation except a goodwill.” (1). Kant means that goodwill is the only thing that is good without qualifications; other things regarded as good are not categorically good because their goodness can be bad when misused. What then is goodwill? Kant sees it as a sense of moral obligation or duty; he sees goodwill as the human ability to act under the moral law or as a will that acts for the sake of duty. Humans are expected to act in conformity with moral laws or principles regardless of personal interests or consequences. He distinguishes between two types of duties: “acting for the sake of duty” and “acting according to duty”. While he considers the former as having a moral worth, he considers the latter as having no moral worth. For him, acting for the sake of duty is the only way that one’s action can be said to have moral worth. What does it mean to act for the sake of duty and according to duty?

For Kant, to act for the sake of duty, simply means “to act, not because one hopes to gain anything from the action, not because one just feels like doing it or because one has a natural inclination to doing such things, but purely out of reverence for the moral law” (Omoregbe 220). The implication of this is that when a moral agent is said to act for the sake of duty, he/she is simply acting under the dictate of the moral law. Put differently, acting for the sake of duty entails acting, not because one has anything to gain from the action, not because one feels like doing it or because one likes doing such things, but simply because one must do it. To act according to duty, Kant says, is “to act out of

prudent considerations for one's interest" (Omogbe 220). This implies acting out of prudent consideration for one's interest, knowing that one stands to gain from the action either immediately or distant future. For Kant, acting according to duty is not bad, but those actions have no moral worth or moral value; they are not morally praiseworthy because there is some kind of self-interest involved in their motivation. What gives actions done for the sake of duty such as moral worth or moral value is the fact that they are performed out of respect for the moral law. The necessity of the moral law is a categorical imperative. To this end, Kant makes a distinction between two kinds of imperatives: categorical and hypothetical imperatives.

A hypothetical imperative, on the one hand, is a conditional imperative that requires a person to do something which is a means to an end. A categorical imperative, on the other hand, is an unconditional imperative. Categorical imperative enjoins actions not as means to ends but as good in themselves. Hence, moral commands are *categorical imperatives*; that is, they are unconditional. The categorical imperative of Kant has two formulations. For Kant, the criterion for distinguishing right from wrong actions is the principle of universalization. If one wants to know whether the action he intends to perform is morally right or wrong, he should look at the underlying principle (i.e., the maxim) of the action and universalize it. In *Foundations of the Metaphysics of Morals*, Kant asserts that "I ought never to act in such a way that I could not also will that my maxim should be a universal law" (*Foundations* 18). Hence, one of Kant's formulations of the categorical imperative is "act on the maxim which you can will to be a universal law." This maxim could be interpreted to mean that before a professional public administrator performs a particular action, he/she should ask himself/herself whether he/she would consider it desirable for everyone in a similar situation to perform a similar action. If the answer is in the affirmative, then, his action is morally right, otherwise, it is morally wrong. Kant postulates a second formulation of the categorical imperative that he claims is similar to the first version. In the second formulation, Kant focuses his attention on the rights of human beings. Kant opines that "act so that you treat humanity, whether in your person or in that of another, always as an end and never as a means only" (*Foundations* 46). Humanity is expected to be treated as an end in itself and never merely as a means to an end. However, Kant acknowledges that we might often use others as means to an end, as we do, for instance, when we employ them to do a job for us. But he underscores that they also have a value in and of themselves which we must respect. For this reason, a Kantian would take strong exception to the view that employees are to be treated like mere tools in the production process. Human labour should never be treated like machinery, industrial plants, and capital-solely under economic laws for profit

maximization. Any economic system that fails to acknowledge this distinction between human beings and other non-human factors of production is morally deficient (Beauchamp and Bowie 21). The summary of the categorical imperative is to act out of duty in obedience to the categorical imperative is for Kant what it means to be moral. Hence, Kant's ethics rests on three pillars: duty, universalizability, and respect for persons.

Both Shinto ethics and Kantian ethics take the notion of duty seriously. It is the basis of both ethics. In both ethics, the sense of duty overrides all considerations of personal interest. The emphasis on the sense of duty is quite commendable. Unfortunately, Shinto ethics goes to the extreme of using it to justify suicide as a heroic act when it is done as a demonstration of one's sense of duty and loyalty to one's country. Suicide is not morally justifiable in any situation. Kantian ethics, on the other hand, is not without its difficulties. It is occasionally difficult to apply general principles to particular unusual circumstances. It can also be argued that moral duties cannot be separated from the consequences of fulfilling those obligations. For instance, the reason that duty, to tell the truth, is such a fundamental principle that truth-telling produces good consequences for society. However, a sense of duty is necessary for the national development of any country. It is a truism that no nation can develop or make progress if its public administrators lack a sense of duty or do not take the sense of duty seriously. There is no doubt that this is one of the major reasons responsible for the poor delivery of effective and efficient services in the country's public sector. Many public administrators are not loyal to their vocation of serving the public good; they have failed to align their interests with the public interest. This failure manifests in the unethical conduct of conflict of interest in the public administration of the country.

### **Conflicts of Interest in Public Administration in Nigeria**

In the course of meeting his/her professional obligations and duties to the public and other stakeholders, the professional public administrator is confronted with several ethical issues and dilemmas. It is as a result of these ethical issues and dilemmas that professional bodies formulate codes of conduct for their members to regulate and guide them on what the profession and society expect from them. Apart from the professional bodies' codes of ethics, they are laws and statutes put in place to regulate the behaviour and conduct of public administrators in their daily activities for the benefit of citizens. In Nigeria, the Constitution, Public Service Rules, and Civil Service Handbook among others recognize that public administrators will often face difficult ethical choices. There is no doubt that these choices may present themselves in different ways. Ethical dilemmas arise for public administrators when the duties and responsibilities of serving the public conflict with their



interests. Consequently, professional codes of conduct, laws, rules and other mechanisms are put in place to help public administrators understand the legal and moral implications of conflict of interest. For instance, the fifth schedule of the 1999 Constitution of the Federal Republic of Nigeria provides that “a public officer shall not put himself in a position where his interest conflicts with his duties and responsibilities” (197).

In public administration, there are two noticeable and prominent codes of ethics: the International City Management Association (ICMA) code and the ethical code of the American Society for Public Administration (ASPA). These professional codes of conduct underscore the importance of personal honesty and the professional conduct of public administrators. They share an emphasis on conflicts of interest and other unethical conduct in their principles or articles. Both professional codes stress the importance of public administrators to advance the public interest. Principle 1 of ASPA’s code of ethics obligates one to “promote the interests of the public and put service to the public above service to oneself” ([www.aspanet.org](http://www.aspanet.org)). In the same vein, Tenet 4 of ICMA’s code of ethics admonishes public administrators to “serve the best interests of the people” ([www.icma.org](http://www.icma.org)). These codes of ethics prohibit public administrators to indulge in conflict of interest.

What then is a conflict of interest in public administration? Interest involves influences or pressures, feelings, devotions, and loyalties that could pressure a public administrator and compromise the exercise of his/her professional capable judgement. A conflict of interest, as it relates to public administration, entails a clash between pressures of this nature and the interests of the society that the public administrators serve. Put differently, conflict of interest connotes a conflict between a public administrator’s duties and obligations and existing personal interests. According to Boatright, conflict of interest “occurs when a personal or institutional interest interferes with the ability of an individual or institution to act in the interest of another party when the individual or institution has an ethical or legal obligation to act in that other party’s interest” (511). Williams argues that “conflict of interest denotes a situation in which an employee has a private financial interest sufficient to influence, or appear to influence, the exercise of his or her public duties and responsibilities” (6). Elegido (351), argues that the presence of a conflict between personal interest and official or professional responsibility which creates an ethical problem is referred to as a conflict of interest. Velasquez (354) identifies two classes of conflicts of interest: objective and subjective conflicts. Conflicts of interest that are based on monetary/financial relationships are sometimes called objective conflicts, while

conflicts of interest that are based on emotional ties or relationships are sometimes said to be subjective conflicts of interest.

The above definitions of conflict of interest imply three main components. First, there is the private or personal interest, which may be financial/monetary interest, or another kind of interest: emotional, tribal, religious, and relationship ties. Second, the professional duties and responsibilities of public administrators are expected to take precedence over their private interests. Lastly, conflict of interest interferes with the professional duties and obligations of public administrators and thereby affects their ethical values of impartiality, objectivity, and integrity in the discharge of their duties to the public. Thus, there are different types of conflicts of interest.

Popa identifies seven types of conflicts of interest as follows:

- personal interests: when a person works for the government, for example, uses his official position to conclude a contract with a private consulting firm that is his own;
- the acceptance of benefits: substantial bribes and gifts are important examples of this category;
- traffic of influence: when an employee, who has influence or lets others believe he has that influence on an officer or another person, receives or claims money or other benefits, accepts promises, or gifts, directly or indirectly for himself or for another person in exchange for using his influence to support the interests of others;
- for the personal use of the employer's property: this is similar to stealing office supplies to use them at home (in private);
- the usage of confidential or secret information: for example, while a person works for a client, finds out that the client intends to buy land in the region and decides to buy the land in his wife's name just a short time before the client;
- getting employed in the same sector: representative for this type of conflict of interest is a situation where a person resigns from a public job and starts another job in the same domain;
- carrying out activities in parallel with the job: such as, for example, starting a personal business in direct competition with the employer (59).

It is a truism that these conflicts of interest constitute one of the major unethical behaviours in public administration. It is pertinent to note that what makes a conflict of interest an ethical issue in public administration, is that it interferes with the professional

public administrator's duties and obligations in a particular way: it affects or may affect the public administrator's professional competence and personal honesty in the discharge of his/her duties. As stated above, the public administrator's interest here may be a financial interest or non-financial interest. As a result, most of the unethical behaviours among public administrators can be reduced to one major ethical issue: conflict of interest. Commonwealth Association for Public Administration and Management (CAPAM) 2010 published a featured report regarding some of the most common ethical dilemmas and issues that confronted public administration. These issues revolve around: administrative discretion, corruption, nepotism, administrative secrecy, information leaks, public accountability, and policy dilemmas (5).

In the same vein, Dwivedi categorizes unethical conduct among public administrators into six classes:

- (a.) Bribery, graft, patronage, nepotism, influence peddling;
- (b.) Conflict of interest (including such activities as financial transactions to gain personal advantages, accepting outside employment during one's tenure in government);
- (c.) Misuse of inside knowledge for example, through acceptance of business employment after retirement or resignation, favouring relatives and friends in awarding contracts or arranging loans and subsidies, and accepting improper gifts and entertainments;
- (d.) Protecting incompetence;
- (e.) Regulating trade practices or lower standards in such a manner as to give an advantage to oneself or family members;
- (f.) The use and abuse of official and confidential information for private purposes (Cited by Oyeshile 197).

The above list implies that most of the unethical practices in public administration could be said to fall under conflicts of interest. These six classes of unethical behaviours among public administrators are different forms of conflicts of interest. These different forms of conflicts of interest have similar inspiration, drive, and motivation geared towards the promotion of the personal interest of the public administrator at the expense of the public interest. The public administrator is expected to act for the general interest of the citizens, not for his/her interest. A critical look at the above-listed unethical conduct by public administrators reveals that most public administrators involved in such misbehaviours

acted for their interests or the interest of close relatives and friends. For instance, bribery, graft, patronage, nepotism, and influence peddling are clear cases of conflicts of interest between promoting the interest of the public and promoting self-interest. At the root of these unethical conducts are greed and self-interest. Hence, there is a clash between implementing policies that would promote the public good and acting for the sake of individual interest (receiving bribes) or the interest of family members and close friends (nepotism). In other words, there is a clash between serving the public good and promoting personal interest. The concept of personal interest is extended to include: the public administrator's spouse, close relatives, cronies, and business associates.

Nepotism as a conflict of interest refers to a situation in which a public administrator may be in a position to do a favour for a relative, cronies, or business associates. It could be said to be a special class of influence peddling. It involves using influence to gain preferential treatment in hiring, promotion, awarding contracts, or other business practices in which a relative will benefit. The public administrator who engages in such practices gains not directly but indirectly, by reinforcing family bonds and obligations of mutual support (Cooper 117). Influence peddling, according to Mafunisa, "is the practice of soliciting some form of benefit from individuals or organisations in exchange for the exercise of one's official authority or influence on their behalf" (11). It is a more active form of conflict of interest in that it entails the solicitation of benefits (Kernaghan and Langford 145). Bribery and graft will influence a public administrator's impartial discharge of his/her duties to the public. They are intended to create a generally positive predisposition toward the donor (Cooper 116).

These conflicts of interest among the public administrators, in a country like Nigeria, are affecting service delivery in the country. Public administrators engaging in different conflicts of interest over and above public service and public interest is one of the major reasons why the country is not making positive advancements. These unethical conducts of public administrators are hampering the effectiveness and efficiency of public service and public institutions. For instance, let us consider a conflict of interest (nepotism) in the area of employment in the public service like the university system where incompetent personnel are employed based on their relationship with the public administrator in charge of recruitment. This form of conflict of interest or any other form can never bring about productivity in the university system or any other public sector.

In public administration, the public interest is regarded as the most important ethical standard. Public interest here is understood as the opposite of following one's interests instead of the public, citizens, and the entire nation's interests. The different forms of conflicts of interest speak volumes of the honesty, loyalty, and integrity of a public administrator; conflicts of interest are not consistent with the public interest required in

public administration and so preservation of public confidence is not possible. As public administrators, their ethical obligation is to the public interest rather than personal or self-interest. There is no doubt that these unethical conducts by public administrators have negative consequences on the implementation of government programmes and policies in society. What is more? Preventing and resolving conflicts of interest among public administrators is a prerequisite to good governance. Hence, public administrators are expected to constantly act in a manner that enables them to balance between private interests and the interest of serving the public.

Consequently, unresolved conflicts of interest have several negative consequences such as: reducing public confidence and trust in government and public administrators, undermining stability and eroding trust in public institutions, affecting the level of effectiveness and efficiency of public service delivery, and affecting the socio-economic development of the nation among others. One way of resolving conflicts of interest among public administrators is through the inculcation of strong ethical principles derived from a normative ethical theory that addresses the moral foundation of public administration. But which ethical principles should be inculcated to achieve the objective of making public administrators ethical in their thoughts and actions; seeing that there are myriads of contending ethical theories and principles? Let us at this juncture examine how the prescriptions of the ethics of duty discussed earlier, can help to achieve the objective of making public administrators ethical in their thoughts and actions thereby helping them to be able to resolve conflicts of interest.

### **Ethics of Duty and Conflicts of Interest in Public Administration in Nigeria**

It is obvious from our discussion, in the preceding section, that any form of conflict of interest emasculates the essence of public administration. Personal interest in public administration undermines the essence of public administration in the country. For a public administrator to decide for the common good is to demonstrate a lack of commitment to duty and loyalty as prescribed by the ethics of duty. Conflicts of interest entail a violation of ethics of duty, that is putting one's interest above or beyond the public good. There is no doubt that when self-interest consumes the public interest, much trouble is in store. This is one of the major reasons public administrators are constrained and compelled by a myriad of laws, codes of conduct, rules, and regulations intended to ensure that the public interest is not sacrificed on the altar of self or personal interest. Despite all the laws, codes of conduct, rules, and regulations put in place to check the

conduct of public administrators as regard conflicts of interest in Nigeria, the unethical cases of conflicts of interest among public administrators are not abating.

In Nigeria, there are many external mechanisms established to prevent misconduct in the public service and some of them include:

1. the Code of Conduct Bureau (CCB) which has been enshrined in the 1999 Constitution of the Federal Republic of Nigeria by the provisions of its Section 153 and 3rd Schedule, Part 1, Section 1;
2. the Code of Conduct Tribunal (CCT) is a necessary by-product of the CCB, and has its existence tied to the fifth schedule, Section 15 of the 1999 Constitution of the Federal Republic of Nigeria;
3. Independent Corrupt Practices and Other Related Offences Commission (ICPC), established in 2000 with the mandate to investigate corrupt practices and other related offences;
4. Economic and Financial Crimes Commission (EFCC), established in 2002 with the mandate to investigate economic and financial crimes;
5. Bureau of Public Procurement (BPP), established by the provisions of the Public Procurement Act 2007, was saddled with the mandate to prevent fraudulent and unfair procurement;
6. 2008 Public Service Rules (PSR), is to ensure that the fundamental ethical issues in the Public Service are strictly adhered to, it prohibits misconduct and serious misconduct, as defined in PSR 030301 and PSR 030401 respectively, but also prohibit presents in recognition of service (PSR 030433), bribery and corruption (PSR 030444).

These mechanisms were established to prevent and discourage misconduct among public administrators. These mechanisms are necessary but not sufficient to discourage and prevent public administrators from engaging in unethical practices and misconduct. These external approaches have not increased public trust and confidence in public administration or any decline in unethical behaviours of public administrators in the country. Trust and confidence in public administration are eroded when it appears that public administrators' actions are influenced by any form of conflicts of interest that might influence the public administrator's decisions on some matters considerably increasing citizens' distrust in the public administrators and public service as a whole.

Consequently, failure to adequately constrain or check these unethical behaviours in public administration has resulted in norms antithetical to the public interest and public

administration practice. Regardless of the existence of these laws, rules, and codes of conduct in the Nigerian public service, research indicates that the public service still witnesses different forms of conflicts of interest by public administrators: acceptance of bribes, nepotism, cronyism, influence peddling, abuse of official information for private purposes, acceptance of illegal gratification in recruitments, and under-assessment of income tax for pecuniary gains among others (Ogbonnaya 38). There is a missing link between these mechanisms put in place for checking and constraining conflicts of interest and other misconduct among public administrators and their compliance and obedience to these laws, codes of conduct, rules, and regulations. We may begin to ask ourselves: What could be the missing link?

The missing link is the lack of personal moral conviction and strong moral character on the part of the public administrators. In other words, a deficit of ethics among public administrators in the country could be said to be the missing link. Because morally upright persons with strong moral character do not necessarily need laws to tell them to do the right thing or to be committed to their duties and obligations. Laws, codes of conduct, rules, and regulations assume that the public administrator is incapable of full moral self-guidance. These laws, codes of conduct, rules, and regulations are external control mechanisms meant to encourage public administrators to adhere to the mandatory and permissible conduct in public service. However, these external control mechanisms have failed to decrease unethical behaviours such as conflicts of interest and other unethical practices among public administrators in Nigeria.

For this reason, it is usually argued that public administrators emerge from the society itself and not from any other planet. Therefore, the mores, values, and behavioural patterns predominant in society are likely to be reflected in the conduct of public administrators. This is what Omotoso (129) refers to as “the Nigerian factor ... an inelegant or improper way of doing things, which puts sectional interest, political considerations, elite interest, pecuniary considerations, and wealth accumulation over and above public service”. To expect that they will be cloistered from the orientations and norms evidenced in society would be impractical. Undoubtedly, this argument is logically persuading, nonetheless, there can be an opposing argument that public administrators are expected to possess stronger moral character than other members of the society they are serving. Unfortunately, lack of strong moral character and moral failure remains the major problems facing the Nigerian public service.

As a result, the moral failure of many public administrators has given room to the public loss of trust and confidence in government programmes and policies. It also undermines

economic development and erodes trust in public institutions (Bem 37). The different forms of conflicts of interest are a result of the lack and failure of ethics in public administration. This failure of ethics in the Nigerian public service has negatively impacted the level of development in every sector of the nation. Unethical practices and conducts in the public service are no doubt reflections of Nigerian society as a whole, but public administrators are entrusted with public resources and their actions must therefore be above reputation. The public expects and even demands, that public administrators demonstrate a high level of ethical behaviour and professionalism. Conversely, many public administrators demonstrate a strong commitment to personal interest that overrides their obligation, duty, and loyalty to the nation.

Nigeria as a nation has numerous regulatory agencies, but these agencies have failed to positively change the status of the nation. These agencies have failed to meet the purpose of their establishment due to the unethical conduct of public administrators. These unethical conducts of conflicts of interest in public administration in Nigeria have made the success of the statutory goals of these agencies unrealizable. A case that readily comes to mind is the Niger Delta Development Commission (NDDC), despite the volume of financial resources invested in the commission since its inception there is little to show for the development of the Niger Delta region. The unethical behaviour of public administrators in this commission is largely responsible for the underdevelopment witnessed in the region. The public administrators' goals are not aligned with service delivery, but with the promotion of personal interests. Thus, conflict of interest frustrates the realization of the existential objectives of the NDDC.

Service, ethics, and trust are interrelated values that inform the nomenclature of public administration, as explained in the clarification of terms section. Public administration cannot presume that public policies and programmes are achievable in an ethical vacuum. Indeed, such a vacuum is likely to swallow up even the most well-conceived programmes, policies, plans, and routine operations of government. There is no doubt that the citizens expect professional public administrators to pursue the public interest and also expect them to manage public resources for the public good. Failure to live up to these expectations of the citizenry undermines public trust, confidence, and support for public service delivery. Public administrators must behave ethically in carrying out their duties and maintain the integrity of the public administration profession. Integrity is pertinent to public administration professionals in helping to facilitate the trust needed for the collaborative partnership that must exist between public administrators (public servants and civil servants) and citizens to achieve good governance.

Since service, ethics, and trust are interrelated values in public administration, public trust becomes the foundation of the public administration profession and the foundation of



public trust is ethics. Public administrators cannot earn the trust and confidence of the public without ethics. Without ethics in public administration, the effective production of public goods and services is not likely. Hence, conflicts of interest among public administrators make effective and efficient public goods and services delivery unrealistic. To this end, public administrators are solely responsible for promoting public interest as against personal interest. Personal interest or self-interest is inimical to public administration.

It is pertinent to note that the ability to significantly reflect upon and act in the public interest involves the use of moral reasoning. The idea of public interest presupposes that public administrators are first and foremost moral agents with the capacity to reason their way through value conflicts in a cultured manner. For example, discerning the public interest requires professional public administrators to give due consideration to questions of efficiency and effectiveness, as well as to questions of impartiality, equality, justice, respect for individual rights, and the requirements that make for a good society.

Conflicts of interest in public administration reveal the deficit in the moral reasoning and values of professional public administrators that indulge in any form of conflict of interest. Conflicts of interest undermine the core goal of the field of public administration as well as the democratic values of improving equality, justice, efficiency, and effectiveness of public services. It is concerned with the pursuit of private interests and the improvement of the self-interests of unethical public administrators. On the other hand, public administration is concerned with the pursuit of the public interest and the augmentation of civil society by ensuring that the public service is efficient and honest and that the services of Ministries, Departments, and Agencies (MDAs) are effective in meeting the goals of the nation. It is obvious that conflicts of interest are against the very essence of public administration; conflicts of interest among public administrators are evidence of a lack of commitment to duty and loyalty to the nation. Hence, one major solution to these unethical behaviours among public administrators is the inculcation of strong ethical principles derived from the prescriptions of the ethics of duty and this will serve as an internal control mechanism.

As mentioned earlier, the external mechanisms (laws, rules, codes of conduct, and regulations) put in place to provide necessary minimum guidance for avoiding and punishing conflicts of interest and other unethical practices are necessary, but not sufficient to discourage and prevent public administrators from engaging in conflicts of interest. These mechanisms cannot effectively cover all possible ethical violations, nor do they guide in cases of moral dilemma. What is more? They can be and have been

circumvented by many public administrators. As a result, there is a need for an internal control mechanism that provides an essential complement to external controls by building and encouraging morally self-governing faculties of reason and commitment to the right conduct and attitude in public administrators. This internal control is manifest in the internal qualities of character and integrity of the moral agent. By its very nature, internal control is not strictly reducible to law, code, or regulation. In its place, it provides the professional public administrator with the ethical and moral direction where law and code are inadequate or absent.

Undoubtedly, ethics of duty provides the ethical direction and framework for engendering a sustainable public administration in Nigeria. It takes the notion of duty seriously. The sense of duty and loyalty to the nation override all considerations of personal interest which are at the root of conflicts of interest in public administration. Conflicts of interest thrive in Nigerian public administration due to a lack of sense of duty and loyalty on the part of selfish and self-centred public administrators. This selfish attitude is antithetical to the public good, effective and efficient service delivery, and meaningful development in the nation. The prescription of the ethics of duty is that Nigerian public administrators must always act from a sense of duty and loyalty to the nation, doing what is expected of them from the point of view of a good motive: not abusing his/her office by seeking private gain at public expense. The inculcation of the prescription of the ethics of duty by public administrators will enable them to act under laws, codes of conduct, regulations, and ethics for the public good, this will, in turn, help public administrators to be ethical, effective, and efficient which ultimately brings about social, economic, and political development in the nation.

## **Conclusion**

From our discussion so far, it has been exposed that conflicts of interest in public administration have made the attainment of the statutory aims of the MDAs unattainable. Conflicts of interest unresolved have several negative consequences such as: reducing public confidence and trust in government and public administrators, undermining stability and eroding trust in public institutions, affecting the level of effectiveness and efficiency of public service delivery, and affecting the socio-economic development of the nation among others. Conversely, public administration is established primarily to provide services for the enhancement of the living standard of the populace in a society. The public administration's role in improving the living standard of citizens is exclusive because public administrators engage in policy formulation and implementation in society.

For the public administration to regain its proper role in Nigeria, public administrators will have to maintain devotion to duty, loyalty to the nation, and a true commitment to seeking the public interest at all times with competent and ethical responsibility. Moreover, public administrators must strive to inculcate the prescription of the ethics of duty to restore public trust and confidence in public institutions, which will bring about the needed social, economic, and political development in the nation.

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