OATH OF SECRECY IN THE NIGERIAN PUBLIC SERVICE

Dr. R.O. Oji  
Department of Political Science, Enugu State University, Enugu

Nwachukwu Emmanuel C  
Department of Public Administration, Imo State Polytechnic Umuagwo, Ohaji

Eme, Okechukwu Innocent  
Department of Public Administration and Local Government Studies  
University of Nigeria, Nsukka

Abstract
Oath of secrecy is part of the civil service tradition for employees to take an oath of office of allegiance before their assumption of duty, but the manner, timing, and wordings of the recent oath of secrecy administered to the People Democratic Party, National Assembly and Presidency Workers can only be indicatively unambiguous phobia and deep-seated disdain for free flow of information on the part of the clearly desperate master minders of the whole unedifying exercise. No doubt, most of these workers have been in the employ of these institutions many years before the present sets of leadership was inaugurated and the assumption is that they would have performed this mandatory exercise long before now. The paper conceptualized public service and oath of secrecy. It goes on to highlight the background to the oath of secrecy and its location within the concept of administrative loyalty. It also examines the implications of the act on transparency initiatives in the Nigeria public service. The paper goes on to explore the manifestations of arts of disloyalty among civil servant and the consequences. The paper, therefore, shares the thesis that the oath of secrecy was a pointless and wasted exercise whose only benefit is the bad image it would return to the PDP, Presidency and the National Assembly because of its timing. Though the paper supports the oath of secrecy in the public service but concludes by positing that Nigerian leaders cannot afford to portray themselves as sworn enemies of openness, accountability, anti-corruption and transparency, which now widely defined the concept of good governance.

Keywords: Transparency, Oath and Administrative Secrecy, Anti-corruption, Public Service Rules, Ethics and Public Service.

Introduction
Public service is a permanent institution that ensures continuity of its essential services to the people. There is security of appointment because regardless of changes in formation and composition of the government the public service is expected to remain, while the employees should not work under the constant fear of being removed, except if and when found guilty of offences against the ethics of their profession. This assists the administrators in the fulfillment of government policies and decisions as they could rely on the wealth of experience acquired over time on the job. The permanence of the civil service promotes societal welfare and stability.
Civil Servants are not held responsible on matters affecting the Ministry in relation to the performance of their functions. Though policies may be formulated by the civil servants, commendation or condemnation for such policies is heaped on the Minister. It is the Minister or ministerial heads that are held responsible by the Chief Executive of government for the activities of the ministries or departments under them. They are generally expected to remain loyal and dedicated to the government of the day. They are not expected to be partisan but to perform their functions without showing sympathy for any political party or group. The essence of neutrality consists in the need to retain public confidence in governmental administration. It is also to forestall political victimization of identified political opponents and the use of undue advantages by their political friends. A civil servant who wants to vie for any political office or play partisan politics is expected to resign his office before do so.

However, this practice of political neutrality by civil servants varies from country to country. The tradition in Nigeria like in Britain and most former British colonies patterned their civil service practice and system on it. The civil service in Nigeria is financed from public fund. The civil Service is therefore expected to serve all governments, people and parties in accordance with the same standards with no special identification with, or bias for, any group. It is only an impartial civil service that can be seen as the symbol of administrative unity.

Put differently, Nigerians accepts ‘high’ standards of ethics from the civil servants and public officials, including the judiciary and elected representatives, who undertake the tasks of government and public management on its behalf. Ethics problems are generally concerned with choosing between “right” and “wrong” when we are required to decide what we ought to do in a ‘particular’ situation. In private life, we generally approve of promise keeping, selflessness, responsibility, reliability, hard work, commitment, courage, honesty, frankness, and above all, trustworthiness. Ethics involves obligation, duty and conflict of interests, responsibility, integrity, fairness, and trust. On the other hand, special words used to show disapproval of many kinds of ‘unethical’ conduct or behaviors are: lying, selfishness, cheating, dishonesty, unreliability, abuse of position, abuse of trust are among others.

The civil service in Nigeria on the other hand has emerged over the years as the most critical and crucial part of national development and democratic stability. Despite long years of military rule which in several ways distorted the character and philosophy of the service, its role in national development has remained valuable. As a vehicle and machinery of public policy formulation and implementation, the service acts as catalyst for crystallizing the shared goals of the citizenry. Impliedly, the inefficiency of the civil service of any nation can constitute one of the greatest obstacles to development. The survival of any developmental democracy especially the democracy we have embraced in Nigeria depends largely on the efficiency and effectiveness of the civil service.

As an employment system, the civil service requires the service of dedicated, loyal and trusted officers to realize its goal in driving the agenda for democratic survival in our society and one way of achieve this is to have a type of civil servant that are not “media friendly”. This paper attempts to examine the relevance of the oath of secrecy in the Nigeria public service, in accordance with the service rules and regulations. To achieve this objective, the section paper examines conceptual issues of oath of secrecy and Nigeria public service.

**Contextualizing Oath of Secrecy and Nigeria Public Service**

Many scholars are used to the usage of the terms civil service and public service interchangeably. This is not correct, as there are subtle differences between them. Civil service usually refers to the functionaries of state who are appointed to their government jobs through non-elective process (Ayeni, 1987:87). These functionaries work in the main government Ministries and Extra-Ministerial Departments. The Extra-Ministerial Organizations are headed by Chairmen and not Ministers. Okereke (2003) reinforced this when he notes that civil service
refers to government ministries and departments that are charged with the responsibilities of implementing policies. They are those in the service of federal, state and local government services primarily responsible for policy implementation and making inputs available for policy formulation. Chapter 3, Section 2 of the Civil Service Handbook makes the definition of civil service clear (Federal Republic of Nigeria, 1997). It defines the civil service as follows:

The civil service is a body or organ which enjoys continuity of existence. Its members unlike members of the National Assembly are not limited to a short term office at the end of which they may not be returned to office ..... When a civil servant relinquishes his office for whatever reason, his place is taken by another person who similarly enjoys security of employment.

These definitions should make the meaning of civil service clear to you. Whatever the government, whether civil or military, the civil service is indispensable. Now that you understand the meaning of the civil service let us move to a broader term which is the public service. The term public service is broader and more inclusive. The first definition is that public service refers to government parastatals, which are the operational arm of government ministries as well as the ministries, departments and agencies (MDA).

The Public Service is often referred to as the employees of government who are responsible for the functioning of government through the implementation of government policies (Onuoha, 1993:278-279). In other words, those who are in the public service constitute the permanent officials of the various government departments that are responsible for the execution of government policies and programmes (Adebayo, 1981). Specifically, within the Nigerian context, and in relation to the task of engendering sustainable development, Olugbemi sees the public service as “the mill through which those acquired and vastly expanded responsibilities of the country’s government(s) are processed” (Olugbemi, 1987:431). Therefore, the public service in Nigeria is made up of workers in various government ministries, parastatals and agencies. However, workers in the inner core government ministries that are also known as civil service are separated from other parastatals and agencies which include the Nigerian Railways Corporation, the then National Electric Power Authority, Central Bank of Nigeria, National Drug Law Enforcement Agency, Universities, Polytechnics, Colleges of Education, the Armed Forces, Police and other paramilitary establishments such as the Prisons and Customs Services and the Federal Road Safety Commission.

The Public Service in addition to the Civil Service encompasses the Armed Forces, the Judiciary, the Police, Government Institutions, Parastatals; Government owned Companies and Statutory Agencies. The second definition refers to service(s) provided by government to its citizens, either directly or by financing private provision of the services (Fagbemi, 2011). Shafrits and Russel (2005) captured the machinery of government that provides services as consisting of all of the structural arrangements adopted by national, state or local governments to deliver legally mandated programmes and services.

**Oath of Secrecy**

The Peoples Democratic Party last year administered an oath of secrecy to its members of staff as part of its efforts to control the flow of information in and outside the party. The compulsory oath, which took many of the workers by surprise, was supervised by the then Acting National Secretary of the party, Chief Solomon Onwe. Some of the workers complained about the oath, which they said was aimed at victimising perceived enemies by some leaders of the party. They said that some members of the National Working Committee of the PDP were not happy with them and had been doing everything possible to replace them with their loyalists. The workers claimed that Onwe told them that anyone suspected to be fraternising with journalists might be summarily dismissed if the party found out that a piece of information was leaked by any of them. For instance, you will recollect that a
cleaner was sacked few months ago for telling reporters that they (cleaners) were being owed five months’ salaries. That is the kind of treatment they say awaits some of us, including directors, if they suspect that we are close to you people (journalists).

In a veiled reference to the happenings in the party, its then National Chairman, Alhaji Bamanga Tukur, said the PDP needed to maintain discipline and good conduct among its members in a statement which he signed in Abuja. Predictably the oath of secrecy that the personal staff in the Presidency and the National Assembly swore to in 2010 at the instance of the late President Umaru Yar’adua himself has provoked much public outrage. Coming so soon after he went AWOL (absent without official leave) for nearly three weeks, people are shocked that instead of giving the public the explanation for his disappearance to which they are entitled, he has decided to barricade himself even more behind a wall of enforced silence from his staff and those of his deputy.

I remember reading that the word secret comes from the word sacred i.e. that which is sacred should be kept secret, do not cast pearls before swine etc. However most to these “secrets” within the more popular secret society’s are not really secrets when you truly analyses what has been revealed but the candidate often gets so caught up in the often elaborate initiation ceremony that they fail to see what has been handed to them is in fact worthless…In other words secrets about secrets. In any case during such initiation ceremony’s the candidate is told or warned that what is being revealed is to be kept “in the brain box” and never discussed openly. In many cases the candidate doesn't even understand fully what the secret is and is left bewildered by the whole event.

It is called an oath of secrecy but what stops the person revealing it and breaking his oath. Losing honor, being cast from the order, threat of death but in the higher esoteric orders they have unusual methods to insure you do not speak. I heard an interesting story about a candidate in an oriental school who was being initiated into very ancient knowledge concerning yogic secrets. His teacher told him that to reveal the secret meant death. The master took a piece of parchment paper and with a small brush dipped in ink started to draw unusual characters on the paper. He then took this paper and held it against his lips whilst muttering some incantation over the paper. Once this was done the paper was burned over a candle flame and tossed into a goblet, the ashes were mixed with water and the candidate was then passed the goblet to drink it. The candidate was warned that death was the price for trying to reveal what was told. This is how the true initiates are "bound" when passed the higher teachings.

It is axiomatic to posit that governments across the globe have one thing in common. They like to do things in a closet. What ever they do they believe must not be known to the people to whom incidentally they are accountable. To many in government, the populace are no longer relevant once they come into office. It is when election is around the corner that the people are remembered. They are remembered because the politicians know that their vote matters, even though the vote may not count at the end of the day. So, not a few Nigerians were surprised when some members of the late Yar’Adua government stood before the Klieghlights in 2008 to swear to an oath of secrecy. The media expectedly lapped up the exercise, which came on the heels of the planned rumoured resignation of President Umaru Yar’Adua.

What does an oath of secrecy meant? Does it mean that all those who swore to the oath are now bound like say, cultist; who maintains certain code and creed? How different are they from cultists? It may be unthinkable to compare them with common rituality or cultists but the rite they performed is not different from that of cultists. Except that blood was not shed. Another difference is in the hour the rite was performed. While the rituality is known to perform their rite at night, the government officials gathered in the day time to take their oath. In the past, I have seen red office files marked secret in which classified government
documents are kept. What this means is that the contents of these files should not be disclosed. Whoever discloses these files and their contents is liable to punishment. This is in line with civil service rule.

Specifically administrative secret consist of any formula, pattern or compilation of information which is usual in administration and which gives the administration the opportunity to obtain an advantage over other administrative system. Put differently, it is a compilation, or information, including but not limited to, technical, or non-technical data, a formula, pattern, compilation program; device, method, technique, drawing; process, and financial or military data that is sufficiently secret to derive econo-military or political value, actual or potential from not being generally known to other persons who can obtain socio-economic, and politico-military value from its disclosure and to maintain its confidentiality. Also, it is any information that can be usual in the administration that is sufficiently valuable and secret to afford an actual or potential administrative advantage over others.

Then Presidential spokesman Segun Adeniyi had attempted to justify why he and others took the oath, even when some of them were not entitled to do so. Hear him:

The oath taking is a public service ritual that ought to be in our files and it was the new state House Permanent Secretary who discovered the omission on the part of many of us and insisted we all had to do it. While it imposes responsibility on public officials, it is not an attempt to gag me. I have even discovered that there was an error because the oath secrecy is not for me, the chief Economic Adviser, and other special Advisers, who like Ministers and Permanent Secretaries, had already been sworn in by the President (Ogienagbon, 2008:15).

From the theses elucidated above, administrative secrecy possesses the under listed characteristics:

1. It needs not to be essentially now
2. The idea not is to complicate
3. It may be intrinsically simple and
4. Neither the less qualify as a secret (Rowat n.d, 1).

Presently in Nigeria, a plethora of laws prevent civil servants from divulging official facts and figures, notably the Official Secrets Act which makes it an offence not only for civil servants to give out government information. Further restrictions are contained in the Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code, among others. These laws, under which civil servants were required not to divulge confidential, classified and state information to third parties, has roots in the authoritarianism and insecurity of the colonial authority. No doubt the Presidency has already attracted some forms of disdain to itself in the manner it handled the President’s whereabouts for four months, and the state of his health, but the latest introduction of the oath of secrecy may be a final onslaught that the president and his aides are seeking to gag the men and women who by their positions and the nature of their jobs are in a position to be privy to happenings within the presidential villa. That is the crux of the matter. If these people were not entitled to take the oath, why then did the president insist that they be sworn? This much was told by Musa Aduwak, who works in Adeniyi’s office, in a statement issued on the day of the exercise.

Before the oath was administered, the Permanent Secretary, State House, Ambassador B. K. Kaigama, said the oath was being administered on the instruction of President Yar’Adua … You can fill in the gap. Any way, like everything temporal, this one too shall come to pass (Ogienagbon, 2008:15).

It is time that for purposes of national security and stability, countries usually categories some kinds of official information as “classified”, but to introduce oath of secrecy in a country is what Nigerians least expected. Confidentiality may be useful but has already been taken care of in the seventh schedule of the 1999 Constitution, without a frontal concern
about secrecy. If this is true, then Yar’Adua, like many leaders, expects nothing but absolute loyalty from his close aides. It is expected that they would be governed on how not to distract the president by unwittingly divulging any information that might embarrass him.

But, if this is how Yar’Adua wants to plug information leakage in his government, then that somber ceremony of Tuesday, September 23rd 2008 revealed his astonishing faith in the “oath-takers” pretty. Some have posited that the fundamental reason there is so much corruption, and so little service delivery to the people in these parts is that public office holders are sworn into office than the symbols of the dreaded deities in their localities.

Our operational definition of the concept is adapted from a public affairs analyst, Mr. Ochereome Nnanna who described administrative/oath of secrecy as “a conscious or unconscious closure of government business from the glare of the public and the citizenry who elected politicians into legislative and executive chambers of government” (Iriekpen, 2008:21).

Put differently, employees have a duty of loyalty to the Nigeria state as their employer. The duty of loyalty, affirmed through the Oath of Office and Secrecy, requires employees to serve the country to the best of their ability. The release of confidential information that employees receive through the course of their employment may have a significant impact on the country’s ability to manage its affairs or to maintain a perception of impartiality and integrity with its clients and the public.

To protect the interests of the polity, its clients and the public, confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information both during their employment and after they terminate their employment. As well, employees must not use confidential information, or their ability to access such information, for the purpose of furthering any private interest or as a means of making personal gains.

You have been informed that the civil service supports all government irrespective of the party a civil servant votes for. Finer (1965) defines neutrality as impartial service with equal loyalty rendered to any President, Minister, or Commissioner of the government of the day. This definition equated neutrality with impartiality of advice and service to elected politicians of any party (Lungu, 1998). To make this clear to you, the civil service serves the public’s interest. The government may change during an election, but the civil service remains. Since the civil service remains irrespective of the reigning party, the civil service must not sabotage the programmes and policies of the government. This is however an ideal case. Civil servants as human beings with personal beliefs and values may influence government decisions through “advice” on proposed policies and programmes.

Civil Service Rules and the Oath of Secrecy

According to Ogunyomi (2009), like other formal institutions, the civil service is guided by a set of rules and regulations for the conduct of its members in achieving its set goals in national development. The civil service as an organ of government is functional through the activities of individuals who make up the body. The performance of the body is determined by the efficiency of the body parts or components. In this respect, the efficiency of the civil service is based on the conduct and attitude of the staff. For the staff to be efficient there must be guiding principles for everyone. Accordingly, the civil service has both rules for “dos and don’ts” as code of ethics to guide the conduct of its members.

For the purpose of this paper, we shall dwell more on the rules that touches on discipline of the individual civil servants in the performance of their official duties. Some of the features of the rules that touch on discipline are highlighted below:

1. Discipline -Strict compliance to the rules and regulations of the service
2. Loyalty-Loyal to government and constituted authority
3. Honesty-Honesty in doing their duties and in relation to the public
4. Courage-Hardworking embracing extensive schedule of duties
5. Courtesy-Politeness to colleagues and the general public
6. Tact-Skilfulness in handling difficult situation without giving offence to the people involved
7. Tidiness - keep working environment & offices tidy

According to Public Service Rules (2009) Serious Misconduct is a specific act of very serious wrongdoing and improper behaviour which is inimical to the image of the service and which can be investigated and if proven, may lead to dismissal. Serious acts of misconduct include:
(a) Falsification of records; (b) Suppression of records; (c) Withholding of files; (d) Conviction on a criminal charge (other than a minor traffic or sanitary offence or the like); (e) Absence from duty without leave; (f) False claims against Government Officials; (g) Engaging in partisan political activities; (h) Bankruptcy/serious financial embarrassment; (i) Unauthorised disclosure of official information; (j) Bribery; (k) Corruption; (l) Embezzlement; (m) Misappropriation; (n) Violation of Oath of Secrecy; (o) Action prejudicial to the security of the State; (p) Advance Fee Fraud (Criminal Code 419); (q) Holding more than one full-time paid job; (r) Nepotism or any other form of preferential treatment; (s) Divided loyalty; (t) Sabotage; (u) Willful damage to public property; (v) Sexual Harassment; and (w) Any other act unbecoming of a Public Officer.

The disciplinary procedure for serious misconduct according to the Public Service Rules (2008) shall be in accordance with Rules 030302 to 030306. (Federal Republic of Nigeria 2008):
(i) When a serious case that may lead to dismissal has been instituted against an Officer, the Permanent Secretary/Head of Extra-Ministerial Office may interdict him/her on not more than half pay pending the determination of the case.
(ii) Recommendations to the Commission for interdiction shall be made only if it is against the public interest that the officer should continue to perform any of the duties of his/her rank. When the charge against him/her is such that the continued performance of his/her presents duties is against the public interest or prejudicial to the investigation of the charge against him/her, consideration shall be given to putting him/her on alternative duties. Interdiction shall only be resorted to when this is not possible.
(iii) When an officer is interdicted, he/she shall cease to report for duty. In the letter informing the officer of his/her interdiction it shall be indicated that the proportion of emoluments he/she is to receive while on interdiction shall be 50% of his emoluments.
(iv) If proceedings under Rule 030404 (i) reveal that he/she is not guilty of the charge made against him/her, the Officer shall immediately be reinstated and shall receive the full amount of his/her emoluments denied him/her while he/she was interdicted.
(v) If the Officer is found guilty but is not dismisssed, he/she may be refunded such portion of the emoluments denied him/her as the Commission may determine.
(a) An Officer who is under interdiction or suspension shall notify his/her Permanent Secretary/Head of Extra-Ministerial Office of his/her intention to leave his/her station. He/she shall however not leave the country without the specific approval of the Head of the Civil Service of the Federal.
(b) An Officer under interdiction is also responsible for keeping his/her Ministry/Extra-Ministerial Office informed of the address at which instructions to him/her can be delivered.

**030410** – If an Officer is convicted on a criminal charge, the Commission shall consider the proceedings of the Court and if it is of the opinion that the Officer should be dismissed or subjected to some lesser penalty on account of the offence for which he/she has been convicted, the Officer may thereupon be dismissed or otherwise punished without any of the procedures prescribed in Rule 030306 being followed.
Any Officer who absents himself/herself from duty or travels out from Nigeria without leave renders himself/herself liable to be dismissed from the service and the onus shall rest on him/her, to show that the circumstances do not justify the imposition of the full penalty.

For the purpose of these rules, the expression “serious financial embarrassment” means the state of an Officer’s indebtedness which having regard to the amount of debts incurred by him/her, has actually caused serious financial hardship to him/her, and, without prejudice to the general meaning of the said expression, an officer shall be deemed to be in serious financial embarrassment.

Divided Loyalty in Civil/Public Service and their Manifestations

Loyalty in civil service is defined as an obligation of civil servants to respect and be loyal to the government which has given them opportunity to serve. It is a respect accorded a constituted authority in government institutions.

Civil servants who perform their duties in the service contrary to the rules and regulations as stipulated in the civil service rules are said to have divided loyalty to the government or institution or constituted authority under which they work. Sadly, it has been noted that over the years the attitudes and behavior of some civil servants in Nigeria’s civil service are not conducive to the efficient administration of the affairs of the service. (Ejiofor, 1987: Ejiofor and Anagolu, 1984) Some of the factors responsible for the negative attitude of civil servants in the discharge of their duties include among others:

- Work Ethics
- Values
- Ethnicity
- Conflict of Interest
- Education
- Religion
- Leaking official secret

Work Ethics is seen as the pattern of behavior at work including the code of conduct expected of people at different work situations. They include such values as honesty, punctuality, commitment to set of objectives, respect for constituted authority, rules and regulations, the upholding of the values of an organization (See Dr. John I. Abhuere citing Edet Mullins (1999) etc. Work ethics is defined as a way of determining what is right or wrong in the work place and then doing the right thing- the application of our values to work place in actual decision-making. It means the application of different values to the decision we make for example, the application of say honesty, fairness, efficiency, integrity, respect, accountability, patriotism etc in our conducts at the work including judgment on colleagues. Values refers to the underlying factors of consideration, which impel men to do one thing instead of the other or to prefer one to another (See Abhuere, 2000).

They are about the things we hold dear and thus ready to protect and defend. At policy level, the values of administrators, policy makers etc are known to inform the kind of policies they initiate or support including the way they go about realizing them. These two factors as we are aware are contained in the civil service rules which embody full moral principles to guide the civil servants in the discharge of their duties. The inability of the civil servants to keep to these rules without sufficient reason amounts to what is called “serious misconduct”. Section 04401 of the civil service rule defines serious misconduct as “a specific act of serious wrongdoing and improper behavior which can be investigated and proved. It includes absence from duty without leave, disobedience example, refusal to accept posting, corruption, dishonesty, drunkenness, insubordination, falsification of records, negligence etc.

Ethnicity is the use of ethnic and sectional sentiment to confer unmerited and undue advantage to people of same ethnic origin. This happens in many ways including a situation
where a particular part or ethnic group attempts to dominate leadership of some government institutions because of the number of officers from such region. Leadership of such institutions is treated as exclusive preserve of the dominating region. The implication is that if you are a leader and not from that part of the region, you intend to lose the loyalty of the officers from that region. It is no mistake that Section 14 (3) of the 1999 Constitution of the Federal Republic of Nigeria stated that: “the composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity and also to command a national loyalty, thereby ensuring that there shall be no predominance of persons from a few state or from a few ethnic or other sectional groups in that government or any of its agencies.” In giving effect to section 14(3) of the Constitution, the Constitution in Part I of the Third Schedule provided for the establishment of a Federal Character Commission.

**The Commission shall have power to:**

(a) work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and the states, the armed forces of the Federation, the Nigeria Police and other government security agencies, government owned companies or parastatals of the states;

(b) Promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government;

(c) take such legal measures, including the prosecution of the head or staff of any ministry or government body or agency who fails to comply with any federal character principles or formula prescribed or adopted by the Commission.

The above provisions of the Constitution which are also replicated in the civil service rules in terms of hierarchy in service, indicate that attempt to use ethnic domination in service to scuttle existing rules or pick and choose which leader to obey or disobey in service is inconsistent with the constitution and civil service rules and there therefore amounts to divided loyalty.

**Conflict of Interests:** Conflict of interests is a situation where we are faced with making an ethical choice between one obligation and another. The Bible states that ‘no man may serve two masters’ at a time. Thus, conflict of interest arises when officers have to make decisions at work that may affect private or primordial interest. It means conflict between the public duties and private interest of a public official in which a public official has private capacity interest that could improperly influence the performance of his official duties and responsibilities. (Cindy Davids and Gordon Boyce, 2008). Conflict of interest is characterized by:

A public official or civil servant having private business partnerships and board membership, government contracts without approval of relevant authorities as stipulated in rule 04301(ii) of the Public Service Rules (revised edition 2000). A public official who refuses to respect constituted authority of an institution because such a person holding the position of authority is not from his/her ethnic group. Such official is said to be having conflict of interest of allegiance to his ethnic group in contrast to the ethics of the oath of service he took.

**Education:** Education is a factor here because proper education inculcates national consciousness and spirit of national unity in an individual. That is why National Policy on Education stated that “Nigeria’s philosophy of education…is based on the integration of the individual into a sound and effective citizen and equal educational opportunities for all citizens of the nation at the primary, secondary and tertiary levels, both inside and outside the formal school system (Yahaya, 1992:35).

By this policy, civil servants are expected to possess minimum standard of education based on the requisite qualifications at the time of employment. It is assumed that education
would have inculcated in the officers, the right attitude for the survival of the individual and the Nigerian society, the training of the mind in understanding of the world around him and the acquisition of the appropriate skills, abilities and competence for the individual to live in; and contribute to the development of the society and the institutions he belongs. What in-service training will do is to broaden and consolidate on the qualities believed to have been acquired by the individual before entering the service. Officers in the service who lack proper education have the tendency to lack the proper attitude, values and skills with which to understand the right attitude to the rules and would easily develop divided loyalty when obligation to the service challenges their ego and psychological disposition.

Religion: Religion is another powerful instrument exploited by public officers to achieve private gains. It is a tool in the hand of politicians as well as some top civil servants used for private and selfish ends. Despite the Constitutional provisions which are also reflected in the civil service rules, religion is often used to create division in civil service institutions by leaders who pursue primordial interests and ethnic sentiments. What follows at leadership level is divided loyalty as officers may tend to follow those in authority who profess the same religion with them.

Leaking Official Secret:
The civil service considers as very important, the need to maintain secrecy on official government documents. The Oath of Secrecy of 1962 has remained in force in the civil service to demonstrate the premium government places on official document. An official who divulges official secret in the civil service is said to have divided loyalty.

The Dangers of Divided Loyalty in Civil/Public Service and the need for Oath Secrecy
There is no doubt that many people who came into civil service did so because of its secured tenure and conditions of service. It is also true that many of them lack commitment to efficiency, effectiveness and excellence which the performance of civil service job demands in addition to accountability, transparency, honesty, excellence, due process and rule of law and quality service delivery (Abhuere, 2000). The civil service rules and indeed any rules or regulations of any organization are meant to be respected and obeyed. In any organization where rules and regulations are not respected, there is bound to be organizational calamity, pursuit of wrong values which can generate wrong attitude to work, destruction of accountability and mutual trust thus paving way for massive corruption and higher cost of services. When all these beset an institution, there is bound to be:

- Poor regard for work- nonchalant attitude of staff whereby some people will tell you that public service is not their father’s job
- Ineffective supervision and reluctance or unwillingness to apply appropriate sanctions to offenders.
- Poor leadership based on selective justice
- Fatal tribalists and nepotists are blind to any wrongdoing by their kinsmen, poor knowledge of organization’s goals, objectives, and hazy focus by many civil servants.
- Warped value system that has little or no room for excellence, honesty, dedication or outstanding performance
- High level corruption and celebration of evil at the altar of money

All these constitute a civil service structure that is gone out of alignment with the sacrosanct rules and tenets of service and it can only be different when rules and regulations are obeyed and constituted authority respected.

Implications of Oath of Secrecy in Nigeria’s Transparency Initiatives
Rowat (nd: 2) has forcefully and persuasively presented for substantial relaxation, if not outright abolition of the present rules and procedures restricting access to official files and other public documents. Fundamental to this case is the belief that any large measure of government secrecy leads to distrust and fear on the part of public and is incompatible with democracy. Rowat goes on to posit that the principle of open access to administrative information is essential to the full development of democracy and that the logic of democracy
demands that the long term trend be on the direction of the principle of publicity. Human right lawyers, late Mr. Bamidele Aturu, described the oath-taking as undemocratic, adding that it sends the wrong signal that the present administration would rather want to exclude the people from its activities and thus deny us the rights to participate in shaping our nation and lives. Bamidele Aturu explains,

It is a great irony that a government that insists it has zero tolerance for corruption can fall back on an ancient legislation made by the colonialists on the early 20th century to restrict the flow of information that is so vital to development and democracy. What the government has done is a clear breach of the freedom of those who were made to swear under the Act to express themselves freely as guaranteed by the constitution and the African Charter on Human and Peoples’ Rights. It is also a breach of our right as a people to know and receive information which is also constitutionally guaranteed (Iriekpen, 2008:21).

Recognizing, however, the difficulty of attaining open access to information now, Rowat (nd:1) has put forward a set of “interim proposals” designed not only to overcome some of the more serious merits of administrative secrecy, but also to open the way for subsequent further relaxation of, conditions governing access to official information. According to him, we live in an age when the sources of information needed for intelligent criticism of the government are increasingly within the control of government itself. Most scholars and public analysts have feet from time to time the sense of frustration caused by seemingly unnecessary restriction on access to official documents.

According to Kanu and Oboh, (2008 A6):
Without doubt the Official Secrets Acts has no place in our aspiration to build a democratic society. It is an Act that aids corruption and oppression. The only people who will benefit from the Act and the regime of opaqueness in government business are the looters and their cronies. This is the blunder committed by the administration … One thing consoles us, though. Aftermaths of the Babangida, Abacha and Obasanjo eras in the presidency, taught us that thing done in the secret, especially those things whose secrecy was celebrated in the public arena, are eventually exposed, sometimes with salt and pepper added.

Also, the oath taking is as illegal and a wanton disregard for the rule of law. In other words, the oath of secrecy is a desperate reaction of a government, whose fear and insecurity had compelled it to use the oath taking to suppress the truth and a diversionary approach to cover suspected maladministration and inability to deliver on issues of governance. Giwa Amu, a lawyer, said the exercise is in “contravention of the constitution and this action will go a long way to hamper the passage of the Freedom of Information Bill” (Philips, 2008:44). Another implication of the oath of secrecy is that it will hamper the media in the discharge of their constitutional responsibility, which is to hold the government accountable at all time. Put differently, oath of secrecy by people paid from the pubic treasury is unacceptable and ridiculous. This is because government is not a secret cult. By doing this, Aso Rock has been turned into a secret cult. Finally, it is a clear betrayal of Yar’Adua’s/Jonathan’s much talked about anti-graft crusade and rule of law. This is, what the Federal Government is positing is that they are not ready for openness, transparency and accountability; and this is not healthy for our nascent democracy.

**Recommendations**

Based on our discussions the paper recommends as follows:
- There is a need to empower government watch-dog agencies such as the auditor-general and ombudsmen this will identify corrupt practices and bring them to public attention.
• Nigerian legal agencies should minimize and simplify government regulations, particularly those involving the issuance of licenses, the public services, corruption, passport, permits and preferential treatments, thereby restricting opportunities for rent seeking by corrupt means.

• Government should encourage a free press and encourage the usage of Freedom of Information Act to enable the media to forcefully report to the public on corrupt practices in society.

• Anti-corruption war must be guided by legislative framework for transparent and accountable government to strive.

• Government should embrace political will and commitment to fight corruption by been more consistent, focused, non-selective and non-partisan.

• Government should protect whistle blowers;

• The developed societies (especially the G 08, USA and EU) must be on the forefront of building global coalition against corruption. They should make good governance, accountability and transparency the primary foundations for relating with any government. They should speak out against nations that provide safe heaves for proceeds of corruption form Nigeria and other corrupt polities.

• Advanced societies should support and empower local agencies that are involved in the fight against corruption, through capacity building, and technical assistance.

Finally, advanced societies should consider the deployment of secret agents/intelligent personnel are their embassies in Nigeria and abroad and strengthen collaborative initiatives among agencies fighting corruption in Nigeria and all justice administration agencies in their countries. This will expedite requests for assistance made to them on economic and financial crimes.

Conclusion

The civil service rules embody the underlying ethics, Values and ethos upon which service must necessarily run on. Divided loyalty in civil service can crumble an institution of government as it breeds disunity, mismanagement of public position and leadership crisis. It can be stated clearly that loyalty in service implies faith in the system. To have divided loyalty in the system is to adopt the view that you know better than those above you in the chain of authority who know what should and should not be done. In other words, to have divided loyalty is to lose faith in the system and to place self before the service. Often, this attitude begins with leaders (those in authority). If a leader resorts to the temptation to doubt the system, then subordinates may follow suits.

We therefore, hold the view that the strict observance of civil service rules and its application in the discharge of our duties as civil servants will no doubt contribute in repositioning the civil service and bring harmony and peace in the system. Today, the National Assembly Management is undergoing massive transformation as both Management and Staff are imbibing a new code of ethics and exhibiting high level discipline. There is no doubt that the future of the institution lies in the hand of the Leadership and staff and the new positive attitude of the staff indicate that the Legislature is heading to the right direction.
References


Federal Republic of Nigeria (2004), *Public Service Act*, Section 39,


Federal Republic of Nigeria (2004), Public Service Regulations Schedule Form 1 Oath of Office and Secrecy Managers'


Rowat, D. (nd)“Administrative Secrecy in Canada”


http://www.civil service.gov.uk/about/leadership/psmg.dspx.


**Appendix**

**Second Schedule**

<table>
<thead>
<tr>
<th>Nature of Oath</th>
<th>Persons to take Oath</th>
<th>Persons to tender Oath</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oath of Allegiance</td>
<td>Chief Justice of Nigeria Ministers</td>
<td>The President or the Chief Justice of Nigeria</td>
</tr>
<tr>
<td>Oath of Office of President Oath of</td>
<td>Parliamentary Secretaries Attorney-General of the Federation</td>
<td>The President or the Clerk of the National Assembly or clerk of the particular House</td>
</tr>
<tr>
<td>Member of National Council of Ministers</td>
<td>Court President and Justices of the Court of Appeal Chief Judge and Judges of The</td>
<td>as the case may be The President of the Senate or the Speaker or Clerk of the</td>
</tr>
<tr>
<td>Oath of Minister or Parliamentary</td>
<td>Federal High Court Army Chief of Staff</td>
<td>National Assembly or clerk of the particular House as the case may be Persons</td>
</tr>
<tr>
<td>Secretary Judicial Oath</td>
<td>Naval Chief of Staff Air Chief of Staff</td>
<td>authorised by the President; and officers</td>
</tr>
<tr>
<td>Oath of Member of Senate or Member of</td>
<td>Directors-General Inspector-General of Police The President of the Senate The Speaker</td>
<td>authorised by the President and empowered</td>
</tr>
<tr>
<td>House of Representatives</td>
<td>Senators</td>
<td>to delegate authority in respect of the Forces and the Police</td>
</tr>
<tr>
<td>Oath of officer of National Council of</td>
<td>Members of the House of Representatives Persons naturalised and all others to take</td>
<td>The Chief Justice of Nigeria</td>
</tr>
<tr>
<td>Ministers</td>
<td>the oath</td>
<td>The President</td>
</tr>
<tr>
<td>Official Oath</td>
<td>The President Members of the Council Ministers Parliamentary Secretaries Chief Justice of Nigeria</td>
<td>The President Chief Justice of Nigeria</td>
</tr>
<tr>
<td>Oath of Secrecy</td>
<td>Senators</td>
<td>The President or the Speaker or Clerk of the National Assembly or clerk of the</td>
</tr>
<tr>
<td>Armed Forces Oath</td>
<td>Members of House of Representatives Secretary to the Council Deputy Secretary to the</td>
<td>the particular House as the case may be The President or the person presiding at the</td>
</tr>
<tr>
<td>Local Forces Oath</td>
<td>Council</td>
<td>first meeting of the Council of Ministers after the appointment of the person to take</td>
</tr>
<tr>
<td>Police Oath</td>
<td>Members of the Legislative Council Members of the Council Court</td>
<td>the oath</td>
</tr>
<tr>
<td>Police Declaration</td>
<td>Senators</td>
<td>The President or a person authorised by him; the Clerk of the National Assembly; the</td>
</tr>
<tr>
<td>Court Proceedings</td>
<td>Members of House of Representatives Secretary to the Council Deputy Secretary to the</td>
<td>head of the Ministry or Institution or (1976 No. 22) Department or a person</td>
</tr>
<tr>
<td>Affidavit</td>
<td>Council Deputy Secretary to the Council</td>
<td>authorised by him</td>
</tr>
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<td></td>
<td>The President of the Senate Attorney-General of the Federation Solicitor-General of</td>
<td>Head of a Ministry or a person authorised by him</td>
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<td></td>
<td>the Federation Auditor-General of the Federation Members of the Civil Service Commission</td>
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<td></td>
<td>Members of the Police Service Commission Members of the Civil Service of the</td>
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<td></td>
<td>Federation other than Directors General and those in categories exempted by the</td>
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<td></td>
<td>Federal Civil Service Commission by notice in the Federal Gazette</td>
<td></td>
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<tr>
<td></td>
<td>Such other persons executing official functions as the President may designate by</td>
<td></td>
</tr>
<tr>
<td></td>
<td>notice in the Federal Gazette</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All members of the Civil Service of the Federation</td>
<td></td>
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<tr>
<td></td>
<td>Such other persons holding positions or executing official functions as the President</td>
<td></td>
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<tr>
<td></td>
<td>By notice in the Federal Gazette</td>
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<td></td>
<td>Members of the Armed Forces of the Federation</td>
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<tr>
<td></td>
<td>Members of the Local Forces Members of the Police Force A witness before a competent</td>
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</tr>
<tr>
<td></td>
<td>Court or before a Commission of Inquiry The person swearing</td>
<td></td>
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</tbody>
</table>
OFFICIAL OATH
I hereby solemnly declare, swear and pledge that in the service of my country:-
1 I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
   I will not discriminate on the basis of religion, tribe, cult, or status or practise any form of partiality in the performance of my official duties.
2 I will always place service to the public above selfish interests, realising that a public office is a public trust.
3 I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
   I will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.
4 I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do. So help me God.

OATH OF SECRECY
I................................... swear that I will not directly or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by the President. So help me God.

OATH OF OFFICER OF COUNCIL OF MINISTERS
I................................... being called upon to exercise the functions of .................. to the National Council of Ministers in the Federation swear that I will not directly or indirectly reveal such matters as shall be debated in the Council and committed to my secrecy. So help me God.

OATH OF A SENATOR OR A MEMBER OF PARLIAMENT
I............................................. swear that I will give faithful service to this Parliament and support and uphold the Constitution of the Federal Republic of Nigeria as by law established. So help me God.

COURT PROCEEDINGS
OATH OF A JUROR
I.......................................... swear by Almighty God that I will well and truly try the issue joined between the Federation of Nigeria and the prisoner at the bar whom I shall have in charge and a true verdict give according to the evidence.

OATH OF ASSESSORS
An assessor is sworn in the same manner as a jurymen, except that the words "whom I shall have in charge" are omitted from the oath and for the word "verdict" the word "opinion" is substituted.

EVIDENCE OATH
I............................................. do hereby swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

INTERPRETER'S OATH
Civil
I............................................. swear by Almighty God that I will well and faithfully interpret and explain to the court (or commission or jury) and the witnesses all such matters and things
as shall he required of me to the best of my skill and understanding and that I will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and, except as authorised by the court (commissioners), will not directly or indirectly reveal the contents of such documents as may be entrusted to me, or the evidence given by witness which may have been interpreted by me.

**Criminal**

I.......................................... swear by Almighty God that I will well and faithfully interpret and true explanation make between the Court the jury (assessors) the witnesses and the prisoner at the bar according to the best of my skill and understanding.

**SHORTHAND WRITERS**

I.......................................... swear by Almighty God that I will to the best of my ability take down in shorthand the evidence and such other matters as shall be required of me and make a true and accurate transcript thereof (and that I will not without leave of the court (commission) divulge to any person the notes I shall take of the evidence that the witness shall give to the court (commission) touching matters in question).

**VOIRE DIRE**

I.......................................... swear by Almighty God that I shall true answer make to all such questions as the Court (or as the case may be) shall demand.

**STATUTORY DECLARATION**

I.......................................... do solemnly and sincerely declare that (set out in numbered paragraphs if more than one matter) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act.

**FORM OF ATTESTATION**

DECLARED at ......................... in ......................... this ......................... date of .........................

Before me

.......................................... Commissioner for Oaths/ Notary Public, etc.

**OATH FOR AFFIDAVITS**

*Form A*

I.......................................... do hereby solemnly swear by Almighty God that this is my name and handwriting and that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth.