

TWO DECADES OF NIGERIA'S INSTITUTIONAL FRAMEWORKS IN ANTI-CORRUPTION CRUSADE: A COMPARATIVE ANALYSIS OF SUCCESSIVE GOVERNMENTS (1999-2020)

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ABSTRACT

One of the greatest crimes against humanity that is particularly subversive of the economic and social life of a developing society like Nigeria is corruption. It has been two decades when Nigeria returned to democratic system of government in 1999 and almost the same time when institutional fight against corruption started. Using systems theory as the framework, the purpose of this paper was to assess the efforts of institutional frameworks in anti-corruption crusade in the two decades of Nigeria's democratic rule by the successive governments. The paper followed comparative approach and used content analysis of secondary data to assess the effectiveness of these institutional frameworks with particular focus on the achievements and challenges of successive administrations in Nigeria in relation with its global and regional positions between 1999 and 2020. The major finding among others is that the institutional frameworks on anti-graft war had recorded less achievements and more failures rather than success despite the rapt attention given to the issue by each successive government in the last two decades. Based on the above findings, the paper concluded that the country's fight against corruption as has being prosecuted by successive government is not gaining any achievement, instead the country is losing more grounds. The paper therefore, recommended among others, that there should be an improved inter-agency synergy; enactment of effective laws and adequate welfare for personnel, closure of implementation gap between anti-corruption legislations, practice and enforcement, and no corruption case should be left to linger for a long time; all should be promptly investigated and those found culpable should be punished.

Keywords: *Corruption, Anti-Corruption, Institutional Frameworks & Successive Governments*

INTRODUCTION

Corruption is undeniably one of the most significant global challenges in the contemporary world. In the last two decades, to be precise,

“international attention has been focused on the challenges of corruption though it has remained a serious and significant global issue throughout the millennia” (NBS & UNODC, 2017: 1). The detrimental effect of corruption has been recognized by the international community and for this, the United Nations has included a specific target to fight corruption through the implementation of the UN Convention Against Corruption, which has now reached near-universal ratification, providing a comprehensive global framework to fight corruption in alignment with the 2030 Agenda. By this, “the 2030 Agenda” has established anti-corruption as a global imperative on which hinges the achievement of all sustainable development goals (UN System Staff College, 2019). Thus, corruption is the bane of any progressive society. Corruption has been described as a phenomenon or an informal (illegal) contract that features bias, violations and morally unacceptable dividends (Begovic, 2005). In the various arms of government, corruption appears in various shapes. The World Bank defined corruption as the abuse of public office for private gain. It takes the forms of over-invoicing, conversion of public properties to private use, inflation of contract cost, kick-back paid to monitoring officers on contract awarded, distribution or sharing of public resources as patronage to certain individuals to secure political support and the list is endless affecting the three tiers of government. From the foregoing it is evident that corruption undermines the country’s integrity and security as well as poses grave developmental and economic challenges.

In Nigeria, questions are often raised on how determined successive governments are in handling corruption cases, this is because it has been argued that effective handling of corruption especially those perpetrated by political appointees and top civil servants is vital to the elimination of the negative perception of political corruption in emerging democracies like Nigeria (Soludo, 2015). In the last two decades, the Nigerian government has expended huge resources engaging institutional mechanisms to proffer solutions to corruption. In that, many new anti-corruption agencies were established while the old ones were re-energized. Among these are: Bureau of Public Procurement (BPP), Code of Conduct Bureau (CCB), Code of Conduct Tribunal (CCT), Economic and Financial Crimes Commission (EFCC), FCT High Court, Federal High Court, Federal Ministry of Justice (FMOJ), Inter Agency Task Team of Anti-Corruption Agencies/ Technical Unit on Governance & Anti-Corruption Reforms (IATT/TUGAR), Nigeria Extractive Industries Transparency Initiative (NEITI), Nigeria Financial Intelligence

Unit(NFIU), Nigeria Police Force (NPF), Independent Corrupt Practices Commission (ICPC), Public Complaints Commission (PCC), Special Control Unit against Money Laundering (SCUML). In spite of these efforts by government and other democratic institutions such as the legislature to expose, control and manage corruption, the problem remains dismal.

Apparently, issues regarding corrupt practices and anti-corruption crusades are often subjected to the genuineness of government intention to check the activities of corrupt government officials, especially those of elected or appointed public office holders. Against this backdrop, a comparative analysis of successive governments' efforts in Anti-Corruption Crusade in the last two decades of Nigeria's democratic rule, is at the center of discourse in this paper. Thus, the paper attempts to assess the achievement of Nigeria's anti-graft war by taking the regime of governments one after the other since the beginning of the Fourth Republic in 1999.

Conceptual and Theoretical Framework

Corruption as a concept has conceptual difficulty which is attributable to many factors ranging from the lack of universal values with regards to different behaviours and activities (such as nepotism, gift-giving, patronage, and party-financing) which some scholars have identified as corruption (Odekunle, 1986; Yaqub, 1998). Also, the fertility of certain political environments for corruption due to inequality brought about by exploitations; expansion of governmental functions to many aspects of human existence; to the amenability of primordial attachment of strong cultural and emotional loyalties to corrupt tendencies, has two perspectives. The first concerns the actual conception of the subject-matter per se, while the second revolves around the conception of corruption in practice, or, reality within the socio-political cultures (beliefs, attitudes and values) of the developing nations. While the latter is rooted in the multiplicity of variables (for example, Kinshiptions, family expectations, favoritism and nepotism) that demand understanding within the polities of the third world, the former raises moralistic and objective questions (Leys, 1965).

In the similar vein, Akindele (2005) argues that the definition of the term corruption has long been ideologically, morally, culturally, politically and intellectually elusive to the point of losing sight of its detrimental and

parasitic symbiosis with many polities including Nigeria and their citizens all over the world. As a result of this, its conceptualization has continued to be shrouded by value preferences and differences. United Nations Convention against Corruption recognizes corruption as a multi-faceted, dynamic and flexible phenomenon, and therefore does not define, but describe corrupt practices (Stople, 2008).

The simplest definition of corruption is that it is the misapplication of public resources to private ends (Salisu, 2000). As for Leff (1970) Corruption is an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such, the existence of corruption per se indicates only that these groups participate in the decision-making process to a greater extent than would otherwise be the case. To Scott (1972) corruption involves a deviation from certain acceptable standards of behaviours.

Corruption is an act which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private regarding motives such as wealth, power or status (Khan, 1996). Black and Garner (2000) affirm corruption as an official or fiduciary person who unlawfully or wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and lights of others. The Act went further to posit that corruption covers any illegal use of power by any person(s) for personal or arbitrary purposes. Toyo (2006) posited that corruption consist of depravity, venality or peculation in playing a social role. According to him the act normally involves some kind of cover up or diversionary conduct such as falsification, hypocrisy, tyranny, or violence to men or property.

Corruption techniques are largely determined by the prevailing forms of corruption trends. There are various forms and manifestations of corruption. Shehu (2006) identified 17 types and patterns of corruption using United Nation Global Program Against Corruption's (GPAC) categorization. They are: Grand and petty corruption, bribery, influence - peddling, bribery to avoid liability, bribery in support of fraud, bribery in support of unfair competition, private sector bribery, bribery to obtain confidential or 'inside' information, embezzlement, theft and fraud, abuse of discretion, favoritism, nepotism and clientelism, conduct creating or exploiting conflicting interests and improper political party contributions.

Ayua (2001), believe it is possible to put all the various forms and manifestations into five categories. These are bureaucratic corruption, private sector corruption, political corruption, government corruption and nongovernmental association corruption. Forms of corruption vary. While corruption may facilitate criminal enterprise such as drug trafficking, money laundering and trafficking, it is restricted to these organized crime activities. In Nigeria, corruption is so common that it is expected when ordinary businesses or citizens interact with government officials. The end point of political corruption is literally known as rule by thieves.'

In popular discourse, studies and official statements, it is the consensus that the trend of corruption is an increasing one. According to Odekunle (2001), corruption in Nigeria is characterized as endemic and, its consequences for the economy and the society in all conceivable respects' debilitating. There was an International Conference on Corruption and Money Laundering in Nigeria in 2000. The then President Olusegun Obasanjo declared that the goal of his administration was to reduce corruption in Nigeria to the barest minimum. In pursuing the goal, he initiated and lobbied for the passage of two major legislations (1) the Corrupt Practices and Other Related Offences (Establishment) Act 2000 (ICPC) and (2) the Economic and Financial Crime Commission (Establishment) Act 2004 (EFCC). The Acts led to the establishment of two independent commissions to handle corruption cases (ICPC and EFCC).

The theoretical basis upon which this particular research is analyzed is the systems theory. As propounded by David Easton, the system theory is used to explain corruption as a result of a chain reaction to people going contrary to the law. The systems approach was originally in the biological and engineering sciences before it was adapted to social sciences (Parsons, 1968). The systems theory sees phenomena as components of an interrelated whole. It is primarily concerned with the analysis of a system in its entirety. A system here implies "something consisting of a set (finite or infinite) of entities among which a set of relation is specified, so that deductions are possible from relations to others or from the relations to others or from the relations among the entities to the behaviour or the history of the system" (Parsons, 1968:453). From the above, a system can be seen as a set of independent parts or components of a given entity. As a process, it involves relating with one another in an interdependent manner. It also entails interaction with the environment.

The systems approach to the study of organizations “focuses on the system as a whole, the environment of the system, and the tendency of the system strive for survival by negotiating with the environment” (Nwankwo, 1988:27). Thus, in analyzing the achievements and challenges of institutional frameworks in anti-corruption crusade under successive administrations in Nigeria (1999-2020), David Easton system theory comes to mind. According to Easton (1953) a system is made up of different parts that make up a whole Koontz et al (1983) also sees a system as an assemblage of things interconnected or from a complex unit. Laximikanth (2006) says a system is a complex who having a number of parts. These parts of the system are called subsystems. These subsystems are interrelated and interdependent for their functions. The system has a defined boundary through which interact with its environment. The external environment of a system is called a supra-system.

Genesis of Nigerian's Anti-Corruption Crusade

The contemporary fight against corruption has metamorphosed into an important public policy issue. The reason is because there seem to be a consensus among stakeholders (NBS/UNDOC, 2019 & 2017; Soludo, 2015; Sanusi-Lamido, 2014; Magbadelo, 2006) that corruption permeates all facets of governmental institutions and structure. The proceed of corruption is like cancer that has eaten deeply into the fabric of Nigeria polity. The trend keeps degenerating to the extent that graft in Nigeria is perceived by the global community as endemic and systemic in both public and private sector alike, Odekunle (2001). The elevation of corruption to an urgent national issue by the former President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo was itself motivated by a combination of some domestic and global developments. In 1999, after successive military regimes, a presidential election was conducted that ushered in this retired military elite, who as former head of state led the country to enormous growth and had returned her to democratic rule in the second republic. Also, President Obasanjo had helped established Transparency International (TI), a sort of corruption watchdog to build public confidence and foster accountability. His second emergence in public life was seen by others as an effective crusader in the fight against corruption (Iroghama, 2011).

Furthermore, Shehu (2006) posited that corruption certainly poses serious developmental challenges to the nation and largely responsible for the poverty of the populace. This has resulted to absence of social and

essential amenities such as portable water, electricity, healthcare and good roads to mention a few. Thus, public trust and confidence to continue to dwindle and wean; rather than support and cooperation, citizens now volunteer to sabotage genuine effort by State to curb the tide of graft. In addition, corruption is reported to have thrown the country into a state of austerity, (Soludo, 2015; Sanusi-Lamido, 2014) especially being responsible for the scandalous allegation that Nigeria National Petroleum Corporation (NNPC) could not account for about \$20bn unremitted fund in 2014 and about N31trillion missing from the Nigerian Foreign Reserve Account.

At the domestic level, Obasanjo's anti-corruption drive was propelled by an unprecedented disclosure of evidences of corruption perpetrated by his immediate predecessors, especially the late General Sani Abacha, who ruled Nigeria from 1993 to 1998. After his death in 1998, his successor, General Abdusalami Abubakar, launched a probe into his financial dealings. These investigations uncovered large evidences showing that Abacha and his collaborators had diverted billions of dollars in public funds into several local and overseas bank accounts, while also corruptly acquiring choice properties in many locations within and outside the country. Public call for a strong anti-corruption stance by the newly elected civilian government was further fueled by the caution with which General Abubakar treated those indicted by his probe. Apart from seizing a few assets held within Nigeria, publishing a list of dozens of foreign bank accounts used to stash looted funds and writing letters to some foreign governments urging them to support efforts to recover assets kept within their territories, the regime refused to undertake any serious anticorruption measures. It made little or no tangible effort in recovering Abacha's estimated \$4-6 billion overseas assets.

Independent Corrupt Practices and other related offences Commission (ICPC) and Economic and Financial Crime Commission (EFCC) ICPC and EFCC are commissions that were specifically established to combat corruption. The commission directed its operations against fraudsters, and indeed recorded a huge success. While ICPC was a Financial Crimes Commission came during his second term in office. The reason generally adduced for the statutory duplication of anti-corruption crusade which led to the establishment of EFCC was that the level of bureaucracy needed for prosecution of corruption cases under the ICPC is cumbersome, whereas the EFCC can easily circumvent such bureaucracy. The headship

of the two institutions is another contentious issue. While the ICPC was headed by a retired senior judge the EFCC was headed by a serving senior police officer.

Between 2013 and date, cases of pension scam running to multiple billions of naira at federal and state level were reported. No conviction has been recorded yet. Instead, charges against some of alleged kingpins were controversially dropped. Therefore, anti-corruption campaigners say President Jonathan failed in the fight against corruption by refusing to sanction officials proven to have misused public funds. Justifying his action, the President infamously said that on national "what most Nigerians call corruption were cases of stealing" and that stealing was not the same as corruption. In his word, "over 70 per cent of what are called corruption (cases), even by EFCC and other anti- corruption agencies, is not corruption, but common stealing,". Also, an allegation by a former Central Bank Governor, Sanusi Lamido, that at least \$20 billion of oil revenue was missing, is yet to be fully investigated although government had earlier and immediately dismissed the claims.

The huge number of cases of corruption and other related offences in the court of law; with ICPC and EFCC as well as reports in newspapers and magazines about political systemic and bureaucratic corruption, all confirm the seriousness of the phenomenon of corruption in Nigeria. Moreover, the ostensible revelation of serving senior bureaucrats and politicians leaving above their income calls for interrogation. These officials cannot pretend that people in their respective communities do not have access to their statutory incomes. Within one year in public office, these officials gathered so much wealth that if the Code of Conduct bureau were to investigate them, they would never be extricated from corrupt practices. In spite of the good effort of ICPC and EFCC, fresh cases of corruption keep emerging. For instance, a good number of political office holders, both past and present have been fingered to be involved in the complicity of embezzlement and sharp practices in some commercial banks and public institutions in Nigeria. The former Director-General of the Board of Public Enterprises in Nigeria, a body responsible for disposing, commercializing and privatizing public enterprises, as it may be, is also currently being indicted for corruption related cases, which he allegedly perpetuated while in office. He is also large. He however claims to be enjoying political asylum accorded him as

a student of Law in one university in the United State of America (Oladoyin, 2012).

An Overview of Anti-Corruption Crusade in Nigeria

Corruption, having being identified as the bane of Nigeria's development, has attracted so much attention from both within and outside the country. Thus, there is general consensus that corruption must be fought to its end and talks about it can never be enough. The crusade against corruption proposed by President Obasanjo at the hour of his election in 1999 may be the first under a civilian or democratic government in Nigeria. It can also be described as the most ambitious ever seen in the country. Nevertheless, it is far from being the first in its history. Corruption and anti-corruption fights have been at the heart of national political discourse and actions in Nigeria since independence in October 1960. Almost all the regimes that have come to power in Nigeria strongly denounced corruption, without any form of external pressure, while also proposing measures against it. It is true that most of these measures (inauguration of commissions of inquiry to probe specific allegations and suggest remedies, adoption of new anti-corruption laws (Kolajo 2002) and even the setting up of anti-corruption agencies) did not yield positive results. It is also true that regimes with radical anti-corruption agenda have been overthrown after only a few months in office: Murtala (1975-76) and Buhari (1983-85). Yet, it is also a well-known fact that many regimes, including the two previous civilian regimes: Balewa (1960-66) and Shagari (1979-83) fell largely because they failed to take action to check corruption in their governments.

When Buhari-Idiagbon took over power on the heels of unchecked corrupt practices in the Shagari government, the regime's first broadcast echoed the reasons for intervention. In its statement the regime stated that *"it is necessary to reiterate that this administration will not tolerate fraud, corruption, squander mania, abuse of office or graft, or other such vices that characterized that administration of the past four years"* (Mazi, quoted in Abioye, 2011). The catch phrase was the War against Indiscipline (WAI). Many party stalwarts, Ministers, State Governors and Commissioners of the previous administration were arrested and prosecuted by Special Military Tribunals on Recovery of Public Property; some were imprisoned virtually for life. It was another experiment at instilling integrity and accountability in public life. The administration was the first to imprison foreign exchange offenders and executed drug

convicts. But in what way did these past experiences really influence the decision to launch an anti-corruption war in 1999? In our view there are at least two ways in which historical antecedents influenced President Obasanjo's decision to launch the current anti-corruption war.

On his assumption of office, the former President vowed to fight corruption which he saw as a bane to sustainable development. In his words, "the impact of official corruption is so rampant and has earned Nigeria a very bad image at home and abroad. Besides, it has distorted and retrogressed development. Corruption, the greatest single bane of our society today will be tackled head on; no society can achieve anything near its full potential if it allows corruption to become full blown cancer, it has become in Nigeria"(Malik quoted in Adebayo, 2010: 15).

There are currently many anti-corruption laws in Nigeria. Anti-corruption statutes are legion in Nigeria. They are in a number of statute books. They are in some proliferation. Some are national laws while others are international laws. The national laws include: the Criminal Code Act (Cap C. 38, 2004), the Penal Code (Cap 89, 1964), as well as more recent ones like the Economic and Financial Crimes Commission (Establishment) Act (EFCC) (Act No. 1, 2004), the Corrupt Practices and Other Related Offences Act (ICPC) (Cap C. 31, 2004), the Money Laundering (Prohibition) Act (Cap E. 1, 2004) and the Advance Fee Fraud and Other Fraud Related Offences Act (Cap A 6, 2004). The international laws include: the African Union Convention Prevention and Combating Corruption (United Nations, 2003) and the United Nations Convention Against Corruption (United Nations, 2005). The principal goal of all these laws is to combat the dangerous and negative impact of corruption on the polity. In light of the limited space that this work commands, it will not be possible to analyze the provisions of all the anticorruption statutes in the country. However, only the provisions of the Economic and Financial Crimes Commission (EFCC) Act and the Corrupt Practices and Other Related Offences (ICPC) Act and the Corrupt Practices and Other Related Offences (ICPC) Act will be analyzed with a view to ascertaining their applicability, if any, to the immunity class under section 308 (1) (a) of the Constitution.

Anti-corruption provisions are in the Criminal Code Act, the Penal Code and in more recent times, precisely from 2000 to date, the Corrupt Practices and Other Related Offences Act (Cap C. 31, 2004), the Economic and Financial Crimes Commission (Establishment) Act, the

Money Laundering (Prohibition) Act (Cap. E.1, 2004), and the Advance Fee Fraud and Other Fraud Related Offences Act, 2006. The Criminal Code Act, a by-product of English Law, provides for the “conservative offences” (the generic name of official corruption), in which public officials inviting bribes, person giving bribe on account of public official and person inviting bribes on account of actions of public official. So, also is the Penal Code which originated essentially from Islamic jurisprudence (Niki, 2008).

The Corrupt Practices and Other Related Offences Act, in addition to providing for the conservative offences, has moved further by expanding the frontiers of both the Criminal Code Act and the Penal Code (sections 8 to 26 of the Act). The Money Laundering (Prohibition) Act, 2004 which, as the name implies, provides for offences of money laundering and the Advance Fee Fraud and Other Fraud Related Offences Act, 2006, which provides for fraud and fraud related offences.

The Economic and Financial Crimes Commission (Establishment) Act is a brand-new statute essentially modeled to capture economic crimes which are now rampant in Nigeria. The EFCC Act defines economic crime as the non-violent criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organized manner thereby violating existing regulation governing the economic activities of government and its administration and includes any form of fraud, narcotic drug trafficking, bribery, looting and any form of corrupt malpractices, illegal arm deal, smuggling, human trafficking and child labour, oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and goods, etc.

Anti-Corruption War and Comparative Analysis of Successive Governments in Nigeria

The Anti-Corruption War Under Obasanjo: The first anti-corruption agency to be set up by the Obasanjo administration was the ICPC which focused on the public sector. Upon its establishment in 2000, the Commission earnestly began to exercise its powers and discharge its functions, but 2003 it was prosecuting barely 49 public servants, which was considered a drop of water in an ocean of official corruption and a burgeoning regime of ‘kleptocracy’. However, in the aftermath of 9/11 and the global war against terror the EFCC was set up to combat the

threats posed by money launderers and other organized trans-border criminals operating in Nigeria. It is noted that Obasanjo took some laudable decisive steps to make good his threat of “no business as usual”:

- Commenced the process of recovery of looted funds from foreign banks;
- Set up ad-hoc panels of inquiry to investigate and report on allegations of corrupt practices especially failed contracts
- Caused the ICPC and subsequently the EFCC to be established for investigation and prosecution of persons implicated in corrupt practices and economic crimes;
- Initiated reform of the public sector through privatization and commercialization of government business ventures; monetization of benefits of public servants, guaranteeing pensions and retirement benefits;
- Signed international anti- corruption instruments such as the UN Conventions, the AU convention, the ECOWAS protocol; and
- Ceased every opportunity to reaffirm zero tolerance for corruption and the need for ethical and values reorientation (Onuoha, 2009).

However, many people consider the war against corruption under Obasanjo to be a failure. It has also been noted that the ICPC and EFCC under Obasanjo could not solve Nigeria's corruption problem because these agencies recorded only two high profile convictions: Mr. Tafa Balogun (IGP) and Mr. DSP Alamiyeseigha. Despite their best efforts, the perception of the public was that the agencies were overwhelmed by the problem, thus the ICPC was seen as a toothless bulldog while the EFCC was an Alsatian readily turned loose on political opponents. Three main reasons have been adduced for this apparent failure by the agencies to deliver on the mandates and meet the high expectations of Nigerians. The first has to do with poor funding; the second is slow judicial process; and the third is lack of political will resulting in selective deployment of the agencies for political ends especially towards the end of the administration when indictment by the EFCC was deployed to frustrate the political ambition of the former Vice President, Atiku Abubakar, and his associates.

It must however be observed that instead creating the EFCC, ICPC's enabling law ought to have been amended to broaden the agency's mandate to include corruption in the private sector. Even if there was an

overriding need to create another agency, the jurisdiction of the new agency should have been limited to corruption in the private sector, thereby leaving public sector corruption to the ICPC. With the creation of the EFCC we now have two main anti-graft agencies dealing with public sector corruption, with ill-defined jurisdictional boundaries and operational limits. These agencies coexist with the Police and the Code of Conduct Bureau. The result is the collateral turf war and struggle for supremacy amongst the agencies, stepping on one another's toes, sabotaging and undermining one another, seeking credit and applause, self-aggrandizement by leadership of the agencies, and playing to the gallery instead of getting the job done.

Yar'dua and the War against Corruption: Onuoha (2009) notes that, though, president Yar'dua vowed to continue with war against corruption but insisted that it was not going to a "no holds barred" war as it was degenerating to under Obasanjo. Yar'dua's zero tolerance for corruption was going to be within the context of respect for rule of law and human rights. However, it was observed that the change of approach resulted in a "slow-down" of the war. Complaints became rife that the war was losing momentum by the day. Some reasons that account for the deceleration or low pace at fighting corruption under Yar'dua are as follows:

- Slowdown in the prosecution of top public officials-
- Harassment of former anti-corruption crusaders-
- President Yar'dua's close relations with ex-governors-
- Anti-corruption campaign as non-priority (Onuoha, 2009).

Slowdown in the prosecution of top public officials- There was the perception that the Yar'dua government was vacillating concluding the conclusive prosecution of top government officials already investigated under the Obasanjo administration, especially the ex-Governors and other Politically Exposed Persons (PEPs). However, the Paper agrees that this charge was not borne out by the facts the EFCC continued with pending cases and indeed initiated several fresh investigations and prosecutions. Notable prosecution and conviction of Mr. Lucky Igbinedion, an ex-Governor. Harassment of former anti-corruption crusaders- Another criticism is that Yar'dua deliberately set out to harass and hound Obasanjo's main anti-corruption crusaders into exile. The cases of Malam el-Rufai and Mr. Nuhu Ribadu were cited in support of this assertion. But

it must be noted that Malam el-Rufai left office as Minister of the FCT at the end of Obasanjo's administration and was later indicted by the Senate for acts bordering on abuse of office for personal gain. The Senate conducted a public hearing pursuant to its oversight powers in the Constitution, the EFCC picked up from there and sought to charge the el-Rufai to court but he was unavailable to face the charges then, because he was attending a course of studies abroad. It will, therefore, not be a fair to say that he was being harassed because of he was an anti-corruption crusader. In the case of Mr. Ribadu, there can be no doubt that the EFCC would have become more effective if he had continued as Chairman during Yar'dua's administration.

Hewas better placed to consolidate on the successes recorded under the Obasanjo years and built up the Commission as a formidable institution. However, we should not aim at building institutions around persons; the EFCC should be able to function, no matter the person that happens to be in the saddle of administration. Clearly the arguments and counter-arguments as to whether Ribadu was entitled to remain as chairman of EFCC contributed in no small measure to the perceived ineffectiveness and inefficiency of the EFCC under Yar'dua.

President Yar'dua's close relations with ex-governors –Before he later became the President, Yar'dua was the Governor of Katsina State for 8 years. In the run up to the 2007 General Elections, it is generally believed that some of his fellow governors then facilitated his emergence as the PDP candidate and subsequent election as President, thus it was only natural that they should remain his political allies. It did not help matters that some of this people happen to be Governors already investigated by the EFCC waiting to be charged to court. There was justifiable disquiet in many circles when the names of some of this people, especially Mr. James Ibori, did not appear on the EFCC's list of "Ongoing High-Profile Cases". The attitude of the EFCC to the Yar'dua's allies heightened the perception that rather than fight an all-out war against corruption, the Commission was pandering to the dictates of the government in power.

Anti-corruption campaign as non-priority – The war against corruption was on course under Yar'dua and has continued under his successor, President Jonathan; but it no longer appears to be governments No.1 priority. The war has lost its sense of urgency. The paper attributes the relaxation of efforts to the near absence of local and international pressure on the government.

Jonathan and His Style of Fight against Corruption: The style adopted by President Jonathan in fighting corruption in Nigeria followed that of his predecessor or even worse than that. The present administration has embarrassingly failed to realize that the root cause of the present wave of terrorism ravaging the north east is the result of decades of corruption and impunity of perpetrators coupled with the failure of successive government to provide quality, affordable education to Nigerian children. Graft goes beyond misappropriation of public funds. Worse still, the failure of our security operatives to effectively deal with the Boko Haram insurgency is also attributable to graft. Billions are voted every year for purchase of combat weapons, training and re-training of security personnel but they somehow end up in private pockets. For example, a former Inspector General of Police is still standing trial for diverting police funds.

Ilevbare (2014) capture the real style of President Jonathan's regime in anti-corruption crusade when he stated that:

Some of the probes that show an evident of lack of political will to decisively deal with the menace of corruption include: The KPMG report that indicted the Nigeria National Petroleum Corporation (NNPC) for corrupt practices; The Nigeria Extractive Industries Transparency Initiative (NEITI) audit report exposing 10 years of corruption in the upstream and downstream sectors of the oil and gas industry; the probe of the Pension Fund Management by the Senate Joint Committee on Public Service and Establishment, State and Local Government Administration; the Security and Exchange Commission (SEC) probe that exposed alarming revelations of corruption in the capital market; the probe of the oil subsidy regime by the Ad hoc-committee of the House of Reps; the non-prosecution of those indicted in the Halliburton LNG bribery scandal, the recent Stella Oduah BMW scandal and the unsatisfactory explanation the NNPC has given for the \$10.8billion of crude oil earning the Central Bank of Nigeria (CBN) declared missing. The list is almost in exhaustive. It is safe to say every problem we have in Nigeria today has its roots in corruption. We would be living in a fool's paradise if we expected a president that has been encouraging official corruption to see anything bad in it

much less a problem for Nigeria. This will amount to shooting himself in the foot.

The shortcomings of Jonathan Style of fight against corruption made the administration to be are as follows:

- Up to 2015, Nigeria was estimated to have lost over \$500 billion to corruption since independence;
- The \$2.2 billion USD illegal withdrawal from Excess Crude Oil of which \$1 billion USD supposedly approved by the then President Jonathan to fund his re-election campaign without the knowledge of National Economic Council (Bingham Centre, n.d.).
- The investigation of the discovered \$11.6 billion USD (NLNG) dividend payments that is missing according to NEITI, (Izeze, 2015).
- The non-remittance of \$11.63 billion USD paid to NNPC on crude swaps due to subsidy and domestic crude allocation that was not remitted to the federation account from 2005 to 2012, Izeze (2015).
- The stealing of sixty million barrels of oil valued at \$13.7 billion USD under the watch of NNPC from 2009 to 2012, Izeze (2014).
- The invasions of tax by Oil Prospecting Licenses (OPL) and Oil Mining Licenses (OML), Daily Sun (2016).
- Diversion of N1.9 billion Nigeria naira being payment for Ebola fight, Abiodun (2015). Federal Ministry of Finance hurried payment of \$2.2 million USD to Federal Ministry of Health contractor in disputed invoices, Punch (2015);
- The NDDC scam of N27 billion Nigeria naira contract award, (Premium Times, 8th August 2015)
- Massive scam in weapons and defense procurements, and misuse of 3 trillion-naira defense budget since 2011 under the guise of fighting Boko Haram;
- Diezani Alison-Madueke, former Minister of Petroleum under Goodluck Jonathan was alleged to have received \$500,000,000 per month in bribes and kickbacks (\$6B/year);
- 60 million barrels of oil valued at \$13.7bn was stolen under her watch, as Sanusi Lamido Sanusi, the former Governor of the Central Bank, estimated that \$100m went astray from the Ministry of Petroleum per month (Izeze, 2015).;

- NEITI discovered \$11.6 bn was missing from Nigeria LNG Company Dividend Payments;
- \$2.2 billion was illegally withdrawn from Excess Crude Oil Accounts (\$1B funded Jonathan's re-election campaign).
- The alleged down payment of N50 billion Nigeria naira for the N1 trillion fine slammed on MTN by the Nigerian Communications Commission (NCC) for a breach of the nation's laws on Subscriber Identification Module (SIM) registration which was allegedly diverted by government agencies involved (Daily Sun, 2016).

President Buhari's Style of anti-corruption: When President Muhammadu Buhari took over the mantle of leadership on May 29, 2015, it was based on the backdrop of three key messages: improving the security environment, a strong fight against corruption and reviving the country's economy. More particularly, President Buhari vowed to combat the corruption in Nigeria no matter whose ox is gored. For instance, this opinion was clearly indicated in his inaugural speech when he said, "I belong to everybody and I belong to no body" (Onya & Elemanya, 2016: 82). The massive corruption allegations that characterized President Goodluck Jonathan's administration in Nigeria from 2010-2015 prompted President Muhammadu Buhari to declare in his inaugural speech that "corruption is the greatest form of human right violation". At the initial stage of Buhari's administration in 2015, Nigeria's leading anti-corruption agency, the Economic and Financial Crimes Commission (EFCC), became more active. It launched a series of investigations into former high-ranking public officials from previous administrations, in particular former cabinet officials, state governors and senior civil servants. He started by arresting Col Dasuki (rtd) the then National Security Adviser of President Jonathan and those in the military were arrested and charged to court by Economic and Financial Crimes Commission (EFCC) over the massive scam in weapons and defence procurements that led to the misuse of three trillion-naira defence budget since 2011 under the guise of fighting the notorious Boko Haram menace. Also, the NNPC investigation where the former minister of petroleum Mrs. Diezani Alison Madueke was asked to give holistic account of her stewardship while in office could have been one of the reasons why President Buhari vowed to combat corruption in Nigeria no matter whose ox is gored. The investigation exposed several oil deals

committed in the NNPC. The Abdul Rasheed Maina (Pension Fund Chairman) misappropriation of billions of naira worth of pension funds.

However, just months before voters return to the polls in February 2019, public perceptions of Buhari's anti-corruption drive remain poor. Despite a number of high-profile prosecutions in the early days of the Buhari administration, investigations have seldom led to significant convictions. And the recent convictions of two former governors, Jolly Nyame and Joshua Dariye, have failed to convince the public of any improvement. The slow pace of court cases, and financial settlements made by wealthy individuals and entities outside of the courtroom have also impeded successful prosecutions. Meanwhile, observers routinely question whether the EFCC has the resources or capacity to successfully prosecute a large number of complex fraud cases. Corruption in the judicial system and challenges in securing sufficient evidence have also impeded prosecutions. The opposition People's Democratic Party (PDP) will look to exploit these failures and the resultant popular disaffection during its campaign (Control Risks, 2018).

Again, public funds analysts have observed that over five (5) illegal withdrawals were made from the Excess Crude Account by Government between 2014 & 2018 including a total of N759.6bn for petrol subsidy, N151.4bn Tucano aircraft purchase, N116bn for security equipment & more. Furthermore, the Fiscal Responsibility Act permits Excess Crude Account savings to be used ONLY to augment SHORTFALL in budgeted revenue due to a fall in Crude Oil price. It is clear that Buhari's government disregarded this law as the President illegally paid \$1.761bn to State governors during the last election campaigns from Excess Crude Account whereas the Fiscal Responsibility Act requires Crude Oil price to drop BELOW the benchmark FOR 90days BEFORE withdrawals can be made (Budg IT Nigeria, 2020).

Nigeria in Year 2020 Corruption Perceptions Index (CPI) and Global/Regional Comparison

This segment is a critical analysis of how Nigeria performed in her anti-graft war in comparison to global and regional performance. The 2020 Corruption Perceptions Index (CPI) released worldwide on Thursday 28th January, 2021 by Transparency International (TI) rated and ranked 180 countries and territories by their perceived levels of public sector corruption (CPI, 2020). The 2020 CPI draws on 13 surveys and expert

assessments to measure public sector corruption, giving each country a score from zero '0' (highly corrupt) to 100 (very clean) (CPI, 2020) (see Table 1). More than two-thirds of countries scored below 50, while the average score was just 43 (Transparency International, 2021). The highest scoring regions are Western Europe & European Union having 66 as its average score, while the Sub-Saharan Africa is the lowest scoring region with 32 as its average score (Transparency International, 2021). In the list, Denmark, New Zealand, Finland, Singapore, Sweden and Switzerland are perceived as the top 6 least corrupt nations in the world, ranking consistently high among international financial transparency, while the 5 most perceived corrupt (bottom) countries in the world are South Sudan, Somalia, Syria, Yemen and Venezuela (TI, 2017).

Table 1: Legend: From Less to More Corrupt Countries by Score

Scores	Perceived as less corrupt					Perceived as more corrupt				
	100-90	89-80	79-70	69-60	59-50	49-40	39-30	29-20	19-10	9-0

Data Source: CPI 2020 by Transparency International, (2021).

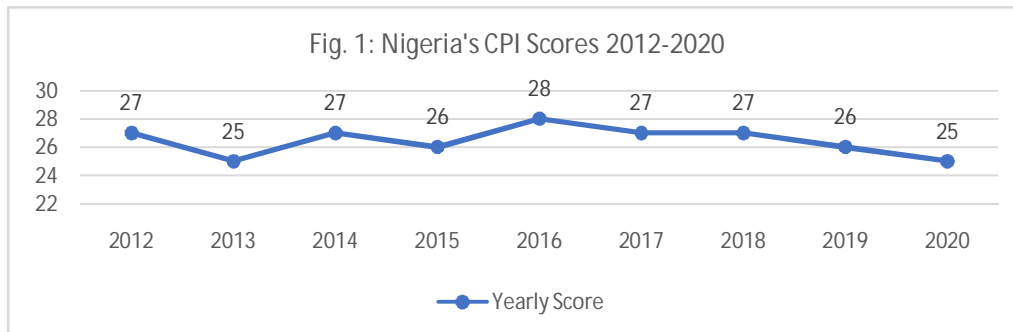
The 2020 CPI score shows that Nigeria's performance declined from its previous status in 2019; Nigeria scored 25 points out of 100 (a figure lower than the average in the Sub-Saharan region). In the country comparison, Nigeria ranked 149th position out of 180 countries. Nigeria's latest placement indicates that the country has recorded its worst ranking on TI Corruption Perception Index since 2015 (BBC News, 28th January, 2021). TI, while explaining Nigeria's new ranking, argues that the country's current rating is based on lack of transparency, nepotism, absence of better anti-corruption legal framework and the impunity with which bribery and extortion take place in Nigeria Police (BBC News, 28th January, 2021). The 2020 CPI scores of 25 out of 100 shows that Nigeria's performance has continued to fall below expectation as the country loses 1 point from its 2019 score of 26. Table 2 below shows Nigeria's CPI scores from 2012, a time when the scores became comparable.

Table 2: Nigeria's CPI Scores 2012-2020

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
Scores	27	25	27	26	28	27	27	26	25

Data Source: Transparency International (2021)

Data in Table 2 above shows that corruption level had increased in spite of government's anti-corruption crusade. Figure 1 shows a graphical representation of the country's performance on the Index since 2012.



Data Source: Transparency International, 2021

It is clear from figure 1 above that despite all the measures¹ that have been taken to fight corruption by the present and past administrations, the indication is that the fight has not achieved much; it is even getting worse. Several factors including ineffective policies and uncoordinated initiatives which are difficult to implement, weak criminal justice system, impunity and lack of accountability by state institutions during the period under consideration could have accounted for the country's "below average performance". This situation can also be traced to the fact that officials of anti-corruption agencies themselves are allegedly not transparent in their fight to rid the country of corrupt practices.

1) Nigeria's Performance Vis-a-vis Other Sub-Saharan African Countries

It is worthy of note that, although Nigeria performed better than 15 other Sub-Saharan African countries including Zimbabwe (at 22), Chad, Comoros, Eritrea (all at 21) and Burundi (at 19), etc., it still performed below 34 other Sub-Saharan African countries; while it has the same score with Cameroon, Madagascar and Mozambique (all at 25). The Table 3 below presents Nigeria's performance in Sub-Saharan Africa:

¹These include whistleblowing policy, establishment of the Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices and other Related Offences Commission (ICPC), and the introduction of the Treasury Single Account (TSA)

Table 3: 2020 CPI Score of Sub-Saharan African Countries

Countries	2020 CPI SCORE	2020 SSA CPI RANK	2020 WORLD CPI RANKING	Remarks in Relation to (average score in Sub-Saharan African, i.e. 32)
Seychelles	66	1	27	Above average score
Botswana	60	2	35	Above average score
Cabo Verde	58	3	40	Above average score
Rwanda	54	4	49	Above average score
Mauritius	53	5	52	Above average score
Namibia	51	5	57	Above average score
São Tomé and Príncipe	47	6	63	Above average score
Senegal	45	7	67	Above average score
South Africa	44	8	69	Above average score
Tunisia	44	8	69	Above average score
Ghana	43	10	75	Above average score
Benin	41	11	83	Above average score
Lesotho	41	11	83	Above average score
Morocco	40	13	86	Above average score
Nigeria	25	35	149	Below average score
Zimbabwe	22	38	157	Below average score
Chad	21	39	160	Below average score
Comoros	21	39	160	Below average score
Eritrea	21	39	160	Below average score
Burundi	19	42	165	Below average score
Congo	19	42	165	Below average score
Guinea Bissau	19	42	165	Below average score
DRC	18	45	170	Below average score
Libya	17	46	173	Below average score
Equatorial Guinea	16	47	174	Below average score
Sudan	16	47	174	Below average score
Somalia	12	49	179	Below average score
South Sudan	12	49	179	Below average score

Data Source: Transparency International Report (2021).

In 2018 and 2019, Angola (at 19 & 26) and Central African Republic (at 26 & 25) performed below Nigeria (with 27 and 26) respectively. However, in 2020, both Angola and Central African Republic (at 27 and 26 respectively) performed better than Nigeria. Again, Cameroon and Madagascar, which in 2019 had 25 and 24 CPI scores respectively, are at par with Nigeria in the 2020 ranking. Furthermore, Nigeria, in the 2020 ranking, is 2 points below Uganda, at 27; though the two countries scored the same points (26) in 2019. From the above analysis of Nigeria's performance, the country could have possibly scored higher if allegations

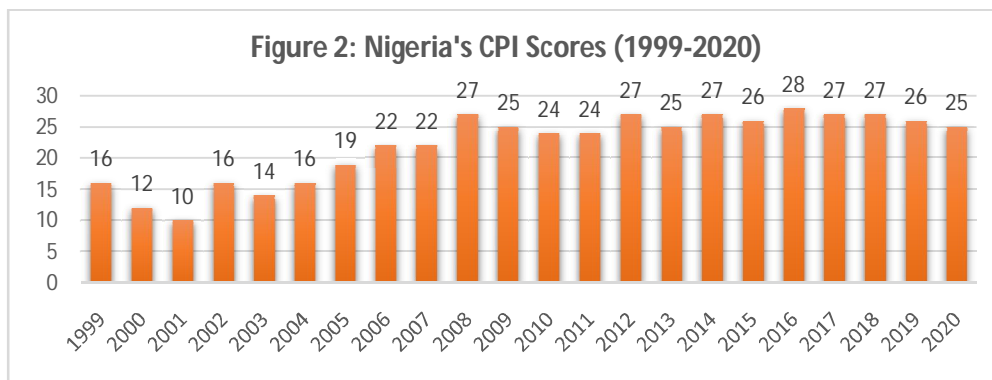
of corruption during the period under review were expeditiously investigated, prosecuted and appropriate sanctions meted out to culprits. From the foregoing, it can be safely affirmed that corruption is still very much with us in Nigeria. Even though the rating by Transparency International (TI) shows an improvement in Nigeria's disposition to corruption, the position is not still good enough. Nigeria presently occupies 26th position out of 180 most corrupt nations. According to Adamolekun (2008:28), "it is incontrovertible that EFCC under Nuhu Ribadu (2003-2007) took the fight against corruption to a high level with some impressive results: the recovery of about \$5billion from financial criminals and rogue public officials and the conviction of over 120 offenders, including a former Inspector General of Police and a former state governor." The Table 4 below aptly shows the trend of the position Nigeria in the group of corrupt nations.

Table 4: Nigeria's Score on the Corruption Perception Index (CPI) 1999-2020

Year	CPI Score	Nigeria's Rankings	Remarks
1999	16	98 of 99	2 nd Most corrupt
2000	12	90 of 90	Most Corrupt
2001	10	90 of 91	2 nd most corrupt
2002	16	101 of 106	2 nd most corrupt
2003	14	132 of 133	2 nd most corrupt
2004	16	144 of 146	2 nd most corrupt
2005	19	152 of 159	3 rd most corrupt
2006	20	142 of 163	5 th most corrupt
2007	22	147 of 180	9 th most corrupt
2008	27	121 of 180	59 th most corrupt
2009	25	130 of 180	41 st most corrupt
2010	24	134 of 178	44 th most corrupt
2011	24	143 of 183	33 rd most corrupt
2012	27	139 of 174	34 th most corrupt
2013	25	144 of 177	33 th most corrupt
2014	27	136 of 175	40 th most corrupt
2015	26	136 of 168	32 nd most corrupt
2016	28	136 of 176	40 th most corrupt
2017	27	148 of 180	32 nd most corrupt
2018	27	144 of 180	18 th most corrupt
2019	26	146 of 177	29 th most corrupt
2020	25	149 of 180	26 th most corrupt

Data Source: Transparency International and World Bank report on Nigeria. (Based on data extracted from the website of Transparency International).

The Corruption Perception Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean). According to the report, Nigeria recorded significant improvement in the Transparency International's Corruption Perception Index 2014 as the country was ranked 136th out of 175 countries surveyed. The report further showed that Nigeria is the 39th most corrupt nation among the countries on the index (see table 1 above). Though, Nigeria is not one of the countries at the bottom of the Index, the report recommended that these countries need to adopt radical anti-corruption measures in favour of their people. A 2-decades check has shown that the country's score averaged 21.9 Points and has never achieved the Sub Sahara African regional average let alone gone beyond it (see Fig 2).



Data Source: Transparency International Report (2021).

In discussing the result of the 2020 survey, TI pointed out that its analysis showed a clear link between having a healthy democracy and fighting public sector corruption, and cited declining scores for countries in connection with challenges to the rule of law and press freedoms. The corruption is much more likely to flourish where democratic foundations are weak and...where undemocratic and populist politicians can use it to their advantage (TI, 2021).

2) List of Categories of Some Corrupt Public Officers/Institutions in Nigeria

The 2020 Report of the CPI confirms the findings of the second collaborative study on corruption by the National Bureau of Statistics and

United Nations Office on Drugs and Crime (UNODC) of 2019.² Among the claims of the NBS/UNODC's 2019 corruption survey released on Friday, 6 December 2019 is that the Nigeria Police Force (NPF) is the most corrupt government agency in Nigeria; in the latest 2019 report titled "The 2019 Corruption in Nigeria: Pattern and Trends", police officers top the charts as the most corrupt government officials with 33% (NBS & UNODC, 2019). Next to police officers are land registry officers, with 26%, and revenue officers, with 25%. The survey stated that the least corrupt officials are health workers, with 5%. According to the NBS and UNODC report, corrupt public officials in Nigeria are as listed below:

1. Police officers
2. Public utility officers
3. Tax/ Revenue officers
4. Judges/Magistrates
5. Customs/Immigration officers
6. Other public officers in the mainstream Ministries
7. Teachers/Lecturers
8. Embassy/Consulate officers
9. Health workers

CONCLUSION AND RECOMMENDATIONS

Since the return to democratic governance under the 1999 Constitution, how to effectively combat the menace of corruption has been a main policy thrust of successive administrations, though the approaches and operational tactics may have differed. On the whole, the institutional frameworks on anti-graft war had recorded less achievements and more failures rather than successes despite the rapt attention given to the issue by each successive government in the last two decades. Nigeria has a well-developed anti-corruption legal framework, but enforcement is very weak. The paper observes that Nigeria's score of 25 points out of 100 on the 2020 Corruption Perceptions Index as reported by Transparency International, is an indication that the country is not gaining any success in the fight against corruption, instead the country is losing more grounds. Corruption Index in Nigeria averaged 21.9 Points from 1999 until 2020, reaching an all-time high of 28 Points in 2016 and a record low of 10 Points in 2001. Nigeria's 2020 ranking has declined from 144th (in 2018) to 149th in the latest corruption perception index, while its main score also

² The first collaborative study was conducted in 2017

dropped from 26 (in 2019) to 25 out of 100 points, thus, losing one point as in the 2019 CPI. The implication of this is that there is ample evidence to conclude that corruption remains a major challenge in Nigeria. Thus, the country is not improving at all on its fight against corruption. Based on the foregoing, we therefore recommend that Nigerian government needs to:

- 1) Encourage an improved inter-agency synergy among the institutional frameworks of Nigeria' anti-graft war;
- 2) Prioritise the enactment of effective laws and the National Assembly should review the existing anti-corruption laws and other legal and institutional frameworks responsible for maintaining accountability and transparency in the country. Thus, policymakers and legislators need to harmonize all the anti-graft laws in the country, plug loopholes and work to embed explicit provisions to prosecute offenders in the country;
- 3) Close the implementation gap between anti-corruption legislations, practice and enforcement. For instance, no corruption case should be left to linger for a long time; all should be promptly investigated and those found culpable punished;
- 4) Support civil society organizations that enhance political engagement and public oversight over government spending, particularly from federal down to the local level;
- 5) Increase public enlightenment of the adverse effects of corruption on societal cohesion and national development. This could serve as an additional strategy to eliminate corrupt practices in the public sector;
- 6) Although President and governors have prosecutorial immunity, CSOs should take legal action against career ministers and civil servants involved in breaching SWF laws to create a culture of resisting illegal demands from elected politicians for fear of consequences;
- 7) Improve the working conditions and adequate welfare for personnel including increase in salaries and emoluments of public officials, especially those of the identified corrupt public organisations, as a way of motivating them to resist any form of financial inducement;
- 8) National Assembly, especially the Public Accounts Committee needs to intervene and probe all spending from the Sovereign Wealth Fund framework especially the Excess Crude Account, ECA, as part of its oversight function.

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