



Public Service Ethics and Change Management: Implementation Challenges of the African Charter for the Public Service

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Brief Remarks on the *Charter for the Public Service in Africa* (2001) and the proposed draft *African Charter on the Values and Principles of Public Service and the Administration*

Introduction

A key concern in any programme of public service reform in general, and ethics and professionalism in the public sector in particular, relates to the implementation challenges attendant to the desire to induce changes in attitudes and behaviour for increasing performance, innovation, reform and modernisation. This is by no means a mean concern, particularly in any discussion of performance and service delivery in the African context. For one, while the African cultural environment is by no means resistant to innovation, modernisation and changes, whether in private or public life, historical and contemporary experiences attendant to colonialism, militarism and bad governance has negatively shaped the African perception of public service ethics. Accordingly, any programme of re-orientation to the culture of the New Public Service Management (NPSM), with emphasis on performance, results and service delivery, must take cognisance of the ability of the system to cope and/or adapt to the several challenges of implementation that are bound to arise there from. This is the context within which I set to make a few comments on the African Charter of the Public Service.

Situation Analysis

One observable trend in public service management in Africa is the slow pace at which programmes of public service reforms, innovations and modernisation are meeting the desired targets and goals. While several factors may be responsible for this, general lack of enthusiasm to drive the reform efforts is a particularly threatening one. Accordingly, the need to take the human and societal factors into consideration in the conception, design, implementation and evaluation of public service reform programmes cannot be over-emphasised. There is the urgent need to identify those critical factors, issues and 'fears' that seem to threaten innovative changes in the public sector. There is the further need to inculcate in the policy makers and implementors the creative instincts to be change-friendly, innovative and easily receptive to new management ideas, tools, techniques and methods.

The Charter for the Public Service in Africa

The move to transform the *Charter for the Public Service in Africa* (2001) into a legally binding instrument is a realisation of the failure of the original document to meet the aspirations and vision of the drafters, a development that calls to question the preparedness of the state parties to give legal teeth to their international commitments. A comparison of the original charter with the proposed draft *African Charter on the Values and Principles of Public Service and the Administration* reveals a systematic watering down of the tone of the

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prescriptive principles and obligations of state. While this pragmatic approach is adopted in order to attract the majority votes needed for its adoption and subsequent ratification by the required number of states, it does not remove the hesitant posture that may threaten its eventual domestication into national laws and/or the implementation challenges. In the circumstances, the document, whether in its original or proposed form, may go the way of similar documents, e.g. the AU Convention on Anti-Corruption.

Change Management

In the circumstances, it becomes critical to ask such questions as: Why is there resistance within the public services in Africa towards the series of public sector reform programmes adopted for implementation in these countries? Why are policy makers and implementers who are expected to be the drivers of the reform programmes reluctant, or at least hesitant, to push reform programmes to their logical conclusions? What are the impediments to imbibing positive attitudes towards institutional and behavioural changes in the public sector? What are the needed strategies to be adopted to make public sector workers interested in reform programmes and willing to pursue them? How can implementation problems relating to change management be surmounted?

In the circumstances, policy documents must accommodate practical measures directed at inducing behavioural re-orientation to accommodate new behaviours, practices, beliefs, knowledge and skills that are receptive to the values and virtues that are sought to be promoted. This paper suggests the use of positive reinforcing mechanisms for promotion of positive attitudinal changes, which is an issue not addressed by the original and the draft texts. State parties must include as part of their obligations the creation of appropriate mechanisms for rewarding service, innovations, and performance. Additional mechanisms should also be put in place for sanctioning unethical behaviour that threatens the core principles of the Charter. Such mechanisms must not be limited to the core of the civil service alone but should equally apply to all sectors of the public and private institutions, including the general citizenry. Such mechanisms should take cognizance of the human and organizational dimensions of the problems, with special focus on the strategies that can be put in place to facilitate commitment of the public servants in particular and the general populace to the reform programmes. Civil society involvement and decentralisation of monitoring and implementation mechanisms should also be considered. However, this last suggestion cannot be expected to work out in the face of mass poverty and lack of education.

The drafters of the Charter should therefore incorporate novel provisions expected to address the critical implementation challenges that border on behavioural traditions. While one cannot fully catalogue a range of changes in the texts that may serve this purpose, it may be worthwhile to give the under-listed suggestions some trial in considering the existing draft:

1. The required information needed by the citizens to access public facilities, including expected waiting time, should be widely publicised. Moreover, there should be full and unhindered access to public information and records subject to just and lawful exceptions necessary to protect the overall interest of the state and privacy of the citizens.
2. The administration should give full and accountable reasons, within the limits of the law and regulations, where it is unable to meet its obligations towards any citizen in the provision of a public service. An exclusion or denial of any entitled benefit to a



- citizen from the service of the administration, including those based on any form of discrimination, should be accompanied by a statement indicating the reasons for the exclusion and the available administrative/legal remedies for seeking redress.
3. Also, personal liability for official neglect and misconduct should be actionable by the aggrieved citizen against the particular official where any such exclusion or neglect can be traced to the personal neglect or misconduct of the official concerned.
 4. This is important because a great deal of the inefficiency and ineffectiveness of the public services in Africa is attributable to officials who act with indiscretion and impunity, under the guise of enjoying state/official protection. Where an official knows s/he is bound to advance reasons for his decision, s/he would take extra care in taking decisions that are likely to be challenged.
 5. Legal remedies for delay with possibility of personal responsibility of the official concerned should also be considered
 6. All government forms, both hard copies and virtual, requiring personal information and data should carry privacy policy statements. Such statements should indicate the use to which the data would be put, and options available to a citizen by way of complaints and seeking of redress where s/he believes personal data concerning him have been improperly made use of.
 7. Mechanisms for civil society involvement, as canvassed under Article 5 (4), should include giving the civil society organisations (CSOs) and community-based organisations (CBOs) the needed standing to take up citizens' grievances on behalf of aggrieved citizens without having to be unduly denied access through such nebulous legal concepts as lack of standing (*locus standi* rules should be liberalised)
 8. The current practice of criminalising bribery for both the giver and the receiver needs review to accommodate a situation whereby a giver may seek redress for money/gifts extorted from him/her by officials. Under the current dispensations, officials do use all manner of excuses to arm-twist the users in order to extort money or other valuables in return for provisions of services to which the bribe giver is ordinarily entitled to.
 9. Rewards for whistle-blowers and private complainants/litigants who successfully prove cases of maladministration and corruption, should be put in place. This should be in form of rewards, monetary or otherwise, promotion, service awards, legal aids/assistance for civil litigation involving corruption, among others. The new Ugandan Whistleblower Protection Act is a good reference point.

Conclusion

Carefully designed programmes of change management, designed to induce new behavioural traditions and patterns of behaviour should be carefully incorporated as part of the implementation mechanisms created by the Charter. This should be targeted at the top echelon of the African public services, especially the small but critical number of top managers in charge of project/policy development and implementation, to identify and share experiences on impediments and practical guides to improved public service ethics that could enhance the effectiveness of reform programmes. The goal should be to induce progressive public service work ethics by identifying and seeking to change such behavioural, attitudinal and, perhaps cultural, factors that are capable of retarding efficient and effective service delivery in African public services and state institutions. The overall outcome is improved performance and achievement of results in public service management across the continent.