POLITICAL CONTROL OVER THE PUBLIC BUREAUCRACY IN DEMOCRATIC NIGERIA

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ABSTRACT

In the course of carrying out their official duties, public bureaucrats exercise wide administrative powers that can be susceptible to abuse. Thus, it is imperative to keep bureaucratic power in check by subjecting the bureaucracy to political control. This paper therefore examines political control over the public bureaucracy in democratic Nigeria of the Fourth Republic. It discusses the various methods instituted in the country for exercising political control over the bureaucracy. The paper noted that unchecked bureaucratic power poses a threat to democratic government, and thus concluded that for democracy to be meaningful, bureaucrats must in some way be subjected to the control of elected politicians who in turn, are accountable to the general public or citizenry.

Keywords: Political Control, Public Bureaucracy, Bureaucrat, Bureaucratic Power, Democratic Nigeria.

1 INTRODUCTION

In the course of discharging their official duties, public bureaucrats invariably exercise considerable discretion which confers on them vast and pervasive power that can be susceptible to abuse. As Muir (as cited in Olawuyi, 1998) observed “…the power of bureaucracy is enormously strong, whether in administration, in legislation, or in finance under the cloak of democracy, it has thriven and grown…”. Thus, the control of public administration is necessary to check the dangers of bureaucratic power and facilitate correctives against despotistic exercise of power by public servants (Laxmikanth, 2006).

Moreover, given that elected politicians will inevitably suffer from the consequences arising from the maladministration of the unelected career bureaucrats, it is clearly necessary to subject to public bureaucracy to effective political control. Citizens have to deal with public servants at various levels of government and their image of government is influenced by experience from such contacts. In the words of Hughes (1998:231) “in any democratic system, the bureaucracy is presumed to be accountable to the citizenry. In the final analysis, the voter is supposed to be able to assess the competence of the administration, political and bureaucratic, and to cast a vote accordingly”.

Since it is the task of the elected political leaders to articulate the popular will and determine the ends public power is to serve, their control of public administration is therefore imperative in democratic governance. The control of bureaucracy poses a fundamental problem in new democracies like Nigeria. Riggs (1964) labeled the bureaucracy in developing countries as ‘prismatic-sala model’ because there are no political institutions strong enough to control it. This paper is primarily a discourse on the political control of public administration in contemporary democratic Nigeria.
2 CLARIFICATION OF CONCEPTS
For ease of understanding, the terms political control, public bureaucracy, and democratic Nigeria are hereby clarified.

2.1 POLITICAL CONTROL
Political is the adjective of the word politics. Politics has been variously defined as the governing of men (Ranney, 1958); authoritative allocation of values (Easton, 1965); and as involving all those activities leading to the emergency consolidation and use of state power (Nnoli, 2003). Key(1965) says that ‘politics as power’ consists fundamentally of relationship of subordination, dominance and submission to the governors and the governed.

Essentially, political control implies the power of the legitimate political leadership to direct, guide, and check the actions/behaviour of the career bureaucrats who man the public bureaucracy. Political control of public administration is exerted principally by political institutions notably the legislature, executive and the judiciary to ensure that Public Servants exercise their administrative powers and discretion in accordance with laid down rules, regulations, and the law.

2.2 PUBLIC BUREAUCRACY
It is generally agreed that the public bureaucracy is central in the governance of any sovereign state as it is entrusted with the responsibility of implementing government decisions and policies. Hence, the bureaucracy is commonly associated with governmental administration or public administration that is usually conceived as ‘government in action’. Max Weber who is widely regarded as the father of modern bureaucracy referred to it as an administrative organisation “characterised by hierarchy, loyalty to the office, a highly specialised division of labour, and impersonal relationships based on prestige, power and control” (Weber, 1947:328). Public bureaucracy may be defined as that type of hierarchical organisation which is designed rationally to coordinate the work of many individuals in the pursuit of large scale tasks (Coser & Rosenberg, 2006) to accomplish politically determined state purposes. The public is the government offices that constitute the permanent government of a state- that is, those public functions that continues irrespective of changes in political leadership (Shafritz, Rusell & Borick, 2009). The Nigerian bureaucracy covers the entire public sector or public service; and encompass all personnel employed by government on both the civil and military spheres of administration in the country. It comprises all ministries, departments and agencies of government.

2.3 DEMOCRATIC NIGERIA
Democratic Nigeria is taken to mean the polity under civil rule as opposed to military rule. In the context in which it is used, democratic Nigeria refers to the period beginning from 29th May, 1999 when democratic rule or governance was re-established in the country. This period is also commonly called the Fourth Republic in Nigeria. According to Roskin, Cord, Medeiros & Jones (2010:1) “democracy is complex and must include accountability, competition, and alternation in power”.

3 THEORETICAL CONSIDERATIONS
The theory of political control is predicated on the traditional view of public administration that required a complete separation between those who make policies and
those who execute them. Woodrow Wilson proposed that administration should be purely instrumental in that while policies are decided by political leaders, these policies are to be implemented by a political neutral (apolitical), professional and technically competent administrative agency (Wilson, 1941:210). In the same vein, Goodnow (2003) submitted that politics should be separated from administration because politics has to do with policies or expression of state will while administration has to do with the execution of these policies.

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Gary Bryner observed that “the legitimacy and acceptability of public bureaucracies has traditionally been a function of the idea that agencies simply implement political decisions made by others, and that administrative process is neutral and objective (Bryner, 1987:189). However, the validity of the demarcation between politics and administration has been called to question by scholars such as Paul Appleby who asserted that policy making (politics) and policy execution (administration) are two sides of the same coin, and as such what obtains in practice is the politics of administration. As Appleby so succinctly puts it, “government is different because government is politics” (Appleby, 1945). This viewpoint appears to be more realistic given that bureaucrats not only implement policies but, in a large measure, are actively involved in the process of their formulation. There is difficulty in restricting the bureaucracy to an instrumental role particularly in the face of increasing bureaucratic power in modern democracies. As Henry (2004:17) puts it:

Public administrators have encroached beyond their recognized bounds and appear to have wrested control over critical policy areas from elected officials, both legislators and chief executives, who nominally are charged with the sole authority in democracies to make public policy.

The realisation that, there is usually interface between the political and administrative parts of government in the course of the policy process reflects in the principal – agent model. This model sees elected politicians as the principals being the ones with the popular mandate while the career public servants are seen as their agents as they are meant to assist. The political leadership discharge the functions of the executive branch of government. Due to the fact that public servants are appointed rather than elected, the model submits that they should be responsible and responsive to elected state officials. In other words, bureaucrats should be subjected to political control.

But both principals and agents seek to maximize their respective interests: while the principals want to optimally control the agents, the agents want to have the least amount of control exerted over them. However, since delegation is not abdication, the principals are duty bound to check the actions carried out on their behalf to check actions carried out on their behalf by their agents to whom they delegate power. Political control is therefore exercised over public bureaucracies and bureaucrats in various ways. Modes of control over bureaucracies can be classified into formal and informal categories.

Formal controls can be external or internal (Hague & Breslin, 1998). Formal control instruments include the political executive, legislature, judiciary, and ombudsman. Informal external control measures are mass media, public opinion and interest/pressure groups while informal internal control measures include professional standards, participated reactions, peer pressure, and conscience. Our focus in this discourse is mainly on formal external methods of exercising control over the Nigeria bureaucracy.
4. SOURCES OF BUREAUCRATIC POWER

Public policy implementation is the primary task of the governmental bureaucracy. Bureaucrats must of necessity have some discretionary power if they are to implement public policies effectively. The enormous administrative discretion public servants enjoy in the course of carrying out their policy implementation function is one of the major sources of bureaucratic power. As Denhardt and Grubbs rightly observed “…legislation is often both inevitably and intentionally vague, leaving considerable discretion to the administration”. The bureaucrats in exercising administrative discretion in the course of implementing public policies can advance their own interests to the detriment of their political leaders and the society at large.

The public bureaucracy is staffed by permanent career officials. Consequently, the position of the political leaders of the bureaucracy is more temporary than that of bureaucrats. Top public servants therefore tend to have more experience and acquire expertise in their areas of mandate than politicians such as ministers. The often unique expertise of the bureaucrats arising partly from long-term experience in the field and their superior knowledge is also a source of bureaucratic power.

It is a common saying that information is power, as such the information that is stored in governmental bureaucracy is a distinct source of power. Political leaders often rely on the information provided by bureaucrats to enable them reach informed decisions. Since, according to Roskins, Cord, Medeiros and Jones (2010), he who controls information controls policy, bureaucrats therefore contribute or even control the policy making process. The bureaucrats’ ability to control the flow of information and thereby determine what the political leadership knows is a source of bureaucratic power.

5. POLITICAL CONTROL OF THE NIGERIAN PUBLIC BUREAUCRACY

In Nigeria, the political control of administration is usually exercised through the following major institutions political executive, legislature, judiciary, ombudsman, and civil society.

5.1 POLITICAL EXECUTIVE CONTROL

Political executive control over public administration denotes the control exercised by elected and appointed political leaders (such as the President, Governors, Ministers, Commissioners, and Special Advisers) over the operations and functioning of the public service. The key means through which the political executive exercises control over public administration is that of political direction and policy making. At the national level in Nigeria, the Federal Executive Council (FEC) comprising the President (chairman), Vice-President (vice-chairman), Ministers, Secretary to the Federal Government (SFG) and the Head of the Federal Civil Service (HOFCS) is the chief policy making body. The FEC formulates public policies and enjoys the power of direction, supervision and co-ordination with regard to its implementation. Moreover, the respective ministers in charge of the various ministries lays down the broad policy and directs the implementation activities of the public servants under them. This implies that through the provision of political direction and guidance, the minister controls the operations of the departments and agencies under his/her
ministry. Career public officials in the ministries are directly responsible and answerable to their respective ministers who are political executives.

The power of appointment and removal of top public servants enjoyed by the political executive is another effective means of control over bureaucrats. For instance, the President appoints Permanent Secretaries and Heads of Federal Institutions and can also relieve them of their posts without recourse to any other authority. The political executive also controls administration through the budgetary system. The political executive determines the funding level of administrative agencies and exercises financial control over administration through the ministry of finance. Lastly, the political executive has the power to discipline any category of public bureaucrats that violates the specified code of conduct for public servants.

5.2 LEGISLATIVE CONTROL

Nigeria being a representative democracy, her national legislature (called the National Assembly) is made up of representatives of the Nigerian people and so reflects the will of the populace. As representatives of the people and the custodian of the public interest, the legislature exercises some degree of control over administration to hold it accountable and responsible to the people. The elected representatives of the people in the legislature exercise control of administration on behalf of the citizenry. In Nigeria, legislative control of administration is exercised through the ways:

i) Through the legislative power of appropriation and financial control through budget and audit. All policies and programmes of the executive branch of government must secure legislative budgetary approval before they can be implemented. The legislature approves the budget and authorises the release of funds for administrative purposes. The Public Account committee (PAC) of the National Assembly exerts some degree of control over the spending of public funds by government agencies. Section 80 sub-section (4) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) stated that “no moneys shall be withdrawn from the consolidated Revenue Fund or any other public fund of the federation, except in the manner prescribed by the National Assembly”.

ii) Through parliamentary law making powers and procedures. The consideration of executive bills affords legislative committees the opportunity to inquire into the operations of the ministries, departments and agencies of government concerned.

iii) Through the power of legislative investigation. The power to investigate the conduct of administrative activities vested on the legislature act as check on the potential excesses of public servants. The possibility of legislative investigation tends to guard against maladministration thereby promoting administrative responsibility.

iv) Through the exercise of oversight function. The legislature oversees and monitor the work of the executive branch of government and its public administration. In this respect, various legislative committees such as committees on Education, Foreign affairs, and Defence are set up to oversight specific aspects of the government business on behalf of the legislature. Since administrative agencies are created by enabling laws enacted by the legislature, “the legislature’s self interest demands that it oversees administration to learn whether the executive and its agencies are complying with the legislature intent” (Keefe, 1966:44). Since the public policies and laws made by the legislature are implemented by the bureaucrats or bureaucracy, there is need for the legislature to exercise control over such implementation.
5.3 **JUDICIAL CONTROL**

The judiciary is to ensure that all administrative actions are constitutional and does not run foul of the law. The Nigerian judiciary exercises control over public administration in the country primarily through the power of judicial review, which is the power of the courts to determine the legality and constitutionality of administrative acts. According to White (1958) the end sought by judicial control of administrative acts is to ensure their legality and thus, protect citizens against unlawful trespass and guarantee their constitutional or other rights. On examination, administrative acts that violate the law or constitution can be declared illegal, unconstitutional, null and void by the courts. The courts can also make determination as to the limits of the powers of public officials within the framework set by the enabling law concerned so as to check the abuse of bureaucratic power in the exercise of administrative discretion.

The judiciary, according to Laxmikanth (2006:215-216), intervene in the administrative acts under the following circumstances:

i) **Lack of jurisdiction**, that is, when the public bureaucrat acts without authority or beyond the scope of his/her authority or outside the geographical limits of his/her authority. It is technical called ‘overfeasance’ (excess of authority).

ii) **Error of law**, that is, when the public servant misinterprets the law and thus imposes upon the citizens obligations which are not required by the content of the law. It is technically called ‘misfeasance’.

iii) **Error of fact finding**, that is, when the public administrator makes a mistake in the discovery of facts and acts on wrong presumptions.

iv) **Abuse of authority**, that is, when the administrator uses his/her authority (or power of discretion) vindictively to harm some citizens. It is technically called malfeasance.

v) **Error of procedure**, that is, when the administrator does not follow the laid down procedures.

It is the task of the judicature of uphold the rule of law and to protect ordinary citizens from capricious and arbitrary administrative decisions and actions. Ayua (1983:6) stated that the judiciary is not only to ensure that the fundamental rights of people are not infringed upon by administrative acts but also that delegated powers are used for the public good.

5.4 **OMBUDSMAN**

The ombudsman is another mechanism for controlling administration. The ombudsman institution in Nigeria is the Public Complaints Commission (PCC). This body is saddled with the responsibility of protecting citizens against administrative injustice and maladministration. It handles citizens complaints against administrative actions. However the effectiveness of the PCC in discharging its assigned function is doubtful as it lacks the power of enforcement.

5.5 **CIVIL SOCIETY**

Various Civil Society groups such as the mass media, human rights groups, professional associations, labour unions and all such voluntary groups exercise some control over the public bureaucracy by constituting themselves into the watchdog of the society.
Through the force of public opinion and other pressures, civil society groups exert some form of control over administration.

6 CONCLUSION

In the course of carrying out their official duties, public bureaucrats exercise wide administrative power that can be susceptible to abuse. But, thus, unchecked bureaucratic power poses a threat to democratic governance. For representative democracy to be meaningful, appointed career bureaucrats must in some way be subjected to the control of elected politicians who in turn, are accountable to the general population or citizenry. The essence of political control of the bureaucracy is to ensure that bureaucrats exercise their discretionary and other powers in accordance with laid down rules and regulations or the law.

REFERENCES


**Table 1: Modes of Control over Bureaucracies**

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**Source**: Adapted from Hague & Breslin, 1998, table 1.