

**DUE PROCESS AND ACCOUNTABILITY MECHANISMS
IN THE NIGERIAN PUBLIC SERVICE**

LAWRENCE OGHENEMUDIAKEVWE ODEH

A Ph. D. Student, Department of Public
Administration, Faculty of Social Sciences, University of Benin,
Benin City, Edo State, Nigeria.
e-mail id: oghenemudia@gmail.com
Phone No: +2348036859578.

JOSEPH UNUFE

Student, Department of Public Administration,
Faculty of Social Sciences, University of Benin,
Benin City, Edo State, Nigeria.

&

MR. LAWRENCE ODEH

Protocol Unit,
Administration Department,
Ethiophe West Local Government Council Secretariat,
P.M.B. 01, Oghara, Delta State,
Pin /Postal Code: 331101.
Nigeria.
Phone No: +2348036859578.

Abstract

The problem of under-development in Nigeria today can be attributed to breach of due process and accountability in the public sector. Sharp practices and other corrupt activities have characterized the Nigerian public sector. The Transparency International has several times ranked Nigeria as one of the most corrupt countries in the world. Also, the United Nations Development Programme (UNDP) has also consistently ranked Nigeria as having one of the lowest Human Development Index (HDI) in the world. The World Bank stated that eighty percent (80%) of Nigeria's Oil Wealth is owned and controlled by just one percent (1%) of Nigerians. In the light of the foregoing, an attempt has been made to examine the mechanisms of due process and accountability in the Nigerian Public Service, by depending on secondary sources of data collection, such as text books, academic journals, newspapers and magazines, internet sources and so on. As a result of an in-depth investigation of various scientific reports on the issue, it was found that the mechanisms for due process and accountability in Nigeria have been empirically justified to be reliable, effective and sustainable in ensuring due process and accountability in the Nigeria public service. It was also, observed in the paper that for these mechanisms to perform optimally, effective leadership skills must be inculcated in the leaders and policy makers in the Nigerian Public Service. Conclusively, the paper gave several recommendations on the possible way out of the crisis of breach

of due process and accountability, as well as corruption in the Nigerian Public service. Such as the eradication of selective prosecution of officials, the physical assessment of assets declared by key public officials, appointment of people of probity and accountability into sensitive public offices, adequate remuneration of security operatives and other personnel charged with combating corruption and breach of due process, establishment of specialized courts for prosecuting corruption and its related cases. Others include: the funding of anti-corruption agencies should be charged on the consolidated revenue fund rather than on the executive, reduction of incentives to political offices to check unwholesome electoral competition, entrenchment of freedom of information to all necessary governmental activities, establishment of electronic governance, and the inculcation of the right moral and ethical values in bureaucrats.

Keywords: Accountability, due process, corruption, public service, procurement.

Introduction

There is a common view held by political scientists that a sovereign state must be accountable to the people through the government (Adamolekun, 2002). As a result of abuse of public office, most states have instituted mechanisms of checks and balances (Agara, 1989, 1995). The Civil Service Rule (CSR) is one of the bureaucratic internal check apparatus (Agere, 2000). These bureaucratic checks have been inappropriate. In the light of the above, the 2019 data released by World Poverty Clock, a Vienna based World Data Lab, shows that 91.16 million Nigerians are currently living in extreme poverty (World poverty.io). This statistics represents about 45 per cent of the total population of Nigeria, which according to the latest United Nations estimate of Nigerian population is 201,434,296 (Department of Economic and Social Affairs, Population Division, 2019). According to the World Bank, to live in extreme poverty means to live below the poverty line of \$1.90, which represents N693.5 per day at the rate of 1 dollar to N360 per day. Professor Osisioma aptly observed that some time ago, the country was ranked 141 out of 174 in the global ranking of countries with the use of the Human Development Index (HDI). Nigeria, (He stated received about \$450 billion from oil receipt from 1970 to 2006, with little to show for it (Osisioma, 2008). The World Economic Forum had in 1998 ranked Nigeria 22nd out of 23 African countries in their order of competitiveness for foreign aid in 1998 (Osisioma, 2008). Only 30% of all government contracts awarded and paid for is actually executed in Nigeria (Osisioma, 2008). Another global corrupt countries survey by Transparency International had rated Nigeria as the 39th most corrupt country in the world (Eniola, 2014).

Obinna (1997) cited in Oguonu (2010) observed that the national development plan (1970 - 74) engendered unnecessary high costs of projects, corruption and irrationally considered contracts. Ekpo (2004) stated that Nigeria is among the middle income countries in the 1970s, but has now become one of the poorest countries in the world. Nigeria, he stated, was in the 1960s and early 1970s at par with Malaysia, Indonesia, Taiwan, Singapore and South Korea in terms of development. Due process and public accountability is of utmost significance to effective service delivery (Akosile, 2010). The weakness of statutory apparatus to check public procurement in Nigeria had led to political and bureaucratic corruption (Akosile, 2010). A former Nigerian president, Chief Olusegun Obasanjo, noted that corruption has practically been institutionalized in Nigeria (Obasanjo, 2004, cited in Oguonu, 2010). This claim led to the Procurement Act, 2007. Akosile (2010) noted that the Procurement Act gave rise to the National Council on Public Procurement and the Bureau of Public Procurement both of which serve as regulatory devices for procurement in the public service of Nigeria. Nnamdi (2009) argued that Nigeria had witnessed a continuous decline in public accountability since her independence of 1st October, 1960.

Several weaknesses of the preceding studies gave rise to this current study. For example, Tella (2004) argued that the socio-political and economic decay that Nigeria witnessed under the military regime was as a result of the lack of accountability and transparency in governance. But this study argues contrary to that view because recent findings, such as Ejimabo (2013) shows that the major problem rocking the socio-economic development of Nigeria is basically lack of leadership skills by virtually leaders at all levels of government. This fact is alluded to by Professor Chinua Achebe, a literary icon, who some time ago, observed that 'the problem with Nigeria is squarely leadership'. So, it is poor leadership skills that gave rise to lack of accountability and transparent governance and not the other way round. Even the military regimes had all the instrument of check and balances to carry out socio-economic development, but their weak leadership skills did not make those mechanisms deliver effectively. Some of those anti-corruption structures under the military were, the War against Indiscipline and Corruption, the Failed Bank Tribunal, Code of Conduct Bureau, and so on.

Similarly, Osisioma (2008), noted that the challenge of Nigerian workers is their inclination to corrupt tendencies. This study argues contrary to Osisioma's view, and rather argue in line with the bad apple theory stated below, which states that all humans are naturally predisposed to corrupt actions due to defective character trait inherent in them. So, this study is of the view that the above claim is not really a challenge as such because institutional checks in bureaucracy are meant to deal with such. But the real challenge is the issue that has been stated above, that is, poor political leadership skills, which fails to direct those institutional check mechanisms in order to achieve the desired objectives.

Furthermore, some of the data referred to in previous studies are belated, hence the need for this study to come up with a more recent statistical data, so as to make the study relevant to other researchers, policy makers and the general public. Also, the previous studies were devoid of scientific studies to explain due process and accountability mechanisms in the public service, hence, the need for this study to fill such gap by anchoring the presented facts on several scientific researches, such as Agu (2010), Sabo (2003), Ejimabo (2013), Atagboro (2015), and so on. In addition, the previous studies centered their analysis of due process mechanisms only on institutional frame works. Contrary to that, this study takes cognizance of technological and behavioural dimensions of due process and accountability mechanisms, such as the application of electronic governance as a mechanism to entrench due process in public service, and constitutional amendment to address the crisis of ethnicity in the Nigerian Public Service. Previous studies were excessively centered on the defects of mechanisms of due process itself without much consideration to the animator of the entire process, that is, the political will of the political leaders. So, the emphasis of this study on the necessity of adequate political leadership towards ensuring adequate mechanisms of due process and accountability is a major deviation of this study from previous studies.

This paper examined the trend of corruption and breach of due process and accountability in the Nigeria Public Service, as well as, the various mechanisms instituted to arrest the ugly trend. The paper, also, assesses the various mechanisms for due process and accountability in a bid to scientifically justify their reliability, effectiveness and sustainability in ensuring due process and public accountability; it also assessed their various weaknesses and recommended ways to make them more effective.

Conceptual Discourse

Due process: Due process is the approach adopted to ensure that public service actions and activities follow the laid down procedure. It is designed to check the influences of individual whims and caprices in the conduct of government business. It is a formalized operation to ensure standardization in public service activities. It is in this regard that Bello-Imam (2005) sees due process as the complete observance of the set of laws guarding budgetary and other procurement related activities in the public service. The basic essence of institutionalizing due process in governance is to check corruption and entrench accountability in public bureaucracy.

Procurement: In simple terms, procurement means to purchase. This is the process of purchasing items to be used as input in various governmental activities. Procurement process is the centre of gravity of governmental efficiency. There is a positive association between an abuse of public procurement

processes and inefficient bureaucracy. Effective procurement process is of utmost significance in the determination of cost benefit analysis of public expenditure. Abuse of procurement processes lead to wastage of tax payers' money and public outcry. Also, poor procurement processes manifest itself in over-invoicing in the public service, over bloated bureaucracy, unrealistic costs of some contracts awarded on the ground of political patronage, and so on. In line with the above, procurement has been defined as the 'overall process of acquiring goods, works and services, from the identification of need to contract administration and through the end of contract or the useful life of an asset' (procurement manual, Bureau of Management, office of Legal and Procurement Support, 2005).

Public procurement: Public procurement refers to the purchasing of inputs by the government for further investment in certain goal oriented public service activities (Ahmed, 2008). It is the process by which government acquires input for further production, either of goods or services. All purchases done in the public service falls under public procurement.

Accountability: Accountability is the term used to describe the answerability of public officials to the citizens through the government. In a democratic government, every public officials hold their positions in trust for the people, so the people from time to time would demand these officials to render their account of stewardship through various agencies that have been set up for that purpose. This is accountability. These agencies are described as the control mechanisms. The mechanisms can either be internal, such as the professional standards, hierarchy, public service rule, and so on, or external, such as legislature, judiciary, executive, and citizens. Accountability has been described by Omozuafoh (2008) as the process that ensures that governmental transactions are in line with the various stipulated regulatory frame works.

Transparency: Transparency has been defined as public awareness of the governmental policies and having an assurance in its stated intentions (Agere, 2000). From the above definition, transparency refers to the adequate information and knowledge of the entire processes and activities of the government and its agencies by the people. A political system is said to lack transparency when there is no freedom of information of its activities by the citizens.

Civil service ethics: Civil service ethics is the underlying moral values that guide the conduct of governmental activities. It is centered on the right and wrong behaviour of the civil servants. It is usually entrenched in the civil service through certain instruments of compliance, such as the civil service rule, financial memorandum, code of conduct, and so on. In some cases ethics can be inculcated in civil servants through value re-orientation programmes, like seminars, workshops, and rewarding good and ethical conduct in the workplace. Similarly, Chapman (1988) sees civil service ethics as the operation of governmental processes based on moral principles.

Public Sector: According to Osisioma and Osisioma (2009), public sector is the public realm where goal-oriented public policies are implemented for the attainment of common interest. According to them, the civil service is a sub set of the public sector. Ogbuide (2007) noted that the public sector is that level of the nation's economy which is funded and regulated by the government. From the above definitions, it implies that public sector is the domain of the government, that is, the social sphere that is directly under the control of the government. In simple terms, public sector means those organizations and agencies that are directly owned, funded and controlled by the government. The direct opposite to it is the private sector, which refers to organizations that are owned funded and controlled by private individuals or group of individuals. For an organization to be in the public sector, means that the government at any level (that is, federal, state or local) must control a minimum of 51 per cent shares in such organizations. The organizations in the public sector are commonly referred to as the public service. Within the public service, we have the civil service, which refers to those public sector organizations that operate within every ministries and their parastatals. The civil service are concerned with the direct implementation of the policies of the government. The civil service implements certain policies through the public service. The employees of the public service are called public servants, while the employees of the civil service are known as civil servants. In a nutshell, all civil servants are public servants, but all

public servants are not civil servants. Examples of the civil service organizations are: the Ministries of Finance, Health, Education, Defence, and so on; while examples of public service are: Central Bank of Nigeria, Federal Medical Centre, University of Benin, the Armed Forces of Nigeria, the Nigerian Civil Defence Corps, the Nigeria Police Service, and so on.

Corruption: Corruption has been defined as the abuse of public power for selfish interests (Agere, 2000). The World Bank, also, defines corruption as the abuse of official position for personal gains (Ofuani, 2008). In the light of the above, corruption is a social distortion brought about by human greed and egocentricism with the resultant effect of sabotaging the general interest of an organization for individual interest. Corruption exists in both the public and private agencies. In public organizations it manifests in personalizing and privatizing public institutions for the benefits of few individuals. Other manifestations of corruption are: bribery, over-invoicing, nepotism, high cost of contract award by top public officials to their cronies, absenteeism in work places, all forms of examination and electoral malpractices, age falsification, false declaration of Local Government of origin, all forms of amoral conduct in the work place, false declaration of assets, non-retirement of advances in the public service, undue delay in treatment of files to achieve pecuniary gains, and so on.

Theoretical analysis of the study.

Several theoretical postulations have been advanced to explain this study. This is due to the fact that the fundamental cause of breach of due process and accountability is corruption. Therefore, since corruption as a concept is significant to the examination of due process and accountability mechanisms, it becomes necessary then to have an in-depth understanding of the various causes of corruption in theoretical terms. The different theories of corruption adopted in this study is as a result of the multidimensional and multifaceted nature of corruption. So, several theories have to be projected in order to effectively capture the various dimensions of corruption and their causes respectively. Below are the different theoretical over view of the causes of corruption.

The Theory of Patrimonialism

This paper has adopted several theoretical models to explain due process and accountability in the Nigerian public service. Marx Weber propounded the theory of patrimonialism, which refers to a government based on a personal ruler. The theory regards political offices as fiefdoms for the chief executives who serve as the patrons. The operation of the system is based on several patron-client networks (Omoaka, 2009). Patrimonialism has been viewed by Ukana (2000) as the private utility of public offices and other public ventures by government officials for their personal gains and those of their clients.

Patrimonialism has been classified into clientelism, prebendalism and Neo-patrimonialism. Clientelism refers to a political system where the patrons who are the state officials dispense political office or other public sector benefits to their clients (Omoaka, 2009). Lemarchand (1972), described clientelism as an interaction of persons of unequal status with a reciprocal benefits as the common denominator. Prebendalism involves a phenomenon where public officials see political offices as their private businesses to be appropriated by themselves and their cronies (Omoaka, 2009). In the Nigerian context, the term 'prebendalism' was made popular by Richard Joseph (Joseph, 2006). Neo-patrimonialism refers to certain traits of Weberian Model of patrimonialism exhibited by several African States (Omoaka, 2009). The theory is relevant to this paper since it emphasizes that the patrimonial rulers in a bid to satisfy their personal desires and those of their cronies indulge in gross violation of due process and accountability as well as outright betrayal of public trust reposed in them.

Finer's Theory of Accountability

Finer, Herman (1898-1969), was a US Political Scientist. He was born in Herta (Gersta) Bessarabia, and was taken to England as a child, where he graduated from the London School of Economics, and where he subsequently lectured Public Administration between the periods 1920 to 1942. He actively participated in Labour Party politics and London Local Government as a member of the London School

of Economics group of academics. Finer was professor of Political Science at the University of Chicago from 1946 to 1963. He was among the pioneers of comparative politics and public administration as academic subjects in universities (Gale, 2007).

Finer's Theory of Accountability arose from the intellectual debate between Carl Friedrich and Herman Finer with respect to the best method to ensure accountability of public officials. The argument began with Carl Friedrich, who was of the view that internal checks, such as professional standards and technical knowledge are sufficient instruments to hold public officials accountable. He further stressed that elected officials are basically untrained and had no access to information when compared to the highly informed bureaucrats. He observed that bureaucrats are well equipped to make rational decisions and to proffer solution to several administrative challenges without interference from elected officials. Contrary to the above view, stated by Carl Friedrich, Herman Finer observed that the intervention of elected officials is of paramount importance in holding public officials accountable. He is of the view that it is the elected officials that know what is best for the public good, since they are elected by the public, which includes bureaucrats. Therefore, in Finer's view, apart from the elected officials acting as the policy masters, they should also hold the bureaucrats accountable in their policy implementation roles. Further, Finer viewed internal check mechanisms to check bureaucrats as illustrated by Friedrich, is insufficient and inadequate to forestall bureaucratic corruption, hence, he advocated for elected officials role in holding administrators responsible (Holquist, 2013).

In other words, Finer's theory of accountability states that the public bureaucracies need to be subjected to regulation and oversight of elected officials, so as to be democratic in operation; efficient and effective. Two types of controls have been identified from the above debates. These are: external and internal (Levine, Peers, Thompson, 1990). The legislative oversight, judicial review (in line with legislative enactment), and presidential board of inquiry are examples of external controls, while supervision, hierarchy, professional standards, public service rule, financial memorandum, and so on, constitute the internal control. The mass media, political parties, civil society organizations make up informal external control. (Sharma, 2006). In addition, Carl Friedrich argued that value orientation in public administrators would provide self-regulation in them, without reliance on external control to act rightly (Levine et al., 1990). Both the views of Herman Finer and Carl Friedrich suffice to explain accountability in the public sector.

The relevance of Finer's theory of accountability to this study is based on the fact that the internal check mechanisms entrenched in the Nigerian bureaucracy, such as the public service rule, financial memorandum, civil service rule, several regulatory circulars and memorandum on spending limit, and so on, have all outlived their usefulness in checking bureaucratic corruption. So, this theory is anchored on the view that since the internal check mechanisms have outlived their usefulness in eradicating breach of due process and accountability, there is, therefore, the urgent need to rely on external check devices usually created by the elected officials due to their better performances in entrenching due process and accountability in the Nigerian bureaucracy. Examples of external controls are: the Code of Conduct Bureau, the Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crime Commission (EFCC), National Council on Public Procurement, Bureau of Public Procurement, and so on. These methods as seen in this study have been of more effectiveness than the internal check devices that have been compromised by bureaucrats, and have merely assumed a formalistic posture in recent times.

Causes of Corruption in Nigeria: A Theoretical Perspective

Corruption has been identified as one of the major factor responsible for breach of due process and accountability in the Nigerian Public Service. This article examines the theoretical perspective of the causes of corruption in the Nigerian Bureaucracy. Azelama (2002) identified some theoretical constructs adopted in analyzing the causal nature of corruption in Nigeria. The Cultural Transformation Thesis refers to the efforts of the Western Imperialists to replace indigenous African ways of life with

those of the European by means of western education and bureaucracy. The theory views corruption as growing distortion of traditional ethics and code of conduct among Africans (Azelama, 2002).

The Idealistic Theory which was advocated by Nkom (1982) states that corruption originated from the prevailing decadence of moral values in societies (Pande and Jain, 2015). The theory presents two separate schools, the traditionalist school and the modernist school. The traditionalist contends that corruption as witnessed in Nigeria is a factor of the distortion of 'traditional values, beliefs, norms, ethics, through western influences'. In the view of the modernist school, corruption in Nigeria is attributed to certain traditional practices inherent in most Africa cultures, such as offering of gifts, the duty to secure one's kingship (Azelama, 2002). Huntington (1968) noted that these activities were seen in the traditional African context as normal and acceptable, but were perceived as corrupt in the modernist context.

The Functionalist Theory made popular by Merton (1957) states that corruption in Nigeria is due to the social pressures mounted by society on some few individuals who occupy positions of power and influence (Azelama, 2002). The Dialectical Materialist Theory argues that corruption is not associated with the Nigerian masses, but with the Nigerian elite (Azelama, 2002). The theory argues that corruption has a structural dimension that is rooted in the socio-economic fabrics of the country (Daferighe, 2009).

The Theory of Two Publics propounded by Professor Peter Ekeh states that there is the existence of two publics in Nigeria, such as the primordial and the civic publics (Azelama, 2002). He described the kingship as the primordial public, while the entire society beyond the kingship as the civic public. The members of the primordial public are expected to perpetuate deceit in the civic public for the benefit of the primordial public (Azelama, 2000).

The Low Risk-High Benefit Theory, according to Azelama (2002) is based on the fact that, people first reflect on the consequences of their corrupt tendencies, and then compare it with the benefits they would obtain when they indulge in the corrupt action.

The Bad Apple Theories hold that humans are naturally predisposed to corrupt actions due to the defective character trait inherent in them. The Organizational Culture Theories argue that corruption is as a result of the structure and culture of certain organizations, in which the members of such organization may have no other option than to join the existing train of corruption (Pande and Jain, 2015).

Betrayal of public trust under military regimes

Tella (2004:222) stated that: 'the socio-political and economic decay that the country witnessed under the military was caused by lack of accountability and transparency in governance. The Babangida Military Junta (1985-1993) was characterized by high incidence of executive lawlessness and corrupt activities of various dimensions. For instance, there was the misappropriation of \$12.4 billion, which was the proceeds from extra income from sales of crude oil during the Gulf War that lasted for nine months (Omotosho, 2007).

Ola and Offiong (1999) cited in Omotosho (2007) noted that the military Regime of General Sani Abacha was, also, replete with aggressive and unrestricted misappropriation of Nigeria's common wealth. According to Awodede (1998), Abacha appropriated state authority as an instrument of amassing wealth. The Times of London reported shortly after the death of the maximum ruler, General Sani Abacha, that his worth and those of his family were estimated at £3.5 billion (\$5.6 billion) or (N476 billion) (Awodede, 1998).

Transparency, ethics and accountability in the Nigerian public service.

Osoba (2000) cited in Omotosho (2007) traced corruption in Nigeria to western colonizers. Omotosho (2007) attributed the lack of due process and accountability in Nigeria to the quest of Nigerians who took over from the departing colonialists to use political power to appropriate the common wealth of the nation for their selfish purpose.

Corruption and gross violation of due process has been identified as source of decline in morale of Nigerians to attain productivity and effectiveness in their chosen endeavours (Adisa, 2003). Corruption manifests in various forms, such as poor and inefficient handling of files in government departments, extortion of the masses by security agencies, poor and disgusting traffic management in Nigerian roads, and so on (Adisa, 2003). Categories of corruption have been identified as: Political corruption, Bureaucratic corruption and Electoral corruption (Adisa, 2003). Vargas-Hernandez (2010) added economic corruption. According to Njoku (2005) socio-political corruption in Nigeria is predicated on the organizational structure of society, which lack institutional mechanism for enforcing due process and transparency.

The First Republic (1960-1966) witnessed the accusation of several public officials for breaching due process and accountability. For example, in 1956, the Forster Sutton Tribunal of Enquiries into the Old Eastern Region's finances found Dr. Nnamdi Azikiwe, the first Nigerian president culpable of corruption and betrayal of public trust. Also, in 1962, the G.B.A. Coker Commission of Inquiries set up to investigate the Western Nigerian Public Corporation with respect to financial mismanagement accused a former premier of the defunct Western Region, Chief Obafemi Awolowo of public fund embezzlement. (Omotosho, 2007).

It was reported that Nigeria Government received over \$450 billion from the sales of crude oil between 1970 and 2006, yet, approximately 40% of her citizens are living in poverty (Osisioma, 2008). The National Bureau of Statistics (NBS) report of 2013, later estimated the poverty rate at 61%. Osisioma and Osisioma (2009) observed that corruption has adversely affected the human resource management of Nigerian Public Service. The NOI Polls Agency revealed that 85 per cent Nigerians consider Nigerian Police Force along with Ministries Departments Agencies (MDAs) as the most corrupt institutions in the country (NAIJ.COM, 2015).

Due Process Mechanisms in the Nigerian Public Service

Several preventive measures were put in place to check breach of due process in Nigeria, Such as the Code of Conduct Bureau, which is aimed at ensuring that public officials comply with due process and accountability (Omotosho, 2007). Subsequently, the Independent Corrupt Practices and other Related Offences Commission (ICPC) was established in September 2000 (Ikelegbe, 2016, p. 252). The commission was empowered to investigate and prosecute offenders under the act (ICPC, 2000). Furthermore, the incompetence of the ICPC may have given rise to the establishment of the Economic and Financial Crimes Commission (EFCC) in 2004, which is saddled with the responsibility of prosecuting economic and financial crimes (Omotosho, 2007).

The Nigerian Government has ordered all ministries, departments and agencies (MDA's) to pay all their revenue into a single account called Treasury Single Account (TSA), this is aimed at fostering accountability in the country through the central monitor of cash flows in and out of the various accounts of the MDA's. The present administration has also adopted the 'whistle blower' approach to tackling the menace of corruption and breach of due process. This approach deals with the use of informants to detect corrupt actions and persons. Also, there is the establishment of Service Compact (SERVICOM) by the government, which is saddled with the responsibility of checking service ineffectiveness in government agencies (Bello-Imam, 2005).

There was the establishment of Procurement Act on 4th of June, 2007, which in turn institutionalized the National Council on Public Procurement and the Bureau of Public Procurement. They act as check mechanism for procurement processes in the public sector (Procurement Manual, Bureau of Management, Office of Legal and Procurement Support, 2005). Public procurement in the Nigerian public service was regulated by the National Council on Public Procurement and the Bureau of Public Procurement. (Ojegba, 2009).

Due process in Nigeria public service.

Several research works have been carried out by various scholars to examine the relevance of the various instruments of due process and accountability in Nigeria public sector. For example, Agu (2010) observed that the implementation of due process policy would foster public accountability in Nigeria. In a related development, Similarly, Ocheni and Nwankwo (2012) opined that due process policy has created a platform for stimulating accountability in Nigerian Public Administration. Sabo (2003) discovered the need for a systematic audit review in order to check the various dimensions of fraud. Danfulani (2013) advocated for e-governance as a comprehensive strategy for entrenching transparency in public sector management. A study conducted by Owolabi (2010) revealed that fraudsters have taken their illicit activities to an advanced dimension with sophisticated innovations, and advised that new counter strategies be devised by the government in order to curtail such ugly trend.

Ogundiya (2009) found out that ethnicity and lack of political will are two twin problems rocking the effective functioning of the various mechanisms for due process in the country. He therefore, advocated for a constitutional reform that would expunge the aspects of the constitution that are based on ethnicity, such as place and local government area of origin amongst others. Also, Oguono (2011) argued that due process is an implementation instrument geared towards combating breach of due process. Deloitte (2010) found that non adherence to procedures of public sector procurement amongst others were the bedrock of fraudulent practices in Nigeria. The study further identified scarcity of resources and weaknesses in internal control mechanism amongst others as factors that make public sector organizations susceptible to fraud.

A similar study conducted by Organization for Economic Co-operation and Development (2007) reported that the accessibility of procurement information by the citizens is of paramount importance to due process and accountability. In investigating the relationship between accountability and quality of leadership in the Nigerian Public Sector, Ejimabo (2013) conducted a study that reveals a lack of adequate leadership skill by most of the south eastern Nigerian political leaders and policy makers. The above study shows that effective political and administrative leadership must juxtapose the various due process mechanism to ensure effective governance and socio-economic development.

Atagboro (2015) observed that due process is a panacea for fraudulent practices in the public sector of Nigeria. In the light of the foregoing, the various mechanisms of due process and accountability examined above, when managed by effective leadership skills have been justified as instruments for transparency and accountability in the Nigerian public service.

Conclusion

The paper examines due process and accountability mechanisms in the Nigeria Public Service. The theory adopted is Max Weber theory of patrimonialism, and its three variants, clientelism, prebendalism and neopatrimonialism. The theory basically refers to the privatization of the machinery of government by political leaders. Also, Finer's theory of accountability is based on institutional checks on bureaucracy. The various theories underlying causes of corruption in Nigeria are: the cultural transformation thesis, the idealistic theory, functionalist theory, dialectical materialist theory, the theory of two publics, low risk high benefit theory, the bad apple theory, and the organizational culture theory

The various mechanisms for due process and accountability were examined and assessed as well. Examples are: the Code of Conduct Bureau, Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), and so on. The paper argued with scientific facts that the various mechanisms of due process investigated, if combined with effective leadership skills, and e-governance approach to the Nigerian Public Administration would be reliable and effective in achieving due process and accountability in Nigeria Public Service.

Recommendation

Furthermore, after careful investigation of the above stated topic, the paper recommended the following:

- i. The government of Nigeria should work hard to eradicate selective prosecution of officials by anti-corruption agencies.
- ii. The government at all levels must also ensure that the officials of the code of conduct Bureau, physically examine and assess the assets declared by strategic public officials. The agency should also establish some sort of secret surveillance on public officials holding sensitive positions. And where an official is found to have declared assets that are beyond his or her earnings, immediate enquiries and investigation should be carried out to ascertain the legitimacy of the extra source of income of the official. This is to ensure that there is a high risk and low benefit in the looting of public treasury.
- iii. The government should ensure that only people of probity, accountability and those with sound track records of integrity are appointed to head sensitive positions.
- iv. The operatives of the various watch dog institutions should be well remunerated, with all their entitlement paid as at when due.
- v. For speedy dispensation of justice, the government should create a specialized court for prosecuting public financial crimes and other related acts of corruption in the public service.
- vi. The funding of anti-corruption agencies should be charged on the consolidated fund rather than relying on the executive arm for funding.
- vii. (Adamu, 2005) advocated for the reduction of opportunities for indulging in corrupt practices; such as reducing the incentives for political executives at all levels of government, and merit based recruitment, disclosures of the income and wealth of all key public functionaries before and after tenure of public office.
- Viii. Another fact worth incorporating into these recommendations is another suggestion by (Adamu, 2005), that people should always be given access to information on decisions and actions taken by public authorities. The right to information, he observed, is critical to the effective functioning of democracy. The Freedom of Information Act, he argued, needs to be promulgated after appropriate revision.
- ix. The article also, recommended electronic governance in the public administration of Nigeria, this will help check fraud in tax administration and other related activities.
- x. Finally, just as Carl Fredrich opined that the inculcation of the appropriate values among public administrators serve as the major check on the bureaucracy. We therefore, in addition to the above stated recommendations add that value re-orientation through training workshops and seminars should be given primary attention in the Nigerian Public Service.

References

- Adamolekun, L. (2002). Governance context and reorientation of government. In L. Adamolekun (ed.), *Public Administration in Africa: Main issues and selected country studies*. Ibadan: Spectrum Books.
- Adamu, J. B. (2005). Methods of tackling corruption in Nigeria. Retrieved from www.dawodu.com
- Adisa, H. (2003). Corruption and Nigeria Government. Retrieved from www.onlinenigeria.com.
- Agara, T. (1989). Checks and balances of bureaucratic excesses and corruption in Nigeria: An assessment of Public Complaints Commission. *African Administrative Studies*. Retrieved from www.academicjournals.org.
- Agara, T. (1995). Political corruption, bureaucratic corruption and corruption of the bureaucratic process: An assessment of the military in Nigeria politics. *African Administrative Studies*, No. 44. Retrieved from www.academicjournals.org.

- Agere, S. (2000). Promoting good governance: Principles, practices and perspectives. London: Management and Training Services Division, Commonwealth Secretariat.
- Agu, S. U. (2010). Due process as an instrument for public accountability – A study of Obasanjo's Administration. *Nigerian Journal of Politics and Public Policy*, (6) 1 & 2,
- Ahmed, I. (2008). The role of the EFCC in stemming procurement/contract frauds and other corrupt practices. A Paper presented at a Training workshop organized for Senior Staff of DESOPADEC by the office of the Senior Special Assistant to the Governor on due process at Wellington Hotel, Effurun, Delta State on the 18th – 19th November.
- Akosile, A. (2010). Public procurement – plugging a national drain. Retrieved from www.allafrica.com.
- Atagboro, E. (2015). Due process mechanism and fraudulent practices in Nigeria Public Sector. Retrieved from journals.univ-danubius.ro/index.
- Awodede, O. (1998, August 24). Plundering and Looting Unlimited. Tell,
- Azelama, J. U. (2000). Non-universalism of African Traditional Religion and organizational corruption in Nigeria. *Ekpoma Journal of Religious Studies*, (3),
- Azelama, J. U. (2002). *Public Enterprises Management in Nigeria*. Benin City: Ambik Press.
- Bello-Imam, I. B. (2005). *The war against corruption in Nigeria: Problems and prospects*. Ibadan: College Press and Publishers Limited.
- Budget Monitoring and Price Intelligence Unit (BMPIU), (2003). Federal Government of Nigeria. Challenge for the civil service. *A Bi-Annual Journal of the Delta State Public Service*, (8) 1,
- Chapman, R. (1988). *Ethics in British Civil Service*. London: Routledge.
- Daferighe, E. E. (2009). Conceptualization of corruption and organizational behavior in Nigeria. *Journal of Research and Contemporary Issues*, (5) 1 & 2,
- Danfulani, J. (2013). E-Governance: A weapon for the fight against corruption in Nigeria. Retrieved from <http://en.wikipedia.org/w/index.php?>
- Deloitte, T. (2010). Public sector fraud: Identifying the risk areas. Retrieved from [http://www.deloitte.com/assets/DcomIreland/Local%20Assets/Documents/Department of Economic and Social Affairs, Population Division, \(2019\). Retrieved from \[www.worldometers.info\]\(http://www.worldometers.info\).](http://www.deloitte.com/assets/DcomIreland/Local%20Assets/Documents/Department%20of%20Economic%20and%20Social%20Affairs%20Population%20Division.pdf)
- Ejimabo, N. O. (2013). Understanding the impact of leadership in Nigeria: Its reality, challenges and perspectives. Retrieved from [SAGE opensgo.Sagepub.com](http://SAGE%20opensgo.Sagepub.com).
- Ekpo, A. H. (2004). The Nigerian economy under a new democratic experience: The Charles Soludo effect. A paper presented at the Convocation Ceremony of the University of Nigeria, Nsukka, Nigeria.
- Eniola, Toluwani (2014, December 4). Nigeria now 39th Most Corrupt Nation says Transparency International. *Punch News*.
- Federal Republic of Nigeria (FRN), (2007). *Budget Implementation Handbook*.
- Gale, T. (2007). *Finer, Herman*. Encyclopedia Judaica. Retrieved from www.encyclopedia.com.

- Holquist, S. (2013, June 13). Who is better at making government decisions, bureaucrats or elected officials? Leadership, Miscellaneous, Project Management. Retrieved from www.govloop.com.
- Huntington, S. P. (1968). *Modernization and corruption: Political order in changing societies*. New Haven: Yale University Press.
- Ikelegbe, A. (2016). *Politics and governance in Nigeria: Perspectives, issues and cases*. Ibadan: John Archers Publisher Limited.
- Joseph, R. (2006). *Misgovernance and the African predicament: Can the code be broken*. Faculty of Social Sciences, Distinguished Lecture Series 1. University of Ibadan,
- Lemarchand R, (1972). *Political clientelism and ethnicity in Tropical Africa: Competing solidarities in Nation-Building*. *American Political Science Review*, vol. 66, No. 1, pp. 68-90.
- Levine, H. C. Peters, B. G. & Thompson, F. J. (1990). *Public Administration - challenges: choices, consequences*. Glenview, Illinois: Foresman and Co.
- Merton, H. K. (1957). *Social theory and social structure*. Glencoe 111: The Free Press.
- NAIJ.COM, (2015). Retrieved from www.naij.com NEWS Local news.
- National Bureau of Statistics. 2013.
- Njoku, U. J. (2005). *Colonial political re-engineering and the genesis of modern corruption in Africa Public Service: The Warrant Chiefs of South Eastern Nigeria as a case in point*. *Nordic Journal of African Studies*, pp. 99-116.
- Nkom, S. A. (1982). *Ethical revolution? The futility of bourgeoisie idealism*. A paper presented at the Nigerian Anthropological and Sociological Association Seminar, ABU, Zaria, 10th-13th May.
- Nnamdi, H. S. (2009). *Nigerian government and politics*. Lagos: Trust Publications.
- Ocheni S. & Nwankwo B. C. (2012). *Assessment of application of due process policy in public procurement and contracts under Obasanjo Administration in Nigeria, 2003 2007*. *International Business and Mangement*, vol. 5, No. 1, pp. 93-98.
- Ofuani, C. T. (2008). *Combating corruption and achieving budgeting success through effective auditing/internal control system*. A paper presented at a workshop organized for the Staff of DESOPADEC by the Office of the Senior Special Assistant to the Governor on Due Process at Wellington Hotel, Effurun, Delta State on the 18th and 19th November, 2008.
- Ogbeide, U. (2007). *Public policy making and evaluation in Nigeria: Theories, strategies and techniques*. Lagos: Amfitop Books.
- Ogundiya, I. S. (2009). *Political corruption in Nigeria: Theoretical perspectives and some explanations*. *Journal of Anthropologist*, vol. 11 (4), pp. 281-292.
- Oguonu, C.N. (2010). *Due process and procurement in the Nigerian public sector*. Retrieved from <http://www.hollerafrica.com>.
- Oguonu, C.N. (2011). *Due process and procurement in the Nigerian Public Sector*. United Kingdom: Adonis and Abbey Publishers Limited.
- Ojegba, L. (2009). *Public procurement commission: Behold a new dawn*. A Bi-Annual Journal of the Delta State Public Service, (8)1
- Omoaka, S. K. (2009). *Political leadership and corruption in Nigeria: Problems and prospects (1999 to 2007)*. (Unpublished M.Sc. Research Proposal) University of Benin, Benin City, Edo State, Nigeria
- Omotosho, F. (2007). *Public morality and accountability in the Nigerian State*. *African Journals of Stability and Development*, (1) 2,

- Omozuafoh, D. (2008). Institutionalizing procurement reforms in Delta State at the training workshop on due process, transparency and accountability. Delta State Oil Producing Areas Development Commission (DESOPADEC), Delta State, 18th – 19th November, 2008.
- Organization for Economic Co-operation and Development (OECD, 2007). Integrity in public procurement: Good practice from A to Z. France: OECD Publications France.
- Osisoma, B. C. & Osisoma, H. E. (2009). Restoring excellence and integrity in Nigeria Public Service. A Bi-Annual Journal of the Delta State Public Service, (9) 1,
- Owolabi, E. A. (2010). Corruption and financial crimes in Nigeria: Genesis, trend and consequences. A report on worldwide corrupt practices. Transparency International.
- Pande, S. & Jain, N. (2015). Schwartz personal focus values and corruption permissiveness of public servants – A theoretical model. Dynamics of Public Administration, (32) 2,
- Procurement Manual, Bureau of Management, Office of Legal and Procurement Support. 2005.
- Sabo, B. (2003). Fraud prevention and control in Nigeria Public Service: The need for adimensional approach. Journal of Economics and Sustainable Development, (12) 6, pp. 1-17.
- Sharma, M. P. & Sadana, B. L. (2006). Public Administration in Theory and Practice,(43rd Edition). Sarojini Naidu Marg Allahabad: Kitab Mahal.
- Tella, S. A. (2004). Accountability and transparency in governance: Implications for political stability in fledgling democracy. In I. O. Taiwo & A. A. Fajingbesi, Fiscal federalism and democratic governance in Nigeria. Ibadan: National Centre for Economic Management and Administration.
- Ukana, A, (2000). Patrimonialism and military regimes in Nigeria. African Journal of Political Science, vol. 5, No. 1.
- Vargas-Hernandez Jose G, 2010. The multiple faces of corruption: typology, forms and levels in organizational immunity to corruption: Building Theoretical and Research Foundations. Charlotte, NC: A1AP.