

PUBLIC POLICY MANAGEMENT IN NIGERIA: THE IMPLICATIONS OF IMPLEMENTATION CONTRACTING FOR POLICY OUTCOME

Francis Okechukwu Chikeleze, PhD

Department of Public Administration

Enugu State University of Science and Technology, Enugu

ABSTRACT: *This paper examined how public policy implementation contracting affects policy outcomes in Enugu state, Nigeria. It is common knowledge that for the purposes of convenience, cost reduction and a number of other considerations, the implementation of public policies is sometimes contracted to non-governmental bodies. Much as this has some obvious advantages, there are other disadvantages that eventually affect the outcome of such policies. The investigation was carried out using structured questionnaire and interviews in addition to the observations of the researcher. The findings revealed that while there were temporary benefits accruing from policy implementation contracting, the conflict of interest between contracted agencies one hand, and the government and the public on the other often run contrary. Again, the mode of operations of implementation personnel often makes the policies repugnant to the public for which the policy is intended to assist thereby compromising their cooperation in achieving policy objectives. Recommendations included that public policy implementation should not be contracted to nongovernmental institutions whose operational principles and goals is at variance with the tenets of social welfare and public interest upon which public governance is founded.*

KEYWORDS: public policy implementation, implementation process, implementation contracting, policy objectives, policy outcome

INTRODUCTION

Anderson (2010) explained public policy as a framework for governmental purposive course of interventions and actions that deal with problems or matters of concern. Therefore, the purpose of public policies is to address common challenges that face a political society which, as individual members, they are not be able to sufficiently address. They are designed to provide answers and relieving responses to public challenges and advance State intensions that improve the welfare of the people through good governance. Public policy also relates to series of decisions, activities and programmes adopted by the government in response to specific problems and challenges of public concern with a view to providing solutions to them. They are the drivers of government actions and determine the direction of government activities at different points in time. Good government policies are naturally expected to result in good governance while bad ones equally result in bad governance. Public policies may cover areas such as health, pollution, transportation, waste

management, revenue collection, crime, natural disasters, education, industrialization, employment creation, etc.

However, beyond the formulation of public policies lies policy implementation which is the lifeline that determines the effect and eventual outcome of policies. Despite genuine intentions of government in crafting good policies, if those policies are not well implemented, the policy will fail to realize its goals. Even if government policies are good but the implementation is poorly managed, the outcome of that policy will not make the anticipated impact. Consequently, governments need to be as concerned with the process of policy implementation as they are with the formulation of policies. It has also been argued that in order to ensure policy success, those responsible for implementation need to be involved in the design of the policy to understand policy goals and their specific roles and accountability responsibility in actualizing them. This is more so since it is policy implementation that ultimately effectuates public policies, and without effective implementation the policy does not exist in real terms.

Policy implementation contracting, in the context of this paper, refers to the transfer of the responsibility for policy implementation by government to private agents in return for financial rewards. Such financial rewards may be in terms of taking a certain percentage of revenue generated from the implementation process or direct payment by the government to the contractor for services rendered. Traditionally, public policies are implemented by mainline government ministries and agencies, but under certain circumstances government hires the services of contractors (non-governmental agencies) to implement some policies under the supervision of the relevant ministry. Some of the considerations that inform government contracting of policy implementation are cost reduction which they hope to achieve through competitive bidding and market mechanisms. Webster and Harding (2000) also argued that contracting has the potential to ensure efficiency gain arising from better work practices and a more effective use of funds. Osborne and Gaebler (1993) also suggest that government may lack sufficient capacity to implement some specialized policy areas and as such need to hire specialists to assist them in implementing public policies in such areas. Again, the need to contract policy implementation may arise from a bid to reduce the burden of work on existing government personnel, and as such contract outside agencies with better competencies. In addition, it is a truism that in the face of prevailing socio-economic circumstances and very poor remuneration, mainline employees of government ministries may not be willing to take the risks and make the required personal sacrifices involved in the policy enforcement process. Consequently, the engagement of private business entities with substantial direct profit incentives offers viable alternative to using mainline government employees.

Between 2007 and 2015 the enforcement of traffic regulations, waste disposal, and revenue collection in Enugu state was contracted to private organizations that were primarily driven by profit maximization. The contracting of these responsibilities to private agencies faced various challenges that include the usual incongruence between the interest of implementing contractors whose major drive is profit maximization and government's

policy objectives that center on social welfare services to the public at minimum cost. Again, where such conflicts exist between the commercial interest of implementing contractors and public welfare, there has hardly been sufficient provision made by government to ensure that the private interests of contractors do not override public welfare which the policy is meant to serve both in terms of policy outcome and process compliance.

Quite often, implementing contractors do not fully adhere to policy implementation guidelines usually in their bid to save cost in terms of material and cost of human capital inputs. Apart from the primary drive for profit maximization as against social service delivery, the personnel of some these private contractors are not trained in the public service mode of operation and as such do not operate in line with the basic principles guiding public service delivery. While mainline government employees are generally trained through intermittent exposure to public laws, regulations, expectations and requirements of their responsibilities to the public, the personnel of contractors do not have the same exposures since they are often ad-hoc personnel hired for short periods and fired at short notices. There is therefore no deliberate plan to train them for specific government policy contracts they implement. Consequently, they grossly lack the ethics, integrity, civility, respect for fundamental human rights, good human relations with which a cultured civil service is associated to guarantee the achievement of policy intentions. This shortfall in their training and exposure generally shows off in the domineering and oppressive tendencies towards the public they are supposed to serve, and not superintend over.

The adoption of public policy implementation contracting in Nigeria has been influenced by a number of other consideration that shortchange the anticipated policy goals. It is common knowledge that a good number of contractors are sometimes owned and fronted by government officials behind the scene or hired in settlement for the political support of their chief executives. Consequently, the excesses of those contractors in prioritizing profit maximization over and above public interest and compliance to policy guidelines are usually not addressed by those that are supposed to have oversight over them. Again, by virtue of the political authority backing them and the crave to generate as much revenue as possible within the limited time of the contracting government regime, they ride roughshod over the public they are supposed to serve. These attitudes create fear, alienation and disgust in the public for policies driven by private contractors and reduce compliance to whenever the enforcing agencies are present.

The mode of operations of these contractors, driven by profit maximization, often contravenes fundamental government principles of providing social services in the interest of the public in fulfillment of their social contract responsibility. Since these contractors are more interested in generating incomes for their business than in satisfying the social needs of the public, they apply uncivil and unorthodox modes of operation in the implementation process. This pitches them against public acceptance and negative perception of such public policies which ultimately leads to poor compliance and support for such policies by the public, and eventual poor policy performance resulting from compromised cooperation.

Worse still, there were no reliable desk officers responsible for taking complaints from aggrieved members of the public in cases of violation of peoples' rights. Again, the modalities for calling those contractors to order in case of such violations were substantially absent. Moreover, the rapport between the contractors and the desk officers of the supervising ministries based on intrinsic and extrinsic benefits were such that even when complaints are made, they hardly receive good attention. Furthermore, there are no available and trusted external options like a guaranteed legal system to aggrieved persons for redressing breached rights outside the internal arrangement of the contractor and supervising ministries which are heavily compromised.

Since public policies are not intended to increase the burdens of the public through the nefarious activities of implementing contractors, those charged with policy implementation need be seen by the public as partners in overcoming collective challenges rather than oppressors bent on extracting the proverbial "pound of flesh closest to the heart." From public view, the activities of these contractors portray them as oppressors and enemies of the public rather than partners in improving their wellbeing. This stance pitches both the public and the contractors against each other thereby diminishing the vital cooperation necessary for the realization of policy goals. It cannot be over emphasized that public policies that lack the support and cooperation of the public in its implementation process is bound to fail. This strife and divide between these two vital partners in effectuating policy goals and objectives often result in poor policy outcome.

Another major challenge is that where these contractors fail to stick to defined operational standards, supervising government agencies are often not ready to take responsibility for actions of the implementing agency. This leaves a gap between policy goals and outcomes resulting in a shortfall in actualizing policy intentions. The crux of the matter is not a debate on the universal merit of using policy implementation contracting, but its workability in the context of a politicized and corrupt environment that give more attention to personal benefit than collective gains and merit in choosing policy implementation options. Finally, bearing in mind the socio-political and economic environment prevailing in Nigeria, it is very doubtful if government can justifiably use contracting agents in public policies implementation without compromising public interest in the process.

Some of the areas that have experienced such implementation contracting in Enugu state of Nigeria that comes under the purview of this paper include waste management, road traffic management, and collection of various government revenues. This study focused on the above three areas.

Review of Related Literature/Theoretical Underpinning

According to Khan (2016) public policy refers to the guide to action that connotes a broader framework to operationalise a philosophy, principle, vision, decision, or mandate which are translated into various programs, projects and actions. It entails the broad statement of future goals and actions, and expresses the ways and means of attaining them. In other

words, the formulation and implementation of public policies dictates the direction of governance. Where public policies are properly crafted and properly implemented in line with perceived public need, the activities of government is normally in tandem with public interest. But where either the formulation or implementation process do not take into cognizance the main thrust of public need, then the outcome of governmental action will not align with public interest, and by extension, good governance. Consequently, the formulation and implementation process of public policies significantly affect the relevance and usefulness of government actions to their constituencies.

Further emphasizing the important role of policy implementation to policy outcome, Brinkerhoff and Hoff (2002) argued that successful policy outcomes depend not only upon designing good policies but upon managing their implementation. Thus, irrespective of the efforts of governments to design good policies, if such policies are not well implemented the policy outcome, and by extension, the intended goals and objectives of government will not be achieved. This view is supported by Hogwood and Gunn (1989) who saw no distinction between policy formulation and implementation since what happens at the implementation stage determined actual policy outcome. These views lend credence to the need for government to give priority attention to the choice of policy implementation process and not just to policy designs.

Policy Implementation

According to Mazmanian and Sabatier (1983), policy implementation refers to the carrying out of a basic policy decision, usually incorporated in a statute, but which can also take the form of important executive orders or court decisions. Howlett and Ramesh (2003) also perceive policy implementation as part of the policy cycle concerned with how governments put policies into effect. Furthermore, policy implementation, according to Nilsen (2015) is a multi-dimensional phenomenon with multiple interacting influences. Conceding to this conceptualization, Elmore (1978) identified four main ingredients for effective policy implementation as including:

- (1) clearly specified tasks and objectives that accurately reflect the intent of policy;
- (2) a management plan that allocates tasks and performance standards to subunits;
- (3) an objective means of measuring subunit performance; and
- (4) a system of management controls and social sanctions sufficient to hold subordinates accountable for their performance (p 195).

In other words, policy implementation needs to clearly specify policy objectives and the tasks required to achieve them. It further has to allocate these tasks to those charged with their implementation as well as set performance standards in pursuing those tasks. Furthermore, there need to be established, an objective means of measuring performance, and finally a management control mechanism that include sanctions aimed at ensuring accountability in the process. Narendra Raj Paudel (2009) also defined policy implementation as encompassing those actions by public and private individuals or groups that are directed at the achievement of objectives set forth in policy decisions. Khan and

Khandaker (2016), in their discussion of the bureaucratic model of policy implementation, also argued that successful policy implementation relies heavily on the role, competence, appropriate behaviour, commitment to policy goals, and use of proper discretionary powers by front-line staff members who directly come in contact with the people and other stakeholders.

Implementation contracting

Sansom, Franceys, Morales-Reyes & Njiru (2001) in Tawanda (2014) perceive contracting as the use of external agents through short-term agreements to undertake activities that have traditionally been carried out internally by government departments or agencies (p.67). The issue of public policy implementation contracting refers to government hire and use of nongovernmental agencies to implement public policies which otherwise would have been performed by the government.

Challenges of implementation contracting

According to Davis (2001) *implementation contracting fragments programme responsibility among multiple contractors and separates policy agencies from services delivery contractors. It raises questions about political control and accountability and prospects of gaps between intention and outcome.* In other words, when government contracts the implementation of her policies to different contractors it may pose coordination challenges for the government in terms of being able to deal with many more entities than if such policies were to have been implemented by a government department with already established line of authority.

Again, contractors who implement policies they didn't participate in crafting are likely to have gaps between what they understand the intentions of the policies to be and their implementation activities. The view here is that those who craft public policies are in the best position to understand it fully and implement them bearing in mind the policy intentions and expected outcomes. Contractors are generally driven by profit motives rather than the full realization of policy intention and since they are not usually privy to drafting the policy, the expected outcome may not be fully realized. This is likely to shortchange the level of service delivery.

Furthermore, where there is need to change implementation process midstream because of contingent issues, contracted agencies may not be able to take such initiatives without recourse to the policy makers. The importance of time and discretion in policy implementation in order to achieve policy objective is obvious and it is the government that is ultimately answerable to the public that can act without delay. Again, contractors may need to obtain clearance and renegotiate the terms of the contract before making critical but important and urgent changes in the implementation process.

Davis (2001) presented a number of other challenges that confront policy implementation contracting to include the fact that governments and external actors may assign different priorities to goals. Again, contracting organizations that have priorities (such as profit

maximization) different from that of government may not be commit to public policy goals as stated, preferring to concentrate on their own goals. Thirdly, contracting organizations may not have the skills required to implement public policy or may have little experience in delivering on public objectives. Fourthly, placing implementation responsibility on contractors often creates the risk of distancing the governments from sufficient control over policy implementation. Fifthly, contractor's emphasis on cost reduction and efficiency may direct resources away from core program objectives. Finally, Davis pointed out that unless there are avenues for two-way communication and contracts are closely monitored, gaps between government intention and provider's outcome may develop giving rise to poor policy outcome.

Finally, Tawanda (2014) identified additional challenges of implementation contracting to include that private contractors sometimes offer poor quality and unreliable service; are liable to default; less able to respond to emergencies; put profits before the public they serve; engage in cost savings by cutting jobs quality; and poorly remunerate their employees thereby exposing them to seeking other unlawful means of generating income usually at the expense of the public they are meant to serve.

Agency Theory

According to Bendickson, Muldoon, Liguori, & Davis (2016), the early foundation of the Agency theory was laid by Adam Smith in 1776 when he highlighted how the emergence and increasing prevalence of the joint stock company created a dangerous gulf between owners and managers. He noted that

“The directors of companies...being the managers rather of other people's money than of their own, it cannot well be expected that they should watch over it with the same anxious vigilance with which the partners in a private company frequently watch over their own...Negligence and profusion, therefore, must always prevail, more or less, in the management of the affairs of such a company” (Smith, 1776, pp. 574-575).

This dichotomy between the roles and positions of owners and managers in organizations marked out the basis for agency theory. It postulates the divergence of, and sometimes conflicting interests, of principals and agents in a business enterprise where the owners are different from the management. Even where their interests seem to align, the intensity and level of interests commonly differ as pointed out by Adam Smith. In the use of this theoretical perspective for this paper the government stands in the place of policy owner while implementing contractors are the agents of government. This difference in the interests of government and her agents impact in one way or the other on the implementation process, choices and practices as well as ultimately affect policy outcomes in the short and long runs. Since the government, and not the contractors, ultimately owns and takes responsibility for policy performance, the level of commitment of those contractors will not be the same if mainline government ministries were to implement such policies directly.

Eisenhardt (1989) explains the Agency theory as describing the relationship, in which one party (the principal) delegates work to another (the agent), who performs that work on her behalf. Kopp (2019) described Agency Theory from the perspective of a tool used to explain the relationship between a principal (government) and the agent (implementation contractor) which is hired by the principal to implement public policies on their behalf. Thus, the agent acts for and on behalf of the principal. The theory assumes that the interests of the agents may not always align with the interest of the principal and as such sometimes conflict of interest and difference in opinion may arise between the principal and the agent in the exercise of agent's delegated power. This divergence of interest often has implications on the performance outcome of the public policies.

In the context of this paper, agency theory addresses the variations in operational and motivational choices of the government and implementation contractors in public policy implementation. While the agent (contractor) manages the implementation process on a daily basis they incur little or no loss themselves, since the consequence of policy failure will ultimately be borne by the principal (the government). Smith and Stulz (1985) in Klimczak (2007) discussing Agency theory explain that agency issues have been shown to influence managerial attitudes. However, some of these differences arising from agents acting contrary to the principal's interest may be resolved through incentives and other compensations based on performance of agents for acting in line with the principal's interest both in the short and long term bases by maximizing policy outcome.

Methodology

This paper was an empirical study of the operations of agents in policy implementation contracting in Enugu state of Nigeria. The instruments used for data collection were the questionnaire and interviews in addition to observations made by the researcher over the period under review. One hundred copies of the questionnaire were administered to respondents who were both affected by, and beneficiaries of the three areas of transportation, waste management and revenue payment during the period under review in Enugu metropolis. The questionnaire items were designed in a structured format with five points scaling. Interviews were also conducted with purposively selected respondents who were deemed to be knowledgeable on the issues under discussion.

Results / Findings

The data from the study is presented in percentages with scores for each response option separately presented in the bar charts. For more clarity on the response inclination of respondents and ease of presentation the Strong agreements and Agreements were added up while the Disagreements and Strong disagreement were also added up in the presentation of the results/findings. Those that had no opinion were presented in the charts but ignored in the discussion of the findings.

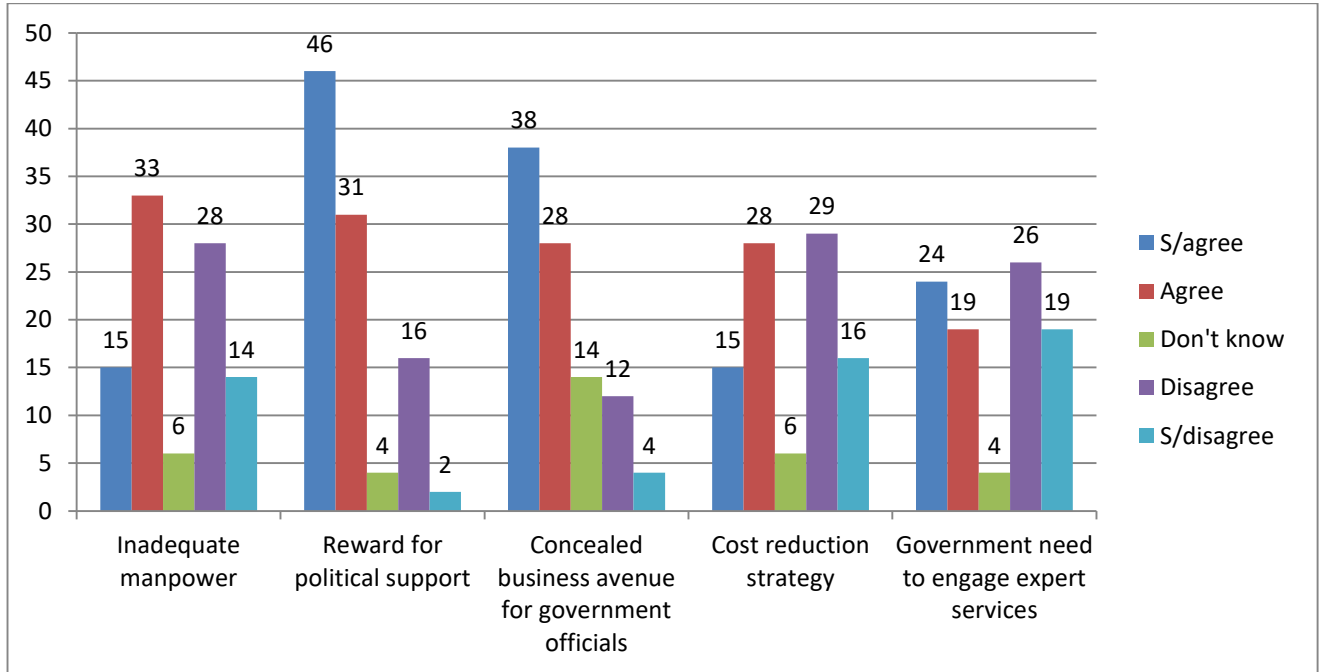


Figure 1 Factors that influenced government’s policy implementation contracting

On government justification for choosing policy implementation contracting in place of direct implementation by government departments 48 percent of respondents adduced the reason to inadequate manpower while 42 percent felt otherwise. The motive to reward political supporters and patrons with implementation contracts scored 77 percent against 18 percent of respondents who disagreed with that view. Again, 66 percent of respondents felt that implementation contracting was informed by concealed business interests of government officials who gain from the proceeds while 16 percent felt otherwise. Finally those who felt that cost reduction (43 percent against 45 percent), and the need for government to engage the services of experts (43 percent as against 45 percent) were balanced. It is therefore safe to assume that they were not significant factors in determining policy implementation contracting in Enugu state during the review period.

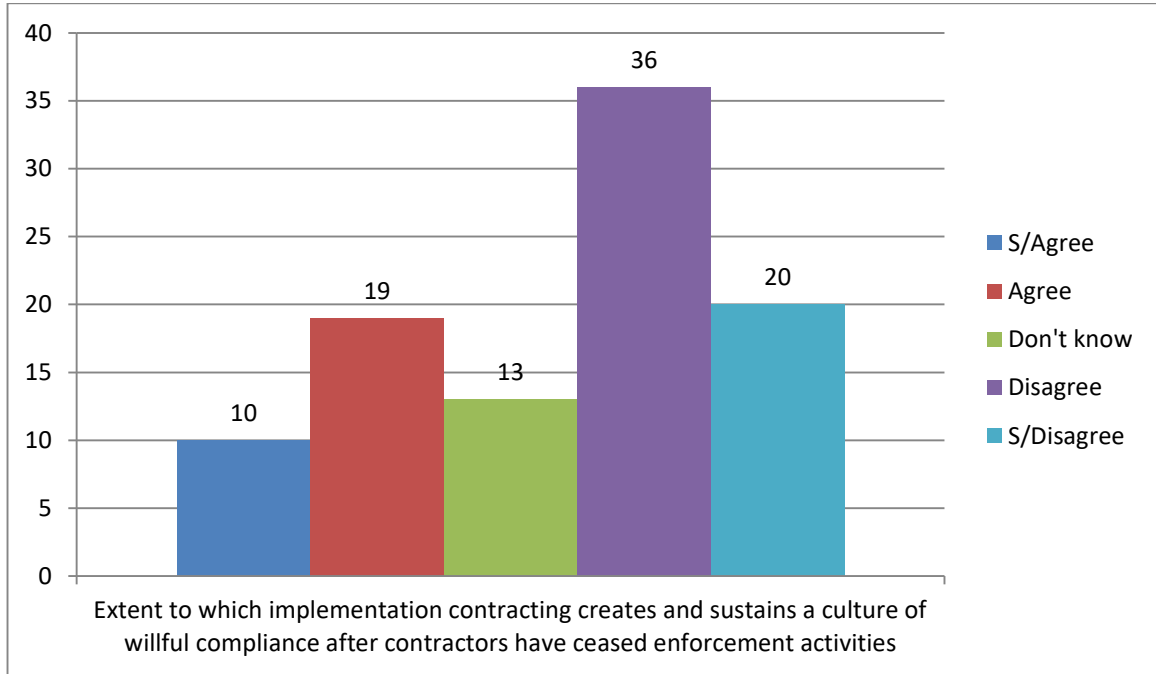


Figure 2 Level of agreement on the extent to which policy implementation contracting creates and sustain a culture of willful compliance to policy objectives after contractors have ceased enforcement activities

On the extent to which policy implementation contracting creates and sustains a culture of willful compliance by citizens to policy objectives after contractors have ended enforcement activities at the end of their contract period, 29 percent of respondents was of the view that contractors were committed to long term policy goals while 56 percent felt they were not committed to long term policy goals.

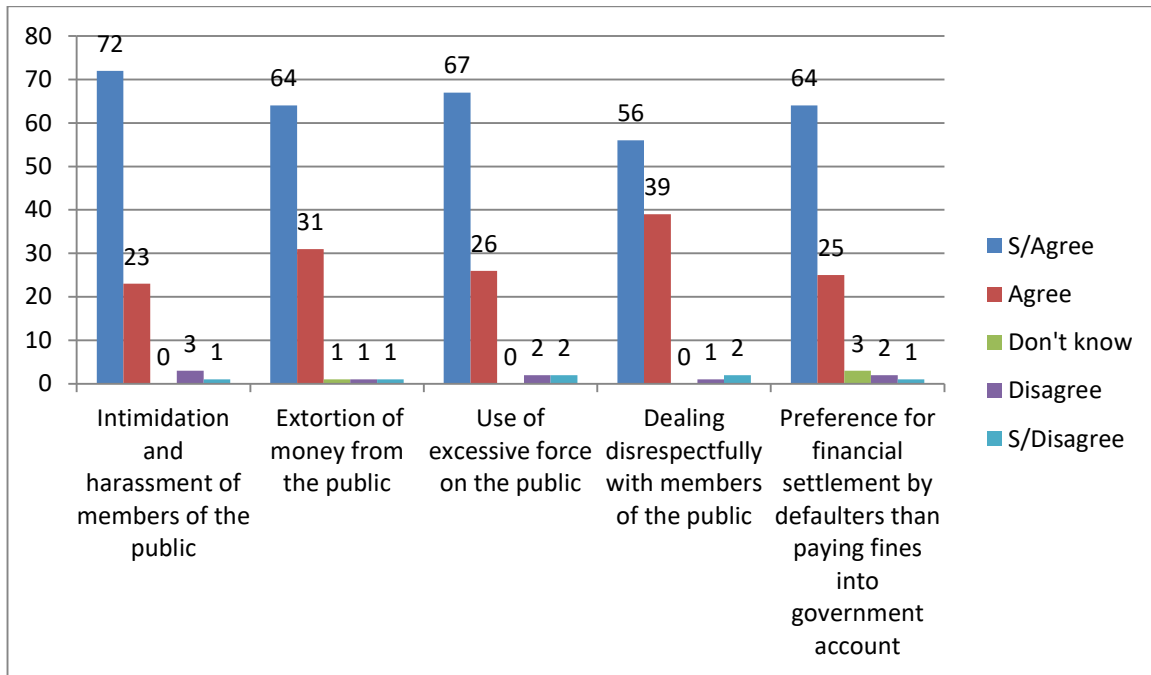


Figure 3 Extent to which the personnel of contractors engage in unethical practices

95 percent of respondents were positive that personnel of implementation agencies engaged in intimidation and harassment of members of the public in their policy enforcement process while only 4 percent disagree. On the issue of extortion of money from the public 95 percent of the respondents agreed while 2 percent disagreed. Again on the use of excessive force on the public in the implementation process 93 percent agreed that they employ such tactics while 4 percent differed in their opinion. On the issue implementation personnel dealing disrespectfully with members of the public in the discharge of their functions, 95 percent supported this option while only 3 percent differed. Finally on the preference of implementation personnel for financial settlement by defaulters rather than paying fines into government account 89 percent agreed while 3 percent disagreed.

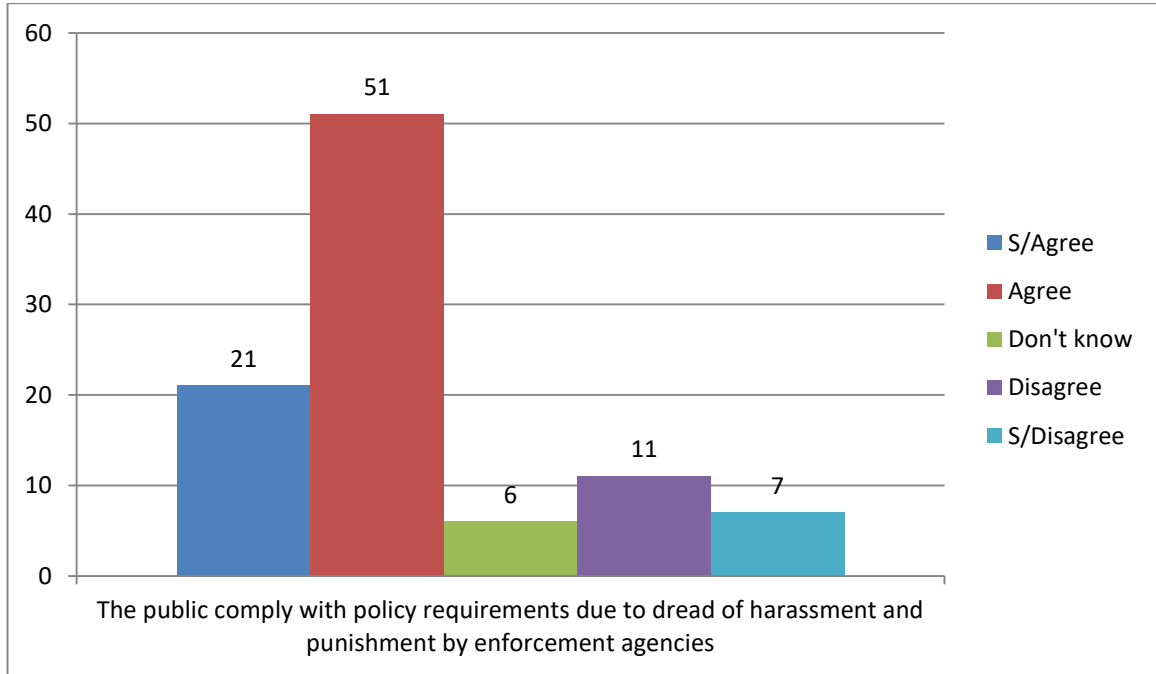


Figure 4 Extent to which the public comply with policy requirements due to dread of harassment and punishment by enforcement agencies

72 percent of respondents had the view that compliance to policy goals were more out of dread for stringent sanctions by implementation contractors than their having imbibed the values of such policies. 18 percent of the respondents felt otherwise.

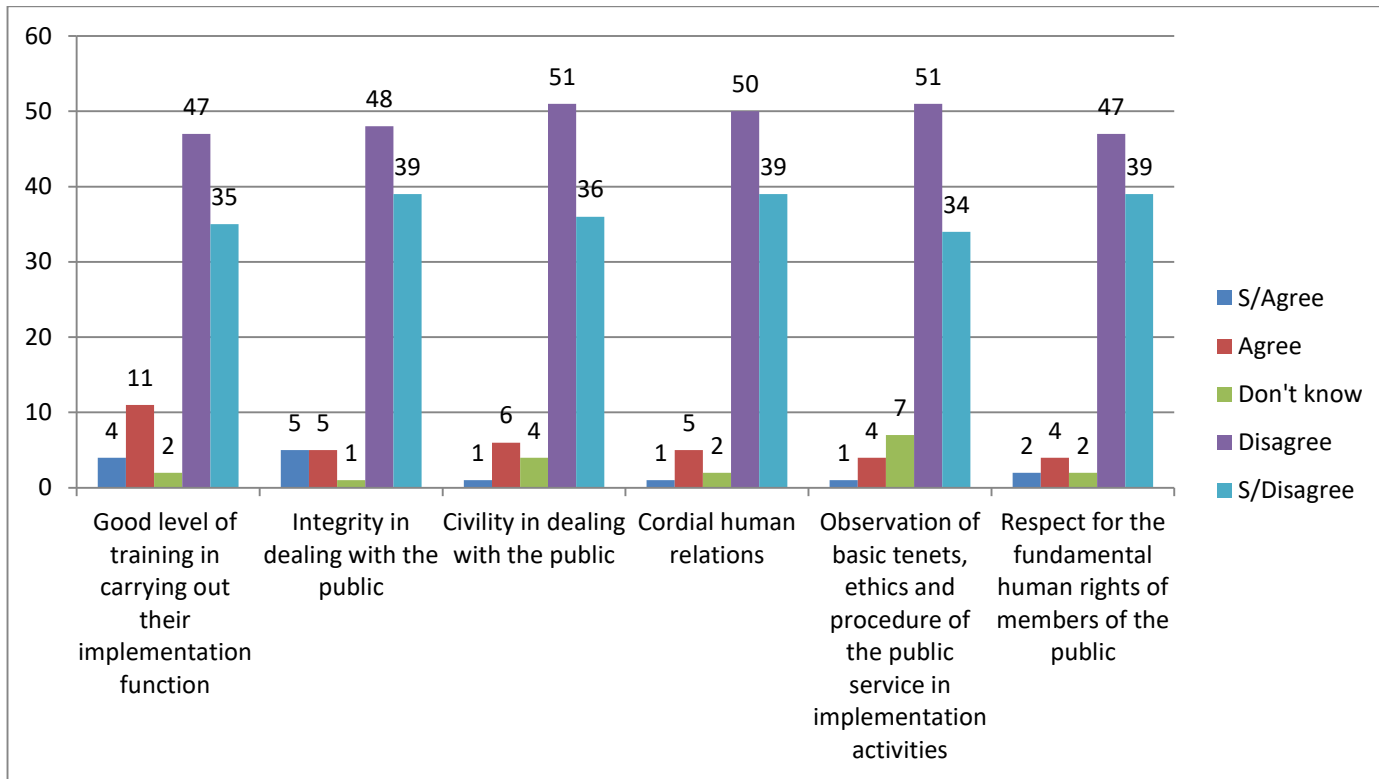


Figure 5 Behaviour traits of implementation personnel in the course of carrying out their functions

On whether implementation personnel show good level of training in carrying out their implementation function 15 percent of the respondents agreed that they do while 82 percent disagreed. In terms of integrity of implementation personnel in their dealing with the public, 10 percent agreed to their having integrity while 87 percent of the respondents were of the opinion that they do not. As to being civil in their dealing with the public 7 percent agreed that they were while 87 percent disagreed. As to their level of cordiality in human relations 6 percent agreed that they were cordial while 89 percent disagreed. As to the extent to which implementation personnel observed basic tenets of ethics and procedure of the public service in implementation activities only 5 percent agreed that they did while 85 percent disagreed. In the area of respect for fundamental human rights of members of the public in their implementation activities 6 percent agreed that they did while 86 percent refuted that claim.

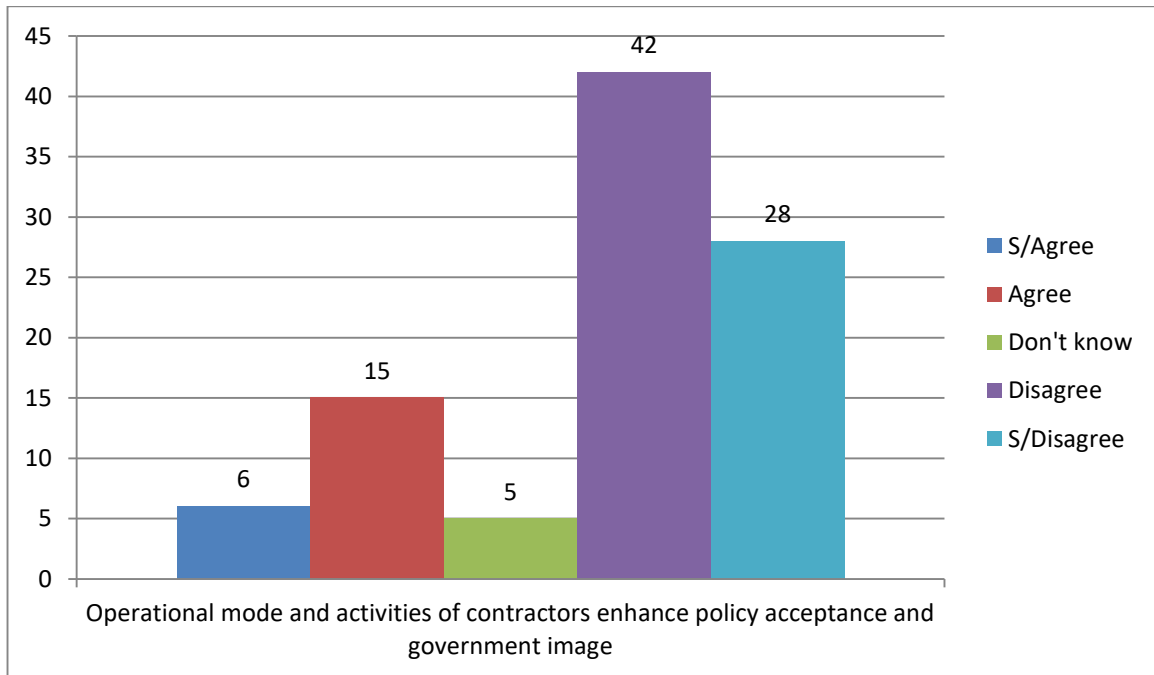


Figure 6 Extent to which the operational mode and activities of contractors enhance policy acceptance and government image

On the extent to which the operational mode and activities of contractors enhance policy acceptance and government image 21 percent of the respondents said it did while 70 percent disagreed it contributed to public acceptance and enhanced government image.

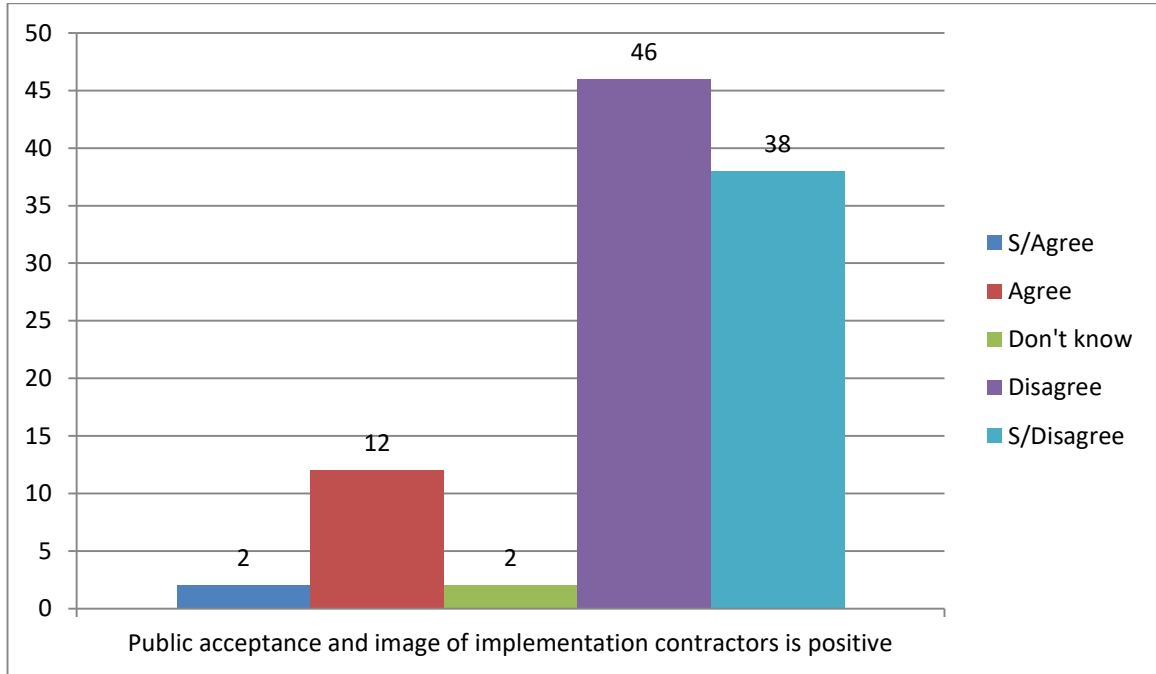


Figure 7 Public acceptance and image of implementation contractors

The image of implementation contractors scored 14 percent acceptance from respondents while 84 percent had negative perception of the image of the agencies.

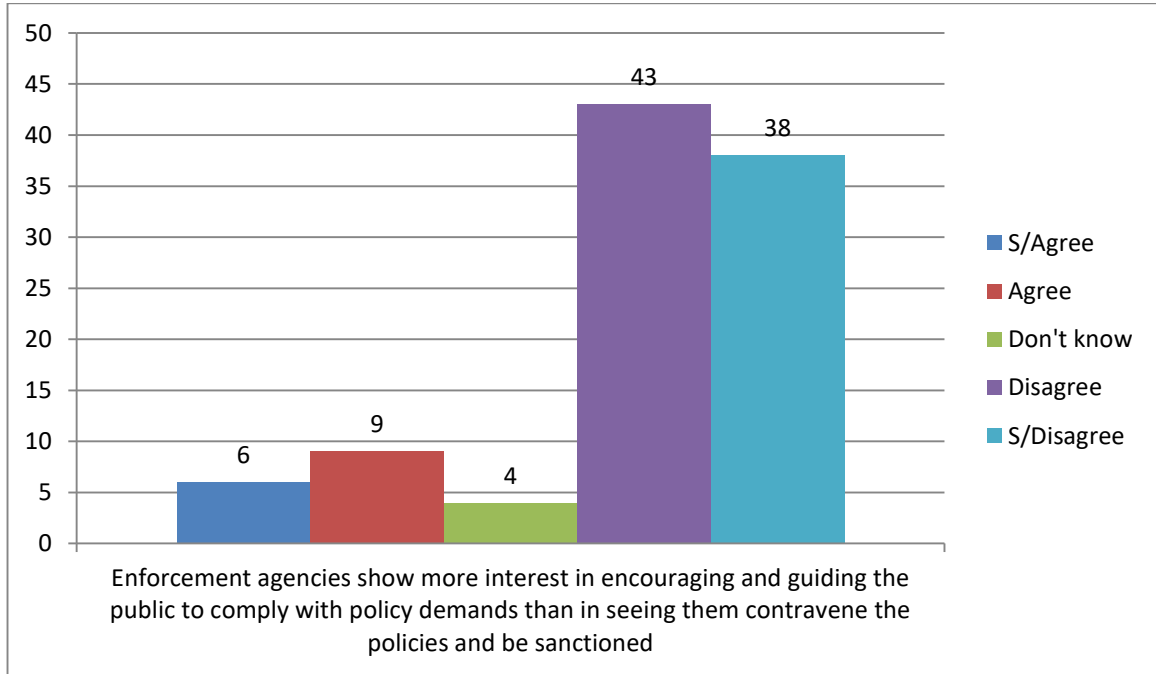


Figure 8 Level of interest to encourage and guide the public to comply with policy demands as against seeing them contravene the policies and be sanctioned

As to whether implementation agencies showed interest in encouraging and guiding the public to comply with policy demands as against desiring their contravention of the policies and be sanctioned, 15 percent of the respondents shared the view that they were interested in guiding the public along policy provision. On the other hand 81 percent of the respondents felt that implementation agencies would rather wish the provision of the policies were contravened so as to impose penalties and extract fines from them.

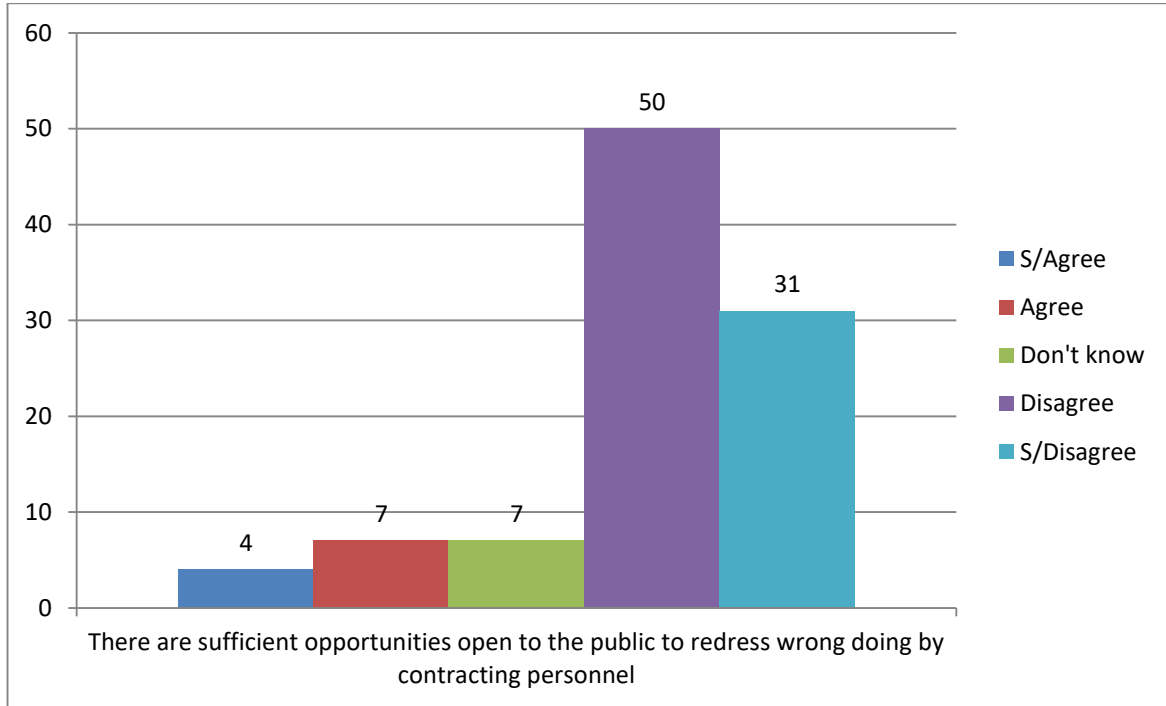


Figure 9 Sufficiency of opportunities open to the public to redress wrong doing by the personnel of implementation contractors

Respondents’ views on the availability of sufficient opportunities open to the public to redress wrong doing by personnel of implementing contractors showed that 11 percent of respondents agreed that such platforms exist while 81 percent disagreed.

Discussion

The discussion under this section is based on the obtained results and findings from the research as presented above. Much as public policy implementation contracting has been accepted in many situations as a viable option to direct policy implementation by mainline government employees, the level of its success in delivering on policy objectives depends substantially on the justification for its adoption, implementation processes, and operating environment. These influencing variables differ from one governmental environment to another, the nature of governments in power, and the type of policy contracted out for implementation. In this specific study, we are dealing with a “developing economy and democracy” with obvious corrupt and unethical practices that constrain rational decision making and logical socio-political choices that ought to inform good governance and choice of policy implementation options.

On government’s justification for choosing policy implementation contracting in place of direct implementation by government departments responses indicate that it is borne out of the motive to reward political supporters and patrons with implementation contracts and

often times arise due to concealed business interests of government officials who gain from the process. Thus, rational socio-economic considerations play a second fiddle in the choice of policy implementation option.

It cannot be over emphasized that the idea of a good policy is its goal sustainability for as long as the need that occasioned it subsists. However, the findings of the study shows that policy implementation contracting did not create and sustain a culture of willful compliance by citizens to policy objectives after contractors have ended enforcement activities at the end of their contract period. Members of the public complied to policy goals for as long as the enforcement process by contractors was ongoing. There was not concise effort to inculcate in the public the need to own policy objectives and willfully comply with them whether or not enforcement and sanctions were visible. The disappearance of policy values with the end of implementation contracts strongly suggests that contractors were more preoccupied with their short term goal of profit maximization than with the sustenance of the policy objectives beyond their contract tenure.

Further arising from lack of commitment to the sustainability of policy goals as against profit maximization, personnel of implementation agencies engaged in all manner of unethical operational practices like intimidation, incivility, harassment, extortion, use of excessive force, disrespect for the public, and financial settlement by defaulters rather than paying fines into government accounts. Consequently, compliance to policy demands during implementation was more out of dread for harassment and stringent sanctions rather than their having imbibed the values of such policies. It was also obvious from the study that the manifestation of unethical behaviour by implementation personnel was an offshoot of poor training in their implementation functions, paucity of integrity, ignorance and disregard for basic tenets and procedure of the public service and wanton disregard for the fundamental human rights of members of the public.

It was also obvious from the findings that the operational mode and activities of contractors strongly diminished policy acceptance, government image as well as the image of the implementation contractors. The image of the contractors and by extension public perception of policy demands was worsened by shortfall in the interest of contractors to encourage and guide the public to comply with policy demands rather than setting traps for their contravention with a view to harnessing accruable fines from such defaults. Finally, there was no sufficient and reliable avenues open to the public to redress wrong doing by personnel of the contractors.

Much as this option may appear laudable for its peculiar ways of ensuring public compliance with policy directives, even if out of dread, it however poses serious challenges to policy outcomes. The findings of the study revealed two major challenges currently associated with entrusting the implementation of public policies in the hands of non-governmental agencies. The first deals with the issue of conflicting interest between the agency on one hand and the public it serves on the other hand. The second challenge relates

to the abuse of the implementing process and the public resulting from the quality of the implementation personnel. These are briefly discussed below.

Conflict of interests

In the course of implementation contracting in the areas surveyed, government engaged the services of business organizations and individuals that are purely profit-driven. It is common knowledge that the main focus of these business entities is primarily profit maximization while the purpose and operations of government is fundamentally to provide welfare services to her citizenry, and not to make excessive profit from rendering such services. Since the drive of these business entities is profit maximization it naturally conflicted with the welfare intentions of public policies in the implementation process.

Very often too, governments engage the services of political supporters and cronies in policy implementation as a way of paying them off for their support and contribution to their political ambition, not because of their perceived competence and expertise in the specific areas of contract. Since the primary drive of these “contractors” is profit maximization at all costs with minimal consideration for the welfare responsibilities of the government they represent, they often have no sympathy for the public they are meant to serve in the course of policy implementation but are more concerned with how much they extract from them by hook or crook while their contract lasted. Their main focus is to recover their campaign support expenses as well as make attractive financial returns to those that appointed them as a bait for the renewal of their contracts. Under this disposition, their socio-economic violence on the public is of little or no concern to them or those that engaged them since both parties are equally interested in the *booty* they extract from the helpless public.

Implementation personnel

It was a common experience to see some personnel of contracting agencies perceive such responsibilities as opportunity to accumulation wealth, excessively flaunt governmental powers temporarily entrusted to them, exercise undue influence, oppress perceived offenders, and intimidate the very vulnerable public they were supposed to serve. This primitive display of power is generally informed by the drive for self aggrandizement and wealth acquisition in a substantially poor economy where those who appropriate governmental powers for personal gains tend to enjoy higher standard of living and prominence than others. Consequently, the contracting of policy implementation create opportunities for callous extortion of money from, and the exploitation of the public they are supposed to help, thereby leading to the compromise of the policy intentions and objectives.

Experience strongly supports the view that, added to the unrestricted drive for wealth, part of the reasons for this dubiousness associated with these contractors is the caliber and integrity of those sometimes charged with policy implementation in the field. Such implementation personnel are hardly enlightened sufficiently on the main trust of governmental practices and ethics. Young men with doubtful identities were recruited and

filled the city, moving in hordes with unmarked buses, tricycles and motorcycles, carrying planks jagged with nails, jumping into peoples' vehicles indiscriminately, harassing anybody they perceive as cheap source of extortion. Some of them work for the Ministry of Transport, Enugu State Waste Management Authority (ESWAMA), and various local government authorities in Enugu Urban. They harassed peoples indiscriminately, unlawfully barge into people's houses, beat up some, unlawfully detain even the under aged who were not responsible for payment of bills. Again, over the years state and local governments in Enugu state engaged some government revenue collection contractors/agents who ceaselessly harassed business enterprises in the name of revenue drives. They indiscriminately shut down peoples' shops, seized their goods, beat up some, arrested some others; all in the name of implementing government policies on revenue generation. These contracting agents became the dread of decent people in the city until the outcry against them received the attention of the state government who suspended their operations and the city became quiet again for some time.

All these "terrorists" were purported to be implementing public policies for different government ministries and local government administrations but in practice are real nightmare to the public. It was obvious that their supervising ministries and agencies do not have the full details of the amount of terror they unleashed on the public they are intended to serve. Consequently, while government intended and meant well to address public challenges in these policy areas, the contractors charged with their implementation turned the policy intention against the supposed beneficiaries. This conflicting interest resulted in counter productivity of public policy process by laying undue burden on the public rather than alleviating the challenges the policies were meant to address.

It is not the position of this paper that citizens should not comply with government policies directives or face sanctions for their breach, but it advocates a civilized approach to policy implementation and enforcement as well as a constitutional and civil approach in bringing defaulters to book. Under the prevailing circumstances in Enugu state, mainline government ministries are better disposed in terms of intensions, interest, training and accountability than outside agencies contracted to implement such policies.

Implications to Research and Practice

Policy implementation contracting has become an acceptable norm in government operations more especially with the arguments of their specialization in areas of such contracts and removing some operational burdens from mainline government ministries. However, like any other approach, it is accompanied by its own challenges which center mostly on how best to manage the often conflicting interest of these contractors driven by profit maximization and the interest of the government motivated by welfare services to her citizens. The extent to which congruence can be achieved between these fundamentally divergent interests, implementation contracting is bound to enhance public policy outcome. But if governments are not sufficiently able and willing to subjugate the interest of these contractors to public interest, policy outcome will remain an illusion in terms of sustainability. Consequently, the advisability of adopting public policy implementation

contracting need to be accompanied by a deliberate policy and process of managing the conflicting interests of both the principal (government) and the agents (contractors).

Conclusion

The merits of implementation contracting need to be reviewed in the light of certain realities bordering on policy objectives. Using the road traffic regulation, waste management and revenue collection in Nigeria as examples, the question is twofold. Is the policy intention of government to create and sustain a culture of willful compliance to policy objectives will subsist even when nobody is watching and by extension, even when there are new regimes that do not emphasize such regulations? Or, is the government intention to institute a policy that may only function for as long as there are law enforcement agencies visibly wielding stringent sanctions against defaulters? The former requires in-depth policy analysis, public enlightenment and other system control to sustain, while the later merely requires competent and stringent sanctions system to uphold.

The opinion of this paper is that public policies are meant to be sustainable by creating good level of understanding both in those charged with the responsibility of policy implementation and the public who are actually meant to sustain such policies over time. In other words, the sustainability of public policies can be enhanced when the public buys into such policies, owns them, believe and accept the collective benefits of complying with them with or without the visible presence of law enforcement agencies. To the extent this understanding is crafted in policy design, to that extent the policy outcome is likely to be sustainably guaranteed. Otherwise the outcome of such policies will remain as temporary as the visibility of enforcement machinery that oversees it.

Therefore while implementation contracting provides the driving force for compliance to policy requirements, efforts need to be made to secure willful and sustainable compliance by the public to guarantee full policy outcome. Thus sustainable policy outcome may not be achieved through policy contracting without a commensurate effort to design systems and processes for eliciting willful support and compliance of the dominant public.

The attainment of policy objectives depends to a large extent on the cooperation between implementing personnel and the benefiting public. This assumption makes it imperative that the activities and processes of policy implementation need be executed in ways that guarantees the cooperation between the public (which is the target of such policies) and the implementing officials (who are the carriers). Any breach in this necessary harmony between these two parties is bound to create stress in the implementation process and ultimately truncate the attainment of policy objectives.

Future Research

The circumstance under which current governments operate makes it imperative that policy implementation contracting has come to become part of modern governance system. However, future researches need to address teething issues of this approach to policy

implementation especially in Nigeria where contracts are not generally awarded on its face value but often have patronage and commercial undertones. In such cases, the choice of policy implementation contracting is heavily coloured by other hidden factors other than merit. Consequently, while researching further on this subject attention need also be given side by side to other underlying factors that determine and inform government's choice of implementation contracting as against direct implementation by mainline government personnel.

First, there is a need to explore how to significantly achieve better congruence between the interest of implementing contracting agents (profit maximization) and government's policy objectives (social welfare services) to avoid compromising public interest. Secondly, where conflict of interests exists between the interests of implementing contractors and public welfare, further researches need to identify necessary provisions to ensure that the private interests of contractors do not override public welfare which the policy is meant to address. Thirdly, deliberate efforts need to be made to identify how best to equip contracting personnel in terms of training, integrity, mode of operation, human relations as a tool in guaranteeing that the basic tenets and ethics of public sector service delivery (not profit maximization) are observed in policy implementation contracting.

References

- Anderson, J. E. (2010). *Public policy making-An introduction* (7th Ed.). Boston MA: Wadsworth.
- Bendickson, J., Muldoon, J., Liguori, E. W., & Davis, P. E. (2016). Agency theory: background and epistemology. *Journal of Management History*, 22(4), 437-449.
- Brinkerhoff, D. W. & Crosby, B. L. (2002). *Managing policy reform*. Bloomfield: Kumarian Press.
- Davis, J. C. G. (2001) "Rediscovering implementation: Public Sector Contracting and Human Services" in *Australian Journal of Public Administration*, Wiley Online Library, Vol. 60, issue 2, June 2001, Pages 74-84. <https://doi.org/10.1111/1467-8500.00212>
- Davis, Jim Chalmers Glyn (2001). Rediscovering implementation: Public sector contracting and human services. *Australian Journal of Public Administration* 60(2):74-85, June 2001 © National Council of the Institute of Public Administration, Australia 2001. Blackwell Publishers
- Eisenhardt, Kathleen M. (1989). "Agency Theory: An assessment and review" *Academy of Management Review*, 1989, 14 (1), 57-74. <https://www.jstor.org/stable/258191>. downloaded 01-06-2020 14:00
- Elmore, Richard E. (1978), *Organizational Models of Social Program Implementation*, Public Policy, Vol.26, No. 2: 185-228pp)
- Hogwood, BW & LA Gunn 1989 'Implementation', *Policy Analysis for the Real World*, Oxford University Press, New York.
- Khan, Anisur Rahman (2016) Policy implementation: Some aspects and issues. ResearchGate January 2016. *Journal of Community Positive Practices*, XVI (3) 3-12, 2016.
- Khan, Anisur Rahman & Khandaker, Shahriar (2016). A critical insight into policy implementation and implementation performance. *Public policy and Administration*, Vol. 15, No 4, p. 538-548, 2016.
- Klimczak, Karol Marek (2007). Risk management theory: A comprehensive empirical assessment, working paper, Leon Kozminski Academy of Entrepreneurship and Management in Warsaw. Kozminski Working paper series no. 01-2007
- Kopp, Carol M. (2019) Agency Theory, https://www.investopedia.com/terms/a/agency_theory.asp
- Mazmanian, D.A. and Sabatier, P.A. (1983), *Implementation and Public Policy*. Glenview. Scott, Foresman

- Narendra Raj Paudel (2009). A Critical Account of Policy Implementation Theories: Status and Reconsideration. *Nepalese Journal of Public Policy and Governance*, Vol. xxv, No.2, December, 2009 p37.
- Osborne, D and Gebler T. (1993). *Reinventing government: How the entrepreneurial spirit is transforming the public sector*. New York, Penguin Books.
- Sansom, K.R., Franceys, R.W.A.F., Morales-Reyes, J. and Njiru, C. (2003). Contracting out water and sanitation services: case studies and analysis of service and management contracts in developing countries. WEDC: Lough Borough University, UK, 2.
- Smith, C. W., Stulz, R. M. (1985). "The Determinants of Firm's Hedging Policies", *Journal of Finance and Quantitative Analysis*, 20 (4) 391-405.
- Stoner, J. A. F., Freeman, R. E., and Gilbert, D. A. (2000). *Management 6th edition*. New Delhi, Asoke K Ghosh, Prentice-Hall of India Private Limited.
- Tawanda Zinyama (2014). Contracting out: what works, what doesn't and why? *International Journal of Public Policy and Administration Research*, 2014, 1(2): 64-79. <http://pkinsight.com/?ic=journal&journal=74>
- Webster, E and Harding, G. (2000:10). *Outsourcing public employment services: The Australian experience*. Melbourne Institute Working Paper Series No. 4, University of Melbourne.