

UNIVERSITY OF GHANA

**SERVING THE PUBLIC INTEREST:
AN ANALYSIS OF THE GHANAIAN PUBLIC OFFICIAL'S
EXPERIENCE.**

BY

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The crest of the University of Ghana is a shield-shaped emblem. The top section is blue with three golden stalks of grain. The bottom section is white with a golden scrollwork design. The shield is set against a light blue background with a subtle pattern.

**THIS THESIS IS SUBMITTED TO THE UNIVERSITY OF GHANA,
LEGON, IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR
THE AWARD OF PhD IN PUBLIC ADMINISTRATION DEGREE**

MAY, 2015

DECLARATION

I hereby declare that this work, with the exception of quotations and references acknowledged is the result of my personal effort and a representation of my views and findings.

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CERTIFICATION

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DEDICATION

This work is dedicated to my beloved and aged father for his immense prayers and support that have seen me through this study. My greatest love to him.



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To begin, I hereby acknowledge that the accomplishment of this thesis is a clear testimony of God's unflinching love and mercy unto me.

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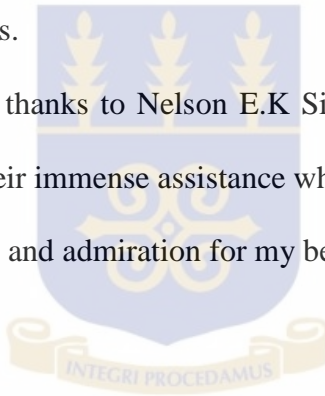


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ABBREVIATIONS

ABA	-	American Bar Association
ADA	-	Austrian Development Agency
ADC	-	Austrian Development Cooperation
AICPA	-	American Institute of Certified Public Accountants
APRM	-	African Peer Review Mechanism
AU	-	African Union
CAGD	-	Controller and Accountant-General's Department
CDD	-	Centre for Democratic Development
CEE	-	Central and Eastern Europe
CEPS	-	Custom Excise and Preventive Service
CHRAJ	-	Commission on Human Rights and Administrative Justice
DCEC	-	Directorate on Corruption and Economic Crime
EOCO	-	Economic Organization and Crime Office
GDP	-	Gross Domestic Product
GII	-	Ghana Integrity Initiative
IEA	-	Institute for Economic Affairs
INTOSAI	-	International Organization of Supreme Audit Institutions
IP	-	Integrity Pact
IPPD	-	Integrated Personnel Payroll Database
IRS	-	Internal Revenue Service
MDA	-	Ministries, Departments and Agencies
MOFEP	-	Ministry of Finance and Economic Planning
MP	-	Member of Parliament

NCSL	-	National Conference of State Legislatures
NSW	-	New South Wales
OECD	-	Organization for Economic Co-Operation and Development
PAC	-	Public Accounts Committee
PCIJ	-	Philippine Center for Investigative Journalism
PDA	-	Protected Disclosures Act
PV	-	Public Value
PWC	-	Price-Waterhouse Coopers
SAI	-	Supreme Audit Institutions
SPSS	-	Statistical Product and Service Solutions
TI	-	Transparency International
USA	-	United States of America
VAT	-	Value Added Tax

ABSTRACT

This study aims at analyzing the challenges of public officials in Ghana, who through stipulated guidelines, statutes, legislation and codes of conduct are required to serve the public interest. The extent to which public officials uphold the tenets of ethical behaviour including: provision of dedicated leadership, conditions for democracy; issues of protecting community legacy and creating the atmosphere for mutuality was examined. The Principal-Agent theory relating to public interest issues was deployed to develop a theoretical framework to explain the study. The design of the study was mainly exploratory. The mixed method approach was employed to collect data for both qualitative and quantitative analysis. The sampling techniques were purposive and convenience. Thus, the number, type of organisations and respondents were predetermined based on the unit of analysis, which was contingent on specific structural areas. Data analysis was partly descriptive through the use of charts, frequency tables and percentage responses. However, Chi-square tests were conducted to test some hypotheses. The study revealed largely, that the absence of appropriate conditions of service provides sufficient platform for the perpetuation of public sector corruption, conflict of interest and other unethical practices. The research reemphasized the challenges of bureaucracy and politicization in the public sector. Hence, reinforced the notion that public interest may be lacking without the active role of the judiciary in promoting and protecting public interest, and that public interest is more likely when there is dedicated leadership. It is thus recommended that the public official must not only be expected to serve the public interest but must also have his or her challenges met while performing his or her official duties.

CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

Good governance has assumed an increasingly high profile over the last two decades in development cooperation where it is acknowledged often by both partner and donor organizations, and countries as necessary conditions for human development. Good governance has since metamorphosed from its original emphasis on economic processes and administrative efficiency to issues relating to democracy, rule of law, participation, pluralism, transparency, accountability, equity, and responsiveness, among others.

The central position is that the principles of the concept must underlie a functioning public sector across all facets including, a dynamic civil society capable of expressing and responding to the needs of the vulnerable members of society, a functioning and effective justice delivery system that ensures legal security leading to human security, serving the public interest, public value creation, poverty reduction, protection of the environment, and hence to the objectives of the community as a whole. The basic assumption therefore is that, public officials, both appointed and elected in the political process are self-interested yet they are those required to execute and implement public policies (Markussen and Tyran, 2010; OECD, 2005; Austrian Development Policy, 2005–2007; GTZ, 2004).

For instance, it is argued that because political leaders are not benevolent and their policy choices may not be in line with public interest it is therefore crucial to impose institutional rules that restrain egoistic leaders from extracting rents (Brennan and Buchanan, 1980). Thus, public officials are required to serve the interest of the public by performing their official functions and duties, and exercise any discretionary powers in ways that promote or preserve the public interest (NSW Ombudsman, 2012).

In the literature, certain commentators and jurisdictions in the area of governance and ethics have sought to prescribe mainly that public officials behave ethically in order to serve the public interest but very little is mentioned about the challenges of the public official (Anger, 2002; Iji, 2005; Okpomo, 2007; Pathranarakul, 2005; Gyimah-Boadi, 2000; Ayee, 1997; Constitution of Ghana, 1992; Menya, 2010; Ofori-Mensah, 2011).

As the debate raged on certain ethical dilemmas including: administrative discretion, administrative secrecy, nepotism, conformity, information leaks, policy dilemmas and values that often confront the public official while performing his/her official duties were outlined (Ayee, 1997). At best the issues that have been identified remain only as dilemmas which have often been considered as catches which the public official is expected to avoid based on some regulations or codes of conduct. However, the lack of or inadequacy of what would be the 'tool' or enabling environment (challenges) for the public official in order to serve the public interest or act responsibly has often been least pontificated. The public official is the one with the task of given expression to the fine details of provisions in the constitution or statutes in the public sector through regulations, legislations and rules, among others. Thus, "upon the large shoulders of the bureaucrat has been placed a large part, the burden of reconciling group differences and making effective and workable the economic and social compromises arrived at through the legislative process"(Herring, 1936, p.23). The task of the public official invariably is to define the public interest.

On his part, Halley (2004) observed that serving the public interest is at the heart of public service, and the meaning public managers give to public interest is a function of their on-going application of democratic values and ethics in the present and future time frame, to the enterprise of public service. However, the public interest responsibility comes with some challenges. Notwithstanding the many challenges, the Ghanaian public official is required to

promote the public value, and particularly seek the public interest in the course of performing his/her official duties. This demand is palpably reflected in the incessant call for good governance by some international organizations and other political actors such as the African Union (AU) and the resultant institution of the African Peer Review Mechanism (APRM). Consequently, the Ghanaian public official has not been spared from acting responsibly and in the interest of the public as the importance of public interest to the public service globally, cannot be overemphasized (Austrian Development Cooperation [ADC], 2011; Organization for Economic Co-operation and Development [OECD], 2005; United Nations Development Programme [UNDP], 2000).

Accordingly, the focus of this study is the public official's challenges as the public requires that he or she serves the public interest while examining what the public espouse as values, which implies that this stance has become necessary because the focus of other researchers have been more skewed toward ethical behaviours of public officials in the public domain (Cranston, Ehrich and Kimber, 2006; Gyimah-Boadi, 2000; Ayee, 1997). In that vein, other commentators have also raised allegations on the politicization of the public service and arbitrary appointments in the public sector rather than looking at issues of public good and what is in the interest of the public (Ashkenazy, Falkus and Callan, 2000; Mulgan, 2000).

In conducting this study, issues of process which have often been ignored by previous studies were highly considered hence, the scope is specifically narrowed to the challenges of the public official viz-à-viz the public interest and public values in the context of a contractual agreement between the principal (public) and the agent (public official).

The approach was to examine the various elements of the public sector business by looking at what challenges confront Ghanaian public officials in the discharge of their duties in the context

of both traditional and more contemporary approaches to public administration. In this study, the transition between the traditional and the new public service administration was briefly reviewed. In addition, the dominant or mainstream indicators of public interest, conflict of interest, and public value were outlined. Furthermore, the study noted some relevant alternative views of the concept of public interest and the various kinds of conflicts of interest. It further explored a few aspects of the concept of public value having examined the context of today's public service and historical perspectives for the comprehension of the challenges that confront the public official in Ghana.

On purpose therefore, the study provides the basis for a critical examination of contemporary perspective on the value of public actions and the challenges that confront public officials.

The object of the study stems from increasing scrutiny regarding the changing roles of the 'new public official' – metamorphosing from the erstwhile Weberian principles through the new public management to complex dimensions of governance issues. First, it is important to consider at this stage a brief overview of events leading to values in public administration dynamics.

From a narrower perspective therefore, the study uses the insights of a body of socio-economic theory grounded in the principal-agency theory through the 'opaque' lenses of public interest where the activities of public officials, which could be interpreted either as ethical or unethical may portend serving the public interest or otherwise.

Undeniably, it should be noted that no attempt was made to develop a complete theoretical argument for public interest as perceived by the public official in Ghana. On purpose however, the thesis lay out the normative propositions that set the tone for discussing the challenges of

the public official, public values and public interest as related to public administration in Ghana.

1.1 Problem Statement

In Ghana, reports from the Public Accounts Committee of Parliament have suggested that public officials, in recent times, do not act in the public interest given the many cases of financial irregularities that have characterized the public sector (Auditor-General's Report, 2006-2013). Financial irregularities within the period of 2007 alone amounted to GH¢348,580,148.00 (Auditor-General's Report, 2007). In 2008, the report showed that uncollected taxes alone totalled GH¢142.9 million at the Ghana Revenue Authority (Auditor-Generals Report, 2008).

Indeed, the trend of irregularities observed in the 2012 Report on the MDA's revealed an escalated amount totalling GH¢ 395,718,552.01, while the latest report of 2013, indicated GH¢ 477,708,455.81 (Auditor-General's Report, 2006 - 2013). This therefore, seems to buttress suggestions that the public official seeks to act in his or her own interest rather than in the public interest. Nonetheless, not much is said about the challenges the public official encounters while performing official duties, rather he or she is regulated by prescribed codes of conduct that make it mandatory for him/her to act in the public interest.

For instance, it has been argued that the absence of credible code of conduct and other regulatory structures particularly, public official asset declaration regulations implies that Ghana is pursuing anti-corruption without vital preventive components (Anger, 2002; Iji, 2005; Okpomo, 2007; Pathranarakul, 2005; Gyimah-Boadi, 2000; Ayee, 1997; Constitution of Ghana, 1992; Menya, 2010; Ofori-Mensah, 2011). Accordingly, "a State officer or employee shall not act in his official capacity in any matter wherein he has a direct or indirect personal

financial interest that might be expected to impair his objectivity or independence of judgment” (Gyimah-Boadi, 2000, p.165).

Consequently, the literature place more emphasis on how the public official should comply with regulations and codes of conduct that would enhance public interest in the performance of official duties. Nonetheless, the process that could lead to the outcome expected of the public official in serving the public interest is largely missing as the emphasis from the public or the state (principal) is often on what to exact from the public official (agent); hence, the many prescriptions or regulations binding the activities of the public official. In consequence, Dahl (1947), a human behaviourist argued that the study of public administration should encapsulate the whole psychological frame of the individual public official who must not be regarded narrowly as just a simple machine responding only to conceive goals of self-interest.

This study, though acknowledges previous works on the role of public officials as well as contributions of the humanists in relation to public administration, it is exceptional for the reason that it centres on the public official’s challenges vis-a-vis acting in the public interest. This is in contrast to the expectation that the public official is only obliged to behave ethically in the performance of his/her official duties regardless of what challenges confront them.

Thus, the study seeks to examine the challenges of the public official and public interest in relation to serving the public interest in Ghana by testing some hypotheses and eliciting responses from the ensuing questions.

1.2 Research Questions

- i. What is the extent of corruption in both public and private life of public officials?
- ii. What are the challenges faced by public officials in the discharge of official duties?

- iii. What are the various dimensions of conflict of interest among public officials?
- iv. What is the role of the Judicial Service of Ghana in protection of public interest?
- v. What accountability measures exist to curb conflict of interest in public organizations?

1.3 Purpose of the Study

The main object of the study is to examine the extent to which Ghanaian public officials act in the public interest regarding the execution of official duties.

1.4 Specific Objectives:

- i. To assess the extent to which corruption is perceived in both public and private life of public officials
- ii. To assess the various dimensions of conflict of interest among public officials
- iii. To examine the challenges faced by public officials in the discharge of their official duties
- iv. To examine the role of the Judicial Service of Ghana in the promotion of Public Interest.
- v. To examine accountability measures put in place to curb conflict of interest in public organizations.

For the purpose of this study and based on Transparency International Corruption Perceptions Index (2014), the researcher ranked “low-level corruption” as 0-50%, while “high-level corruption” is 51-100%. However, the Corruption Perceptions Index, 2014 of Transparency International measures the perceived levels of public sector corruption globally and scores

them from 0 (highly corrupt) to 100 (Very clean). The categories of what constitutes low level of corruption and high level of corruption are described by this researcher in Table 1.0 below.

Table 1.0: Categories of Corruption Perception

Type	Description	Type	Description
Low		High	
Systemic/ Endemic	Institutions and processes of the state are routinely dominated and used by corrupt individuals and groups; most people have no alternatives to dealing with corrupt officials. (Johnston, 1998)	Political/ Grand	It occurs at high levels of the political system, where politicians and state agents required to formulate and enforce the laws in the interest of the public abuse their authority to perpetuate the status quo and wealth to suit their personal interests (Byrne, 2007).
Sporadic/ Individual	It occurs irregularly and therefore it does not threaten the mechanisms of control nor the economy as such. It is not crippling, but it can seriously undermine morale and sap the economy of resources. (Byrne, 2007)	Grand	Takes place at the policy formulation end of policies. It occurs mostly at the top echelons of the public sector, where policies and rules are formulated.
Petty/ Small scale/ Bureaucratic	Kind of corruption that people can experience more or less daily, in their encounter with public administration and services like hospitals, schools, local licensing authorities, police, taxing authorities and so on. It is bribery related to implementation of laws, rules and regulations. Money is usually involved and referred to as “low level” or “street level corruption. (Byrne, 2007)	Legal and Moral	It requires that all laws must be unequivocally indicated, leaving no room for discretion to the public official and must provide a clearly defined limit between what is a corrupt activity and what is not. For example, a public official’s actions may be legally or morally corrupt based on whether or not the actions are prohibited by laws or Acts of government. (Gardiner, 1993)

Source: Author’s Elaboration

1.5 Hypotheses

H₀: The indicators of public interest rank the same for high proportions (51-100%) of public interest.

H₁: The indicators of public interest do not rank the same for high proportions (51-100%) of public interest.

H₀: Perception of corruption within the public and private life rank the same.

H₂: Perception of corruption within the public and private life do not rank the same.

H₀: Perception of corruption among public officials rank the same for high categories (51-100%) of corruption.

H₃: Perception of corruption among public officials do not rank the same for high categories (51-100%) of corruption.

1.6 Significance of Study

The study provides practical and adequate information relevant for the sustainable discourse by policymakers on ethical conducts in the public sector in order to promote public interest.

Debates and interests at the national and local government levels will also be stimulated for the enforcement of major public policy instruments regarding issues in the public interest.

The study is vital because it would assist in dispelling the notion that public officials are the most corrupt, inept, and unethical and the most apathetic, while the public exhibit high levels of indifference to their genuine concerns though the officials are often confronted with several challenges in the course of performing their duties.

Incorporating public interest advocacy into the mainstream political and public sector discourse, and administration would help exploit more fully its potential in enhancing good governance as well as quality service delivery for enhanced policy implementation by public officials.

The study is thus, useful as it attempted to use a combination of methods that would help throw more light on complex issues in public value creation and ensuring programmes that are of public interest.

Prospective researchers would also find the study a path-finding literature in their future undertakings. In the final analysis, the study is to set the agenda that would inform prompt institutional decision-making, as well as encouraging the forgoing on the deep sense of public interest in the Ghanaian public sector.

1.7 Organization of Study

In order to appreciate the flow of thought, the study has been organized into six (6) main chapters.

Chapter One is introductory and provides a background to the study, the statement of the problem, the research questions and objectives of the study, significance of study and the organization of the study.

Chapter Two reviews some theoretical literature pertaining to the study. The chapter highlights the conceptual/theoretical perspective of public interest using the principal-agency theory. It provides an overview of the development and practice of administration in the public sector while relating the concept to the responsibilities of the public official within the context of public value and public interest.

Chapter Three presented empirical literature and discusses issues relating to the public official's challenges in the Ghanaian public sector. In addition, the chapter provides an overview of some unethical practices in the Ghanaian public sector. The chapter examines, further the concept of public interest from a global as well as the Ghanaian perspective.

Chapter Four outlines the methodology that was adopted in executing the study. It highlights the population and study area, research design, description of sample, sampling technique, instrument for data collection and methods for analyzing data.

Chapter Five presents results of the data analysis and discusses the findings of the work. The data analysis is done within the context of the objectives outlined in the study.

The Sixth chapter concludes the study and proposes strategies and recommendations for the way forward to the challenges confronting the Ghanaian public official viz-a-viz his/her responsibilities toward the public.

CHAPTER TWO

THEORETICAL LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of the theoretical literature underpinning the study. It seeks to provide a critical descriptive analysis of the development and practice of administration in the public sector while relating the concept to the responsibilities of the public official within the context of the key conceptual issues, particularly, public value, conflict of interest and public interest. The chapter is divided into sections. The first section examines the concept of public interest along with its typologies. The second section looks at the components of the private and the public sector. A number of ethical dilemmas facing public officials are highlighted in subsequent sections. A paradigm shift from the old to the new era of public management and public interest are discussed. Finally, the global and the Ghanaian experience of conflict of interest in the public sector is presented. Hence, it is very imperative to appreciate the term public.

2.1 The 'Public'

The term 'public' from Frederickson's (2008) perspective connotes the multitude of coordination mechanisms with very different uses. It is an omnibus term which describes "an individually formed abstraction generated on the basis of experiences made in daily practices, analytical insight, and all sorts of projections as to complex phenomena" (cited in Denhardt and Denhardt, 2011). In relating to Frederickson's perspective therefore, public value could portend valuing relationships between individuals, groups and an unknowable social entity and may engender public interest ideas (Selznick, 1992; Bozeman, 2007; Münkler, Bluhm, and Fischer, 2002). Often, values are exercised within particular contexts. Sometimes these values

are promoted within the frontiers of sovereign/legal/socio-economic entities, such as the 'state,' the 'market,' or the 'society' - the public.

Public value therefore connotes an evaluation of the relationship between individuals and the perceived public. This perhaps is what Jean Jacques Rousseau referred to as "the very act of community building by creating a 'mental holistic person' in the classical days" (Rousseau, 1762, p.47). However, Jeremy Bentham (1948) described the 'public' as a fictitious body, composed of the individual persons who are considered, as it were, its members... and whose interests are in the community, which is the sum of interests of the individual members who compose that community" (1948,p.3). In this vein, Frederickson (2008) distinguishes between five perspectives: the public as interest groups; the public as consumer; the public as represented; the public as client; and the public as citizen. Thus, the public official and public interest are located in one or more of the above situations.

2.1.1 Public Interest

The concept of the public interest has in the last century been shrouded with so much controversy drawing huge doubts about whether or not the concept is worth considering at all. In view of this, earlier writers considered the term public interest as a myth and have intimated variously that "there has never been a society which was not, in some way, and to some extent been guided by this ideal" (Smith, 1960; Bell and Kristol 1965, p. 5).

Denhardt and Denhardt (2011) on their part posited that the concept means different things to different people under varying circumstances. It can change over time in both form and substance. As the controversy of how we know public interest when we see it still raged on "the concept of public interest sank into disrepute among social science positivists because it

is broad, diffuse, fuzzy, and fluid and therefore ill-suited to empirical research conducted according to accepted scientific standards” (Morgan 2001, pp.166 - 167).

Thus, public interest has been variously defined because often it is easier to make wide statements about what the opposite of public interest is than the obvious in terms of the public interest. Indeed, whereas the public interest connotes decisions relating to the interests of the community as a whole or geographical division of the community it is much in contrast to private interest because it extends beyond the interest of an individual. Nonetheless, the appropriate context for public interest to thrive often becomes doggy because in some circumstances an individual’s private interest for example, are regarded as being in the public interest (New South Wales Ombudsman, 2010). Thus, public interest refers to the considerations affecting the good order, functioning of the community and government affairs for the well-being of citizens (New South Wales Ombudsman, 2012). Furthermore, public interest is “a central factor in ethical decision-making and refers to the expectation, needs, wants and ultimately, the well-being of the community as a whole” (Edwards, 2001, pp.11-13). Shafritz, Russell and Borick (2007) also refer to public interest as the universal label in which political actors wrap the policies and programmes that they advocate. Public interest signifies the consideration of issues that have the potential to promote a good future for the wider community. In this vein, public interest implies the fostering of a strong bond between the short-term individual interest and the long term common good of the whole community.

In a political science parlance and agency-capture theory, it is argued that “in an elected democratic polity the public interest is whatever the majority in congress or the president say it is” (Frederickson 2004, p.243). Often most public administration theorists have questioned the essence and what the phrase ‘serve the public interest’ means for public administrators (Lewis, 2006). In the same vein, Douglas Morgan (2001) has also posed the question, “how do we know the public interest when we see it?” (p.153).

In another development, it is argued that serving the public interest is the fundamental mission of government and public institutions (OECD, 2003). This implies that the public official must be outward-looking, which by extension means living today to enhance the future and not consuming future treasures today. Thus, it is suggested that “the simple test of serving the public interest is respect for future generations” (Lewis, 1991, p.47).

2.1.2 Serving the Public Interest

This implies that public officials should perform their official functions and duties, and exercise any discretionary powers, in ways that promote or preserve the public interest. Nevertheless, this singular obligation by public officials has often been fraught with much difficulty as a result of a myriad of challenges the public officials face while they are also required to act responsibly yet very little is done about their plight.

Hence, for the public official to act responsibly and serve the public interest he or she is expected to first determine the public interest regarding the vision and objectives of their organizations as well as the roles and functions they and their organization are required to perform. The determination of the public interest must conform to the following guidelines:

- The enabling legislation setting out objectives, purposes or functions of the organization
- The relevant government policy
- The organization’s corporate plan or other relevant internal policy statements, and
- The duty statement for their position (New South Wales Ombudsman, 2012).

Indeed, per the traditional view of public administration which is grounded in the concept of efficiency, effectiveness and equity as well as the traditional economists’ assumption that all

players in the political process, including political leaders, are strictly self-interested where political leaders are not intrinsically benevolent but their policy choices may or may not be in line with public interest (Denhardt and Denhardt, 2011). For instance, Brennan and Buchanan (1980) have argued that because political leaders often behave in self-serving ways it is therefore crucial to impose institutional rules that restrain egoistic leaders from extracting rents. Nevertheless, given that per the available literature, very little is mentioned about the challenges of the public interest, it is hard to agree with Buchanan's assumption that "individuals must be modelled as seeking to further their own narrow self-interest, narrowly defined, in terms of measured net wealth position, ..." (Besley, 2006, p.29 ; Markussen and Tyran, 2010; Buchanan, 1975, pp. 139-147).

Public interest can be expressed through the ballot box and on-going debates and discussions. It includes the steps taken to ensure the accountability of public officials for the making and administering of laws, policies and regulations. Thus, is it possible that some public officials would advocate programmes that may not be in the public interest? In the context of the public's daily demands on the public official, there emerges a consistent enduring and raging debate over what "acting in the public interest" and "acting responsibly" mean. If, for example, a public official believes that a superior or the minister is acting in his/her own self rather than in the public interest, then the public official might feel it is worth taking the matter directly to parliament or to the media for redress. But whether or not these two charges ('acting in the public interest' and 'acting responsibly') are the business of the public official remains as contentious as philosophical and the actions of the public official may thus be deontological or utilitarian.

The concept may be deontological because public officials who are faced with competing values might act in a manner suggesting they have considered other alternative courses and the relevant procedures and rules. In contrast, the concept may be utilitarian when the public official in making daily judgments does a cost-benefit analysis; implying that public interest “requires a determination of which course of action has the maximum net benefits for the relevant stakeholders” (Kernaghan and Langford, 1991, pp.36-43).

In most cases, people hardly accept policies emanating from public officials as good, particularly those emanating from political actors. This perhaps stems from the acute distrust for public officials. In view of this, policies that are for the common good and which might be rejected by the community are wrapped in the term ‘public interest’ to appeal to even the skeptics. It is therefore, the task of the public official to provide explanation to general details of what policies embodied in proposed programmes are to reflect the intent of the public interest. This places the public official in the position of “the guardian of the long-term public interest, and the keeper of public trust” (Rosenbloom and Goldman, 1998, p.127). Nevertheless, “if government is to be both responsive to the people’s will and capable of meeting the challenges of the twenty-first century, it must have a public service of talent, of commitment, and of dedication to the highest ethical standards” (Volcker Commission, 1989). The public service, a permanent formal organization established to manage public and government businesses, has a critical and compelling obligation to champion the public interest or ensure the general good of the people. Public officials are so crucially positioned in society that if they are allowed boundless and unfettered powers, they are likely to manifest and exhibit what may contravene societal norms. Since public officials are those who exercise what government stands for- the authoritative allocation of values', they are therefore, obliged to pursue the public interest in their everyday judgment calls. This implies that public officials

must necessarily endeavour to promote sustainable links to the future of society, while the public place their trust in the public official.

If the individual sees bounty for the public as booty, then the whole society or public interest or good is at risk. The challenge of choosing between the public interest and the individual interest may be termed 'conflict of interest' and may threaten shared values of public interest. In this vein, Self (1993) challenged the pursuit of commercial goals through the market model on the grounds of the public interest, and postulates that public interest reflects normative standards and practices which guide the political community as a result of shared moral principles or beliefs. He argued that public choice theory encourages the individual to maximize economic opportunities and personal wealth, in contrast with the collective notion of the public interest. Furthermore, the market system makes no distinction between 'wants', which are personal desires of individuals, and 'needs' which are the basic requirements for a tolerable life that all human beings have in common. Given that the market model is flawed, Self (1993) argued that there is a moral imperative for governments to ensure that the public interest is served.

"Acting in the public interest "is "acting in such a way as to nurture and maximize the basic values of life, health, individual and societal freedom, and caring and concern" (Gordon, 2002). The American Institute of Certified Professional Accountants (AICPA) Code of Conduct, Section 53 – Article II in referring to public interest, stipulates that "members of the accounting profession should accept the obligation to act in a way that will serve the public interest, honour the public trust, and demonstrate commitment to professionalism." As in the public sector dynamics there are several players that subscribe to the AICPA Code of Conduct. These players include: governments, investors, clients, credit guarantors, employers, the business and

financial community. However, with the accounting domain, clients remain dependent on how objective certified public accountants uphold the principles of the profession and act in the public interest. Thus, the public interest is defined as “the collective well-being of the community of people and institutions the profession serves” (AICPA, Section 53 - Article II).

Further, the AICPA, Section 53 - Article II explains that those who rely on certified public accountants expect them to discharge their responsibilities with integrity, objectivity, due professional care, and a genuine interest in serving the public. They are expected to provide quality services, enter into fee arrangements, and offer a range of services – all in a manner that demonstrates a level of professionalism consistent with these Principles of the Code of Professional Conduct. The Code further enjoins those who accept membership in institutions such as the American Institute of Certified Public Accountants to commit themselves to honour the public trust. In return for the faith that the public reposes in them, members should seek continually to demonstrate their dedication to professional excellence.

Thus, the AICPA defines the public interest specifically as: the collective well-being of the community of people and institutions the profession serves. What remains unspecified is the meaning of: collective well-being. What also remains unclear is whether the collective well-being is confined to the community of people and institutions the profession serves, or would the public interest also extend to those who are not members of the community of people and institutions the profession serves (e.g. the unemployed; the poor; persons in less-developed countries)? How should collective well-being be measured? Indeed, what is the meaning of “well-being”? Obtaining answers to these questions might help us to gain a better understanding of what is meant by the “public interest.” (Section 53- Article II). To further examine the meaning of the public interest the literature suggests that “the public interest may be presumed to be what . . . [people] would choose if they saw clearly, thought rationally, acted

disinterestedly and benevolently” (Colson , 2004, p.80; Lippmann,1956 p.40 ; Public Administration Review, 2006).

In another development, Bealey (1999) stated that “the term may refer to the aggregate of individual interests, whatever that is. Like the ‘common good’, and the ‘general will,’ it is easier to talk about it than to determine what it is” (1999, p.274). However, from the Political Science perspective, H. George Frederickson (2004) argues that: “in an elected democratic polity the public interest is whatever the majority in congress or the president say it is” (Frederickson, 2004; Public Administration Review, 2006 p.294). The other primary issues that manifest for immediate consideration include private interests and conflict of interest. Understanding the issues involved in the dynamics of public interest as regards the public official’s duties require an understanding of a typology of the concept.

2.2. Typology of Public Interest

The idea of the public interest is ambiguous and fluid, and is not just an interesting academic pursuit as public interest defines how public officials act when they perform their official duties on account of how these officials perceive the concept of public (Denhardt and Denhardt, 2011). A typology of Clarke Cochran (1974) helps to classify the concept into four different models, namely: (1) normative, (2) abolitionist, (3) political process oriented, (4) consensualist views

2.2.1 Normative Model

An early public administrationist, Herring (1936) for example, wrote about the public interest from a normative perspective and argued in his book, "Public Administration and the Public Interest" that , “the public interest is the standard that guides the administrator in executing the

law” (Herring 1936, p.23). Redford (1954, p.1108) also referred the public interest normatively as “the best response to a situation in terms of all the interests and of the concepts of value which are generally accepted in our society”.

In the same vein, Monypenny, also intimated as part of his contribution to the 'code of ethics for public administration' that “the administrator should follow the public interest as he understands it rather than his personal convenience or any private aim or goal (1953, p. 441).” Cassinelli (1962) and other theorists also postulated that public interest is a moral and ethical standard for decision-making in public administration and a standard for gauging political acts. The advocates of the normative model intimate that the public interest is the “highest ethical standard applicable to political affairs” and believe that “when something is good for the public that is a higher level of good than when something is good for only part of the public” (Cassinelli, 1962, p.46).

This model therefore holds that, the “public interest becomes an ethical standard for evaluating specific public policies and a goal which the political order should pursue” (Cochran 1974, p.330). It is argued on this basis by later theorists that public interest is the product of public administration theory (Gawthrop 1998; Denhardt and Denhardt, 2011). In the last decade, the concept has become very crucial in professional and public sector standards of practice. The Organization for Economic Co-operation and Development in one of its recommendations for managing conflict of interest affirms that “serving the public interest is the fundamental mission of governments and public institutions” (OECD, 2003).

In this vein, the performance of the public official’s duties is expected to be in sync with the dictates of these standards. Accordingly, these duties which ought to serve the public interest are dictated by such professional demands as the four aspects of public interest: namely,

democracy, mutuality, sustainability and legacy (Lewis 2006). The first two aspects (democracy and mutuality), Lewis argues, constitute the public official's present responsibilities while the other two constitute sustainability and legacy which consider the future generation and the responsibilities of the public official. According to Lewis (2006), democratic concerns refer to the dichotomy between the official's private interest and mutual interests, and ethical behaviour of the public official on the other hand. In another breath, Lewis (2006) suggests that the public official's responsibilities to the generation include the preservation of resources and the legacy of historical and cultural heritage - a claim for sustainable political community to enhance effective public administration.

2.2.2 Abolitionist View of the Public Interest

In contrast to the normative theorists discussed above, those who subscribe to the abolitionist view of the public interest argue that the concept of the public interest is neither meaningful nor important. The proponents of the abolitionist view hold that firstly, public interest is not valid because it cannot be measured or directly observed, or secondly, the concept of public interest (collective will) considers individual choices as the best way to understand the process of public policy process and set policy. A major proponent of the normative view of public interest, Glendon Schubert (1960), particularly argued that because theories relating to public interest cannot be effectively validated "it is difficult to comprehend the justification for teaching... that subservience to the public interest is relevant norm of official responsibility"

2.2.3 Political Process-Oriented Approach

From the Federalist Papers Number 10, pluralists contend that interest groups rather than the larger public constitute the best mode of expressing the voice of the under-privileged who form the 'silent majority' (Madison, Hamilton, and Jay 1787). Thus, it is stipulated by the pluralists

that “it is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm... The inference to which we are brought, is, that the causes of faction cannot be removed; that relief is only to be sought in the means of controlling its effects” (Madison, Hamilton and Jay 1787).

In the same manner, Dahl (1976) suggested that interest group pluralism is the best way to maximize democratic principles. Indeed, the dominance of pluralism and the model for American democracy strongly influenced those who defined public interest from the standpoint of process. Thus, Schattschneider (1952) for example, argued that majoritarian party politics is the best way to serve the public interest and stressed that private, special, and local interests are enemies of the common interest, but political parties can synthesize and transcend special interests. However, he stated that “the public interest is not the mere sum of the special interests, and it is certainly not the sum of the organized special interests” (Schattschneider, 1952, p.23).

The concept of pluralism has been very influential in upholding democracy in America and demarcates the frontiers of public interest from the standpoint of process. Though, pluralism has played a critical role in the definition of democracy and the public interest certain scholars of public administration and political science have argued that majoritarian party politics is the best way to serve the public interest as private, special, and local interests are enemies of the common interest, but political parties can synthesize and transcend special interests (Denhardt and Denhardt, 2011). Thus, Schattschneider stated, that “the public interest is not the mere sum of the special interests, and it is certainly not the sum of the organized special interests” (1952, p.23). It is therefore believed that what would constitute public interest is neither normative prescriptions nor abstract views that cannot be measured but the interest groups or parties that

can emerge as the primary voice of the people in the policy. The proponents of the political process view in part have much to do with our next approach to public interest-shared values (Consensualists view).

2.2.4 Consensualists View

The consensualist view of the public interest based on models of shared values view is considered very vague but valuable term that refers to policy debate to achieve a public value consensus (Cochran, 1974). In its broadest context, I agree with Denhardt and Denhardt (2011) that to achieve public value consensus the model should include notions of the public interest based on shared values necessary for guiding both the process for articulating these interests and the substance of the public interest itself. Thus in contributing to the subject, Paul Appleby like the abolitionists stated that: "the public interest is never merely the sum of all private interests nor the sum remaining after cancelling out their various pluses and minuses. It is not wholly separate from private interests, and it derives from citizens with many private interests; but it is something distinctive that arises within, among, apart from, and above private interests, focusing in government some of the most elevated aspirations and deepest devotions of which human beings are capable" (Appleby 1950, pp. 34–35).

Deborah Stone (1988) also a consensualist, defined the public interest in terms of shared interest of society in relation to what she calls the "polis," or political community. Her definition of the polis in part draws a sharp contrast between the market and the aggregation of individual interests' model. The market view, she says, is based on the idea that public policy or the public interest is the net result of all individuals pursuing their self-interest in the market setting. Public policy, according to Stone is about communities asserting themselves to achieve maximum community development and goals, often through the behaviour of individuals.

Unlike the market which starts with individuals and assumes no goals, preferences, or intentions other than those held by individuals, a model of the polis must assume both collective will and collective effort (Stone 1997).

In the view of Deborah Stone (1998), the assumption that people are only self-interested, could be equalized by pontificating to values such as sharing, caring, and maintaining relationships. Rather, the focus of analysis in the market model should be as intense as highlighting the solutions to “commons” problems. “Commons” problems refer to situations in which self-interest and the public interest are in conflict. The example often used is of a pasture that is available to all cattle owners (Hardin, 1979). Self-interest dictates that each person will seek to maximize his or her individual gain by keeping as many cattle as possible on this common land. In most cases, the constant and indiscriminate use of the commons, over time, by each person without adequate sustainability plans render the commons deplete and of no use to anyone. Thus, by pursuing their individual interests, the shared interests of the 'cattle owners' (collective property) gets whittled away.

In the polis however, not only do the commons problems show up frequently as a collective but there is always the need to create avenues for articulating the shared interest of the people within the commons through influence, cooperation, loyalty, and all the things that bind them (Denhardt and Denhardt, 2011; Stone 1997, p.34). In contrast, as simplified by Stone, "the concept of public interest is to the polis as self-interest is to the market...in order to use them to explain and predict people's behaviour...we simply assume that people behave as if they were trying to realize the public interest or maximize their interest"(Stone, 1997, p.21 cited in Denhardt and Denhardt, 2011).

Thus, the public interest from a shared value perspective in the polis portends a development process for the collective goals of the public. In this sense, the public interest can be understood as those things desired by the ‘public-spirited side of citizens’ such as good schools and clean air. Further, the public interest can be expressed as those “goals on which there is a consensus” and/or “things that are good for a community as a community” such as the preservation of order, maintenance of governing processes, and defense against outsiders (Stone, 1997, p.21 cited in Denhardt and Denhardt, 2011). Invariably, in countries where democratic control is entrenched amidst naked separation between ‘public’ and ‘private’ in the public sector, objectives of public policy portend serious challenges in several democratic countries as a result of blatant perpetration of systemic and institutional corruption and abuse of power (Lankester, 2007). To understand what public interest stands for, it is imperative to examine the counterpoise term ‘private interest’.

2.3 Private Interest

Private interest refers to “self-interest-selfish, greedy, and unrestrained or more technically, maximizing short-term, individual utility” (Lewis, 1991 p.46). Private interest may be viewed from two perspectives: pecuniary and non-pecuniary. Pecuniary interest involves an actual or potential financial gain or loss. Material personal pecuniary interest may arise if a public servant, for example owns shares, owns property or takes up a position in a firm that is bidding for a government contract.

In situations of non-pecuniary interest, money does not need to change hands. It may however, emerge from personal or family relationships or one’s association with a public concern for personal gain that could bias ones judgment or decision. For instance, a public official might have an association with a football club for personal gains. Rose and Michael (2012) refer to the concept of non-pecuniary interest as an interest that can bring benefit or advantage to us as

individuals, or to others whom we may wish to benefit or disadvantage. . For instance, a public official might have an association with a football club for personal gains. Another example could be a situation where a college mate introduces his wife to a friend who is in the position to influence a transaction in favour of the friend's wife in the office he works.

This state of affairs goes contrary to the normative imperatives of ethical choice and judgment of the public official which requires that such officials perform their official duties devoid of impartiality, conflict of interest, and impropriety. Ministers of state also form part of public officials. Thus, the Ontario Guidelines on conflict of interest, states that “ministers shall not use their public office in a way that furthers or appears to foster their private interests”. Consequently, the Ontario Guidelines defines private interest as “any interest financial, direct or indirect, personal pertaining to another that is not a public interest” (BCCLA Position Papers, 1991 p.5). Acting in the public interest involves obligations with regard to administration, ethics, and performance, in accordance with recognized public sector principles considering (Davids2008: Ch2; Ombudsman Victoria 2008b p.62). Thus, the study attempts to review some literature on the evolution of mainstream public administration regarding the subject of public interest in the next section.

2.4 Overview of Public Administration Development

The early years of the twentieth century saw a rapid emergence of what can best be described as the evolution of mainstream public administration models. Among the early proponents of these models were scholars such as Frederick Taylor (1923), Herbert Simon (1957), Woodrow Wilson (1887), and Luther Gulick (1937). The emergence of the field of public administration was grounded in the fact that the task of government, which then was thought to have revolved around mainly, the executive wing of government had begun becoming very complex in structure and operation.

Woodrow Wilson (1887/1887) for instance, commented that “it is getting harder to run a constitution than to frame one” (p.200). Hence, Wilson (1887/1887) suggested that because administration must be carried out with business fervour, the responsibilities of government should involve establishing executive authorities to control hierarchical organizations with the aim of achieving the most reliable and efficient operations possible. It is worth-noting however, that the execution of government business for efficiency ought to be tacked to the capabilities of the public officials who are often pivotal in such dynamics; thus, the demand and the cliché that they must serve the public interest when performing their official duties.

However, Denhardt & Denhardt (2011) argued that “those residing at...centres of power were not to be actively or extensively involved in the development of policy. Their tasks were instead, the implementation of policy and the provision of services, and in those tasks they were expected to act with neutrality and professionalism to execute faithfully the directives that come their way. Thus, they were to be watched carefully and held accountable to elected political leaders so as not to deviate from established policy” (pp.5-6). This position, however, if stretched too far can be very perilous to the rights of the public official. I am therefore, in agreement with Wilson who stipulated that there is always “the possibility that politics or more specifically, corrupt politicians might negatively influence administrators in their pursuit of organizational efficiency. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices” (1887/1887, p.210). Hence, for administrative questions to be prominent it becomes crucial to explore the scope and nature of the field of public administration.

2.4.1 Scope and Nature of Public Administration

The scope and nature of public administration includes municipal administration, state administration, and national administration. The fundamental nature of the field of public administration involves the development of personal initiatives, the assurance of individual competence and integrity, responsibility, coordination, fiscal supervision, leadership that would ensure the success in Health administration, the licensing of medical practitioners, the control of trade and the reclamation of waste lands, among others, but works basically as a process common to all levels of government. Public administration is therefore, the management of men and materials in the accomplishment of the purposes of the state (White, 1926). Leonard White's definition underscores the managerial level of administration but minimizes its legalistic and formal aspect. In fact, the relationship among the three aspects of the field of public administration often stretches to the conduct of government business to the conduct of the affairs of any other social organization, commercial, philanthropic, religious and educational to offer management expertise.

Thus, the objective of public administration involves the most efficient utilization of the resources at the disposal of officials and employees (White, 1926). However Ezeani (2006) postulates that public administration is the management of government activities. According to Ezeani (2006) public administration denotes the activities of administrators concerned with the management and administration of public sector organizations and the study of these activities. Furthermore, it is involved with the implementation of government policies to ensure stability and continuity in government machinery. Essentially, public administration strives to ensure sustainable development through the elimination of waste, the conservation of material and energy, and the most rapid and complete achievement of public purposes consistent with economy and the welfare of the workers (Shafritz, Hyde and Parkes, 2004).

2.4.2 Relevance of Public Administration

The foundation of these early models in relation to the public official's role were hinged primarily on values such as efficiency, and public policy processes within a 'command and control' structure that portends hierarchical communication lines of authority specifically, using the top-down decision process. Denhardt and Denhardt (2011) have therefore opined that theoretically, early public administration emphasized the use of "rational choice" in explaining the role of the public official. In that same vein, analysts like Marshall Dimock (1936) and Robert Dahl (1976) have argued that public sector business connotes greater discretion, greater responsiveness, and greater openness in the administrative process. These views, provided a counterpoint to the overall model of public administration (Dwight Waldo, 2008).

In most cases, those who are given the responsibility of ensuring that the machinery of administration is efficient and effective are deemed to execute that in self-serving and self-seeking manner. It is perceived therefore, that "all of this is a far cry from the Egyptian scribe who laboriously copied accounts on his role of papyrus, but the natural history of administration connects its ancients and modern forms in an unbroken sequence of development. However, what differentiate the modern public official from the scribe of antiquity are the marvellous material equipment with which he works, and the contribution which science has made and continues to make, to this profession; public administration is then, the execution of the public business" (Shafritz, Hyde and Parkes, 2004 p.58).

Indeed, since the state has the task of protecting private rights, for the development of civic capacity and sense of civic responsibility, recognition of the diverse categories of public opinion, the maintenance of order, and the provision of a national minimum of welfare, public administration requires that other branches of the government must be correlated with private efforts (Shafritz, Hyde and Parkes, 2004). With the inception of public administration as

enunciated by the early writers and administrators, the subject was mainly concerned with problems of efficiency (White, 1926; Willoughby, 1918; Goodnow, 1893; Wilson, 1887). It is noteworthy that administration involves legislative, executive and judicial although invariably, a strict application of the theory of separation of power may not exist. Nevertheless, the progress in developing such an approach has been very phenomenal with the efforts of, for example, a few writers who sought to bring to light rapid innovation in techniques of social intervention; the new public management theory as was enunciated by (Osborne and Gaebler, 1992; Pollitt, 2011; Dahl and Lindblom, 1980). In view of the above, the term public official who are expected to act in the public interest need to be explained.

2.4.3 Public Official

For the purposes of this study, the term “public official” or “public officer” is used to refer to any employee who works within the public sector. The terms "public officials" and "public officers" may be interchangeable. This encompasses office- or street-level employees, managers and executives, and may also be taken to include elected government officials. According to Black's Law Dictionary a "public official" is "one who holds or is invested with a public office; a person elected or appointed to carry out some portion of a government's sovereign powers." Public Official is one who holds or is invested with a public office; a person elected or appointed to carry out some portion of a government's sovereign power (OECD, 2005).

The numerous challenges the public sector is faced with have influenced the direction of most intellectual discourses, including the definition of the ‘public official’ in many jurisdictions or nations such as the United States of America (USA). “In many states, ethics laws are written to apply to ‘public officials’ or ‘public officers.’ While each state has taken slightly different

approaches, both terms usually include persons who have been elected to an office at the state or local levels. States differ on including appointed offices, judges and state employees” (National Conference of State Legislatures [NCSL], 2008 p.1).

Depending on what is deemed their public value, the states in the USA include “officers which are appointed, instead of elected, in their definitions of ‘public official.’ Thus, Georgia, Nevada, and Utah take a slightly more restrictive approach and deem appointive positions to be ‘public officials’ only when the office-holder is authorized to exercise some portion of the government's sovereign powers. New York includes appointed officials who receive minimal remuneration. In contrast, some American states including California, Iowa, Michigan, Minnesota, Mississippi, Montana, Oklahoma and South Carolina exclude members of the judicial branch from their definition of public official according to the National Conference of State Legislatures (NCSL, 2008).

In the context of some states in the USA only a few public employees such as high-level employees qualify to be included in the ‘public official’ definition. It was just as recent as June 2008 that Illinois added ‘sworn law enforcement or peace officers’ to their definition. The National Conference of State Legislatures (NCSL, 2008) however, stated that the exclusion of very important state institutions was not limited to only a few but extended to even the legislators in states including New Hampshire and North Carolina, from definition of ‘public official’. The context of what the public official means to a group of people can be expressed appropriately within the domain of the interpretive view/approach that takes into consideration the beliefs, traditions, conflicts/or dilemmas, values, public values, etc. of particular organizations or societies.

2.4.4 Public Official's Role

While efficiency is desirable in all public servants and at all levels of administration, the absence of professionalism among public officials will have dire consequences. Accordingly, public administration cannot operate without a critical mass of well-trained, experienced, motivated and committed public officials who would support political leaders to ensure the government or state machinery to achieve effective and quality service delivery to citizens in equity and transparent manner. Hence, the skills of such public officials are developed through advanced training leading to their promotion and based on their intellectual independence, professionalism and loyalty.

Primarily, the permanency of these public officials is contingent on the ethical and professional behaviours, which often translate into coordination and consultations as well as team work.

In brief, the old bureaucratic structure of public administration which is progressively moving towards the new public service practices and a professional culture of flexibility, dialogue, impartiality, neutrality, transparency, responsibility and accountability which involves the implementation of methods and the establishment of mechanisms that promote has provoked the professionalization of the public official's roles. Gradually, public administration in Africa is embracing the role of promoting social cohesion. Accordingly, public administration serves as instrument of regulation to the challenge of safeguarding equality of opportunity among citizens, protecting the vulnerable in society and fighting social inequalities for development.

Indeed, the challenges confronting the public official in the course of his or her duties often finds expression in how social scientists examine the particularities of people's beliefs and practices (Bevir et al. 2003, p.4, cited in Poulsen, 2009). Thus, posits that social scientists seek to explain the behaviours of public officials or administrators as a function of the public officials' worldview (Poulsen 2009; Hutchinson, & Condit, 2009). This way, the public official

as a rational being, may choose either to uphold public values by serving the public interest or seeking his or personal interest (Horner, Lekhi, & Blaug, 2006).

Public administrators or public officials, usually work for government or public entities. Invariably, the duties vary depending on who the employer is. The duties may range from implementing government protocols that directly impact the public to managing facets of internal government activities that would eventually affect happenings in the public service.

Essentially, public administrators or public officials may be appointed or elected guardians acting as bureaucrats or technocrats ensuring that government policies, benefits and other services are rendered are consistent with stipulated guidelines. Specifically, one could be a city manager or a metropolitan chief executive elected or appointed to oversee the daily tasks of a municipality including planning, organizing, staffing, directing, budgeting, among others. In addition, public service administrators, may serve as project managers, work as a public health administrators. Public service administrators, in addition to working for government agencies, could find employment with non-profit organizations and the public security organizations. Certainly, these responsibilities require that the administrator must possess certain capabilities to ensure that they act responsibly and in the interest of the public.

2.4.5 What the Public Administrator Needs to Know

In effect, for enhanced productivity training requirements for the public administrator may vary with the statutory responsibilities and who may be the employers. It is therefore imperative that public administrators degree programmes educational qualifications consistent with the profession should include public administration, public service administration, public affairs, public policy, business administration, social work and psychology, among others. In addition, years of prior allied work experience is usually desirable when applying to work as public

administrator. Essentially, the public administrator ought to have a very appreciable knowledge about the field of public administration, or administrative services, since it focuses on the formation and management of public agencies and expresses issues relating to public resources, accountability, and the description, analysis, solutions and synthesis of contemporary management problems such as exist in criminal justice agencies. The administrator's responsibilities is therefore to consider the growing dynamics of the field of public administration into new paradigms such as the New Public Management, which has shifted from the provision of structures and regulations for running the government machinery, to efficient and effective service delivery using market-led structures for optimum benefit of the larger public.

2.4.6 The Upsurge of New Public Management (NPM)

In the last couple of decades, the upsurge of the new public management NPM became very significant and provided international trends in public administration. Indeed, the rise of NPM manifested in four key trends. First, it culminated into holding back or retarding the business of government, sometimes through parsimonious public spending and staffing (Dunsire and Hood 1989). Second, it gravitated towards privatization and quasi-privatization and shifted from the mainstream government institutions, thus emphasizing efficient service provision and service delivery (Hood and Schupperts, 1988; Duleavy, 1989). Third, it actually promoted an accelerated development of automation, particularly in information technology, the production and distribution of public services (Shafritz, Hyde and Parkes, 2004). Finally, it tried to ensure the development of a more international agenda, increasingly focused on general issues of public management, policy design, decision styles and inter-governmental co-operation, above the older tradition of individual country specialism in public administration (Shafritz, Hyde and Parkes, 2004).

The usefulness of NPM is grounded in its convenience to describe the set of broadly similar administrative doctrines which dominated the bureaucratic reform agenda in many of the OECD group of countries from 1970s (see Aucoin 1990; Hood 1990b; Pollitt 1990). The concept of NPM became so popular that bureaucrats were so strongly enamoured with it that they touted NPM to be the only way to correct for the deficiencies in the old public administration (Keating, 1989). However, at the extreme others derided the thought of NPM and touted it as a costless and boorish distraction from a longstanding, tried and tested work that shaped the nature and scope of the public service ethic and culture (Martin 1988; Nethercote 1989).

The New Public Management has presented itself as an alternative to the traditional 'bureaucratic' way of conducting public 'business.' The concept holds that government should engage in only those activities that cannot be privatized or contracted out and that, more generally, market mechanisms should be employed wherever possible so that citizens will be presented with choices among service delivery options. In addition, the New Public Management suggests a special role for public officials, especially those who portend entrepreneurial responsibilities and are given greater latitude in improving efficiency and productivity (Frederickson, 2010).

The concept refers to the applications of the ideas of market mechanisms and terminologies in which the relationships between public agencies and their customers is understood as involving transactions similar to those that occur in the marketplace and public officials are required either to find new and innovative ways to achieve results or to privatize functions otherwise performed by government (Denhardt and Denhardt, 2011). Donald Kettl could not have described the concept better when he stated that "... these reforms sought to replace the traditional rule-based, authority-driven processes with market-based, competition-driven

tactics” (2000, p.3). Basically, NMP seeks to use market mechanisms to guide public programmes, including “competition within units of government and across government boundaries to the non-profit and for profit sectors, performance bonuses, and penalties” (Kaboolian1998, p.190). On his part, Christopher Hood argued that the New Public Management and its resultant move away from the traditional public bureaucracy, such as deliberate routine precautions on administrative discretion, ensured “trust in the market and private business methods... ideas... couched in the language of economic rationalism” (1995, p.94).

In fact, the implication of the NMP on public sector management over the past decades has been colossal given that many public managers have initiated efforts to increase productivity and to find alternative service-delivery mechanisms based on economic assumptions and perspectives. This, in recent times, has provided the basis for governments and their agencies embarking on the privatization of public assets, decentralization of public functions, demanding accountability from public officials, institution of performance goals and contracts, measurement of productivity and effectiveness (Pollitt and Bouckaert, 2000; Barzelay, 2001; Boston et al. 1996).

Then, according to Denhardt and Denhardt (2011), the essence and issues of the new public management in what Donald Kettl described as the “global public management reform”, is captured in a conceptual framework for public administration, serving as an analytical worksheet to alter the actions of government and summed up in some key questions as follows:

- How can government find ways to squeeze more service from the same or a smaller revenue base?

- How can government use market-style incentives to root out the pathologies of bureaucratic command-and-control mechanisms be replaced with market strategies that will change the behaviour of program managers.
- How can government use market mechanisms to give citizens (“customers”) greater choices among services – or at least encourage greater attention to serving customers better?
- How can government make programmes more responsive? How can government decentralize responsibility to give front-line managers greater incentives to serve?
- How can government improve its capacity to devise and track policy? How can government separate its role as a purchaser of services (a contractor) from its role in actually delivering services?
- How can government focus on outputs and outcomes instead of processes or structures? How can it replace top-down, rule-driven systems with bottom-up, results-driven systems? (Kettl, 2000, pp.1-2)

Indeed, New Public Management (NPM) has been applauded for serving as a cure for the inefficiencies of the old public administration. Thus, the concept of NPM holds that public managers “steer rather than row,”- they try to monitor policy implementation or purchase services rather than being directly involved in service delivery itself (Denhardt and Denhardt, 2011). Accordingly, these recommendations are underpinned by the use of economic models and such ideas as public choice theory and agency theory. It is for this purpose that the research seeks to explain the research questions with the agency theory so as to configure the relationship between the employer (public or government) and the employee (public official). This way, a central question would be: What incentive structure is appropriate to secure the cooperation or even compliance of employees? Interestingly, while the New Public Management has been touted as an alternative to the Traditional or Old Public Administration,

it actually has strong theoretical foundations which link them together functionally specifically, a dependence on and commitment to models of rational choice with striking similarities also to Herbert Simon's inducements-contributions model.

In contrast to these mainstream models of public administration that are grounded in rational choice models, an alternative comes in handy; the New Public Service. As is the case of the New Public Management and the Old Public Administration, the New Public Service, a derivative of the normative approach which though, has certain general ideas that rhyme with the earlier administrative thinking, it provides very instructive dissent to earlier rationalist models espoused particularly, by Dimock, Dahl, and Waldo (Denhardt and Denhardt, 2011).

In sum, the New Public Service posits that rather than perceiving public officials only as guardians ready to promote morality in the political community or the democratic state, the ultimate goal is for the New Public Service to transcend personal interest into promoting shared interests or public interest. At this juncture, the question of trust in the political community or government then becomes crucial. Trust, it is argued, does not depend on self-interest but based on the assumption that behaviour can be influenced by the shared public interest, which is under-girded by societal values and norms. It thus becomes unethical and undemocratic when public officials choose to act outside the perspectives of citizens' values, agreed standards and norms of any political community. At this juncture, it is very imperative to throw more light on the public official's behaviour in relation to the context of public administration.

2.4.7 Perspective of Behaviouralism and Public Administration

The theory of Behaviouralism became popular with the publication of two seminal books on politics, with the first book entitled: Human Nature in Politics which argued that, "the study of

politics is just now in a curiously unsatisfactory position...nearly all students of politics analyse institutions and avoid the analysis of man” (Wallas, 1908, p.7). Then, the second book on the ‘Process of Government’ by Bently (1908), complimented Graham Wallas’ earlier exposé though for different reasons. These two books formed the basis of a protest movement in contemporary political science in the early part of the twentieth century to criticise the formalism and the legalism of traditional political theory.

The essence of this theory was to observe the political behaviour of the individual and social groups in order to turn the attention from the study of governmental institutions, especially legal and constitutional arrangements. Thus, David Apter argued that: “the main emphasis of Behaviouralism is on the relationship between political knowledge and political action, including how political opinion is formed, how political acumen is acquired, and the ways people learn about political events. Such categories of thought are commonly referred to as ideologies, or belief systems, which create meaningful patterns of behaviour” (1955, pp.215-16).

Behaviouralism emerged therefore, as a direct feedback to the inherent deficiencies of the institutional political analysis based on a legal, historical and philosophical approach to the study of political phenomena linking politics to a theory of the social system called general systems analysis which saw David Easton also emerging as the main proponent of the systems theory of Behaviouralism in political science (Easton, 1965). Thus, it is argued that “in all societies one fact dominates political life: scarcity prevails with regard to most of the valued things. Some of the claims for these relatively scarce things never find their way into the political system but are satisfied through the private negotiations of or settlements by the persons involved” (Easton, 1965 p.387). In fact, behaviours such as stated by Easton could be reasons why some theorists would assume that public officials are inherently self-serving rather than acting in the public interest.

On his part, David Apter argued that: “The political behaviour of the individual person is the central and crucial datum of the behavioural approaches to politics. Indeed, most behavioural researches are not concerned with the individual political actor as such. A small group, an organisation, a community, an elite, a mass movement, or a national society may be the focus of behavioural inquiry and events, structures, functions, processes, or relations may serve as categories of behavioural analysis” (1965 p.218). Using Easton’s demand concept of the systems theory, the public official’s behaviour or his/her aversion for acting in the interest of the public could be explained in the context of the following: “the members of every society act within the framework of an on-going culture that shapes their general goals, specific objectives, and the procedures that the members feel ought to be used. Every culture derives part of its unique quality from the fact that it emphasizes one or more special aspects of behaviour and this strategic emphasis serves to differentiate it from other cultures with respect to the demands that it generates... some cultures, such as our own, are weighted heavily on the side of economic wants, success, privacy, leisure activity, and rational efficiency” (Easton, 1965 p.388).

Thus, the question of whether or not public officials would act in the public interest may depend on what Easton terms external input demand which may involve certain enabling factors, including such systems as the ecology, economy, culture, personality, social structure, and demography. For instance, the public official would act responsibly or in the interest of the public based on the orientation of the individual in relation to the particular input demand of the environment. Furthermore, if the political system or community is fraught with a culture which espouses values that abhor self-serving tendencies public officials would promote the collective well-being of society as a whole. To this regard, Easton (1965) argued that “culture embodies the standards of value in a society and thereby marks out areas of potential conflict, if the valued things are in short supply relative to demand”(p.388)

Lasswell (1951) on his part, described political science as a study of the distribution of power, influence and values in society. Hence, he examined the subject beyond merely providing the conceptual framework for explaining the systematic relations between various segments of the political system and referred to his analysis as distributive analysis. In the analysis, Lasswell stated that “one aspect of the task of the systemic student of politics is to describe political behaviour in these social situations which recur with sufficient frequency to make prediction useful as a preliminary to control” (1951, p.86). His assertion is absolutely apt to situations public officials, including politicians, often find themselves as they try to allocate scarce resources within the political environment. In sum, Lasswell (1951) described the distributive process as “who gets what, when, how?”

The assertion thus, shifted the emphasis of the discussion from concepts of social system, role structures and the interactive processes of politics and highlights those officials who actually perform functions and fulfil the roles of the political community. The essence is to clarify the motivations, hopes and activities of the actors within the system and the causes of their successes or failures in order to ascertain the values which enhance public officials’ statuses and prestige during their official duties at the workplace (Lasswell, 1951). This behaviourist position seeks to place the public official strategically within the political community to be accorded the desired respect rather than always making demands on them to act in the public interest.

It is often believed that the success or failure of any individual public official in seeking any of these values is measured in terms of indulgence and deprivations and this can be expressed according to an Indulgence-Deprivation ratio. To this end, Lasswell (1951) prescribed certain values for which the quality of life and performance of public officials in the political community can be measured, including power, respect, affection, rectitude, well-being, wealth, skill and enlightenment. For example, he argued that “competition for power is found in every political community, yet it is rarely sought for its own sake. Power enables a person to achieve other

values such as respect, wealth, affection and well-being” (1951, p.77). Thus, once the public understands these values, it is easy to appreciate the plight and challenges of the public official, which often have either been shelved or overlooked, yet they are required to act responsibly or act in the public interest.

Then in Lasswell’s conceptual device of ‘configurative analysis’ he outlined a set of equilibrium approach involving actions, symbols, demands and practices which often define the behaviour patterns of public officials. First, actions may include, fighting, negotiating, boycotting etc. affect the distribution of values in society. A good knowledge in these behaviour patterns would help to push strongly the frontiers of demand for public officials to act in the public interest.

Secondly, symbols are a function of social and political behaviour, including ideologies as well as such concepts like class, race, church, nation or state which often creates some stereotyped images in the minds of the constituents of any political community in order to feed into the necessary decision points in any political system. Ideally, all these symbols provide the bases for the behaviours of public officials. For instance, churches, nations, and class would often insist on people behaving righteously or abiding by prescribed values, guidelines or regulatory and management systems to ensure that public interest ideals are upheld.

Thirdly, according to Lasswell, demands are referred to as the “outcomes of symbolic activity and may relate to the objectives of peace, security, welfare, abundance etc. and thus affect the conduct of political life as well as the values sought by individuals”(1951, p.77). Thus, individuals such as public officials are likely to react to conditions which would often guarantee such demands, including peace, security, welfare, abundance and may influence their behaviours either ethically or otherwise.

Another crucial value as enunciated by Lasswell is the concept of practices, which refer to the “corpus of interactive behaviour of the structures of political life including, the methods by which

elites are recruited and trained, the institutional arrangements through which the political system functions, as well as the less formal strategies and tactics which elites use in the competitive struggles of political life” (1951 p.78). This implies that the recruitment and training processes are factors that are likely to influence what behaviours public officials would put up, which may be professional, ethical or self-serving other than serving the interest of the public.

Furthermore, Lasswell (1951) argued that psychopathic traits are direct reflection of how the public official will react to issues based on how they appreciate such issues which may either be ethical, self-serving, professional or acting in the interest of the public.

Indeed, the researcher agrees with Lasswell who believed that all psychological deviations in the character of individuals are politically harmful, and must be controlled if the excesses associated with extremism, despotism, violence and hostilities are to be reduced and ultimately eradicated. It should be based on the manipulative activity of the technocrat and the social scientist, which is concerned with the choice of goals and the rational control of social and political processes on the basis of the explanation of the alternative choice(1951, p.78). The reason being that the public official within the political community, if allowed an unfettered or boundless freedom is likely to act in his or her own interest rather than the interest of the public.

Then again, Dahl’s (1947) perspective of pluralistic analysis on behaviourism holds that first, competition for leadership arises due to conflicting ideals and interests of various groups and the political system is the instrument for resolving these group conflicts. The problem according to Dahl arises from the “frequent impossibility of excluding normative considerations from the problems of public administration” (p.1). Furthermore, he argued that public officials must “recognize that the study of public administration must be founded on some clarification of ends” (p. 3). Secondly, political influence is always unevenly distributed among different sections of the people as some individuals and groups exercise greater influence on the decision-making

process than other individuals and groups. Dahl again argued that issues of the problem arise from the “inescapable fact that a science of public administration must be a study of certain aspects of human behaviour” (p.4). In fact, this was a criticism of the customary propensity to treat organization in formal, technical terms and to consider the individuals that are involved in organizations more or less as “materials.” Indeed, Dahl (1947) argued that the study of public administration should, encapsulate the whole psychological frame of the individual public official who must not be regarded narrowly as just a simple machine responding only to the conceived goals of self-interest. Thirdly, the political leaders desire that their decisions should be accepted as authoritative by all citizens. People ought to obey them not because they are afraid of sanctions but because they feel a sense of moral obligation. In this vein, the public official though expected to act in the interest of the public would do so not because he/she is committed to the cause of the employer or political leader but because they are obliged to do so. Hence, the manifest or blatant disregard for guidelines which by extension is often remedied by governance compliant procedures.

Dahl argued that for political leaders to achieve their agendas they often seek to clothe their intentions in the garb of such concepts as democracy, freedom, equality, security, progress, rationality and appropriate inclusion, respect, skill, love, affection and enlightenment, which are believed to be rational action thus, a necessary condition must be instituted sometimes in coded guidelines or constitutions (1968, p.80). In sum, the critical ideas of Robert A. Dahl in 1947, in an essay entitled “The Science of Public Administration: Three Problems” were outlined in three-fold as has been apparently stated. With such restrictive prescriptions, the study further examined the humanists approach to public administration in relation to the demand that the public official’s behaviour at the duty-post must be deemed to be serving the public interest.

2.4.8 Humanism and New Public Administration

Public administration theorists in the last three decades have argued that traditional hierarchical approaches to social organization are restrictive in their view of human behaviour, hence, the quest for alternative approaches to management and organization. Consequently, these theorists were unanimous on their approaches which have sought to suggest that public organizations are bereft of clout and control hence are less sensitive to the needs and concerns of internal and external publics.

At the inception of public administration the early theorists in the field such as Dimock, Dahl, and Waldo provided express impetus to galvanize a movement of public administration in order to accelerate the new paradigm shift. Nevertheless, Chris Argyris and Robert Golembiewski argued that though efficiency is key and public officials have been touted as self-serving in the performance of their official duties, individual public officials were “moving from passivity to activity from dependence to independence, from a limited range of behaviours to a greater range, from shallow to deeper interest, from shorter to longer time perspectives ...and from a lack of awareness to a greater awareness” (Argyris, 1957, p.50).

As part of the demands on the public official, the normative perspective of the traditional arrangements of public administration suggested that public officials were not expected to be assertive; they must always pander to the whims of either the organizational system or the employer. However, I wish to associate with Argyris (1957), who opined that such an arrangement was likely to make the public official, who is expected to act in the interest of the public nonessential in organizational decision-making. Interestingly, the literature does not appear to be sympathetic to the challenges the public official.

Thus, to stimulate individual growth for enhanced organizational performance, public officials must ensure that they cultivate “skill in self-awareness, in effective diagnosing, in helping

individuals grow and become more creative and in coping with dependent-oriented ...employees” (Argyris 1962, p.213). This, Argyris (1962) believed could be made possible if organizations could draw up programmes of Organization Development (OD) that would drastically ensure planned change. This approach to management as enunciated by Argyris (1962) runs counter to Herbert Simon’s approach to rational model which is ostensibly, apprehensive of concepts such as freedom or justice, but rather promotes ways of how people can efficiently accomplish the work of organizations.

The view of rational model is essentially, in tandem with the traditional administrative perspective. Both views are encapsulated within the framework of formal pyramidal structures where authority lines run from the top down, which also hold that the objectives of the organization and the tasks to be performed, training programmes, rewarding, and sanctioning or penalizing employees must be appropriately described. Above all, it is expected that public officials would be rational so as to undergo such caveats as delineated above (Denhardt and Denhardt, 2011). However, from the humanist perspective, human growth is not a fully rational process thus, organizations that seek to subscribe to the rational model would always deny public officials from self-actualizing and perpetuate or reinforce the status quo. In this vein, the humanists argue that there must be much consideration for “individual morality, authenticity, and human self-actualization,” attributes to be associated with the human side of any enterprise (Argyris 1973, p.253).

In his contribution to the field of public administration precisely, organization development (OD) Golembiewski (1967) also argued that traditional theories of organization mirror a state of thoughtlessness toward the plight of the individual, particularly, the freedom of the public official who is often under pressure to serve the public interest. To this end, Golembiewski advocated that employers should “enlarge their area of discretion open to us in organizing and to increase individual freedom” (1967, p.305). Besides, Golembiewski (1967) urged managers to provide a

transparent problem-solving environment for public officials to confront challenges they face in the course of their official duties. Commenting on the subject of increasing the individual freedom as espoused by Golembiewski, a number of suggestions has been outlined in contrast to the traditional organizational theory highlighting remedies for the individual public official's freedom which often becomes elusive.

Firstly, managers of organizations particularly, public officials must be encouraged to build trust among individuals and groups throughout the organizations. Secondly, decision-making and problem-solving responsibilities must be located as close as possible to information sources and to make competition contribute to meeting work goals. Thirdly, managers should work to increase self-control and self-direction for people within the organization to create conditions under which conflict is surfaced and managed appropriately and positively, and to increase awareness of group process and its consequences for performance (Denhardt 1999, p.405).

Golembiewski, like Argyris, contrasted his more humanistic view of organization with the rational choice model, in this case through a critique of the public choice model. Golembiewski first argued that the assumption of classical rationality doesn't reflect reality because people do not always act rationally or even approximate rational behaviour. Such a view, Golembiewski argues, neglects important political or emotional considerations, which should be taken into account in developing any comprehensive theory of human behaviour (1967).

In the ensuing years, some other scholars began to stress the need to move beyond the traditional top-down, hierarchical model of bureaucratic organization as espoused by the earlier rationalists and some socio-economic theorists and the latest to be heard on humanism is the proponents of the New Public Administration movement which sought to propose new models that revolved around such concepts as openness, trust, and honest communication (Denhardt, 1981; Frederickson, 1980). For instance, in his book *Shadow of Organization*, Denhardt argued that

“the creation of a setting in which creativity and dialogue can occur, in which mutuality and respect contribute both to individual growth and development as well as to enabling groups and organizations to deal more effectively and responsibly with environmental complexity, is an effort that begins with the acts of individuals” (1981, p. xii).

Specifically, these scholars of the New Public Administration movement advocated for “administrators to play a more active role in the development of public policy than had previously been the case, because the complexity of contemporary problems required the expertise of professionally trained administrators and their associates” (Denhardt and Denhardt, 2011). George Frederickson for example, believed that social equity drives administrative and political decision making therefore, “it is incumbent on the public servant to be able to develop and defend criteria and measures of equity and to understand the impact of public services on the dignity and well-being of citizens and ...that public administration is not neutral and certainly should not be judged by the criterion of efficiency alone. Rather, concepts such as equality, equity, and responsiveness should also come into play” (1980, p.46). It is at this juncture that the public official who stands as the hub of activities within the public sector must be examined in the context of the expectation to serve the public interest. It is however, unclear how and what may trigger their actions but it is certain that in most case, their actions are motivated by traditions perpetuated over time at the workplace.

Traditions constitute the social context in which individuals create their beliefs and take action. Consequently, traditions may condition some of those beliefs and actions. Evidently, people always have the ability to ‘think for themselves’ and either accept, transform or reject certain traditions; as such, traditions are themselves products of human agency (Bevir et al. 2003, p.7). In this vein, the roles and duties of public officials who find themselves in agency positions cannot be isolated from the dictates of traditions which may be products of organizational culture. Hence, whether or not public officials would act in the public interest

may be contingent on what traditions, beliefs or organizational culture exist in the particular public organization.

2.4.9 Traditions, Beliefs and Dilemmas

Arguably, it is suggested that there exist certain covert factors such as tradition which is defined as ‘a set of understandings someone receives during socialization’ (Bevir et al. 2003, p.6). Traditions invariably, reflect particular organizational cultures and thus, by extension affect the actions of public officials in the context of public value or public interest (Wanna, & Weller, 2003). Given that public officials (agencies) who often confronted with several dilemmas are rational human beings; they have the choice to decide whether or not to go by established traditions at their workplaces (Bevir et al. 2003, p.7 cited in Poulsen, 2009).

The concept of dilemmas in public administration is also very significant in the analysis of the role of individual public officials (agency). Hence it is believed that “ dilemmas occur when a new idea conflicts with existing beliefs and practices, and thereby require the individual to reconsider these existing beliefs and associated traditions”((Bevir et al., p.10). This position by Bevir et al. feeds into certain key assumptions of public choice theory.

Firstly, public choice theory focuses on the individual, assuming that the individual decision maker, like the traditional economic man, is rational, self-interested, and seeks to maximize his or her own utilities. According to this view, individuals seek the greatest benefit (at the least cost) in any decision situation, acting to “always seek the biggest possible benefit and the least costs in the decisions as people are basically egoistic, self-regarding and instrumental in their behaviours” (Dunleavy.1991 p.3).

Secondly, with public choice different kinds of decision situations may result in different approaches to decision-making which therefore calls for effective and efficient public agencies in the governance system. In this view, “public agencies are viewed as a means for allocating decision-making capabilities in order to provide public goods and services responsive to the preferences of individuals in different social contexts”(Ostrom and Ostrom 1971, p.207 cited by Denhardt and Denhardt 2011).

Thirdly, public choice theory emphasizes the idea of 'public goods' as opposed to private goods. Basically, public good manifests in the provision of water to the larger society. In this vein, the role of the public official in the public sector invariably, portends inherent dilemmas as the individual discharges his/her duties.

These roles of the public official may be grounded in the context of specific traditions. In doing so, fundamental values and beliefs about the workings and nature of public service are necessarily brought into conflict as new modes of working clash with established practice. This experience of the challenge of the new and a response has ranged across three distinct periods of governance practice - from traditional public administration, to managerialism and into the age of governance which seeks greater cooperation between stakeholders. Each period has also seen different challenges to the legitimacy of government and government reform arising from difficulties in addressing and engaging citizens and accommodating extant governance practices. In the context, the study reviewed two basic dilemmas, namely: moral and ethical dilemmas

2.4.10 Moral Dilemmas

Geva (2006) defines moral dilemmas which are normative in nature as those where the “principal difficulty is to discover what one ought to do when facing a choice between non-

overriding moral requirements or non-overriding conflicting interests” (p.134). Inherent in the scenario of moral dilemmas are the following conflicts between values: “such as loyalty versus honesty; interests of an agent (in this case a manager determining which of two loyal employees to retrench); and thirdly, the agent concerned faces a sense of loss as to which course of action to choose (Geva, 2006, p.134; Statman, 1994, p.5). In essence, moral dilemmas may be considered as a subset of broader ethical challenges which implies that when the public official “chooses any course over another it is likely that the action could challenge an existing moral stance, asset of values, or extant procedures and practices” (Geva 2006, p.134). For example, the use of public sector codes of conduct offer some guidance in behaving honestly and with integrity. The literature however, portends that the issues that confront public officials transcend the bounds of moral dilemmas into complex ethical challenges concerning the relationship between the independence of the public officials in the form of the responsibility versus responsiveness – the interface between political and administrative (Stewart 2008; Wanna and Weller, 2003).

2.4.11 Ethical Dilemmas Facing Public Officials

Invariably, decision-taking in the public sector by the public official (both elected and appointed) ought to reflect the interest of the public as a pre-requisite for addressing the demands of the society. To this end, “public servants are expected to adhere at all times to the ultra vires rules, and ethical conduct is, within the public service, always subject to formal prescriptions based on the policy of the ruling party, as expressed in terms of law. If public officials do not adhere to the ultra vires rule, which entails acting in accordance with the formal prescriptions of the law, it could happen that the conflicting actions may develop into ethical dilemmas” (Ayee, 1997, p.27; Harris, 2004).

The notable ethical dilemmas which confront public officials may revolve around issues relating to: public accountability, corruption, administrative discretion, administrative secrecy, nepotism, conformity, information leaks, values, policy dilemmas, the relationship between appointed officials and elected political office holders, etc. (Graham, 1974; Hanekon, 1986; Menyah, 2010; Garofalo, 2008). In fact, it is therefore essential that the public official apprise him/herself with these dilemmas particularly, issues of public accountability it is required that the official must act in the public interest.

Public Accountability: The International Organization of Supreme Audit Institutions refers to public accountability as the obligations of persons or entities entrusted with public resources to be answerable for the fiscal, managerial and program responsibilities that have been conferred on them, and to report to those that have conferred these responsibilities” (INTOSAI, 2007). Indeed, public policy implementation basically, remains the preserve of public officials who are always required to responsibly account for their official actions or duties to their superiors, the courts, the public and the electorates in the case of elected public officials.

These public officials are always expected to be professional and adhere to the ultra vires principles (Ayee, 1997). From this exposé public officials who employ public resources are always required to account for the economical and efficient utilization of these resources; particularly, how they are allocated. In other words, the main objectives of all public accountability initiatives are to ensure that public money is spent most economically and efficiently, that there is minimum of wastage or theft and finally that the public actually benefit from public finance. To overcome the challenges of corruption and deteriorating service delivery, many countries have since been taking initiatives to strengthen their public accountability systems, especially, by enforcing rigorous audit procedures.

In this regard, most organizations also increase the operational budgets of their respective System Audit Institutions (SAIs), with the hope that such increases would also induce increased coverage of audit of public expenditure that in turn would intensify tracking of expenditure, would stem acts of malfeasance such as corruption the in public sector.

Corruption: Corruption is referred to as the “the utilization of official position or titles for personal or private gains, either on an individual or collective bases, at the expense of the public good, in violation of established rules and ethical considerations, and through the direct or indirect participation of one or more public officials, whether they be politicians or bureaucrats” (Hope et al., 2000, eds., p.18; Dion, 2010). Indeed, the fact still remains that ethical dilemmas regarding corruption that confront public officials with regard to corrupt practices may be generally the expression of what the public official wishes must be his/her private interest (Campante, Chor, & DO, 2009). Dion (2010) thus posits that private interests corrupt public officials through subtle covert or overt manoeuvres which ultimately culminate into benefits accruing to personal or private interests (Harris, 2003). Nevertheless, it has been argued by some writers on corruption that incidences of the phenomenon are much more prevalent when public officials get more entrenched in office for a long period with the attendant unfettered power (Fredriksson and Svensson, 2003; Ferraz and Finan, 2009).

2.4.12 Effect of Corruption on Political Stability

On this score, the issues of corruption in the public sector have been analysed from the perspective of the effect on political stability using a framework, namely: horizontal effect, and demand effect. Horizontal Effect refers to when greater instability becomes proportional to higher corruption for public officials holding power by taking advantage of the short opportunity. Demand effect on the other hand proposes that the private sector is always quick

to create avenues for corruption by bribing politically stable public officials due to their power of incumbency (Campante et al. 2009, p. 43).

Dion (2010) has delineated three possible combinations of actors that play up within the phenomenon of corruption: public (corrupt agent)-private (corrupting agent), private (corrupt)-private (corrupting), public (corrupt)-public (corrupting). In this vein, Budima (2006) defines corruption simply as “a private gain at public expenses” (p.410). This notwithstanding, Okogbule (2006), argued that most corruption definitions converge on one point (p. 94). In the main mentioned that “the public sector often creates the opportunities for public officers to be involved in corrupt activities, so that we should never consider corruption only from the perspective of public officials” (Okogbule, 2006, p. 102). Consequently, it is argued that “corruption is incipient in all human societies and in most human activities, but Nigeria’s corruption situation requires a deeper understanding of the socio-economic conditions in which it occurs” (Shehu 2004, pp. 69-87). Among the socio-economic conditions highlighted in Ghana and Nigeria for instance, are: opportunities for illicit acquisition of wealth by some cabal groups in the oil industry particularly, weakness in moral codes, absence of rule of law, poor reward systems; absence of or slow social mobility systems; and ineffective and inefficient law enforcement processes; and poor political, administrative and financial governance systems (Shehu, 2004).

Administrative Discretion of Public Officials: In their daily work, public officials are required to discretionarily, take critical decisions in areas of tax management, citizen’s welfare, recruitments, dismissals, contract agreements/endorsements. In such situations of decision-making, public officials are faced with puzzle of how to avoid ethical dilemmas. Thus, “the promotion of the general welfare depends to a large extent on the use of/ or otherwise the abuse

of administrative discretion... and he who has the state in his hands ought never to think of himself ... but ought to put the promotion of the general welfare above his own interest (Rohr, 1978 p.399; Machiavelli, 1958 p.129). As a rational and economic being, a public official has the option to choose from several alternatives - often acceptable to only a few interest groups with personal preference, political or other affiliations, or even personal aggrandizement of the society (Ayee, 1997).

Administrative Secrecy: On the blind side of visibility in public administration is the secret conduct of public business on the part of public officials. It is one such situation with great concern for fostering ethical dilemmas in the public sector business. Thus, Rowat (1982) argued that secrecy has the potential of providing an alibi for unethical behaviours or conduct ostensibly, as administrative secrecy appears to be the bedrock of corruption. However, to a large extent, this practice of secrecy seems to run counter with the principle of democracy which holds that the electorates ought to know what the government or the state seeks to do. Further, what needs to be done should always be done in the open and in the interest of the public (Rowat, 1982).

Nepotism: It is the appointment of relations and/or friends to public positions without regard to the merit principle, which sometimes leads to corrupt administration (Ayee, 2000; Ayee, 1997; Menyah, 2010). In effect, such unethical acts have the tendency to cloud the professional judgments of public officials who engage in those conducts. The preferential advantage gained by one individual over another, in most times, notwithstanding the respective competencies of the individuals involved portend issues of conflicts and serious victimization of some individuals resulting in inefficiencies on behalf of the public official and ultimately a huge reduction quality in public administration (Chapman, 1993; Kamto, 1997; and Ayee 1997).

Conformity: In the literature, it is argued that the actions of public officials during their official duties are based on several factors including: ethical behaviour of a group or person, organizational structures, prestige or fear, tradition, oaths of office, popularity among others (Ayee, 1997). In the main, a public official may be judged ethical or unethical based on the degree of his/her conformity to an established standard regarding the organization he/she belongs to in relation to the aforementioned factors.

Further, it is believed that public officials and mostly civil servants behave in a particular manner probably due to their orientations within a specific organizational structure; the bureaucratic structure with its attendant rigid features. In such environment the politically elected or appointed public official is obliged to follow written rules or rigidly go through some hierarchical layers during decision making. In situations where they are limited in their decision-making, the tendency in some cases is to “seek their freedom” regardless of whether or not they serve the public interest. Above all, public officials need to conform to minimum standards of official code of conduct.

Information leaks: Ayee (1997) argued that information leaks in official sectors are in the form of pending tax increases, re-zoning land, retrenchment of staff. In recent times, it has become more fashionable for the press to pride itself for being the first to make a scoop on official or classified information regardless of whether or not such disclosures are potential sources of disharmony, political instability, graft, corruption, conflict of interest, improper private gains on the part of a few selfish individuals. However, such information leaks are considered to be serious, hence many public administration pundits have described as ethical dilemmas which contravene the essence of public interest (Rowat, 1982; Rohr, 1978).

Policy dilemmas: Public officials who make and implement policies often battle with diverse alternative choices when taking decisions in the interest of whomever, though, often in the interest of the individual public official. Often, these officials are torn between espousing the interest of society and ascribing loyalties to their superior officials, sometimes politicians in government. Invariably, this situation where the official's obligation to respect the political process conflicts with his conviction any time he has to interpret and implement public policy in the course of their duties, portends a very serious and ethical dilemma, which expresses a conflict between the public official's outlook on the public interest and the requirements of law (Menyah, 2010).

Then in situations where rules and legislations are unclear public officials may make judgmental decisions which could be sources of conflict of interest. These decisions could enhance or undermine public policy implementation. Indeed, by their disposition, public officials during policy evaluation could influence the outcome of that evaluation process by selecting their favourites as evaluators, who are likely to skew the findings of the evaluation report to suit a particular agenda (Menya, 2010; Waldo, 1994; Cox III, 1994).

Values: Ayee (1997) argued that public officials in the performance of their official duties are affected by value judgments and this situation creates a serious potential for ethical dilemma. Thus, public officials are required to uphold the shared values of their various organizations, which becomes the "...starting point of their ethical reflections" (Rohr, 1978 pp.59-60). Lundberg (2006) argues that "value has or is a value if and when people behave toward it so as to retain or increase their possession of it." Further, "values guide administrative purposes and influence the selection of organizational methods... and when they are translated into action,

values can ... have significant and critical impact on the nature and quality of physical, psychological, and social life”(Nigro & Nigro,1989 p.38).

In line with the above definition, the New Public Management approach argues that while it is necessary to apply business techniques to the business of government, it is imperative to pay more attention to appropriate business or market values. Government may be likened to the market or customers as its activities translate into a selection of certain values given the perspectives of both public choice and rational choice where such values including efficiency, productivity, accountability, honesty and elimination of waste are highlighted by the New Public Management (Hood and Jackson, 1991). What is it then, that needs to be evaluated (valued) by the public? The discourse on public value is therefore situated within the context of “encouraging public managers to approach their managerial responsibilities with a particular perspective shaped by a fairly concrete notion of what the managerial task involves and how it is likely to have a positive impact on “creating public value” (O’Toole et al 2005 p.46).

It is the public value that provides the ethical or philosophical framework for feasibility and the operations of public interest and people may be said to value something because it is in their interest or ‘public benefit’(O’Toole et al 2005). The public is located within societies which are made up of diverse groups with differing preferences, interests and values. Though public officials are faced with occupational and administrative challenges as they seek to meet the demands of the diverse interest groups and their preferences they are guided by the principle of moral public values like transparency, equity, and honesty (De Graaf & van Der Waal, 2010).

2.5 Public Value (PV)

Public value theory is about the situation to “act as if everything depends upon this very moment, but must be aware of the insignificance of your contribution” (Coats & Passmore, 2008, p.6). The extant view of the term ‘public value’ is what impacts on values about the ‘public’. The literature further explains “public value as the combined view of the public about what they regard as valuable” (Talbot, 2006, p.7). Thus, viewed from the sociological perspective, it feeds into the context of the collective (“Gemeinschaft”) value of society (Tonnie, cited in Loomis, 1957; & Harris, 2002 ed.). It is about the values held about the relationship between an individual and a social entity (constructs like group, community, state, nation) that characterize the quality of this relationship. In other contexts values like extreme individualism or even mistrust may be viewed as public values in any way individuals seek to perceive “the public”. Following the philosophical assumptions made, any value defining the qualities of relationships between the individual and the public (diversity, social integration, pluralism, greed or egoism, etc.) and ultimately impacting on how individuals or groups fulfil their basic needs shall be regarded as “public value.”

Public value then refers to the extent to which a perceived relationship between an individual (and group) and some social entity influences the fulfilment or change of basic needs. The commercial imperative is that the concept of ‘value’ is leaned toward market-led dynamics, thus making it difficult to align it with the public policy goals through procurement (Ramsay 2004). Simply put, public value may be “the combined view of the public about what they regard as valuable” (Erridge, 2001).

Kelly and Muers (2002) argued that the concept of public value provides a useful way of thinking about the goals and performance of public policy, and the means used to deliver them.

The key criteria for assessing its achievement are trust, legitimacy, equity, public sector ethos and accountability. The authors identify the important areas of value as services, outcomes and trust. Achieving public values involves finding out what the public thinks, and requires the use of techniques that are effective at probing public preferences (Israel, 2004).

In the literature, an attempt has been made to highlight the need to serve the public interest through the concept of public value: 'The object is to enhance delivered value to the users of public services but little is known about how much value is actually delivered.... Value will be added by managing relationships with suppliers, users, employees, etc.' (Jackson 2001, pp.18–19; Garofalo, 2011). Thus, Kelly and Muers (2002) argued that the concept of public value provides a useful way of thinking about the goals and performance of public policy, and the means used to deliver them. The authors therefore postulated that five key factors could be useful for enhancing public value, namely: trust, legitimacy, equity, and public sector ethos and accountability.

However, Kelly and Muers (2002) argued that the important areas of value are services, outcomes and trust. This way, the authors intimated that "public value involves finding out what the public thinks, and requires the use of techniques that are effective at probing public preferences. It also involves assessing the different resources available to a provider – leadership, capacity to listen to and work with citizens/ local groups, openness, and the ability to innovate – together with the provider 's track record in converting these resources into dimensions of public value" (Kelly and Muers 2002 cited in Meynhardt, 2009 p.192-219). For example, in public sector procurement processes much emphasis is placed on greater "consultation to ensure that what is being delivered to citizens reflects public preferences, and the nature of providers who should have the requisite experience in delivering public value"

(Kelly, Mulgan and Muers, 2002 p.9). The question however, is whether or not these cardinal principles for ensuring that public officials serve the public interest are upheld. Meanwhile, these values cannot be absolute as a number of criticisms can be identified.

For instance, the definition and measurement of the concepts underlying public value, particularly public, and values are deemed very difficult. In the same vein, Stoker (2003) stated that the aspect of 'public ' in the term public interest "does not exist in any concrete sense, and is open to multifarious interpretations in accordance with the particular political philosophy being espoused. Similarly, 'value' as an absolute concept may be presented as something more altruistic than interests, which suggests the pursuit of personal or group goals. However, in order to be meaningful, value needs to be specified more fully in terms of those values to which a group, political party or polity aspire. In this process, some values held by members and outsiders will be excluded, and support for dominant values will become associated with positions of power"(p.1).

Bozeman (2007) in his seminal article, 'Public Values and Public Interest' defines public value as those that provide "normative consensus about the right, benefit, and prerogative to which citizens should (and should not) be entitled; the obligation of citizens to society, the state, and one another; and the principle on which governments and policies should be based" (p.13). Public value has also been described severally by other writers as "what public managers actually do or a normative prescription of what they should do" (Barzelay, 2007 p.526; Moore 2005). However, the researcher agrees with the literature that, in the event where citizens are tempted to allow market dynamics to cloud their judgments, public values edicts must be advocated and enforced to ensure the public interest for enhanced public trust and social order in the context of good governance (Bozeman, 2002).

2.5.1 The Public Value and Governance

The question of public sector governance, calls to mind the need to insulate the public sector from the increasing distortions of the private sector dynamics; for example, the military which requires maximum clout to promote order in any jurisdiction, as espoused by public values proponents (Garofalo, 2008). In this corpus, the frequent public sector reforms seek to pose many challenges for the public official from such concepts as the New Public Management, mixed governance forms, and factors as globalization and trans-nationalization of public organizations (Jorgensen, 2006 p.510; Heath, & Norman, 2004). Public values here are, then, a means of protecting, expressing and communicating the identity of governmental organizations (and those who may be authorized to carry out their tasks). They are both normative and ethical in nature (Jackson, 2001).

In their desire to be outstanding as true professionals Price-Waterhouse Coopers(PWC) in the fields of auditing and accounting they have identified such values as deep financial and technical expertise, thorough industry knowledge, analytic competence, and the personal integrity when they set out to recruit officials for their outfit (PricewaterhouseCoopers, 2004). It therefore stands to reason that value-creation is critical to the survival of all organizations, be-it private or public. In most cases however, while organizations seek to pontificate to values-creation there appears to be a deliberate adherence to serving the public interest – a critical aspect of the subliminal concept of public value.

Price Waterhouse Coopers, for example, upholds the following values: expertise, knowledge, competence and integrity but remains silent on the essential act of ensuring that the public official serves the public interest. However, unlike the AICPA code of conduct, which highlights the act of serving the public interest, PWC's values of expertise, knowledge,

competence and integrity have often been found to be rhetorical (Preston et al., 1995). Using the case of the AICPA Code of Conduct, it is believed that the values could serve as a form of public accounting blue-print, which guides the operations of public accountants; in essence the values upheld by AICPA may be likened to serving the public interest.

In the literature, it is held that interacting with the public on policy issues means more than just giving the public what it wants. Rather it presents a way of improving the quality of decision making, by calling for public managers to engage with service users and the wider public, and seeks to promote greater trust in public institutions. In essence therefore, "public value requires policy or services to be responsive to what is valued by the public, but also to shape what the public needs" (Horner et al 2006 cited in Erridge, Fee and McIlroy, 2001). Generally, public value is expressed by the actions public officials and many politicians through continuous healthy discourse with the public during the process service delivery. Horner et al (2006) proposed further that public value offers a framework for public organizations to seek democratic legitimacy for the actions of public officials as they engage their 'authorizing environment' (the public).

2.5.2 The Upsurge of Public Value in the Public Sector

Perhaps the concept emerged as a timely intervention for addressing the flaws in the NPM concepts, particularly those economic models and management techniques akin to the private sector. Public Value (PV) offers a more comprehensive platform for addressing contemporary challenges of the public sector than NPM approaches. To this end, the literature explains that public value as "a way of thinking which is post-bureaucratic and post-competitive allowing us to move beyond the narrow market versus government failure approaches" (O'Flynn, 2007, p.360). By this time, when the spotlight was always on public administrators it was further

argued that there was the need to shift from result-oriented to relationships in the public value paradigm (O'Flynn, 2007, p.360).

Value can only be created in relationships. Therefore, public value is created in relationships in the public domain. Indeed what or who “is” the public is contingent on political, sociological or legal considerations. In this vein, and as explained earlier, Frederickson (2008 cited in Denhardt and Denhardt, 2011) as explained earlier distinguishes between five perspectives: the public as interest groups; the public as consumer; the public as represented; and the public as client the public as citizen.

2.6 The Role of the Public Official and the Old Public Administration

Denhardt and Denhardt (2011) stated that the traditional public administration or the Old Public Administration had a prime responsibility of regulating individual and corporate behaviour as well as ensuring effective services delivery. In this relational equation, it is perceived that those recipients of the service are heavily favoured and thus, positioning the public official who has the capacity to dole out ‘free-bees’ as paternalistic (Denhardt and Denhardt, 2011). Inevitably, those in the agency are perceived largely to be “in control” of those dependent on the agency thus, rendering the relationship uncomplimentary. This imagery of the public official perceived as "thoughtless, uncaring bureaucrat is surely overdone" but perhaps contains a modicum of truth (Denhardt and Denhardt, 2011, p.57).

This way, role interpretation forms the basis for studying traditions of governance as well as beliefs in contemporary public administration. The role dynamics which are complex thus call for critical interpretations among the players (i.e. agents and principals with the economic relations in the public sector) which culminate ultimately into institutional dilemmas. In fact,

it is not clear whether or not roles, as traditions, are capable of directing the actions of public officials or public sector employees. However, to understand a public administration system and the way in which it functions, we need to appreciate how roles are perceived by the individuals fulfilling those roles. Indeed, the nature of the public official's role could be considered in terms of pursuing public interest. Thus, in distinguishing Public Administration from other similar activities it has been viewed from the perspective of the 'publicness' of the public official (Denhardt and Grubbs, 2003).

2.6.1 Public interest and 'Publicness' of Public Administration

Traditionally, the cardinal notion for distinguishing what public officials do has been linked basically to service, while the duties of managers in private business have been associated with profit. In recent times however, the traditional view of public administration is gradually losing credence; since public officials seek to pursue enhanced profits. In this vein, Denhardt and Grubbs (2003) have argued that "what is important is not merely what is sought, but rather whose interest is being served". Thus, the obvious question to ask is whether or not all public officials or administrators of government or non-governmental agencies pursue interests pertaining to the public? In cases where the actions of public officials suggest that they are pursuing their own private interests the publicness of their duties could be questioned (Denhardt and Grubbs, 2003). There is however the notion that "the administrator should make decisions based on the best interest of some collective good rather than on the narrower interest of a small self-serving group" (Starling, 2002, p.164). Conceivably, the context in which the public official operates is fraught with high levels of ethical and political complexities (Hutchinson, & Condit, 2009). These complexities underpin: how objectives are set; the manner in which budgets and personnel are developed; the manner of communication process both within and without; as well as the manner of evaluating the success or failure of official

actions. Denhardt and Grubbs (2003) posit that all of these complexities drive the public official into decisions made in either their own personal interest or in the public interest.

Public officials are those who protect common assets of society and it is a contractual purpose for which governments exist. Accordingly, the public official serves as the agent for achieving governmental purpose while contending with maximizing his/her own short-term individual utility. Furthermore, public officials are obliged to empathize in order to appreciate and understand the cross-cultural beliefs and values of society. This is therefore, believed to enhance open-mindedness and allow for unrestrained participation of the public official in the business of the 'commons pasture' for the general (common) good. The public official, for instance, exercises government authority on behalf of the 'silent majority' who might not have the opportunity to ever articulate or formulate policies in the interest of the public. He or she is considered the trustee of the less-privileged in society. If the public official's action fails to consider the established values of the public but embarks on private enterprises that seem to be in conflict or at variance with the public interest then popular opinion may seek to establish 'conflict of interest'. This notwithstanding, conflict of interest, ipso facto, may not engender any wrongdoing or necessarily lead to corruption but may portend self-centeredness or selfish agenda rather than the pursuit of the general good or interest of the public (principal).

2.6.2 The Traditional/Old Public Administration and the Public Interest

Implicit in the Traditional Public Administration, in particular, were such key factors as neutrality, efficiency, and a strict distinction between politics and administration that were considered as the best way for public servants to serve the interests of the public. Thus, administrative activities and discretion to hierarchical controls, legislation, and the interplay between special interests were to be subsumed in place of the collective good of the polis

(Denhardt and Denhardt, 2011). By the mid-1930s public interest was only viewed as the conduit to facilitate the public official's role as reconciliators of group interests using the public interest as a “verbal symbol designed to introduce unity, order, and objectivity” (Herring 1936, p.7; Hutchison, 2009). Thus, Herring argued that public interest is the standard that guides the administrator in executing the law” (1936, p.23).

In the traditional paradigm of public administration, the role of the public official was considered as passive. “The public interest is assumed to be the standard that supposedly determines the degree to which the government lends its forces to one side or the other. Without this standard for judgment between contenders, the scales would simply be weighted in favour of victory for the strongest” (1936, p.23). In effect, Herring was describing the public administrator as a last resort for conflict resolution when the conflict between interests leads to an unclear outcome or seems to exclude certain important interests. From this perspective, the public official becomes the voice of the under-represented and unorganized, but that voice is subordinated to the forces of hierarchy and the political process in most cases.

Monypenny (1953) in another context, advises administrators on how to serve the public interest by stating that "the primary determination of the public interest for public servants is by the actions of their political and hierarchic superiors, acting through the conventional channels, by legislation, and court decisions where applicable. However there will be areas of discretion still, and in the use of these the public servant will be exposed to a relatively small group of persons immediately affected by a proposed action. But he must remember that there are others unorganized and not directly represented, and as far as he can perceive the consequences to them, he must be their representative also in considering this discretionary action" (Monypenny 1953, p.441).

2.6.3 The New Public Management and the Public Interest

“The New Public Management refers to a cluster of contemporary ideas and practices that seek, at their core, to use private sector and business approaches in the public sector” (Denhardt and Denhardt, 2011, p13). In the Old Public Administration, the public interest was defined from the perspective that officials could best serve the public interest by implementing laws in the most efficient, scientific, politically neutral manner possible (Denhardt and Denhardt 2011). The New Public Management therefore is a concept that provides a paradigm shift in the traditional role of public officials to running government business by creating market-like structures that project public officials as individual customers whose decisions in the course of their official duties can be respected though such officials may be expressing their personal interests.

In this concept, the common strand is the application of market mechanisms and terminologies, and competition-based approaches amidst public sector policy transactions involving public officials and public agencies similar to transactions that often take place in the marketplace. In fact the reform of the New Public Management was conceived to act as a replacement for the rule-based, authority-driven processes of the Old Public Administration (Osborne and Gaebler 1992; Osborne and Plastrik 1997; Kettl 2000a; Kettl and Milward 1996; Lynn 1996; Pollitt and Bouckaert 2000). This way, public officials are compelled to look for new and innovative ways of achieving organizational goals or at worst, privatize some of their official functions and stay off either partially or completely service delivery.

Denhardt and Denhardt (2011) referred to 'steering not rowing' - government or public sector role of a vehicle necessary for the attainment of public value, including, equity, trust and fairness. As in all exchange and transaction processes, public officials like customers will always seek 'value-for-money' and therefore may be oblivious of the existence of other

customers in the larger market-place. Thus, in this economic process, Denhardt and Denhardt (2011, p.13) believe that the need to talk about or act upon the “public interest” largely disappears as the market is equated with government while citizens become analogous with customers.

The advent of the New Public Management in the 1980s and 1990s catapulted by Public choice theories appears to have almost culminated in relegating the concept of the public interest based on shared values to the background. Consequently, in explaining the beliefs of the market-led and public choice model, theorists like Denhardt and Denhardt (2011, p.13) stated that “their reliance on the market metaphor, and the assumption that self-interest is the primary and most appropriate basis of decision making, then shared public interest becomes both irrelevant and a definitional impossibility”. This assertion appears to be pontificating to the abolitionist stance.

However, from the pluralist perspective Trudi Miller (1989) asserted that the high dependence on market-led approaches culminating in the subtle deriding of the public interest model has extensive implications for public administrators and democratic governance. She is of the firm belief that to the extent that the public official upholds the “pluralist view of politics and liberal democracy that is based on shared popular views of the public interest, public interest works to “block efforts by narrow factions to coerce and tax the public for reasons not warranted by the public interest” (Miller, p.511). To this effect Self (1998) challenged the pursuit of commercial goals through the market model on the grounds of the ‘public interest’, which he defined as ‘normative standards and practices which guide the political life of the society based upon widely shared moral principles or beliefs’. He further argued that public choice theory

encourages the individual to maximize economic opportunities and personal wealth, something which is difficult to reconcile with the collective notion of the public interest.

Furthermore, the market system makes no distinction between ‘wants’, which are personal desires of individuals, and ‘needs’ which are the basic requirements for a tolerable life that all human beings have in common. Given that the market model is flawed, Self (1998) argued that there is a moral imperative for governments to ensure that the public interest is served. Hence the shift from the narrower perspective of market principles to the wider model of the New Public Service which seeks to highlight the collective interest of the political community.

2.6.4 The New Public Service and the Public Interest

On the other hand, the New Public Service principally, is at variance with the views of the public interest implicit in both the Old Public Administration and the New Public Management. The New Public Service concept in essence, holds that public officials have a central and important role in helping citizens to articulate the public interest. Conversely, shared values and collective citizen interests should guide the behaviour and decision-making of public administrators and that public administrators must work to ensure that citizens are given a voice in every stage of governance - not just in electoral politics. Further, the concept suggests that government should encourage citizens to demonstrate their concern for the larger community, and not to be obsessed with their short-term individual private interests. In the context therefore, citizens should express their sense of belonging and a concern for the larger community on a broader and more long-term perspective (Sandel 1996; Denhardt and Denhardt, 2011).

Evidently, citizen trust and confidence in governmental policy invariably, are perceived to be a function of the public interest when government agencies concentrate their efforts on

increasing the well-being of the community (Glaser, Parker, and Payton, 2001; Glaser, Denhardt, and Hamilton, 2002). Invariably, the public interest is considered as only a platform for community engagement and public discourse since acting in the public interest may not necessarily guarantee absolute consensus on governmental policy decision-making though there is always the potential to ensure broad-based participation (deLeon and Denhardt 2000, p.94 cited in Denhardt and Denhardt, 2011).

Further, it is argued that, “any solutions to a significant public problem will likely displease some segment of the community” (Weeks 2000, p.362). Thus, Berry, Portney, and Thomson argued that "people who participate in the life of the community share a strong appreciation of its riches"(1993, p.239). It therefore, stands to reason that public officials have the express obligation, at any point, in the performance of their duties to act in the interest of the public. However, the reverse of the normative has always been possible as individual public officials decide to seek their own rather than that of the collective thus, engendering situations of conflict of interest.

2.7 The Concept of Conflict of Interest

Serving the public interest is the fundamental mission of governments and public institutions. Citizens expect individual public officials to perform their duties with integrity, in a fair and unbiased way. Governments are increasingly expected to ensure that public officials do not allow their private interests and affiliations to compromise official decision-making and public management. In an increasingly demanding society, inadequately managed conflicts of interest on the part of public officials have the potential to weaken citizens’ trust in public institutions (Organization for Economic Co-Operation and Development 2003b p.1).

Conflict of interest is a conflict between the private interests and the official or professional responsibilities of a person in a position of trust. Conflict of interest is a situation that arises when a decision is made that may not be in the best interest of the organization, but is made in response to outside influences. Conflict of interest may manifest in various ways (Conflict Of Interest Policy & Procedures, 2010). The concept of conflict of interest implies “a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests that could improperly influence the performance of their official duties and responsibilities” (OECD, 2004). Ethical dimension in managing conflict of interest in the public sector involves “issues of integrity, honesty, openness and good faith. A high standard of behaviours is expected of those involved in public life” (Child, 2005 p.5). In reality, Reed (2008) argued that conflict of interest is a situation, not an action, in which a public official may be caught up without actually behaving corruptly.

In situations where public officials get embroiled in democratic politics they are expected to operate within effective democratic institutions, sustainable trust and guiding principles in government, including openness, transparency and accountability (Shah, 2007; Przeworski et al., 1999, and Stapenhurst et al., 1999; Horner, Lekhi & Blaug, 2006). This notwithstanding, Lankester, (2007) argued that issues of transparency may not be enough to mitigate the apparent and potential conflicts between “Public’ and “private” interests due invariably, to the endemic abuse of power and corrupt practices often manifested in the public sector.

Good governance requires that conflicts of interest are clearly understood and managed within public sector organizations. Although conflict of interest is not in itself corruption, the two are conceptually and practically linked because the improper influence of private interests in the performance of public duties may lead to a range of ethical transgressions (Ombudsman Victoria 2008b p.69). When conflicts of interest arise, public sector organizations must have

systems to clearly and quickly identify and resolve them in an ethical and accountable manner (Horner, & Minifie, 2011). Invariably, it is perceived that the individual public officials become judgmentally impaired as they pursue their individual interests. This process, it is believed, portends a conflict with the capacity for enhanced private interest that could hamper the effectiveness of a public official's official duties (Stark 2000; Davids 2008).

Davids (2008) outlined a number of explicit work roles and factors pertaining to good governance, effective management, furtherance of the public interest, and the maintenance of public trust, holding of certain kinds of interests that affect decision-taking by public officials. To reduce such acute incidences of conflict of interest, as the public official performs his/her duties, two approaches may be prescribed: the prophylactic and the hortatory. A prophylactic approach, which is preventive in nature, is generally regarded as more effective than a hortatory approach which would just admonish public officials not to be psychologically attached to bribe/gift givers (Ombudsman Victoria 2008b). "The particular advantage of the prophylactic approach over the hortatory approach is that it deals directly with observable states that can be objectively perceived as conflicting with official duties (applying the perspective of a reasonable person), rather than interpretations of perceived mental states" (Davids, 2008).

The above two prescriptions for managing conflict of interest appear laudable - the prophylactic approach and the hortatory approach. Nevertheless, they seem to be potent to specific jurisdictions. For example, the prophylactic approach seems to be hinged on the assumption that every jurisdiction is blessed with strong state institutions to ensure compliance. The fact remains that even in the twenty-first century most developing countries particularly, Africa still wobbles on very weak institutions. Furthermore, with the hortatory approach, the notion is held that officials would merely uphold official and psychological exhortations notwithstanding the

officials' levels of socialization on the issues given that very few people are literate in the developing world to critically understand the analytical issues involved in conflict of interest situations. This may not be a sufficient condition to suggest the existence of high incidences of corruption or the abuse of public office. However, any perception of corruption emanating from conflict of interest may be as possible as any concerted effort to eradicate its simulation.

In the case of legal obligations, particularly in Central America and South America, certain types of conflicts of interest have been enshrined in their constitutions stating clearly, what public servants must or must not do in the performance of their official duties. Acts such as appointing relatives (nepotism) and holding more than one government position simultaneously are cited as some of the incidences of conflict of interest. In addition, conflict of interest prohibitions are made statutory where public servants are frequently tasked to perform official duties. These legislative provisions include, regulations governing procurement and contracting, construction projects, privatization of state-owned companies and financial relationships with certain regulated banks (e.g. loans, accounts, etc.) [Raile, 2004].

Thus the phenomenon is generally described “as a situation in which someone in a position of trust including politicians have competing professional or personal interests’ (COE Parliamentary Assembly, 2007 p.20). In general, the term conflict of interest has often been used to cover issues such as loyalty and impartiality, while prescriptive codes may identify the concept to include conflicts such as familiar relationships, outside employment, giving and receiving gifts, and self-dealing (Roberts, 1992; Grupe, 2003). In view of the doggy nature of the concept, where it is believed that often issues perceived to be conflict of interest are elusive and contextual, the argument has been that the term is a misnomer because decision making cannot be without considering alternative or conflicting interests; however, what may be

deemed anathema is often the profoundness of the private or self-interest factor (Shery et al., 2007; Stier, 2005; Hirt, 2005; Linblom and Ruland, 1997).

To address the conflict of interest phenomenon, codes of conduct are considered appropriate but some commentators have argued that standards such as codes of conduct are only capable of addressing perceived conflicts of interest (Van den Berghe and Baelden, 2005; De Graaf, & Van Der Wal, 2010). To be effective agents of change, public and government officials are often expected to be appropriately regulated by conflict of interest standards and codes of conduct because it is argued severally that conflict of interest provision often focuses on decision makers with discretion (Hine, 2005; Woodhouse, 2003).

2.7.1 Effects of Conflicts of Interest

Effects of conflicts of interest give rise to one of the most common forms of unethical conduct in the public service and have been recognized around the world to be an important contributing factor in a general decline in perceived standards of conduct in public office (Kernaghan and Langford 1990: p133; Committee on Standards in Public Life 1995; Young 1998, 2006; Stark 2000; Cepeda Ulloa 2004; Graham 2006; Ombudsman Victoria 2008b). They have the potential to adversely affect good public administration, to diminish accountability, to damage public confidence in public sector integrity, and to undermine the trust which citizens hold in governments, official institutions, public officials, and democratic systems more broadly.

Bodies such as the Organization for Economic Co-Operation and Development, the European Union, Asian Development Bank, and Transparency International have all recognized that effective systems for dealing with conflicts of interest are an essential element in public governance and accountability (Organization for Economic Co-Operation and

Development 2003a, 2005, 2006; Raile 2004; Asian Development Bank and Organization for Economic Co-operation and Development 2006b, 2006a; Pope 2000b).

Furthermore, the phenomenon always has a high potential of undermining public trust. The integrity of governmental decision-making processes is seriously diluted since it makes the public lose faith and erodes effective and efficient democratic governance. At its extreme the situation engenders corruption including bribery, extortion, clientelism, kleptocracy, nepotism and corruption networks with its attendant economic, legal, political and sociological consequences (Peele and Kaye, 2006). Is conflict of interest evil? The concept by nature appears very nebulous, thus making the puzzle very difficult to unravel, precisely because conflict of interest straddles individual behaviours from legal through ethical to rent-seeking dimensions.

Rent seeking is “the process by which an individual, organization, or firm seeks to gain through manipulation of the economic environment, rather than through trade and the production of added wealth (Ombudsman Victoria 2008b, p.69). Government agents may initiate rent seeking. The agents may solicit bribes or other favours from the individuals or firms that stand to gain from having special economic privileges. In performing their duties, public officials particularly in political positions may be faced with such dilemma.

2.8 Theoretical Framework - Principal / Agent Theory

This section of the study attempts to provide an overview of the major literature which has developed in the area of agency theory and public administration from the time when a trailblazing article offered the theory of the firm (Jensen and Meckling's, 1976) . Indeed, the literature attempted to stimulate debate on what the concept of ‘nexus of contracts’ which Jensen and Meckling referred to as typifying the contemporary corporate body

in relation to how administrators or managers as well as shareholders may respond to costs in order to maximize firm value. Furthermore, it is believed that the interests of managers (agents) often have high probability of differing from those of the principals or shareholders who are often considered as the employers.

The fundamental theme underlying the Principal-Agent theory is that because the principal is overtaxed to execute a specified job he or she employs the Agent, whose performance on the job is often difficult to be monitored by the Principal who is often too busy. Nevertheless, the principal is always obliged to motivate the Agent in order to demand the best from him or her based on what is referred to as incentive contracts similar to profit sharing or sharecropping as the economists would postulate (Robert, 1998). In fact, in real life situation, the roles of both the principal and agent are interchangeable. Hence, rendering problematic the hypothesis that principals are always in control of resources and specifying preferences, creating incentives, and making contracts that agents must follow (Heimer & Staffen 1998, Sharma 1997). For instance, when principals strive for the expert knowledge of agents and when principals are suddenly relocated into new roles regardless of their naivety to perpetrate partialities, as well as inefficient ways of executing contracts or monitoring strategies, the disproportionateness of power shifts from the principal to the agent (Heimer & Staffen, 1998).

Essentially, the primary Principal-Agent model is a bone for discourses on public administration. However, it is not exclusive to managing the inducements of individual public officials but also supervising the motivations of organizational entities and of clients including partners as related to the nature and use of economic models (Robert, 1998). Gibbons Robert (1998): Incentives in Organizations, *Journal of Economic Perspectives* 12: 115 -132. Thus, the study employed the Principal/ Agent Theory as the main framework for offering an explanation to the challenges faced by the public official as he/she tries to serve the public interest at the work-place. Though the principal/agent economic theory was developed for the private sector

to explain the dichotomy between the goals of managers (agents) in private firms and shareholders (principals), the theory has also been prominent as applied to the public sector, especially in matters of accountability (Vickers and Yarrow, 1988, p. 7).

Basically, the theory is characterized by a situation in which a principal (or group of principals) seeks to establish incentives for an agent (or group of agents), who takes decisions that affects the principal, to act in ways that contribute maximally to the principal's objectives. The difficulties in establishing such an incentive structure arise from two factors: (a) the objectives of principals and that of agents will typically diverge, and (b) the information available to principals and agents will generally be different (Vickers and Yarrow, 1988 p.7). Principal/Agent Theory seeks to provide incentive schemes for agents to act in the interest of principals (state/public). It is difficult to determine who the principals/agents are, especially in applying the theory to the public-private sector dichotomy in the demand for accountability from the owners of the public service who are basically, the electorate. In the main, the activities of both the principal and the agent are situated within the socio-political community and direction where the distribution and allocation of scarce resources are expected to be done responsibly in the interest of the public. Accordingly, there is always the need to match goals of the principal with that of the agent.

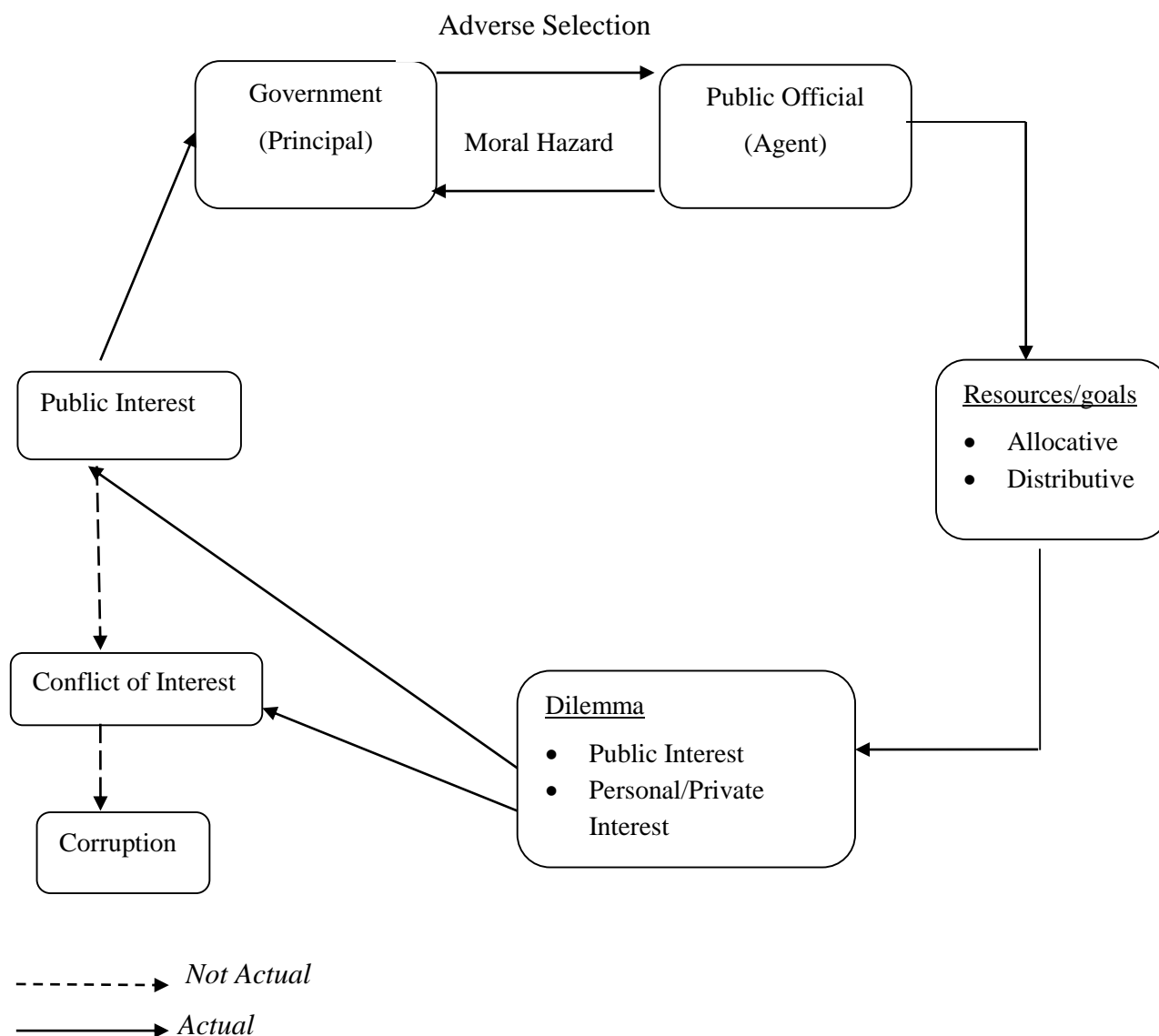
2.8.1 Public Interest versus Community (Government) Goals /Resources Model

Basically, the public sector seeks to achieve two goals, namely: distributive and allocative goals. In essence, both distributive and allocative goal-achievement has to be done in a manner that would promote the public good or interest of the larger community with the public official acting as the conduit to this transaction process. At this stage, both principal and agent are faced with very serious dilemmas, such as personal and public interests as shown in Figure 2.0.

The principal expects the agent who is given the task of allocating and distributing state/public resources to do so responsibly and in the public interest, given the context of established values of the public. However, the public official (agent) often seeks to promote his/her personal interest rather than the public interest.

When the dilemma of pursuing his/her personal interest becomes so entrenched, the resultant output ends in “conflict of interest”. Undeniably, the principal-agent framework suggests that when the government seeks to execute both distributive and allocative goal-attainment process, it is faced with two major difficulties, namely: moral hazard and adverse selection as earlier explained. Lane in fact, argues that “whereas adverse selection denotes that the principal faces a difficulty in discovering the true nature of the agent, moral hazard refers to the difficulty in observing the effort of the agent” (2003,p.2). Furthermore, adverse selection is referred to as opportunism before the making of the contract and moral hazard as the opportunism after the making of the contract between the principal and agent (Lane, 2003). Figure 2.0 expressly illustrates the dynamics inherent in the distributive and allocative goal-attainment process vis-á-vis the principal-agent imperatives.

Indeed, these problems often engendered from moral-hazard and adverse selections are related to a lack of managerial effort. Invariably, public officials or managers own pockets of equity interests in their enterprises, which however, could make their motivation to work wane. Nevertheless, it is difficult to directly quantify the skirting of such responsibilities by public officials or managers (Meckling, 1976).

Figure 2.0: Public Interest versus Public Goals Framework

Source: Author's Elaboration (2013)

2.9 Defining the Inherent Components of Conflict of Interest: Interests, Conflicts, and Perceptions

Conflict of interest - problematic or potentially problematic situation can be distinguished from other forms of graft; breaches or neglects of duty and problems of perception or appearances of conflict of interest which may be judged using a "reasonable person" standard (Davids 2008). Implicit in the concept of conflict of interest are such dimensions of public sector ethics,

accountability, and integrity that often fuel considerations of public perceptions. The concept comprises three components: interests, conflicts, and public perceptions.

2.9.1 Conflicts

A conflict exists in any situation where a public official could be influenced, or could be reasonably perceived by an outside observer to be influenced, by a private interest when performing an official function (Davids, 2008 p.22; Ombudsman Victoria 2008b p.62).

2.9.2 Perceptions

The milieu for the performance of public sector duties is always a complex one and this poses a huge challenge for the public official when he or she has to exercise discretionary powers. This brings to question public sector ethics and accountability in relation to conflict of interest in the event that the individual official may be required to implement public policy, thus exposing that official to the advantages of benefitting privately as opposed to the public interest. The Victorian Ombudsman (2003) argues that in view of the complex nature of the concept of conflicts of interest, the dynamics of both the range of interests that may be regarded as problematic and the ways in which such interests may conflict with official duties must be made clear to public officials to forestall the incidence of private interests of public officials influencing the performance of public functions and the lack of maintenance of public perceptions of integrity.

Perception therefore is critical to the notion of conflict of interest. "In other words, for a conflict of interest to arise it is not necessary that a person should have done anything improper; it is sufficient that third parties might reasonably question the ability of that person to act impartially or reasonably ask whether that person could have gained a personal benefit" (The Ombudsman, 2003 p.77). The Ombudsman further argues that public trust which is closely

linked to issues of integrity requires that, "at the point of a decision or action, private or sectional gain must always be subsumed to the wider public interest, as it is the mere capacity of a private interest to affect performance of public duties that makes conflicts of interest problematic from a public sector ethics and accountability perspective" (2003, p.77).

2.10 Summary of Chapter

This chapter highlights the relevant literature mainly on public interest and public value that would inform the process of this study. The chapter therefore describes a typology of public interest classified into four broad models, namely: abolitionist's view; normative view; consensualist view; interpretative view. By extension, these models seek to explain the diverse ways public officials conduct themselves in the midst of their duties.

In this chapter, the issue of conflict of interest is explained as a product of public interest while public value was indicated as an operational concept that provides the roadmap for public officials to act, in the normative sense in the interest of the public. The indicators of public value thus, include: transparency, equity, accountability, and political participation. In explaining the issues of public interest in the Ghanaian public sector, the researcher employed the agency theory.

From Figure 2.0 it is clear that the agency theory prevails within the Ghanaian situation. At this stage, both principal (state/government) and agent (public official) are faced with very serious dilemmas creating organizational tension such as personal and public interests dichotomy in the Ghanaian public sector. The ensuing chapters will variously therefore examine the Ghanaian perspective on the public interest and the responsibilities of the public official.

CHAPTER THREE

EMPIRICAL LITERATURE REVIEW

3.0 Introduction

This chapter presents the empirical data on sources of unethical conduct in the public sector with most cases relating to the Ghanaian domain. The empirical literature review is in two forms. The first part of the review highlights the global perspectives and measures for dealing with the public official's challenges. In addition, it considers the Ghanaian experience in promoting public interest amidst some unethical practices by public officials. In doing that, works on the subject from various countries were reviewed. The second part provides the consequences of unethical practices such as conflict of interest and corruption in Ghana which included 2006-2014 financial period. Indeed, the choice of these financial years was without any prejudice but only for convenience to the researcher. However, it could be stressed that the period transcends parts of three regimes, namely the latter years of the Kuffour Administration through the early years of the Mills Administration to the Mahama Administration. Consequently, the research examined the Auditor-General's Reports of Accounts on Ghana's Ministries, Departments and Agencies (MDAs) for the Financial Years Ending 31 December 2006-2014 presented to the Parliament of Ghana. The report contained the results of financial and compliance audit of MDAs, in accordance with Article 187 (2) of the 1992 Constitution of the Republic of Ghana.

In all the reports presented to the Public Accounts Committee of Ghana's Parliament, the thematic areas of audit included the following: staff rent arrears; trend of financial irregularities; Value Added Tax (VAT), Internal Revenue Service (IRS)/Customs Excise and Prevention Service (CEPS) uncollected taxes; cash irregularities; payroll irregularities;

stores/procurement irregularities and contract irregularities. All three organizations now constitute the Ghana Revenue Authority (GRA).

The mandate as per Section 13 of the Audit Service Act, 2000 (Act 584) enjoins the Auditor-General to examine in such manner as he thinks necessary, the financial operations of Ministries, Departments and Agencies (MDAs) and purposes for which they were appropriated and the expenditure made as authorized; essential records have been maintained and the rules and procedures applied were sufficient to safeguard and control public property. Furthermore, the Auditor-General is mandated to ensure that all public monies have been fully accounted for and rules and procedures applicable are sufficient to secure an effective check on the assessment, collection and proper allocation of the revenue. The Auditor-General's audits are guided by legislation and the ethos of the public service as stated above to ensure and encourage proper and prudent management of public funds.

3.1 Curbing Public Official's Unethical Behaviour - Global Perspective

In Honduras, Mario Zelaya, Head of the Honduran Institute of Social Security (IHSS) between 2010 and January 2014, was accused of fraud, bribery, abuse of public funds and money laundering. Zelaya was alleged to have overpaid companies, some owned by subordinates of his former IHSS, amounting to \$200 million (£124.3 million), according to the Honduran National Anti-Corruption Board. At the time Zelaya was being tried prosecutors discovered more than \$7 million worth of assets including mansions, apartments, land and vehicles under his control. Zelaya's apprehension was made possible by Honduran President Juan Hernandez, who has been praised by foreign governments for his strong will to confront headlong the rampant corruption in Honduras (Ghana Integrity Initiative Alert, 2014).

The former Virginia Governor, Bob McDonnell and his co-defendant wife Maureen McDonnell were found guilty on twenty corruption counts and obstruction of justice. The twenty-count charges, in fact emerged as a result of providing favours to an affluent Virginia businessman, Williams in return for more than \$177,000 worth of profligate gifts, holidays, and loans. The alleged favours included stops at tony stores Louis Vuitton, Oscar de la Renta, and Bergdorf Goodman, and thousands of US Dollars spent on vacations for the McDonnells, covering a resort on Cape Cod while allowing the couple a break at his lake house retreat home with a Ferrari placed at the disposal of the McDonnells to drive around town. Uncharacteristically, it was alleged that jurors saw several photos of the governor, who customarily would be driven around by his security detail, driving the luxury Ferrari car (Ghana Integrity Initiative Alert, 2014).

Furthermore, Williams bought McDonnell a Rolex watch with the words “71st Governor of Virginia” inscribed on it. However, McDonnell sought alibi in his wife as he testified that the \$6,000 watch was a Christmas present from his wife who did not tell him it was a bribe from Williams. In addition, Williams paid \$15,000 for the wedding catering items of a daughter of McDonnell and a \$10,000 wedding gift for another apart from buying McDonnell’s son a set of golf clubs. Above all, there was a \$120,000 loan Williams offered the McDonnells. However, the couple was acquitted of the alleged bank fraud charges (Ghana Integrity Initiative Alert, 2014).

In Indonesia Energy and Mineral Resources Minister Jero Wacik was charged by the Corruption Eradication Commission (KPK) on Wednesday, September 3, 2014 based on the evidence that the minister was involved in extortion activities that generated about IDR9.9 billion (\$840,000) in illicit funds. Jero, was alleged to have ordered people in his ministry to raise funds for him, in order to organize made-up meetings. Other times, or soliciting kickbacks were solicited from procurement activities and consulting services.

It was revealed by KPK that Jero's case became manifest after his proxy, Rudi Rubiandini, the chief of upstream oil and gas regulator SKKMigas was arrested for taking bribes in August, 2013 arrest of. Thus, Rudi, who was endorsed by Jero for his position, was jailed for seven (7) years in prison. Hence, the investigation into Rudi led to the arrest of the energy ministry's secretary general, Waryono Karno, who was alleged to have misused funds on instructions from Jero (GII Alert, 2014).

To curb such unethical practices the Indonesian anti-graft body, the KPK employed the "pyramid strategy", which involved apprehending associates prior to approaching the key players. What then are the lessons that Ghanaian politicians may learn from Indonesian politicians, Honduras and USA? In Ghana, it is rare to arrest a (former) politician for corruption because the political system often promotes patronage regardless of whether or not such culprits belong to the ruling government or otherwise. To this end, they even grant Presidential pardon before leaving office. Elsewhere however, the difference in dealing with corruption is that when it occurs the perpetrators are arrested and prosecuted. Thus, the above create an appropriate context in which to situate the study regarding issues of corruption and conflict of interest in the public sector. Accordingly, table 3.1 presents a global corruption perception index to guide the study.

Table 3.1: Corruption Perception Index 2012-2014

Rank Score	Country	2014 Score	2013 Score	2012
10	Canada	81	81	84
17	United States	74	73	73
21	Uruguay	73	73	72
64	Turkey	45	50	49
136	Russia	27	28	28
142	Ukraine	26	25	26
61	Ghana	48	46	45
31	Botswana	63	64	65
85	Zambia	38	38	37
64	Gabon	37	34	35
136	Nigeria	27	25	27
12	Germany	79	78	79
8	Netherlands	83	83	84
100	China	36	40	39

Source: Transparency International Corruption Perceptions Index (2012 – 2014)

Table 3.1 represents the Global Corruption Perceptions Index (2012-2014) which measures the perceived levels of public sector corruption worldwide, a picture where more than two-thirds scored below 50%, on a scale from 0% (highly corrupt) to 100% (very clean).

During the period under review, though Ghana had fallen within the highly corrupt bracket, progressively it had decreased minimally by one in the succeeding years (i.e. 2012 was 45%; 2013 was 46%; 2014 was 48%), which suggested that some efforts were made to stem corruption. However, the efforts were very insignificant. The implication for such low scores due to public sector corruption could reflect in poorly equipped schools, counterfeit medicine and elections being won by whoever has more money to dole out. For example, bribes and clandestine deals

undermine justice and economic development, destroying public trust in government and leaders (Transparency International Corruption Perceptions Index 2012 - 2014).

In solving the public official's dilemma, many countries or jurisdictions have sought to regulate the actions of the public officials within the complex milieu of the public sector. Some of these regulatory measures include: public employment laws; public accountability measures; codes of conduct for public officials; etc. The British Public Interest Disclosure Act of 1998 for instance, covers a wide range of employees including civil servants. It provides that public officials disclose crimes, civil offences (such as negligence, breach of contract, and breach of Administrative Law), miscarriages of justice, dangers to health and safety or the environment and the cover up of such.

The South African Competition Act of 1998 also “provides for the establishment of a Competition Commission responsible for the investigation, control and evaluation of restrictive practices, abuse of a dominant position and mergers” (Chetty, 2005 p.3). Furthermore, it was suggested that the South African model of competition policy stipulates that public officials engage in balancing various interests of both workers and consumers when adjudication issues pertaining to competition come up; this is because regulating competition is synonymous with balancing the socio-economic development of a particular country (Chetty, 2010; Chetty, 2005) As part of the Commission's mandate, the public interest considerations require that “all mergers between firms which meet certain thresholds in respect of asset or turnover value be notified to the Competition Authority and such notifiable mergers are not to be implemented without first receiving merger approval from the Competition Authorities” (ABA Paper, 2005 3, p.8). Again, the Commission seeks “to determine whether or not a merger is likely to substantially prevent or lessen competition and otherwise, determine whether the merger can or cannot be justified on substantial public interest grounds” (ABA Paper, 2005,p.8). Indeed,

these provisions consciously stipulate clear roadmaps for the public official in all decision-making processes regarding competition.

In New South Wales, the Protected Disclosures Act, 1994 (PDA) is the known major statute in relation to whistle-blowing (Briefing Paper – NSW, 2009). The PDA of New South Wales seeks to address three main issues: first, it seeks to create protected disclosures framework for enhanced and existing established procedures; second, it provides extensive protections for whistle-blowers; and finally, it provides a meaningful space for addressing issues raised by whistle-blower receive a proper investigation. All these procedures are to be followed to ensure that the public official who can also be a whistle-blower act in the public interest.

There are examples of Good Practices in Combating Corruption in many countries. The 7th Global Forum on Reinventing Government (2003) in a communiqué outlined a number of remedies and institutional best practices for combating corruption particularly, in the public sector. For example, The Independent Commission against Corruption in Hong Kong was empowered to investigate and prosecute corruption cases and to promote public education and awareness. Surveys showed its effectiveness, measured by the reduction in the level of corruption as a result of its activities. The Commission's success was due to the strong political will and long-term commitment of the government, the independence of the Commission, and the resources at its disposal to pursue its investigation and prosecution of those involved in corrupt practices, public education programmes, and the active participation of an informed public. It therefore suggests that the process can only succeed with the express support of both government and the public (7th Global Forum on Reinventing Government, 2003).

The Corrupt Practices Investigation Bureau in Singapore had sufficient resources, highly qualified staff, a supportive legal framework, an independent judiciary, and a competent public administration system. The case of Singapore shows the significance of an independent commission in combating corruption. In view of the foregoing, the Singaporean government has been empowered to make corruption unattractive by increasing, for example, wages of civil servants and improving their working conditions, increasing supervision, and rotating officials. However, in an authoritarian regime with weak rule of law, such a model could be used as an instrument to victimize political opponents (7th Global Forum on Reinventing Government, 2003).

Furthermore, the Directorate on Corruption and Economic Crime (DCEC) in Botswana has the mandate to investigate and prosecute offenders, prepare strategies to combat corruption, and provide public education and training. Hence, in 2008 Botswana's Economic Crime Directorate investigated a number of public officials who engaged in some unethical practices as indicated in Table 3.2. Public officials of the DCEC involved in investigating corruption, economic crime and money laundering, in Botswana at the time of audit, is shown hereunder based on various groupings.

Table 3.2: Cases for Investigation

GROUPS	NUMBER OF OFFICIALS
Group A	5
Group B	5
Group C	4
Group D	5
Group E	6
Group G	2
Group J	5 (Money Laundering)
Group I	3
Group F	9 (Francistown)
TOTOAL	44

Source: DCEC Documents (2008)

The reviewed documents from Table 3.2 revealed that out of the 44 public officials who were tasked to investigate unethical practices in the public sector, only five (5) representing 11.4% investigated activities related to money laundering. For instance, during the period under audit, Officers within Group J in particular had to investigate cases ranging from 60 to 80 per Officer. This implied that though public officials were obliged to perform their official duties in the public interest, they were heavily constrained.

Evidently, Group F from the table which appeared to be under resourced only nine(9) officers were tasked to cover the unwieldy vast Northern part of the country. Moreover, during the period of audit, this Group F had to consider 406 (22.3%) cases which were under investigation constituting an average of 31 cases per officer. However, the group which was stationed in Francistown had only 13 officers at the station at the time of audit. This situation persisted for

the reason that there was high staff turnover thereby influencing negatively on officers' performance as based on the existing number of corruption, economic crime and money laundering cases investigated. It is believed that overall, there was inadequate staff employed to tackle corrupt practices by the DCEC. Thus, human resources constraint often limits the Directorate's effectiveness in undertaking its mandate efficiently. Therefore, this provides appropriate lessons for other jurisdictions to always strengthen such institutions in order that quality of service may not be compromised.

Accordingly, the Botswana success in combating corruption may be due to factors such as the operational independence, financial independence, the Directorate's prosecution powers, the focus on strong enforcement, and viability. In addition, the success of the DCEC was due to certain structural factors including: a favourable political climate, state capacity to govern, effective civil service reforms, macroeconomic stability, a strong resource base, and the record-keeping capacity of the government (Directorate on Corruption and Economic Crime, 2008).

In the Republic of Korea, the Integrity Pact (IP) provides a mechanism to ensure that all bidders for a city's construction projects, technical services, and procurement are required to sign a pact to fight corruption. During the bidding stage, the IP is explained to bidders and only those who agree with the "Bidders' Oath to Fulfil the IP" are qualified to register their submissions. At the same time, a related government official submits the "Principal's Oath to the IP." During the contract's finalization and execution, both parties must sign a "Special Condition for Contract." Provisions are made to protect and reward those reporting inside corruption. Violators of the Pact are disqualified by the city from submitting bids or face termination of existing contracts. They are banned from bidding for other contracts for six months to two years

(Republic of Korea Integrity Pact, 2006). Consequently, the table below depicts prosecutions conducted in relation to unethical behaviours between 2001 and 2005.

Table 3.3: Number of Public Officials' Offences Handled by Public Prosecutors

Year	No. of Investigations of Public Officials (A)	No. of Indictments of Public Officials (B)	Ratio in Cases of Public Officials (B/A)	General Ratio in All Criminal Cases Investigations/Indictments
2000	4,232	2,236	52	56
2001	3,071	1,087	35	56
2002	3,000	1,253	41	58
2003	3,192	1,162	36	56
2004	2,865	1,092	38	56

Source: Annual Reports, The Public Prosecutor's Office (2001–2005), www.sppo.go.kr.

The Philippine Centre for Investigative Journalism (PCIJ) is an independent, non-profit media agency. It was founded on the belief that media play a crucial role in scrutinizing and strengthening democratic institutions and should thus be a catalyst for social debate and consensus for public welfare inasmuch as well-researched information communicated to citizens leads to informed public opinions and public decisions. The PCIJ aims to provide training for investigative reporting on full-time reporters, free-lance journalists, and academics. In addition to training, it uses information technology to optimize research and investigation as well as to systematize access to data. The success of the PCIJ is due to its recognized professional expertise and to its focus on capacity building and training. Its self-sustaining operations and high-quality outputs have attracted the attention of development partners nationally and regionally (Philippine Centre for Investigative Journalism, 1989).

In Central and Eastern Europe (CEE), most observers see the continued promotion and strengthening of ethical standards in public administration as one of the most significant factors in ensuring mature democracies in the region. Recognizing this, regional governments give high priority to actions to promote accountability and transparency in the ways that decisions are made and programmes and projects are implemented and evaluated (7th Global Forum on Reinventing Government, 2003).

3.2 Relation between Conflict of Interest and Corruption

The issue of conflict of interest, which time and again culminates into corruption in the public sector, has every so often dominated public discussions in countries all over the world. In the view of Budima (2006) corruption is “a private gain at public expenses” (p.410). This notwithstanding, Okogbule (2006), argued that most of corruption definitions converge on one point (p.94). Furthermore, it was argued that “the public sector often creates the opportunities for public officers to be involved in corrupt activities so that we should never consider corruption only from the perspective of public officials”(Okogbule, 2006 p.102). However, conflict of interest is described by Pathranarakul (2005) as a complex issue that reflects structural problems of any uncivilized society. It has to do with different facets of society from socio-cultural, political and administrative. The Longman Dictionary of Contemporary (1995) explains the meanings of conflict of interest as ‘a situation in which you cannot do your job fairly because you will be affected by the decision you make.’ The implication of incidences of conflict of interest issues on society depends on whether such issues will hamper the welfare of the larger society or not (Pathranarakul, 2005). Often the incidence of corruption occurs when there is a networking system, both forward and backward linkages on policy corruption in development programs and projects especially, procurement in mega-projects. Conflict of

interest may lead to corruption and the more the interferences from various interest groups; the more severe the case is (Pathranarakul, 2005).

3.3 Promoting Public Interest - The Ghanaian Experience

This section seems to reinforce the fact that the public official, on daily basis, gets confronted with countless challenges while he or she performs official duties yet very little is often said about these challenges. In Ghana, besides the 1992 Constitution and other guidelines to check graft the Government of Ghana has put in place a Code of Ethics for Ministers and Political Appointees with very little or no consideration for the plight of the public official who is required to act in the interest of the public (Republic of Ghana, 2014). Thus, the very thought by the government that the public official ought to serve the public interest through adherence to a code of ethics suggests tacitly that there are often inherent challenges for the public officials to battle with.

The study therefore examines the prescriptions in the code of ethics viz - avis challenges that confront public officials in the execution of their duties. These challenges could be categorized into two and it is based on reviewed literature. Firstly, ethical problems emerge paramount and secondly, problems of democratic and accountable governance are expressed in the maintenance of integrity among public officials in order to uphold the trust reposed in them sometimes based on including the principles of engagement.

In Ghana, Chapter 24 (Article 284 – 288) of the 1992 Constitution of Ghana provides a code of conduct for regulating the duties of public officials. As already explained Article 284 of the Constitution provides that: “A public officer shall not put himself in a position where his

personal interest conflicts or is likely to conflict with the performance of the functions of his office”. Indeed, Article 286 requires that certain calibre of public officials submit to the Auditor-General written declarations of all assets, property owned by or liabilities owed by them, whether directly or indirectly, on assumption of office, after every four (4) years and after they have served their terms of office. Furthermore, there exists the Commission on Human Rights and Administrative Justice (CHRAJ) to investigate complaints of fundamental human rights and freedoms, administrative justice, corruption and abuse of power, among others. The Commission also has the mandate to ensure that public officials do not promote their private interest above their official decision-making.

The framers of the constitution of Ghana anticipated the incidences of corruption in the public service, hence made recommendations to guide the actions of service workers. Article 284 of the 1992 constitution states that ‘a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.’ The constitution of Ghana together with the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550) requires that senior public officers are to make a written declaration of their assets and liabilities before taking office, at the end of every four years and on completing their term of office.¹ The essence of this is that, it enables the state to check the state of the officers before and after leaving office. So that if the public officer has acquired more assets upon leaving office than their income will support, investigations will be conducted. However, there are still lapses in the implementation due to the lack of political will (Ayee, 1997).

Many critics of Act 550 argue that, because of the 'non-transparent nature, the situations on conflict of interest that involved public officers may not be easily recognized. An important aspect of the fight against public corruption is the issue of disclosure. The absence of law that backs disclosures makes it difficult to check incidences of corruption and conflict of interest. When the current asset declaration legislation Act 550 was under consideration in the parliament of Ghana, the proposal on public access to disclosures was rejected by the House (Ghana Integrity Initiative Alert, 2007). It was argued that such a proposal will result in an invasion of privacy.

According to Reed (2008) conflict of interest is a situation in which a public official has a private or other interest which may influence or appear to influence the impartial and objective performance of his or her official duties. According to Ofori-Mensah (2011) conflict of interest issues do not necessarily constitute corruption although in some cases it could trigger corruption. The literature on conflict of interest regulations presents various viewpoints. Researchers such as Aye (1997 p.370) asserted that, in spite of the shortcomings, ethical codes have been introduced in many African countries 'where unethical behaviour has been a hallmark of public service.' Wayama (2008) is also of the view that anti-graft measures need to take into account socio-cultural issues and concerns which appear to overlook unethical behaviour such as corruption. If government officials lack ethical immunity towards the enhancement of values and cultural systems, there is a loss of conscience to protect public interest (Pathranarakul, 2005). The common ethical issues are the frequent abuse of power for interfering in development of policies, projects and economic activities.

Pathranarakul (2005) pointed out that the abuse of political and administrative power for self-interest whether for individual, group or party, have the potential of damaging public and private sector organizations, general and society as a whole. Then, Pathranarakul (2005)

recommended that the enhancement of governance systems of political and administrative organizations and promoting ethical standards among key actors to ensure their transparency and accountability for the sake of public interest should be a top priority.

According to Thompson (1992) the ethical regimes need to go beyond just legislation and enforcement, rather it should also incorporate significant education elements for government employees on their responsibility to act in the public interest. To this end, Ofori-Mensah (2011) explains that ethical education should be given a primary consideration since it plays a key role in limiting conflict of interest scenarios. Thus in his study on the ethics and morality of the executive, Norris (2000) accentuated that integrity and loyalty are preamble for organizational achievement. In a study by Bandfield (2003) on the cultural conditions and moral standards, it was concluded that the individual may not lose his morality when households or institutions uphold public- spiritedness or enlightened self-interest. Further, Bandfield (2003) posited that amoral member of a public organization tend to neglect public interest and always seek for self-interest or private interest. Ofori-Mensah (2011) therefore argues that though the Commission on Human rights and Administrative Justice (CHRAJ) in Ghana has in place some conflict of interest guidelines, the proposal by CHRAJ is ‘neither binding nor far-reaching.’ Consequently, education of public officials to have a clear understanding of ethical regimes and recognize them remains critical. Ofori-Mensah (2011) suggests that there should be a strong case for inculcating an ethical culture among public sector employees, and further states that ethical education should not only include the category of Public officers listed in the Chapter 24 of the Constitution and Act 550 but should cover all categories of public sector workers.

In the work by Ofori-Mensah (2011) it was revealed that the disclosure framework was weak and lacked monitoring mechanisms for checking conflict of interest and corruption. The study also cited that for reforms in managing conflict of interest to be effective, there should first be

the acknowledgement that conflict of interest situations cannot be prevented. Consequently, there should be some guidance on ethical standards and sensitization on codes of conduct for managing unethical conduct in public offices. It is believed, therefore, that what is required is a clear and effective framework and enforcement measures which entail verification of disclosures and monitoring compliance with the aim of making public officials accountable to fight incidences of conflict of interest (Ofori-Mensah 2011). Furthermore, Ofori-Mensah (2011) explains that in spite of the protestations of good governance by successive governments, there seems to be a lack of political commitment. Thus, such public education should extend to guidelines on receiving or accepting gifts by public servants. From his finding, Ofori-Mensah (2011) recommended that the inclusion of political parties and their officers either in power or out of power is necessary because the political parties eventually will hold public positions. There is therefore the need for public parties to consider tightening their ethics codes and hold their members to account, as part of the broad efforts towards enhancing integrity in public office.

According to Ofori-Mensah (2011) CHRAJ should have the responsibility of monitoring and verifying the assets declaration process. That will mean that CHRAJ will have to be adequately resourced with the human and material resource so that they will have the capacity to carry out periodic activities on disclosure of assets by public sector workers.

Ofori-Mensah (2011) found that, the absence of close monitoring of Tender activities especially at the district assemblies where the issue of conflict of interest is rife is a major setback in the fight against conflict of interest. A policy that will exclude senior public officials from specific post-government employment for a specified time period is necessary. Furthermore, such a policy is essential because it has the tendency to limit the incidence of

conflict of interest which may involve ex-public sector workers who may want to exploit strategic knowledge gained whilst in public service for their private gain.

The Global Corruption Report (2007) reveals that corruption undermines judicial systems all around the world, denying citizens of countries' access to justice and the basic human right. It is essential for the judicial service to remain impartial because when the courts are corrupted by greed or political expediency, the scales of justice are tipped, and ordinary people suffer (Ghana Integrity Initiative Alert, 2014). However, if the judicial service is to achieve this, then it is important that they are well resourced with the materials, equipment and all other logistics. Moreover, there is a need for to encourage well motivated employees to make available fair services to all, especially the needy and socially deprived (Global Corruption Report, 2007). Corruption in the judiciary may be two-fold. Firstly, there is administrative corruption which may be in the form where judicial support staff take small sums of money for expressly typing out a judgement or conveying files to the next desk. Secondly, there is operational corruption where the judges' decision is influenced by external incentives or pressures (Ghana Integrity Initiative Alert, 2014). To solve the problems of corruption in the judiciary, there have been calls to computerize the operations of the court system (Ghana Integrity Initiative Alert, 2014).

In various surveys conducted on public perception of corruption in Ghana it was revealed that the public widely perceives corruption to exist within the judicial system. A 2004 governance profile by the World Bank established that the majority of respondents (40 per cent) perceived the judiciary in Ghana to be 'somewhat' corrupt, followed by 39 per cent of respondents who believed it to be 'largely or completely' corrupt. In contrast to Ghana's legislature, 80.2 per cent of respondents believed the legislature to be 'above or largely free from' corruption with 66.3 per cent saying the same about the executive. In 2005, an Afrobarometer survey of perceptions on the performance of public institutions in Ghana established that apart from the

police, the courts were one of the least trusted institutions (Ghana Integrity Initiative Alert, 2014).

By Article 287, the 1992 constitution of Ghana mandates the CHRAJ to investigate allegations of contravention or non-compliance with the established code of conduct for public officers, including conflict of interest, non-declaration of assets and illegal acquisition of wealth by public officers. Above all, what is crucial is who determines what is in the public interest when public officials disagree or, when government lawyers and their political and/or elected superiors disagree. Presently, in acting in the public interest, government lawyers are required to advocate on behalf of the government, not against it, and will be sensitive to the country's fate" (Hutchinson, 2009 p.1).

In Ghana under the 1992 Constitution, the code of conduct of public officials covers conflict of interest, declaration of assets etc. The constitutional provision postulates that "a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions"(Article 284). In addition, the provision states that "no person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of corporation or authority" (Republic of Ghana Constitution, Article 284, 1992). The scope of what defines and constitutes conflict of interest in Ghana besides the constitution include the Financial Administration Act of 2003, Administrative Justice Act of 1993, the serious fraud office act of 1993 (later known as the economic and organized crime office) as well as the Procurement Act Of 2003, which also have guided the operations in all government ministries, departments, agencies, among others.

The conduct of public officials in Ghana has been perceived to be characterized by self-seeking tendencies such as influence peddling, usage of government property usage of confidential information for private gains; accepting benefits, among others (CHRAJ, 2006). Indeed, such behaviours of public officials have the potential to undermine government efforts to provide public services. The generality of the organizational life of public officials constitutes a recipe for corruption, which in part stems from the ancient phenomenon of ‘conflict of interest’.

In fact, remaining an integral part of the public sector organizational life while an official pursues his own interest is hardly new to issues of governance in Ghana. Whether life is traced to hedonism or situated within the context of religion, or espousing self-denial, the nature of man has always portended and craved for personal satisfaction (Solomon, 1992). What constitutes satisfaction however may differ from one individual to another, based on the individual’s personal ambitions in life. The individual in his search for good life may be guided by morality, or what is ‘normative’ for the individual and the generality of the public. Generally, morality is opposed to the satisfaction of one’s own interest. Moral considerations are impersonal; they have to do with established rules rather than the desires of any particular person. However, prudential or normative considerations are entirely tied up with a person’s interests (Solomon, 1992).

3.3.1 Principles of Engagement with Public Officials

Imperatively, all public office holders owe it a duty to ensure that they always correct any inadvertent error at the earliest opportunity and consult actively with the citizens of Ghana and other stakeholders in ensuring that their posture adequately reflects the perspectives of Ghanaians (Republic of Ghana, 2013). Therefore, the duties of public office holders (both

appointed and elected officials) must be guided by the principles of the Ghanaian society. In view of the public official's tasks in the public arena, the official is expected to demystify and surmount daily challenges faced on the job by complying with prescribed principles as stipulated in the ensuing discourse.

Officials have the task of ensuring that they follow strict principles when dealing with lobbyists engaged to represent the government interests. Thus the official has the challenge of ensuring that:

Lobbyists do not engage in any conduct that is corrupt, dishonest, illegal, or detrimental to the public interest.

Lobbyists shall keep strictly separate from their duties any personal activity or involvement on behalf of a political party. Lobbyists shall not make misleading claims about the nature or extent of their access to institutions of government or political parties. Indeed these principles pose very serious challenges to the public official who cannot always predict or pre-empt the next action of the lobbyist engaged to work in the interest of the public.

3.3.2 Discipline, Diligence and Professionalism.

As stated in Section 1.3.8 of The Code of Ethics for Ministers & Political Appointees of Ghana (2013), the public official is also faced with the following challenges among others:

Not to deliberately mislead the public on any matters of significance arising out of his/ her duties.

Ensure that any inadvertent error or misconception related to a matter is corrected.

Ensure that his/ her director's decision and conduct do not encourage other officials to breach the law or fail to comply with relevant act of conduct.

These expectations place on the public official very serious challenges given that the measurement of their actions could be judgmental and might misrepresent their good intentions. For example it is not clear when the public official's intentions may be judged to be misleading to the public thus leading to the perception that he or she is serving personal interest rather than the public interest.

3.3.3 Loyalty, Commitment and Dedication

Furthermore, from Section 1.3.8 of The Code of Ethics for Ministers & Political Appointees of Ghana (2013), Government expects a level of loyalty, commitment and dedication. Thus, public the official must ensure that:

He/ she act in the interest of the public and strive to perform to the best of his/her ability and full potential. This poses a serious challenge when performance measurement is not clear and motivation or incentive procedures are either inadequate or non-existent. However, the process of identifying the hunches or triggers leading often to unprofessional or unethical behaviours on the part of the public official is loudly absent.

3.3.4 The Use of Budgetary Allocation

The public official is expected to ensure among others that the public funds are spent in a manner that provide value for money by employing sound management practices including internal controls over financial management and operations. However the challenge here is that the public official might not always be effective, as stipulated by law as a result of the inadequate allocation, to the various ministries, department and public sector agencies (Section, 1.3.7, of The Code of Ethics for Ministers & Political Appointees of Ghana, 2013), yet the

public or the state is only demanding results or outcomes without any consideration for challenges public officials face during the performance of their duties.

3.3.5 Appropriate Use of Information

The public official among others shall not knowingly and inappropriately, use government information which is not in the public domain for private benefit or for the benefit of others whether financially or otherwise. This principle poses a big challenge given that the public sector operates within the confines of weak information management systems. It is therefore no secret that some journalists often boast when they are able to intercept such classified government or state information of which the public official is the first to blame.

3.3.6 Fairness, Integrity and Impartiality

Among others, the public official is to ensure fairness and impartiality to all manner of persons. Monitor the work environment for inappropriate behaviour. The challenges posed by such edicts are that the public official has no guarantee that he/she would be safe if they should expose any wrong doing; there is not much protection for the whistle-blower as most informants have often been given out. Furthermore, while the official is required to be fair on his/her duty, resource and incentive schemes are either non-existent or inadequate.

3.3.7 Accountability in the Ghanaian Public Sector

Accountability in Ghana continues to hound the quintessential public official (agent) who is obliged to be ethical and professional at his or her duty-post to act in the interest of the state (principal). Problems of accountability are expressed most times in corruption, waste of human and material resources, and red-tapism. Corruption as an infraction is referred to as the

“behaviour which deviates from the forward duties of a public role because of private regarding pecuniary or status gain” (Nye, 1967 p.427). Often, corruption occurs when a public official illegally places his/her personal interest above that of the public interest. In the Ghanaian public sector, poverty, deprivation, exclusion and low level of development of the productive forces and social relations of production are deemed to be a product of inefficiencies and could be a direct factor of corruption.

The Ghanaian public official is seriously faced with the challenge of red-tapism, which characterizes religious adherence to inflexible bureaucratic procedures, rules and regulations. In fact, the public official’s challenges are manifested in restrictiveness individual initiatives and goal-achievements and goal-displacement for organization and national development.

The Ghanaian public sector is seriously challenged with immense waste of resources including misappropriation and allocation of funds. In most cases, there is unnecessary duplication of government functionaries operations and the utilization of material or human resources allocated for public projects.

There is lack of effective accountability due to unsound economic foundation of the nation which culminates into lack of high productive capacity that allows the public official to sufficiently meet their welfare needs. This challenge engenders incalculable opportunities for the perpetration of unethical behaviours among public officials particularly, those officials who are in positions that expose them to influence peddling for personal interest (Bokor, 2009).

Institutions of public accountability, including the Public Service Commission, Accountant-General’s Offices, Auditor-Generals Offices, Public Accounts Committee and the legislature appear to b

3.4 Ethics of the Ghanaian Public Officials

In Ghana, the following represent the ethical challenges public officials are faced with inadequate qualitative and functional education that can improve human capacity and innovativeness through science and technology which can transform the productive forces and the social relations of production to generally enhance quality life (Sorkaa, 2001; Greenwood, 2007). Also, reforms are unclear - they appear to be cosmetic. They lack human face and confuse public officials in their implementation who operate within environments that are not enabling. That is, inadequate pay packages and incentives (Jones and Michael, 1973).

There exists a working environment that perpetuates unnecessary duplication of departments and ministries. This situation promotes waste of national resources placing the public official in unethical and negative light. Also, there is the lack of sound policies on recruitment, training and retraining of public servants to effective service delivery. Sound policies can enhance professionalism, ethics and accountability (Harris, 2004). In this vein, recruitment and promotion will be based on performance, achievement and merit. Good governance implies the application of democratic principles in decision making processes based on the social economic and political needs especially as it concerned the allocation of resources in the society and the lack of this condition portends a serious challenge for the public official.

Quality leadership appears to elude the public official and therefore fails to promote good governance which ought to emanate from the general governance structure of the state. Lack of quality leadership to promote discipline responsibility, selflessness, mentally resourcefulness, visionary and commitment that has the fostered the enabling environment for the public official toward the achievement of an enhanced ethics and accountability (Iji, 2005; Husted, & Allen, 2000). There exists a low sense of integrity which promotes the platform for

pilfering and diverting resources for private or personal interest, falsification of contract documents as well as divulging of official and confidential information, often a result of poor pay package. Respect as a value required for dealing with other people professionally is often absent. Thus, eschewing uncourteous behaviours, hostile and unaccommodating tendencies as often exhibited by the police etc. becomes a big issue.

Lack of political neutrality: public officials get involved in partisan politics, thus affecting the performance of public officials as they perform their duties. For example, public officials (appointed) are often seen openly campaigning for political parties. This challenge undermines the values of dedication and commitment to service delivery. Lack of loyalty to support institutional values thus fostering unhealthy relationships which engender problems for goal – achievement for which the service is established. This breeds insubordination and apathy (Anger, 2002).

Owusu (2005) has categorized the challenges that are faced by public officials in Ghana largely, into two: namely, external and internal factors. External factors for instance, included incentive systems, specificity of tasks, political interference, and client demand and oversight, while internal factors comprises organizational mission, recruitment criteria, performance expectation and evaluations, and employees action.

The Incentive System: This includes the wages and salaries received by employees for services rendered, as well as discretionary payments other than direct wages or salaries that workers get from their jobs (Owusu, 2005). Thus, as an external factor, it has been argued that that there is a strong relationship between public sector performance and remunerations such as salaries and wages of public officials which are always considered a function of ‘government-say-so’ (Kiltgaard, 1997; Grindle, 1997).

Specificity of Tasks: From the literature it is argued that the Ghanaian public official is often challenged by subtle indifference on the part of government thus culminating in the lack of clear policy directions to the public official. It is therefore, opined that good public sector performance is engendered where there is specificity of task as a result of consistency of instructions and policies directions at the workplace for individual public organizations to follow (Israel, 1987).

Political Interference: This phenomenon borders on the political domain any public official executes his or her official duties. In most cases, the performance of these officials is determined by the extent to which politicians control them politically thus blaming the poor performance of public officials in Africa particularly, on excessive political interference (Wolf, 1993; Sandbrook, 1993; Harris, 2003).

Client Demand and Oversight: This challenge of the public official refers to the extent to which effective and high performance of the public official is demanded by civil society. It has therefore been argued in the literature that there is a strong correlation between the public official's attitude toward his or her official duty and how much they are accountable to their customers or the public (Grindle, 1997; Deininger and Mpuga, 2004; Owusu, 2005).

Organizational Mission: The public official may be considered as ethical, effective, or unethical based on what the organizational goals are. In Ghana, the public official's effectiveness is guaranteed if the organizational mission ensures extensive participation and interaction of stakeholders with public sector office holders. In most cases however, the Ghanaian public official often has to contend with acceptance based on stakeholder perception of what constitutes organizational mission (Rainey and Steinbauer, 1999; Owusu, 2005).

Recruitment Criteria: the quality of personnel based on qualifications appears to have a direct relationship with good or bad performance. In the Ghanaian public sector, though recruitment

ought to be a function of merit, the public official is often faced with the challenge of cronyism; thus warranting qualified personnel to be short in supply (Ayee, 1997).

Performance Expectation and Evaluations: Grindle (1997) has argued that the extent to which the public official's performance engenders quality and the amount of knowledge regarding their effectiveness should be a source of concern to the public. Evaluations which generally are expressed in the form of annual audits and might lead to queries from the Public Accounts Committee of Ghana's parliament often pose much challenge and renders public officials either jittery or make them sit up.

Employee sanctioning: Owusu (2005) refers to this phenomenon as act and process of sanctioning procedures existing in public sector organizations that control or regulate the work environment of the public officials. The literature intimates that any sanctioning system that is anything but transparent, unbiased and fair has the potential rendering public officials perform below expectation. In this vein, the Ghanaian public official often contends with the challenge of having to work under such uncertain conditions.

Autonomy: This challenge comes close to the earlier challenge of political interference. It involves how much freedom and latitude available to the public official to express his or her potentials or prowess on their tasks at the workplace (Hackman and Oldham, 1975; Owusu, 2005). The impact of this challenge of lack of autonomy appears to be a major source of concern and de-motivation among public officials. Owusu (2005) stated that the effective performance implies 'responsive autonomy' and, the lack of autonomy stifles (Rainey and Steinbauer, 1999, p.16).

Schofield (2008) of the Ashridge Public Leadership Centre and more and more authors also believe that public officials have to contend with numerous challenges at the workplace. These

challenges include: coping with the increasing pace of change in the public sector, technological developments, changes in public perceptions, changes in public expectations and personalization, citizen empowerment and a changing workforce. Firstly, the literature highlights the challenge of having to cope with the increasing pace of change in the public sector which requires more than the normal strategies of the public sector; strategies that must focus on change management as well as strategies to manage the public official and his or her clients (Kihiko, 2007; Edwards 2007).

In another development, the literature pontificates to changes that are engineered by changes akin to technological development in the public sector particularly, information and communication technologies (ICTs) (Okpomo, 2007). In this vein, public officials are required to build capacity through an effective and consistent training policy for public sector personnel current. In contemporary times, the vogue is to deliver public sector service by way of e-Government strategies and polices. To prosecute this human resource training agenda, the public official is expected to plan and organize personnel with adequate resources but often has to operate with limited or shoestring budgets and thus, poses a huge funding challenge.

Changes in public perceptions the is another phenomenon which refers to the unpredictable and frequent technological development changes that confronts the public official as he or she is monitored constantly by the media and the public, a situation that is often absent in the private sector. The public official for example, is not sure when his or her activities will be captured by the hidden cameras of the public or the press. The public official is expected to live unblemished. Thus, “It is no longer clear what is private and what is public in the life of a leader” and often the public perception of public officials connotes bad faith which is

sometimes expressed in such derogatory language by the media as follows: “once taken as a hero, a leader is in fact seen as a villain” (Kihiko, 2007 cited in Schofield, 2008, p. 3)

In the literature, it is argued that the situation normally “leads to increasing exposure and skepticism between all parties and a growing absence of confidence in the ability of public servants and politicians to deliver” (Young 2007 cited in Schofield, 2008 p.3). This challenge discourages the public official particularly, in the Ghanaian public sector where officials often act apathetically when they have to take prompt decisions ostensibly. Perhaps this strange behaviour could be attributed to a provision in the Criminal Offences Amendment (Act, Act29), on the conduct of Ghanaian public officials, which criminalizes them for willingly causing financial loss. In view of the above, public officials are uncertain when they might fall prey to that provision. Elsewhere in the U.K it is reported that civil servants have on some occasions have declined promotions to senior positions that would expose them to public perceptions (Schofield, 2008).

Another challenge of the public official deserving of attention is the transparency of information dissemination with increasing inundation of ICTs networked societies which tends to perpetuate the unstable relationships between the public particularly, politicians, public servants and citizens (Grupe, 2003). For example, it is easier to source on-line or from blog and forums, in contemporary times, what hitherto were considered as classified information. This challenge makes citizens think they are part of the service delivery process hence, empowering them to unnecessarily interfere or scrutinize every activity of the public official. Ann Walker (2007) aptly amplified this empowering sentiment as follows: “information has become political currency”... and “data now shapes delivery of services” (cited in Schofield, 2008 p.3).

Furthermore, Ghana and most public sector organizations are confronted with the challenge of increasing turnover of skilled and highly qualified staff. This challenge is often engendered by perceived enhanced workplace philosophies and work ethics elsewhere; and economic challenges due to limited resources required to meet the demands of the public sector organization as public officials need to work with those resources available without complaints (Edwards, 2007; Palfrey, 2007).

3.5 The Ghanaian Experience on Conflict of Interest and Remedial Organizations

As enshrined in the 1992 Constitution the Commission on Human Rights and Administrative Justice (CHRAJ) is charged to investigate all complaints bothering on the violation of fundamental human rights and freedoms. The Commission has the duty also to promote human rights through public education in areas relating to obnoxious and less-humane social and customary practices in certain societies in Ghana. Besides, the Commission has additional mandate to investigate incidences of conflict of interest and corruption in the public sector. Succinctly therefore, the details of CHRAJ's mandate have been outlined as follows as cited in CHRAJ (2006):

- To investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties.
- To investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution, namely that a Public Officer shall not put himself in a position where his

personal interest conflicts or is likely to conflict with the performance of the functions of his office

- To investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor General, resulting from such investigation

By 2006, the Commission had investigated over 125 corruption cases since its inception in 1994 (CHRAJ 2006). In all these situations, it became obvious that the allegations of corruption and their attendant investigations were triggered by media reports about ministers of state and high ranking government officials in which the Commission made adverse findings. “One such investigation conducted in 1995/96 into allegations of corruption and illegal acquisition of assets at the height of the Rawlings Regime helped in establishing the Commission’s reputation as a fair and credible and dependable anti-corruption agency” (CHRAJ 2006, p.5).

Two cases in 2005 were cited by CHRAJ (2006) as high profile topical scandals in the country; one involving the President of the Republic and the other the Minister of Transport reputed to be one of the closest confidantes and friends of the President. Preliminary investigation by the CHRAJ into allegations of corruption and conflict of interest against His Excellency J. A. Kufuor, President of the Republic of Ghana, in respect of the acquisition of a hotel at Airport West, Accra (known as ‘Hotel Kufuor’). Then, there were other investigations into allegations of corruption, abuse of power and conflict of interest against the Hon. Transport Minister, Dr Richard Anane.

In the case involving President J.A Kuffour, it was alleged that he sought an alibi in his son who was alleged to have acted as proxy for buying his father a hotel adjacent to their private

residence and “had used state security apparatus to coerce the former owner into selling it; upon preliminary investigations those allegations could not be substantiated” (CHRAJ, 2006). President Kuffour’s Minister of Roads and Transport, Dr. Richard Anane on the other hand was alleged to have transferred various sums of money to his mistress in the US, who was also at that time, purporting to enter into a business contract with the Government of Ghana. The CHRAJ found that there was indeed conflict of interest and abuse of power and recommended that the President sack the said Minister (CHRAJ, 2006). CHRAJ (2006) argued that in all such cases, the Commission on Human Rights and Administrative Justice had demonstrated the tendency to swiftly investigate the abuse of legislations or codes of conduct by public officials provided the issue was brought up by a citizen of Ghana or any person so hurt and with the locus to take the matter up (Human Rights and Administrative Justice Act of 1993).

3.6. Auditor- General’s Reports by Year

The reports revealed that there were major breakdowns of controls overtaxed administration, cash management, procurement and payroll. The above infractions were common and recurring problems which run through all the reports during the period covered by the study. Table 3.4 depicts the global financial effect of the lapses.

3.6.1 The Auditor-General's Report on Ghana MDAs – 31 December, 2006.

Note: transactions during the period under review were done in the Old Ghana Cedis (¢) which is equivalent to ¢100: 1GH¢ (Ghana Cedi) as depicted in Table 3.4.

Table 3.4: Summary of Financial Irregularities for 2005 and 2006

Irregularities	%	%	¢Million	¢Million	US\$	US\$	Total	Total
	2005	2006	2005	2006	2005	2006	(¢M) 2005	(¢M) 2006
VAT/IRS/CE PS uncollected								
1 Taxes, others	71.4	61.5	183,428.0	171,748.4	42,366	29,475	183,812.9	172,019.9
2 Cash irregularities	10.4	14.8	25,824.3	34,057.1	114,848	799,486	26,866.7	41,421.5
3 Outstanding loans/debts	9.4	12.9	23,731.8	35,450.1	47,100	62,556	24,159.3	36,026.3
Stores/								
4 procurement irregularities	3.4	4.4	8,918.5	12,298.1		12,601	8,918.5	12,414.2
5 Payroll overpayments	1.3	4.2	3,336.8	1,480.3	13,100	1,115,948	3,455.7	11,759.8
6 Contract								
Irregularities	4.0	2.0	10,126.0	5,539.7			10,126.0	5,539.7
7 Staff rent arrears	0.1	0.2	45.8	590.4			45.8	590.4
Total	100	100	255,426.4	261,164.1	217,414	2,020,066	257,400.1	279,771.8

Source: Auditor-General's Report on Ghana MDAs (2006)

Table 3.4 shows that the financial loss of these irregularities was ₵279.77 billion (including US\$2,020,066 converted at the prevailing rate of ₵9,211.45 to the United States dollar as at 31 December 2006) compared with 2005 figure of ₵257.40 billion (including US\$217,414 converted at the prevailing rate of ₵9,076.20 as at 31 December 2005), an increase of ₵22.37 billion or 8.7%. The summary of cash irregularities, payroll overpayments, stores/procurement and other irregularities classified according to MDAs is depicted in Table 3.5 (see Appendix C).

3.6.2 Auditor-General's Report on MDAs - 2007

The Report, during the period under review, revealed that internal controls had, as in the previous years, not improved significantly while in some of the MDAs record keeping and custodial responsibilities were poorly executed hence, resulting in improper cash management, poor tax administration, payroll irregularities and inadequate procurement control functions. Thus, Table 3.6 features the over-all financial effect of the lapses while Table 3.7 portrays them according to each MDA (See Appendices D and E).

Table 3.7 shows that the financial repercussion of these irregularities was GH₵348,580,148 including US\$34,579,327 which was converted at the ruling rate of GH₵0.9709 to the United States dollar as at 31 December 2007 compared with 2006 figures of ₵279.77 billion (GH₵27,977,000) including US\$2,020,026 converted at the prevailing rate of ₵9,211.45.

3.6.3 The 2008 Auditor-General's Report

The audits revealed that MDAs were not efficient in administering their payrolls; in managing loans and debts; and in collecting taxes for the State. Meanwhile, it was also observed that there were several instances of poor cash management and inadequate procurement controls in some MDAs. Thus, Table 3.7 (see Appendix E) provides a summary of the repercussions of

the financial management in this report while outlines them according to the problems encountered by each MDA in administering their official duties.

Table 3.7 also demonstrates that the total financial effect of the irregularities amounted to GH¢496,459,472 including US\$40,920 and US\$96,932 which were converted at the prevailing rate of GH¢1.1914 to the United States dollar and GH¢1.6795 to the Euro respectively, as at 31 December 2008 (see Appendix E).

3.6.4 Auditor-General's Report (2009)

Significantly, as in the previous Reports, the findings included major breakdown of controls over tax administration; cash management; non- collection of outstanding debts; procurement/contract irregularities; unsupported payments; stores irregularities; misappropriation of cash and payment of unearned salaries. A summary of the findings are stated in Table 3.8 which evaluates the over-all financial implications of the irregularities

Table 3.8: Summary of Financial Irregularities for 2008 and 2009 Financial Years

Irregularities	%	GH¢ 2009	US\$ 2009	€ 2009	AU\$ 2009	CFA 2009	Totals (GH¢) 2009	Totals (GH¢) 2008
VAT/IRS/CEPS Uncollected taxes & others	0.3	7,392,358					7,392,358	27,645,039
Cash irregularities	8.2	14,039,007	160,795	11,920	15,200	664,298	226,277,124	460,786,338
Outstanding loans	1.1	28,984,710					28,984,710	2,699,730
Payroll over- payments	90.3	763,448				7,787,810	2,485,697,863	762,886
Stores/ Procurement Irregularities	0.1	1,270,295					1,270,295	898,350
Contract irregularities	0.0	218,197	8,039				229,685	3,371,320
Staff rent arrears	0.0	45,083					45,083	295,809
Totals	100	52,713,098	168,834	11,920	15,200	8,452,108	2,749,897,118	496,459,472

Auditor-General's Report on the Public Accounts of Ghana, MDAs–31 December, 2009

The issues of financial repercussion included irregularities which amounted to GH¢2,749,897,118.00 and included US\$ 168,834.00 and €11,920.00, AU\$15,200.00 and CFA8, 452,108.00 that were converted at the following rates which were prevailing as at December 2009: GH¢1.4290=US\$1.00; GH¢2.0613=€1.00; GH¢1.2871=AU\$1.00; GH¢319.08=CFA1.00.

3.6.5 Auditor-General's Report – 2011

The breakdown of the financial irregularities for the period amounted to GH¢118,820,175.66, US\$246,744.24 and GBP136,084.22. These are represented in Table 1 and detailed in Table 2 as pertains to each MDA.

Table 3.9: Summary of financial irregularities for 2011

Irregularities	%	GH¢ 2011	US\$ 2011		GBP 2011	GH¢ 2011 Total	GH¢ 2010 Total
Tax Irregularities	44.22	52,807,322.72			13,824.11	52,838,612.21	72,414,244
Cash Irregularities	28.43	33,583,678.14	76,883.31		122,260.11	33,972,751.25	94,545,872
Outstanding Loans	4.78	5,602,153.84	73,306.18			5,709,276.16	4,665,375
Payroll	0.86	909,278.80	76,496.25			1,021,062.77	498,259
Stores/Procurement	0.65	780,027.67				780,027.67	684,375
Contracts	20.88	24,946,637.32				24,946,637.32	283,578
Rent Arrears	0.18	191,077.17	20,058.50			220,388.66	82,838
Total	100.0	118,820,175.66	246,744.24		136,084.22	119,488,756.04	173,174,541

Source: Auditor-General's Report on the Public Accounts of Ghana, MDAs – 31 Dec.2011

Irregularities are presented given the ruling conversion rates of the various foreign currencies involved, as at 31 December 2011, as follows:

GH¢1.4613 - US\$1.00

GH¢2.2634 - £1.00

Tax irregularities and others – GH¢52,838,612.21 (Break-down per items)

Stores/Procurement irregularities – GH¢780,027.67

Outstanding loans – GH¢5,709,276.16

Payroll overpayments – GH¢1,021,062.77

Contract irregularities – GH¢24,946,637.32

Staff rent arrears – GH¢220,388.66

Cash irregularities – GH¢33,972,751.25 (Break-down per MDAs)

Justice and Attorney General	GH¢16,375,045.05
Health	GH¢12,089,459.63
Education	GH¢ 2,621,482.63
MoFEP	GH¢ 2,004,238.00
Employment and Social Welfare	GH¢ 276,723.53
Youth and Sports	GH¢ 237,864.70
Defence	GH¢ 81,039.61
Other Agencies	GH¢ 84,758.12

The summary of the cash irregularities per MDAs is depicted in Table10

Table 3.10: Summary of irregularities classified according to MDAs – 2011 Auditor-General's Report

No	Ministry of	Tax Irregularities		Cash Irregularities			Outstanding Loans		Payroll		Stores/ Procurement	Contract	Rent Arrears		Grand Total		
		GH	£	GH	US\$	£	GH	US\$	GH	US\$	GH	GH	GH	US\$	GH	US\$	£
1	Chieftaincy Affairs						2,927.00								2,927.00		
2	Justice and Attorney General	19,691.0		16,278,703.0	65,929.00				8,790.00						16,307,184.0	65,929.00	
3	Local Gov't & Rural Development			6,056.00							11,331.00				17,387.00		
4	MTOR			1,911.00											1,911.0		
5	Finance & Econ Planni	52,582,370.00		2,004,238.00					49,676.00		4,993.00		2,917.00		54,644,194.0		
6	Defence	55,401.62		81,039.6							254,786.06	11,304,636.8			11,695,864.1		
7	Roads and Transport								20,062.82	36,817.74		48,169.34			68,232.16	36,817.74	
8	Information and Reg. Integration			23,230.06			136,119.41		3,071.50						162,420.9		
9	Youth and Sports			237,864.70					16,130.07		24,738.50				278,733.27		
10	Employment & Social		13,284.1	35,927.53		122,260.1				3,084.91		20,587.53	426.64		56,941.70	3,084.91	136,084.22
11	Education	27,552.40		2,621,482.6			2,600.00		451,364.47		160,272.84	86,081.00			3,349,353.34		
12	Interior			18,144.0					8,273.19		24,846.14				51,263.36		
13	Government Machinery			55,163.00					10,913.02				6,029.53		72,105.55		
14	Communication			6,249.58											6,249.58		
15	Water Res Works & Housing			31,421.2			270,935.00				36,773.30				339,129.55		
16	Trade and Industry										674.00				674.00		
17	Lands Forestry & Mines			8,030.00			6,840.00		11,967.2		2,473.00		935.00	20,058.50	30,245.21		
18	Foreign Affairs				10,954.3			73,306.18		36,593.60						140,912.5	
19	Health	122,307.7		12,089,459.63			5,182,732.4		272,487.28		259,139.83	13,461,829.5	180,769.00		31,568,725.4		
20	Other Agencies			84,758.12					56,543.24			25,333.07			166,634.43		
	Total	52,807,322.72	13,824.11	33,583,678.14	76,883.31	122,260.11	5,602,153.84	73,306.18	909,278.80	76,496.25	780,027.67	24,946,637.32	191,077.1	20,058.50	118,820,175.66	246,744.24	136,084.22

Auditor-General's Report on the Public Accounts of Ghana, MDAs – 31 Dec. 2011

3.6.6: Auditor General's Report on MDA's 2012

During the period, financial irregularities included, weaknesses and other incidences in the MDAs amounting to a total of GH¢363,957,174.99, US\$15,903,249.95, GBP668, 785.06 and

Euro9, 307.02 as presented in Table 3.11, while Table 3.12 also highlights the breakdown of the irregularities by MDAs.

Financial Irregularities for this period also reflected as follows:

- Misappropriation of revenue/other receipts;
- Failure by Accounting Officers to properly acquit payment vouchers or produce them for inspection and validation;
- Failure to recover funds from dishonored cheques in settlement of tax and other obligations;
- Imprests not accounted for;
- Unauthorized expenditure;
- Non-availability of records on revenue collected;
- Failure to present value books for inspection;

Financial Irregularities for this period are represented in Table12.

Table 3.11: Summary of financial irregularities for 2012

Classification of Irregularities	%	2012 GH¢	2012 US\$	2012 GBP	2012 Euros	Total 2012 GH¢	Total 2011 GH¢
Tax Irregularities	85.95	310,956,057.21	15,618,869.14	-	-	340,146,161.75	52,838,612.21
Cash Irregularities	1.72	4,982,229.03	37,356.39	565,291.38	7,941.00	6,776,364.99	33,972,751.25
Outstanding Loans/Debts	11.41	44,375,777.70	245,991.20	103,493.68	-	45,147,616.54	5,709,276.16
Payroll Irregularities	0.29	1,156,017.56	1,033.22	-	1,366.02	1,161,315.24	1,021,062.77
Stores/Procurement Irregularities	0.22	866,451.98	-	-	-	866,451.98	780,027.67
Contracts Irregularities	0.41	1,620,641.51	-	-	-	1,620,641.51	24,946,637.32
Total	100.00	363,957,174.99	15,903,249.95	668,785.06	9,307.02	395,718,552.01	119,268,367.38

Source: Report of the Auditor-General on the Public Accounts of Ghana – Ministries, Departments and Other Agencies (MDAs) for the year ended 31 December 2012

Table 3.12: Summary of domestic tax, cash irregularities and outstanding debts/loans classified according to MDAs

No.	Ministries Department & Agencies	Domestic Tax Irregularities		Cash Irregularities				Outstanding Debts/Loans		
		GH	US	GH	US\$	£	€	GH	US\$	£
1.	Ministry of Finance & Eco. Planning	310,928,627.35	15,618,869.14	765,700.39	35,550.00	-	-	35,062,361.05	-	-
2.	Ministry of Health/GHS	9,960.00	-	211,778.00	-	-	-	385,811.00	-	-
3.	Ministry of Food & Agric.	-	-	114,648.20	-	-	-	7,320,737.00	-	-
4.	Ministry of Education/GES	10,933.56	-	938,486.74	-	-	-	14,227.29	-	-
5.	Ministry of Employment & Social Welfare	115.77	-	972,647.69	-	-	-	200,000.00	-	-
6.	Ministry of Foreign Affairs	-	-	-	1,806.39	565,291.38	7,941.00	-	81,041.20	103,493.68
7.	Ministry of Interior	1,632.00	-	33,690.57	-	-	-	-	-	-
8.	Min. of Water Res. Works & Housing	-	-	1,584,847.40	-	-	-	741,480.20	164,950.00	-
9.	Ministry of Roads & Highways	3,666.27	-	123,052.84	-	-	-	16,540.26	-	-
10.	Ministry of Local Govt. & Rural Dev.	-	-	-	-	-	-	-	-	-
11.	Ministry of Lands & Forestry & Mines	-	-	36,841.89	-	-	-	214,269.00	-	-
12.	Ministry of Information	-	-	-	-	-	-	388,596.00	-	-
13.	Ministry of Defence	-	-	-	-	-	-	-	-	-
14.	Ministry of Justice & Attorney General	-	-	-	-	-	-	6,573.28	-	-
15.	Ministry of Youth & Sports	-	-	21,028.00	-	-	-	-	-	-
16.	Ministry of Trade & Industries	-	-	15,339.00	-	-	-	-	-	-
17.	Judicial Service	-	-	72,368.80	-	-	-	22,370.00	-	-
18.	Office of Govt. Mach. & Other Agencies	1,122.26	-	91,799.51	-	-	-	2,812.62	-	-
Total		310,956,057.21	15,618,869.14	4,982,229.03	37,356.39	565,291.38	7,941.00	44,375,777.70	245,991.20	103,493.68

Report of the Auditor-General on the Public Accounts of Ghana – Ministries, Departments and Other Agencies (MDAs) for the year ended 31 December 2012

3.6.7 Auditor-General's Report - 2013

The irregularities were grouped under seven broad categories as follows:

- ❖ Cash irregularities
- ❖ Outstanding debts/Loans
- ❖ Payroll Irregularities
- ❖ Tax Irregularities
- ❖ Contract Irregularities
- ❖ Stores /Procurement Irregularities, and
- ❖ Rent payment Irregularities

The overall financial impact of the weakness and irregularities identified amounted to GH¢476,830,533.57, US\$406,804.87, Euro 39,578.55 and GBP 4,000.00. When the foreign currency component is converted to Ghana Cedis the entire amount comes to GH 477,708,455.81. The main composition is summarized in **Table 3.13**.

Table 3.13: Overall financial impact of the weakness and irregularities – 2013

Classification of Irregularities	%	2013 GH¢	2013 US\$	2013 GBP	2013 Euro	Total 2013 GH¢	Total 2012 GH¢
Cash irregularities	56.26	268,676,045.81	15,44.00	-	23,295.00	268,764,476.50	340,146,161.75
Outstanding debts/Loans	4.01	18,385,019.87	391,360.87	4,000.00	-	19,133,001.39	6,776,364.99
Payroll Irregularities	0.35	1,658,054.06	-	-	2,921.11	1,665,500.55	45,147,616.54
Tax Irregularities	11.98	57,215,082.84	-	-	-	57,215,082.84	1,161,315.24
Contract Irregularities	26.76	127,856,539.47	-	-	-	127,856,539.47	1,620,641.51
Stores /Procurement Irregularities	0.57	2,740,788.67	-	-	-	2,740,788.67	866,451.98
Rent payment Irregularities	0.07	299,002.85	-	-	13,362.44	133,066.38	-
Total	100.0	476,830,533.57	406,804.87	4,000.00	39,578.55	477,708,455.81	395,718,552.01

Source: Report of the Auditor-General on the Public Accounts of Ghana – Ministries, Departments and Other Agencies (MDAs) for the year ended 31 December 2013

3.7 Summary of Chapter

This chapter reviews empirical literature on unethical behaviours that do not promote public interest. The chapter provides studies in Ghana and outside Ghana. In addition, there are reviews of reports produced by the Auditor-General of Ghana for the public accounts committee of Ghana's Parliament regarding the expenditure patterns of MDAs. The report reveals that there was very little improvement in efforts to address shortcomings in internal controls and governance frameworks against the backdrop of financial rules and regulations and the litany of financial irregularities exhibited by MDAs.

The findings showed that though there were some attempts to manage expenditure the financial management systems were not applied appropriately and ethically. Perhaps one could not agree

more with the Auditor-General than the Ministry of Finance and Economic Planning (MOFEP), for instance, develops Values and Code of Ethics besides existing regulations for the Public Service to ensure proper, effective and efficient use of public funds.

In sum, challenges faced by the public official in Ghana, may be described as composite because they appear to be mutually inclusive where linkages of the various systems; the administrative, bureaucratic, political, social, economic, are all underpinned by issues of public value, ethical behaviour and accountability. However, these challenges inherent in the various operational systems where the public official often works could be categorized into two major governance principles: notably, ethical behaviour and accountability.

Broadly, the chapter in addition to the two typologies highlighted above, discussed issues relating to how the public official copes with the increasing pace of change in the public sector, which requires more than the normal strategies of the public sector; increasing turnover of skilled and highly qualified staff. Finally, the public official in Ghana is typically, inundated with ICTs networked societies given the overwhelming illiterate constituency or population, which tends to perpetuate the unstable relationships between the public particularly, politicians, public servants and citizens; the constant scrutiny of the public official by the media and the public amounting to lack of confidence in the ability of public servants and politicians to deliver.

CHAPTER FOUR

METHODOLOGY

4.0 Introduction

This chapter provides the methodology used in executing the study. The chapter highlights the population and study area, research design, description of sample, sampling technique, instrument for data collection and methods for data analysis.

4.1 Research Design

Based on the nature of the study, various research designs were employed. As indicated by Yin (1994), the purpose of a research is distinguished into three main categories namely, exploratory, descriptive and explanatory. Exploratory research was adopted mainly for deeper understanding of the variables i.e. public interest and challenges of the public official. This enabled the researcher to clarify and understand the problem at hand (Zikmund, 2000). In the exploratory design, the researcher collected qualitative data and then used the findings to give direction to quantitative analysis of the data collected through the testing of hypotheses. This was then used to validate or extend the qualitative findings elucidated by research questions (Fraenkel and Wallen, 2003, pp. 443-444). On the other hand, descriptive study was employed also to provide the researcher with the opportunity to answer questions in the nature of who, what, when, where, and how of a problem. This was also to describe the private and public lives of public officials as well as the incidences of conflict of interest and the challenges of the public official. Furthermore, it helped to describe the different features of subgroups and their characteristics. Taking into consideration the objectives of this study, it is more exploratory although not exclusive. The research can also be seen as explanatory since it explores and finds out, by answering research questions and drawing conclusions (Yin, 1994).

4.2 Research Approach

In this study, the mixed method approach was used to obtain and analyse the research data. It is the approach when “both quantitative and qualitative data collection techniques and analysis procedures are used in a research design” (Saunders, Lewis and Thornhill, 2007 p.602). It is important however, to note that the study was heavily weighted in favour of qualitative data collection rather than quantitative research. In such qualitative studies which may often be social in context, the exercise is aimed at highlighting behaviours of components in the unit of analysis. The issue of prevalence of conflict of interest and public interest could best be elucidated with the qualitative data.

In addition, qualitative research questions were posed, rather than formulating hypothesis. Data was collected in the form of documents (which include case study) phenomenology, unstructured interviews, text analysis, participant observation, pictures, field notes, documents and maintaining a researcher’s diary (Bassey in Briggs and Coleman, 2007, pp.143-145; Saunders, Lewis and Thornhill, 2007).

The quantitative data was used to supplement the qualitative explanations. The research investigated the nature and scope of challenges faced by Ghanaian public officials in the execution of their duties. It is qualitative because the research questions demanded that the study be “conducted within a localized boundary of space and time, mainly in its natural context in order to inform the judgments and decisions of policy-makers or practitioners (public officials) in its natural setting” (Briggs and Coleman, 2007, p.143). Furthermore, “the goal of qualitative research is to provide a deeper understanding of human phenomenon...and aims at understanding people’s experience, rather than predict their future behaviour” (Sayre and Gringley, 2007, p.6). This study also undertook the case study approach because it allowed empirical data collection in “real life

context using multiple sources of evidence” and answers to the question ‘why?’ as well as the ‘what?’ and ‘how?’ questions (Saunders, Lewis and Thornhill, 2007, p. 139; Robson, 2002, p.178).

The reason for linking qualitative and quantitative data here is to enable confirmation or corroboration of data from different sources – a process that could very well be triangulated. In the main, a “comparison of the results gives far more information about the topic under investigation. If results from the different methods point to the same inferences, this in turn strengthens the overall argument. It provides you with an opportunity to use a number of different techniques. If the same method of data collection is from different sources, and over different time-scales, this is often termed data triangulation” (White 2000, p.67). Furthermore, it is to elaborate and develop analysis to provide richer details and turn ideas around to provide fresh insights.

Significantly, the argument in favour of mixed methods is about practicality and appropriateness, and mixed methods may be used because of the complementary role, they offer the best prospect in addressing the questions set, or specific dimensions of the research topic (Briggs and Coleman, 2007). Fraenkel and Wallen (2003, p. 443) explained that, in settling on the use of mixed method, the important thing is to know what question can be best addressed by which method or combination of methods. The positives of mixed methods can be summed up as follows:

- Mixing enhances triangulation where one method can help the other, referred to as ‘facilitation’ (Hamersley, 1995)
- Mixed methods give a fuller overall research picture and allow the incorporation of ‘insider’ and ‘outsider’ perspectives
- Mixed methods help to overcome the ‘problem’ of generalization for qualitative research (depending on whether or not generalizability is key to the aims and purpose of the study)

- A combination of methods may facilitate a better understanding of the relationship between variables
- Combination can encourage better links between micro- and macro levels of analysis
- Combination allows appropriate emphasis at different stages of the process (Briggs and Coleman, 2007 p.31).

In designing the procedures for the study, the cross sectional approach for data collection was used.

A combination of both primary and secondary data was also used.

4.3 Description of Population

The study was conducted in Accra, the national capital of Ghana. This is because the policy-makers at the ministries, departments and agencies (MDAs), as well as other public sector organizations are located at the head offices in Accra, thus providing the required representation of the study population. In Accra, it was possible to reach most policy-makers and public policy implementers, though not with ease, in good time. Besides, the study area was chosen because of its convenience. The accessible population for the study involved public sector employees in the civil service (Ministries of Justice and Attorney General, Information, Energy, Power, Finance and Economic Planning), selected security services (Ghana Police, Customs, Excise and Preventive Service, Ghana Immigration Service), Local Government organisations (Adentan Municipal Assembly, La Dade-Kotopon Municipal Assembly, La-Nkwantanang-Madina Municipal Assembly). In addition, the study elicited the views of some Members of Parliament (MPs) and a number of public officials from selected civil society organizations (Institute of Economic Affairs [IEA], Ghana Integrity Initiative [GII], Centre for Democratic Development [CDD], Institute for Democratic Governance [IDEG], West Africa Network for Peace [WANEP], IMANI Ghana and Anti-Corruption Coalition) whose focus was on governance.

4.4 Description of Sample

A total of five hundred (500) respondents from Eighteen (18) public organizations participated in the survey during the data collection process using semi-structured questionnaires. Fifteen (15) managers from seven (7) civil society organizations (CSOs), five (5) legislators, five (5) government officials from the ministries and two (2) officials from the judiciary were interviewed using interview guide respectively. The interviews were partly by telephone and partly through recorded radio talk-shows with selected public officials and later transcribed accordingly.

A semi-structured interview guide was used during formal interview sessions. Nevertheless, as new themes emerged, the interview guide was modified. Furthermore, through a survey section, in the selected public organizations respondents who were administered questionnaires were made up of at least six (6) managers, six (6) supervisors and six (6) junior members of staff or employees. For the purpose of this study ‘manager’ refers to top public officials, especially at the strategic decision-making level; while ‘supervisor’ means a middle level public official. This was meant to sample the views of all the constituencies of the study organizations. The constituencies were made up of anti-corruption agencies, ministries, governance, revenue and electioneering. Thus, Table 4.1 represents the population and sample size of respondents.

Table 4.1: Population and Sample Size of respondents (Survey)

Organisation MDAs	Sample Size	Sampling Technique
Local Government Organizations		
Adentan Municipal Assembly	33	Purposive
La-Dade-Kotopon Mun. Ass.	32	Purposive
LA-Nkwantanang-Madina Mun. Ass.	38	Purposive

Utilities		
Ghana Water Co. Ltd	37	Purposive
Electricity Company (ECG)	34	Purposive
Auditor Generals Department	33	Purposive
Parliament	18	Purposive
Parliamentary Service	29	Purposive
State Media		
Graphic Corporation	26	Purposive
Ghana Broadcasting Corp. (GBC)	34	Purposive
Security Services		
Ghana Police	25	Purposive
Ghana Immigration Service	15	Purposive
Customs, Excise and Preventive Service	18	Purposive
Ministry of Justice and Attorney-General	28	Purposive
Ministry of Information	20	Purposive
Ministry of Energy and Power	23	Purposive
Ministry of Finance and Economic Planning	28	Purposive
Ministry of Education	29	Purposive
Total	500	

Table 4.2: Population and Sample of Respondents (Interview)

Organisation MDAs	Sample Size	Sampling Technique
Ministry of Justice and Attorney-General	1	Purposive
Ministry of Information	1	Purposive
Ministry of Energy and Power	1	Purposive
Ministry of Finance and Economic Planning	1	Purposive
Ministry of Education	1	Purposive
Judiciary	2	Purposive

Institute for Economic Affairs (IEA)	2	Purposive
Ghana Integrity Initiative (GII)	2	Purposive
Centre for Democratic Development (CDD)	3	Purposive
Institute for Democratic Governance (IDEG)	2	Purposive
West African Network for Peace (WANEP)	2	Purposive
Anti-Corruption Coalition	2	Purposive
IMANI Ghana	2	Purposive
Parliament	5	Purposive
Total	27	

4.5 Sampling Technique

For this study, “the use of non-probability sampling, especially purposive and convenience sampling were ideal, where purposive sampling allows for variation and enables particular choices to be made...” (White 2000 p.65). Hence, selection of participating organizations and respondents was based on purposive, theoretical sampling rather than on statistical sampling because the study had to be conducted specifically in specialized organizations (Yin, 2003; Patton, 2002). Ideally, the cohorts of management and supervisors often constitute smaller proportions of the population of organisations. Hence, the sample size of at least six (6) was settled on. The consideration also for administering questionnaires to at least six (6) respondents in the employee bracket was based on having uniformity in the selection purposively and conveniently.

The sensitive nature of the research required adherence to strict guidelines. For instance, some managerial personnel of relevant public sector organizations who met our criteria were identified and interviewed based on convenience sampling technique (Edwards 2001). Most of the heads of the identifiable organizations took direct roles in the research but did not identify people who should participate in the interview. This deliberate strategy was to retain the integrity of their

organizations and the confidentiality of the participants and to reduce the element of possible bias. The participants were continually reassured that their anonymity would be respected.

In this study, Ghanaian Ministries, Departments and Agencies (MDAs) became the setting for the real-life context regarding the phenomenon of public interest versus the Ghanaian public official's challenges. As a citizen of Ghana, the researcher was familiar with the public sector organizations selected. Walsham (2006) therefore, suggests that researchers who conduct field studies in any country should have enough knowledge about the politics, religion, history and culture of the particular country.

4.6 Instrument of Study and Data Collection

The main study instruments were semi-structured interview guide and a questionnaire. The questionnaire was designed to contain close-ended and open-ended questions. The close-ended questions were meant to enable the researcher to collect and analyse data expeditiously. The open-ended questions were meant to allow respondents to give their views and perceptions about serving the public interest within the Ghanaian domain. There was also informal discussions, analysis of relevant documents, examination of newspaper reports and annual reports from some public sector organizations. In addition, some radio-tape recordings on certain governance and ethical issues bordering on public officials were conducted. Furthermore, there were audio-recording interviews with some selected participants. Some of the documents examined were considered confidential and were therefore not allowed to be taken out of the organisation's premises by the researcher.

The design of this research could be classified as exploratory and descriptive. In this study, in-depth interview was very helpful to examine the phenomenon under research and also to seek new insights. For exploratory purposes, semi-structured interviews were useful in order to understand the relationships between variables, such as those revealed from a descriptive study. However, semi-structured interviews were also used as a means to identify general patterns (Robson, 2002 p.59). By way of non-standardized (semi-structured) interview, the researcher had a list of themes of which the questions to be covered and the order of questions were varied depending on the flow of the conversation. This was to gather the needed data and analyse qualitatively as part of the study strategy (Saunders, Lewis and Thornhill, 2007).

In this study, interviews were considered the most suitable data-gathering method as “they enabled participants to reflect upon and make sense of their experience” (Seidman, 1991 p.3). The method made it very possible and fast to collect large amounts of data and at the same time fostering quick and prompt follow-ups and clarification of issues on the topic being researched into (Taylor & Bogdan, 1984).

In some cases, the interview was audio-recorded with the permission of the respondents. By audio-recording the interviews, the researcher was able to concentrate more fully, listen attentively to what was being said and also observe expressions and other non-verbal cues the interviewees were demonstrating when they were responding. It was also helpful to make brief notes as well in order to be focused (Saunders, Lewis and Thornhill, 2007 p. 334). In addition, it allowed questions formulated at the interview to be accurately recorded for use in later interviews where appropriate; it provided accurate and unbiased record; the interview could be re-listened to; and allows direct quotes to be used (Easterby-Smith et al. 2002; Ghauri and Gronhaug, 2005).

The number and type of organizations, and respondents were predetermined. Consequently, the study's unit of analysis was based on specific structural areas. These areas included: Security Services, Local Government Organizations, Utilities; Anti-Corruption Institutions; Parliament, State Media; Government Departments; Government Social Services institutions; Revenue Collection Agencies; Ministries of Finance and Economic Planning, Justice and Attorney General; Ministry of Information; and Ministry of Energy and Power. In addition, a few civil society organizations were purposively selected due to their high visibility in matters of governance, including: Centre for Democratic Development (CDD), Institute for Economic Affairs (IEA), Ghana Integrity Initiative (GII). West African Network for Peacebuilding (WANEP) and IMANI Ghana.

4.7 Instrument Validity and Reliability

Study instrument validity pertained to the ability to accurately measure what it intended to measure based on objectives. Due to this, the questionnaires and interview guides were discussed with the respondents. The researchers also provided explanation on the grey areas of the questionnaire to the respondents before proceeding to administer them. This was purposely done to achieve the meaning of data reliability.

4.8 Data Analysis Procedure

The analysis of the data basically was done both qualitatively and quantitatively based on the frequencies and percentage responses. Meanwhile, Chi-square tests were performed to ascertain the significant levels, dependence and association among variables presented in the hypothesis. This process involves evaluating data using analytical, content analysis and logical reasoning to examine each component of the data collected. Data from various sources were gathered, reviewed, and then analysed to form some conclusion (Perkin, 2008). The study used both quantitative and qualitative methods to analyse the data collected from the field. Descriptive statistics, specifically graphs and frequency tables were employed to depict the trends of challenges faced by the public officials in the selected organizations. Statistical Product and Service Solutions (SPSS) version 21.0 was used to analyse the data collected to generate the results for discussion.

CHAPTER FIVE

ANALYSIS AND DISCUSSION

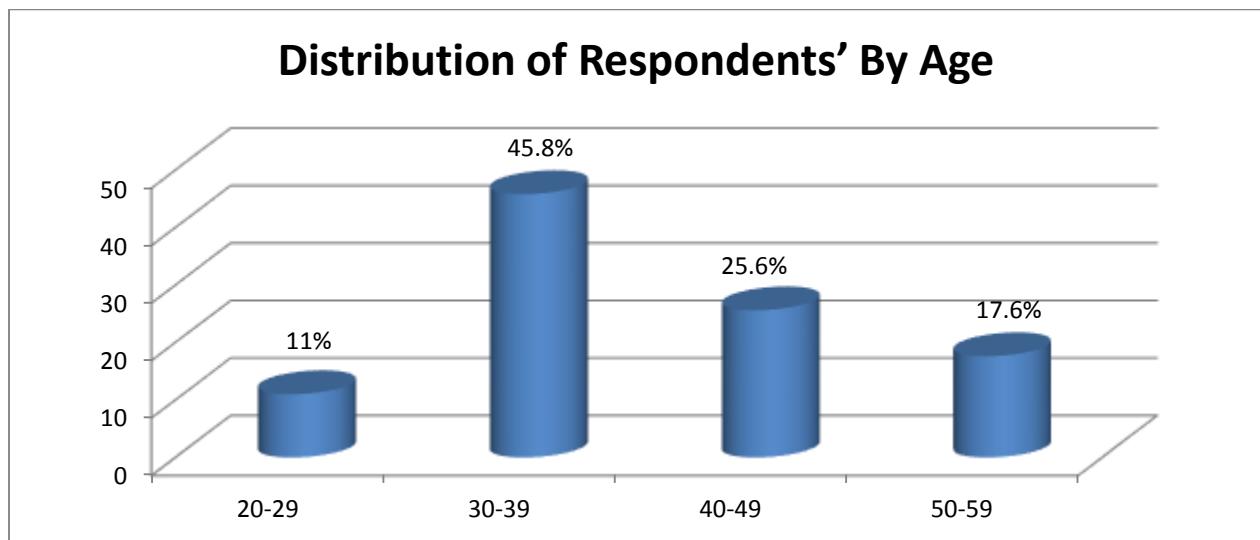
5.0 Introduction

This chapter deals with the discussion and analysis of the study. The chapter explains the data and its analysis pertaining to the study area. The discussion and analysis of the various questions are as follows in the ensuing sections:

5.1 Respondents' Demographic Data

In all, a total of 500 respondents were sampled from the quantified data. This section presents the distribution of respondents according to age and sex.

Figure 5.1: Distributions of Respondents by Age



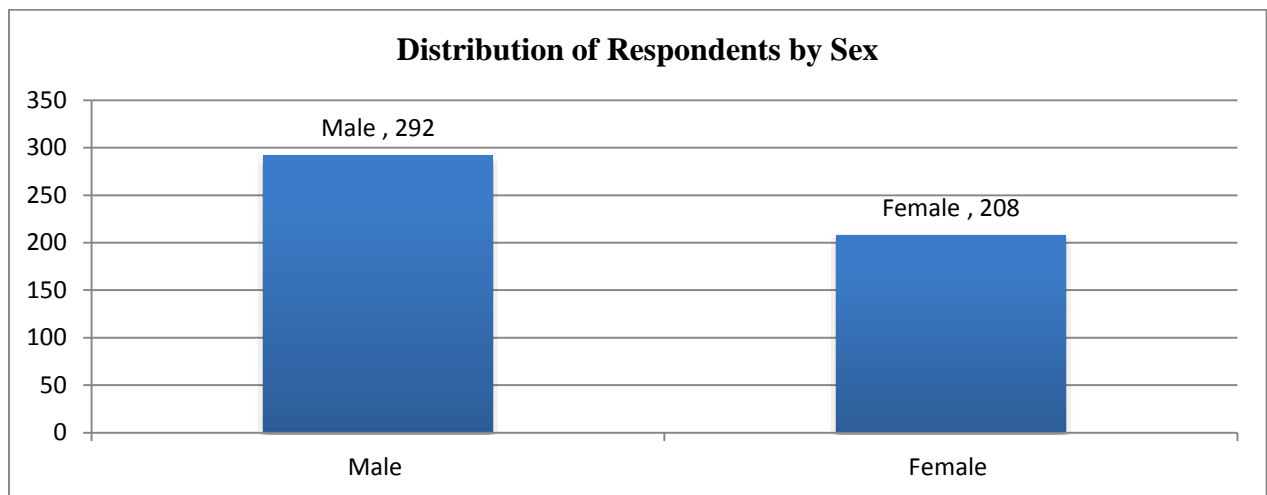
Source: Author's Field Data, 2013

From figure 5.1, it can be observed that most of the respondents were between the ages of 30-39 which formed 45.8 per cent of the total population of 500 respondents. This implies that most of

the respondents were in the active working-class population and therefore were interested in the implications on issues related to public interest.

5.2: Distribution of Respondents by Sex

Figure 5.2: Distributions of Respondents by Sex



Source: Author's Field Data, 2013

The data analysis revealed that there were more male respondents than female. There were 292 (58.4%) males and 208 (41.6%) females. This could be a reflection of the fact that more males occupy supervisory and management positions within the public sector in the country than females.

The main purpose of this study was to ascertain the extent to which Ghanaian public officials act in public interest in the execution of their official duties. In view of this, some indicators of public interest which were identified from the literature review were confirmed through face-to-face interviews. The table below provides the results of the analysis for the extent to which respondents perceive the actions of public officials. For the purposes of this study, percentages that are below 50% are considered low while those above 50% are considered high.

Table 5.1: Distribution of Respondents - Extent to which Ghanaian public officials act in public interest regarding the execution of official duties

RANK (%)	Execution of official duties	Democracy	Mutuality	Sustainability	Legacy
< 20	-	-	12(2.4)	-	28(5.6)
21-30	73(14.6)	-	-	35(7.0)	33(6.6)
31-40	55(11.0)	37(7.4)	60(12.0)	60(12.0)	42(8.4)
41-50	100(20.0)	105(21.0)	200(40.0)	175(35.0)	122(24.4)
51-60	177(35.4)	85(17.0)	90(18.0)	113(22.6)	95(19.0)
61-70	37 (7.4)	131(26.2)	75(15.0)	75(15.0)	110(22,0)
71-80	25(5.0)	144(22.8)	43(8.6)	30(6.0)	42(8.4)
81-90	15(3.0)	28(5.6)	20(4.0)	12(2.4)	28(5.6)
91-100	18(3.6)	-	-	-	-
Total (n)	500(100)	500(100)	500(100)	500(100)	500(100)

Source: Author's Field Data 2013

From table 5.1 it is evident that democracy was the most highly ranked indicator (92.6%) of public interest, followed by mutuality (85.6%). In general more than three-quarters of the respondents agreed that legacy, sustainability, mutuality, democracy and execution of official duties are the core values that signify public interest as it is indicated also in Table 5.1, a simplified version showing the rankings (low or high) are shown in Table 5.2

Table 5.2 Frequency Distribution of the Indicators of Public Interest

RANK (%)	Execution of official duties	Democracy	Mutuality	Sustainability	Legacy
LOW (0-50)	128(25.6)	37(7.4)	172(14.4)	95(19.0)	103(20.6)
HIGH (51-100)	372(74.4)	463(92.6)	428(85.6)	405(81.0)	397(79.4)
TOTAL	500(100)	500(100)	500(100)	500(100)	500(100)

Source: Author's Field Data, 2013

With the results in Table 5.2, the researcher used the Chi-Square Test of Multinomial Proportions to test whether the proportion of high ranks (51-100%) among the different indicators of public interest are the same. The hypothesis formulated and tested is stated as follows:

H₀: The indicators of public interest rank the same for high proportions of public interest.

H₁: The indicators of public interest do not rank the same for high proportions of public interest.

Chi-Square Tests were used to test the hypothesis. The results are presented in Table 5.3

Table 5.3: Chi-Square Tests

	Value	df	p-value
Pearson Chi-Square	7.432 ^a	4	.220
Likelihood Ratio	9.674	4	.410
Linear-by-Linear Association	1.268	1	.423
N of Valid Cases	2500		

Source: Author's Field Data, 2013

From Table 5.3, it is revealed that p-value of 0.220 was recorded for the Chi-Square test. Since the p-value is greater than the significant level of 0.05, it can be said therefore, that the test was not significant.

Hence the conclusion is that, the indicators ranked the same in predicting high proportions of public interest among public officials. Thus, each of the indicators of public interest namely: execution of official duties, democracy, mutuality, sustainability and legacy were viewed as having the same potential for predicting one's level of public interest. This supposition is a reflection of the findings by scholars besides Ghana's republican constitution that conflict of interest is prevalent in similar proportions in the public and private life of public officials (Reed, 2008; 1992 Constitution, Article 284). The literature thus, suggests that the public official has private or other interests which may influence or appear to influence the impartial and objective performance of his or her official duties.

Corroborating, an interviewee in the course of the interview session said that, *“all the indicators of public interest such as, execution of official duties, democracy, mutuality, sustainability and legacy have equal strength and potential of predicting one's level of public interest or conflict of interest.”*

Objective 1: Assess the extent to which corruption is perceived in both Public and Private Life of Public Officials

The first objective sought to find the views of respondents on the level of corruption in both public and private life of public officials. The ensuing frequency tables present the results of the data analysis. For the purpose of this study and based on Transparency International Corruption Perceptions Index (2014), the researcher ranked “low-level corruption” as 0-50%, while “high-level corruption” is 51-100%. However, the Corruption Perceptions Index, 2014 of Transparency International measures the perceived levels of public sector corruption globally and scores them from 0 (highly corrupt) to 100 (Very clean). The levels of corruption in both public and private life among public officials are presented in Table 5.4.

Table 5.4: Rank (level) of Corruption in both Public and Private Life of Public Officials

RANK	PUBLIC LIFE		PRIVATE LIFE	
	FREQUENCY	PERCENTAGE (%)	FREQUENCY	PERCENTAGE (%)
0- 20	25	5.0	48	9.6
21-30	47	9.4	23	4.6
31-40	78	15.6	71	14.2
41-50	56	11.2	-	-
51-60	63	12.6	82	16.4
61-70	96	19.2	63	12.6
71-80	49	9.8	194	38.8
81-90	38	7.6	13	2.6
91-100	48	9.6	6	1.2
Total(n)	500	100	500	100

Source: Author's Field Data, 2013

Table 5.5 is simplified form of Table 5.4 which presents the ranks that depict levels of corruption. On the issue of corruption in the table above, most people have ranked corruption in both public and private life of the public official between 51-100% implying that the highest number of respondents believed that corruption in both public and private sector organizations is very high.

Table 5.5: Anticipated Levels of Corruption

RANKS	LEVEL	PUBLIC	PRIVATE
		FREQUENCY	FREQUENCY
0-50	Low	206 (41.2%)	142 (28.4%)
51-100	High	294 (48.8%)	358 (71.6%)

Source: Author's Field Data, 2013

On the level of corruption, an interviewee emphasized that: *“Corruption is a social cancer and also endemic in both public and private institutions of Ghana”*.

In a follow up question to sample respondents' views on Ghana's performance in the Corruption Index, the interviewee asserted that: *“it is cosmetic; again, it is just a paper beauty because corruption continues to slope from bad to worst. It started years ago and it continues till date; so anybody who tells you that corruption has reduced and so on is just deceiving”*.

Generally, corruption is believed to be a problem, but how bad is it in the various jurisdictions? From the Corruption Perceptions Index of 2013 in particular, 177 countries and territories were ranked around the world on their perceived levels of public sector corruption. Accordingly, the results revealed that there were situations where countries scored less than 50 out of 100. Therefore, almost 70% of countries are perceived to have a serious corruption problem (Transparency International Corruption Perceptions Index 2013). In this vein, the perception of corruption in both public and private life of public officials was tested as indicated in the Chi-square Table 5.3 as indicated in the ensuing narration:

Table 5.6: Chi-Square Test of Homogeneity on Perception of Corruption between Public and Private Life of Public Officials

	Value	Degree of Freedom	P-value
Pearson's Chi-Square	0.31	1	0.578
Fisher's Exact Test			0.625

Source: Author's Field Data, 2013

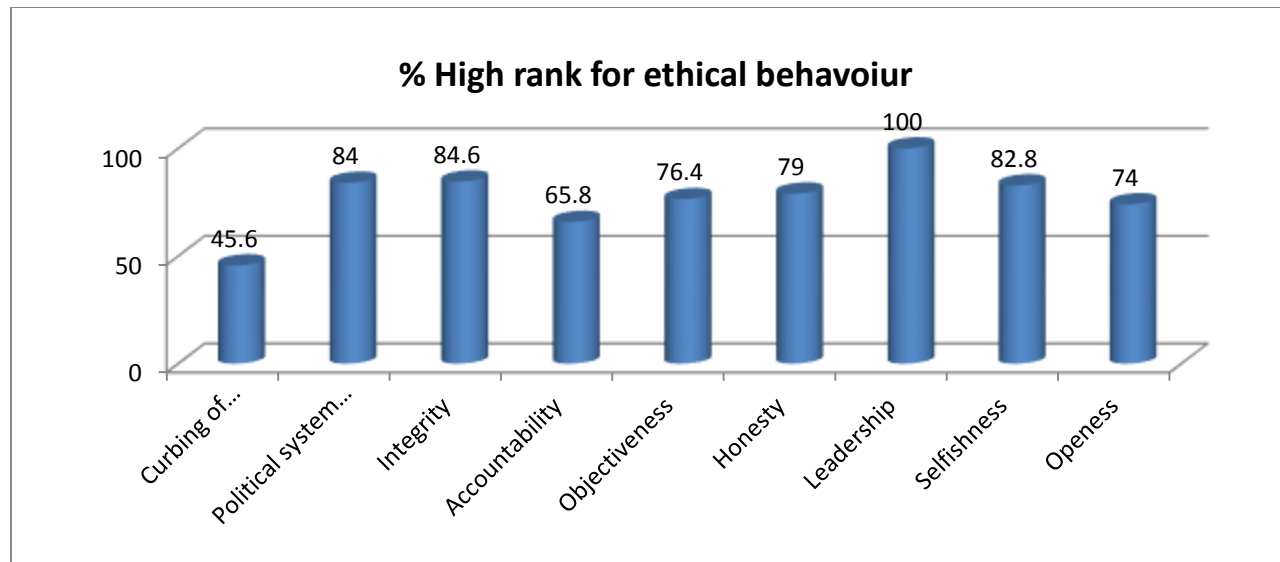
H₀: Perception of corruption within the public and private life rank the same.

H₂: Perception of corruption within the public and private life do not rank the same.

From the test, the researcher concluded that, the p-value of 0.578 was greater than any meaningful level of significance (say $\alpha = 0.05$) which indicated that public and private sectors have similar opinions or perceptions about the level of corruption in both sectors.

In an interview to understand the prevalence of unethical practices such as corruption and conflict of interest among public officials a respondent had this to say: "honesty is a prerequisite for ethical behaviour, selfishness is another, followed by integrity, openness, objectivity and accountability". This implies that, perceptions on corruption and conflict of interest in both public and private life of public officials

As already explained, for the purposes of this study, percentages from 0-50 is ranked as low while percentages from 51-100 is ranked as high. The researcher sought to find the percentage values for all the highly ranked indicators. The findings are shown in the graph in Figure 5.3.

Figure 5.3: Ranking Indicators of Public Official's Ethical Behaviours (public interest)

Source: Author's Field Data, 2013

From Figure 5.3, the analysis shows that all the 500 (100%) respondents tipped Leadership as the highest ranked ethical behaviour that could lead to public interest. This implied that effective leadership in the public sector is a prerequisite for ethical behaviour. This was followed by integrity (84.6%), while curbing corrupt practices was the least ranked indicator with (45.6%) response. It is however worthy of note that the definition of leadership used for this study was that by Northouse's (2007, p3) which states that Leadership is a process whereby an individual influences a group of individuals to achieve a common goal. Without effective and efficient leadership, subordinates will do what they want. Furthermore, inadequate supervision could give employees the freedom to engage in corrupt practices.

An interviewee on a question of which indicator of ethical behaviour was most effective to enhance public interest, has this to say: "in instances where leaders are themselves engaged in corruption, it is likely for employees to do same and such leaders may not have the moral authority to demand accountability from their subordinates"

Table 5.7 Frequencies of Level of Ranks

		Ethical Behaviours(public interest)									
Level of Ranks	Hig Low	Curbing of corrupt practices	Political system on corruption	Integrity	Accountability	Objectivity	Honesty	Leadership	Selfishness	Openness	
		Total		272	80	77	171	118	105	0	86
		228	420	423	329	382	395	500	414	370	
		500	500	500	500	500	500	500	500	500	

Source: Author's Field Data, 2013

Using the indicators of ethical behaviour in Table 5.7, the researcher was equally interested in finding whether the perception of corruption within the public and private life of public officials ranked the same for high proportions of conduct (51-100%) among the different dimensions of ethical behaviour. The hypotheses formulated and tested are indicated as follows as per Table 5.8.

Table 5.8: Chi-Square Test of Multinomial Proportions

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	505.152 ^a	8	.000
Likelihood Ratio	569.773	8	.000
Linear-by-Linear Association	111.268	1	.000
N of Valid Cases	4500		

Source: Author's Field Data, 2013

0 cells (.0%) have expected count less than 5. The minimum expected count is 115.44.

H₀: Perception of corruption among public officials rank the same for high categories (51-100%) of corruption.

H₃: Perception of corruption among public officials do not rank the same for high categories (51-100%) of corruption.

The researcher tested whether the perception of corruption among public officials rank the same for high categories (51-100%) of corruption.

From Table 5.8, the chi-square test was significant at 8 degrees of freedom with a p-value = 0.00 < 0.01, which meant that perception of corruption among public officials rank the same for high categories (51-100%) of corruption.

Qualitatively, in an interview aimed at measuring the ethical behaviour of the judiciary, an interviewee corroborated the chi-square findings by saying:

As a leader of the association, I have continuously advised the executive of the Ghana Bar Association (GBA) to rise above political partisanship and strive to be

true professionals in the work they do. The GBA is a professional association and it has a responsibility of upholding highly acceptable standards for the benefit of the country; therefore, must discipline any member who fails to uphold such standards. For instance, when a case is being heard for determination, nobody has the right to discuss its details in public; but what do we see in the dailies and hear on radio?

In conclusion, the study found that the perception of corruption among public officials rank the same for high proportions (51-100%) of conduct on official duties.

Objective 2: To Assess Various Dimensions of Conflict of Interest Among Public Officials

The researcher sought to examine the incidences of conflict of interest and the various dimensions of conflict of interest among public officials. With respect to this section, various dimensions such as self-dealing, post- employment, influence peddling and others were analysed as stated by respondents. The following frequency tables and figures of the different incidences of conflict of interest:

Table 5.9: Knowledge on Conflict of Interest

RESPONSE	FREQUENCY	PERCENTAGE (%)
No	70	14.0
Yes	430	86.0
Total(n)	500	100

Source: Author's Field Data, 2013

From Table 5.9, 430 (86.0%) out of the 500 total respondents indicated that they were aware of such high incidences as conflicts of interest. Some indicators of conflict of interest were identified from the respondents. The incidences of conflict of interest identified are as follows: self-dealing, post-employment, influence peddling, acceptance of benefits, use of confidential information for personal advantage, outside employment/moonlighting and abuse of office. The use of confidential information for personal gain is of particular concern because it does not create an even playing field especially when bidding for government contracts. It is in this vein that Ofori-Mensah (2011) suggests that there is the need for a policy to prevent ex-public sector workers who may want to exploit strategic knowledge gained when they were in public service for their private gains. Self-dealing, acceptances of gifts, abuse of power were also found to be prevalent among public officials in some public institutions, which confirmed the works of other researchers on conflict of interest (such as Bandfield, 2003; Ofori-Mensah, 2011; Pathranarakul, 2005). The findings for each of the specific incidence are explained in the following paragraphs and tables. On the occurrence of self-dealing, in Table 5.10 below, 83.0% of the total respondents were of the view that public officials engaged in the act of self-dealing because the probability and motivation to seek their own interest was very high.

Largely, the results showed that respondents were highly aware of incidences of conflict of interest. Indeed, the use of confidential information for personal gain is of particular concern to the respondents who believed that it lacks equity and fairness especially when bidding for government contracts.

Table 5.10: Respondents' Views on Conflict of Interest – Self Dealing

RESPONSE	FREQUENCY	PERCENTAGE (%)
Not in all circumstances	85	17.0
Very high probability for public official to act in his own interest	415	83.0
Total(n)	500	100

Source: Author's Field Data, 2013

Table 5.10 revealed that 415 (83.0%) out of the 500 respondents were strongly in favour of the probability that the public official acting in his own interest is very high while 85 (17.0%) responded that self-dealing does not occur in all circumstances. In conclusion, Table 5.9 and Table 5.10 confirmed that conflict of interest was real given the significant number of respondents who cited most public officials as acting in their own personal interest.

In the course of the interviews, a respondent alluded that, “selfishness is synonymous to public service. That majority of public officials in Ghana act to satisfy their selfish interest to the neglect of the general interest of the masses.”

On Post-Employment, there were varied opinions. Details of the findings are indicated in Table 5.11

Table 5.11: Respondents' Views on Post-Employment

RESPONSE	FREQUENCY	PERCENTAGE (%)
A retired officer receiving remuneration	19	3.8
Influence at one's former place of work	29	5.8
Leaving office and still using previous position for benefits	38	7.6
Offering contracts to retired staff	184	36.8
Seeking re-engagement after retirement	37	7.4
Selfishness	70	14.0
Storing organizational property for future use	123	24.6
Total(n)	500	100

Source: Author's Field Data, 2013

From Table 5.11, it was observed that respondents' views on post-employment were varied. A majority, thus 184 representing 36.8% of the total 500 respondents believed that public officials were likely to offer contracts to retired colleagues. It was also revealed that public officials (24.6%) would store organizational property, while still in office for future use hoping that they could still do business with the organization after they have retired. However, some respondents, 70 (14.0%) believed that public officials would engage in such acts only for selfish motives.

The researcher sought for respondents' views on influence peddling. The findings are recoded in Table 5.12.

An in-depth interview with a respondent on the issue of post-employment life of public officials, the respondent said that “most retirees still seek re-engagement after retirement, many hoard

public property mostly vehicles for future use and in many cases public contracts are being offered to retired staff.”

Table 5.12: Respondents’ Views on Influence Peddling

RESPONSE	FREQUENCY	PERCENTAGE
Demands before granting discount on adverts	47	9.4
Lobbying	79	15.8
Past workers use their influence to gain advantage for themselves	42	8.4
Requesting money or gifts from people in discharging their official duties	245	49.0
They use their positions to often influence and get certain favours.	87	17.4
Total(n)	500	100

Source: Author’s Field Data, 2013

Influence peddling as a form of conflict of interest from Table 5.12 was expressed by majority, 245 (49.0%) of the total 500 respondents as public officials requesting money or gifts from clients/customers before discharging their official duties. In some cases, 87 (17.4) respondents believed that officials would often use their positions to influence and solicit favours; while 79 (15.8%) of public officials often engaged in lobbying to influence situations.

An activity that has the tendency of compromising public officials in the discharge of their duties is the giving and acceptance of gifts. In this vein the views of respondents were solicited. There

was a greater consensus that the giving of gifts in whatever form (Christmas hampers, birthday gifts among others) have the tendency to alter or influence the decisions of public officials. The study found a total of 290 respondents, representing 58% indicated that acceptance of benefits constitute a form of conflict of interest and it is manifested in the form of Christmas gifts and hampers, which often affects the public officials' decision making.

On the issue of confidential information, 363 respondents, representing 77.8% stated that confidential information is used for personal advantage for instance, providing confidential information during procurement processes in exchange for money. It was revealed that 59% of respondents indicated that confidential information is used for personal advantage. 8.6% of respondents agreed that such information affect the discharge of duties. 13% of respondents were of the view that the giving of confidential information are done in exchange for money, while 5.2% respondents indicated that such insider information often used in public procurement.

Responses from the interviews on influence peddling among public officials of Ghana showed that “some officials make request for money or gifts from people in discharging their official duties as well as using their positions to often influence and get certain favours.”

On the use of employment property, Table5.13 shows that 472 respondents, representing 94.4% of the total population perceived that public officials were in the habit of using employers'/public properties for personal gains.

Table 5.13: Respondents' Views on Use of Employment Property

RESPONSE	FREQUENCY	PERCENTAGE (%)
No	28	5.6
Yes	472	94.4
Total(n)	500	100

Source: Author's Field Data, 2013

In the case of moonlighting/outside employment, the study revealed that of the total 500 respondents, 417 (83.4%) respondents believed that public officials had the penchant for devoting their office hours to outside businesses instead of sticking to assigned official duties. However, a significant number of 83 (16.6%) respondents stated that they had the least idea about what the phenomenon was.

Abuse of office is often stated as a variable for measuring conflict of interest in the public sector.

The perception of respondent on abuse of office is indicated in Table 5.14

Table 5.14: Respondents' Views on Abuse of Office

RESPONSE	FREQUENCY	PERCENTAGE (%)
Deviating from laid down or standard operating procedures	80	16.0
In some instances	10	2.0
Making baseless complaints about an employee to his or her superior	14	2.8
No	33	6.6
Roles are used for personal benefits	56	11.2
Under-invoicing and over-invoicing	53	10.6
Usage of one's office to intimidate others	81	16.2
Yes	173	34.6
Total(n)	500	100

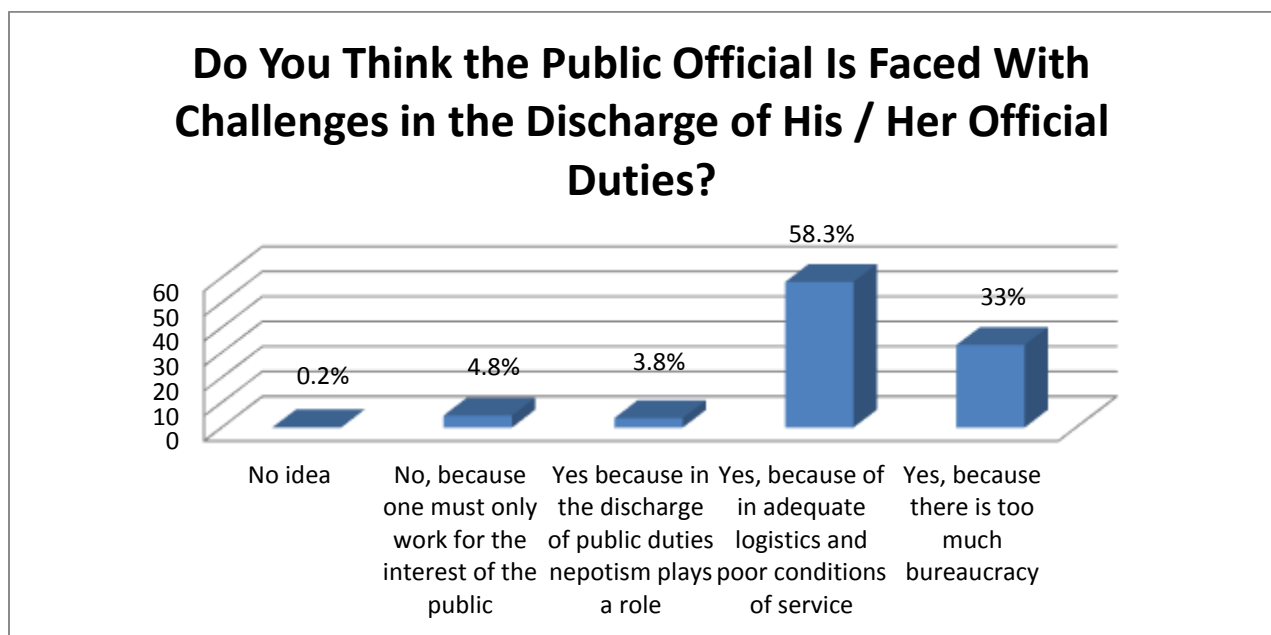
Source: Author's Field Data, 2013

On the subject of abuse of power, respondents were unanimous in the following categories: “intimidation, under and over invoicing, sexual harassment, nepotism, favouritism and bending of laid down rules for personal benefits.” Essentially, knowledge on conflict of interest could be summed up as follows: abuse of office; post-employment; influence peddling; confidential information for personal advantage; acceptance of benefits; moonlighting/outside employment etc. in the descending order. Generally, the most commented incidence was on post-employment of which 94% of the 500 respondents answered in the affirmative.

Objective 3: Examine the challenges faced by public officials in the discharge of their official duties

The researcher solicited views of respondents on the challenges faced by public officials in the execution of their duties. The views expressed by the respondents were varied. The results are indicated graph in figure 5.4.

Figure 5.4: Views on Challenges Faced By Public Officials



Source: Author's Field Data, 2013

In their respective responses in Figure 5.4 to whether or not the public official is faced with various challenges in the discharge of their duties; the responses were very diverse. For instance, 58.2% of the 500 respondents affirmed that public officials were faced with challenges in the form of poor conditions of service and inadequate logistics; 33% of respondents also cited bureaucracy; 3.8% cited nepotism as playing a devastating role. On the other hand, others believed that challenges were not real because public officials exist only to work for the interest of the public. In sum, this study revealed as per Figure 6.4 that public officials would be much more professional

and ethical in their behaviours if they were equipped adequately with logistical support and operate within a good service condition devoid of nepotism.

The researcher further analysed the extent of professional demands on the public official. Some indicators of professional demands that would enhance public interest were identified from the literature and views were sought from respondents. The results revealed that ‘challenges affect the professional demands of public officials. Twenty-eight per cent (28.2%) of the total respondents affirmed that integrity was either impaired or compromised, while 22.4% were of the view that inadequate logistics and poor conditions of service could be cited for these challenges. Furthermore, other respondents (23.4%) believed that these challenges influenced public officials to make them circumvent laid down procedures; but 12.2% also were of the view that often there were breakdowns in communication which yielded to political pressures.

Thus, from the interview results on challenges facing the Ghanaian public officials interviewees were unanimous and had this to say: “over politicization of the public service, overly bureaucratization and logistical constraints are a bane on the professional and responsible performance of the public official”.

To sum up, the study indicated that indeed, the professional demands on the public officials were compromised due to the numerous challenges they face at their workplaces. Furthermore, there was the need to assess the justification for professional demands on public officials. The results are represented by the frequency table below

Table 5.15 Reasons for Professional Demands on the Public Official

RESPONSE	FREQUENCY	PERCENTAGE (%)
Unfavourable environment does not encourage good performance	27	5.4
rule of law allows one to act in the interest of the public	44	8.8
Difficulty in accessing information	21	4.2
Absence of bureaucracy motivates people to be creative	43	8.6
It lowers productivity	74	14.8
Lack of library for research	19	3.8
Negative influence and lack of objectivity	55	11.0
Lack of logistical support does not make Public officials put up their best	99	19.8
Public officials look for other means to satisfy him/herself	6	1.2
Affects efficiency and effective delivery of task	20	4.0
The public officer is unable to give off his best	18	3.6
Public officials inability to communicate his goals to the grassroots	20	4.0
Whether good or bad, public officials must deliver	28	5.6
Total(n)	500	100

Source: Author's Field Data, 2013

In Table 5.15, respondents believed that the challenges public officials are confronted with have great influence on their professional demands and judgments due to diverse reasons. For instance, 117 (23.4%) respondents believed that though public officials were expected to put up their best in the interest of the public often they had little logistical support for their official duties; while 20 (4.0%) stated that public officials were unable to communicate effectively their goals to their subordinates; and others 46 (9.2%) said public officials either lacked libraries for research or lacked conducive working environment for enhanced performance.

In conclusion, it is revealed from Table 5.12 that public officials would not be highly professional in their judgments due to the reasons cited above, with the most prominent reason cited as lack of logistical support.

Objective 4: Examine the role of the Judicial Service of Ghana in the promotion of Public Interest.

The fifth objective sought for views on the role of the Judicial Service of Ghana in the promotion of public interest. Respondents shared their opinions about the Ghana Judicial Service based on some dimensions like promoting human rights, improving access to justice and protection of rights of the vulnerable, ensuring efficiency and speedy delivery of justice etc. The following tables therefore explain what respondents believed were the shared responsibilities of Ghana's Judiciary.

Table 5.16: Description of Ghana's Judicial Service – Promoting and Upholding Human Rights

RESPONSE	FREQUENCY	PERCENTAGE (%)
Good	293	58.6
Poor	152	32.4
Challenging	45	9.0
Total(n)	500	100

Source: Author's Field Data, 2013

From Table 5.16, the common view among respondents was that, Ghana's Judicial Service has been generally good in the promotion of human rights. Two hundred and ninety-three (293) respondent, representing 58.6% asserted to this. However, 152 (32.4%) respondents gave the Judicial Service a poor rating while 45(9%) of respondents indicated that the role of Ghana's Judicial Service has been challenging. It was also significant to note that other respondents, 197 (41.4%) believed that the task of upholding and promoting human rights was challenging and thus was poorly executed. This notwithstanding, the general impression from the views of respondents is that, the Judicial Service is doing well in the area of promoting and upholding human rights, as per the 58.6% positive rating which therefore debunks the extant view that the service was performing poorly.

On the question of providing justice and protection of human rights for the vulnerable in the society, most respondents 231(46.2%) believed that though the Service had performed well enough, 153 (30.6%) gave it a poor rating. However, there was consensus that there is more room to improve. In sum, the study showed that the Judiciary in Ghana did relatively well providing justice and protection of human rights for the vulnerable in the society as depicted in Table 5.16.

A respondent in the course of the interview session shared his opinion on the role of the Judicial Service in promoting public interest and outlined the following as necessary ingredients:

“protection of human rights, increased access to justice, increased rights of the vulnerable, marginalized as well as ensuring efficiency and speedy delivery of justice.”

In a question to ascertain the challenges faced by the judicial service in delivery of justice, a respondent intimates that:

It is the responsibility of a judge to be impartial and independent in the justice process, but justice is usually tampered with due to the partial attitudes of some judges. It is a general perception that the judiciary is partial along political party lines and the most corrupt system in the country. The judicial council must apply the disciplinary measures to any judge who partially adjudicates a case. The Government and the people of Ghana expect the judiciary to be impartial, independent and very professional in the work they do. We all know that not all cases can be won in the court.

Another interviewee opined that:

Judicial corruption is no longer a perception but it is a reality. The Chief Justice has alluded to this; Judges themselves have also alluded to this. There is a perception which has gained currency that without a bribe you cannot secure a favourable decision in court. I think that the Judiciary as an institution of state needs to have a self-introspection.

Table 5.17: Description of Ghana’s Judicial Service – Improving Access to Justice and Protection of Rights of the Vulnerable

RESPONSE	FREQUENCY	PERCENTAGE (%)
Good	231	46.2
Poor	153	30.6
Unpunished	63	12.6
More room for improvement	53	10.6
Total(n)	500	100

Source: Author’s Field Data, 2013

On the speedy delivery of justice, 162 (32.4%) respondents opined that efficiency and speedy delivery of justice were lacking because the courts were not computerized. Based on this, it can be emphasized that, the calls by civil society groups for the computerization of the judiciary is in the right direction (Ghana Integrity Initiative Alert, 2014).

Further, it was believed that poor justice delivery, 198 (39.6%) characterized the performance of the Judiciary in Ghana. The findings therefore suggest that there is still room for improvement as many people in Ghana are still not able to receive fair trial from the judiciary due to the perception that judgement in ones favour is for sale (The Global Corruption Report, 2007). As cited in the Global Corruption Report (2007), real corruption or perceived corruption in the judiciary poses a big challenge because it denies country’s citizens access to justice and basic human rights. It is therefore important for the judiciary to remain impartial because when the courts are corrupted by greed or political expediency, the scales of justice are tipped, and ordinary people suffer (Ghana Integrity Initiative Alert, 2014). When the views of respondents were solicited on what the

judiciary service is doing to ensure public confidence, the responses were varied. These are indicated in Table 5.18

Table 5.18: Description of Ghana’s Judicial Service in ensuring Public Confidence

RESPONSE	FREQUENCY	PERCENTAGE (%)
Excellent	6	1.2
Good	255	51
Poor	225	45
Fair	14	2.8
Total(n)	500	100

Source: Author’s Field Data, 2013

Table 5.15 revealed that though many more respondents 261 (52.2%) believed that the Service was good at ensuring public confidence, quite a sizable number 225 (45%) equally believed that this singular role of the Judiciary was done poorly. The 45% poor rating is not surprising as it agrees with the findings contained in the Global Corruption Report (2007). According to the report, Ghana is not able to handle the issue of corruption and conflict of interest because the enforcement agencies such as the Judicial Service and CHRAJ are not adequately resourced to carry out their mandate. There is also the need to attract and retain qualified and experienced professionals to work in the judicial service.

On the role of the judiciary in the improvement of human and infrastructural capacity, the responses were generally good. The results are shown in table 5.16.

Table 5.19: Description of Ghana’s Judicial Service – Improving Human and Infrastructural Capacity

RESPONSE	FREQUENCY	PERCENTAGE (%)
Good	337	67.4
Poor	29	5.8
Modern infrastructural capacity necessary in the courts	123	24.6
No idea	11	2.2
Total(n)	500	100

Source: Author’s Field Data, 2013

Table 5.19 indicated that 337 (67.4%) respondents believed that the Service was performing well in the area of improving human and infrastructural capacity. However, it became clear that the Judiciary was lacking in modern infrastructure.

To sum up, from the data relating to the Judicial Service of Ghana performance was based on some dimensions including: promoting human rights, improving access to justice and protection of rights of the vulnerable, ensuring efficiency and speedy delivery of justice, and improving infrastructural capacity. The study revealed that among all the indicators for measuring the performance of Ghana’s Judicial Service, by 67.4% of the respondent’s views, the Service appeared to have excelled in the area of ‘improving human and infrastructural capacity’. Promoting and upholding human rights was also found to be popular with the Service by 59%; followed by ensuring public confidence attracted representing 51%; while 46.2% of respondents believed that the Judicial Service had achieved much success in the area of improving access to justice and protection of

rights of the vulnerable. Finally, it became obvious from the study that the Judiciary performed very poorly generally by 72% in the area of ensuring efficiency and speedy delivery of justice.

Objectives 5: Examine accountability measures existing in public organizations.

This section explains the policy of asset declaration, the accountability measures and suggestions taken to curb conflict of interest in the working life of the public official. The section therefore examined as per Table 5.20 the extent to which public officials understand the policy of assets declaration in Ghana. It further interrogated the effectiveness of accountability measures existing in public organizations.

Table 5.20: To What Extent Do Public Officials Understand the Policy on Assets Declaration of Public Officials under the 1992 Constitution of Ghana?

RESPONSE	FREQUENCY	PERCENTAGE (%)
Very well	33	6.6
Well	75	15.0
Fairly well	246	49.2
Poor	146	29.2
Total(n)	500	100

Source: Author's Field Data, 2013

On balance however, 211 (42.2%) respondents believed that the effectiveness of the policy was poor with some 41 (8.2%) of the respondents who had no idea that the policy was working or not. Opinions on the policy's effectiveness were mixed as it became clear that though officials opined that the policy was effective, a near equal number were oblivious of the policy's existence. This trend is worrying especially in the fight against corruption. If assets declaration policies are not enforced, then it will be difficult to check the wealth of public officers before and after leaving office (Ayee, 1997). If it is not done, then it will be difficult to know whether a public officer has acquired more assets upon leaving office than their income will support, and if so, conduct investigations. However, Ayee (1997) the enforcement of assets declaration policies for public officers is still dragging due to the lack of political will. Perhaps that could account for the often strident call of the media for public officials to declare their assets. This supports the assertion that the role of the public official is to bring people 'to the table' and to serve citizens in a manner that recognizes the multiple and complex layers of responsibility, ethics, and accountability in a

democratic system (Denhardt and Denhardt, 2011). Table 5.21 therefore illustrates the effectiveness of accountability measures through the lenses of respondents.

Table 5.21: Effectiveness of Accountability Measures in Your Organization or Ghana

RESPONSE	FREQUENCY	PERCENTAGE (%)
Most effective	10	2.0
Very effective	52	10.4
Effective	102	20.4
Not effective	316	63.2
No idea	20	4.0
Total(n)	500	100

Source: Author's Field Data, 2013

From Table 5.18, respondents indicated that, accountability measures in the Ghanaian public sector was gravely ineffective, 316 (63.2%) while a few public officials confessed their ignorance about any existence of such accountability measures. It was also observed from Table 5.17 that 354 (70.8%) proportion of the total 500 respondents were of the view that issues of assets declaration as stipulated in the 1992 Constitution of Ghana were understood by public officials; while 146 (29.2%) respondents believed that the policy was poorly understood. This notwithstanding, two hundred and forty-eight- 248 (49.6%) out of the total 500 respondents were of the view that the Assets Declaration Policy of public officials in Ghana was well patronized and well understood.

In sum, from Table 5.21 the study showed that most public officials believed that either the accountability measures in place were not effective or officials were completely ignorant. Furthermore, the study provides some suggestions for curbing conflict of interest during the performance of the public official's duties. The suggestions were largely from respondents and they are represented in Table 5.22.

Table 5.22: Suggestions to Curb Conflict of Interest in the Working Life of the Public Official

RESPONSE	FREQUENCY	(%)
Public officials must follow the ethics in the performance of official duties	69	13.8
Average provision of funds towards incentives and salary increments	12	2.4
Culprits should be brought to book	73	14.6
Improving condition of service, employee training and staff development	199	39.8
It is very high in terms of awarding contracts	36	7.2
No	14	2.8
No idea	35	7.0
The procurement law should be well amended	7	1.4
Proper checks and balances in the public services	7	1.4
There should be orientation and education	37	7.4
public officials should be professional in their duties	11	2.2
Total(n)	500	100

Source: Author's Field Data, 2013

Table 5.22 in a descending order, revealed that respondents, 199 (39.8%) suggested that conflict of interest could be effectively curbed when conditions of service are improved, when employees are adequately trained as well as the development of management processes; then 73 (14.6%) of the respondents believed that culprits should be brought to book. Again, some other officials opined that public officials ought to comply rigorously with organizational ethics in the performance of their official duties. Others, 37 (7.4%) recommended that there should be orientation and education on ethics and public interest. Meanwhile, other respondents 36 (7.2%) intimated that officials ought to be more professional when they are awarding contracts; 12 (2.4%) on the other hand believed there ought to be provision of funds towards incentives and salary increments; while a few other respondents, 11 (2.2%) opined that public officials should be professional in administering their official duties. Table 5.18 revealed that majority of public officials had some amount of knowledge about issues of conflict of interest thus, making them commenting on the topic.

Table 5.23: Suggestions to Curb Corruption in the Working Life of the Public Official.

RESPONSE	FREQUENCY	(%)
CHRAJ should be strengthened and given more powers to punish offenders	13	2.6
Conditions of service should be improved, motivation and education	252	50.6
Corruption can't be 100% curbed as it is a human problem	80	16.0
Embarking upon massive education, speeding up corrupt cases	31	6.2
No idea	5	1.0
Perpetrators should be rendered severe punishments so as to discourage its reoccurrence	53	10.6
Politicians are not corrupt, it is the people who make them corrupt	7	1.4
The public official should try and live within his means	50	10.0
Transparency, effective motivating	8	1.6
Total(n)	500	100

Source: Author's Field Data, 2013

Table 5.23 elucidates that respondents, 283 (56.8%) were of the opinion that conditions of service should be improved, officials must be motivated and educated to curb corruption from the working life of the public official; while 53 (10.6%) respondents intimated that perpetrators should be given severe punishments so as to discourage its reoccurrence. Then others 50 (10.0%) opined that the public official should try and live within their means; while 13 (2.6%) respondents called on Government to strengthen and empower CHRAJ to punish offenders. Another set of respondents,

8(1.6 %) prescribed some amount of transparency in the public sector to motivate the public official. On the other hand, a few respondents 87 (1.4%) believed that corruption can't be 100% curbed as it is a human problem where the public often corrupt politicians.

In conclusion, the study showed that largely, the absence of appropriate condition of service provides sufficient platform for the perpetuation of public sector corruption.

There are dynamics under which the public official's challenges manifest during his or her official duties in the diverse settings of the Old Public Administration, the New Public Management, and the New Public Service as public officials engage in the policy process. While the Old Public Administration and the New Public Management pontificate to the reliance on bureaucratic expertise or managerial entrepreneurship, the New Public Service argues largely for an enhanced capacity for citizen involvement in the public policy process. However, they all share the same concern for democratic governance and civic engagement that is central to the New Public Service, yet missing in the Old Public Administration and the New Public Management (Denhardt and Denhardt, 2010).

In a question to gauge the need for accountability measures in the public service of Ghana, a respondent has this to say:

Public sector accountability is a highly convoluted one because it professes to create a balance between responsibilities, norms, self-interest and public interest. The New Public Service recognizes that being a public servant is a demanding, challenging, and sometimes heroic endeavours involving accountability to others, and adherence to the law, morality, judgment and responsibility.

In this vein, the respondent argues that public officials are expected to be responsive to all the competing norms, values, and preferences of complex governance system.

As a remedy for the suggestion that it is important to constantly improve the quality of the public sector delivery, the New Public Service concept provides a wide window for officials to act as citizens who must demonstrate their concern for the larger community. The commitment of public officials to matters arguably, go beyond short term interests, and willingness to assume personal responsibility for what happens in the community of the public sector organizations and especially being sensitive to the interests of the public (Denhardt and Denhardt, 2011). As observed from the study, respondents opined that the pursuit of self-interest as a preserve of the private sector while public officials pursue their official duties must be resisted vehemently because the unethical pursuit of self-interest is always at variance with the general interest of citizens. Frederickson has therefore argued that “merely facilitating the pursuit of self-interest, the public administrator will continually strive, with elected representatives and the citizens, to find and articulate a general or common interest and to cause the government to pursue that interest” (1991, pp.415-16).

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

This chapter provides a general summary of the research work. The chapter presents the key objectives and the findings. It also highlights the results of the hypotheses tested. The conclusions and recommendations are provided in the chapter. Furthermore, the implications of the study are indicated in this chapter as well as limitations of the study and suggestions for future research.

6.1 Summary, Findings and Conclusions

The study was designed to contribute to the body of knowledge about public interest and conflict of interest by examining the extent to which public officials serve the public interest in the face of the myriad of occupational challenges. The study also sought to determine the extent to which Ghanaian public officials act in the public interest regarding the execution of official duties; to assess the extent of corruption in both Public and Private Life of Public Officials; to ascertain the knowledge of the extent of conflict of interest and the various dimensions of conflict of interest; to examine the challenges faced by public officials in the discharge of their official duties and the professional demands of the public official; to examine the role of the Judicial Service of Ghana in the promotion of public interest; to explain the accountability measures in public organizations and suggestions to curb conflict of interest in the working life of the public official. Three (3) hypotheses were formulated and tested in the study. The hypotheses tested and the results are as follows:

In the first hypothesis the rank of proportions of public interest was formulated and tested using the Chi-square test. Thus, the hypothesis was indicated as follows:

H₀: The indicators of public interest rank the same for high proportions of public interest.

H₁: The indicators of public interest do not rank the same for high proportions of public interest.

It is revealed that p-value of 0.220 was recorded for the Chi-Square test. Since the p-value is greater than the significant level of 0.05, it can be said therefore, that the test was not significant. Hence it is concluded that the indicators ranked the same in predicting high proportions of public interest among public officials. Thus, each of the indicators of public interest namely: execution of official duties, democracy, mutuality, sustainability and legacy were viewed as having the same potential for predicting one's level of public interest.

Furthermore, the study tested the hypothesis that the Perception of corruption within the public life and private life rank the same. Thus, the hypothesis was indicated as:

H₀: Perception of corruption within the public and private life rank the same for high categories (51-100) of corruption.

H₂: Perception of corruption within the public and private life do not rank the same for high categories (51-100) of corruption.

From the test, the researcher concluded that, the p-value of 0.578 was greater than any meaningful level of significance (say $\alpha = 0.05$) which indicated that public and private sectors have similar opinions or perceptions about the level of corruption in both sectors.

The essence was to determine whether the two categories of sectors (public and private) are homogenous with respect to their opinions concerning the degrees of corruption. It was thus observed that the p-value of 0.578 was greater than the significant levels of 0.05. Therefore it was

concluded that the public and private sector officials have similar opinions or perceptions about the rate of corruption in both sectors.

Finally, the study sought to find the ranking of ethical behaviour. The following hypothesis was formulated and tested.

H₀: Perception of corruption among public officials rank the same for high categories (51-100%) of corruption.

H₃: Perception of corruption among public officials do not rank the same for high categories (51-100%) of corruption.

The researcher tested whether the perception of corruption among public officials rank the same for high proportions (51-100%) of conduct.

Hence, the chi-square test was significant at 8 degrees of freedom with a p-value =0.00 < 0.01, which meant that perception of corruption among public officials rank the same for high proportions (51-100%) of conduct among public officials.

There were some factors identified as triggers of corruption. About a third of the respondents thought that too much bureaucracy or officialdom challenged the public official in the discharge of his or her duties. There were also reports on nepotism as one of the main challenges to the public official's inability to serve the public interest responsibly. It was realized that public officials had the habit of using employers' properties for personal gains. Public officials had the penchant for devoting their office hours to outside businesses instead of sticking to assigned official duties.

It was revealed from the study that public officials were faced with diverse challenges in the discharge of their duties. The majority (more than half) of public officials suggested that there were inadequate logistics and poor working conditions hence making it very difficult for the public official to be effective, professional and ethical at the work-place. Further, the study showed that public officials view conflict of interest as a bane with most of the views expressed on abuse of office; post-employment; influence peddling; confidential information for personal advantage; acceptance of benefits; moonlighting/outside employment etc. in the descending order. The study indicated that indeed, the professional demands on public officials were compromised due to the numerous challenges they face at their workplaces. Then, for lack of logistical support, the public official would be highly unprofessional in his or her judgment.

Nevertheless, while majority of public officials appeared to be knowledgeable about general ethics and the role of the public official, others seemed to have very limited ideas about organizational ethics. For the purposes of the study, nine ethical behaviour indicators, namely: curbing of corrupt practices, political systems on corruption, integrity, accountability, objectivity, honesty, leadership, selfishness and openness were used as the main indicators of conflict of interest. Percentages of high ranks of ethical behaviours were significantly different for all the aforementioned indicators. About half the total number of respondents constituting the majority, admitted that the commonest form of influence-peddling was the extortion of money or gifts from people through discharging of official duties.

Other forms of influence peddling included demands before granting discount on adverts; lobbying past employees to gain parochial advantage and the use of positions to often win favours were affirmed by some respondents averaging about 15%. On the issue of confidential information, 363

(77.8%) respondents stated that confidential information is used for personal advantage for instance, providing confidential information during procurement processes in exchange for money. Although public officials' acceptance of benefits from clients is a common practice, usually intended to show appreciation, most respondents understood the ulterior motives associated with the acceptance of gifts. Particularly, majority (37.8%) believed that Christmas gifts and hampers for example, were used to influence the public official's decision- making.

From the study it can be concluded that the phenomenon of corruption and conflicts of interest permeates the larger gamut of the public sector. There is therefore the need for a holistic approach to adequately tackle the canker. However, the task to rid the public sector of such occurrences is not an easy one. It requires effective and dedicated leadership and supervision of public sector worker. Leaders such as public officials have the responsibility for ensuring the achievements of organizational goals. There is therefore the need for leaders to put in place measures to check the incidence of corruption among public sector workers. If leaders are themselves involved in corrupt practices or are found to compromise their positions, it will be difficult for them to penalize employees engaged in similar or even worse acts.

The wide perception that the entire public system is corrupt is not a healthy one. Though there are challenges in the execution of responsibilities, it is no justification for perpetuating corrupt practices. Consequently, the decision to pursue public interest must be done taking into consideration the interest of the private actors. It is therefore essential to demand the commitment of political parties and civil society groups in the fight against corruption and unethical practices in the public and private sectors. The commitment should be preceded by a comprehensive public education on the rules of conduct of public officials. Such education should include rules on the

acceptance of gifts by public officials. This is in line with the findings and recommendations by Ofori-Mensah (2011) that there should be the inclusion of political parties and their officers either in power or out of power since they will eventually occupy public positions.

The study revealed that there was very little improvement in efforts to address shortcomings in internal controls and governance frameworks against the back-drop of financial rules and regulations as well as the litany of financial irregularities exhibited by MDAs. The findings showed that though there was some attempt to manage expenditure the financial management systems were not applied judiciously. It will be useful for the Ministry of Finance and Economic Planning (MOFEP) to rigorously apply the Financial Administration Act Values and Ethics Code governing the public officials' duties with stiff sanctions hoping such measures will support the existing regulations in the public sector business and will ensure proper, effective and efficient use of public funds. The passing of laws is not adequate unless it is enforced or there is effective monitoring (Ofori-Mensah, 2011). It is therefore essential to monitor tender activities especially at the district assemblies as this study also agreed with the literature that the issues on conflict of interest are rife in the district assemblies (Ofori-Mensah, 2011).

6.2 Implications of Findings

In relating the findings of the study to the conceptual or theoretical framework adapted, which is the principal agency theory as an approach to explaining the issues involved in the challenges of public officials via the public interest it became obvious that the dilemma of self-interest has always dominated the scale of preference of the public sector status quo. The argument of self-interest and public interest dichotomy of course, has critical implications for the roles and responsibilities of public officials. Critical to this dichotomy is the implication of viewing government as the vehicle for achieving public value indicators including fairness and equity,

which stipulates that the purpose of government business is primarily different from that of private sector enterprise. Indeed, the scenario therefore seeks to emphasize the role of government and assures the predomination of the public interest and provides the platform for fostering solutions to problems or challenges in the public policy process which are consistent with democratic norms of justice, fairness and equity (Ingraham and Ban 1988; Ingraham and Rosenbloom 1989; Rosenbloom, & Goldman, 2002).

The dichotomy of self-interest and public-interest in fact, explores the exclusive use of market mechanisms and assumptions relating to trust for the calculation of self-interest concept but makes the result very doubtful. On the other hand, the enforcement of government's responsibility to enhance citizenship and serve the public interest provides a very crucial basis for measuring the difference between the two concepts of self-interest and public interest ; a vital factor in the operations of the New Public Service. The New Public Service espouses leadership based on shared values upheld by the public sector organizations through their codes of conduct.

The New Public Service concept and the increasing change in the public official's role portend philosophical implications for the type of leadership challenges and responsibilities that confront public officials. Thus, the public official must be knowledgeable in public policy issues in order to succeed in effectively managing more than just the requirements and resources of their programmes amidst the assurance of serving the public interest (Denhardt and Denhardt, 2011). To act responsibly and serve the public interest, the public official needs to go beyond being savvy and effectively managing available resources to courting widely the involvement or participation of the public. In sum, Denhardt and Denhardt (2011) have argued that to effectively serve the interest of the citizens public officials "must share power and lead with passion, commitment, and integrity in a manner that respects and empowers citizenship" (2011, p.155).

The report revealed that there was very little improvement in efforts to address shortcomings in internal controls and governance frameworks against the backdrop of financial rules and regulations and the litany of financial irregularities exhibited by MDAs. The findings showed that though there was some attempt to manage expenditure the financial management systems were not applied correctly and ethically. Perhaps one could not agree more with the Auditor-General that the Ministry of Finance and Economic Planning (MOFEP) develops Values and Ethics Code besides existing regulations for the Public Service to ensure proper, effective and efficient use of public funds.

6.3 Contribution to Knowledge

- This study, having examined other works regarding the responsibilities of the public official in relation to public administration has arrived at the conclusion that, it is unique in a few ways. For instance, though a few scholars have contributed to some related issues regarding the topic under study, this research has contributed massively to bring to fore the public official's challenges vis-a-vis acting in the public interest. This is in contrast to the expectation that the public official is only obliged to behave ethically in the performance of his/her official duties regardless of what challenges confront them as some of the earlier researchers have attempted to portray as stipulated in appendix F.
- The process of guaranteeing public interest as well as ethical behaviour on the part of the public official must be the focus of the principal (i.e. the government, state or public) rather than seeing the public official (agent) as a tool or machine who exists only to serve the public interest.

- Challenges the public official is faced with include inadequate logistics and poor conditions of service should be cited when issues of conflict of interest and corruption are brought against the public official (see Table 5.4)
- The study has re-emphasized the challenges of bureaucracy and politicization in the public sector.
- This study adds to the literature on public interest a framework stipulating public interest versus public goals.
- This study reveals that public interest is more likely when there is dedicated leadership.
- The study established the extent to which corruption is perceived in both public and private life of public officials and indicated that public and private sectors have similar opinions or perceptions about the level of corruption in both sectors. Thus, the study established that corruption as a challenge in public organisations is very high in both public and private life of the public official and ranked between 51-100%.
- It has reinforced the notion that public interest may be lacking without the active role of the judiciary in promoting and protecting public interest in the area of upholding human rights, improving access to justice and protection of rights to the vulnerable. Furthermore, the study affirmed the need for speedy delivery of justice, improved human and infrastructural capacity.
- The research establishes that conflict of interest arises when there is absence of clear cut policies and that policy makers should not expect people to behave ethically unless there are policies to guide their behaviours.
- The findings from the research provide a comprehensive understanding of the pervasiveness and forms of conflict of interest and corruption in the public and private sectors.

6.4 Recommendations

To begin, it is important to go beyond the old axiom that the employee would work hard and the organization would reward the employee; implying that there is the need for a new social contract between employees and employers in the public sector where managers and workers should share their feelings, values and ethics within the corporate environment (Plas, 1996 cited in Denhardt and Denhardt, 2010 p.167).

Based on the findings of the study from selected public organizations for policy initiatives it has become obvious that public interest can be possible if certain conditions are made available. Basically, the law making process of the legislature needs to consider issues of public interest more closely. It is important to consider what may lead to conflict of interest or touch on corruption as well as other unethical behaviours in the public sector. It sounds reasonable to include passages that support for example the application of sound decision making or methods during tender preparations and bid evaluation process.

From the study it can be concluded that the phenomenon of corruption and conflicts of interest permeates the larger gamut of the public sector. There is therefore the need for a holistic approach to adequately tackle the canker. Clear cut policies and appropriately designed corporate public guidelines and regulations can lower the chance of corruption and steer clear of conflict of interest.

Furthermore, curbing corrupt practices and conflict of interest requires effective, dedicated leadership and strict supervision of public sector workers. There is therefore the need for leaders

to put in place measures to check the incidence of corruption among public sector workers. If leaders are themselves involved in corrupt practices or are found to compromise their positions, it will be difficult for them to penalize employees engaged in similar or even worse acts. Thus, the actions should be guided by professionalism and ethical norms while cultural change, rather than legal change, may be necessary to encumber corrupt behaviours. Accordingly, the judiciary of Ghana and CHRAJ that are mandated to fight corruption and promote the public interest should be adequately resourced with the materials, equipment and all other logistics needed to deliver on their mandates.

The study revealed that too much bureaucracy or officialdom challenged the public official in the discharge of his or her duties. To enhance public interest in public sector organizations reporting lines or channels of communication and operations of the public official should be concise in order to delayer the rungs of communication. This would ensure minimum human contacts. For instance, issues of licensing process could be made faster to reduce tendencies of corruption and conflict of interest.

On the incidence of nepotism which was reported as one of the main challenges to the public official's inability to serve the public interest responsibly, it is essential that public officials should be thoroughly socialized in the nuances and consequences of their actions regarding the subject matter. Hence, public officials should be made to comply with the statutes, guidelines, regulations and acts that govern their activities such as codes of conduct and ethics. It is also important for public officials to act as role models of public interest to ensure equity with regards to opportunities where senior public officials would encourage the promotion of meritocracy and ethical behaviour to eschew issues of conflict of interest and corruption in the public sector.

Establishment of codes of conduct and standards for implementation of projects in the public sector should include provisions that would highlight issues of public interest but would consider the public official as a partner in the success of public sector programmes and projects. These standards would serve as benchmarks for the evaluation of public sector projects.

It was realized that public officials had the habit of using employers' properties for personal gains. Public officials had the penchant for devoting their office hours to outside businesses instead of sticking to assigned official duties. Thus, there should be regular training and retraining of public officials to educate them on codes of conduct, particularly on issues of conflict of interest as enshrined in the 1992 constitution of Ghana (Act 248). It is also necessary that much education be disseminated for public officials to understand that appropriate sanctions would be meted out upon breach of the codes. Designating an ethics or compliance officer to ensure public officials follow the rules, and also to discuss grey areas and dilemma situations with public officials is highly recommended. This can be achieved in consultation with the National Commission for Civic Education. In addition, orientation programmes for new public officials upon their recruitment must be made rigorous and thorough in order to alert them on issues of possible or imminent corruption as well as conflict of interest in the course of their official duties. This should be made explicit to the new employee in his or her appointment letter. On the involvement of civil society organizations for enhanced transparency and accountability regarding the public official's duties for the promotion of public interest, parliament or the legislature should enact laws that would empower and support civil society groups to serve effectively as checks and compliment the watchdog role on public officials. Moreover, though public officials carry out activities through rigid and prescribed procedures there should be more space in public sector conditions of service

to promote staff development that would bring out the creative abilities and innovative skills of public officials to ensure high levels of efficiency and effectiveness in the public sector.

Then, on the issue of inadequate logistics and poor working conditions, which inadvertently make it very difficult for the public official to be effective, professional and ethical at the work-place, it is necessary that employers (principals) should be promptly responsive to the service conditions of public sector employees (agent) as a fulfilment of good governance precepts. Accordingly, compensation in the form of better conditions of service, good salaries and other benefits should be made adequate so that public sector workers would not be tempted to get involved in unethical behaviours. However, penalties and punishments must be made more severe to serve as a disincentive to people who find engagement in conflict of interest and corrupt practices profitable.

The findings showed that though there was some attempt to manage expenditure the financial management systems were not applied judiciously. It will be useful for the Ministry of Finance and Economic Planning (MOFEP) to rigorously apply the Financial Administration Act, Values and Ethics Code governing the public officials' duties with stiff sanctions hoping such measures will support the existing regulations in the public sector business and will ensure proper, effective and efficient use of public funds. The putting in place of such appropriate structures would ensure transparency and accountability within the public sector.

Public sector accountability and transparency measures are necessary to strengthen democratic structures in public organisations. Accordingly, asset declaration must be compulsory and mandatory for every public official. In addition, accountability measures must include: periodic audits to unearth fraudulent dealings; whistle-blower incentives and individuals appointed to positions of authority must be based on merit and equal employment opportunities. Furthermore, it is necessary to strengthen statutory institutions to function creditably and provide effective

supervision and monitoring in order to ensure adherence to the rules and regulations as well as regular human resource capacity-building.

On the issue of politicization of the allocation of public goods to perpetrate political patronage or rent-seeking, it is important to enforce the provisions in 1992 Constitution that promote non-politicization of decisions regarding national projects in order to provide a platform for objective assessment of benefits accruing from such projects. Besides, it is recommended that there should be clear separation of power between the politicians and the bureaucrats of the nation. This will minimize or eliminate the negative influence of politics in order to promote the public interest to deliver the necessary public goods. Finally, good knowledge in computerization of operations and more use of ICT could have a positive effect and may determine how organizations perform in executing their plans to curtail frequent human contacts in order to minimize incidences of conflict of interest and corruption.

6.5 Limitations

This research has some limitations apart from the inherent challenges. During the data collection sections in some of the target organizations, the sample size was difficult to attain because employee numbers were not large enough in those organizations which could have some impact on the results. The sensitive nature of the topic which relates to ethics and good governance in the public sector made data-collection very difficult as the respondents were reluctant and indifferent to volunteer necessary information for the study. It hindered the researcher's desire to go out and really dig out more information.

Further, the study did not cover all of Ghana. It is therefore possible to discover other interesting outcomes and trends if the research is conducted across the whole of Ghana.

6.6 Areas for Further Research

From the above findings on the lack of sustainable public interest compliance, it is stressed that the study may not be comprehensive there is the need for some further research on other aspects of the topic to verify the importance of the current study findings. It is further recommended that more research should be done on public values vis-a-vis public interest and the public official's duties. The fact still remains that the public official's duties are not exclusive of citizen participation requirements or the involvement of political communities; hence the need for more research in what is termed 'citizen engagement and participation' to deepen the interest of the public in order to embrace different approaches to public policy implementation (Denhardt and Denhardt, 2011). In view of this need, it is argued that "citizen engagement is no longer hypothetical: it is very real, and public administrators are central to its evolution" (Roberts 2008, p.4). (Atkin & Block, 1983)

Furthermore, the researcher believes that since the study is bereft of perspectives on how organizational culture influences the behaviours of public officials it is imperative for future researchers to provide ventilation into that arena. This further research would require that more light is thrown on how norms, beliefs, and values are shared by members of any public sector organization. It would also be obligatory on future studies to explore how organizational culture could "function as an organizational control mechanism, informally approving or prohibiting behaviours" to deepen the demand on public officials to act responsibly and serve the public interest (Ott 1989, p.50).

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APPENDICES

Introduction

As part of the study methodology the researcher supplemented direct personal interviews with selected radio interviews held with a few government officials and other eminent personalities on some governance and ethical issues. Besides those interviews the study considered a few salient and relevant write-ups as well as related news items from some newspapers. Furthermore, the radio interviews were recorded, transcribed and presented as follows:

APPENDIX A

Selected Radio Interviews

Caveat 1: The Researchers dwelt mostly on Radio Gold because of the availability and easy access to information.

Caveat 2: The extensive nature of such radio interviews at Radio Gold ensured a wider coverage of almost every area regarding the issues under discussion.

Caveat 3: Public officials are the first point of call regarding issues in the subject area as this radio station is perceived to be a sympathizer of the government (NDC) in power at the time of the study.

Case 1: An interview conducted by Soheni with Betty Mould-Iddrisu, Attorney General and the Minister of Justice on the level of corruption in the Judiciary. The following is the transcription from the interview:

Soheni: We are going to be talking to the Attorney General and the Minister of Justice.
Good morning and welcome to the show Madam.

Betty: Good morning Soheni

Soheni: Thank you very much for joining us, we are grateful for your time so why did it become necessary to make this at the Conference of Lawyers?

Betty: Well, I, I put it in the context of legal system and administration of justice which is not living up to the aspiration of the common Ghanaian. And I reminded them that all of us public officials, we are being paid for by the Ghanaian tax-payers money and that includes the Judges as well even though they are independent and therefore the lawyers need to be conscious of that. I put it against the background of the legal system whereby on an average, it takes five (5) to seven (7) years for any criminal trial or civil action to be heard with an average of fifty (50) to seventy (70) adjournments sometimes in land matters. This is not a system that is serving the needs of justice. This is not a system that is being held accountable to the Ghanaian people. The system consists of both judges and lawyers, and so I call upon the lawyer to live up to the responsibility and to give the good people of Ghana a system of justice that, we can all be proud of.

Soheni: But what should the Bar Association be doing in the face of what many consider partisanship in the practice of law in the country these days?

Betty: You know, traditionally the Attorney General is the leader of the bar so I am the leader of the bar and I have continuously told the executive and the bar counsel and the association itself whenever we meet that they must rise above politics, they must rise political partisanship and they must strive to be truly professional in the work they do. I was rather saddened therefore that at Tamale itself, the Bar Association's president launched a rather, vitriolic attack against, you know, against myself and made mention of some of the recent happenings in the Judiciary. I was very careful not to mention it but you know, afterwards I told

them that it was unacceptable to use the bar that occasion to launch such an attack against us in government and I hope that this particular executive will rise above politics. The bar been too often used as a tool for politics mainly because I would venture to say that some its leading members are from another political party and therefore their voices are heard louder than we in the NDC and other minority parties. But the bar is a professional organization. Its duty is to ensure that the highest professional standards are obtained by its members and it has a duty to discipline its members, those who go on the media talking about current cases. Indeed there are cases going on right now where you have defense council going on air hourly during the trial; while the trial is going on, they go out discuss their strategy and how badly the republic is doing in its strategy. Meanwhile such strategy is peculiar to the lawyers. We the lawyers know that sometimes what the defense council is saying is just a distortion of facts but the outside world would not know that in law you can do A, B and C; it would not know the correct fact and it is some of these things that I have asked, the Bar council to be up and doing and to be able to sanction some of its members who are going errant, members who connive with the Judiciary to corrupt, judicial processes, members who would take money from clients (poor unsuspecting clients), members who don't go to court or do not provides clients with a good case or a good defense. All of these are highly lacking the Ghanaian Bar Association. We asked them to be up and doing, you know, in this regard. When we talk about cleansing ourselves, this is one of the main issues. We need to be inward-looking. We can't continue burying our heads in the sand. We need to be inward-looking and we need to start at home first.

Soheni: By the way, what you said earlier, points to the fact that you think the Bar Association president in Tamale was partisan against your, your, your government.

Betty: It's unfortunate but that is the perception he created

Soheni: I see,... now we are currently as a country going through the process of getting laws to govern the oil and gas sector, the Constitutional Review Committee is also doing its work, what is the kind of relationship you would have expected from the bar in relation to this?

Betty: Well, that was in fact the theme... yes that was the theme of the conference, "The Role of the Lawyer in Ghana's Emerging Oil and Gas Industry". So I had in fact expected bar president to concentrate on that as I did and as the representative of Her Leadership, the Chief Justice did.

And, we expect that the role of the lawyer should be one of professionalism, should be able to give good professional advice and Mr. Tsatsu Tsikata was invited by the bar to give a presentation on this theme and he made an excellent address in which he highlighted the growing importance, globally in the international environment of Ghana's oil and gas and how lawyers in Ghana should endeavour to obtain the best standards in professionalism so that they too they can represent the big oil companies and others who are all engaged within the oil industry. So we are trying.

As a government, we have trained several lawyers in oil and gas; we are also setting up an energy division within the Ministry of Justice to serve government better when it comes to contractual issues dealing with oil and gas. So it was a

very timely thematic issue and I think despite everything Mr. Tsikata's address also sought to highlight the fact that lawyers shouldn't be part of the corrupt judicial process and lawyers should rise above this and you know, be active partners in ensuring that there are high professional standards in settlement of disputes and under Ghana's new arbitration act which was passed earlier this year and so on. So it was, it was an excellent presentation by him which was very well received and I hope that this would enable the majority of Ghanaian members of the bar to see where they can position themselves in terms of Ghana's new oil and gas industry.

Soheni: Now let me just read this report carried by the New Crusading Guide newspaper and get a reaction from you. It's headlined, "Ex-Supreme Court Judge Condemns Attacks on Judiciary" and the relevant part says, "A former Court Judge, Professor Kojo Kludze has expressed worry about what he says is the undue but increasing pressure being put on the Judiciary. He says, it is wrong for successive governments and their functionaries to think that they must necessarily win every case and the judiciary must pander to them. Is that the feeling in government?"

Betty: Well, let me tell you what my feeling is. My feeling is not that there is undue pressure on the Judiciary. I have always told whoever cares to listen; it is the role of the Judge to be impartial and to be independent and it is that independence, it is that quality of independence that we are looking for in all of the Ghanaian Judiciary. Such is the problem. If you go to court and at the end of the day you cannot find justice because justice is corrupted, through one means or the other even with the perception of corruption, with exception that a Judge may be bias

or the other side may have influenced him, that is enough to destroy the quality of justice. It is for this and for the reason that numerous uncountable surveys, year after year have stated and have put the judiciary in the top three (3) institutions in Ghana which are the most corrupt or which has the perception of being the most corrupt. Let me just say that attempts are being made, I'm a part of the judicial council, I am a member of the Judicial Council. Attempts are being by her ladyship the Chief Justice and others to discipline and set up committees to look into these and set up other means whereby we can hold the Judges accountable. I've said it once and I'll say it again. Judges are not above the law; Judges are being paid by the Ghanaian tax payer. The Ghanaian tax payers, if they believe that the Judges are not serving them adequately, have every right to question in an appropriate manner, what is going on and to call the Chief Justice to remedy the wrongs that they have found. There are various ways of doing it and we have been, you know, conducting ourselves in this way when her ladyship has set up a complaints unit. If inundated and the complaints are gone into, when there are manifestations of injustice, they write to me directly and I draw the attention of the Chief to them and hope that measures are taken to address it. Look, there are cases all over the country of, of Judges who are being accused of a case going one way or the other. It's not about losing a case. I've said several times, lawyers who are fair to this government and to me personally know that you win some and you'll lose some.

We don't mind loosing. What we don't agree with is that, the administration of justice is painted with the politicization of the judiciary is painted with maybe corrupt practices with partisanship. All I ask and all this government of the

Judges is that, they be independent. If we can't have an independent judiciary then we are in serious trouble and we are a crisis situation as a country. So I'm hoping that these pressures and so on are seen in the light or in the context or in the background of what has been happening recently. And we try to present the best possible case. Look there are some cases that you cannot win under any circumstances and we know those cases; we are not troubled by them. They are the cases that even if we present an excellent defense or we present an excellent prosecution then through some back door means those cases are lost, that is where we have problem. And I think it is in that light that Ghanaians are now rising to the awareness that all is not well... All is not well

Soheni: But if there are some cases that lawyers know won't win, then why pursue it?

Betty: Oh, well, you see, lawyers generally, you have the obligation to provide the best possible defense you can for your clients. You know, and there always some technicalities in law that you hold, you know, some procedures, it's for you to hold the other side accountable to follow due process. So when due process might not have been followed or when you know, technical situations occur which go against your clients, you might have a chance of success. Look, this last case that we lost, I told them that we are going to appeal. It was unfortunate, the perception, no it was not the perception, the statements that were made, you know, by the defense council or the council on the other side to the fact that, that is the end to the case and so on. I mean it was a lie, in fact it was such a lie and, these are the kind of things they should put a stop to; practices such as this.

Soheni: Are you referring to the "Wireko-Brobey and Mpianim case"?

Betty: I am referring to that case.

Soheni: I see, now finally on COSMOS, is it true that I mean COSMOS and the fine over the oil spill into our waters, is it true they wrote indicating that there is no law on fining companies that engage in what they are reported to have engaged in?

Betty: They wrote and asked the Attorney General to intervene in order to enable them to understand legal basis for the fine. The lawyers wrote to the AG and I'm in the process of doing my own research and I will respond appropriately.

Soheni: So what is the position now?

Betty: Oh, I'm not going to tell you that... Anyway I'm not even in Accra the whole of this week so it not something that I can comment on.

Soheni: Is it a big issue? Is it a problem?

Betty: Everybody is entitled to protesting against you know, something that they feel might be an undue imposition so as far as I'm concerned, when we look at the law then we come out with the solution to the problem.

Soheni: Thank you very much you joined us... Mrs. Betty Mould-Iddrissu is the Attorney General and the Minister of Justice.

Case 2: An interview conducted by a Radio Gold morning Talk-Show host, AL Hassan S.

Soheni

ANAS AREMEYAW ANAS – Report on Corruption at Electricity Corporation of Ghana

(23/01/2012)

Soheni: What motivated this particular investigation on ECG?

Anas: This has not being any different from the other investigations that have done. It collaboration between some state institutions and myself, it's not the first time and would not be the last time. When you are looking at such issues, you don't have to look from a shallow point of view. You need to know that the help of some institutions would be paramount for arresting and prosecuting culprits and all these institutions came together to undertake this investigations.

Soheni: Don't you get tired because people talked about your works in the past with the view that its results had not encouraging.

Anas: That is not a fair analysis of the situation. There were days where we all know what happened, like in the days of soldier bar. We went undercover to arrest people and the next day everybody was gone. Our democracy is in a transition, therefore I don't believe I get 10/10 results but over the years analysis have shown that at least I get 6/10 in terms of results, it's not perfect but fair to the civil development of our society.

Soheni: What was the total duration for ECG's investigations?

Anas: Eight clear months of an undercover work at ECG. It's a patient investigation because prosperity is the key for analysis. To arrive at this result it took diligent work and analysis of all key factors at ECG.

Soheni: Why ECG because there are a lot of state institutions?

Anas: I was thinking of my people in Nima, New Town, Bimbila and so on because it's very clear that when they owe ₵20 ECG officials are very quick in cutting the power supply to them. What about those who lived in flashy areas like cantonments, airports, East Legon etc. and all those big companies. We discovered that such

flashy areas and all those big companies owed ECG over ₵400 million. Since the investigation promo started airing, some of them have queued at ECG offices to settle their bills.

Soheni: You said the investigations are in 3 phases, so what was phase 1 centered on?

Anas: Phase 1 (TV version) centered on the devastating effects of electricity on our activities. I looked at a family where 3 kids can burn as a result of power outage and faulty wiring which ECG officials were supposed to have checked. Meters and Meter acquisition were all analyzed in the phase 1.

Phase 1 was an introduction of the main topics.

Phase: Two analyzed key elements like:

1. By-Passing and Meter tempering.
2. Closed Accounts

By Passing is the situation where households or organizations tap power supply from the main ECG lines without passing through the meter. We discovered that many households in the flashy areas and the so called big organizations are all culprits. Surprisingly ECG is fully aware of the situation but most at times the officials (engineers) who discover such malpractices only negotiate for their pockets only and leave the situation as they found it. This usually causes an increase in utility tariffs. Closed Accounts are accounts which are deemed not to be working but in actual fact/ reality works and even consumes more power. There are many organizations operating on closed accounts, this basically means that they not paying a penny to ECG accounts but pays some amount into the pockets of ECG officials. As at November, power supply to closed accounts amounted to ₵5million.

Soheni: What about those big companies and how much they owe?

Anas: When you and I owe ₵20 ECG officials will come and disconnect power to us within the shortest possible time but the big companies are given 42 grace pay days to settle their bills to ECG and this creates some lazy attitude towards payment of bills yet they continued using the power. Most at times no ECG official goes to check therefore creating more delays. ECG as an institution has not being smart enough in dealing with the big organizations although they know that these big companies consume more power. Analyzing state institutions like Ministries, Departments and Agencies is no different from the private big companies because people tap power from these MDAs free of charge thereby increasing power consumption that are not even paid for.

For instance, a guy at Agbobloshie market taps from ECG's main lines without paying a penny to ECG but charge all those who used the light he generates. Air Force base in Takoradi has connect power to almost all the big companies (Tullow, Web construction etc.) with a contract where these big companies pays an agreed amount into a particular which ECG is not even aware.

Accra Mall bills its tenants in dollars whiles ECG bills them in cedis with some huge margins yet they are not paying their bills.

Soheni: MTN is challenging the figures and that they don't owe ECG.

Anas: MTN is challenging the figure not that they don't owe. As far as I'm concern MTN owes ECG as at November as the system indicated. I dare them to come forth with anything else. I'm rather helping them to check their records and put their house in order. Interestingly some organizations pay their bills through the banks and the

banks keep these monies for about year and more with the claim that ECG does not come for the monies. The banks get to enjoy all the interest accrued for keeping it.

Soheni: Had some of the culprits been sacked?

Anas: I'm not quick to judge because the footage is now gaining grounds. I've also given a copy to the ECG so they can also analyzed it to make their independent decisions and actions, also copies has being sent to all relevant state institutions for analysis and further action. The footage was in phases, phase 1 and 2 are all out but phase 3 which is worse and more interesting tackled issues such as board salaries and fees. We had to be careful because the board members contend that they actually worked for their allowances and fees which range from ₵2000 to ₵9000 redeemable every month because unlike other state boards ECG's board meets every other in the month. My concern is really not about the money but our right as consumers of electricity to get improved and better services. Again, let nobody think that the security services are not aware of these investigations. My works are usually are done with the quiet collaboration of the state security services, they had always played a pivotal role in ensuring that my works become successful.

Soheni: If the state security services are aware of these malpractices, then why are they not able to do something about it?

Anas: We must understand that we need civil agents to dance along the tunes of civil society. Security agents cannot speak the way I do so openly without fear or favour. Right from the Kuffour administration to now I've had effective collaborations with state security services and agencies so let's not be quick to run down their efforts.

Soheni: How do you do it without getting caught because one would have Thought that over the years you be recognized?

Anas: In doing this I have to keep a cool head because it's about hard courage things. Once the nation is being governed on rule of law, you as individual should know what the law can do to you when the unforeseen happens; therefore it's very important that there is due diligence and careful planning before every task is executed. But for me, the key to the success of my works is 'the support I enjoy from civil society'. I also know about the politics of my work but I'm motivated to work on issues that that affect the social and general good of the society.

Soheni: What do you think this work will do in the transformation of ECG?

Anas: ECG is a failed institution, therefore what its needs now is a complete overhaul of leadership. We need to bring in the right people and the right technology to handle the situation. If ECG were to be a private company it would be the richest in Ghana. People are in ECG who are not motivated to do any diligent work just waiting for their salaries but highly motivated to do illegal deals for their pockets only. If we are able to take care of ECG and Ghana Water well, we would not even be discussing Woyome today. The main hope for this analysis is for a change in leadership. Corruption at ECG does not look like a crime because it's institutionalized.

ECG not-for-sale machines are sold on the street of Kwabenya. ECG not-for-sale wires are sold openly on the streets of Accra, Opera Square to be precise. Contract workers are paid by ECG officials to get goods from the warehouse of ECG onto

the open markets. Its multiplicity of factors that cause this corruption within the ECG and I think they are not serious at all.

Soheni: What do you think ECG can do or should do?

Anas: When it comes to debt collections, they should outsource the managerial aspect of it because they have failed woefully. They should form special teams with the needed skill and technique to deal with in house discipline. The 42 day pay grace periods should be reviewed; I believe the best can be 7days. There were regular check-ups on their customers especially the big organizations. Before I go I urge all to pay their bills promptly because the next footage will be very disturbing.

Case 3: The Role of the Media in Combating Corruption in Ghana

Florence Dennis: Executive Secretary of Ghana Anti-Corruption Coalition compiled this recommendation Radio Gold Interview (17/12/10).

The Ghana Journalist Association is a member of the Ghana Anti-Corruption Coalition and then your role as media personnel or as journalist is actually that you are supposed to be part of the Anti-Corruption agenda and the reason why we are making call now is that we think that the media needs to get more focused and very committed to this fight. If we get reports or stories that come out that are not consistent and there are no follow-ups then just reporting the issue does not help in the fight against corruption. Yes, the media will educate, the media will inform but it can inform on a consistent basis. If you promote the stories that you report and there are follow-ups to the story, I think it's the responsibility of the media to follow-up the story to its logical conclusion; you educate when you get to the final end of the story but when you only leave it to where there are only allegations and you do not come out, it is very difficult.

Let me also say that if you look at the work of Anas, Anas is doing Investigative Journalism, other media personnel also do Investigative Journalism. I believe it enhances their job as journalists and even pushes the role of the media forward and this is what we want to encourage; not everybody could do that but we think following up on stories to their logical conclusion would ensure that the media is proactive. The media can also assist whistle-blowers to report to the various institutions and inasmuch as you are educating, you can also assist. Where we've gotten to is because people have had to really work and sacrifice and it is up to all of us to do. So the media would do its part but there are other institutions that need to follow-up but when you provide the story that this is what is happening and that it will require follow-up then we can hold the other people who do not do their part accountable in that realm.

One thing too is that it is very expensive, risky and less security provided. I believe that it takes a process and a beginning and I think that these things will be provided if there is a core group of journalists who are willing to work. In Ghana I think the environment is better in other jurisdictions and we should advantage of it and pursue it.

Case 4: HON. P.C. APPIAH OFORI - MP Asikum-Odobeng-Brakwa

Corruption Perception Index For 2010

Radio Gold: Honorable what do you think of Ghana's performance in the corruption index?

PC: It is cosmetic; again, it is just a paper beauty because corruption continues to slope from bad to worst. It started years ago and it continues till date. So anybody who tells you that corruption has reduced and so on is just deceiving.

Radio Gold: Have you always held this opinion/view about the publications of the GII?

PC: Well GII, yes, there was time they did something and I agreed with them. But this time I don't think I agree with them because corruption has not reduced in anyway rather has increased referring to the Auditor General's report 2009 submitted to parliament. It does not show that corruption has reduced or losses to the state through looting have reduced.

Radio Gold: Do you appreciate the fact that their ranking is based on perceptions?"

PC: If it is perception and not real then we don't have to attach any weight to it. We must not rejoice because it's just perception, mere opinions of people. Ghanaians must not attach any weight to it. Analyzing the consolidated fund for 2009, what was going on in the past NPP and NDC 1 still remains today; for instance the personal emoluments, every year approved budget for the payment of salaries will increase and when they spend more than what has being approved, its known in Accounting terms as Adverse Variance. The government was not able to explain to the committee as to who took that money or whom it was paid to. Never has any Accountant General's report explained the adverse variance which kept on increasing by the year. In 2009, over expenditure in respect of payroll amounted to 2.2 trillion including monies parliament did not approved of for government usage. Section 204 of the financial administration Act, it is clear that before payment of salaries is effected by government, the prepared payroll should be sent to the HODs for them to confirm whether the names on the payroll are those who actually work there. The government during the NPP and NDC 1 regimes did not and they are still not doing it.

Case 5 : Hon. P.C. Appiah Ofori and Vitus Azeem – Radio Gold Interview on Corruption Perception Index for 2010 VITUS JOINS THE DISCUSSION- Executive Secretary of GII, Ghana Chapter of Transparency International (31/08/10)

Radio Gold: Mr. PC says your reports are unnecessarily cosmetic.

Vitus: The point is that this is just the perceptions of Ghanaians. It's not the actual measurement of corruption.

Radio Gold: What influences perceptions?

Vitus: Realities influence perception, people's encounters with direct corrupt practices, news paper reports, assessment by independent bodies, World Bank assessment, African Development Bank, and independent polling surveys. We used about 7 of them to come out with the index. Yes these perceptions are influenced by certain facts happening on the ground.

Radio Gold: Should anyone value your reports, because PC Appiah-Ofori says if they are perceptions then they shouldn't carry any weight?

Vitus: They should carry weight because we are in a democracy; and we are using that, perceptual adjustment of the situation and to the government in power. So definitely the aim of the index is to tell the people in authority that they are not doing enough in the fight against corruption.

Radio Gold: PC, so the executive secretary definitely disagrees with you. He thinks that these are as important as the realities?

PC: When you are talking about the fight against corruption, they are trying to say it's bad, which has brought us to this level and must go. If Vitus does come with

something to say that corruption has reduced then there must be an empirical evidence to support it. You don't just assume and throw your weight and blow your trumpet.

Radio Gold: Vitus did you assume?

Vitus: We are not assuming. We have used independent assessment of people's perceptions in the country to come out with the index.

Radio Gold: So you have researched into this, and have reported this finding?

Vitus: No, independent bodies have research being used like the bethels' non foundation research. These are bodies that ask questions about corruption related issues, what people think and feel, that was what we used to complete Ghana's Index. Therefore it is not based on assumptions. But for the fact that you did not go to court or actually prove it scientifically, we say it is perception. However, perceptions are close to realities.

Radio Gold: PC, Vitus says the report is not just based on assumptions they also did some research.

PC: Let's analyze the contents it deserves. If you say crime rate has reduced based on perception and on the ground it is slipping from bad to worse, armed robbery is going on even killing people and so armed robbery has reduced. Even yesterday there were about 10 armed robbery incidents and you say it has reduced then are you sure?

Radio Gold: If previously there were 15 robberies and currently there are 10 robberies, then there has been a reduction.

PC: What if the day before there were 10 robberies and now it is 15 robberies, what is happening?

Radio Gold: Is that what is happening to corruption? Are you saying that realities are rather pointing to an increase?

PC: Yes, as I was trying to figure in Auditor General's report. In analyzing the report, it can be seen that in 2001, the government spent 202 trillion cedis in excess of approved expenditure for payment of salary the question is who accounts for the excess expenditure?

Radio Gold: So what is corruptible about it?

PC: Yes, if you put ghost names into the payroll and manipulate the accounts, and the money is appropriated, is it corruption? People who do not work in the ministries and its agencies have their names in the payrolls and collect government's monies as salaries free of charge. Then we say corruption has reduced, man we should stop deceiving ourselves. At the same time monies accrue to the government for developmental projects are being lost to some individuals. Crime and corruption against the state has reduced, and then we are not serious.

Radio Gold: Mr. Vitus, tell us about your report this time around. Because you cautioned that the country should not celebrate even though we have attained this enviable position despite the fact that the country has not achieved it since we joined in 1999.

Vitus: Yes, I think that is the misconception people have about this. The report is not saying we have done well, so we should rejoice. We are saying that just 0.02 increases are not enough for us to rejoice.

Case 6: MRS. BETTY MOULD IDDRISU - Minister of Attorney-General and Justice

Betty Mould Iddrisu – *Radio Gold Interview: “A Call on the Bar Association and the Judiciary” (23/09/10)*

A Call on the Bar Association and the Judiciary

Furthermore, an interview conducted by a Radio Gold morning Talk-Show host, Alhassan S. Soheni with Mrs. Betty-Mould Iddrisu, Attorney General and Minister of Justice laid more emphasis on the level of unethical conduct in Ghana’s Judiciary. Below is the transcription from the interview:

Radio Gold: Why did it become necessary to make this call at the conference of lawyers?

Betty: The call was in the context of legal systems and administrative justice which is not living up to the aspirations of the common Ghanaian, and to further remind them that they are being paid by the Ghanaian tax payer which includes the judges even though they are independent. Therefore, they need to have a conscience of that. This call was against the background of a legal system where it takes about 5 to 7 years for any criminal or civil trial to be heard with an average of 60 to 70 adjournments. The call was for the BAR to live up to their responsibilities and maintain a legal system which we all be proud of.

Radio Gold: What should the BAR be doing in the face of what many consider partisanship in the practice of law in Ghana?

Betty: As the leader of the association, I have continuously advised the executive of the BAR to rise above political partisanship and strive to be true professionals in work they do. The BAR is a professional association and it

has a responsibility of upholding highly acceptable standards for the benefit of the country; therefore, must discipline any member who fails to uphold such standards. For instance, when a case is being heard for determination, nobody has the right to discuss its details in public but what do we see in the dailies and on radio.

Radio Gold: What is the relationship between the lawyers (BAR) and the emerging oil and gas industry?

Betty: This was the main theme for the conference, “The role of the lawyer in the emerging oil and gas industry”. The role of the lawyer is to provide a good professional advice on legal issues of the country to the various stakeholders. Mr. Tsatsu Tsikata also highlighted on the growing importance of the emerging oil and gas industry of Ghana to the global market. Therefore, lawyers must maintain the best professional standards, so they can also represent the big and multinational stakeholders. The government has trained several lawyers and also setting the Energy Division in the ministry of justice to serve and advice on contractual issues. Mr. Tsatsu Tsikata further mentioned that lawyers should live above the corrupt practices of the judicial system.

Radio Gold: Is the Government mounting undue pressure on the Judiciary because it must win all cases?

Betty: This response is a reflection of my opinion. It is the responsibility of a judge to be impartial and independent in the justice process, but justice is usually tempered with due to the partial attitudes of some judges. It is general perception that the judiciary is partial along political party lines and the

most corrupt system in the country. The judicial council must apply the disciplinary measures to any judge who partially adjudicates a case. The Government and the people of Ghana expect the judiciary to be impartial, independent and very professional in the work they do. We all know that not all cases can be won in the court.

Radio Gold: If there are some cases that lawyers know they cannot win, why pursue it?

Betty: Lawyers in general have an obligation to provide the best possible defense they can for their client. There are some technicalities that make every case pursuable in court.

Radio Gold: Did Kosmos Energy write to you indicating that there are no laws on finding companies engaged in oil spillage?

Betty: They wrote requesting the ministry to explain the legal basis of the fine. The ministry would respond in due time.

WRITE-UPS IN NEWSPAPERS

Case 7: Corruption in Ghana's Judicial Service

Raymond Atuguba – Report on Corruption in the Ghana Judicial Service: A Report by 'The Republic' - Views of Some Legal Luminaries (05/04/11)

Republic reports that Ghana's Judiciary, the Third (3rd) Arm of the Realm of Governance is in the dock again for an old, bad reason. It has been accused of being the '*cite d or*' of corruption, where judges accept bribes, court-bialys steal case dockets and lawyers buy justice. The Executive Secretary of the Constitution Review Commission, Dr. Raymond Atuguba says, after years of association with the Judiciary, he was convinced Judges are corrupt. Speaking at a round-table discussion on the Judiciary and Ghana's Justice System in Accra, organized by the National Civic Education as part of its annual constitution week, Dr. Atuguba stressed that nobody can win him

over that accession. “Between 1997 and 1999 I stayed in the house of Judge and so there is nobody in Ghana who can convince me that Judges are not corrupt”, he argued. His allegation confirms the general belief that the Judiciary has been compromised contrary to the Chief Justice; Theodora Georgina Wood would like Ghanaians to swallow. She is on record to have denied allegation by some section of Ghanaians that she is squatting over a corrupt institution.

To buttress this claim, Dr. Atuguba said, while living on the same compound with some of the Judges, some of the people who attempted bribing some of the Judges would mistakenly bring the bribes to their door. Immediately they mentioned the title of the case then you knew that this was not a visitor coming to leave a gift; this is a bribe for the Judge next door. The Executive Secretary of the Constitution Review Commission said in his association with a man he described as upright Judge, he noticed on a number of occasions when the Judge returned bribes “and at times, I had to assist him drive some of the people away”, he said. Dr. Atuguba, who practiced as a lawyer for many years reiterated so you cannot convince me that Ghanaians do not bribe their Judges or that some of the judges do not take the bribes. Let us just listen to some of the voice clips from that round-table: Even if you comfort yourself with the fact that you can appeal and it takes so long, that is no joy to counsel and it is no joy to clients. You see, many people will tell you or many arbitration scholars and experts will tell you that, you know, the popularity of arbitration consideration or an alternative dispute resolution has, you know, has gone on the ascendancy in recent times because of the distrust that the investors, you know, have about the Judicial Systems of most countries in the developing world. But you see, in our Judicial System here, we cannot say there is lack of independence.

I think this issue of corruption is a human problem and if we the citizens tempt the Judges, definitely will be a few of them who will fall into the temptation. They are human beings like all of us. That is why whenever association says the bar should bring complaints, the whole year goes

round and nobody sends a complaint. Because today when one lawyer has done it to favour his/her clients their happy. Tomorrow when another side has done it and they are on the losing end they begin crying. Judicial corruption is no longer a perception but it is a reality. The Chief Justice has alluded to this; Judges themselves have also alluded to this. There is a perception which has gained currency that without a bribe you cannot secure a favourable decision in court. I think that the Judiciary as an institution of state needs to have a self-introspection. And what do I mean by this? There is this notion that Justice goes for the highest bidder and we need to have our Judges themselves, those who work in the court and the lawyers sit down and purge themselves of this perception. Until recent, where the higher courts that is the Superior Courts of Judicature have now been automated and now my understanding is that the distribution of the cases is done by electronic means. You would realize that in most cases you could have a particular lawyer whose cases go to one particular Judge and between the Judge and the Lawyer; they know what they do there. Aside political interferences and what the chairman referred to as “telephone justice”, we also know about interferences from the private sector, private business and private individuals. I have done cases where clients would say “Lawyer lets go see the judger” and when I said no then they are surprised. And I am almost certain that some of them went behind and saw the Judges because of what happened in court afterwards and the fact that they never mentioned the issue again after I said no; they just silently went back hid the bribe and you realize suddenly as the lawyer that the cases are moving very fast and in the end you win. So these are real things that make it difficult for you to oppose when you hear somebody say that the system is corrupt.

Between 1997 and 1999, I used to stay in the house of a Judge, a very upright Judge who had to return bribes and I had to assist him to drive some of the people away. So you cannot ever convince me that Ghanaians do not bribe their judges or that some judges do not take bribes and that is serious. When we were staying in the house of the Judge, some of the people who came to bribe a

judge next to our house would make a mistake and come to our house with the bribe and then when they started talking you realized that it was not a friend of my father who was bringing a gift so we normally waited until they mentioned the title of the case. Immediately they mentioned the title of the case, then you knew that this was not a visitor coming to leave a gift; this is a bribe for the Judge next door. selling justice, for me, is one of the gravest crimes you can ever commit. Thus those were views of three different lawyers at the round table discussion.

CASE 8: POLITICIANS, PUBLIC SERVANTS CONNIVE

Timothy Gobah – ‘Daily Graphic’: *Politicians, Public Servants Connive* (Wednesday, 30th May, 2012).

A Government report has revealed that public officers at the Lands Commission, the ministry of Works and Housing and the Town and Country Planning Department designed various illegal schemes to allocate government bungalows and parcels of land to politicians, government officials and their friends, without Cabinet approval and direction.

According to the report, the first phase of the cabinet-approval allocation of government bungalow for redevelopment took place between 2000 and 2003. However, at the time of operating the redevelopment programme, other schemes targeting government bungalow plots were also being operated outside the cabinet-approved scheme. “The illegal schemes were operated by public officers at the Lands Commission, the ministry of Works and Housing and the Town and Country Planning Department,” it said. Giving a background to the redevelopment scheme which was initiated in 1998 by the Rawlings administration and continued by the Kuffour Administration, the report excerpt of which are available to the Daily Graphic, said the government targeted the redevelopment of plots of land with government bungalow in the prime areas of Ridge, Cantonments, Kanda, the Switchback Road and the Airport Residential Area. Most of the bungalows were put up in the 1940s and 1950s and were in deplorable states. To guide the execution of the redevelopment project, it said, the Cabinet, in 2000, discussed and approved a fair and transparent competitive bidding process.

The first phase of the redevelopment of government bungalows approved by the cabinet took place between 2000 and 2003.

Under that phase, the cabinet approved and allocated 91.54 acres to 67 allottees who won their bids under competitive bidding rules and residential development guidelines. However the report of the Land Commission, dated December 2, 2009, stated that 81 plots were allocated, with 60 of them fully developed, nine already prepared for development, while 12 plots were undeveloped with the existing bungalows on them. As of June 2009, 83 new replacements of government residential properties and 169 residential units had been constructed to add to the existing government housing stock. According to the government report, “at the time of the redevelopment policy framework from 2002 to 2009, various schemes were designed by public officers at the Lands Commission, the ministry of Works and Housing and the Town and Country Planning Department and initiated without Executive/Cabinet approval and direction to allocate and sale of government bungalows and parcels of the land on which they are situate“

Expatriating on the allocation and sale of government bungalows and plots, it said from February 2002 to December 2007, officials at the Lands Commission, in conjunction with the Town and Country Planning Department initiated and executed, without Executive approval, an in-filling scheme by which they carved out undeveloped portions of existing large portions of existing large plots on which were government bungalows. The scheme, it said generated 93 residential plots of public land at Cantonments, Ridge and Airport Residential Area and same were allocated to private individuals at “paltry sums”. The report further stated that from October 2004 to January 2007, a scheme of protocol allocation of government bungalows and parcels of lands surrounding them was introduced by some officials at the Ministry of Works and Housing and Lands Commission and an initial allocation was made to some government and financial institutions and embassies, 14 in all. It said between October 2008, and January 2009, prior to the 2008 general election, 71

plots were hurriedly and arbitrarily allocated on protocol basis to politicians, government officials and their friends and relatives, adding that “the allocations were made in circumstances that would amount to conflict interest”.

It said further that between January 2008 to February 2009, some officials at the Ministry of Works and Housing and the Lands Commission devised another illegal scheme by which they sub-divided plots on which government bungalows were situate into smaller plot sized to meet the numerous applications submitted for consideration.

“These extra schemes were contrary to the policy for preserving public lands for future use and development”, it stressed. According to the report, the following is how some of the allocations were made:

List of allocations under Protocol

Nana Kwaku Duah, cost of land GH¢533,600, payment made GH¢533,600

Professor Frimpong Boateng, cost of land GH¢250,000, payment made GH¢165,000.

Ivor Agyeman-Duah, cost of land GH¢172,960, payment made GH¢172,960.

Kofi Opoku Adusei, cost of land GH¢75,600, payment made GH¢75,600.

Dr Henry Prempeh, cost of land GH¢ 190,000, payment made GH¢190,000.

E.K. Oduro, cost of land GH¢75,600, no payment made.

List of allocations – 2000-2006, Cantonments, and Ridge.

Nana Yaa Abena Asante Faibille, premium GH¢82,500, approved by the lands Commission, status of lease executed.

Kwame Osei Prempeh, premium GH¢67,500, approved by the lands Commission, status of lease executed.

Stanley Nii Adjiri-Blankson, premium GH¢90,000, approved by the lands Commission, status of lease execute.

Dr Charles Wereko-Brobbe, premium GH¢70,000, approved by the lands Commission, status of lease executed.

Yaw Osafo-Mafo, premium GH¢75,000, approved by the lands Commission, status of lease executed.

Professor A. B. Akosah, premium GH¢55,000, approved by the lands Commission, status of lease executed.

List of allocations – 2006-2008, Cantonments, Ridge Residential Area

Justice S.A.B. Akuffo, premium GH¢7,000, approved by the lands Commission, status of lease executed.

Justice A.K.P. Kludze, premium GH¢6,900, approved by the lands Commission, status of lease executed.

Mr. Ebenezer B. Sekyi-Hughes, premium GH¢9,400, approved by the lands Commission, status of lease executed.

Dr Osei Akoto, premium GH¢9,300, approved by the lands Commission, status of lease executed.

Mr. J.H. Mensah, premium GH¢28,700, approved by the lands Commission, status of lease executed.

Dr Joe O. Blankson, premium GH¢7,100, approved by the lands Commission, status of lease executed.

List of allocations – 2006-2008, at Airport, Cantonments, and Ridge

Ms. Shirley Ayorkor Botchway, premium GH¢7,200, approved by the lands Commission, status of lease executed.

The list however, is not yet exhausted.

APPENDIX (B)**INTERVIEW
GUIDE/QUESTIONNAIRE****Respondents' Assurance**

This study is purely academic. It is in Partial Fulfillment of the PhD Programme in Public Administration at the University of Ghana Business School.

SECTION A– RESPONDENT BIO– DATA
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QA1: Age: 20-29 30-39 40-49 50-59 60-69

QA2: Sex: Male Female

QA3: Marital Status Single Married

QA4: Educational qualification(s):

- (a) Elementary / Basic (b) GCE “O” / “A” Level (c) Diploma
(d) Degree (e) Professional (f) Others.....

QA5: Department:

- (a) Legal (b) Operations (c) Human Resource d) Administration
(e)Marketing (f) Finance (g) Procurement

QA6: Status:

- (a) Senior Manager (b) Manager (c) Supervisor (d) Employee

SECTION B - CONFLICT OF INTEREST & PUBLIC INTEREST

QB1. What would you consider public interest?

- (a) Enhanced revenue for the elite class
- (b) Operating in the interest of the ruling government
- (c) Enhanced openness, responsiveness and 'publicness' of the public official's duty
- (d) Any other, state.....

QB2. The actions of Public officials are to large extent in the public interest?

- (a) Strongly Disagree (b) Disagree (c) Uncertain
- (d) Agree (e) Strongly Agree

QB3. Public officials in Ghana act in utmost good faith in the execution of their official duties?

- (a) Strongly Disagree (b) Disagree (c) Uncertain
- (d) Agree (e) Strongly Agree

QB4. At what point does the life of a public official become a public issue?

- a) When they become self-centered and selfish
- (b) When they go contrary to public interest
- (c) When his personal interest takes precedence over what is the public interest
- (d) When personal interest outweighs public interest

QB5: How would you rank the following dimensions of public interest in relation to the public official's duties? From 0% – 100%

Indicators of Public Interest	Rank (0% – 100%)
QB4.1 Democracy	
QB4.2 Mutuality	
QB4.3 Sustainability	
QB4.4 Legacy	

QB5. When the public official's personal or private interest competes with the public official's duties, conflict of interest is said to exist. Are you aware of any of such conflicts?

- (a) Yes (b) No

QB6. Which of the following forms of conflict of interest is/are most prevalent challenges in Ghana?

Kinds of conflict of interest	Tick where appropriate
Self-dealing	
Post-employment	
Influence Peddling	
Acceptance of Benefits	
Confidential information for personal advantage	
Use of employer's property	
Outside employment /Moonlighting	
Abuse of office	

QB7. In your view, how are such conflict of interest situations handled? Through:

- (a) Procurement procedure (b) Audit procedures
 (c) Competitive budget evaluation by tender committees

- (d) Performance contract
- (e) Any other, state.....

QB8. To what extent are standards pertaining to conflict of interest situations clear in public organizations?

- (a) Poor (b) Below average (c) Average (d) Good (e) Excellent

QB9. To what extent do public officials uphold the following indicators of Conflict of Interest? (Please rank each on a scale of 0 – 100%)

Indicators of Conflict of Interest	Rank (0 – 100%)
Transparency/Openness	
Accountability	
Equity	
Political Participation	
Protection of Minorities	
Public Value	
Objectivity	

QB10: in your view, which of the following conflict of interest situations would you consider being the most challenging?

- (a) Misuse of discretion (b) Bribery
 (c) Embezzlement (d) Discrimination
 (f) Abuse of public office to attain private benefits for personal gain

QB11: How do challenges in QB11 affect the official's level of compliance to ethical standards?

- (a) Don't know (b) Low (c) Fairly (d) Highly (e) Very Highly

QB12: To what extent are standards pertaining to conflict of interest situations clear in public organizations?

- (a) Poor (b) Below average (c) Average
 (d) Good (e) Excellent

QB13. Which of the following challenges do you think public officials face in the course of their duties?

- (a) Administrative secrecy (b) Nepotism (c) Conformity
 (d) Information leaks (e) Policy dilemmas (f) Corruption

QB14. The above challenge(s) ticked in (question 10) affect the public official's level of compliance to ethical standards.

- (a) Strongly Disagree (b) Disagree (c) Uncertain
 (d) Agree (e) Strongly Agree

QB15. Public officials serve the public in an unbiased manner?

- (a) Strongly Disagree (b) Disagree (c) Uncertain
 (d) Agree (e) Strongly Agree

QB16. Would you encourage Assets Declaration Regimes in the Public Service?

- (a) Yes (b) No

QB17. Any reason for your answer in (QB16)?

.....

QB18. Please, suggest appropriate strategies required to deal with the problems posed by the challenges of public versus private interests in the discharge of the public officials' duties

- (a)
- (b)
- (c)
- (d)

Appendix C

Table 3.5: Summary of Cash Irregularities, Payroll Overpayments, Stores/Procurement and Other Irregularities Classified According To MDAs

No.	Ministry	Tax Irregularity (€M)	Cash Irregularity (€M)	Outstanding (€M)	Payroll overpayment (€M)	Stores/procurement (€M)	Contract Irregularity (€M)	Staff rent arrears (€M)	Total (€M)
1	Finance & Economic Planning	169,525.1	7,598.4		22.0	109.4			177,254.9
2	Energy	104.8	3,780.0			26,200.0	460.4		30,545.2
3	Foreign Affairs, Reg. Co-operation & NEPAD		2,554.1	400.6	10,317.7	116.1			13,388.5
4	Health	577.7	5,167.9	1,920.9	353.0	2,796.4		352.7	11,168.6
5	Education, Sports and Science	229.0	5,798.6	2,078.1	371.0	516.5	37.5	18.9	9,049.6
6	Lands, Forestry and Mines		4,164.2			2,660.2		17.2	6,841.6
7	The Interior	357.6	4,640.7	93.2	168.4	1,185.5	166.4		6,611.8
8	Water Resources, Works & Housing	9.2	173.1	54.1	63.4	83.1	4,544.1	14.6	4,941/6
9	Office of Government Machinery	102.5	2,036.4	175.6	105.7	1,159.1		36.5	3,615/8
10	Food and Agriculture	3.0	51.1	2,815.8	201.7	289.0	24.0	4.4	3,389.0
11	Defence					3,110.0			3,110.0
12	Transportation	80.1	1,287.5	1,347.7	33.5		307.3	50.3	3,106.4
13	Tourism & Diaspora Relations	937.5	1,831.1						2,768.6
14	Trade, Ind. PSD and PSI	86.7	1,286.3	367.8		107.9		95.8	1,944.5
15	Other Agencies		774.2		40.6	40.2			855.0
16	Information and National Orientation	6.7		572.5		222.2			801.4
17	Justice & Attorney-General		272.8						272.8
18	Manpower, Youth and Employment				50.8	18.6			69.4
19	Local Govt. Rural Dev. & Environment		5.1		32.0				37.1
	TOTAL	172,019.9	41,421.5	36,026.3	12,414.2	11,759.8	5,539.7	590.4	279,771.8

APPENDIX D

Table 3.6: Summary of Financial Irregularities for 2006 And 2007 Financial Years

Irregularities	% 2006	% 2007	M€ 2006	GH€ 2007	US\$ 2006	US\$ 2007	€ 2007	£ 2007	CD\$ 2007	Total (M€)	Total (GH€)
VAT/CEPS	61.5	40.9	171,748.4	142,844,368	29,475	15,459				172,019.9	142,859,819
Cash irregularities	14.8	47.6	34,057.1	159,550,996	799,486	2,808,705	2,883,573		14,131	41,421.5	166,056,891
Stores/procurement	4.4	0.2	12,298.1	708,513	12,601					12,412.2	721,114
Outstanding	12.9	10.1	35,450.1	2,199,660	62,556	32,791,590		14,669		36,026.3	35,068,475
Payroll overpayments	4.2	0.4	1,480.3	225,459	1,115,948			6,975		11,759.8	1,348,382
Contract irregularities	2.0	0.7	5,539.7	2,314,504				62,314		5,539.7	2,376,818
Staff rent arrears	0.2	0.1	590.4	148,649						590.4	148,649
Total	100	100	261,164.1	307,992,149	2,020,066	35,615,745	2,883,573	83,958	14,131	279,771.8	348,580,148

Auditor-General's Report on Ghana's MDAs (2007)

APPENDIX E**Table 3.7: Summary of Financial Irregularities for 2007 and 2008 Financial Years**

Irregularities	%	%	GH¢	GH¢	US\$	US\$	€	€	£	CD\$	Totals	Totals
VAT/CEPS uncollected taxes and others	40.9	5.6	142,844,368	27,645,039	15,459						142,859,819	27,645,039
Cash irregularities	47.6	92.8	159,550,996	460,600,767	2,808,705	19,116	2,883,573	96,932		14,131	166,056,891	460,786,338
Stores/procurement irregularities	0.2	0.2	708,513	898,350							708,513	898,350
Outstanding loans	10.1	0.5	2,199,660	2,673,753	32,791,590	21,804			14,669		35,068,475	2,699,730
Payroll overpay	0.4	0.2	225,459	762,886					6,975		1,348,382	762,886
Contract irregularities	0.7	0.6	2,314,504	3,371,320					62,314		2,376,818	3,371,320
Rent arrears	0.1	0.1	148,649	295,809							148,649	295,809
Totals	100	100	307,992,149	496,247,924	35,615,754	40,920	2,883,573	96,932	83,958	14,131	348,567,547	496,459,472

Auditor-General's Report on Ghana's MDAs (2008)

APPENDIX F

Table 6.1: Related Contributions to the Subject

	Source	Focus	Theoretical Mechanism	Method	Analysis	Key Findings
1	Aryee (1997)	Ethics in the public Service	Ethics and Rectitude (Morality)	Descriptive method of research design and it was qualitative in nature as 10 factors for improving conflict of interest were evaluated	Narrative Analysis	Contrary to current practices, public officials are supposed to devote their attention to the promotion of the general welfare and not to their personal aggrandizement
2	Menya (2010)	The Informal Sector Revisited; Botswana's developmental state and micro-enterprise Development	Early Neo-Liberal and matrix Approaches New Neo liberal perspectives and state economic Crises Matrix Re appraisals and the Global Economic Crises	Semi structured questionnaire, case studies and focused group discussion sample of 95 randomly selected informal sector micro finance enterprises	Descriptive statistics, cross-tabulations and drawing on the case histories of individuals and institutions	The informal sector facilitates initiative and entrepreneurship. The core tenets of free market economy meaningfully contribute to the competitiveness of the market economy Botswana's development trajectory is splendid, akin to the developmental state. Botswana's institutional framework suffers from some of the pathologies of a highly centralized and hierarchical bureaucracy that proves stagnant in dealing with the dynamic complexities of informal sector development.

Table 6.1: Related Contributions to the Subject Con't

	Source	Focus	Theoretical Mechanism	Method	Analysis	Key Findings
3	Ofori-Mensah (2011)	Regulating Conflict of interest.	The legal framework and conflict of interest. Description of codes of ethics	2 Case Studies	Phenomenology/Heuristic Analysis and content analysis	Ghana's current system for regulating conflict of interest has been ineffective and done little to stem the perception of corruption
4	Raile (2004)	Managing conflict of interest in the Americas; A comparative review	Conflict of interest, Legal Framework (Implementation, evaluation mechanism and enforcement)	7 Case Studies and 8 Ethics Offices	Content Analysis	Reflecting variation in political, historical and legal circumstances, the countries of the Americas have chosen differing approaches to managing conflict of interest. Conflict of interest is continuously assuming different dimensions
5	Pathrakul (2005)	Conflict of interest; An ethical issue in Public and private management (Conceptual paper)	Ethics, Morality and Conflict of interest	Conceptual Framework		Conflict of interest is one key ethical issue in public and private management and has significant association with corruption

Table 6.1: Related Contributions to the Subject Con't

	Source	Focus	Theoretical Mechanism	Method	Analysis	Key Findings
6	OECD (2003)	Managing conflict of interest	Conflict of interest policy and practice	Case Study (Comparative Review) of 30members Countries (Public Service Organisation)	Phenomenology/ Heuristic Analysis and content analysis	There is a need to develop and implement effective conflict of interest policy that fosters public confidence in the integrity of public officials and public decision Effective co-ordination of preventive measures and positive enforcement is a key element of successful implementation
7	OECD (2005)	Managing conflict of interest in the public sector	Conflict of interest mechanism Transparency / Accountability	15 case studies	Content Analysis	Identifying a specific conflict of interest practice can be difficult and resolving the conflicting interest appropriately in a particular case is something that most people find even more challenging

Table 6.1: Related Contributions to the Subject Con't

	Source	Focus	Theoretical Mechanism	Method	Analysis	Key Findings
8	Gyimah-Boadi (2000)	Prescription of codes of conduct (Conceptual paper)	Freedom of information legislation Vs Official Secrets Act	Conceptual Paper	Narrative Analysis	<p>The withholding of information on pretextual or self-serving grounds should be prevented</p> <p>Codes of conduct is necessary to guide public officials</p> <p>It is necessary to provide a factual basis for subsequent judicial review if the refusal to disclose is contested and challenged as unlawful</p>
9	III (2005)	Challenges of ethics and accountability in Nigeria Civil Service. Implication for counseling (Conceptual paper)	Bureaucracy, Ethics and Accountability	Conceptual paper		<p>Counseling is an antidote for the enhancement and achievement of ethics and accountability in the service. Competent and qualitative leadership remain the practical way out.</p>

Table 6.1: Related Contributions to the Subject Con't

	Source	Focus	Theoretical Mechanism	Method/Analysis		Key Findings
10	Okpomo (2007)	Key Challenges facing Public Sector leaders (Conceptual paper)	Leadership in the public sector	Conceptual paper		Some key challenges facing public sector organizations are Increasing pace of change, technological development. Also, discussions on ICT should benefit to public services activity. Public services must focus on technology to deliver public services and policy outcomes that have an impact on the citizens daily lives
11	OECD (2006)	Public Governance (Report)	Efficiency, Accountability and Transparency	30 Member States and 70 nonmember states	Content Analysis	Public Sector integrity is key to trust in government. E-government is seen as a catalysts for change Good, effective public governance helps to strengthen democracy

Table 6.1: Related Contributions to the Subject Con't

	Source	Focus	Theoretical Mechanism	Methods	Analysis	Key Findings
						and human rights, promote economic prosperity and social cohesion, reduce poverty, enhance environmental protection and the sustainable use of natural resources, and deepen confidence in government and public administration
1 2	Anger (2002)	Public interest Vs Interest Groups (Discussion Paper)	Agency Theory	Cross sectional data Set of 175 German firms	Logical analysis and frequenc ies	The government does not only value social welfare but also political contributions by interest groups

Source: Author's Study, 2015