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**Forging Ahead as an Anti-Corruption Agency: The Case of the Independent
Corrupt Practices and Other Related Offences Commission (ICPC) in Nigeria
(2000 – 2017)**

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**Doctor of Philosophy (PhD) in International Development
The University of Edinburgh
2020**

Abstract

This thesis investigates how the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in Nigeria has carved a niche for its operations, to forge ahead within the Nigeria's anti-corruption landscape, despite the formidable challenges and stiff institutional competition it has been facing from other anti-corruption bodies, especially from the Economic and Financial Crimes Commission (EFCC). It discusses the evolution of the ICPC's operations between the years 2000 and 2017 to account for the shift towards corruption-prevention programmes that have come to define the Commission's operational strategies and priorities. First, the thesis sketches the politics and history of anti-corruption campaigns to flesh out the factors that have been shaping the current field of anti-corruption agencies in Nigeria. Moreover, the study reviews the literature on bureaucratic autonomy to gain insights into the theoretical basis for the empirical analyses.

The study employs participant-observation and semi-structured interviews to investigate several corruption-prevention operations of the Commission that are characterised by the outsourcing of the ICPC's functions to civil-society organisations and other government officials. It focuses on the everyday experiences of ICPC staff and the members of civil-society organisations and other government agencies that the ICPC employs to pursue its strategy of corruption prevention. These include a one-day seminar organised by an NGO-partner of the ICPC under the National Anti-Corruption Coalition, the operations of the Anti-Corruption and Transparency Units within ministerial departments and other public entities as well as the youth advocacy programmes organised by the ICPC. Still within the scope of the expansive corruption-prevention work of the Commission, the thesis analyses the activities of the Anti-Corruption Academy of Nigeria, established by the ICPC to drive its knowledge-based corruption prevention operations in the country.

The findings suggest that the Commission, relying on the latitude of its bureaucratic autonomy, has been able to carve out a niche for itself in the sphere of corruption-prevention programmes. To achieve this, the ICPC staff rely on external agents in civil society and government. This has had some adverse effects on the ICPC's autonomy and the implementation of its policies. First, some of the non-state actors working with the Commission have been found either misrepresenting the Commission's core message or abusing the powers delegated to them. The thesis presents evidence that the Commission's corruption-prevention work has expanded beyond its current

supervisory or monitoring capabilities and that the non-enforcement operational areas of focus by the Commission are carefully chosen to avoid the political turmoil that tends to surround enforcement activities. Therefore, there is need for the expansion of ICPC staff strength, specialisation and geographical spread across the country to enhance its institutional supervisory capacity necessary for the realisation of its corruption-prevention operational objectives, while remaining alert to the political sensitivity of their tasks.

Lay Summary

The lay summary is a brief summary intended to facilitate knowledge transfer and enhance accessibility, therefore the language used should be non-technical and suitable for a general audience. Guidance on the lay summary in a thesis. (See the Degree Regulations and Programmes of Study, General Postgraduate Degree Programme Regulations. These regulations are available via: www.drps.ed.ac.uk.)

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Contents

Title Page	i
Abstract	ii
Lay Summary	iv
Acknowledgment	vi
Contents	viii
List of Figures	xii
Abbreviations	xiii
Map of Nigeria showing ICPC's Offices	xvi
Chapter 1	1
Introduction, Research Context, Methodology	1
1.1 Introduction	1
1.2 Research Context	9
1.2.1 Anti-Corruption Campaign in Nigeria: A Long History	9
1.2.2 ICPC's Operations Versus its Legal Autonomy	13
1.2.3 The ICPC at Work	14
1.3 Anti-Corruption Campaign as a Pillar of Good Governance	16
1.4 Post-1999 Anti-Corruption Campaigns in Nigeria: The Dawn of a New Era?	20
1.4.1 The Independent Corrupt Practices and Other Related Offences Commission (ICPC)	22
1.4.2 The Legal Lacunas of the ICPC Act	26
1.5 Methodological Issues	27
1.6 Thesis Outline	31
Chapter 2	34
The History and Politics of Anti-Corruption Campaigns in Nigeria	34
2.1 Introduction	34
2.2 Nigeria Anti-Corruption Struggles prior to and during the First Republic (1950s – 1965): The Years of Commissions of Inquiry	36
2.2.1 Corruption in the Eastern Nigeria: Dr Nnamdi Azikiwe before the Foster-Sutton Commission	38
2.2.2 Corruption in Western Nigeria: Awolowo before the Coker Commission of Inquiry	41
2.3 (Anti-)Corruption under the First Military Incursion: 1966 – 1979	43
2.3.1 Public Officers (Investigation of Assets) Decree No 5 of 1966	46
2.3.2 Operation Purge the Nation	47
2.3.3 The Public Complaints Commission (PCC) – The Ombudsman	48

2.3.4	Corrupt Practices Decree No. 38 of 1975	49
2.3.5	The Code of Conduct Bureau and Tribunal	50
2.4	(Anti) Corruption in Nigeria's Second Republic: Controlling Corruption through "Ethical Revolution"	52
2.5	(Anti-) Corruption under the Second Military Incursion: 1983 – 1999	56
2.5.1	General Muhammad Buhari (31 December 1983 – 27 August 1985)	57
2.5.2	General Ibrahim Babangida: 1985 – 1993	60
2.5.3	General Sani Abacha: 1993 – 1998	62
2.6	Conclusion.....	65
Chapter 3		69
Bureaucratic Autonomy: A Review of the Literature		69
3.1	Introduction	69
3.2	Bureaucratic Autonomy	70
3.2.1	Defining Bureaucratic Autonomy.....	70
3.2.2	Factors that determine Bureaucratic Autonomy	77
3.2.3	Forms of Bureaucratic Autonomy	81
3.3	Managing Bureaucratic Autonomy in Anti-Corruption Agencies	87
3.4	Bureaucratic Autonomy and State Capacity	89
3.5	Bureaucratic Reputation	92
3.5.1	Defining Bureaucratic Reputation.....	92
3.5.2	Managing Bureaucratic Reputation Public (Anti-Corruption) Agencies	97
3.6	Bureaucratic Autonomy, Bureaucratic Reputation and the ICPC	102
3.7	Conclusion.	104
Chapter 4		105
The ICPC through the Years: The Struggles for Space in a Contested Anti-Corruption Campaigns Terrain		105
4.1	Introduction.....	105
4.2	Anti-Corruption Campaigns Under Nigeria's Fourth Republic: 1999 to 2017	106
4.2.1	Prosecution of Corruption Cases Not a Tea Party	112
4.3	Leadership Successions and Priority Programmes of the ICPC.....	115
4.3.1	The Struggles for Space in a Contested Anti-Corruption Campaigns Terrain	124
4.4	Understanding the ICPC's Perspectives on Corruption and Anti-Corruption	127
4.4.1	Corruption is Ubiquitous	129
4.4.2	Corruption is both Financial and Non-financial in Nigeria.....	134
4.4.3	Corruption Thrives on Opacity in Public Administration and Finance	139
4.4.4	Contradictions Inherent in Practical Anti-Corruption Measures Are Sometimes Valuable	147

4.5	Conclusion.....	151
Chapter 5		155
The ICPC Working through Others I: Anti-Corruption Campaigns by the National Anti-Corruption Coalition (NACC).....		155
5.1	Introduction.....	155
5.2	The National Anti-Corruption Coalition (NACC) Seminar, Enugu, Nigeria....	157
5.2.1	Who is Corrupt? A Call for Self-Reflection.....	164
5.2.2	Prayer Cannot Eradicate Corruption.....	168
5.2.3	Corruption: An Anonymous Third-Party Crime	170
5.3	Analysing the Anti-Corruption Seminar and the Emerging Issues	172
5.3.1	The Independence of the ICPC and Shared Agency	174
5.3.2	Sustainability Challenges of ICPC Collaborative Programmes.....	179
5.3.3	Moral Hazards under Weak Surveillance	182
5.3.4	Anti-Corruption Network and Patronage System	185
5.4	Conclusion	190
Chapter 6		192
The Anti-Corruption and Transparency Monitoring Units (ACTUs): The Internal Monitors		192
6.1	Introduction.....	192
6.2	The Anti-Corruption and Transparency Units (ACTUs)	194
6.3	The 2017 ICPC Annual Training Workshop for ACTU members.....	197
6.3.1	The Workshop's Theme	199
6.3.2	The Lectures	199
6.3.2.1	Corruption Risks, Anti-Corruption Legal Instruments and Corruption Prevention	199
6.3.2.2	Corruption Investigations and Intelligence Gathering	205
6.4	Anti-Corruption and Transparency Units (ACTUs) in the Field	210
6.4.1	The Anti-Corruption and Transparency Units (ACTUs): Whose Agents?	211
6.4.2	Deep Knowledge, Limited Impact.....	213
6.4.3	Treading along the Boundary.....	215
6.4.4	ICPC/ACTUs in the MDAs: Where lies the Independence?.....	217
6.5	Conclusion	220
Chapter 7		222
The ICPC Working Through Others II: Youth Advocacy.....		222
7.1	Introduction.....	222
7.2	The Youth Advocacy Groups	224
7.2.1	The Schools' Anti-Corruption Clubs	224

7.2.2	Students' Anti-Corruption Vanguard (SAVs).....	227
7.2.3	National Youth Service Corps Anti-Corruption Community Development Service Group (NYSC Anti-Corruption CDS group)	228
7.2.4	National Anti-Corruption Volunteer Corps (NAVC)	232
7.3	Youth Advocacy and "Corruption" in Anti-Corruption.....	235
7.3.1	Symbols and Images of the State as (Anti-) Corruption Apparatus.....	236
7.3.2	Advocacy in Whose Jurisdiction?	240
7.3.3	Working without Feedback	242
7.4	Conclusion.....	245
Chapter 8		248
The Anti-Corruption Academy of Nigeria (ACAN): The Research and Training Arm of the ICPC.....		248
8.1	Introduction.....	248
8.2	The Background of the Anti-Corruption Academy of Nigeria (ACAN).....	249
8.2.1	Facilities of the ACAN.....	251
8.2.2	Programmes of the ACAN	253
8.3	Anti-Corruption Training and the Control of Corruption in Nigeria	259
8.3.1	Anti-Corruption Training, Measurement and Results	259
8.3.2	ACAN - A Sporadic Academy.....	260
8.3.3	Mismatch of Expertise	263
8.3.4	Funding of the ACAN.....	268
8.3.5	Leveraging on Technology?	270
8.4	Conclusion.....	271
Chapter 9		273
Summary, Review of Findings and Recommendations		273
9.1	Summary	273
9.2	Bureaucratic Autonomy in Anti-Corruption Agencies: Some Reflections on ICPC's Experience	277
9.3	Review of Research Findings.....	284
9.4	Recommendations	287
9.5	Future Research.....	290
Bibliography		292
Books and Journal Articles.....		292
Electronic News and Other Online Sources		312
Appendix 1		315
Head of Civil Service of the Federation's (Creation of ACTUS' Budget Line) Circular to the MDAs.....		315

List of Figures

Figure 4. 1 : ICPC tracks and deals with corrupt practices everywhere in Nigeria. This picture is a common feature found on the doors of government offices. Source: Author's photo file.....	132
Figure 4. 2: Examination Malpractice, Indecent Dressing, Internet Fraud and Admission Racketeering as Corruption. Source: Integrity Guide for National Youth Service Corps (NYSC) Members. p.48.....	137
Figure 4. 3: Transparency-Awareness Banners on participation in budgetary preparation process.	143
Figure 4. 4: Operation Know Your Budget. Source: Author's photo file.	144
Figure 4. 5: Training Workshops and some of the projects executed as outcomes of ICPC/UNDP Grassroots Capacity Building on Budget Processes published in 2012.	145
Figure 4. 6: Handcuffs signifying ICPC's commitment to strict enforcement of anti-corruption laws. Author's photo file..	148
Figure 4. 7: Stolen cars retrieved from government officials. Source: ICPC, 2017.	150
Figure 5. 1: A cross-section of the participants just before the start of the programme.	158
Figure 5. 2: Prof. Ukwu before he was invited to the platform (sitting: first from Right).....	160
Figure 5. 3: Kolanut-breaking rites at the event. Source: Author's photo file.....	161
Figure 5. 4: South East Zonal Commissioner of ICPC Prince Mohammed Obaje. Source: Author's photo file	166
Figure 6. 1: A cross-section of the participants at the Data Gathering and Investigative Skills workshop for members of ACTUs, June 2017. Source: Author's photo file	198
Figure 7. 1: ICPC/NYSC Anti-Corruption CDS Group Enugu North 2015/2016 Batch.	231
Figure 7. 2: Impounded and disused operational vehicle of Lagos State Chapter of the NAVC. Source: Author's photo file.....	239
Figure 8. 1: The Administrative Block of the Anti-Corruption Academy of Nigeria, ACAN, Keffi, Nigeria. Source: ACAN website.....	251
Figure 8. 2: The ICT building at the Academy. Source: Author's photo file	252

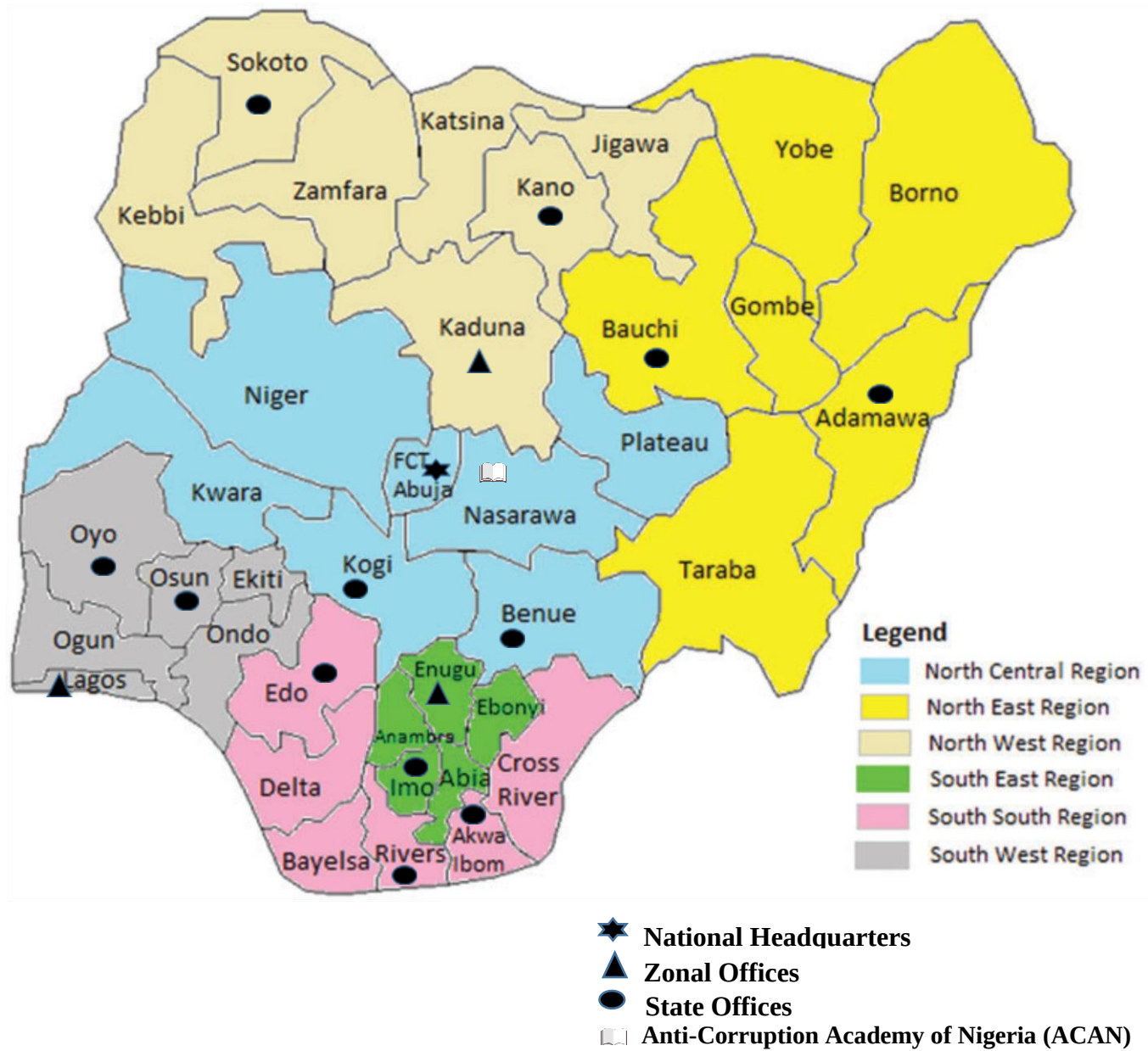
Abbreviations

1. ACAs	Anti-Corruption Agencies
2. ACAN	Anti-Corruption Academy of Nigeria
3. ACB	African Continental Bank
4. AG	Action Group
5. ACP	Assistant Commissioner of Police
6. ACTUs	Anti-Corruption and Transparency Units
7. ACYMN	Anti-Corruption Youth Movement of Nigeria
8. AD	Alliance for Democracy
9. ADR	Alternative Dispute Resolution
10. AFRODEP	Afro Centre for Development, Peace and Justice
11. AGF	Attorney General of the Federation
12. APC	All Progressives Congress
13. ATRM	Asset Tracing, Recovery and Management
14. AUCPCC	African Union Convention on Preventing and Combating Corruption
15. BOFID	Bank and Other Financial Institutions Decree
16. BPP	Bureau of Public Procurement
17. BVN	Bank Verification Number
18. CAC	Corporate Affairs Commission
19. CBN	Central Bank of Nigeria
20. CCB	Code of Conduct Bureau
21. CCT	Code of Conduct Tribunal
22. CDS	Community Development Service
23. CFRN	Constitution of the Federal Republic of Nigeria
24. CIBN	Chartered Institute of Bankers of Nigeria
25. CJN	Chief Justice of Nigeria
26. CMED	Corruption Monitoring and Evaluation Department
27. CPCFS	Community for Peace and Corrupt-Free Society
28. CPI	Corruption Perception Index
29. CPIB	Corrupt Practices Investigation Bureau
30. CPTG	Constituency Project Tracking Group
31. CSOs	Civil Society Organisations
32. DAG	Democratic Action Group
33. DEDASRI	Divine Era Development and Social Rights Initiative
34. DfID	Department for International Development
35. EFCC	Economic and Financial Crimes Commission
36. EU	European Union
37. FAFT	Financial Action Task Force

38. FCT	Federal Capital Territory
39. FGN	Federal Government of Nigeria
40. FIU	Financial Investigations Unit
41. FRSC	Federal Road Safety Corps
42. GIFMIS	Government Integrated Financial Management Information System
43. IACA	International Anti-Corruption Academy
44. ICAC	Independent Commission Against Corruption
45. ICAN	Chartered Institute of Accountants
46. ICPC	Independent Corrupt Practices and Other Related Offences Commission
47. IDPs	Internally Displaced Persons
48. IMF	International Monetary Fund
49. IPPIS	Integrated Payroll and Personnel Information System
50. INEC	Independent National Electoral Commission
51. J4A	Justice for All
52. MDAs	Ministries, Departments and Agencies
53. NACC	National Anti-Corruption Coalition
54. NAPTIP	National Agency for the Prohibition of Trafficking in Persons
55. NAVC	National Anti-Corruption Volunteer Corps
56. NBC	National Broadcasting Commission
57. NCNC	National Council of Nigeria and the Cameroons
58. NCS	Nigeria Customs Service
59. NDLEA	National Drug Law Enforcement Agency
60. NEITI	Nigeria Extractive Industries Transparency Initiative
61. NEPU	Northern Element Progressive Union
62. NERDC	Nigerian Educational Research and Development Council
63. NFIU	Nigerian Financial Intelligence Unit
64. NICs	Newly Industrialising Countries
65. NIS	Nigeria Immigration Service
66. NPC	Northern People's Congress
67. NPF	Nigeria Police Force
68. NPM	New Public Management
69. NSCDC	Nigeria Security and Civil Defence Corps
70. NVC	National Values Curriculum
71. NYSC	National Youth Service Corps
72. OECD	Organisation for Economic Co-operation and Development
73. OPS	Organised Private Sectors

74. PAFPI	Poverty Alleviation for the Poor Initiative
75. PCC	Public Complaints Commission
76. PDP	People's Democratic Party
77. PEPs	Politically-Exposed Persons
78. PRR	Planning, Research and Review
79. REOCOORPH	Reverend Okechukwu Christopher Obioha Orphanage Foundation
80. SAP	Structural Adjustment Programme
81. SAN	Senior Advocate of Nigeria
82. SAVs	Students' Anti-Corruption Vanguard
83. SCDC	Nigeria Security and Civil Defence Corps
84. SERVICOM	Service Compact with All Nigerians
85. SOP	Standard Operating Procedure
86. TI	Transparency International
87. TSA	Treasury Single Account
88. TUGAR	Technical Unit on Governance and Anti-Corruption
89. UNCAC	United Nations Convention Against Corruption
90. UNDP	United Nations Development Programme
91. UNODC	United Nations Office on Drugs and Crime
92. SMC	Supreme Military Council
93. USAID	United States Agency for International Development
94. WAI	War Against Indiscipline
95. WAI-C	War Against Indiscipline and Corruption

Map of Nigeria showing ICPC's Offices



Source: Gayawan et al. (2014)

Chapter 1

Introduction, Research Context, Methodology

1.1 Introduction

In 2000, President Obasanjo established the Independent Corrupt Practices and Other Related Offences Commission (ICPC) as the leading agency to promote his new anti-corruption strategy. This Commission was given the broad mandate to rid Nigeria of corruption¹, which according to Obasanjo in his acceptance speech was one of the mandates for which Nigerians have elected him.² Indeed, the imperative of anti-corruption loomed large at the time. To the broad consensus that corruption had become the bane of Nigeria's development (Obasanjo, 2003; Enweremadu, 2006, p. 46; Folarin, 2009, p. 14; Bamidele, Olaniyan, & Ayodele, 2015, p. 71; Agbibo, 2013, p. 326; Ojo, 2016, p. 1; Ocheje, 2018, p. 363) was added the worsening the country's ranking on the Corruption Perception Index (CPI) compiled by Transparency International (TI)³. The international NGO had ranked Nigeria as the most corrupt country in the world in 1996, 1997 and again in 1999, just a few weeks before the election of President Obasanjo (Agbibo, 2013, p. 330; Enweremadu 2012, p.1). These well-publicised rankings had seriously damaged the country's reputation within the international business community.

In its bid to further tackle corruption and owing to several factors – both domestic and international (discussed in subsequent sections and chapters of this

¹ Except otherwise defined or contextualised, the term corruption anywhere it appears in this thesis would primarily mean “public corruption” as defined by the ICPC Act as “bribery, fraud and other related offences” by which public office is abused for private gains.

² *ThisDay*. Lagos, May 9, 1999, p. 1.

³ Based in Berlin, Germany, TI was founded in May 1993. Its annual *Corruption Perception Index* (CPI) soon became one of its main tools to gain acceptance for its global agenda of anti-corruption reforms and to influence government policy across the world. The methodology of the index has evolved over the years but never to the complete satisfaction of critics (Ivanov, 2007, p. 33).

thesis) – Nigeria also established a number of anti-corruption institutions in addition to the ICPC, the most notable addition being the creation of the Economic and Financial Crimes Commission (EFCC) in 2003. The creation of these additional institutions, particularly the EFCC, has resulted in a competitive anti-corruption campaign environment in which each institution strives to implement overlapping anti-corruption mandates with some certain consequent institutional challenges. What are these challenges? What do they mean for the survival of each of the institutions within the Nigeria's anti-corruption landscape? This thesis investigates how the ICPC has carved a niche for its operations, to forge ahead within the Nigeria's anti-corruption landscape, despite the formidable challenges and stiff institutional competition it has been facing from other anti-corruption bodies, especially from the EFCC. To understand the context within which the ICPC operates and to fulfil the primary aim of this research, the following questions are pertinent:

- (a) How has the ICPC survived “in the shadow” of the EFCC?
- (b) What does the autonomy of the ICPC mean in practice? How does the ICPC's degree of autonomy affect its implementation strategies?
- (c) Why and how are these implementation strategies prioritized?

The motivation for this research is the need to understand the survival strategies of the ICPC to cope with the existential crisis it faces from the creation of the EFCC. The findings of this work offer insights into new ways of thinking about the autonomy of anti-corruption Commissions in Nigeria and by extension, Africa.

Three characteristics marked the work of the ICPC from its inception. First, the institution was created as an independent body that is not directly responsible to any other government establishment in the running of its day-to-day affairs, even though

part of its operational activities (particularly prosecution) is carried out nominally in the name of the Attorney-General of the Federation (AGF). Second, while the ICPC Act 2000 (henceforth referred to as the ICPC Act) Section 43 empowers the chairman of the Commission to enforce the Act and any other law prohibiting corruption, what constitute corruption (corrupt practices) within the powers of the Commission were, at best, loosely defined⁴. Third, the Commission lacked the power to either investigate or prosecute corruption crimes committed prior to its establishment.

In spite its statutory powers but perhaps unsurprisingly, the ICPC working independently on its own achieved very little within its early years of operations. For example, despite receiving over 800 petitions across the nation, the ICPC could only secure one conviction between the years 2000 and 2003 (Enweremadu, 2012, p. 80). Even this singular conviction was recorded against two low-ranked civil servants, small fish when compared to several highly rated Politically-Exposed Persons (PEPs), whose case files continued to gather dust while the investigations and court proceedings against them dragged on. Over this period, not only was the ICPC described as being a “toothless bulldog” (Ibid), but it was also very clear that the Commission could not single-handedly champion Nigeria’s push against corruption. This conclusion was strengthened by the international tide turning against the country, on account of its inability to control corruption (Ribadu, 2010, p. 3) within the same period.

Following the twin terrorist attacks on the United States on September 11, 2001, global attention shifted increasingly to the flow of illicit funds across international

⁴ Section 2 of the ICPC Act defines corruption to include mainly bribery, fraud and other related offences

borders. The decision of the Financial Action Task Force (FATF)⁵ to blacklist Nigeria as a non-cooperative country on money laundering and terrorism financing served as the final catalyst for Nigeria to set up another independent anti-corruption agency – the Economic and Financial Crimes Commission (EFCC) – to prevent, investigate, prosecute and penalize economic and financial crimes (Ribadu, 2010, p. 5). The EFCC was empowered to enforce other extant laws on the prohibition of money laundering, advance-fee fraud and other related offences⁶.

Despite the initial optimism about the powers and mandates of this newly formed agency, there were potential operational grey areas. The overlapping mandates and multiplicity of enforcement mechanisms have often created confusion and at times, conflicts between the ICPC and the EFCC (Alabi, 2010, p. 510). In general terms, both the ICPC and the EFCC are tasked with the mission to combat corruption in Nigeria. However, there are significant differences. While the ICPC has the mandate to tackle corrupt practices among public officials, the EFCC is empowered to fight economic and financial crimes committed by both public officials and private individuals in Nigeria (FRN, 2004). The sharing of the responsibilities between the ICPC and EFCC for investigation and prosecution of financial corrupt practices involving public officials, therefore, remained unclear.

Indeed, within a few years of the EFCC's establishment, these contestations became manifest. While the EFCC made a name for itself through spectacular arrests of suspects, energetic media campaigns of its investigations (Ribadu, 2010, p. 25),

⁵ The Financial Action Task Force was created during the 1989 G-7 summit in Paris in response to growing concerns over money laundering. It is an intergovernmental body that develops policies and measures to prevent criminals from using the financial system. It studies money-laundering and terrorism-financing trends and techniques, develops and promotes adequate measures to fight these financial crimes, and monitors its 34 member-countries' progress implementing these measures.

⁶ See <https://efccnigeria.org/efcc/about-efcc/the-establishment-act> (Last accessed 10/08/2020).

and visibility in the public sphere, the ICPC's operations were comparatively much less prominent (Adebanwi & Obadare, 2011, p. 192; Babasola, 2017, p. 128). Some researchers interpreted this new dispensation as one in which the ICPC was operating "in the shadows of the EFCC" and asked whether the agency was still relevant (Arowolo, 2006, p. 204). Enweremadu (2006, p. 41) submits that the ICPC's enforcement operations have been subverted and rendered ineffective as a result of the neo-patrimonial logic of the Nigerian political system and the consequent politicisation of the fight against corruption. Other commentators argued in favour of the merging of the two agencies into one big anti-corruption institution with the implication that the new organisation should reflect more of the features of the EFCC's operational style (Ikpeze, 2013, p. 163). The creation of the EFCC had seemingly triggered an existential crisis for the ICPC.

However, no research has been conducted to investigate how the ICPC, within the limit of its statutory operational independence, has explored its non-enforcement powers to remain relevant within the current regulatory scheme of the Nigeria's anti-corruption landscape. This is the gap that this study intends to fill. This research examines how the ICPC has maintained its operational independence, as guaranteed by law, in its bid to design the policies and programmes to cope with a competitive and challenging operational environment. The thesis builds on the literature on bureaucratic autonomy and the history and politics of anti-corruption campaigns in Nigeria to discuss the institutional trajectory of the ICPC between the years 2000 and 2017. The core of the analysis focuses on how the Commission has carved a niche for itself in the face of the encroachment on its enforcement powers by the EFCC. To account for the dynamic nature of the ICPC with its changing structures and leadership, and operational priorities and environment; this research goes beyond

textual/document analysis. It relies mainly on the findings from a participant-observation study of the operations of the ICPC, which is the basis of my distinctive contribution to the literature on anti-corruption studies in Nigeria, and by extension, Africa.

In this study, three key arguments are made on the institutional autonomy of the ICPC. First, the scope of ICPC's operational autonomy and its far-reaching anti-corruption mandate offer the agency the leeway to choose varieties of operational strategies. Second, the agency decides which operational activities it pursues more vigorously than the others by relying on its knowledge of past anti-corruption interventions in Nigeria, the current political atmosphere and the constraints imposed by its resources. Finally, the relational nature of bureaucratic autonomy implies that though it might not be explicitly established that the Commission is politically controlled, its own programmes under which it worked with third-party groups (mainly non-state actors) have feedback implications for its institutional integrity. The Commission has consistently found itself issuing rebuttals and public notices to disclaim activities of some advocacy groups registered under its corruption-prevention and public-education-against-corruption programmes. Thus, the requirement that anti-corruption agencies should be independent (within the international development policy circles) may not always guarantee a straightforward improvement to the performance of their roles.

In making these arguments, the following contributions are made to the literature on anti-corruption campaigns in Nigeria and specifically on the operations of the ICPC. One, this study extends the application of *Street-Level* bureaucratic powers *a la* Lipsky (1980, 2010) to the field of anti-corruption in Nigeria and shows how the ICPC leadership has leveraged on the powers conferred on it to make operational

choices which has helped the Commission to survive the competitive environment of anti-corruption campaigns in Nigeria. In the course of this research, it has been shown that operational officers of the ICPC exercise some discretions (for example, alternative dispute resolution) which are not spelt out in the ICPC Act. They found this approach handy in resolving reported cases if this would offer an outcome better than prosecution of the accused/respondent in such cases. Some field officials also expressed their frustrations about the ICPC's institutional approaches to anti-corruption to me in unusual ways in which they wouldn't have communicated with journalists. I remember one official once told me in Enugu: "if Nigeria wants to fight corruption seriously, death penalty should be introduced for corrupt practices." He submitted that the current approach is a sort of performance for them to earn their wages and nothing more. The system is overwhelmed by reports of corrupt practices that appear intractable from their quotidian experiences.

Two, the interdependent nature of ICPC's operations through third parties – whilst still relying on its statutory independent status – has feedbacks on its operational outcomes. The Commission enjoys some latitude in deciding which of its preventive and enforcement powers it prioritizes, given its resources and operational targets. However, this research argues that as much as the institution relies on third-party organisations/agents⁷ to carry-out some of its statutory roles, it also loses – considerably – some of the powers to control the delivery of these functions. In some instances, this impacts on the Commission's institutional integrity, image, reputation and ultimately its independence, especially when third parties do not fully comply with

⁷ Third-party organisations/agents such as the Civil Society Organisations (CSOs), Non-Governmental Organisations (NGOs) and Anti-Corruption and Transparency Units (ACTUs) are vital to understanding the limitations of ICPC's operational powers in terms of its day-to-day activities, most importantly its corruption-prevention strategies. These are discussed in more details in the subsequent chapters of the thesis.

the guidelines of the Commission. For example, contrary to the ICPC's prioritization of its corruption-prevention and public-education programmes, the agency is not taking the lead role as expected. In the instances that I witnessed, the fact that the Commission was not financing the collaborative institutions and groups places it in a marginal position in their programmes. Although it is possible for the agency to sanction erring partners as documented in this study, such reactive penalties would achieve little to mitigate the damage to the institutional integrity of the Commission as a result of the activities of the unscrupulous collaborative partners.

Finally, given the historical experience of anti-corruption programmes in Nigeria and the enduring nature of Nigeria's politics of "prebendalism" (Joseph, 1987), there is little progress on incumbent accountability and institutional oversight in the enforcement of anti-corruption laws in Nigeria. As will be discussed further in chapters 2 and 4, the politics and history of anti-corruption in Nigeria provide a subtle lesson that successive incumbent governments may be more interested in anti-corruption rhetoric than actually pursuing the prosecution of officials indicted for corrupt practices unless they are critics of the government or they had served a past administration. The ICPC's adoption of corruption-prevention strategies fits well into this. The Commission engages in these corruption-prevention activities because they enhance its visibility within the multi-agency competitive environment, and more importantly because the corruption prevention operations are less prone to political confrontations with the government in power. It turns out that, in practice, an agency of the state could be seen "performing" its functions without necessarily achieving the results desired by all stakeholders. This also contrasts with the normative view within international development circles in which institutional autonomy of anti-graft commissions are expected to guarantee the effectiveness of their operations. In the following pages, I

show how the Commission has continued to remain relevant by creating a niche for itself in the crowded field of anti-corruption institutions in Nigeria.

1.2 Research Context

1.2.1 Anti-Corruption Campaign in Nigeria: A Long History

Nigeria has a long history of anti-corruption campaigns dating back to the British colonial era (Ocheje, 2018, p. 365). To some extent, the post-1999 anti-corruption efforts – particularly the establishment of the ICPC—could be described as home-grown, and unconnected with the international pressure on Nigeria to “do something about corruption” as observed in most other African states. However, the fact that President Obasanjo, who pioneered the institutionalised anti-corruption agencies in the country, was a founding member of the global anti-corruption watchdog Transparency International (TI) suggests that there are obvious international dimensions to the groundwork that eventually crystallised in Nigeria’s Fourth Republic (Enweremadu, 2012, p. 5).

As noted above, the pressure from the international community, led by the Financial Action Task Force (FATF) played a prominent role in the creation of the EFCC. Moreover, the establishment of both the ICPC and later the EFCC coincided with the period within which Obasanjo sought and received \$18 billion debt relief from the Paris Club of creditors. As the then Minister of Finance Okonjo-Iweala (2012) notes:

the president understood that he would not be able to realise one of the main objectives of his administration – obtaining debt relief – unless Nigerian authorities were seen to be serious about fighting corruption. No creditors would want to forgive or cancel any debts if they believed that the proceeds of cancellation would end up in corrupt hands (p. 87)

In essence, Nigeria's renewed fight against corruption within the period under consideration (1999 – 2017) took place within the context of the global campaign for institutional reforms and control of corruption.

The successive establishments of the ICPC and the EFCC in 2000 and 2003 respectively formed part of the toolkit of institutional reforms ushered in under the banner of good governance and neoliberalism, which gained prominence in the 1990s and beyond. This marked a clear departure from Nigeria's past experiences when ad-hoc Commissions of inquiry, investigative panels, military boards, bureaus, and tribunals were set-up for intermittent anti-corruption interventions (Enweremadu 2012, p. 175). Historically, many of the sporadic anti-corruption set-ups did not survive the government that created them (Ibid). This might be partly due to what Ocheje (2001, p. 173) observes as the lack of political will and moral integrity on the part of the government to lead the crusade. Partly too, the transient nature of the ad-hoc institutions could be traced to the kneejerk approach that gave birth to them *ab initio*, thereby leading to the non-enactment of any enabling law that could give them institutional foundation and comprehensive governance structure for long-term survival. Moreover, the partisan political agenda that underpinned the previous anti-corruption interventions rendered them irrelevant as soon as there were changes in government.

In contrast, though established as responses to specific needs at different times, both the ICPC and the EFCC were conceptualised to be long-lasting agencies with institutional structures aimed at deepening the fight against corruption in Nigeria. Paramount in the institutional design of both agencies was the principle of

independence. This was in line with the global practices that were enshrined in United Nations Convention Against Corruption soon after.⁸

Notably, there are a number of studies on Nigeria's post-1999 anti-corruption campaign programmes with special attention given to the operations of the anti-corruption agencies but they generally put more emphasis on the EFCC and devote only limited attention to the ICPC (Adebanwi 2012; Enweremadu 2012; Onyema et al., 2018). Other reviewed works reflect a consensus that the EFCC was considered more effective than the ICPC (Lawrence, 2016; Aiyede, 2008; Babasola, 2017) and that the ACAs in Nigeria faced challenges of insufficient funding, shortage of quality personnel, undue political interference, cumbersome judicial processes, weak anti-graft laws, insecurity of tenure of office for leadership, public cynicism about the achievements of the ACAs (Awopeju, 2017; Idris, 2011; Lawrence, 2016) and the constraints deriving from the constitutional immunity clause that protects some public officials (Okojie and Momoh, 2007, p. 115)⁹.

Two studies – Enweremadu (2006) and Arowolo (2006) – are of special relevance to my work. Enweremadu (2006) discusses in key details the role of the ICPC in the struggle against corruption under the Nigeria's Fourth Republic. Its analytical focus on the factors that led to the formation of the Commission provides a take-off point for this study. The author argues that the failure of the enforcement

⁸ The United Nations Convention Against Corruption (UNCAC) was adopted on 31 October 2003 and it entered into force on 15 September 2005 after Ecuador became the 30th country to ratify it. As of August 2018, there were 140 signatories and the convention had been ratified, accepted, approved or acceded by 186 countries (state parties). Nigeria signed the convention on 9 December 2003 and ratified it on 24 October 2004. Nigeria deposited its instrument of ratification with the Secretary-General of the United Nations on 14 December 2004 (UNODC, 2016, p. 3).

⁹ Section 308 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for immunity against criminal prosecutions for persons occupying the offices of the President and Vice President of Nigeria as well as the offices of the 36 State Governors and their Deputies. This had been a significant setback for the operations of the ACAs even when they received petitions against incumbent executive public officials.

operations of the ICPC was mainly due to the neo-patrimonial logic which pervades the Nigerian politics. Beyond this, however, the study is limited in its scope as it fails to contextualise the operations of the ICPC within the same competitive anti-corruption campaign environment as the EFCC's. Neither did it analyse the institutional trajectory of the ICPC to show how the Commission prioritises the different areas of its mandate.

In a similar but more relevant context, Arowolo (2006) provides the foundation upon which my thesis is built: the institutional rivalry between the ICPC and the EFCC with the EFCC emerging the more dominant agency particularly in the anti-corruption enforcement operations. Amidst the voices that called for the disbandment of the ICPC or its merger with the EFCC, Arowolo (2006) identifies some of the distinct powers of the ICPC as the basis for its future strategic operational relevance. According to the author, these include the power to audit and review public administration systems with a view to eradicating the opportunities for corruption, and the power to mobilize and educate the public against corruption. Arowolo's insights have proven to be remarkably prescient. As we shall see, the ICPC's reliance on such parts of its mandate has played a key role in ensuring its survival over the past 15 years.

Nevertheless, much like the previous studies, Arowolo (2006) offers no insight into how the statutory independence of either the ICPC or the EFCC could impact their respective choice of implementation or operational strategies within the opportunities that the author identified for the ICPC, for instance. When the autonomy of the ACAs is discussed at all, the focus is on the political control of these agencies either by the executive, the legislature or the judiciary arm of the government. By exploring the link between the bureaucratic autonomy and the operational strategies of the ICPC, this thesis offers insights into a less-explored dimension of autonomy of anti-corruption commissions in Nigeria.

1.2.2 ICPC's Operations Versus its Legal Autonomy

Under international conventions and treaties, anti-corruption agencies are expected to be independent¹⁰. For example, the UNCAC article 36 on specialised (anti-corruption) authorities provides *inter alia* that:

each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks (UNODC, 2004, p. 26).

In fact, the independence of anti-graft agencies is hailed within the development community as a game changer that would enable these institutions to remain focused and be effective in tackling corrupt practices within their respective mandate (Kpundeh, 2004, p. 266; Jacobs & Wagner, 2007, p. 328). Furthermore, independence allows anti-corruption agencies “to act free from influence of powerful individuals or factions, and to investigate suspected corruption in all sectors and at all levels of society” (UNDP, 2005, p. 5). Yet, years after the ratification of the various international treaties and conventions, and the establishment of a number of diversified independent anti-corruption agencies, particularly by state parties from Africa, researchers have found that the lack of independence of the anti-corruption bodies remains a serious problem in practice (Declan, 2008, p. 205; Heilbrunn, 2004, p. 1; Akhigbe, 2011, p. 106). Anti-corruption commissions remain vulnerable to executive interference and legislative control beyond the statutory provisions for oversight

¹⁰ These include the United Nations Convention Against Corruption (2003), the African Union Convention on Preventing and Combating Corruption (2003) and the ECOWAS Protocol on the Fight Against Corruption (2001). For details of these international instruments, see (Anaedozie, 2017, pp. 109 -132).

functions. While the executive may unduly threaten the job security of the ACAs' leadership, the legislature may be unwilling to appropriate sufficient financial resources that would ensure smooth operations of the ACAs. These are generally described as political controls of the anti-corruption agencies that directly affect their ability to pursue their mandates.

While I remain cognizant of the ways in which political controls can undermine the practical independence of anti-corruption agencies, my focus in this study is on how bureaucratic independence has afforded the ICPC a basis to ensure its survival. Put in another way, in order to understand the survival strategies of the ICPC over the years, this research seeks to explore how the ICPC makes use of its powers as an autonomous bureaucratic organization in an operational environment characterised by the interdependence amongst several anti-corruption agencies and other stakeholders.

1.2.3 The ICPC at Work

This research examines how the ICPC has been able to “re-invent” itself through a number of programmes and anti-corruption activities which are its own creations to adapt to the competitive anti-corruption campaigns environment and maintain its operational independence. The research relies on a burgeoning research paradigm on states' bureaucratic operations in Africa advocated by Bierschenk and Olivier de Sardan (2014, pp. 1-35) under the rubric of “states at work”. The emphasis is on the analysis of the “real” or “actual” workings of the state and public bureaucracies as opposed to what such bureaucracies claim to do. It embraces the ethnography of the study of African states arguing that they are made of public employees and that their basic, banal, routinized day-to-day functioning, practices and

strategies warrant the interest of anthropologists as much as warlords, smugglers and witchdoctors (Ibid, p.1).

Much of the research work for this thesis was carried out by studying the day-to-day operations of the ICPC as a participant observer of the various programmes and activities of the ICPC. In line with Gupta (2012, p. 33), I consider the ICPC as one of the many possibilities through which the Nigerian bureaucratic state could be studied. It is of interest to study and understand the Nigerian state especially within the context of its anti-corruption campaign efforts, which could be considered to be acts of self-regulation and control.

As stated earlier, the focus of this study is to examine the day-to-day official and unofficial practices of the staff of the ICPC in sustaining its relevance despite the increased competition for operational space from other agencies within Nigeria's anti-corruption campaign architecture. This involves paying attention to the ICPC's evolving priorities, to the ways in which the Commission's approaches to fighting corruption have changed over time and the factors that account for such changes. In this context, how the leadership and field officials of the ICPC interpret its legal autonomy in carrying out institutional planning and operational strategies that are critical to the implementation of the mandate of the Commission are key to my work.

My point of departure is a review of key official documents, including the Act of parliament that established the ICPC, and an analysis of socio-political factors that led to the institutionalization of anti-corruption campaigns in Nigeria's Fourth Republic. This allows me to juxtapose such official guidelines, including the ICPC Act of 2000, with the everyday practices of ICPC staff and their partners in civil society and government. Even though I had quite a number of semi-structured interviews with

senior officials, information from the field officials of the ICPC who daily encounter members of the public are central to my research. Here, I build on the bureaucratic autonomy literature (see chapter 3) which contends that there is no linear relationship between *de jure* and *de facto* autonomy (Yesilkagit & van Thiel, 2008, p.145; Bouckaert and Peters, 2004; Bach & Jann, 2010). The ICPC has its operational mandate encoded in the ICPC Act of 2000. This research is built on the premises that the ICPC personnel, faced by a competitive operational environment including the latent political terrain and history (not necessarily a direct control by incumbent executive), and citizens' expectations of a high level of performance in line with its commanding mandate and powers, may have devised certain operational strategies to remain relevant within the Nigerian anti-corruption architecture. Hence, my interest lies in studying what the ICPC staff actually do and not what the ICPC Act says they should do, and how this might impact the operational autonomy of the Commission as stipulated by law. What the Commission actually does will mean so much for the scope of its real operational autonomy as against the ascribed powers in the statute.

1.3 Anti-Corruption Campaign as a Pillar of Good Governance

Over the last three decades, the control of corruption as one of the pillars of good governance¹¹ has received special attention (Brinkerhoff, 2000, p. 239). However, the global campaign against corruption is an agenda that evolved with its roots in the 1980s foundational work of the Bretton Woods institutions, when the World Bank and the IMF championed the push for neoliberalism¹² as the political/economic

¹¹ While it is agreed that no unified definition of governance exists, some authors associate governance with new processes of governing reflected in the “hollowing out of the state” (Rhodes, 1994), the “retreat of the state” (Strange, 1996), and a shift from government to governance (Czemieli & Rosenau, 1992; Landell-Mills & Serageldin 1991, p. 304). See Anders (2018) and Rosenau (1997) for detailed discussions of the various dimensions of good governance. See also, Stoker (1998), Botchway (2001), and Weiss (2000) for additional perspectives on the concept of good governance.

¹² Harvey (2005, p. 2) describes neoliberalism as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills

philosophy that will guarantee economic prosperity across nations (Ganahl, 2013, p. 28). Prior to 1990s, the geopolitical imperatives of the Cold War era tended to override other policy goals of multilateral donors, including the fight against corruption (Ibid, p. 22; Lowenthal, 1991). Specifically, the IMF and the World Bank Articles of Agreement also prevented them from interfering in the political affairs of their members (Nanda, 2006, p. 272). This was the main reason why the earlier interventions such as the Structural Adjustment Programmes (SAPs) were presented as politically neutral, technical interventions to developing countries, mostly in Sub-Saharan Africa.

To overcome this constraint, corruption was depoliticised as a technocratic social and economic problem requiring the interventions of the World Bank and the IMF. On that basis, these institutions gradually began to champion anti-corruption campaigns under the good governance agenda (Ivanov, 2007, p. 31). Precisely, the tone of the World Bank changed with the publication of its report titled “Sub-Saharan Africa: From Crisis to Sustainable Growth” in 1989, in which the bank blamed African economic woes on the “crisis of governance” (World Bank 1989). A clear indication of this change of focus is captured in this passage of the report:

A root cause of weak economic performance in the past has been the failure of public institutions. Private sector initiative and market mechanisms are important, but they must go hand-in-hand with good governance – a public service that is efficient, a judicial system that is reliable, and an administration that is accountable to the public. (World Bank 1989, xii).

within an institutional framework characterized by strong private property rights, free markets and free trade”. It is a resurgence of (neo)-classical economic philosophy of market fundamentalism (*laissez faire*) to advance the course of a new world order. It seeks to maximize the role private sector and finance capital play in determining the economic and political agenda of nations. It thrives on the following tenets: trade liberalization, privatization, deregulation (minimum government), and widening consumers’ choice. Neoliberalism places priority on the role of competition in achieving production and consumption efficiency. Neoliberalism is sometimes conflated with globalization because neoliberalism promotes the shrinking of international barriers to trade, good governance and institutionalization of a new world order (Ganahl, 2013, p. 52)

The report further notes that “Africa needs not just less government but better government” (Ibid, p. 5) and that, “ultimately, better governance requires political renewal. This means a concerted attack on corruption from the highest to the lowest levels” (Ibid, p. 6). This formally gave birth to the full diagnosis of weak governance and corruption for economic woes and development crisis. Soon, academic focus on the subject of corruption and development increased tremendously amidst what some authors have called a *corruption eruption* (Naím, 1995, pp. 245 -261).¹³ Subsequently, governance conditionality that requires aid-seeking nations demonstrate commitments to improvement in public administration to enhance transparency, accountability and sustainable development (Nanda, 2006) became part of aid negotiations. The World Bank, for example, posited that corruption can significantly impair aid effectiveness and thus argued for taking into account the aid recipient country’s commitment to fight corruption when it came to the disbursement of aid funds (Collier & Dollar, 2001, p. 21).¹⁴

After the end of the Cold War, the internationalisation of the campaign against corruption benefitted immensely from the foreign policy interests, funding and support of the US government which perceived foreign corruption as a commercial and security threat (Ivanov, 2007, p. 28). This culminated in the adoption of the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

¹³ “Corruption eruption” is the general term that is used to denote the rise in the 1990s of the public’s perception of corruption as a result of increasing openness that accompanied democratic transition, and from the changes in the nature of corruption, which, in many cases, make violations more visible. It also stems from the increasing awareness created of the negative effects of corruption on development within international development discourses in both academia and the media.

¹⁴ Nigeria’s response to this conditionality included the establishment of the ICPC, the EFCC, the Nigeria Extractive Industries Transparency Initiative (NEITI) 2007 and the monthly publication of national revenue allocations among the levels of government in Nigeria, to mention a few.

(1998) to provide a level playing ground for multinational companies with business interests in the Global South.

With the increasing international awareness about the negative effects of corruption on development, the TI began the publication of its Corruption Perception Index (CPI) in 1995 as a “poll of polls” ranking countries on the basis of how corrupt they were perceived to be by international businesspeople (Ibid, p. 32). The CPI, despite its deficiencies and methodological shortcomings provided the first quantitative data for corruption across countries, on a global scale, and was significantly “instrumental in the construction of corruption as a global problem requiring global solutions” (Ibid).

The international efforts aimed at controlling corruption climaxed with the ratification in 2003 of the treaty of the United Nations Conventions Against Corruption (UNCAC)¹⁵. In addition to institutions of the judiciary across signatory countries, UNCAC recommends the creation of independent and specialised anti-corruption agencies as well as the provision of an enabling environment for the involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations to promote effective anti-corruption activities.

Subsequently, even in countries with home-grown anti-corruption programmes prior to UNCAC, a number of additional measures have been taken to support the campaign against corruption in line with UNCAC. Notably, in Nigeria, the anti-corruption architecture is made up of the various (independent) anti-corruption agencies, civil society, non-governmental organizations, community-based organizations and advocacy groups. Activities of all these stakeholders are widely

¹⁵ See footnote 8 above.

supported by grants and loans from USAID, UK DfID, EU, UNDP, UNODC, and a number of other multilateral agencies. The support provided by these international “partners” form a critical part in the production and dissemination of knowledge on corruption and anti-corruption through trainings, capacity building and programme-specific funding, not only directly to the national ACAs but also the civil society and NGOs that are championed as agents of development and good governance (Ivanov, 2007, p. 32; World Bank, 2000; OECD, 2003; UNODC, 2004a). It is within this interconnected terrain of anti-corruption institutions in Nigeria that I will be exploring the survival strategies of the ICPC in the subsequent chapters of this thesis.

1.4 Post-1999 Anti-Corruption Campaigns in Nigeria: The Dawn of a New Era?

Nigeria’s battles against corruption – with official interventions – date back to the pre-independence years¹⁶. However, as most of the interventions followed the trajectory of the country’s intermittent leadership changes, approaches to the fight against corruption have been marred by an almost equal measure of policy inconsistencies and policy reversals over the years. After sixteen uninterrupted years of military dictatorships, human rights abuses, unbridled corruption and a battered image in the international community, Nigeria’s transition to democratic rule in 1999 offered an opportunity for a new departure. The newly elected President Olusegun Obasanjo promised to steer the nation back to the path of political stability, economic prosperity, equity and justice, as he said in his acceptance speech:

¹⁶ The Foster-Sutton Commission of Inquiry (1956), which investigated the alleged case of corruption and financial misappropriation against Dr Nnamdi Azikiwe – the premier of Nigeria’s Eastern Region then – was the first full-scale official intervention against corruption in pre-independence Nigeria (Osoba, 1996, p. 375; Ahuche, 2013, p. 19; Babasola, 2017, p. 104; Ogbeyidi, 2012, p. 12; Ellis, 2016, p. 58). Nevertheless, in the early years of colonialism in Nigeria, there had been cases where “abuse of office” by indigenous rulers/agents under the indirect rule system were punished by public flogging, dethronement and other measures. Pierce (2016) provides fine details of the politics that characterised official responses to cases of “corruption” in the early years of colonialism in Nigeria.

I regard the result of this election as a mandate from the people of Nigeria and a command from God Almighty that I should spare no effort in rebuilding this nation. I understand the clear message of the Nigerian people. In giving me their mandate, they have asked me to restore our dignity; they want me to alleviate poverty and reduce corruption (*ThisDay*. Lagos, May 9, 1999, p. 1 cited in Enweremadu, 2006, p. 8).

This promise to tackle corruption derived not only from the President's patriotic resolve, Nigeria was also under intensive global pressures to do something about its notorious status as one of the most corrupt nations globally (Agbibo, 2013, p. 330, Onuigbo & Eme, 2015, p. 5)¹⁷. Again, Obasanjo was not a newcomer to the arena of the global anti-corruption waves. Apart from being Nigeria's former military Head of State (1976 – 1979), as noted earlier, as a founding member of Transparency International (TI) (Enweremadu, 2012, p. 5), Obasanjo was attuned to the international movement advocating renewed efforts in the fight against corruption.

In his inauguration speech on 29 May 1999, the President acknowledged the negative impact of corruption on Nigeria when he stated that:

The impact of official corruption is so rampant and has earned Nigeria a very bad image at home and abroad. Besides, it has destructed and retrogressed development. Our infrastructures - roads, railways, education, housing and other social services were allowed to decay and collapse. Our country has thus been through one of its darkest periods. All these have brought the nation to a situation of chaos and near despair. This is the challenge before us (Obasanjo, 1999, p. 3).

The task of confronting the challenge subsequently started with the establishment of the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

¹⁷ Prior to the 1999 efforts to fight corruption in Nigeria, the country had been repeatedly rated by Transparency International as one of the most corrupt nations globally. See (TI, 1996), https://www.transparency.org/files/content/tool/1996_CPI_EN.pdf accessed on 16/09/2019. Nigeria was ranked the 54th most corrupt country globally out of 54; and TI (1997) https://www.transparency.org/files/content/tool/1997_CPI_EN.pdf, ranked Nigeria 52nd most corrupt country globally out of 52.

1.4.1 The Independent Corrupt Practices and Other Related Offences Commission (ICPC)

To give credence to his resolve, on 13 July 1999, barely six weeks after his inauguration, Obasanjo sent the Corrupt Practices and Other Related Offences (COPOR) Bill to the National Assembly for consideration and passage into law (Enweremadu, 2012, p. 16). The bill was intended to give legal backing to the establishment of an independent anti-corruption agency – The Independent Corrupt Practices and Other Related Offences Commission (ICPC) – to be charged with the mandate to coordinate the war against all forms of corruption in the Nigeria's public and private sectors.

After much deliberation and amendments to certain clauses of the bill, such as its provisions for executive immunity and its powers to effect searches and seizures of properties, it was eventually passed on 13 June 2000 by both houses of the National Assembly, and signed by President Obasanjo on the same day, thereby completing the preliminary steps for the establishment of the ICPC. On 21 September 2000, the ICPC was formally inaugurated under its first chairman Justice Mustapha Akanbi, a former judge who had then recently retired as President of Nigeria Court of Appeal. The ICPC thus became the first post-1999 fully institutionalised independent anti-corruption agency in Nigeria¹⁸.

Shortly after its inauguration, the ICPC was faced with various legal challenges. State governments considered the extension of the operations of the ICPC to their domains as an infringement of their autonomy under a federal structure¹⁹. Meanwhile,

¹⁸ There were some institutional agencies that predated the ICPC, including the Public Complaints Commission, the Code of Conduct Bureau and Tribunal. Whereas, the Public Complaints Commission lacks the prosecutorial powers, the activities of the Code of Conduct Bureau and Tribunal were largely suppressed under the successive military governments leading up to 1999 (Akhigbe, 2011, p. 236).

¹⁹ For example, the Ondo State Government in **A. G. Ondo State v. A. G. Federation & Ors (2002) 6 SC. (pt. 1) 1**, sued the Federal Government on the grounds that, in federation, the enforcement of laws against corruption is beyond federal powers. However, the Supreme Court affirmed the powers of the

Section 35, which stipulates the arrest and indefinite detention of persons who refused to respond to the ICPC summons, was also challenged as a gross infringement of fundamental rights of citizens. These issues under contention were settled in a landmark judgment of the Supreme Court on 7 June 2002. The court upheld the powers of the ICPC as a federal agency to carry out its functions in all jurisdictions within the Federal Republic of Nigeria with no exception to state institutions.²⁰ It, however, nullified the powers of indefinite arrest of the Commission. These litigations, pursued to the highest court in Nigeria – the Supreme Court – signalled the high political stakes in the fight against corruption in Nigeria.

However, contrary to the initial expectation that the Commission would be established to tackle corruption in all its ramifications in Nigeria, the ICPC by its enabling act, was created to fight public corruption.²¹ In fact, from its published law reports, most of its cases in courts faced preliminary objections from the accused (defendants) on the grounds of whether or not the accused were *public* officials in their positions at the time they committed the alleged offences for which they were being prosecuted (ICPCLR, 2013, Vol. 1, pp. 50 - 51). This exclusive focus of ICPC on public corruption is central to the understanding of this thesis, and it limits the powers of the ICPC and its capacity to combat corruption in Nigeria that is traceable to the private sector (Smith, 2007, for example).

Federal Government as conferred on it by section 15(5) of the 1999 Constitution of the Federal Republic of Nigeria to legislate and enforce laws against corruption across the federation (See Enweremadu, 2012).

²⁰ See Osborne (2005, p. 10) available at <http://www.anti-corruption.org/wp-content/uploads/2016/11/Nigeria-Case-study-on-anti-corruption-Osborn-081205-Final.doc>. Last accessed on 19/06/2020.

²¹ Preparatory to the establishment of the ICPC in 2000, President Obasanjo had strongly opined that the weak governance structures in Nigeria were traceable to public-sector corruption, and that instituting public-sector accountability through institutional reforms and campaigns against corruption would address the trajectory of national integrity (see Obasanjo, 2003). This was the main reason while the ICPC mandate focused primarily on the fight against corrupt practices by public officials.

Nevertheless, as a departure from the previous anti-corruption institutions in Nigeria, the ICPC is modelled after successful independent anti-corruption agencies founded elsewhere, such as the Corrupt Practices Investigation Bureau (CPIB) in Singapore (1952) and the Independent Commission Against Corruption (ICAC) in Hong Kong (1974) (Klitgaard , 1988; Enweremadu, 2012, p. 15; Wanjala, 2012, p. 6). The ICPC has the mandate to prohibit and prescribe punishment for corrupt practices and other related offences. Section 6 (a-f) of the ICPC Act specifies the Commission's mandate as follows:

- (a) to receive and investigate complaints from members of the public on allegations of corrupt practices and in appropriate cases prosecute the offenders;
- (b) to examine the practices, systems and procedures of public bodies and where such systems aid corruption, to direct and supervise their review;
- (c) to instruct, advise and assist any officer, agency, or parastatal on ways by which fraud or corruption may be eliminated or minimized by them;
- (d) to advise heads of public bodies of any changes in practice, systems or procedures compatible with the effective discharge of the duties of public bodies to reduce the likelihood or incidence of bribery, corruption and related offences;
- (e) to educate the public on and against bribery, corruption and related offences;
- (f) to enlist and foster public support in combating corruption. (FRN, 2000).

To carry out the mandate, the ICPC Act explicitly outlines the powers of the officers of the Commission to include the following: the powers of investigation and prosecution (Section 5[1]), the powers to review and restructure the operational mechanisms of public institutions with a view to reducing or preventing corruption (Sections 6 [b, c, & d]), the powers to educate and enlighten the public against corruption (Sections 6 [e & f]), and others such as powers to forcefully enter and

search private properties upon securing a court warrant; to seize movable and immovable properties of an accused person that is undergoing trial; to take custody of seized properties; to forfeit properties of convicted persons if the court has ruled in favour of the Commission; and to seize the travel document of an accused person under trial in cases of risk of evasion, respectively (Sections [36, 37, 38, 47 & 50]). In addition, the Commission can engage the service of the INTERPOL to trace properties or detect cross-border crimes (Section 66[3]).

The ICPC Act guarantees the autonomy of its operations in some respects. First, the appointment into the chairmanship and governing board positions recognised some parliamentary safeguards to ensure security of tenure of office. For instance, Section 3 (8) of the ICPC Act stipulates that the Chairman and the members of the management team of the Commission can only be removed from office by the President on grounds of inability to perform their duties (whether arising from the infirmity of mind or body or any other cause) or for misconduct, after the 2/3 majority of the Senate has approved such request. Section 3 (14) explicitly provides that “the Commission shall in the discharge of its functions under this Act, not be subject to the direction or control of any other person or authority”.

Despite this legally guaranteed institutional protection, there are still grounds for executive, parliamentary or judicial control of its operational activities. The Commission’s budgetary provisions are subject to executive and parliamentary controls. The Commission is required to make the annual report of its activities to the parliamentary committee on anti-corruption. Nominally, the ICPC prosecutes in the name of the Attorney-General of the Federation (AGF) without necessarily seeking approvals for doing so. However, there are certain cases that the office of the AGF could require the ICPC to seek approval before filing them in the law courts. How

each of these potential operational controls affects and shapes the institutional strategies of the ICPC will be discussed in subsequent chapters, particularly as they could serve as barriers or necessary checks to incumbent regime control of corruption in Nigeria.

1.4.2 The Legal Lacunas of the ICPC Act

The Establishment Act of the ICPC has a number of implications for its power and operational structure. As noted, its enabling act focuses exclusively on public corruption (Enweremadu, 2012, p. 16). The ICPC is required by law to prove that suspects charged before the court committed corruption offences in their capacity as *public officials*.²² To some extent, this fundamental clause reveals Obasanjo's notion of corruption in Nigeria as mainly driven "by the collapse of governance, erosion of accountability procedures, and the prevalence of bad leadership" (Obasanjo, 2003; Opara, 2007, p. 70). This contrasts with the UNCAC anti-corruption framework, which seeks to disrupt the international flows of corruption proceeds and other illicit funds, and therefore recognises the roles of both public-office holders and private business perpetrating corrupt practices. Second, the nature of the offences as stipulated under the ICPC Act and the corresponding penalties and punishments in cases of successful conviction remained within the framework stipulated in the country's existing penal and criminal codes, which were relics of the colonial criminal justice system (Enweremadu, 2006, p. 48).

In spite of substantial powers and the perceived political will by the government to support the operations of the ICPC, its record of enforcement operations in its early

²² "Public Officer" means a person employed or engaged in any capacity in the public service of the Federation, State or Local Government, public corporations or private company wholly or jointly floated by any government or its agency including the subsidiary of any such company, whether located within or outside Nigeria and includes judicial officers serving in Magistrate, Area or Customary courts or Tribunals (FRN, 2000).

years was deemed to be ineffective (Adebanwi & Obadare, 2011, p. 192; Ribadu, 2010, p. 20; Babasola, 2017, p. 128). Arowolo (2006, p. 203) notes that five years after its inauguration, the ICPC was yet to initiate any high-profile prosecution or secure any credible conviction on corruption.

Consequently, as noted earlier, Nigeria was blacklisted by the FATF as a non-cooperative country (Ribadu, 2010, pp. 2-3). This considerably lengthened the procedures and clearing protocols for international payments originating from Nigeria to go through the global financial system. In some circumstances, Nigeria had been excluded from economic agreements and financial circles because its domestic financial system no longer commanded credibility at the international level (Adebanwi, 2012, p. 13). These sanctions were intensified after the 11 September 2001 terrorist attacks in the United States. The inclusion in the FATF's blacklist did not only portray Nigeria as an unsuitable destination for foreign direct investments, it also had implications for Nigeria's battered international image for corruption especially after years of military rule. These issues provided the justification for the setting up of the Economic and Financial Crimes Commission (EFCC) after only a few years of ICPC's operations.

1.5 Methodological Issues.

During the first few weeks of starting this PhD programme in the autumn of 2015, my first concern was to secure the official permission and acceptance for a period of internship with the ICPC, during which the fieldwork would be carried out. I had no prior contact with any staff of the Commission, and as a result I relied on the direct official channel by sending an email to the Commission's address I copied from its website. The initial effort paid off when I got a response from a member of staff from the Planning, Research and Review (PRR) department requesting me to clarify further

what my research internship with the Commission would entail. In my reply, I provided a statement covering the description of the research project, my stance on research confidentiality and ethics as well as my non-expectation of financial compensation from the ICPC. Shortly afterwards, I received a letter as an email attachment from the agency's head of administration, which granted my request and specifically confirmed that "...the Commission will give you the needed support to carry out your research work unimpeded, and you will be required to work and abide with the rules and regulations of the ICPC." The Chairman of the ICPC later confirmed this disposition of the agency as a transparent and an outward-looking anti-corruption agency that welcomes any collaboration that deepens and promotes its work.

The fieldwork for this research was conducted over the period of nine months from November 2016 to July, 2017 in Nigeria. The main site of this work was the National Headquarters of the ICPC in Central Area, Abuja. After spending the initial four months to February 2017 at the headquarters, I began the visits to the zonal offices of the Commission in Kaduna (North West), Lagos (South West) and Enugu (South East). In each of these zonal offices, I spent a minimum of two weeks between March and May 2017 and returning to Abuja after each travel.

In Abuja, I was primarily directed to join the members of staff at the Anti-Corruption Academy of Nigeria (ACAN) – the training and research arm of the ICPC. However, given that my intention was to understand the general operations of the ICPC, and also that of the activities at the ACAN (situated along Abuja/Keffi expressway) it was problematic that my initial access was mostly limited to days of training events. I therefore approached the Commission's Director of Administration for a space within the headquarters. I was then introduced to the library where I was

assigned a guaranteed workspace anytime I was at the headquarters. This would eventually be my most used “office” throughout the period of the fieldwork.

My focus during the entire period of the fieldwork was not limited to participant observation, which involved taking part in the public events of the Commission including seminars, conferences, media briefings, and other public-enlightenment engagements only. I also conducted semi-structured interviews with key officials at all locations (Abuja, Kaduna, Lagos and Enugu) and studied the library and archival materials of the Commission to understand its past operations as recorded in law reports, annual reports, education and publicity materials as well as other printed sources.

In terms of the rapport, sociality and the relationship that I built with my gatekeepers and primary informants during the fieldwork, my understanding of Nigerian social etiquette and continuous assurance of anonymity to informants, especially with the use of research consent form and information papers proved crucial. Outside official interviews, I got along with officials quite easily in informal conversations, which sometimes ended with key insights. In most instances, I avoided putting forward leading questions to respondents. Open-ended questions gave the officials the freedom to describe key operational issues in their own ways. These non-structured exchanges often yielded unexpected but vital clues that improved my understanding of the operations of the Commission. Interviews were conducted in English, the official language of communication in Nigeria. Personal interactions and informal discussions amongst ICPC officials are conducted in the country’s indigenous languages. During my research, some of the most productive informal conversations were conducted in Yoruba language.

From official statistics and media reports, I got preliminary hints about differential attitudes of the Nigerian public to government anti-corruption campaign programmes across the various states/regions of the federation. For this reason, I did not rule out the possibility that there might be significant differences in the level of activities at the various offices across the federation. This coupled with the intent to understand the horizontal and vertical flow of authority as well as the experiences of field anti-corruption officers who are closer to the “grassroots” informed my visits to the zonal offices. As will be described in the subsequent chapters, the visits were worthwhile. Even though I got the constant re-assurance of access to gather the material and information for my research from the authorities at the headquarters, I had better access to information on official practices and how these played out on the field at the zonal offices more than the national headquarters. Once I presented the authorization letter for my visit, the staff at the zonal offices proved to be much more accessible and receptive to my requests for information.

In general, this thesis draws on different sets of data collected during the fieldwork: the field notes, audio tape-recordings of 43 formal interviews conducted in Abuja, Kaduna, Lagos, Enugu and the Anti-Corruption Academy of Nigeria (ACAN), photos taken at various sites, documents and archival materials from ICPC repositories across the various sites (offices) and informal conversations with a number of officials with whom I interacted daily. Except where the identity of the informant could not be separated from his/her official position, all references to interviews and informal discussions are written with due regards to the anonymity of the sources.

Finally, from the outset of the fieldwork for this research, I consider the entire research process – from the request for access to the ICPC and up until this writing-

up period during which I am still contacting my gatekeepers for certain clarifications – as a journey in which every step counts. This orientation has helped me to embed myself deeply into the organisation in a way that has consistently yielded new research insights.

Nevertheless, this work has some limitations in its scope. As noted earlier, the mandates of the Commission can be broadly divided into two: enforcement and corruption prevention. I had limited access to the ICPC's enforcement activities – particularly investigation of petitions. The rationale for this was primarily the confidentiality clause embedded in the ICPC Act Section 27(4). This clause forbids non-members of staff of the Commission from having any knowledge of its investigation activities until a court case is filed against an accused person. My focus on prevention, thus, was partly borne out of necessity. Indeed, given the trajectory of the ICPC, the Commission has reiterated that prevention is its main and most significant contribution to the fight against corruption in Nigeria in the recent years (Mohammed, 2013, p. 7) and thereby complementing the initial motivation.

As a result of this, the empirical chapters of the thesis are largely focused on ICPC's corruption-prevention strategies. These are decentralised activities that are open to participant observation across the zonal and state offices of the Commission.

1.6 Thesis Outline

The rest of this thesis is presented as follows. In chapter 2, I describe the politics of anti-corruption in Nigeria. This chapter focuses on the socio-political background issues on Nigeria's long-standing anti-corruption interventions from the late colonial era till the Fourth Republic, which began in 1999. Here, the haphazard pattern of Nigeria's ad-hoc anti-corruption interventions are discussed. The chapter guides the reader on the nature of the socio-political context in which the ICPC works and argues

that the politicization of present anti-corruption efforts cannot be detached from the past campaigns. This makes it a difficult terrain for enforcement activities. Hence, the focus of the ICPC on the preventive programmes that its chairman described as being devoid of any element of politicization. In Chapter 3, I reviewed the theoretical literature on bureaucratic autonomy to lay the foundation for the analysis of empirical findings. Here, I explored a comprehensive definition of bureaucratic autonomy. I discussed other key issues on the management of bureaucratic autonomy, state capacity and bureaucratic reputation to contextualise the empirical chapters.

Chapter 4 focuses on the institutional trajectory, operational activities and leadership of the ICPC to account for the shift of the Commission's operational focus to corruption-prevention activities. Chapter 5 chronicles my participant-observation report of one of the core corruption-prevention programmes of the ICPC – a one-day anti-corruption awareness seminar organised by the Reverend Okechukwu Christopher Obioha Orphanage Foundation (REOCOORPH), a member of the National Anti-Corruption Coalition (NACC) in Enugu. This chapter highlights the opportunities and risks inherent in the ICPC's strategies of relying on non-funded third-party organisations to perform one of its crucial roles of public education and mass mobilization against corruption. This chapter provides insights into the relevance and weaknesses of the operational and management practices of *outsourcing* as championed by the New Public Management (NPM) in curtailing the roles of the state.

In chapter 6, I discuss a specific ICPC's corruption-prevention mechanism, which involves the monitoring of the bureaucratic/financial operations of all government ministries, departments and agencies (MDAs) by setting up ad-hoc anti-corruption and transparency units within them. These units are staffed by career officers of the host institutions, and they are required to report their monitoring

activities to the ICPC to facilitate corruption prevention. This chapter discusses the implications of such arrangements aimed at “monitoring from within”. Chapter 7 focuses on the ICPC’s efforts at corruption prevention by mobilising the Nigerian youths through a number of platforms, for co-ordinated campaigns that are aimed at dissuading the youths from joining the bandwagon of corruption. Chapter 8 analyses the relevance of the Anti-Corruption Academy of Nigeria (ACAN) to the expansive corruption-prevention programmes of the ICPC through the Academy’s contribution to the knowledge-driven corruption prevention interventions.

In chapter 9, which summarises and concludes the thesis, I discuss the relevance of the findings of this research by reviewing the answers to each of the research questions with reflections on the insights gained from the application of bureaucratic autonomy literature to the operations of the ICPC. Based on these findings, recommendations that could strengthen ICPC’s operational capacity are made. The chapter is rounded off with future possible areas of research that could build on the foundation laid by this thesis.

Chapter 2

The History and Politics of Anti-Corruption Campaigns in Nigeria

...like we have always said, most times, people who petition are people who feel aggrieved not out of nationalist interest or patriotism, but aggrieved people, maybe when [the] sharing formula is not in their favour... so the petitions many times is (sic) not because they really want to help the country but because they have an ulterior motive. (Interview with the Head of Investigation Unit, ICPC Headquarters, Abuja, June 2017).

2.1 Introduction

Nigeria has a long history of anti-corruption campaigns. Because corruption and anti-corruption go hand in hand, this effort to historicize anti-corruption campaigns in Nigeria involves grappling with the socio-political factors shaping the incidence of corruption preceding those campaigns at different points in time, as well as the various factors motivating governments undertaking such anti-corruption interventions. This task is necessary to understand the extent to which the anti-corruption drive in Nigeria is path dependent (Enweremadu, 2012, p. 8; Pierson, 2000; Mahoney, 2000) and how the lessons learnt from the past anti-graft efforts in Nigeria have influenced the current strategies to rid the country of corrupt practices.

This chapter presents the historical background of Nigeria's anti-corruption efforts and how this history has influenced the choice of implementation strategies of Nigeria's present anti-corruption institutions, including the ICPC. It describes how the anti-corruption interventions in Nigeria at various times were shaped by a number of factors including political expediency, elitist views of Nigeria's corruption problem and their choice of strategies in combating it, and finally, the instability of anti-corruption institutions and its implications.

In order to historicise anti-corruption in Nigeria, it is necessary to delve into the country's political history and the dominant narratives about the actors involved at critical junctures. Moreover, I argue that the contextualisation of Nigeria's past anti-

corruption efforts is key to understand the continuities and discontinuities of certain anti-corruption practices embraced by the successive governments. For example, as can be inferred from the Head of ICPC Investigation Department's remarks quoted above, corruption is perceived to be systemic in Nigeria's public administration but the fight against corruption is not holistic. Whoever is accused of corrupt practices, investigated, prosecuted and convicted depends not on the workings of a neutral public administration and the systematic enforcement of its bureaucratic rules but instead on in-fighting and disagreements among public administrators (politicians and bureaucrats) when sharing the proceeds of corruption. Moreover, the desire of new governments to neutralise their predecessors often lead to accusations and counter accusations, petitions and provision of evidence in court during prosecution of corruption cases. In such circumstances, critical factors such as the relative positions of the actors, personal and partisan differences, and political expediency shape the conversations around corruption and anti-corruption interventions.

In this chapter, I discuss how corruption charges have been deployed as political tools against perceived opposition members and anti-regime elements under successive civilian and military administrations. I also discuss the prevailing circumstances which led to notable Nigeria's anti-corruption interventions, which include but are not limited to Commissions of inquiry, investigative panels, military boards, military decrees, bureaus, tribunals, parliamentary acts, and ad-hoc mass-orientation agencies. Corruption investigations and prosecutions are at best a tool of post-regime accountability or at worst, instruments of partisanship and political witch-hunting by the government in power (Enweremadu, 2006). I argue that this historical evidence underscores the political difficulties involved in deploying the enforcement

powers of anti-corruption agencies, especially when cases are aimed at holding officials of incumbent regimes accountable.

Finally, the chapter argues that the politics of anti-corruption shapes the enforcement powers of anti-corruption institutions and that this has prompted the ICPC to prioritise its pursuit of corruption-prevention strategies over and above its law-enforcement mandate as spelt out in its enabling laws.

In what follows, I turn to the politics of anti-corruption in Nigeria starting from the later years of colonial administration to the early years of independence and beyond, in chronological order. This discourse traces the categorization of certain practices as corruption and the political circumstances and the anti-corruption measures taken to curb them in five historical periods. The choice of these five periods exemplifies the oscillation between civilian and military administrations in Nigeria's politics, each with its peculiar approach to (anti)corruption.

2.2 Nigeria Anti-Corruption Struggles prior to and during the First Republic (1950s – 1965): The Years of Commissions of Inquiry

As the British colonialists prepared for Nigeria's independence, the potential for all sorts of conflicts of interest and outright abuse of official powers for private gains in the postcolonial era became apparent. Substantial economic activities were under the control of state authorities. Thus, it was very hard for any established private business owners to be independent of government influences. Not only this but also, most profitable businesses were also licenced to be carried out mainly by British multinationals, with a few Nigerians working for them in subordinate roles. The implication of this was that any aspiring indigenous capitalist class would necessarily have to rely on privileged connections with the state: such individuals had to either foray into politics or make friends with politicians. The terms of this relationship

between the state and indigenous businesses were transformed with the attainment of regional fiscal autonomy introduced by the Littleton Constitution of 1954. Significant leadership positions in the newly empowered regional governments went to indigenous political figures. This made them more influential in determining beneficiaries of government patronage.

During the decolonisation period, and towards the eventual independence and the First Republic, the linkages between state finances and private businesses owned by politicians and their associates became a major source of capital accumulation (Osoba, 1996, p. 371). Using the state as a source of private capital involved large-scale abuse of political power among the elite in what qualified as grand corruption. There were other forms of corrupt practices that involved the bureaucrats too. Ogunyemi (2016) documents various forms of financial corruption in Nigeria during the 1950-1960 period, including acts committed in the discharge of expenditure duties, diversion of government revenues, outright disregard for established control and audit rules, and finally, direct theft and fraud.

To curb the malpractices, audit regulations were in place to detect fraud and report suspects to police for criminal prosecution, as most of these offences were proscribed under the Criminal Code. However, prosecution was almost non-existent and, in the few cases where prosecutions took place, suspects were often discharged for want of evidence, as the federal ministry failed to produce it²³.

Nevertheless, the nature of political competition for the control of the Nigerian state made corruption discourses instrumental. While the British, still reluctant about their departure, berated Africans for their ineptitude, corruption and other moral failings, local opposition politicians used corruption allegations against one another in

²³ *Report of the Director of Federal Audit, 1955, Paragraph 7.*

a bid to win support of the colonialists. In such a context, venality became a highly public and visible issue (Tignor, 1993, p. 185).

The above-described practices were prevalent across Nigeria but only two of the three regions (until 1963) recorded landmark corruption cases that led to judicial interventions. The reasons for the politicisation of these two cases are well documented in the literature (Tignor, 1993, Osoba, 1996, Ogbeidi, 2012) and reflected the relative strength of the federal ruling parties and their opposition in each region. While the Sokoto caliphate's authorities facilitated the dominance of the Northern People's Congress (NPC) in the North despite a credible opposition from the Northern Element Progressive Union (NEPU), the same stability was lacking in the Western and Eastern regions. In the West, the ruling Action Group (AG) became factionalised as the rivalry among its leading figures worsened. Meanwhile, in the Eastern region, the ruling National Council of Nigeria and the Cameroons (NCNC) also had its internal frictions and in-fighting. Consequently, while the internal parties' dealings were exposed in the Eastern and Western regions in the form of corruption allegations and evidence aired before judicial panels, the Northern region had no such experience. I now turn to a brief account of these two cases.

2.2.1 Corruption in the Eastern Nigeria: Dr Nnamdi Azikiwe before the Foster-Sutton Commission²⁴

In 1946 after the death of Herbert Macaulay, Dr Nnamdi Azikiwe became the second president of the NCNC. He contested and won the 1951 election as a representative of Lagos constituency in the Western Legislative Assembly, and thereafter took up the role of opposition leader in an AG-controlled house. At the same time, the NCNC had emerged as the ruling party in the Eastern Legislative Assembly.

²⁴ The details of this case and the findings of the Foster-Sutton Commission were contained in the "Report of the Foster-Sutton Tribunal of Inquiry" (1956). Lagos: Federal Ministry of Information.

As opposition leader in the West, the political rivalry between Azikiwe and Awolowo²⁵ continued to intensify. Because Azikiwe lived in the Western region until this time, he lacked the total control of the NCNC structure in the East and could not forestall the internal party crisis that led to the resignation of some government ministers.

Following this crisis, the British dissolved the Eastern Regional Assembly and held new regional elections. Azikiwe led the NCNC to a resounding victory amidst resistance from some leading figures within the party. In 1954, he became the premier of the Eastern Region. Though the NCNC looked stronger after winning the elections, some grievances persisted especially amongst those who believed that Azikiwe had profited politically from the crisis.

The persistent internal tensions within the NCNC climaxed in 1956 when Azikiwe was accused of abusing his office for personal gain by members of the NCNC and the opposition party AG of the Eastern Assembly. The allegations concerned the deposit of regional public funds in Azikiwe's private bank – the African Continental Bank (ACB)²⁶. His accusers called for a committee of inquiry to investigate these allegations.

The immediate response of the assembly (controlled by Azikiwe's loyalists) was to dismiss the calls for probe. However, the accusers approached the British authorities and got a response. The Foster-Sutton Commission of Inquiry was set-up to investigate whether or not surplus funds from the Eastern Regional Marketing Board

²⁵ Late Chief Obafemi Awolowo (1909 – 1987) was arguably the most influential political leader of the Western Region of Nigeria's pre-independence era. He served as the first premier of the region from 1954 to 1959. Adebani (2008, p. 337) describes him as *"a political colossus in Yorubaland in particular, and Nigeria in general, one of the great nationalists in Africa's colonial and post-colonial history, and one of the leading figures in the decolonisation process in Nigeria"*.

²⁶ Dr Nnamdi Azikiwe established the ACB initially as Tinubu Properties Ltd in 1947 with the intent of advancing the economic freedom of the indigenous population (Uche, 1997, p. 177).

had been deposited in the ACB by the Azikiwe-led administration (Osoba, 1996, p. 375; Ahuche, 2013, p. 19; Babasola, 2017, p. 104; Ogbeidi, 2012, p. 12).

From the findings of the committee, the central government had initially raised concerns over the possibility of conflict of interests at the point when the ACB was about to be approved for operations, with Azikiwe as one of its promoters. The government observed that public funds were being transferred into the ACB but could not decline the approval because the transactions were authorised by a properly elected government. The report of the Foster-Sutton Commission also found a number of irregularities and condemned Azikiwe on a personal level. It however fell short of returning any criminal indictment against him. It was discovered that though Azikiwe had technically resigned his position as the chairman of his bank on his assumption of the premiership, he had effectively placed his agent as a successor. The streams of the regional funds deposited in the ACB could not be dismissed as objective official business transactions between the Eastern regional government and the ACB, had the bank not belonged to Azikiwe. The report concluded that “his conduct in this matter has fallen short of the expectations of honest, reasonable people”²⁷ and that “he was guilty of misconduct as a Minister” (Pierce, 2016, p. 95). Despite such criticism, Dr Azikiwe was not prosecuted, nor did his political career suffer (Ibid). Colonial correspondence later revealed that the government supported the NCNC because it was seen as the only party organized on a platform of national unity. Without Azikiwe, the NCNC would collapse. According to the same colonial correspondence, the national interest of the country, as perceived by the British, demanded that Azikiwe

²⁷ *Nigeria Report of the Tribunal Appointed to Inquire into Allegations Reflecting on the Official Conduct of the Premier of, and Certain Persons Holding Ministerial and Other Public Offices in the Eastern Region of Nigeria* [Cmnd. 51, 1957], 42.

continued as the leader of the party (Okonkwo, 2007; Sklar, 2004, p. 186; Ogbeidi, 2012, p. 12).

Politically, Azikiwe survived this trial, but the facts of the case contain useful lessons. Azikiwe's abuse of his position to boost the capital base of his family bank was not reported until the time was right, when his critics deemed there were political gains to be made from exposing him. The history of corruption allegations in Nigeria is filled with such instances of underlying political agendas. Similarly, political expediency also goes a long way in accounting for the fact that the Commission found evidence of Azikiwe's misconduct but did not indict him, as the British authorities were keen to preserve his administration and the NCNC party which was deemed as the only truly national party at the time.

2.2.2 Corruption in Western Nigeria: Awolowo before the Coker Commission of Inquiry

Awolowo's attempt to transition from regional to national politics created an opening for Akintola, his former deputy premier of the Western Region. After a period of increasing rivalry and tension between the two from 1959 to 1962, Akintola's defected from the AG and allied himself with the federal governing coalition. This set the ground for a judicial attack on Awolowo's record as premier.

Amidst this crisis, Awolowo's record during his premiership years became instrumental for the central government aided by Akintola. Amongst other things, Awolowo was accused of misusing government funds in financing his party – the AG. The federal government led by Sir Abubakar Tafawa Balewa consequently appointed the G.B.A Coker Commission of Inquiry to examine the books of the Western Nigeria government under the leadership of Awolowo.

The Commission's report, submitted in four volumes, painstakingly revealed the various ingenious ways through which Awolowo and his associates had used the activities and business deals of six Western Nigeria public corporations to siphon surplus funds of the Cocoa Marketing Board, both for personal enrichment and to fund the party. Some of the financial misappropriations Awolowo was accused of had taken place during Akintola's premiership years. The Commission's interpretation was that Akintola acted under the instructions of the party leader Awolowo. On Akintola's position, the report stated:

He...impressed us as a veritable deputy who all along the line had relied upon his leader. We are satisfied with his evidence to the effect that appointments to all political offices in the Region even during his tenure of office were made by him only with the consent of Chief Awolowo²⁸

This was only the first episode of Awolowo's travails as the opposition leader to the federal coalition government of NPC and NCNC. He was also subsequently tried and convicted for planning a coup, with the assistance of Kwame Nkrumah of Ghana, to overthrow the government of Nigeria. He was imprisoned for ten years in March 1963 but was later pardoned and released in August 1966 by General Yakubu Gowon (Adebanwi, 2008, pp. 337-338).

Awolowo's indictment is a good instance of the workings of corruption-complex²⁹, as a potent political tool that can be either ignited or suppressed depending on the prevailing political settlements and alliances amongst the contending blocks in the polity. While the corrupt practices under the administration of Awolowo were

²⁸ Comments of the Federal Government on the *Report of Coker Commission of Inquiry into the Affairs of Certain Statutory Corporations in Western Nigeria* (Lagos: Federal Ministry of Information, 1962), 17

²⁹ Piece (2016, pp. 7-8) describes the term "corruption-complex" as the intricate linkages and sometimes, the parallels between the registers of corruption – material practice, moral discourse, and legal category – that are used independently, interchangeably or collectively depending on the context. Corruption-complex constitutes corruption and the discourses of the complaints it produces, which are central to the way all Nigerians experience and understand the relationship between the state and society.

established and punished, similar practices under Akintola were also blamed on the lapses of the preceding government of Awolowo. Comparatively, across the regions, politicization of anti-corruption interventions was evident too. Corruption was pervasive in the North, East and West but the prevailing regional internal politics and federal alliances made it more salient and judicially visible in some regions more than in others.³⁰ Not only this but also, the outcomes of the two judicial Commissions of inquiry we have discussed above were divergent in spite of the circumstances of the investigated official abuses being similar.

It was under this atmosphere of selective investigations and prosecution of corruption cases, particularly after the Western Regional crisis of 1962 that the military struck and took over power in 1966. The military incursion was then justified on the grounds of the fight against corruption and a claim to return the country to the path of fairness, equity, efficiency and prosperity. This heralded the military-inspired anti-corruption interventions in Nigeria between 1966 and 1979 as discussed below.

2.3 (Anti-)Corruption under the First Military Incursion: 1966 – 1979

Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand ten per cent, those that seek to keep the country divided permanently so that they can remain in office as ministers or VIPs at least, the tribalists, the nepotists, those that make the country look big for nothing before the international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds (Ademoyega, 1981, p. 89).

The above quotation is an excerpt from the speech made by Major PCK Nzeogwu in Kaduna on January 15, 1966 to describe Nigeria's First Republic political leaders, during an attempt to overthrow the civilian government of Sir Tafawa Balewa in a bloody coup.

³⁰ See Smith (1964) for detailed analysis of) Historical and Cultural Conditions of Political Corruption among the Hausa

This established yet again, the political significance of anti-corruption rhetoric in pushing for, or resisting, a change in government. This speech established a tradition through which subsequent military coup plotters would justify their interventions on anti-corruption grounds. Throughout the military governments of 1966 – 1979, anti-corruption rhetoric was constantly engaged for its political relevance, but little character was shown by the leaders to decisively tackle the menace. Except for the few intervening years of General Murtala Muhammed, the military largely maintained the bloated government structure that fostered corruption until its departure from office in 1979.

The allegations of corruption and abuse of office against the political class in the years leading to the military intervention provided the grounds for the subsequent setting up of a number of investigative panels by the military government of Aguiyi Ironsi, formed in the aftermath of the January 1966 coup to unravel the extent of financial misappropriation, embezzlement and outright theft of government properties. Ironsi's government achieved very little in office before it was toppled in a counter coup on 29 July 1966, led by officers of northern Nigerian extraction, who perceived the January 1966 coup as an ethnic Igbo coup targeted at mostly non-Igbo civilian leaders. Major-General Yakubu Gowon succeeded Ironsi and was in office for nine years from 1966 to 1975.

During Gowon's rule, international economic trends, including the effects of the Yom Kippur War of 1973, translated into a four-fold increase in global oil prices (Rustow, 1974, p. 170, Apter, 2013, p. 1). This resulted in an unprecedented oil windfall for Nigeria. There were reported cases of brazen corruption and abuse of political powers magnified by the influx of petro-dollars and the undue concentration of powers under the central government³¹. His government epitomised a typical case of the state as a resource in and

³¹ *The Federal Republic of Nigeria Official Gazette* No. 51, vol. 53, 24 May 1966, A153, "The Unification Decree No. 34 of 1966". See also, Federal Ministry of Information (Nigeria), Press Release no. 610/1966, "The Regions are abolished". Ironsi's broadcast to the nation and banning of political parties and introducing Decree no. 34, 24 May 1966.

of itself (Szeftel 1982), as the bureaucrats and military officers who wielded enormous powers under the administration also participated significantly in using state resources towards private ends (Othman & William, 1999, p. 14). While the chaos of the civil war gave rise to limited accountability in public expenditure, the massive post-civil war reconstruction projects also provided an avenue for numerous awards of contracts. The Gowon government was notorious for its corruption (Osoba, 1996, p. 376; Ijewereme, 2015, p. 5; Babasola, 2017, p. 109). It was under these circumstances that Gowon was overthrown in a palace coup while he was attending an OAU summit in Kampala, Uganda on 29 July 1975 (Herskovits, 1977, p. 172).

The emergence of Murtala Muhammed as the new head of state after the coup ushered-in the hope of a well-anchored anti-corruption drive from the military government³². Murtala assumed power with a well-publicised promise to tackle corruption and improve the battered image of the Nigerian government. He made some popular moves to curb the excesses of public officials – both military personnel and civil servants. A number of investigative panels and military tribunals were set up. Consequently, ten out of the twelve military governors that served under Gowon as well as top-ranking civil servants, including permanent secretaries, chairmen and members of boards of parastatals were sacked (Enweremadu, 2006, p. 42; Ijewereme, 2015, p. 4; Babasola, 2017, p. 110). Furthermore, about ten-thousand additional civil servants were sacked for corruption, incompetence, forgery and falsification of records, and general indiscipline (Joseph, 1987, p. 88). These measures marked a radical shift from the deterioration of standards in the Nigerian civil service during the first two decades after independence.

³² Murtala Mohammed's regime had been described by some writers as Nigeria's first genuine experiment in ethical revival and cleansing (Ahuche, 2013, pp. 25-26).

However, Murtala did not live long enough to see through these interventions or possibly institutionalise some of them.

Obasanjo, the second-in-command to Murtala became the head of state in the aftermath of the abortive counter-coup of 13 February 1976 in which Murtala was killed. Obasanjo was instrumental in the reversal of the anti-corruption gains of his predecessor. He returned virtually all the confiscated properties to their previous owners. It was also under his government that the first major corruption scandal that launched Nigeria into international disrepute – the Cement Armada³³ – unravelled. During those years too, the surfeit of international inflow of dollar revenue from oil exports contributed to the rising incidence and magnitude of corrupt practices. Obasanjo handed over power to President Shehu Shagari on 1 October 1979.

It is intriguing how the emergent military regimes fared no better than their civilian predecessors despite their claims of anti-corruption interventions to justify coups and legitimize their hold on power. Nevertheless, as I discuss below, the military made some key anti-corruption interventions between the years 1966 and 1979. Yet, these interventions were not institutionalised as they were mainly set up as tools of post-regime accountability.

2.3.1 Public Officers (Investigation of Assets) Decree No 5 of 1966

In the aftermath of the January 1966 coup, one of the immediate interventions of the military government of Aguiyi Ironsi was the promulgation of Public Officers (Investigation of Assets) Decree No 5 of 1966. It was an attempt by the government to

³³ The Cement Armada was the first major transnational corruption scandal that portrayed Nigeria as an extraordinarily corrupt country. Corrupt practices featured prominently in the contracts for the importation of huge consignments of cement required for Nigeria's post-1970 massive construction projects for roads, bridges and public buildings. Cement prices were over-invoiced in multiple folds leading to the over-importation of about 13 million metric tons of cement. This resulted in over-crowding of the port facilities, wastages and the associated demurrage charges (Ocheje, 2001, p. 180). The lurid stories about corrupt cement supply contracts that involved Nigerian collaborators and foreigners reverberated across the major capitals of Western Europe (Pierce 2016, pp. 126 – 132).

recover a substantial portion of government funds and assets stolen under the civilian administration of the First Republic. Section 6 of the decree permitted the head of state to require any public officers under suspicion to declare their assets. The decree adopted the inquisitorial prosecution procedure, whereby anyone accused and charged before the military Tribunal of Inquiry of illegally enriching themselves or any other person while in office, bore the burden of proving their innocence. If the accused could not prove that there was no such unjust enrichment, their assets would be declared confiscated and forfeited. Though the Decree No 5 of 1966 was a tool of post-regime accountability, as it was primarily targeted at the public officials who took active roles in the civilian government overthrown by the 1966 coup, its initial impacts were forceful. As the Ironsi government was short-lived, the zeal to punish the wrongdoers of the First Republic died with the Gowon coup of July 1966 (Ogbeidi, 2012, p. 7). Therefore, the effects of the Investigation of Assets Decree were ephemeral. This development had serious implications for the polity as the new set of rulers embarked on white elephant projects that served as a means of looting public funds (Ibid).

2.3.2 Operation Purge the Nation

This was the very first move of General Murtala Muhammad to champion his anti-corruption strides (Falola, 1998). It was aimed at redressing the general decline in the Nigerian political and administrative systems. As its name implies, it was targeted at purging the nation of its incompetent, corrupt, unethical, depraved, morally bankrupt civil servants and politicians and to set the nation's public service on the path of respectability and professionalism for improved performance and service delivery (Waziri, 2011, p. 116).

As part of the system overhaul in a military command version, heads of over fifty government MDAs were compulsorily retired while over ten-thousand civil servants across ministries and departments were also sacked. This system shakedown had immediate

positive effects but these were short-lived for a number of reasons. First, other factors underlying the general inefficiencies of the system were not addressed, including, for example, poor personnel training. Second, Murtala himself was killed less than six months after his ascension to office. As some of his sweeping reforms could not be institutionalised within this period, their impact vanished soon after his death, particularly as his successor in office – General Olusegun Obasanjo – did not press further many of Murtala's interventions.

2.3.3 The Public Complaints Commission (PCC) – The Ombudsman

The Public Complaints Commission is reputed to be the first attempt at institutionalising anti-corruption interventions by any Nigerian government, to tackle corruption and administrative abuses, outside the powers of the police. It was established as an independent organisation by the Federal Government of Nigeria through Decree No. 31 of 1975, amended by Decree 21 of 1979 and retained in Section 315(5) of 1999 Fourth Republic Nigerian Constitution. This makes it the longest serving anti-corruption institution.

The mandate of the PCC includes rendering free quasi-judicial services to citizens. It was also established to investigate and redress all complaints of administrative injustices, human rights abuses, poor service delivery and outright abuse of power (mostly non-financial in nature) against all government institutions including the civil service, government parastatals, the army and the police, amongst others. It is also empowered to consider service complaints against private businesses for example, abnormal electricity billing or insurance claims default.

Given that the Commission has its offices across the states of the federation, it is supposed to be the most accessible anti-corruption agency in Nigeria. However, years of poor management, poor funding, lack of prosecutorial powers, bureaucratic bottlenecks, and the resulting long delays in addressing reported cases, have made the citizens' initial

enthusiasm fade.³⁴ In fact, within Nigeria's current anti-corruption architecture, the awareness of the existence and operations of the PCC is not widespread. A great deal of effort will be needed to improve the visibility of the institution.

In addition to the foregoing, there are certain limitations to its powers. For instance, the Commission cannot investigate any matters pending before the National Assembly, the National Council of States and the Federal Executive Council, matters before any court of law, matters in which legal and administrative procedure have not been exhausted, anonymous petitions and cases between two private individuals (Waziri, 2011, p.116). So, in theory, the PCC has wide-ranging powers but in practice, the technical limitations to its powers mean that it can handle only petty administrative issues, without any independent power of prosecution.

2.3.4 Corrupt Practices Decree No. 38 of 1975

This decree was promulgated by the Murtala Muhammed regime in the wake of the palace coup of 29 July 1975. It was the bedrock of the widely applauded Murtala's anti-corruption intervention. The decree provided that any person who corruptly receives or gives any gratification in order to induce himself or any other person to do or forbear from doing anything with regard to any matter whatever, was guilty of corruption. It was applied to public officers and other persons. The decree established the Corrupt Practices Investigation Bureau with wide powers similar to those of ICPC. It also made provisions for the establishment of ad-hoc tribunals for the accelerated trials of offenders under special circumstances. The trials under this decree were also based on inquisitorial prosecution procedure much like under decree No. 55 of 1966.

³⁴ For example, the Commission has no known website for easy accessibility, submission of complaints and overall effective and efficient delivery of its services.

2.3.5 The Code of Conduct Bureau and Tribunal

The twin institutions of the Code of Conduct Bureau and Tribunal formed part of the oldest anti-corruption institutions in Nigeria. The provisions for the Code of Conduct Bureau and Tribunal were part of the fifth schedule of the 1979 Constitution. This Bureau was established by the federal government via the Code of Conduct Bureau and Tribunal Act.³⁵

In terms of functionality, the Bureau was to serve as the administrative body that monitors compliance with government guidelines and regulations on conduct of public officials in the discharge of their duties. The Tribunal performed the special roles of adjudication in cases of non-compliance referred to it by the Bureau after necessary investigations have been carried out. The enactment act of the Bureau and Tribunal provided for the right to appeal the judgement of the Tribunal up to the Supreme Court of Nigeria.

The Bureau was conceived as an institution to maintain a high standard of public morality in the conduct of government business. It was to ensure that there is conformity to the highest standard of transparency and accountability in the delivery of government services and to avoid conflict of interests. Specifically, the functions of the Bureau include carrying-out administrative procedures, and record keeping of asset-declaration documents for all public officials. It also investigates instances of abuse or non-compliance with the provisions of the law establishing it, and makes recommendations to the Code of Conduct Tribunal for trials where necessary³⁶.

To achieve this, anyone taking up government appointments either in the civil or public service is required to declare their assets at the point of joining the service, every four-year interval, and again at the end of their tenure in office. Not only this but also, while

³⁵ *Laws of the Federation of Nigeria*, Revised Edition, Cap 56 (1990).

³⁶ See: <http://ccb.gov.ng/about-us/enabling-law/>. Visited on 02/12/2018.

serving in public office, individuals are restricted from engaging in any form of private enterprise except in the field of agriculture, as the government was encouraging mass production of food and other agricultural output to mitigate food scarcity and reduce imports. Public officials were also forbidden from owning and operating a foreign bank account. Furthermore, public officials were prohibited from accepting bribes in the course of their duties. However, a gift could be accepted from relatives or personal friends to such as extent and on such occasions as recognised by custom.³⁷

The Bureau had the powers to recommend defaulters of its provisions for disciplinary actions. Having been strengthened with two substantial legal instruments, the Bureau had the force of law to ensure that no civil or public servant flout its provisions.³⁸ However, in reality, there has been little or no compliance with the requirements of asset declaration by public and civil servants. The incidence of non-compliance is higher particularly among the civil servants because politicians leverage on their compliance with the legal provisions to declare their assets as evidence of their accountability to their constituents even if there may be some flaws or deceptions in what they declare. Nevertheless, there have been several criticisms about the activities of the Bureau as some of the cases prosecuted demonstrated the inefficiencies in its capacity to verify the sources of the assets declared by public officials³⁹.

³⁷ The particular provision of the Code of Conduct proved controversial in practice because Nigeria is a multicultural society with diverse customs among its people. The line between customary gifts and purposeful bribes became very difficult to identify. This formed part of the key reasons why the ICPC Act, which forbids all gifts of any kind, was passed to foreclose any opportunities for bribe taking.

³⁸ Code of Conduct Bureau and Tribunal Act (No. 1 of 1989) (Chapter 56) and Fifth Schedule of 1999 Constitution of the Federal Republic of Nigeria (as amended).

³⁹ For example, the case against the Senate President of Nigeria's 8th National Assembly – Senator Bukola Saraki – was dismissed by the Supreme Court for lacking in merit after about three years of trials between 2015 and 2018. Saraki was charged and tried for non-compliance with the Code of Conduct after winning the Senate Presidential contest as a member of a factional group within the ruling party, the All Progressives Congress. His trials climaxed the internal wrangling that threatened the APC after winning Nigeria's 2015 general elections as a coalition of several opposition parties against the then ruling Peoples' Democratic Party, PDP. See: (ThisDay, 2018)<https://www.thisdaylive.com/index.php/2018/07/06/supreme-court-discharges-saraki-of-false-asset-declaration-charges/> (Last accessed on 21/02/2020).

Again, as a result of little compliance and resistance against the implementation of the Freedom of Information Act, records held by the bureau in respect of asset declarations by public officials are shrouded in secrecy, making it impossible for a member of the public or the media to independently cross-check such information. Finally, since the enabling act of the Bureau directly places it under the presidency, it is subjected to seemingly unavoidable partisan pressures by powerful political elites (Ughegbe, 2007), thereby limiting its objectivity as an anti-graft institution.

Moreover, the powers of the Tribunal to punish defaulters are grossly limited, and only political by nature. Upon conviction, the Tribunal has the power to ban defaulters from holding public office for a total period not exceeding ten years. It can also confiscate any assets that have been established as proceeds of corruption and abuse of office. However, it lacks the powers to impose either a fine or a term of imprisonment on offenders.

The Bureau and the Tribunal have passed through several phases from their dormancy during the Second Republic to their non-recognition under the Buhari's military government, their resuscitation by the Ibrahim Babangida military administration through the promulgation in 1989 of the Code of Conduct Decree 66, which re-instated the provisions of the fifth schedule to the 1979 Constitution and, finally to their current status as part of the leading institutionalised anti-graft bodies fully recognised by the Nigeria's 1999 Fourth Republic Constitution.

2.4 (Anti) Corruption in Nigeria's Second Republic: Controlling Corruption through "Ethical Revolution"

Under President Shehu Shagari (1 October 1979 – 31 December 1983), there was evidence of massive corruption but the government did very little to control it. This was the main reason cited by the military for ousting Shagari in a military coup.

With the return of the civilians to power in the Second Republic, Nigeria's corruption assumed a dimension similar to what Anders (2009, p. 124) describes as "democratisation of appropriation" leading to an increase in the number of individuals (politicians and bureaucrats) with access to state power, who exploited all avenues of government bureaucratic process and offices to "feast" on the state. The profligacy of the Shagari government played out in several ways. Balarabe Musa (cited in Othman, 1984, p. 28) described Nigeria's corruption pattern under the Second Republic as *contractocracy*: "a government of contractors, for contractors and by contractors". Under Shagari's government, the awards of bogus contracts for public works to unqualified and, in the worst cases, non-existing companies became rampant. Usually, the costs of these contracts were overpriced (Osoba, 1996, p. 380) with millions of naira paid as mobilization fees⁴⁰ for public works that were never executed, and such funds are yet unrecovered too (Othman, 1984, p. 450)⁴¹. There was also ghost-worker syndrome (Falola & Ihovbere, 1985, pp. 107-108), a fraudulent practice by which bureaucrats enlisted on payroll, non-existing workers, with their wages being credited to the accounts of the perpetrators.

Richard Joseph's (1987) work on the fall of Nigeria's Second Republic is a classic book that anatomizes the destructive dynamics of the politics, and the nature of the systemic corruption that brought down the Shagari government. Nigeria's *prebendal* politics, as Joseph described it, was rooted in the notion that the state and

⁴⁰ Mobilization fees represent a certain percentage of the total contractual sum that is usually paid to contractors handling public works to facilitate the commencement of the projects. Many "political contractors" won the bids for public works, received the mobilization fees and absconded with the sum without ever executing any project as specified in the contractual agreements.

⁴¹ For example, an investigative committee headed by Dr J.S Odama, a presidential economic adviser, noted in February 1983 that: "the committee is aware that the cost of most of the contracts are deliberately inflated with the result that the cost of the construction in Nigeria is currently about three times the cost of executing similar projects in East and North Africa and four times the cost in Asia" (Othman, 1984, p. 51).

its institutions then became the resources to share, thereby making the centrality of the Nigerian polity the intensive and persistent struggle to control and exploit the offices of the state (Joseph, 1987, p. 1). As Joseph argues, prebendalism, as a peculiar form of patrimonialism in Nigeria, exemplifies a system of patronage beyond patron-client relationships. Clientelism, for example, is defined as the nature of individual and group relationships within the wider socio-political sphere, while prebendalism is primarily a function of the competition for, and appropriation of, the offices of the state (Ibid, p. 63). The ruling NPN maximized every available institutional and legal measure to appropriate the Nigerian state between 1979 and 1983. As a vast quantity of petrodollars poured into the coffers of Nigeria in the early years of the administration, the state created more bureaucratic institutions to increase the number of prebends that would be available for sharing through patronage. The state became a national cake to be divided and subdivided among officeholders (Joseph, 1996, p. 195).

In fact, the sharing formula became embedded in Nigeria's politics as *federal character* and *zoning* (Adamolekun, 1985, p. 34; Pierce 2016, p. 136, Othman, 1984, p. 445) for the first time ever in the history of the country.⁴² With the assembly of political elites across the different states of the federation eager to make up for nearly 14 years since their ouster by the military in 1966, the level of theft of government resources reached its peak just as the bubble of the second global oil boom began to burst (Diamond, 2013, p. ix).

⁴² "Federal Character" is a constitutional provision that requires that government resources and positions are shared equitably to reflect the ethnic, religious, linguistic and geographic diversity of Nigeria. For detailed readings on the Federal Character principle in Nigeria, see Kirk-Greene (1983), "Ethnic Engineering and the 'Federal Character' of Nigeria: Boon of Contentment or Bone of Contentment?", *Ethnic and Racial Studies*, 6, (1983), pp. 457-76; and Ademolekun et al (1991): "Federal Character and Management of the Federal Civil Service and the Military" in *Publius: Federalism in Nigeria: Toward Federal Democracy* 21(4) (1991), pp. 75-88. Oxford University Press.

In terms of estimated financial costs of the mismanagement of the country's treasury in the Second Republic, there was no accurate audit report to assert specific figures. However, over \$16 billion in oil revenues were reportedly lost between 1979 and 1983 (Ogbeidi, 2002, p. 8) in illegal lifting of crude oil and diversion of sales proceeds (Akhigbe, 2011, p. 217). Several incidents of arson mysteriously took place just before the onset of ordered audits (Dash, 1983; Bourne, 2015, p. 155; Alubo, 1991, p. 50; Okojie and Momoh, 2007, p. 106)⁴³, making it difficult – if not impossible – to discover any written evidence of embezzlement and fraud.

While the national pillage was going on, the president did not in any way claim ignorance of the sleaze. He acknowledged the problem. However, his philosophy and approach to tackling corruption deflected the narrative in a manner unprecedented in Nigeria's history. He described corruption not only as a national moral failing but also as a particular national problem that required a change of attitude by the masses (Alubo, 1991, pp. 50 – 51) – rather than by the public office holders who abused public trust for private ends.

In 1982, in one of his public outings, President Shagari lamented thus: "what worries me more than anything among our problems is that of *moral decadence* in our country. There is the problem of bribery, corruption, lack of dedication to duty, dishonesty, and all such vices" (Klitgaard, 1988, p. 1). In order to overcome these problems of moral decay, Shagari contemplated a number of options that ignored the need to sanction the elite but emphasised the re-orientation of the masses. "We have to start with educating the public, and unless the public realizes the dangers and is ready to co-operate in fighting the evils, government can do very little. I don't think this

⁴³ One of the most prominent public buildings razed by yet-to-be-identified arsonists during this period was the NITEL building in Lagos (Adebanwi, 2010, p. 113; Babasola, 2017, p. 110).

problem is absolutely intractable, although it surely gives me a great deal of concern”, Shagari asserted (Dash, 1983).

Thus, the president’s view re-ignited the framing of corruption in Nigeria as a moral challenge. It was therefore not a surprise that Shagari subsequently launched a national re-orientation campaign against corruption tagged “Ethical Revolution” and even appointed a cabinet minister for the Ministry of National Guidance to provide moral leadership in the fight against corruption. It should be noted that both the “ethical revolution” programme and the Ministry of National Guidance were creations of the president and therefore did not have any statutory powers of enforcement of anti-corruption provisions. Despite evoking a popular and legitimate set of aspirations, the purported “ethical revolution” seems in hindsight, a government manoeuvre with little substance or political will to control corruption.

2.5 (Anti-) Corruption under the Second Military Incursion: 1983 – 1999

The second military interregnum in Nigeria lasted for a period of 16 years from 1983 to 1999. Within this period, Nigeria had four military leaders, all of whom had been together – with different ranks – through their military career, while they took part in virtually all the previous coups in Nigeria’s history. Even though the usual anti-corruption trope was used to justify the military return to power in 1983; each of the subsequent countercoups had their varying circumstances and justifications (which are beyond the remit of this thesis). However, on the record of performance of each administration, I examine their (anti-)corruption credentials as discussed below. While some of the most drastic anti-corruption interventions in Nigeria’s history were witnessed in the period under review (for example, under the Buhari regime), the

unmatched record of brazen public theft under the Abacha regime, proves the weak anti-corruption credentials of these military leaders.

2.5.1 General Muhammad Buhari (31 December 1983 – 27 August 1985)

The newly installed Head of State, General Buhari, accused the politicians of subverting the 1979 Constitution, *squandermania*, indiscipline, electoral fraud, misuse and abuse of office, amongst other allegations (Othman, 1984, p. 1)⁴⁴. The new regime also declared that it would not condone the inflation of contracts, over-invoicing of imports, kickbacks, forgery, fraud, smuggling, currency trafficking, embezzlement, or the misuse and abuse of office (Ibid, pp. 456-457).

True to his words, most of the actions taken by the Supreme Military Council (SMC) under the Buhari leadership demonstrated the willingness to curtail the excesses of the political class and to improve the economic conditions of Nigeria, though, the extent of his achievements remains contested. In the first few months of the regime, a number of military tribunals were set-up to try cases of public officials with charges of corruption⁴⁵. Trials consequent upon which there was no appeal resulted in convictions of politicians in their hundreds, many receiving sentences literally running into thousands of years, and for others, explicit life sentences⁴⁶.

Despite the regime's efforts to tackle economic decline, mostly by using government fiat (for example, the use of government force to raid warehouses where

⁴⁴ There have been alternative arguments to the effect that corruption allegations provide only the immediate grounds for military intervention and that the real motivating factor for the military putsch was the class tension between the political and the military elite, especially members of the "Kaduna mafia". See Othman (1984) and Graf (1985).

⁴⁵ These tribunals operated under the provisions of the Recovery of Public Property (Special Military Tribunals) Decree No.3 of 1984 (Owoade, 1989, p. 139)

⁴⁶ Trials and sentencing were of two categories depending on the amount of money an accused public official is alleged to have embezzled. Any conviction at all attracts a minimum sentence of 21 years, with convictions for charges involving over a million Naira automatically fixed at 25 years and above depending on severity. See Graf (1985) for a comprehensive list of convicted politicians and the various terms of imprisonment.

hoarded goods were stored, forceful implementation of price controls etc) and renegotiating and refinancing of debt with institutions such as the International Monetary Fund (IMF), the economic recession it inherited persisted. This was in part due to the decision not to relinquish government control over the entire economic spectrum, much against the recommendations of the IMF. With the rising cost of living, unemployment and excruciating poverty levels, there was a sharp rise in the incidence of armed robbery and drug trafficking, with Nigeria fast becoming notorious, not only as a drug-transit country but also as a drug-producing one (Ellis, 2009, p. 176).

The government response to address the general atmosphere of socio-economic crisis was multi-dimensional but largely draconian. First, a number of decrees were introduced to tackle drug trafficking, currency trafficking, armed robbery (in this case, a retroactive decree) and repress press freedom⁴⁷. Second, the government launched the National Council on Information and Culture to champion the national campaigns for achieving “unity, stability and national security, war against indiscipline, war against economic sabotage, ostentatious living, corruption and public disorderliness” (FGNNR, 1984, p. 4, Graf, 1985, pp. 41-42). This campaign laid the foundation for the much-remembered signature anti-corruption programme of the Buhari’s military government: The War Against Indiscipline (WAI).

Apart from the initial setting up of military tribunals, the asset forfeitures and the convictions thereof, Buhari’s anti-corruption intervention relied heavily on the WAI programme. Much like its predecessor, the Ethical Revolution, WAI was a top-down ideological solution to Nigeria’s socio-economic problems as construed by the

⁴⁷ See Owoade (1989) for a detailed analysis of Military and Criminal Law in Nigeria.

political leadership, to indoctrinate the citizens with a work ethic, family values, nationalism and patriotism. However, unlike the Ethical Revolution, which lacked implementation mechanisms, WAI was enforced by military officers known as WAI Brigades. Hence, it was commonplace to see the brigades monitoring banal activities such as queueing for services in public places, civil servants' punctuality at work, and prevention of unhygienic practices in public places. The WAI characterised one of the cases of epistemic injustices in Nigeria's fight against corruption. It was a classic case in which elitists' view of Nigeria's corruption problem always puts the blame on the misdemeanours of the masses, thereby making the fight against corruption a typical case of class control engaged by the military against the masses (Othman, 1984, pp. 460 – 461).

In his 1989 widely circulated album, "Beasts of No Nation", Nigerian legendary Afrobeat musician, Fela Anikulapo Kuti, resented and condemned this elitist (WAI) approach to anti-corruption and sang thus:

Make you hear this one [Hear this one]
War against indiscipline, ee-oh [War against indiscipline]
Na Nigerian government, ee-oh [It is Nigerian government]
Dem dey talk ee-oh [That says...]
"My people are us-e-less, [My people are useless]
My people are sens-i-less, [My people are senseless]
My people are indiscipline [My people are undisciplined]
Na Nigerian government, ee-oh [It is Nigerian government]
Dem dey talk be dat [That is talking]
"My people are us-e-less, [My people are useless]
My people are sens-i-less, [My people are senseless]
My people are indiscipline [My people are undisciplined]
I never hear dat before- oh [I've never heard this before]
Make Government talk, ee-oh [That a government would say...]
"My people are us-e-less, [My people are useless]
My people are sens-i-less, [My people are senseless]
My people are indiscipline [My people are undisciplined]
Na Nigerian government, ee-oh [It is Nigerian government]
Dem dey talk be dat [That is talking]
Which kind talk be dat- oh?..... [What type of indictment is that]

Initially, WAI was effective but, as it compounded the socio-economic pains imposed on the masses under the Buhari regime, it quickly waned in popularity. Moreover, because WAI was not institutionalised to outlive the regime of its creators, it came to an abrupt end with the ouster of Buhari's government by the successful counter coup of 27 August 1985, led by General Ibrahim Babangida.

2.5.2 General Ibrahim Babangida: 1985 – 1993

On his assumption of office, Babangida made no claim of an anti-corruption push in justifying the countercoup. Indeed, as noted by Osoba (1996, p. 381), throughout his roles under the Buhari regime, Babangida “never took a public stand against corruption”. He, however, capitalised on the opportunity to turn around the general economic decline and the dispirited political atmosphere under the draconian and austerity government of Buhari, to legitimise his rule.

In quick succession, Babangida set up panels to review tribunal judgements under Buhari, reversed the convictions and asset forfeitures, repealed Decree 4 and set free unconditionally, all the journalists who have been jailed under its provisions, promised the restoration of human and civil rights as well as popular debates on IMF negotiations and some other economic recovery measures, and finally a transition programme that would return the civilians to power within five years (Emenyeonu, 1997, pp. 67-68, Bourne, 2015, p. 176).

Notwithstanding, within a short period of time of endearing himself to different political and interest groups, Babangida returned Nigeria gradually to the path of the Second Republic prebendal politics with even more vigour. Lewis (1996) characterised the Nigerian political economy under Babangida as essentially a transition from a prebendal state to a predatory one. From his early years in government, he created innumerable Commissions, directorates, centres, bureaux,

task forces, committees and agencies with limited budgets and arbitrary powers to accommodate patronage to a retinue of cronies and opportunists. Babangida also co-opted potential critics of his government who were spread across a wide spectrum of the Nigerian elite, including the armed forces, civil service, academia, professionals and the business community. This strategy worked initially, as he was able to establish some legitimacy for his government but his popularity quickly fizzled out as his regime was perceived as largely opaque and unaccountable (Osoba, 1996, p. 382).

The national treasury was under threat of abuse and massive public larceny. Throughout Babangida's years in government, there were persistent budget deficits funded simply by printing new currency and expanding money supply, as the Central Bank of Nigeria (CBN) was abruptly placed under the control of the office of the president (Ibid.). Also, it was submitted by the Pius Okigbo Panel that the sum of \$12.4 billion in oil revenue windfalls from the Gulf War of 1991 was not remitted to the government coffers (Ibid, 383; Enweremadu, 2006, p. 43; Apter, 2013, p. 247, Bourne, 2015, p. 197).

Despite his government being credited as presiding over the period in which corruption became a cardinal and directive principle of state and national policy (Osoba, 1996, p. 383), Babangida's regime not only resuscitated existing anti-corruption institutions: it created new ones and promulgated anti-graft decrees that have shaped Nigeria's anti-corruption architecture till date.⁴⁸ He also set up a mass-

⁴⁸ As discussed in the previous section, the Code of Conduct Bureau and Tribunal were formally established by the Code of Conduct Bureau and Tribunal Decree 1990. Also, in response to the menace of drug trafficking, the government established the National Drug Law Enforcement Agency (NDLEA) by Decree No. 48 of 1989 to control the cultivation, manufacture, transit, consumption and trading of illegal drugs. Also, the Banks and Other Financial Institutions Decree No.40 of 1991 was promulgated as a precursor to the Failed Banks (Recovery of Debts) and Financial Malpractices in Bank Decree No. 18 of 1994 (The Failed Bank Decree). BOFID 1991 (now known BOFIA 1991 as

mobilization programme – Mass Mobilization for Social Justice, Economic Recovery and Self-Reliance (MAMSER) – much similar in orientation, ideology and objectives to the ethical-revolution programme of the Shagari's government. Nevertheless, there was no prosecution of any public officials for corruption offences under the Babangida's regime.

2.5.3 General Sani Abacha: 1993 – 1998

When General Sani Abacha took over power from the interim government of Nigeria led by Chief Ernest Shonekan on 17 November 1993, only a few Nigerians could have anticipated his paradoxical legacy.⁴⁹ Abacha left office as arguably one of the most corrupt Nigerian leaders and yet, one who bestowed upon Nigeria some of its most stringent anti-graft laws, some of which are in force till date.⁵⁰

Abacha did not advance anti-corruption moves as the grounds for his coup. Much like his predecessors, he sought to legitimise his government through some immediate actions such as the suspension of SAP, reduction of petrol pump prices, resolution of perennial industrial strike actions and enlistment of notable and prominent Nigerians into his government either in advisory or executive capacity (Bourne, 2015, p. 191). However, under General Abacha, the acts of public larceny ordered by himself, complemented by his family members and cronies stand out in Nigeria's history (Scher, 2005, p. 20; Ogbeidi, 2012, p. 9; Agbiboa, 2013a, p. 59). Egwaikhide & Isumonah (2001, p. 33) note that corruption and illicit dealings during the Abacha years were staggering and represent the most predatory form of accumulation in the

amended) set out the conditions for granting bank operating licences, as well as the for the withdrawal of same, and the procedures to follow in the event that a bank is to be liquidated.

⁴⁹ He is mostly remembered for his records of brutality, repression, and unparalleled highly personalised kleptocracy (Egwaikhide & Isumonah, 2001; Scher, 2005, p. 19; Bourne, 2015, pp. 156, 175; Pierce, 2016, p. 1)

⁵⁰ General Sani Abacha was been rated as the fourth most corrupt ruler in global history (Vas, 2018:57). Yet, some of his legacies include the promulgation of Money Laundering Decree No. 3 of 1995, the Advance Fee Fraud and Other Related Offences Decree No. 13 of 1995, and the Financial Malpractices in Bank Decree No. 18 of 1994.

country's history. The records of this corruption and illicit dealings continue to unravel years after his death and have been reported extensively as the "Abacha loot".⁵¹ For example, he was said to have used trucks to cart away banknotes from the Central Bank of Nigeria on a regular basis (Guest, 2004, p. 121). Investigations revealed that Abacha had at least \$3 billion stashed in more than 130 bank accounts in a network of 50 banks both home and abroad (Enweremadu, 2013, p. 55; Agbiboa, 2013, p. 59, Otusanya, 2012, p. 188). Other sundry corrupt practices through which Abacha amassed personal wealth at the peril of the Nigerian state include the collection of kickbacks from inflated contracts, payment of mobilization fees for non-existent contracts, direct looting of vaults of the Central Bank of Nigeria and the fraudulent buy-back scheme of the Ajaokuta Iron and Steel Company (Otusanya, 2012, p. 187).

Ironically, despite his lack of commitment to control corruption, Abacha's regime retains the credit for promulgating decrees that created the most comprehensive legal instruments upon which the post-1999 anti-corruption agencies rely for their operations. These anti-corruption laws include the Money Laundering Decree No. 3 of 1995, aimed at preventing the laundering of funds or property derived from drug trafficking (Ardzard, 2017, p. 67)⁵², its provisions requiring Banks and Other Financial

⁵¹ This is a term used to describe all material and financial resources of the Nigerian state stolen by Abacha and his cronies during his government. It is unclear how much was actually stolen by the late General and his cronies. However, Bourne (2015, p. 196) puts this between \$3 billion and \$5 billion, for instance. Most of these assets were stashed in foreign accounts and are still being repatriated till date. See **(BBC, 2017)**: Abacha loot: Switzerland to return \$320m to Nigeria (15/12/2017) available at <https://www.bbc.co.uk/news/world-africa-42237752>. Last accessed on 17/06/2019. Also, **(BBC, 2015)**: Switzerland to return Sani Abacha 'loot' to Nigeria (17/02/2015) available at <https://www.bbc.co.uk/news/world-africa-31933083>. Last accessed on 17/06/2019, and **(Premium Times, 2020)**: Abacha Loot: Nigerian govt receives \$311 million (04/05/2020) available at <https://www.premiumtimesng.com/news/headlines/391333-breaking-abacha-loot-nigerian-govt-receives-311-million.html>. Last accessed on 12/08/2020). For a detailed work on the Returned "Abacha loot", see Enweremadu (2013).

⁵² This Decree has been amended over the years, and so named, under Nigeria's democratic rule. For example the Money Laundering Act of 2004. In 2011, by further amendments, it became the Money Laundering (Prohibition) Act of 2011. The 2011 Act has also been amended as the Money Laundering (Prohibition) Amendment Act No.1 of 2012. These series of amendments may be due to the changing nature of the crimes and the technology of trans-border movement of money and other financial resources. The Money Laundering (Prohibition) Act of 2011 (as amended) expanded the scope to

Institutions to disclose lodgements beyond certain amounts irrespective of the sources have helped to fight other economic and financial crimes. They also include the Advance Fee Fraud and Other Related Offences Decree No. 13 of 1995,⁵³ promulgated to tackle the internet 419 scams inadequately criminalised by the Nigerian Criminal Code,⁵⁴ and the Financial Malpractices in Bank Decree No. 18 of 1994⁵⁵ (The Failed Bank Decree), which was used to stem the tide of persistent bank failures at a rate beyond the level warranted by the economic fundamentals. Finally, Abacha momentarily resuscitated the Buhari-era WAI and renamed it the War Against Indiscipline and Corruption (WAI-C) in 1994 but this could neither gather the same momentum nor yield the same results as its precursor.

Following Abacha's death, General Abdulsalam Abubakar, the Chief of Defence Staff and next military officer to him in seniority, assumed the position of the Head of State from 9th June 1998 to 29th May 1999. Despite his short and transitory reign in office, General Abdusalam set-up some investigative panels to probe the government of General Abacha. However, his most profound legacy has been that of returning Nigeria to her longest and uninterrupted years of post-independence democratic politics from 1999 till date.

include resources or properties derived from terrorism, terrorist financing, smuggling, tax evasion, bribery and corruption, kidnapping, robbery, theft, hostage taking, extortion, counterfeiting and piracy of products etc.

⁵³ This decree was amended in 2006 as the Advance Fee Fraud and Other Related Offences Act No.14 of 2006.

⁵⁴ Federal Republic of Nigeria, Criminal Code, section 419 reads thus: Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony, and is liable to imprisonment for three years. If the thing is of the value of one thousand naira or upwards, he is liable to imprisonment for seven years. It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence. The offender cannot be arrested without warrant unless found committing the offence (cf. Pierce, 2016, p. 3). Oriola (2005, pp. 237-248) discusses the complexities of Advance Fee Fraud on the Internet and argues that Section 419 of the Nigerian Criminal Code is grossly inadequate to combat the crime.

⁵⁵ This was initially amended by the Tribunals (Certain Consequential Amendments) Act No. 62 of 1999. It is now cited as Cap F2 LFN 2004.

2.6 Conclusion

From late pre-independence years to 1999, spanning a period of over four decades, anti-corruption campaigns have been an inescapable component of Nigeria's politics. In essence, deliberate anti-corruption interventions in Nigeria predated the post-cold-war global campaigns against corruption. In this chapter, based on the available historical evidence, I have shown that over the period under review, there are common patterns and recurring themes that run through the anti-corruption interventions under the various governments in Nigeria, whether civilian or military.

First, most anti-corruption interventions were championed for their inherent political utility. Leaders have repeatedly manipulated anti-corruption interventions to achieve various political ends. This has been the major reason why Nigeria's long history of anti-corruption interventions has not led to strong institutional commitments but remained extremely vulnerable to political interference. This history shows that incumbent accountability remains an elusive challenge. Instead, the pattern is one in which corruption investigations were targeted at officials of previous governments in post-regime accountability "war" or that the fight against corruption was used as an instrument of regime preservation by weakening political opposition figures⁵⁶.

In the pre- and early-independence years, (anti-) corruption narratives in Nigeria served both the colonial government and indigenous politicians alike. While colonial officials found corruption allegations and anti-corruption rhetoric a way to buttress their position that indigenous politicians were still not ready for independent leadership, indigenous politicians championed anti-corruption interventions mainly in

⁵⁶ Partisan or selective anti-corruption enforcement action forms part of the entry barriers erected by the incumbent regime to ensure that competitors have virtually no chance of capturing the government legally (Agbibo, 2013a, p. 53).

cases involving their key opponents. This accounted for the disparity in the pattern of official corruption investigations and the outcomes of these investigations across Nigeria's three regions. In this era, the most important factor driving corruption and anti-corruption interventions was the desire to strengthen the hold of the colonial government and promote the stability of a national outlook for Nigeria (as seen in the case of Nnamdi Azikiwe).

In the years of the military governments, a common denominator was the use of anti-corruption interventions as a tool of political legitimation by each of the regimes. Unbridled corruption under civilian governments was cited as the usual reasons for military coups and, as soon as the military were in power, immediate ad-hoc anti-corruption activities were carried out to garner support and recognition across the broad spectrum of the polity. However, because the military do not require periodic elections to remain in power, the rigour with which anti-corruption programmes were pursued did not usually last beyond the first few months or years in office when the initial cadence of the anti-graft interventions would fizzle out. This cycle would be restarted whenever there was a counter coup, which only re-ignited the anti-corruption rhetoric and the usual accompaniments – the tribunals, panels and ad-hoc programmes – to disrupt the system for a while before it returned to the old path.

For the civilian administration, the election cycle and the necessity to achieve a political settlement that grows or maintains the support base of the party or its candidates are critical factors in determining how anti-corruption campaigns are pursued. Here, two patterns are noticeable. First, the incumbent can pay lip service to anti-corruption efforts while doing nothing about the enforcement of anti-corruption laws, especially against party supporters and financiers and opposition politicians alike. For example, throughout the years of the civilian administration of the Second

Republic, the leadership acknowledged that corruption was endemic, but it did nothing to implement the extant laws. Under the leadership of President Shagari, no politician was charged or prosecuted for corruption offences. Alternatively, the ruling party can leverage on its political control of government institutions to determine the course of operational activities of the anti-graft agencies, even though this runs contrary to the spirit of institutional independence legally enshrined in the laws establishing such agencies. The possibility of this interference explains why no government or leadership of Nigeria's anti-graft agencies has escaped criticism or allegations of biased pursuit of its anti-corruption campaigns.

Secondly, in most anti-corruption interventions, elitist views of Nigeria's corruption problem undermined political leaders' attempt to control it. Anti-corruption in this historical account appears as a largely top-down effort. Even when specific regimes tried to foster mass mobilization against corruption in programmes such as Ethical Revolution (1982), War Against Indiscipline (1984), MAMSER (1989), and War Against Indiscipline and Corruption (1994), these either lacked credibility or proved short lived.

Moreover, the pattern of pre-1999 anti-corruption interventions in Nigeria created a recurrent cycle of institutional instability. Most interventions relied on knee-jerk approaches to control corruption, either as a reactive tool for post-regime accountability without an appropriate legislative framework, or as purely executive programmes of mass mobilization against corruption, with both instances leading to an unsustainable path for institutional stability.

In any case, the arguments made in this chapter (and chapter 4) provide the background of the environment in which the post-1999 anti-corruption agencies in

Nigeria (particularly the ICPC) have worked. Not surprisingly, the operational outlook of the ICPC in terms of its capacity to navigate this terrain while enacting its bureaucratic autonomy has been impacted in a number of ways. In particular, the argument in this chapter has been that the politicization of anti-corruption enforcement operations has inevitably made it a difficult terrain for the ICPC to achieve any meaningful results; hence, its increasing focus on corruption-prevention measures to assert its other powers and enhance its visibility and relevance in Nigeria's anti-corruption landscape.

Chapter 3

Bureaucratic Autonomy: A Review of the Literature

3.1 Introduction

The political control of public administration has been one of the most central concerns of students of politics and administration since the days of Weber (Yesilkagit and Van Thiel, 2008, p.137). The political control of bureaucracy might take several forms or dimensions but in the case of public agencies such as the ICPC, which are created to be legally (formally) independent, there is an expectation that the level of political interference in the activities of such institution should be minimal.

At the core of the arguments in this thesis is the level of the bureaucratic autonomy that the ICPC enjoys in the planning, designing, and implementation of its strategic operational decisions beyond the spheres of control of the government and the political class at any material time during the years covered by this study (2000 – 2017). My argument is that it is the opportunities that exist within these operational areas that the ICPC explored to exert itself to remain visible as a foremost anti-graft agency despite the competition and existential challenges that it faced from the EFCC.

In this chapter and the pages that follow, I shall explore the literature on the concept of bureaucratic autonomy to lay the foundation for the theoretical contributions of this thesis in relation to the operational environment of the ICPC which I studied. To situate the empirical insights gained while conducting the research, this chapter engages with the concept of bureaucratic autonomy beyond its definition. I shall discuss generally, the factors that determine bureaucratic autonomy, the forms of bureaucratic autonomy, management of bureaucratic autonomy in anti-corruption agencies, the link between bureaucratic autonomy and state capacity, and finally, the concept of bureaucratic reputation which has been theorized as the cornerstone of

bureaucratic autonomy of public sector agencies (Carpenter, 2010; Carpenter and Krause, 2012; Bautista-Beauchesne, 2021, p.298). The chapter concludes by juxtaposing the theoretical points highlighted in the review of literature with ICPC's formal autonomy and operational environment as the groundwork for the empirical chapters.

3.2 Bureaucratic Autonomy

3.2.1 Defining Bureaucratic Autonomy

Extant literature on bureaucratic autonomy shows that it is a term that is fraught with definitional and conceptual challenges, which in turn create methodological problems in empirical research (Young and Tavares, 2004, p.227; Verhoest, et al 2004). The concept of bureaucratic autonomy is conventionally used in the public administration literature to characterize the leeway granted to some public sector organizations in the context of agentification, autonomisation and corporatisation which are all core elements of New Public Management (NPM) reforms⁵⁷. Much of the literature on bureaucratic autonomy focuses on the freedom of government (public)

⁵⁷ New Public Management (NPM) is a 'loose term' used to describe the set of broadly similar administrative doctrines which dominated the bureaucratic reforms agenda in many OECD group of countries from the late 1970s. The main aim of the NPM which had since become one of the striking international trends in public administration (including the Global South from the 1990s) is the curtailment of the dominant roles of the state within the political economy by making the public sector more business-like, treating the users of public services as 'customers' and improving the overall efficiency of public services delivery. The rise of the NPM seems to be linked the following other administrative megatrends, namely (i) attempts to slow down or reverse government growth in terms of overt public spending and staffing; (ii) the shift toward privatization and quasi-privatization and away from core government institutions, with renewed emphasis on 'subsidiarity' in service provision; (iii) the development of automation, particularly in information technology, in the production and distribution of public services; and (iv) the development of a more international agenda, increasingly focused on general issues of public management, policy design, decision styles and intergovernmental cooperation, on top of the older tradition of individual country specialisms in public administration. Hood (1991, pp. 4 -5) gives the doctrinal components of NPM as follows: (a) hands-on professional management; (b) explicit standards and measures of performance; (c) greater emphasis on output controls; (d) shift to disaggregation of units in the public sector; (e) shift to greater competition in public sector; (f) stress on private sector styles of management practice; (g) stress on greater discipline and parsimony in resource use [See Hood (1991): A Public Management for All Seasons? *Public Administration*, Vol. 69, Spring 1991, pp. 3 – 19; Funk & Karlsson (2019): Twenty-Five Year of Studying New Public Management in Public Administration: Accomplishments and Limitations. *Financial Accounting & Management*, 2019, pp. 1 – 27. DOI: 10.1111/faam.12214].

institutions to make decisions without being controlled by external actors. Bureaucratic autonomy involves the formal exemption of an agency head from full political supervision by the departmental minister (Christensen, 1999; Verhoest et al, 2004, p.104). This exemption may occur by creating an alternative to the traditional ministerial hierarchy, granting of financial autonomy or by giving legal autonomy which empowers the agency head to make decisions in his own capacity, thereby preventing any significant ministerial control on the decisions so delegated by the law.

In traditional bureaucratic settings, there is little discretion for a line bureau as all its actions on the assigned primary tasks must be approved ex-ante by hierarchical superiors. This leaves the agency with limited discretion for organising its secondary processes (Heyman, 1988). But more broadly, autonomy entails more than the discretion or the extent to which an agency can decide itself about matters it finds important; it involves independence of actions. Maggetti (2007, p.272) defines autonomy as the ability to translate one's own preferences into authoritative actions without external constraints. This definition lays emphasis not only on the ability of an organisation to plan or take decision that affects its operations but also on its ability to implement or translate those decisions into actions without external control. Hence, autonomy is not limited to making rational and unconstrained decisions, but also of acting on those decisions (Leddy and Pepper, 1985).

Whether or not a government agency would have the capacity to take independent actions in the course of discharging its responsibilities depends on the manner in which it receives its mandate. Fukuyama (2013, p.356) defines autonomy as "the manner in which the political principal issues mandates to the bureaucrats who act as its agent". Bureaucracy either under democratic or authoritarian regime has no authority to define its own mandates. Nevertheless, there are varieties of ways in

which the mandates to bureaucratic agencies can be issued. When a bureaucracy is issued with a broad mandate but allowed the discretions to define how this broad mandate is actualised, there is high autonomy. If, however, in addition to the broad mandate, there are subordinate mandates, guidelines, protocols and detailed rules which define how the main mandate is to be actualised in a way that micromanages an agency, there is little or no autonomy. Autonomy is therefore inversely related to the number and nature of the mandates issued by the principal (Ibid; p.357). A high degree of autonomy enhances innovation, experimentation and risk taking as managers are allowed freehand to decide on several routine operational issues.

In bureaucratic hierarchy, most concern is placed on the power of politicians or supervising ministers to politically overrule the decision-making powers of chief executives of institutions that are formally established to be operationally independent. So, the literature on bureaucratic autonomy discusses significantly, the political control of bureaucratic organisations. Hence, bureaucratic autonomy could also be seen as the relative separation between politics and administration (Cingolani, Thomsson and De Crombrughe, 2015, p.193) and is broadly defined as the de facto non-alignment of political power cycles and the cycles of autonomous bureaucracies (Ibid: p.193).

From the definitions discussed so far, all but Christensen (1999) and Verhoest et al. (2004) imply that an autonomous agency is fully separated and independent from the government that created it without any need or provision for accountability mechanism. Christensen (1999) and Verhoest et al. (2004) give some concessions for the control of an autonomous agency by describing autonomy as “the formal exemption of an agency head from *full* political supervision by the departmental minister” (*italics mine*). These authors too do not state explicitly how the partial supervision would suffice for the accountability mechanism for running the affairs of

the autonomous agency. Meanwhile, because bureaucratic institutions are always the creations of government, it is impossible for them to operate completely outside the realm of the government. Principal-agency theory postulates that bureaucratic organisations are a creation of political power derived from the people via the politicians. In this regard, the operational powers of bureaucracies are essentially political. For political power to function effectively, there is need for sound accountability mechanism. Hence, no agency can be completely entrusted to make choices, free of legal and administrative constraints as implied from the above definitions of bureaucratic autonomy without the risk of chaos, anarchy or despotism. OECD (2008, p.26, emphasis in original) notes that: “No state institution can be fully autonomous and due consideration should be given to the need to preserve *accountability and transparency* of the institutions, especially if it possesses intrusive investigative powers”. Moreover, as theorized by Klitgaard (1988) in its widely cited equation of corruption ($\text{Corruption} = \text{Discretion} - \text{Accountability}$), bureaucratic discretion (autonomy) without accountability is a recipe for corruption.

To incorporate the critical element of accountability without undermining operational autonomy, Mascarenhas (1972, p.66) defines autonomy as the “freedom for management to evolve its policy and to execute it within the framework of broad objectives determined by government”. This definition succinctly captures the three vital qualities of autonomy: independent decision making, capacity to implement the decisions, as well as the accountability mechanisms or constraints on actions.

Bureaucratic autonomy entails a lot of power plays and negotiations especially in grey areas where no specific pre-defined delineation of operational powers exists between the chief executive of public organisations and the supervising ministry or any other oversight bodies. Carpenter (2001, p.14) notes that “whether celebrated or

lamented, bureaucratic autonomy prevails when politically differentiated agencies take sustained patterns of action consistent with their own wishes, patterns that will not be checked or reversed by elected authorities, organized interests, or courts". These unique organisational capacities of autonomous bureaucracies enable them to fashion around themselves a kind of 'apolitical shield' that permits the effective and efficient advancement of programmes, while running their agencies (Wilson, 1989, p.217).

In the same vein, Wilson (1989, p.182) citing Selznick (1957) defines autonomy as a "condition of independence sufficient to permit a group to work out and maintain a distinctive identity". In this definition, autonomy has two layers – the internal and the external. The external layer of autonomy is the independence that the agency has from having few or no bureaucratic rivals as well and operating within minimum political constraints imposed by superior hierarchy. The internal layer of autonomy deals with the identity or mission of the agency – that is, the widely shared and approved understanding of the central tasks of the agency. This is dependent on how the agency can mould and project its capacity to carry out its mandates to its audiences. Both Carpenter and Wilson add a new layer to the definition of autonomy – the ability of an autonomous agency to forge a distinctive 'apolitical' identity which enables it to translate its preferences into actions within the constraints imposed by accountability mechanisms. While these authors are unique in their identification of the identity-forging capability of an autonomous agency, Carpenter's emphasis on the sustained patterns of actions of the autonomous bureaucracy, that will not be checked or reversed by elected authorities, organized interests, or courts makes his definition very outstanding. In fact, it is the accumulation of these patterns of actions over certain periods of time that is most likely to create a distinct identity for the autonomous agency.

Writing further, Carpenter (Ibid) contends that bureaucratic autonomy emerges only upon the historical achievement of three conditions namely: political differentiation, development of unique organisational capacities, and political legitimacy. First, political differentiation requires that autonomous bureaucracies must have unique preferences, interest, and ideologies, which diverge from those of actors who seek to control them – mainly the politicians and other organised interests. Second, bureaucratic autonomy necessitates the development of unique organisational capacities. These include the capacities to analyse, to create new programmes, to solve problems, to plan, to administer programmes with efficiency, and to ward off corruption. Autonomous agencies must have the capabilities to implement their unique preferences with effectiveness and to innovate. Finally, bureaucratic autonomy impels political legitimacy, or strong organizational reputations embedded in an independent power base (Ibid). Political legitimacy here implies the recognition earned by a bureaucratic organisation amongst politicians, citizens and other organised stakeholders as a result of its demonstrated capacity to provide benefits, plans, and solutions to national problems in ways found nowhere else in the administration. This recognition must also be grounded in multiple networks through which the agency entrepreneurs can build programme coalition around the policies they favour. Writing extensively on American bureaucracies, Carpenter (2001) argues that legitimacy is the foundation of bureaucratic autonomy in democratic regimes. It was only when politicians and broad portions of the twentieth-century American public became convinced that some bureaucracies could provide unique and efficient public services, create new and valuable programmes, and claim the allegiance of diverse coalitions of previously sceptical citizens did bureaucratic autonomy emerge.

The working definition I have adopted in this thesis follows largely that of Carpenter (2001) and it conceptualises bureaucratic autonomy as the freedom of an agency from administrative control (in practice) to make operational decisions; its capabilities to forge its own identity while implementing these decisions within a framework for institutional accountability. Carpenter's work offers some useful insights for my analysis. The institutions that Carpenter studied and the ICPC both operate within bureaucracies in which negotiations amongst multiple stakeholders are quite necessary for them to carve a niche for themselves, in forging their own identities. Carpenter's subjects as well as the ICPC both operate under some formal rules and provisions but with some grey areas in which opportunities exist for the agencies to distinguish themselves by their unique capabilities. By this, that could earn the reputation and legitimacy through which the patterns of their actions would not be checked or reversed by elected authorities, organized interests, or courts.

Notwithstanding, the context of my work differs greatly from that of Carpenter in some distinctive ways. While my research centres on the operations of the ICPC in Nigeria (2000 – 2017), Carpenter's work focuses on the US bureaucracies and in a relatively distant historical era dating back to centuries (precisely 1862 – 1928). Not only this, whereas Carpenter's work deals with the experience of government departments which rendered tangible services (for example, the Railway and the National Postal Service), the main subject of my research – the ICPC – renders a more diffuse and intangible services particularly in the case of corruption prevention programmes which forms the bulk of my empirical chapters. The implications of these identified points would become much clearer to the readers in the remaining part of this thesis.

3.2.2 Factors that determine Bureaucratic Autonomy

Critically examined, Carpenter's (2001) definition of bureaucratic autonomy would imply that bureaucracies are either solely and largely responsible for the degree of autonomous power that they command, as this must be earned through their capabilities and reputations. This position oversimplifies the field of tension and negotiated environment between the formal and the real autonomy that a public agency has. Citing copious examples from the US experience, Carpenter (Ibid) arguably shows the differentials in the capacities of bureaucratic organisations to carve a niche for themselves with regards to the autonomous powers that they command. However, several studies contend that beyond the capacities of individual organisations, there are several other factors which can determine the level of autonomy that an agency may have. These include the nature of their tasks, country-level factors and structural organizations (Gilardi, 2008; Laegreid et al., 2008; Verhoest et al., 2010). Nevertheless, it is not yet known which among these factors explains the most for the level of the autonomy that an agency exhibits (Maggetti and Verhoest, 2014, p.246).

For instance, the operational autonomy which an environmental regulatory agency could enjoy may be significantly different from that of an anti-corruption agency. Considering the nature of their respective tasks, the primary actors, or stakeholders of the assignments under the environmental regulatory agency are most likely to be individuals and private sector operators. Meanwhile, for the anti-corruption agency, like the ICPC, the primary stakeholders and those most likely to be subject its assignments are public officials namely the politicians and civil servants. Theoretically, political control is likely to be more pronounced in the latter than the former.

Moreover, autonomy varies within various policy areas. Khaleghian and Das Gupta (2005, p.1087) contend that each type of service will have its own balance. For example, in law enforcement and licencing institutions in which conformity and consistency are a priority, managerial autonomy may be constrained. But in other areas such as investigating health hazards, providing health education and mobilising community partnerships, moderately increasing the scope of authority can promote the adaptation of services to specific situations, without compromising the integrity of the service delivery (Clarke, 2013, p.73).

The formal structure of an agency defines the hierarchy and relative positions of actors and the set of rules that dictate who is responsible for any task and how this should be carried out (Christensen and Laegreid, 2007; Egeberg, 1999). According to the concept of instrumental rationality, rational policy makers create formal structures which predetermine the level of autonomy that the agency has (Maggetti and Verhoest, 2014, p.246). Consequently, the task division between the supervising ministry and the chief executive of an agency determines the actual autonomy that such executive has in performing their functions. However, this may not always be the case as certain formal powers of an agency may be overruled particularly when exercising such powers by the “autonomous agency” is not in tandem with the expectations of the supervising ministry. I refer to copious examples of this in my empirical chapters on ICPC’s experience.

Other factors which determine the autonomy of an agency include its internal organisation – regional units of an agency, embedded in regional networks tend to have greater autonomy and reduced ministerial oversight relative to agencies without a territorial component (Laegreid et al., 2008). This position is however contested by some scholars (see Verhoest et al., 2010). For example, studies have shown that

agencies with a governing board are usually more autonomous as the board tend to balance the interference of the minister with other stakeholders, e.g. clients and experts (Verhoest et al., 2010, versus Bach, 2010). Also, agencies larger organisations in terms of staff size usually have more structural capacity and consequently, more autonomy (Egeberg and Trondal, 2009; Verhoest et al., 2010). Larger institutions have at their disposal more resources to carry-out their functions (Hawkins and Jacoby, 2006; Verschuere, 2006), to consolidate their expertise and power, and thereby withstand controls from higher hierarchy (Carpenter, 2001). The evidence on agency's size and level of autonomy is somewhat inconclusive as other studies have also reported an inverse relationship (see Bach, 2010, for German agencies).

Similarly, empirical studies on how the nature of tasks can affect the level of autonomy of agencies have inconsistent results. The nature of the tasks which an organisation is established to perform determines its structure. Service delivery tasks are amenable to measurement and can be autonomised more effectively. This view is held by Lonti (2005) and Verhoest et al. (2010) but not by Pollitt et al. (2004). Agencies which perform regulatory functions have more autonomy as they tend to command more credibility than the politicians themselves. This position is supported by several studies (Gilardi, 2002; Majone, 1997) but not so clearly confirmed by others (Bach, 2010; Painter and Yee, 2011; Verhoest et al., 2010). In the same vein, organisations in social and welfare policy areas were found to have less autonomy than those in other sectors such as the economy. This finding is corroborated by Gilardi (2002) and Elgie and McMenamin (2005), but not by Verhoest et al. (2010). Meanwhile, agencies with larger statutory budgets tend to be more supervised and controlled by the

government than those with smaller budgets (supported by Pollitt et al., 2004; but not by Bach, 2010).

Country-level explanations for differentials in bureaucratic autonomy, refer to the 'environmental-institutional context' which suggests that organisations in some countries may be more autonomous than in other countries, as a result of country-specific path dependencies related to the politico-administrative culture and legal-administrative traditions (Schedler and Proeller, 2007; Thatcher and Stone Sweet, 2002; Yesilkagit, 2004). In terms of administrative traditions, Yesilkagit and Christensen (2010) found that countries that have a historical tradition of delegating authority will establish new autonomous agencies more easily.

Empirically, the capacities of agencies to exercise their legally ascribed powers differ across jurisdictions. For instance, managers in Norwegian regulatory institutions perceived that, in comparison to other agencies, they experience stronger controls and audit by both the legislative and executive bodies such as their supervisory ministries, the Finance Ministry, the Parliamentary committee and the mass media (Laegreid et al, 2005).

In Anglophone Africa, despite the rhetoric and constant debate on the subject, there is little evidence of bureaucratic autonomy for public agencies, particularly revenue-generating bodies from the political grip of the presidents and Ministers of Finance (Fjeldstad and Moore, 2008, p.1). However, there are some instances of high degree of managerial freedoms in certain countries. Talbot and Caulfield (2002, p.75) in their work on agency type in developing and transitional economies found higher levels of autonomy within executive agencies in Jamaica, Tanzania, and Latvia. In

Tanzania, agencies' factual autonomy was observed to be higher than the formal autonomy ascribed to them.

In the US, Carpenter (2001) extensively shows that public agencies adopted innovation and entrepreneurship to create a niche for bureaucratic autonomy for themselves. So, instead of limiting themselves to those areas highlighted by formal autonomy, they engage in the practice of informal autonomy to evade bureaucratic constraints in doing what is needed to be done if they were not prohibited. In Germany, a survey of 122 federal agencies shows that, overall, there was high degree of bureaucratic discretion with implementation autonomy though there were constraints in terms of administrative decision namely financial and human resources management because of budgetary and public service regulations. In summary, factual autonomy varies across countries and jurisdictions. Not only this, the type of service to be rendered by an agency also determines to a large extent the degree of autonomy it may be allowed to exercise in the course of its operations.

3.2.3 Forms of Bureaucratic Autonomy

Despite the definitional challenges that confront the study of bureaucratic autonomy, there is a clear consensus on the fact that autonomy is a continuous rather than a dichotomous variable (Clarke, 2013, p.66). In theory, it is possible to think of the two extremes of autonomy or lack of it. However, in practice, there are various degrees to which public agencies experience autonomy relative to other organisations and to their parent ministry. Therefore, it is possible to have an array of entities along a spectrum (ter Bogt, 1999, Kidd and Crandall, 2006) or on an autonomy-integration/autonomy-centralisation continuum (Brooke, 1984; Halligan, 2004; Thynne and Wettenhall, 2004:619, Bach and Jann, 2010: 449)

At one extreme are agencies fully integrated into the departmental hierarchy bounded by conditions over which they have little control (determinism); and at the other extreme are organisations situated at high degrees of arms-length operating according to almost unrestricted choice (voluntarism) (Lundquist, 1987). Examining autonomy from this perspective of continuity is the only way in which it is possible to understand the rich empirical variation in [Western European] public administration (Christensen, 1999).

A well-established literature has set out to explore the distinction between the formal independence that is ascribed to bureaucratic organisations statutorily upon their creation from the actual operational independence that they exhibit in practice. To differentiate between the formal autonomy and the actual/real freedom that an organisation has in transforming its plans into action without external control, authors such as Maggetti (2007:271) have proposed the term *de facto* independence to refer to the extent of agencies' effective autonomy as they manage their day-to-day regulatory activities. The notion of *de facto* independence symbolizes the effective independence of public agencies as they manage their operations from day-to-day.

In contrast, *de jure* autonomy refers to the formal or legal autonomy which is ascribed to an organisation by the statute that created it (Mascarenhas, 1972:71). Gilardi (2002) defines formal independence as "a series of prescriptions enshrined in the constitutions of agencies, which should guarantee independence from elected politicians". The *de jure* autonomy is the initial delineation of the domain of action, the boundary, or points at which the organisation and the government would interact, as spelled out in statute establishing such agency (Clarke, 2013, p.67; Gregory, 2015, p.126). It is the starting point when investigating delegation of power to public agencies

because it denotes the intentions of the decision-makers regarding the extent of autonomous operations expected of such agencies.

The legislation prescribing *de jure* autonomy defines the functions and powers of such agency. Such legislation will specify the governance arrangements for the agency and will also prescribe and proscribe various managerial and accountability relationships between the political executive and those charged with running the agency (Gregory, 2015, p.127). The statute will also provide for the appropriate degree of financial independence of the organisation and how this is to be achieved, the procedures for the appointment and removal of the organisations top/managerial executives as well as the laid down bureaucratic procedures for the appointment of other cadres of personnel. All these provisions are spelt out to reduce or eliminate the possibility of overbearing political control of the agency.

Extant literature posits that there is no linear relationship between formal and *de facto* autonomy (Yesilkagit and Van Thiel, 2008, p.145; Bouckaert and Peters, 2004; Bach and Jann, 2010). *De facto* autonomy emerges out of the interplay of political participants, including elected politicians with partisan axes to grind, agency directors, executives, managers, and staff, all with functions and roles to perform, vested interests with barrows to push, and citizens with rights to promote and protect. This is the stuff of interactive politics, power games, and both legitimate and illegitimate influence (Gregory, 2015, p.127).

Autonomy is not so much a legal characteristic as a real practice (Batley, 1999, p.764). In fact, the legal measures of autonomy do not reveal the full multi-dimensional nature of autonomy. Autonomy is a dynamic concept in operation. Operational decisions are subject to modifications especially if such decisions fall into grey areas

which are eventually contested. Failure to account for this dynamism will mask the dynamic relationship between the power hierarchies within the organisational structure.

The level of autonomy is often contingent upon specific political situations and developments (Yesilkagit and Van Thiel, 2008, p.142). Institutions can also capitalise on the operational grey areas in which no formal rules for either autonomy or control is enacted, to act independently. When this realm of informal autonomy is utilized, then, there is assumed or achieved autonomy (Mascarenhas, 1972, p.71; Young and Tavares, 2004). It should be noted that achieving real institutional autonomy is not a straightforward exercise. There is usually a field of tension as identified by Predelli and Baklien (2003) between bureaucratic autonomy and state dependence in which the environment and rules created by formal autonomy is negotiated and navigated to produce results – that is, actual/real autonomy.

Hence, the broadening of the conceptual discourse of bureaucratic autonomy to identify the broader dimensions of autonomy in contemporary works. Several typologies of bureaucratic/institutional autonomy have emerged to underline its various dimensions (Bresser-Pereira, 2004; Christensen, 1999; McGrath, 2001). Such typologies distinguish between dimensions such as legal, financial, strategic and operational autonomy.

Kunneke (1991, pp. 5 – 14) classifies the definition of the process of granting autonomy to public agencies into three: the legal aspect of autonomisation, that is, the formal creation of a separate legal personality which delineates ministerial responsibility in the public agency (Kuiper, 1992, p.33), the organisational dimension of autonomisation, that is, 'the withdrawal of activities from a governmental

organisation or the shift of activities inside that organisation', distinguishing between internal and external autonomisation (Mol, 1988, p.213; Vries de and Korsten, 1992, p.5); and managerial and economic aspects of autonomy of public agencies, that is, the devolution of decision making competences concerning inputs and processes (Ter Bogt, 1998, p.32; Bouckaert and Verhoest, 1999, p.206 – 207) and the transfer of risks for economic continuity to the agency (Kunneke, 1991, Ibid).

Gilardi (2002, pp. 881 – 883) identifies five dimensions of the formal independence of regulatory agencies. These include: the status of agency head and board members, relationship with government and parliament, financial and organisational autonomy and regulatory competencies. Moreover, Verhoest et al. (2004, p.104) propose a conceptual map of autonomy by identifying two kinds of autonomy:

- (i) Autonomy as the level of decision-making competencies of the agency (concerning management on the one hand and concerning agency policy on the other hand) and;
- (ii) Autonomy as the exemption of constraints on the actual use of decision-making competencies of the agency (referring to structural, financial, legal and interventional constraints on the agency's decision competencies).

Autonomy as the level of decision-making competencies differentiates between management and policy autonomy. When agencies have powers over the choice and use of resources, they tend to have some degree of managerial autonomy. This may imply that such agencies are excluded from regulations concerning routine resource management. Usually, managerial autonomy may include financial management (for example ability of agencies to shift budgets between heads and line items or over

fiscal years), human resource management including recruitment of certain cadres of agencies personnel, amongst others (Verhoest et al., 2004, p.105).

In contrast, policy autonomy is the extent to which the agency can take internal decisions about processes and procedures involved in producing externally prescribed services or goods prescribed. Policy autonomy involves the ability of the agency to choose among alternative courses of action while implementing a policy decision (Hoogerwerf, 1978, p. 54).

Autonomy as the exemption of constraints on the actual use of decision-making competencies of the agency recognises and contextualises the means through which the managerial and policy autonomy which an agency has may be influenced such that the real power to translate its policies into actions are practically subjugated. The dimensions of these constraints may include but not limited to funding (not budgeting), appointment by the political executives, government having majority vote in the supervisory board, amongst others. The exemption of public agencies from these constraints would imply that they do not only have the powers to take decisions but also the powers to translate such decisions into actions without any fear of ex-post reactions from the government or its representatives. Four kinds of this exemption from constraints can be identified.

One, structural autonomy. This is the extent to which an agency is insulated from the interference by the government through the lines of hierarchy and accountability (Christensen, 1999). Two, financial autonomy. This is the extent to which the agency is dependent on direct government funding or its own internal revenue generation capacities. Agencies which rely significantly on government funding for the substantial part of its budgets tend to be more constraints and hence,

exhibit less autonomy. Three, legal autonomy. This is the extent to which the legal personality of the agency forbids the government from interfering with the formally recognised discretions and competencies of the agency. Lastly, interventional autonomy (Verhoest et al., 2004, p.106). This relates to the nature of accountability mechanisms. The likelihood that an agency may be sanctioned ex-post may significantly limit its ability to act more independently in managing its own affairs. If however, accountability mechanisms do not threaten punishment or curtailment of powers as a result of past behaviours, agencies may exhibit more autonomy.

In any case, interventional autonomy recognises more significantly, the dynamic nature of bureaucratic autonomy generally in the sense that the implications of the repeated cycles of actions between the supervising ministry/ministers and the chief executives/managers of public agencies is analysed. This is important because the chain of actions and reactions within the bureaucratic hierarchy is the only guarantee of the genuine power which any public agency has. In this regard, Carpenter's (2001, p.14) definition of bureaucratic autonomy which underscores the inability of elected authorities (politicians), organised interests, or courts to reverse the actions taken by public agencies suffices. How then do bureaucratic agencies, especially anti-corruption agencies (ACA) champion a field of interactions in which their decisions and actions are not unduly controlled or reversed ex-post? We therefore turn to the management of bureaucratic autonomy in anti-corruption agencies.

3.3 Managing Bureaucratic Autonomy in Anti-Corruption Agencies

Political independence of the ACAs is considered of particular importance because without it, it will be difficult if not impossible to tackle corruption of high-level

officials in countries with deficits in good governance and comparatively weak law enforcement (Gregory, 2015, p.26). No matter the symbolic value of political independence rhetoric within the institutional reforms and development discourse, the prescriptions may be likened to the idea of formal (ascribed) autonomy of anti-corruption agencies; meanwhile, only the *de facto* autonomy matters for their operational effectiveness.

Political independence for ACAs carries prescriptive force only in its relationship with other key values, especially operational impartiality, organisational capacity, public accountability, trust and system legitimacy (Gregory, 2015, p.126). These are key attributes for institutional reputation (discussed further in section 3.5 below). Achieving political independence for antigraft institutions, in reality, is a complex issue (Ibid). Apart from a number of structural and organisational mechanisms through which anti-corruption institutions could be formally subjected to political control, the literature on bureaucratic autonomy shows that there are other ways through which ACAs are unduly influenced by the political elite. So, except ACAs succeed in crafting a sphere of bureaucratic autonomy for themselves, their political independence may remain elusive.

The political independence of anti-corruption agencies forms only part of their bureaucratic autonomy. As defined earlier in this chapter, bureaucratic autonomy is the freedom of an agency from administrative control (in practice) to make operational decisions; its capabilities to forge its own identity while implementing these decisions within a framework for institutional accountability.

To forge its own identity, a bureaucratic agency needs to interact with, and internalise the preferences and expectations of the critical stakeholders that are

interested in its operations. In the case of anti-corruption agencies, these stakeholders are more than the politicians. They include users of services provided by the agency and others such as the media, civil society, the citizens etc (Bautista-Beauchesne, 2021, p.308). Even though there are many actors who can influence what an autonomous anti-corruption agency could do, formal political actors (for example members of the parliament and parliamentary committees, supervisory boards, etc) are rated as more influential than non-governmental actors (Yesilkagit & Van Thiel, 2008, p.150). This is because they are legally assigned certain roles in the enabling statutes of such agencies. Despite this pluralism of stakeholders that autonomous bureaucracies deal with, the salience of the governmental (mainly political) actors makes the case for political independence and how to forge and manage bureaucratic autonomy very vital.

Carpenter (2001, p. 386) argues that autonomy is politically forged. Moreover, bureaucratic officials rarely carve out autonomy by fiat, shirking or deviance. Instead, bureaucratic autonomy, especially in the US, is a form of deference. This means that part of the process of nurturing bureaucratic autonomy is by political engagements. Wilson (1989, p.28) notes that “no public agency has or can have complete autonomy, but all struggle to get and keep as much as they can”. Agencies pursue their goals of operational autonomy and consolidating their political positions within the wider governmental environment by a variety of innovative strategies including reputational management which is discussed in section 3.5 below.

3.4 Bureaucratic Autonomy and State Capacity

In much of the literature on bureaucratic autonomy, the autonomous status of an agency is considered in most instances to be earned (See Carpenter, 2001 for

example). It is argued that any agency seeking greater autonomy far and above its ascribed power must demonstrate its unique capacity to offer solutions to national problems in an efficient way. Using Carpenter's idea of autonomy building via unique organizational capacity, it can be argued that the more autonomous agencies a state has, the more efficient it is in rendering services to its citizens. Cingolani et al.(2015, p.191) views state capacity as an outcome of efficient policy delegation to autonomous and professional bureaucratic bodies.

Following Weberian tradition, political sociology literature systematised the discussions on state capacity as something intrinsically linked to the quality of public bureaucracies. (Ibid). Several political sociology works emphasise the importance of bureaucracies for state capacity. For example, Huntington (1968, cited in Cingolani et al., p.192) views the strength of the state as the degree of institutionalization of its power. This institutionalization is determined by the level of adaptability, complexity, autonomy, coherence, and coordination of the political organisations absorbing social transformations (1968, pp. 12 – 23).

Skocpol's work "States and Social Revolutions (1979) and Evans et al (1985) discuss critically the importance of bureaucratic powers in determining the opportunities for social change and in the pursuit of different policy goals, such as sectoral industrial development, the management of economic crises, trade policy, conflict resolution, among others.

Evans (1995) argues that the range of action government can pursue to shape structural change and promote industrial growth in newly industrialising countries (NICs) depends on the different kinds of state structures in place. To account for the role of autonomous bureaucracies in state's transformation, Evans (1995) coined the

term *embedded autonomy* that is, a combination of internal bureaucratic coherence within agencies and external connectedness with industrial sectors, which enhances high-quality state intervention. Evans (1989) highlights different levels of embedded autonomy and the resultant states created which could be either predatory, intermediate, or developmental. This was further discussed as developmental and rentier states (see for example Karl, 1997; Kholi, 2004).

Geddes (1996) defines state capacity as the implementation power of the state, a task that falls inherently under the bureaucracy. This power is predicated upon the building of insulated (autonomous) public services, which in turn depends on the advancements towards merit-oriented Weberian administrative reforms. Similarly, Fukuyama (2013, p.356) proposes the degree of bureaucratic autonomy possessed by the different components of the state as a measure of the quality of government.

However, research works on the link between bureaucracies and state capacity and development have lost their steam. While state capacity has acquired universality in its use by development scholars, the study of public service characteristics remains largely idiosyncratic, as it lacks comparability and empirical consensus regarding measurement (Cingolani, et al., 2015, p.192).

Nevertheless, the connectedness between the state and the quality of its institutions is still very prominent. States with autonomous, high-quality public agencies, are described as strong and efficient (Atkinson and Coleman, 1989, pp. 51-52). Meanwhile, states where the capacity of public institutions is low are regarded as weak (Giraudy, 2012, p.605). The converse can also be true. That is, when a state is theoretically described as weak, inefficient and most times corrupt, any institutions it creates are expected to be inefficient and ineffective. Even when some public

agencies created by the “weak states” manage to carry out their functions efficiently, they are analysed as “pockets of effectiveness” (See Roll, 2014, pp. 365 – 397) because such outcomes are unexpected.

Faced with these environmental challenges of being barely inseparable from the image of the state as their reputation is bound up with the legitimacy of the state (Carpenter, 2001; Moynihan and Ingraham, 2010 ; Skowronek, 1982), bureaucratic agencies with deliberate attempt at carving out a niche of operational autonomy for themselves have embraced reputation management as a strategic action not only for autonomy and power but also for survival (Waeraas and Maor, 2014, p.1). In the next section, we discuss the concept of bureaucratic reputation as the cornerstone of *de facto* autonomy of public sector agencies (Carpenter, 2010; Carpenter and Krause, 2012; Bautista-Beauchesne, 2021, p.298).

3.5 Bureaucratic Reputation

3.5.1 Defining Bureaucratic Reputation

The idea of organizational reputation is intuitive and simple in its common usage. However, it is surprisingly complex when employed and investigated in research as evidenced by its multiple definitions, conceptualizations, and operationalizations that have emerged across studies (Lange, Lee and Dai, 2011, p.153).

Despite the considerable literature on it, defining reputation is not yet precise as it is often conflated with related concepts such as image, prestige, legitimacy and status (Deephouse and Suchman, 2008; Dutton and Dukerich, 1991; Rindova, Pollock, and Hayward, 2006). This definitional challenge creates confusions for researchers who seek to understand and analyze the significance of reputation and reputational management in both public and private sectors.

Until recently, scholarly works on reputation analyses the term from the perspective of corporate organizations. Compared to corporate reputation, research on reputation of public organizations is burgeoning and immature but it is promising. In this section, in our attempt to define bureaucratic reputation, we shall first contextualise corporate reputation and highlight the continuities of this management research tradition into the field of public administration. Fombrun (1996, p.72) defines reputation as a “collective representation of a firm’s past actions and results that describe the firm’s ability to deliver valuable outcomes to multiple stakeholders”. As Walker points out (2010), Fombrun’s definition emphasizes that reputation is: (i) based on perceptions, (ii) the aggregate perception of all stakeholders, (iii) comparative. To these three, Walker (Ibid) adds two other dimensions – reputation is: (iv) either positive or negative, and (v) stable and enduring.

In the same vein, Deephouse and Suchman (2008) contend that reputation is: (i) a continuous measure; by placing each actor on a continuum from worst to best; (ii) rival; that is, an organization’s reputation can only increase at another organization’s expense in a competitive environment; (iii) differentiating; that is reputation necessitates that organizations distinguish themselves from their peers, and (iv) economic; that is, it is a strategic resource that contributes to competitive advantage of a firm. In response to Deephouse and Suchman (2008), Fombrun (2012, p.100) incorporates the comparative and competitive nature of reputation by defining corporate reputation as “a collective assessment of a company’s attractiveness to a specific group of stakeholders relative to a reference group of companies with which the company competes for resources”.

In a review of literature, Lange et al. (2011) identify emerging definitional themes that describe three different conceptualizations of organizational reputation –

being known (generalized awareness or visibility of the firms; prominence of the firm in the collective perception); *being known for something* (perceived predictability of organizational outcomes and behaviour relevant to specific audience interests); and *generalized favourability* (perceptions or judgments of the overall organization as good, attractive, and appropriate).

The foregoing definitions can be grouped into any of the following three perspectives – economic, social constructivist or institutional (Rindova and Martins 2012). Defining reputation from economic perspective implies that a firm's reputation is formed among stakeholder groups as a result of actions chosen by the organization. In a game theoretic fashion, firms signal their attributes through certain actions to build their reputations with “specific stakeholders regarding specific characteristics” (Noe 2012,116). Because the firms, acting as first movers, decide which actions to take as valuable assets or resources that enable them to achieve positive outcomes, they are considered to be in charge (in control) of their own reputational signals. Organizations are players in a market and they rely on these signals to judge and predict each other's competitive abilities and economic behaviour (Weigelt and Camerer 1988).

The social-constructivist perspective treats organizational reputation as a socially constructed aggregate product (Power 2007, Rao 1994, Rindova and Martins 2012, Rindova et al. 2006). Here, organizational reputation refers to collective or shared knowledge or recognition about the actions of an organization by stakeholder groups through their interactions. As stakeholders interact, perceptions, information, meanings, and interpretations are created, exchanged, and confirmed resulting in more complex outcomes than the economic perspective. As a result of this, organizations have lower degree of control over their own reputation.

The institutional perspective of organizational reputation builds on social-constructivist view that reputation is associated with shared knowledge and recognition, but the emphasis is on the macro-level in which organizations compete and from which reputations develop (Fombrun, 2012). Macro organizations such as monitoring organizations, the media, and independent financial analysts serve as vital sources of reputation formation by providing 'objective' information about organizational attributes (Elsbach and Kramer 1996, Rindova and Martins 2012). The relative positions of competing organizations as ranked by these macro-level institutions signify their reputations.

From the above definitions of corporate reputation, certain key themes could be attributed to reputation of a firm: the perception (how a firm is known or what the firm is known for), the perception by multiple stakeholders, the competitive environment, that reputation could be good or bad and finally, that reputation is multi-dimensional. Ascribing these attributes to public organizations, Carpenter and Krause (2012, p.26) define organizational reputation as "a set of beliefs about an organization's capacities, intentions, history, and mission that are embedded in a network of multiple audiences". Writing further, Carpenter and Krause (Ibid) assert that the way in which organizational reputations are formed and subsequently cultivated is fundamental to understanding the role of public administration in a democracy.

Carpenter (2001, p.5) coins the term "reputation uniqueness" to describe the demonstration by agencies to their multiple stakeholders that they can create solutions (e.g., expertise, efficiency) and provide services (e.g., moral protection) found nowhere else in the polity. Reputation empowers governmental agencies with decisive benefits in addition to their formal authority and powers. As valuable political assets, reputations can be used to generate public support (legitimacy) to achieve delegated

autonomy and discretion from politicians, to protect the agency from political attack, and to recruit and retain valued employees (Carpenter 2002, p.491).

Emphasizing the multi-dimensional nature of reputation, Carpenter (2010, chap. 1) highlights four critical dimensions of an agency's reputation that will shape its audience's reactions and the associated behaviour of its members and officials. These include:

- (i) Performative reputation: Can the agency do the job? Can it execute charges on its responsibility in a manner that demonstrates competence and efficiency?
- (ii) Moral reputation: Is the agency compassionate, flexible, and honest? Does it protect the interests of its clients, constituencies, and members?
- (iii) Procedural reputation: Does the agency follow normally accepted rules and norms, however good or bad its decisions? Does it follow international best practices in the discharge of its duties?
- (iv) Technical reputation: Does the agency have the capacity and skill required for dealing in complex environments, independent of and separate from its actual performance? (Carpenter and Krause, 2012, p.27).

Gleaning from the above definitions of bureaucratic reputation, it is quite easy to understand the centrality of the audience to the reputation-based account of public agencies. This audience is described as multiple and diverse with sometimes conflicting interests and expectations (Ibid). Moreover, what the audiences see is not the perfectly tuned or visible reality of the agency, but an image that embeds considerable uncertainty and ambiguity (Gioia, Schultz, and Corley 2000). Complex

public organizations are seen “through a glass but dimly” by their manifold audiences (Carpenter and Krause, 2012). Managing the perception of public agencies (and particularly anti-corruption agencies) by its multiple stakeholder is a vital assignment in its operational portfolios. In the next section, we discuss this.

3.5.2 Managing Bureaucratic Reputation Public (Anti-Corruption) Agencies

Public institutions are by default assumed to have bad reputation (Waeraas and Maor, 2014, p.1). Government agencies have long been associated with negatively charged words such as inefficiency, bureaucracy, waste, incompetence, and rigidity to the extent that it becomes difficult to imagine if these agencies are conscious of their reputation at all (Ibid). Nevertheless, reputation management has also been employed as a strategic action for public entities, especially for survival. Some of the visible activities which indicate that public organizations now cultivate favourable reputation include the development of communication strategies, careful timing of their operational decision, hiring of reputation management consultants, systematic use of media training and conscientious documentation of reputation measurement indices.

Some classic literatures opine that public institutions benefit from a favourable reputation (Carpenter and Krause, 2012; Simon, Smithburg, and Thompson 1950; 1991; Kaufman, 1981; Wilson, 1989). Recent literature draws attention to the reputation of individual administrative entities that behave as more or less autonomous actors within the political-administrative system, in a competitive environment with other actors, but all of which can be assumed to benefit from a favorable reputation and undertake measures to cultivate and protect it (Waeraas and Maor, 2014, p.2). These entities may include bureaucratic organizations such as executive departments and ministries, central and local government agencies and units.

Generally, public administrators are faced with three primary tasks that are fundamental to governance:

- (i) how to maintain broad-based support for an agency and its activities,
- (ii) how to steer a vessel amid hazardous shoals (enemies and potentially disaffected supporters), and
- (iii) how to project a judicious combination of consistency and flexibility.

The capacity of public administrator for managing these administrative tasks relies on organizational reputation (Carpenter and Krause, 2012, p.26). When a public agency internalizes its environment and audiences in the process of managing its reputation, it can mould its reputation from within depending on the expectations of each audience. Although not all audiences (stakeholders) have the same effect on the agency's actions (Ibid: p.27), building organisational reputation in the midst of multiple audiences is very complicated because of pluralistic interests.

Organizational reputation when carefully managed with positive outcomes tend to bolster the legitimacy of its operations. Organizational reputations are embedded in bureaucratic power (Bautista-Beauchesne, 2021,p.299). And reputations can expand or deflate the legal authority that agencies exercise by virtue of law and delegation (Ibid). As reputation is formed among multiple stakeholders, managing reputation is essentially a complex task of sustaining or improving the set of beliefs about an organization's capacities, intentions, history and mission among its multiple audiences. These audience may include but not limited to the political principals (the executive or the parliamentary Committees), the citizens, civil society, the media, other related agencies, external/international actors etc.

Bureaucratic reputation theory highlights the multiple strategies through which actors manage different audiences and reputational threats. These strategies include instrumentalization of decision time, selective communication, strategic transparency and the public observability of outputs (Maor, Gilad and Ben-Nun Bloom 2013; Maor, 2007; Maor, Gilad and Bloom, 2012). Recent studies have also emphasised how agencies' strategic balance of their overall reputation is undertaken through the practice of selective response (by choosing between levels of a type of response) or differential response (by choosing different types of responses) to external signals. For example, some agencies keep silent on issues where they enjoy a strong reputation while they respond swiftly to core areas of their functions where their reputation is weaker or still evolving (Maor et al., 2013).

On the management of the bureaucratic reputation of anti-corruption agency, the importance of the credibility and legitimacy is well established in the literature. In this regard, three strands of literature could be identified, each asserting the relative power of the critical stakeholders in determining institutional reputation of the agency. These include the literature on credible commitment, political will and citizen's trust.

Credible commitment encapsulates the delegation of the power to implement anti-corruption policies to institutions which are shielded from political interference. Credible commitment emphasises that not only are the anti-corruption institutions created as bodies that are free from political control, but all the stakeholders must also perceive them to be politically independent (Di Mascio, Maggetti and Natalini, 2018; Schnell, 2018).

Secondly, political will. Political will has been identified as an essential condition for the successful implementation of anti-corruption policies (Bautista-Beauchesne,

2021, p.300). Political will denotes the investment of the necessary resources and manpower to fight corruption effectively in the anti-corruption agencies (Quah, 2010, p.49; Gregory, 2015, p.128). In any jurisdiction where there is seriousness about fighting corruption, politicians will be expected to match political rhetoric with genuine action, including the allocation of resources commensurate with the intended capacity of the anti-corruption agencies (Gregory, 2015, p.128). Well-resourced anti-corruption agencies find it easier to champion their sphere of technical reputations because of their readily available pool of resources, capacity and required skill for dealing with complex environments. Political will enables political actors to project anti-corruption commitment over time by sending signals to civil society and international actors that anti-corruption constitutes a top resource-backed priority (Bautista-Beauchesne, 2021, p.300) and subsequently enhancing the reputation of the anti-corruption agency.

Finally, citizens constitute the most critical and indispensable stakeholders of anti-corruption programmes in any jurisdiction. Citizen's perceptions of government's commitments and the capacity (professional and technical) of anti-corruption agencies determine the overall credibility and successful implementation of anti-corruption policies especially in terms of prevention (Scott and Gong, 2015). It is not surprising that notable international anti-corruption NGOs like Transparency International (after years of its evolution and internalising the critiques of its earlier publications) now relies on citizen's voice and perception in generating the global ranking for corruption perception. Therefore, an important component of ACAs reputational management in terms of communication, mass orientation and awareness are channelled towards citizen's education. Nevertheless, because anti-corruption agencies are of different types, and they exhibit different characteristics depending on the stage of their life cycle, their approaches to institutional reputation management differ. While some

repressive agencies seek to bolster their reputation with 'spectacular arrests' of big fish at the early stage of their establishment, old and well-experienced agencies may be more concerned with their procedural reputation.

Empirically, there have been copious cases of political engagements of stakeholders by anti-corruption agencies in facilitating the delivery of their mandates. Bautista-Beauchesne (2021, p.298) finds that the political engagements of bureaucratic agencies in managing their reputation throughout their "life cycles" can be divided into three phases, each with its distinctive management strategies and challenges. These include the *infancy* phase, the *burst* phase and the *turbulence* phase. During the infancy phase, the ACA is focused on building its procedural reputation by justifying the viability of its institutional structure (Ibid: p.299). This includes building procedural reputation for political independence to complement its performative credibility in the eyes of multiple stakeholders.

The second phase is the burst phase. Here, the reputation management is done by the crafting of a broad consensus of the ACA's effectiveness, institutional usefulness, and relevance. To achieve this, the overall outputs (mainly of enforcement activities) is increased by making several high-profile arrests. Further efforts are made to consolidate on these repressive actions by proactive reputation building through the crafting of institutional relations, increasing regulatory expertise, and ultimately, petitioning for broader powers and autonomy (Ibid: p 311). As Carpenter (2001, p.5) argues, a significant part of an agency's reputation is premised upon its ability to provide unique services and offer new solutions to national challenges with efficiency. In the burst phase, the ACA garnered its gains on its reputation to actively consolidate its specializations and expertise.

In the final – turbulence – phase, there is general instability in reputation management as several internal and external organizational challenges and controversies arise. This would affect the agency's productivity as it faces multiplication of confrontational institutional processes emanating from the loss of political support which had hitherto strengthened its operations. Although proposed by the author as an ideal type for trajectories of anti-corruption agencies across the world (Bautista-Beauchesne, 2021, p.298), their model is inspired in the case of Unité Permanente Anticorruption (UPAC) of Quebec region in Canada. While whether such phases provide a useful lens to make sense of the ICPC's trajectory remains an open question that this thesis will explore, Bautista-Beauchesne's work has the virtue of calling our attention to the organizational dynamism of these agencies.

3.6 Bureaucratic Autonomy, Bureaucratic Reputation and the ICPC

This research is an attempt to empirically examine how the ICPC has fared in translating its operational (bureaucratic) autonomy into strategies that enable it to create a niche for itself in the quest for its survival in the face of institutional existential threats within the Nigerian multi-agencies anti-corruption terrain. The research builds on the different theoretical points highlighted in the reviewed literature on bureaucratic autonomy and bureaucratic reputation above. The idea is to be reflective of these theoretical propositions in analysing empirical observations with a view to understanding more about bureaucratic autonomy as it applies to anti-corruption policies implementation in Nigeria, with lessons drawn for wider implications of bureaucratic autonomy within the context of anti-corruption programmes generally.

The formal autonomy of the ICPC as discussed in chapter one (section 1.4) will be the starting point of our analysis in the empirical chapters. The statutory mandates

of the Commission highlights in general terms its specific functions in tackling *public* corruption in Nigeria. In relating our findings to how the Commission has fared over the years with regards the autonomy that it possesses, we shall be mindful of the nature of the tasks of the Commission which – in spite of ICPC’s claims to be animated by technical expertise and a dispassionate approach to promoting compliance with the law and enforcing it – is inherently political, and distinct from those of other types of government agencies. This might be very intuitive because of the vested interests of the political elites and of course, the political utility of anti-corruption rhetoric and performance. While we seek to follow the analytical insights of Carpenter (2001), the nuances of ICPC’s operations that differentiate it from those of the subjects of Carpenter’s study (pointed out in sub-section 3.2.1 above) shall guide our analysis.

One of the critical aspects of bureaucratic autonomy identified in the literature is the ability of the public agencies to craft their own identities, to project their capabilities in the effective delivery of their mandates and to manage their reputation amongst their multiple audiences. It will be interesting to observe how the ICPC has fared in these areas in dealing with its multiple and varied stakeholders and partners: the government (the politicians), the Nigerian citizens, the media, other ACAs in Nigeria, other public organisations including ministries, departments, and agencies (the MDAs), the civil society, and the international donors and partners. How has the ICPC evolved over the years as it strives to assert its operational autonomy?

Finally, the ICPC is a creation of the Nigerian state. Nigeria has a long history of failed anti-corruption programmes leading to a sense of cynicism amongst its citizens. Has the ICPC found any credible way of differentiating its mission and identity from the larger image of the Nigerian state amongst the citizens? What reputation has

the Commission created for itself professionally, technically, morally and in terms of its overall effectiveness in curbing corruption in Nigeria?

3.7 Conclusion.

At the core of the arguments in this thesis is the level of the bureaucratic autonomy that the ICPC possesses in the planning, designing, and implementation of its strategic operational decisions beyond the spheres of control of the government and the political class at any material time in the years covered by this study (2000 – 2017). My main argument is that it is the opportunities that exist within these operational areas that the ICPC explored to exert itself to remain visible as a foremost anti-graft agency despite the competition and existential challenges that it faced from the EFCC.

To lay a foundation for the contextual analyses of our empirical findings, we have, in this chapter, reviewed the various definitions of bureaucratic autonomy to understand the nuances that should be keenly observed in the course of the empirical work. Moreover, we discussed the various factors that could determine the level of autonomy at the disposal of public agencies depending on their structure, the nature of their tasks and cross-country differences in public administration traditions.

Finally, we analyse the concept of bureaucratic reputation as the cornerstone of bureaucratic autonomy of public agencies and draw some insights on how the review of the literature in this chapter would help us to contextualise the empirical data on the operational activities of the ICPC with a view to making our contributions to the burgeoning literature in the field of bureaucratic autonomy and anti-corruption programmes. The next chapter of the thesis focuses on the evolution of the ICPC and the crafting of its institutional identity amidst its multiple audiences.

Chapter 4

The ICPC through the Years: The Struggles for Space in a Contested Anti-Corruption Campaigns Terrain

4.1 Introduction

In chapter 2, I discussed the politics of anti-corruption campaigns in Nigeria and argued that fighting corruption is susceptible to the prevailing political atmosphere in any period, particularly so in the case of the ICPC because its mission, as stipulated in the ICPC Act, is circumscribed to the offences of public officials. As a result, the historical experiences and outcomes of anti-corruption campaigns in Nigeria influence the current implementation policy options of the ICPC.

However, in addition to the socio-political contextual backgrounds of Nigeria's corruption problem, it is important to pay attention to other factors that could influence the components and directions of anti-corruption policies and practices of the Commission. In this chapter, I shall focus on the institutional trajectory of the Commission over the years – another critical determinant of its anti-corruption strategies. My aim is to analyse how the ICPC has adapted itself to its challenging competitive multi-institutional operational environment as it strives to achieve its mandate while asserting its autonomy too.

This chapter argues that the Commission's present corruption-prevention practices are a reflection of its responses to institutional threats to its survival, and its efforts to assert continued relevance in the much-contested multi-institutional space of anti-corruption law enforcement in Nigeria. The Commission's trajectory is examined within the context of Nigeria's anti-corruption campaign efforts from 1999 to 2017; its leadership changes and the various priority projects and programmes over the years 2000 - 2017; and finally, the Commission's institutional perspectives on

Nigeria's corruption problem, which are reflected in its various anti-corruption measures implemented in the years under review. My submission is that the ICPC's approach to anti-corruption campaigns is also shaped by its determination to survive and to hold its institutional position in the face of existential challenges, competition for operational space, and its resilience to the inconsistent political will of the Nigerian leadership to genuinely rid the country of corruption.

4.2 Anti-Corruption Campaigns Under Nigeria's Fourth Republic: 1999 to 2017

From the return of democratic governance to Nigeria in 1999 till 2017, the country has conducted five general elections, which have produced four different presidents (administrations) including the incumbent, Mr Muhammadu Buhari, who came into office on 29 May 2015.⁵⁸ As the leading anti-corruption institutions in Nigeria with full preventive and enforcement powers have remained largely unchanged in terms of their number and mandate through the various governments since 1999, no attempt will be made to discuss their activities under each of the administrations in sub-sections. As discussed in chapter 1, the two leading anti-corruption agencies in Nigeria's post-1999 democratic governance have been the ICPC and the EFCC, whose operations constitute the focus of this chapter.⁵⁹

Indeed, the general perception of Nigeria's post-1999 pursuit of anti-corruption campaigns under the different leaders has been mixed. President Obasanjo (in power 1999 – 2007), remains a prominent figure for championing the enactment of the laws that institutionalised both the ICPC and the EFCC, and thereafter entrenched a wider

⁵⁸ These elections were held in 1999, 2003, 2007, 2011 and 2015

⁵⁹ There are other much less pronounced anti-corruption structures and institutional set-ups that have also contributed to the wider institutional environment for anti-corruption initiatives in Nigeria. For example, the Technical Unit on Governance and Anti-Corruption (TUGAR), the Nigeria Extractive Industries Transparency Initiative (NEITI), the Code of Conduct Bureau and Tribunal, the Bureau of Public Procurement (BPP) and the Nigeria Financial Intelligence Unit (NFIU).

network of institutional reforms particularly in the wake of Nigeria's push for the 2006 Paris Club debt forgiveness (Callaghy, 2009, p. 1), and provided the enabling political support for the anti-corruption agencies to perform their functions (Adebanwi & Obadare, 2011, p. 195). Initially, the spate of anti-corruption enforcement operations, especially by the EFCC, in terms of the arrests, trials and securing of convictions of a significant number of Politically-Exposed Persons (PEPs) received global acclaim, and improved Nigeria's Corruption Perception ratings (Ibid, p.193).⁶⁰ However, to critical observers, except in a few cases, the anti-corruption agencies were used as tools in Obasanjo's pursuit of political vendettas (Enweremadu, 2006, p.55; Agbiboa, 2013a, p. 53; Folarin, 2009, p.16; Ojo, 2016, p.15; Inokoba & Ibegu; 2011, p. 290). The public figures prosecuted and convicted were mostly either Obasanjo's political opponents or those who had somehow fallen out with his style of governance within his party – the People's Democratic Party (PDP) (Lawson, 2009, p. 85; Ojo, 2016, p. 15; Umar, 2015, p. 51, Inokoba & Ibegu, 2011, pp. 288-289; Adebanwi & Obadare, 2011, pp. 200-201; cf. Enweremadu, 2006, p. 54). Events towards the end of Obasanjo's second term in office widely confirmed this position when many corruption scandals involving Obasanjo's close aides, in the fall out of his failed third-term agenda, were neither investigated nor prosecuted.⁶¹

Under the government of Umar Musa Yar Adua (in power 2007-2010), the pursuit of anti-corruption enforcement actions against leading political figures in the

⁶⁰ One of the high-ranking public officials investigated, arrested, charged and convicted for corrupt practices was Mr Tafa Balogun, then a sitting Inspector-General of the Nigeria Police (Lawson, 2009, p. 85); (BBC, 2005): Nigeria ex-police chief detained available at <http://news.bbc.co.uk/1/hi/world/africa/4394423.stm> accessed on 22/09/2019. This was one of the few cases that bolstered the credibility of the EFCC as a financial crime-fighting agency.

⁶¹ Adebanwi (2012, pp. 217-260) provides an extensive account of one of the biggest corruption scandals that involved President Obasanjo, his then Vice President – Mr Abubakar Atiku – and their close political associates in the wake of the fall-out of the third-term agenda. This particular scandal encapsulates the politics of anti-corruption of the Obasanjo era more than any other.

ruling party was weak (Umar, 2015:51). The emergence of Yar Adua as the successor to Obasanjo had split the power brokers within the PDP; and in the ensuing years, the politicians in the good books of President Yar Adua (mostly the ex-governors who had lost their immunity against prosecution) received “soft landings” in the courts.⁶² Before he was incapacitated by his failing health, Yar Adua had abruptly sacked the widely celebrated Chairman of the EFCC – Mr Nuhu Ribadu (Adebanwi, 2012; Ojo, 2016, p. 9), in a move that many observers considered to be a setback in Nigeria’s anti-corruption efforts at the time. In addition, a Yar Adua-appointee, Attorney General and Minister of Justice Mr Mike Andoaka contended that neither the ICPC nor the EFCC should be allowed to exercise the prosecutorial powers entrenched in their enabling acts without the authorization of the office of the Attorney-General of the Federation (Adebanwi & Obadare, 2011, p. 203). This was done in a bid to prevent the prosecution of PEPs who were supporters of the president. In spite of these assaults on the institutional independence and integrity of the anti-corruption agencies, and the repeated attempts to either repeal or amend their enabling laws with a view to diminishing their powers (Ijewereme, 2015, p. 2; Adebanwi & Obadare, 2011, p. 203), both the ICPC and the EFCC survived the Yar Adua presidency.

In the years of Goodluck Jonathan’s government (*in power*: 2010 – 2015), Nigeria’s notoriety for corruption once again regained global attention. Jonathan failed to exercise sufficient restraints over his appointees in government. Corruption was

⁶² Governor James Ibori of Nigeria’s Delta State (1999 – 2007), whose arrest eventually led to the sacking of Mr Nuhu Ribadu as the EFCC boss (Adebanwi & Obadare, 2011, p. 204) got a favourable judgement setting him free of all the 170 charges against him in Nigeria’s High Court. He was however convicted and sentenced to 13 years in prison by a London court after pleading guilty to some of the charges for which he had previously been “discharged” in Nigeria. See (The Guardian, Nigeria, 2009): “Court Clears Ibori of graft charges, EFCC kicks” available at <https://guardian.ng/news/nigeria/national/court-clears-ibori-of-graft-charges-efcc-kicks/> (Last accessed: 25/05/2020). See also; (The Guardian, UK, 2012): “Former Nigeria State Governor James Ibori receives 13-year sentence” available at <https://www.theguardian.com/global-development/2012/apr/17/nigeria-governor-james-ibori-sentenced>. (Last Accessed on 24/09/2019).

perceived as widespread and the situation was not helped by the President's statement on national television that the stealing of public property (funds) is not corruption. While speaking on national television during a live presidential media chat on 5 May 2014, Mr Jonathan said that going by the findings of a special committee set up to review the corruption cases that were being prosecuted by the EFCC and the ICPC, it was obvious that "stealing is not corruption". Many misconstrued his statement until he held another media chat on 12 February 2015, a few weeks before Nigeria's 2015 general election (during which he sought re-election) to clarify the previous statement that "stealing is not corruption".⁶³ He insisted that it was the then Chief Justice of Nigeria (CJN), late Justice Dahiru Musdapher, who affirmed that over 80% of the corruption cases filed by the ICPC and EFCC had nothing to do with the core mandates of these anti-corruption agencies. The CJN had submitted that the overwhelming majority of the cases were simple instances of stealing of public property, which the police could adequately deal with without necessarily overburdening the capacity of the specialised anti-corruption institutions. Mr Jonathan went further to insist that, if he had the power, going by the public's sociological understanding of stealing and the societal stigma that Nigerians have against thieves, he would insist that individuals facing corruption charges are instead charged with stealing. This would have replaced a range of specific corruption charges, such as money laundering, financial misappropriation, contract inflation amongst others, which do not carry the same sociological meaning and condemnation as much as stealing among ordinary Nigerians. This clarification appeared to have come too late at the time.

⁶³ The video clip of the presidential media chat during which this clarification was made is available here: (Uncensored, 2015): President Jonathan@ Media Chat "I didn't say stealing is not corruption" <https://www.youtube.com/watch?v=va32xNXmjd8> (last accessed 10/05/2020).

In fact, the negative appraisal of the Jonathan's government anti-corruption record, fuelled by the penetrating power of social-media campaigns contributed in no small measure to his defeat by the candidate of the then opposition party, the All Progressives Congress (APC) – Mr Muhammadu Buhari – who campaigned on his high profile and records as an anti-corruption czar during Nigeria's 2015 presidential elections (Pierce, 2016:195).

The Buhari government (in power since 2015) took a number of initiatives targeted at improving transparency and accountability in Nigeria's public administration upon his assumption of office.⁶⁴ The anti-corruption agencies continued their operations with increased fervour under the new government. Against a background of massive looting of public resources in the previous government of Goodluck Jonathan (Adesina, 2016, p. 18-19), sizeable recovery of stolen funds and assets had taken place.⁶⁵

However, a few years into the administration of President Buhari, some of his serving appointees were accused of committing corrupt practices.⁶⁶ While the investigations of former officials in the previous administrations (post-regime

⁶⁴ These initiatives include: the setting up of the Federal Government's Treasury Single Account (TSA) to harmonise government revenue intake through only one centralised account, thereby eliminating duplication of accounts and the consequent diversion of government funds (Amadi & Obutte, 2018); the whistle-blower policy targeted at increasing the rate of detection of corrupt practices as the government promised a reward package for any individual with vital information that can lead to investigation and subsequent blockage or retrieval of public looted funds (Sogunro, 2017). See <https://africanarguments.org/2017/05/04/whistle-blowing-wont-save-nigeria/>. Accessed on 24/09/2019; and Bank Verification Numbers (BVN), which provide a unique identity for all bank-account holders in Nigeria for easy monitoring of financial transactions and curtailment of money-laundering activities (Nwadinobi & Peart, 2018).

⁶⁵ See (Vanguard Nigeria, 2018): "EFCC recovers ₦871 in looted funds, 407 mansions in 3 years – Magu." available at <https://www.vanguardngr.com/2018/11/efcc-recovers-n871bn-looted-funds-407-mansions-in-3-years-magu/>. Last accessed on 24/09/2019.

⁶⁶ For example, the Secretary to the Government of Nigeria, Mr Babachir Lawal, was alleged to have diverted the sum of ₦200 million, which was meant for the welfare of the Internally Displaced Persons (IDPs) in Nigeria's North East under the Boko Haram insurgency, into personal account. See (Vanguard, Nigeria, 2017): N200m grass cutting scandal: Again, Babachir shuns Senate. <https://www.vanguardngr.com/2017/04/n200m-grass-cutting-scandal-again-babachir-shuns-senate/>. Last accessed on 24/09/2019.

accountability) continued, there were no serious attempts to investigate and prosecute incumbent public officials. This led to accusations of selective enforcement against the anti-corruption institutions (Ibid, p. 19). It became worse when the political alignments ahead of the 2019 general elections ignited cross-party alliances. A number of prominent members of the opposition parties (led by the PDP) who were under investigations or prosecution for corruption, either had the investigations against them suspended indefinitely, the charges dropped, or the court cases adjourned indefinitely on frivolous grounds as soon as they cross – carpeted to the ruling party, APC (Onyema et al. 2018, p. 8).⁶⁷ To observers – both local and foreign – this proved that the current anti-corruption enforcement operations were being unduly politically influenced, and thus lacked objectivity and fairness (Amannah & Adeyeye, 2018, pp. 22-23). This is of significant interest to our study of the de facto autonomy of the Commission as presented in the empirical chapters of the thesis.

Perhaps Nigeria's experience provides a suitable case study for the link between democracy, good governance and socio-economic development⁶⁸. In recent years, despite being under democratic government for nearly two decades, with each government promoting various anti-corruption rhetoric and continuous government "commitments" to the fight against corruption in Nigeria, corruption scandals seem to be on the rise. Even with the increased awareness and sensitization about public

⁶⁷ Towards the 2019 general elections, one of the opposition party members who cross-carpeted to the ruling party was Mr Godswill Akpabio, a two-term ex-governor of Nigeria's Akwa-Ibom State (2007 – 2015). His pending corruption investigations with the EFCC were suspended, thereby raising public resentment. See (The Guardian, Nigeria, 2019): I didn't order EFCC to stop investigating Akpabio – Buhari available at <https://guardian.ng/news/i-didnt-order-efcc-to-stop-investigating-akpabio-buhari/>. Accessed on 24/09/2019.

⁶⁸ Some analysts predict that more democracy leads to less corruption. However, recent theoretical expositions have shown possibilities of different outcomes between democracy and corruption. See Rock, 2007: "Corruption and democracy", DESA Working Paper 55, available at: <http://www.un.org/esa/desa/papers/>.

finances in Nigeria promoted by NGOs⁶⁹; the abuse of office generally, and financial misappropriation and stealing of public funds in particular, remain unabated. In fact, Nigeria's civilian regimes' prosecution of anti-corruption campaigns has coincided with the reported theft of state resources on a large scale (Adebanwi & Obadare, 2011, p. 187).

4.2.1 Prosecution of Corruption Cases Not a Tea Party

In addition to the foregoing political dynamics of inconsistent commitments to anti-corruption campaigns, the leadership of anti-corruption agencies are faced with the task of following through prosecuted cases with lengthy court proceedings usually taking over a decade, and substantially consuming their meagre financial resources. Indeed, this sometimes ended up with the accused person receiving penalties not commensurate with the object of their crime and the financial and other resources invested in the pursuit of the cases, if and when they are eventually convicted.⁷⁰ Between 2003 and 2007, the EFCC secured convictions for over 90% of cases filed in the courts (Ribadu, 2010, p. 9). However, it was observed that the bulk of the convictions were related to advance-fee fraud and other related offences committed by private individuals – non-public officeholders with little or no political influence (Adebanwi & Obadare, 2011, p. 202). From 2001 to 2015, the ICPC filed a total of 482 cases and secured 72 convictions (Babasola, 2017, p. 129), representing a 15% conviction rate (for the ICPC), with an overwhelming majority of these convicts being

⁶⁹ The NGOs are a distinct phenomenon of Nigeria's post-1999 multi-party era as they play vital roles in a number of flourishing anti-corruption efforts that are not government-led. For example, in recent years, NGOs like Budgit ([www.https://yourbudgit.com/](https://yourbudgit.com/)) have contributed immensely to public awareness and education about government financial activities and project monitoring to ensure transparency and accountability in budgetary process, revenue allocation and execution of public projects. See chapter 4 for more details about the significant roles of the NGOs in Nigeria's anti-corruption efforts 1999 to 2017.

⁷⁰ For example, Mr John Yusufu was prosecuted on a three-count charge bordering on the stealing of the sum of ₦23.3 billion of Nigeria's pension funds. Upon conviction, he was given a sentence of two years in prison or an option of paying ₦750,000.00 fine. He paid the fine and became a free man thereafter. (See Albert & Okoli, 2016, p. 739).

low-ranking bureaucrats, and no high-ranking Politically-Exposed Persons (PEPs) (ICPCLR, 2013, Vol. 1). Moreover, in most cases for the ICPC, these convictions attract negligible fines and relatively little or no prison term (Albert & Okoli, 2016, p. 732). The ICPC faces a peculiar challenge in this regard because unlike the EFCC, the ICPC is charged with the responsibilities of combating public (political and bureaucratic) corruption, which as I have argued, is more difficult to prosecute given its politicization as discussed in chapter 2. On this note, the ICPC Lagos Zonal Co-ordinator lamented about his experience thus:

...in terms of cost, it's bad. (laughs). It's really bad. I told you that I prosecuted a case in Abeokuta, Ogun State. Now, it took me six years to complete that case. Of course, at the end of the day, we got a conviction quite alright but I prosecuted that case for six years. This was a case involving a local government in Waterside in Ogun State. It was a counsellor that was given money to go and dig [a] borehole for his community. He embezzled the money. A petition was written against him to the Commission. We investigated and we found that he actually received the money and he didn't do the work and the money is gone. I was told to prosecute the case. That case took us six years. Now, for that six years (sic), we actually started when I was still in headquarters and I was coming with a colleague to Abeokuta. From Abuja to Abeokuta, it became softer[sic] when I was moved to Ibadan. It was easier, nearer but sometimes my colleagues still have to come from Abuja for court appearances. Unfortunately, the money that was embezzled was about three hundred thousand naira (N300,000.00). For six years, we continued this case. Sometimes without notification, we would come for court sitting but the court won't sit. However, in fact, one of the reasons that complicated the case was that we were on it when the judge in charge went to an election petition tribunal sitting. We have [sic] to wait for him to return. He came back shortly thereafter. We lost him. He passed on. It took almost another year for the case to be assigned to another judge. When it was assigned to another judge, we had to start again. So, we are now talking about prosecution. We have not spoken about the investigation aspect of it. What it cost our investigators to be moving from Abuja to Ogun Waterside to get the evidences and witnesses and so with regards to costs, we can't even compare enforcement with the other mandates (Personal interview of ICPC Lagos Zonal Co-ordinator, Lagos, Nigeria, April 2017).

In addition, as key PEPs (notably ex-governors) who enjoyed constitutional immunity when they were in office are now dominant members of the national parliament, it has not been easy getting the request for the amendment of the ICPC

Act through Nigeria's national assembly⁷¹. Although the direct political control on the Commission by the National Assembly may not be significantly emphasised in the ICPC Act, there is evidence of its grips on the Commission's powers. In fact, the ICPC Chairman stated that attempts have been made to pass an amended Act which would have effectively whittled down the powers of the ICPC. Faced with this challenging operational environment, he confirmed that the ICPC under his leadership has concentrated much of its resources in the pursuit of its preventive anti-corruption strategies with the aim of reducing the opportunities for corrupt practices in Nigeria. In his words:

... and of course the whole world is beginning to veer towards what has been my position: prevention. So we are doing a lot more of prevention activities and designing processes and developing capacity. How to police a crime is totally different from how anti-corruption agency should deal with crime of corruption and that has been my major target. Its taking a lot of time and misunderstanding but I think people are beginning to understand that we need different approaches completely. If somebody takes money from your account more than two times, then, you are silly. Because he is not smarter than you are; because it's your money. You must also begin to design a process that if he decides that he is going to try it the third time, he will be caught right there in the bank (Personal interview with the ICPC Chairman, Abuja, Nigeria, May 2017).

He explained further that, in contrast to the enforcement mandate, the prevention mandate is devoid of allegations of political interference by members of the public. Moreover, if the opportunities for corrupt practices are reduced, the cost impact of corruption on society both in terms of the financial burden of the theft, and the prosecutorial legal costs will be avoided or minimized. Moreover, some officers of the Commission also told me that the Commission explores all alternative administrative

⁷¹ Personal interview with the ICPC Chairman, Abuja, Nigeria, May 2017. See also Enweremadu (2006, p. 57) on the futile attempts in February, 2003, of the two chambers of Nigeria's National Assembly to amend the ICPC Act and weaken the powers of the Commission in response to a perceived abuse of the Commission's operations against the Legislators by the office of the President.

actions to resolve cases of corrupt practices reported to it without recourse to prosecution wherever possible.⁷² In the next section, I examine how the evolution of the ICPC over the years 2000 – 2017 has impacted on its choice of operational strategies.

4.3 Leadership Successions and Priority Programmes of the ICPC

By 29 September 2017, the ICPC had operated for 17 “uninterrupted” years under various leadership teams with varying operational and strategic priorities in the face of institutional and operational challenges. In these years, the affairs of the Commission had been directed by three substantial chairmen and two acting chairmen. Here, I shall focus on the operational activities under the substantial chairmen who exclusively enjoyed the statutory protection of their tenure in office – an important factor for the planning and implementation long-term operational priorities.⁷³ These substantial chairmen include the late Justice Mustapha Akanbi (2000 – 2005)⁷⁴, Justice Emmanuel Ayoola Rtd. (2005 – 2010)⁷⁵ and Mr Nta Ekpo (2012 – 2017).⁷⁶

⁷² A key practical norm in resolving corruption cases is asset forfeiture and recovery without prosecution. For example, in January 2017, the ICPC recovered over 40 government project vehicles from retired directors from the Ministry of Water Resources. At a ceremony marking the handing-over of the recovered vehicles to the ministry, the Commission told the media that the indicted directors would be prosecuted. However, as at 25/09/2019, this case was not listed as one of the pending court cases of the ICPC. See the list of outstanding cases at <https://icpc.gov.ng/downloads-beta/>. Accessed on 25/09/2019.

⁷³ In contrast, none of the chairpersons of the EFCC had ever completed their tenure in office. Successive chairpersons of the EFCC from Mr Ribadu (2003 – 2007) to Mr Ibrahim Magu (in office as ag. Chairman 2015 – 2020) had always been dismissed or suspended from office by the President.

⁷⁴ The Late Justice Mustapha Akanbi retired as the President of the Nigerian Court of Appeal before his appointment as the pioneer Chairman of the ICPC in the year 2000 by the then President Olusegun Obasanjo. See <https://icpc.gov.ng/justice-mustapha-akanbi/> (Last accessed 24/04/2020).

⁷⁵ Justice Emmanuel Ayoola retired from the Supreme Court of Nigeria in the year 2003 before his appointment as ICPC Chairman in the year 2003, yet again by President Olusegun Obasanjo. See <https://icpc.gov.ng/justice-emmanuel-ayoola/> (Last accessed 24/04/2020).

⁷⁶ Mr Nta Ekpo, a lawyer with over 20 years post-call experience then was first appointed as an acting chairman of the ICPC in November 2011 before being substantively confirmed for the statutory five-year tenure in September 2012. See: <https://icpc.gov.ng/mr-ekpo-nta/> and also https://nsiwc.gov.ng/Commissioner_Comp_2017.php (Last accessed 24/04/2020).

In the early years of its operation under the leadership of Late Justice Akanbi, the Commission faced seemingly insurmountable statutory challenges that nearly led to its cessation, or at best, the whittling down of its powers as enshrined in the ICPC Act. The ICPC Act, which focuses mainly on public sector corruption, describes a public officer as:

...a person employed or engaged in any capacity in the public service of the Federation, State or Local Government, public corporations or private company wholly or jointly floated by any government or its agency including the subsidiary of any such company whether located within or outside Nigeria and includes Judicial officers serving in Magistrate, Area or Customary courts or Tribunals (Section 2 of the ICPC Act).

This implies that the Commission (a federal institution) was created to fight corruption across all the levels of government in Nigeria without any recourse to the constitutional implications of the power-sharing arrangements in Nigeria's federal system. While opinions differed amongst legal experts on this, there were a number of significant litigations, challenging the powers of the federal anti-corruption institution over the states and local governments in Nigeria, with cases reaching up to the Supreme Court of Nigeria.

In the most celebrated case, *Attorney-General of Ondo State v. Attorney-General of the Federation and 35 others*,⁷⁷ Ondo State (South-West Nigeria) challenged the constitutional powers of the federal government of Nigeria to expand its anti-corruption activities to Ondo State territory (Enweremadu, 2012, p. 19; Arowolo, 2006, p. 210; Yusuf, 2011, p. 68) and called for the nullification of ICPC powers in the context of Nigeria's federation. The plaintiff argued that the federal constitution of Nigeria made no provision for the power to legislate against corruption

⁷⁷ 9 NWLR (Part 772) pp. 222 – 474.

offences either in its exclusive or concurrent legislative lists.⁷⁸ Specifically, two fundamental questions were raised before the Supreme Court of Nigeria. One was whether or not the National Assembly can competently enact laws in furtherance of, or in effectuation of, Section 13(5) by virtue of Item 60 (a) of Part One of the exclusive legislative list, in the second schedule to the 1999 Constitution. The second was whether or not the provisions of the Act (the anti-graft law of 2000) had impeded, encroached upon, or removed the legal rights of the plaintiffs, and if so, whether the provisions of the Act were thereby rendered unconstitutional (The Guardian, 9 June 2000, p.37 cited in Enweremadu, 2012, p. 19). On its side, the federal government argued that its creation of the ICPC was premised on its constitutional powers to make laws for the peace, order and good government of the federation according to section 4 of the constitution of the Federal Republic of Nigeria 1999 (as amended).

On 7 June 2002, in a landmark judgement, a constitutional panel of the Supreme Court unanimously dismissed the challenge to the authority of the ICPC and its enabling Act. The court affirmed that by the combined interpretation of the Sections 4,⁷⁹ 15(5),⁸⁰ 88(2)(a) and (b),⁸¹ paragraph two of Part III of the Second Schedule and Item 60(a) of the Exclusive Legislative List of the Constitution,⁸² the National Assembly was granted the power to create the ICPC through its enabling Act. With this judgment, the uncertainty over the powers, jurisdiction and competence of the ICPC in combating corruption through the federation of Nigeria became settled.

⁷⁸ According the Constitution of the Federal Republic of Nigeria 1999 (as amended), matters in the exclusive lists are reserved only for the federal government to administer while both the federal and the state governments share the powers over the items listed in the concurrent list.

⁷⁹ Section 4 of the CFRN 1999 (as amended) Section 4 confers powers on the Assembly to make laws for the “peace, order and good Government of the Federation or any part thereof”.

⁸⁰ Section 15(5) provides that “The State shall abolish all corrupt practices and abuse of power”.

⁸¹ Section 88(2)(a)–(b) confers power on the federal legislature to “expose corruption, inefficiency or waste in the administration of laws within its legislative competence”.

⁸² Item 60(a) states that the federal legislature has the power to establish and regulate authorities “for the Federation or any part thereof” in order to “promote and enforce the observance of the Fundamental Objectives and Directive Principles of State Policy” contained in the Constitution.

However, while the legal tussle lasted, some significant setbacks to the effective commencement of the operations of the ICPC were noticeable. For example, in the early years of the Commission, instead of focusing on the fight against corruption, the ICPC chairman was faced with an existential crisis threatening the soul of the Commission and he was busy campaigning on why the Commission must be allowed to survive (The Cable, June 13, 2018).⁸³

In the formative years of its activities, the ICPC's operational outlook was largely defined by its three main operational areas, namely: enforcement, prevention and public mobilization against corruption. Nevertheless, for much of the tenure of late Justice Akanbi, the Commission was publicly perceived as underperforming. Between the years 2000 and 2005, the ICPC secured only four convictions (Babasola, 2017, p. 129) and no conviction of high ranking official (Arowolo, 2006, p. 203). On this, the late Justice Akanbi reflected:

No matter its limitations, the ICPC is very significant because it provides the only basis on which the rest of the world could see that we are serious about this corruption problem; that we are willing to tackle it. The only basis on which we can hope that someday, we too can drop corruption as a way of life. We may not have succeeded in prosecuting any big thief yet, and government at all levels may still be populated by herds of sacred cows. But ICPC has provided us with a structure to talk about corruption and to re-stigmatize this behaviour that has been so normalised over the years." (The Cable, June 13, 2018) ⁸⁴

In fact, other indicators of the ICPC's self-assessment, such as number of petitions received per annum over the period, reflected either the public's lack of awareness or lack of confidence in its operation. Another existential threat to the ICPC was the loss of international credibility regarding Nigeria's seriousness in

⁸³ See (The Cable, 2018) available at <https://www.thecable.ng/mustapha-adebayo-akanbi-incorruptible-judge-1932-2018>.

⁸⁴ Extract of late Justice Mustapha Akanbi's speech as a keynote speaker at the Africa Leadership Forum workshop on anti-corruption in October 2002. See <https://www.thecable.ng/mustapha-adebayo-akanbi-incorruptible-judge-1932-2018>. (Last accessed 10/05/2020).

fighting corruption, despite years of operation of an independent anti-corruption institution such as the ICPC between 2000 and 2004. Nigeria's corruption perception and credibility within the international business community improved only after the establishment and commencement of the operations of the EFCC in the year 2004.

In September 2005, Justice Emmanuel Ayoola (Rtd) was sworn into office as the second substantive chairman of the ICPC. One of the challenges that he inherited in addition to the competitive operational environment was the identity crisis of the ICPC. It was unclear whether the ICPC should operate as a paramilitary law-enforcement institution or as a bureaucratic (civil-service-styled) institution.⁸⁵ Justice Ayoola (Rtd) was reputed for his overbearing persuasive approach to the control of corruption, which went beyond the punitive measures prescribed under the enforcement mandate of the Commission (Sahara Reporters, September 1, 2008).⁸⁶ In several public lectures, he religiously canvassed for the re-orientation of the people against corrupt practices. Nevertheless, in the 2006 annual report of the Commission, the chairman noted that "it may be difficult to elaborately mention all the areas the Commission had made progress but even the few highlights reveal that it is already on the path of greatness" (ICPC, 2006, p. iii). These highlights include commencement of investigations on 160 petitions out of the total of 234 petitions

⁸⁵ Section 3(4) of the ICPC Act provides that the chairman shall be a person who has held or is qualified to hold office as judge of a superior Court of Record in Nigeria. In compliance with this provision, all the substantive chairmen of the ICPC had been individuals with a legal-education background and experience. The pioneer chairman and his immediate successor were retired Justices of the Court of Appeal and Supreme Court of Nigeria respectively, while the third substantive chairman was a lawyer of over two decades post-call experience. In contrast, the EFCC chairmen have always been serving police officers in compliance with Section 2 (a) (ii) of the EFCC Act (2004), which provides that the chairman of the Commission must be a serving or retired member of any government security or law-enforcement agency, not below the rank of Assistant Commissioner of Police or equivalent. In terms of operational outlook, the EFCC has caught more media attention with its media exposition of accused persons under investigation, while the ICPC practices a cautious approach to its investigative activities in particular. According to Mr Nta Ekpo, conviction for corruption carries criminal and not civil penalties. This makes such punishment non-reversible in most instances and that is why the ICPC has always been meticulous in its approach to its enforcement mandate.

⁸⁶ See (Sahara Reporters, 2008) available at <http://saharareporters.com/2008/09/01/icpc-chairman-must-resign>.

received for the year (Ibid, pp. 13 – 14). Also, the sum of ₦118,125,032.14 was recovered from suspects. Overall, the Commission initiated prosecution proceedings for 39 cases. This was higher than the prosecuted cases by the ICPC in any single year between 2001 and 2005 (ICPC, 2006, p.21). Finally, five convictions were secured against accused persons in various courts across the federation as against a combined total of four convictions from 2000 to 2005 (Ibid, p. 21).

In the 2006 ICPC annual report, the Commission revealed its performance in the prevention and public-mobilization operational areas to include the inauguration of 23 units of Anti-Corruption and Transparency Unit (ACTU) in various government Ministries, Departments and Agencies (MDAs),⁸⁷ the completion of 11 system studies and reviews in various MDAs and the publications of ICPC news in bi-weekly and quarterly media. The education unit also recorded the launching of 15 National Youth Service Corps (NYSC) Community Development Service groups, the launching of the National Values Curriculum (NVC), 14 Anti-Corruption Clubs in schools, and the registration of 83 National Anti-Corruption Coalition (NACC) member organisations across Nigeria. In order to increase its presence across the country, the Commission also launched a number of initiatives such as the Integrity First Initiative, the Chairman's Guest Forum and Integrity Lectures to mobilize support against corrupt practices among the Organised Private Sectors (OPS). In total, the Commission operated with 373 (276 senior and 97 junior) staff members across the headquarters and six state offices in Bauchi, Edo, Enugu, Kaduna, Kogi and Lagos.

⁸⁷ The Anti-Corruption and Transparency Units (ACTUs) were established in 2001 and domiciled in government ministries, departments and agencies (MDAs) as complimentary outreaches to strengthen the implementation of the ICPC's corruption-prevention mandate. ACTUs have all the powers of the ICPC (delegated) except prosecution in matters related to corrupt practices. See chapter 5 for a detailed analysis on the activities of ACTUs.

By the year 2010, when Justice Ayoola (Rtd) was leaving office, the annual report showed an incremental trend in all areas of the Commission's operations with more focus on the prevention and public-mobilization activities. In the year 2010, the Commission launched a new Financial Investigations Unit (FIU) in recognition of the fact that most of the petitions it received over the years had been cases of financial abuse of office. In the same year, the Commission investigated 283 cases, filed 40 cases in court and secured nine convictions – the highest on record in any single year. (ICPC, 2010, p. 11).⁸⁸

In its prevention efforts, the Commission re-invigorated the ACTUs, which it described as its “ears and eyes” in the MDAs (ICPC, 2010, p. 13) by creating a national secretariat to co-ordinate their activities. In the same year, 60 anti-corruption clubs were established in schools across Oyo and Akwa-Ibom States, while 6,000 individuals were sworn-in as members of the National Anti-Corruption Volunteer Corps (NAVC). Despite the challenges of funding from the national budgetary provision, the Commission was able to organise some workshops and budgetary process training and monitoring for grassroots participants in 14 states of the federation with the support of the United Nations Development Programme (UNDP). It also expanded the membership of the NACC from 69 to 288.

In September 2012, Mr Nta Ekpo became the substantive chairman of the ICPC. Earlier in his acting capacity, Mr Ekpo had created two new departments: the Corruption Monitoring and Evaluation Department (CMED) and Asset Tracing, Recovery and Management (ATRM) Department in September and October 2011 respectively. He thereafter championed the preparation of a five-year Strategic Action

⁸⁸ It is to be noted that the profile of the accused persons against which court cases were filed and some convictions secured remained similar to the previous years: convicted persons were mainly civil servants and public officials below the rank of a state governor (See *ICPC*, 2010: 8-10).

Plan (2013 – 2017) for the operations of the Commission (ICPC, 2012, p. 2). This plan was drafted in conjunction with consultants from the United Kingdom Department for International Development (DFID) under the Justice for All (J4A) programme to make the Commission more proactive and performance based. Specifically, the strategic action plan emphasised the need for more effective reportage, investigation and prosecution of corruption cases, reduction of system-induced corrupt practices and increased managerial effectiveness of the ICPC (ICPC, 2012a, p. 12).

In the 2012 annual report of the Commission, while appraising the increased corruption-prevention efforts of the Commission Mr Ekpo also emphasised that it has in no way diminished its enforcement activities. In all, the ICPC filed 21 cases, secured five convictions for corruption cases, while 182 criminal cases were pending. Meanwhile, a number of corruption-prevention and public-mobilization programmes were organised in continuation of the efforts of the Commission to stem the tide of corrupt practices in Nigeria.

A chapter of the Students' Anti-Corruption Vanguard was launched at the Ladoke Akintola University of Technology (LAUTECH), Ogbomoso, Oyo State, while the National Anti-Corruption Volunteers, Delta State, was also inaugurated. In the same year 2012, four anti-corruption clubs were in Abuja and two in Ebonyi State were inducted. One of the most important corruption-prevention projects during this period was the commissioning of the team that undertook pilot studies of the Nigerian University System to unravel the general operational systems to mitigate any administrative or operational loopholes that sustain corrupt practices (ICPC, 2012, p. 13).

In 2015 – the last year for which the ICPC annual report has been made available for public use – the summary of the Commission’s activities reflected the operational areas as highlighted in the Strategic Action Plan (SAP). Notably, in terms of the enforcement operations, the Commission received 1,518 petitions across its 16 offices (the headquarters inclusive), investigated 1,171 and filed 60 cases in court. Of these and ongoing court cases, the Commission secured six convictions. It also recovered the sum of ₦1.6 billion and immovable properties valued at ₦10 billion.

Earlier in 2014, the Commission had completed and commissioned its research and training arm, the Anti-Corruption Academy of Nigeria (ACAN).⁸⁹ The ACAN follows the model of the International Anti-Corruption Academy based in Laxenburg, Austria. The ACAN – the brainchild of Mr Ekpo – was established to provide the ambience and facilities for cutting-edge research to support evidence-based corruption-prevention policies and programmes of the Commission. Over the years, the ACAN has provided in-house training for the staff of the Commission across all cadres. Periodically, it also organised bespoke training workshops and seminars for members of professional bodies, civil and public servants across the federation of Nigeria, members of the Civil Society Organisations (CSOs), and most importantly, inducted officers of the Anti-Corruption and Transparency Units (ACTUs) who are career civil servants across the various MDAs in Nigeria.⁹⁰

Although the ICPC is empowered to enforce anti-corruption laws through investigation and prosecution of corruption cases; prevent corruption through system review and monitoring; and mobilize the public against corruption. Evidence suggests

⁸⁹ The Anti-Corruption Academy of Nigeria (ACAN) is the research and training arm of the ICPC. It is the theoretical knowledge-incubation centre for the corruption-prevention activities and bespoke training of the officers of the ICPC and other related institutions in Nigeria. For a detailed analysis of the operations of ACAN, see chapter 7 of this thesis.

⁹⁰ These professional bodies include the Institute of Chartered Accountants of Nigeria (ICAN), Chartered Institute of Bankers of Nigeria (CIBN), amongst others.

that the Commission has been more pre-occupied with the system review and monitoring, and mobilization of the public against corruption, which Mr Ekpo regarded collectively as corruption-prevention activities. According to him, all the activities involved – in system review, corruption monitoring and mobilization against corruption – are proactive in nature in dealing with corrupt practices ex-ante.⁹¹

However, the re-orientation of ICPC's operations might not be unconnected to its desire to remain operational and very relevant in a competitive multi-institutional anti-corruption campaign environment where it has been rivalled strongly by its sister agency – the EFCC. In comparison with the EFCC, ICPC's record of prosecution (and convictions secured) of high net-worth politically-exposed individuals remains lower (cf. Adebani & Obadare, 2011; Babasola, 2017; Ribadu, 2010).

4.3.1 The Struggles for Space in a Contested Anti-Corruption Campaigns Terrain

Over the years, the ICPC has found itself struggling to survive in a multi-institutional anti-corruption campaigns environment in which it has faced a number of existential challenges and institutional competitors, namely the EFCC. Here, I will discuss a number of factors that have influenced the evolution of the ICPC operational focus and its survival strategies under the different leaderships through the years to its present status.

Firstly, the ICPC Act – as pointed out in Chapter 1 – has a number of technical loopholes that have weakened the enforcement capacity of the Commission relative to other anti-graft institutions in the country, particularly the EFCC. Worse still, past attempts to have these lacunas addressed have not been successful.⁹² For instance,

⁹¹ Personal interview with the ICPC Chairman, Abuja, Nigeria, May 2017.

⁹² Personal interview with the ICPC Chairman, Abuja, Nigeria, May 2017

the loose definition of corruption by the section 2 of the ICPC Act to include mainly bribery, fraud and other related offences has made it somewhat difficult for the Commission to prosecute high ranking PEPs at the level of state governors and above, even after the expiration of their statutory immunity against criminal prosecutions. This is because, as a result of the sheer size of the funds involved in such cases and the methods by which these funds were taken out of the government's coffers, the relevant charges are usually filed as money-laundering offences, which are under the mandate of the EFCC as against the scope of bribery and fraud identified under the ICPC Act. Also, sections 52 (1)⁹³ and (2)⁹⁴ of the ICPC Act specifically requires that cases of corruption against serving governors, deputy governors, presidents and the vice presidents can only be investigated by the independent counsel appointed by the chief justice of the Federation and not by the ICPC. Moreover, Section 26(2)⁹⁵ of the ICPC Act, which prescribes the procedures for the designation of courts for the trial of corruption cases investigated by the ICPC has meant that most ICPC court cases were being tried in states' jurisdictions where the impartiality of the trial process could not be totally guaranteed. For example, many

⁹³ Section 52(1) states that: "When an allegation of corruption or anything purporting to contravene any provision of this Act is made against the President or the Vice President of Nigeria or against any state Governor or Deputy Governor, the Chief Justice of the Federation shall, if satisfied that sufficient cause has been shown upon an application on notice supported by an affidavit setting out the facts on which the allegation is based, authorise an independent counsel (who shall be a legal practitioner of not less than fifteen years standing) to investigate the allegation and make a report of his findings to the National Assembly in the case of the President or Vice President and to the relevant State House of Assembly in the case of the State Governor or Deputy Governor";

⁹⁴ Section 52(2) of the ICPC Act states that: "the Commission shall be enjoined to fully cooperate with such independent counsel and provide all facilities necessary for such independent counsel to carry out his functions".

⁹⁵ Section 26(2) of the ICPC Act states that: "Prosecution for an offence under this Act shall be initiated by the Attorney-General of the Federation, or any person or authority to who he shall delegate his authority, in any superior court of record so designated by the Chief Judge of a State or the Chief Judge of the Federal Capital Territory, Abuja...". In effect, even though by virtue of the Supreme Court judgement of 2002, corruption is deemed to be a federal offence, states are still allowed to play a substantial part in the trial of corruption cases. In Nigeria, governors in the respective 36 states of the federation are responsible for the appointment of judges in state high courts. This creates some loopholes for the manipulation of the anti-corruption justice system if the state governors so desire.

of the cases which were being statutorily prosecuted in the state high courts across Nigeria have encountered unwarranted delays owing to the transfer of judges, unnecessary adjournments and frivolous injunctions (Enweremadu, 2006, pp. 51–52). It is noteworthy that most of the state governors in Nigeria did not want the Commission to operate in their territories *ab initio* (Enweremadu, 2012, p. 20).

Secondly, there was a lack of political support for the operations of the ICPC. It is not just enough for the chief executive officer of an anti-corruption agency to enjoy the security of tenure of office. There is a need for an adequate political, moral and steady flow of financial support from the government. This is what the literature describes as *political will* (Quah, 2010, p.49; Gregory, 2015, p.128; See chapter 3). Historical experience of the ICPC clearly shows that there were times when it received “orders from above” to stop its ongoing investigations into cases of alleged corrupt practices against incumbent top government functionaries and there were instances where court cases were withdrawn by the Attorney-General of the Federation after a declaration of *nolle prosequi* on the grounds of political expediency (Ikpeze, 2013, p. 161).⁹⁶ Even in the emerging pattern of post-regime accountability, the continuous underfunding of the operations of the Commission has meant that its limited resources are channelled towards critical and first-line expenditures such as staff emoluments to the detriment of vital operational areas like enforcement activities.⁹⁷

Finally, the ICPC lacks direct access to vital institutional resources such as financial surveillance databases, which anti-graft agencies use to monitor flows of monetary transfers in Nigeria’s financial system. For instance, until 2019, the Nigeria

⁹⁶ A senior official of the ICPC in Kaduna cited government interference in the investigation of a case of bribery against a former Education Minister of the Federal Republic of Nigeria under the government of former President Obasanjo (1999 – 2007).

⁹⁷ Personal interview with the ICPC Chairman, Abuja, Nigeria, May 2017

Financial Intelligence Unit (NFIU) was a unit within the EFCC. This helped the EFCC to gain unfettered access to real-time national financial records and every detail it required to conduct its investigations into cases of financial misappropriation and other related offences like money laundering. Considering how these factors might affect the enforcement operations of the ICPC, it will not be surprising to understand its continuous emphasis on its other mandates that are not impeded by the law that created it.

In the next section, I will discuss the perspectives of the ICPC on corrupt practices in Nigeria and how these have helped the Commission to purposefully direct its operational strategies.

4.4 Understanding the ICPC's Perspectives on Corruption and Anti-Corruption

Having decided to concentrate my research on the corruption-prevention programmes of the ICPC, I became mindful and receptive to the language and art of description of what constitute corrupt practices by observing keenly the day-to-day operations of the agency and the seemingly unofficial dispositions of its personnel. I became attentive to the institutional messages of the ICPC and the practices (both official and unofficial) of its personnel. My focus was to examine, analyse and understand the underlying ideas and thoughts behind its corruption-prevention messages, communicated through handbills, cartoons, stickers, billboards, and poems in all its available periodical publications.⁹⁸ I was equally attentive to the personnel's views of the practicality of what they deem to be "tenable and valid" petitions that merit conclusive investigation according to the official description of

⁹⁸ For this, I consulted ICPC periodicals, such as the *Coalition Digest* and *ICPC News*.

corrupt acts in the ICPC Act. The task of understanding corruption in Nigeria from the perspectives of the anti-corruption agency is vital for various reasons.

Firstly, it gives an insight into how the anti-graft Commission understands the subject matter of corruption and how this is ingrained into its tasks of combating it, particularly through preventive measures – the key focus of this thesis. Secondly, understanding corruption from the perspective of the ICPC tells the researcher how the agency defines corruption in Nigeria in terms of its practices, types, magnitude and spread, its perpetrators and how all of these features individually and collectively determine ICPC's choice of strategies for combating corruption, including the tone of anti-corruption-campaign language and the target audience. And finally, it considers how the Commission's understanding of corruption and the workable approaches to tackling corrupt practices are shaped by its comparative operational advantages, and the determination to survive in a much-contested anti-corruption terrain. Overall, my interest in gathering the materials presented in this chapter is to prepare the grounds for the proper understanding of the corruption-prevention programmes of the ICPC in subsequent chapters.

As a point of departure, the ICPC Act defines corruption to include mainly bribery, fraud and other related offences. The Act criminalises any practices including giving, soliciting and receiving of bribes (and gratuity) to hasten or pervert the course of official assignment. Although the ICPC Act does not explicitly and concisely define what is meant by bribery and fraud, it cites copious offences under Section 8 from which bribery can be inferred to mean the use of rewards to influence the judgment of a person who is in a position of public authority and trust. Fraud refers to the illegal appropriation of public resources for private use or benefit, while "other related offences" may comprise any number of questionable forms of conduct, including

nepotism – the selective distribution of benefit or patronage on the basis of ascriptive relationship rather than merit (Ocheje, 2001, p.179).

This characterisation of corruption by the ICPC Act is in contrast with my observations of official practices of the Commission, documentary evidence and the nature of anti-corruption messages the Commission generates and spreads. In its public education campaigns, seminars and other public engagements, the Commission capitalises on the latitude of “other related offences to contextualise a wider range of corrupt practices beyond bribery and fraud. I shall therefore discuss the nuances that guide the ICPC’s perception of corruption in the next sub-sections. In doing this, particular attention will be given to specific sources upon which the arguments are based. These include messages as contained in printed media, programmes organised or being sponsored by the ICPC, and information gathered in discussions with ICPC officials.

4.4.1 Corruption is Ubiquitous

If there is anything Nigerians agree upon, it is that corruption is one of the major problems of the country and that it is everywhere in Nigeria’s public life. Achebe (1983, p. 2) writes that “wherever two Nigerians meet, their conversation will sooner or later slide into a litany of our national deficiencies”, much the same way the British will talk about the weather. He went further to list these deficiencies to include, notably, the problem of corruption.

Quite a number of recent research findings support the inclination of the ICPC on the ubiquitous nature of corruption in Nigeria. For example, a 2017 United Nations Office on Drugs and Crime (UNODC) report titled “*Corruption in Nigeria – Bribery: Public Experience and Response*” puts the prevalence of bribe payment in Nigeria at

an alarming rate.⁹⁹ As much as 32.3%, representing about a third of all Nigerians who had contact with a public official between June 2015 and May 2016 had to pay, or were requested to pay, a bribe to that public official. These bribes (and extortions) were paid across virtually all the sectors of the Nigerian economy, namely health, education, justice, transport, agriculture, energy, aviation and others.

The report puts the nominal cost of estimated bribes/extortions paid in the reported period at about ~~N~~400 billion. This sum is said to be equivalent of the 39% of the combined federal and state education budgets in the year 2016. While citizens are willing to offer bribes to speed up the delivery of government services which would otherwise be delayed for long periods or even indefinitely, officials extort citizens who opt to evade the payment of a legitimate fine or avoid the cancellation of public-utility services. Most culprits when it comes to bribe-taking in Nigeria are police officers, prosecutors, judge/magistrates, tax/revenue officers and public utilities officers.

In as much as the prevalence of these corrupt practices means that citizens do not only encounter them on a daily basis but also contribute to, and bear their direct financial burdens (Smith, 2007, p. xii), it does not in any way imply that bribes/extortions are the only manifestations of everyday corruption in Nigeria.¹⁰⁰ Far from that, the prevalence of grand corruption is also high and cuts across various sectors of the Nigerian economy. In fact, because of citizens' ambivalence and collective behaviour towards bribery and extortion experience (Hoffmann & Patel, 2017, p. 12), when they talk about corruption, it is always about the massive embezzlement and diversion of public funds by top bureaucrats and politicians – the

⁹⁹ UNODC (2017): Corruption in Nigeria: Bribery: Public Experience and Response. UNODC Viena.

¹⁰⁰ For a detailed discussion of forms of everyday corruption in West Africa, including commissions paid for illicit services, unwarranted fees for public services, gratuity, string-pulling, levy or toll, "white-collar" theft and misappropriation, see Blundo & Olivier de Sardan (2006, pp. 69 – 81).

grand corruption. Although, many of these cases are often scandals in the media without any substantive criminal charges before the courts.

UNODC (2007) puts the estimate of the funds that have been stolen from the coffers of the Nigerian government between 1960 and 1999 at close to \$400 billion.¹⁰¹ It was also reported that between 2005 and 2014 some \$182 billion was lost through illicit financial flows from Nigeria (Hoffmann & Patel, 2017, p. iv). A yearly average figure of these funds is no doubt far higher than the reported bribery estimates of \$400 billion reported for 12 calendar months between 2015 and 2016.

With the embedded message in *figure 4.1* below, the ICPC seems to be aware of this too and also prepares itself to track corrupt practices everywhere in Nigeria and combat it within the limits of its powers.

¹⁰¹ UN Office on Drugs and Crime (2007), "Anti-Corruption Climate Change: it started in Nigeria", speech by Antonio Maria Costa at 6th National Seminar on Economic Crime, Abuja, 13 November 2007. Available on: <https://www.unodc.org/unodc/en/about-unodc/speeches/2007-11-13.html>.



Figure 4. 1 : ICPC tracks and deals with corrupt practices everywhere in Nigeria. This picture is a common feature found on the doors of government offices. Source: Author's photo file

In figure 4.1, there are three stickers: “Volunteer Against Corruption”, “We are watching” and “Stand up for your right”.¹⁰² The first two stickers were solely produced by the ICPC to signal its intention to fight corruption everywhere in Nigeria and moreover, to enlist Nigerians as volunteer-partners in these efforts. The last sticker was jointly produced by the ICPC and the Service Compact (SERVICOM) Office, a federal institution aimed at promoting customer-focused services in public administration.¹⁰³ The sticker that features the wide-open human eye with the

¹⁰² “We are watching” is based on state surveillance and entails a logic in which the initiative is that of the authorities doing the watching, trying to make citizens internalize a policing gaze, act as if they are being watched everywhere that there is possibility of committing a corrupt practice. “Volunteer against corruption” and “Stand up for your rights”, by contrast, engage citizens in an active role in the fight against corruption. This is intended to mobilize the citizens against corruption everywhere they may come in contact with, or witness, any corrupt practice.

¹⁰³ SERVICOM stands for Service Compact with All Nigerians. It was established in 2004 by the Federal Government of Nigeria as one of the inter-agency institutions reflecting the infusion of the ethos of New Public Management into Nigeria’s public administration. The philosophy behind SERVICOM is to raise

message “we are watching” when meticulously interrogated with its spatial spread and coverage shows the readiness of the ICPC in carrying out surveillance operations on all areas of public life that may create opportunities for corrupt practices. Everywhere you go in government offices in Nigeria, this sticker is pasted on the most conspicuous places, usually at the interface between members of the public and the civil servants. For instance, those three stickers were pasted across the main reception counter at the ICPC National Headquarters in Abuja. This act was deliberate as I came across similar posters on almost every door, not only in ICPC offices but across government offices in Abuja and other cities in Nigeria. I assume this was done to create an impression that the Commission is committed to the tracking of official practices in the delivery of government services in Nigeria even though its presence in only 15 state capitals and the Federal Capital Territory (FCT) of the country significantly undermines this.¹⁰⁴

The collaboration between the ICPC and SERVICOM emerged on the understanding that poor public-service delivery in Nigeria is mainly a result of the institutionalised and systemic corruption that pervades Nigeria’s bureaucracy (Ogunrin & Erhijakpor, 2009, p. 52). Despite their similar orientations and anti-corruption imperatives, as will be discussed in chapter 5 of this thesis, the ICPC and SERVICOM do not maintain the same office/unit across government institutions in Nigeria.

the quality of public-service delivery and ensure improved customer satisfaction. SERVICOM gives the public the right to demand good services as well as the right to seek redress when they believe the quality of public-service delivery is below the standard contained in the MDA’s service charter. Every government establishment has at least one dedicated desk serving as a SERVICOM unit, where users of the public service can lodge their complaints about poor service delivery when the need arises. SERVICOM is co-ordinated by a Chief Executive Officer directly reporting to the office of the President of Nigeria. See <https://servicom.gov.ng/our-clinic/about/>. Last accessed on 02/10/2019.

¹⁰⁴ Nigeria is a federation of a Federal Capital Territory (FCT), 36 States and 774 Local Governments. ICPC offices are sited in only 17 locations – the FCT and 15 State capitals across Nigeria. See: <https://icpc.gov.ng/office-locations/> (Last accessed 24/05/2020).

4.4.2 Corruption is both Financial and Non-financial in Nigeria

One of the most contentious issues in defining corruption is the nature of the activities that it entails, not the least in Nigeria. As for the ICPC, what constitutes corrupt practices has proved to be fluid. Although the ICPC Act explicitly defines corruption to mean bribes (the act of giving and taking bribes in the course of doing official jobs), fraud and other related offences; what constitute the other related offences are subject to the discretion of the Chairman of the Commission to decide at any given time.¹⁰⁵ This implies the possibility of changes in the focus of the Commission under the successive chairpersons over the years. By virtue of section 70 sub-sections (a) & (b) of the ICPC Act, the chairperson of the Commission operates with some level of autonomy, which allows for administrative discretions in the direction of the operational activities, and particularly in response to the positions of the incumbent government at any particular period of time.

While it could be inferred that the spirit of the law (ICPC Act) envisaged that corrupt practices may include non-financial abuse of public office by listing as offences such as *corruptly receiving benefits of any kind* in the discharge of official duties (section 8), the non-provision of the exhaustive list of *Other Related Offences* in the discharge of official duties has left the ICPC with no other option than to assume its powers in determining what constitute the *Other Related Offences*.

The ICPC as an “all-round” anti-corruption agency – and in recognition of the far-reaching negative impacts of the non-financial corrupt practices – has initiated and co-ordinated a nation-wide massive anti-corruption sensitization and orientation

¹⁰⁵ ICPC Act section 70 sub-sections (a) & (b) provide thus: Section 70, sub-sections (a) & (b) provide: the Chairman of the Commission may make rules for giving effect to the provisions of this Act and, without prejudice to the generality of this provisions, may make rules: (a) providing for the form of any notice, order, declaration or any other matter under this Act; and (b) for the service or delivery of any notice, order, direction, instruction, or other thing to be done under this Act.

programme – including several projects with NGOs, Schools, the National Youth Service Corps (NYSC) and others. In the course of an interview, a senior member of staff of the education department noted that, on moral grounds, an inclination to corrupt tendencies evolves over a long period of time in an individual's life. If more efforts could be focused on “the training of our children from a tender age, to abhor corruption and all forms of its manifestations, the next generation of Nigerians will be better for it”¹⁰⁶. This informed the decision of the ICPC to initiate, in collaboration with the Nigerian Educational Research and Development Council (NERDC), the drafting and the subsequent inclusion of “National Values” into the National Educational Curriculum. This curriculum is targeted at children from the primary education level. I read through some of its pages to understand the context in which corruption was being taught to the pupils. It was interesting to learn that in the ICPC's understanding of anti-corruption education for school children, little things count. Corruption is taught as “any act that violates school's rules and regulations including but not limited to fighting (physical assault amongst school children), stealing, lateness to school, truancy, sexual immorality, examination malpractices, not doing one's home-work amongst others”¹⁰⁷. As the level of education progresses to high school, the focus on abuses of public office and the sanctions thereof were gradually introduced.

Figure 4.2 below is taken from page 48 of the ICPC Integrity Guide Handbook produced to sensitize NYSC members (a segment of the Nigerian youth population) against corruption. Here, the Commission campaigns against examination malpractices, internet fraud, indecent dressing and admission racketeering. While it

¹⁰⁶ Interview with the Director, Education Department, ICPC Headquarters, Abuja. July, 2017.

¹⁰⁷ Corruption defined in this context goes beyond the provisions of the ICPC Act. From the perspective of the ICPC education and prevention programmes, however, it appears defining corruption in this way is intended to capture all unethical practices among the children that could groom them negatively into becoming individuals with tendencies to commit corrupt practices later in life.

may be argued that all these “crimes” contribute to the level of indiscipline in society, it is not explicit how the ICPC assumes the powers over them as “corrupt practices”.¹⁰⁸ However, considering the years of its public (youth) mobilization against corruption, it becomes quite clear that field experience might have influenced the thoughts of the Commission on Nigeria’s corruption problem, particularly among the youth. From the views of the ICPC, even though these “crimes” do not explicitly fall under its enabling law in most instances, the fact that they contribute to youth indiscipline, and in grooming them to become adults with corrupt-practice tendencies is enough justification to focus on the strategies to prevent them by nipping them in the bud.

¹⁰⁸ Apart from certain non-financial abuses of public office, such as criminal appropriation of public property, it is unclear under what powers the Commission assumes the roles of fighting “other crimes” including examination malpractices and indecent dressing, which may not be directly linked to holders of public office in most instances.

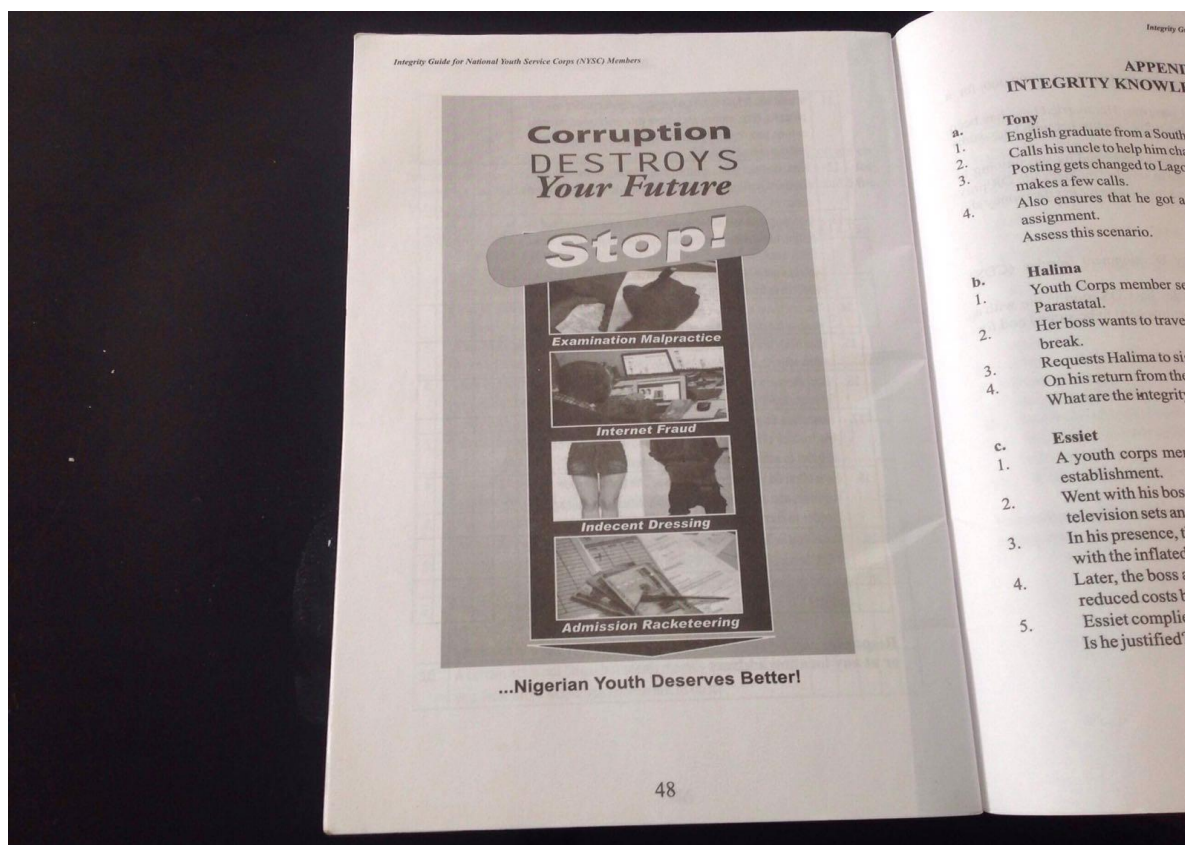


Figure 4. 2: Examination Malpractice, Indecent Dressing, Internet Fraud and Admission Racketeering as Corruption. Source: Integrity Guide for National Youth Service Corps (NYSC) Members. p.48

Within the context of the youth groups, it seems the focus on the non-financial corrupt practices, as highlighted by the ICPC instructional materials (see figure 4.2 above), has to do more about campaigning and changing the mentalities and attitudes of the Nigerian youths about corrupt practices than about punishing such offences. For example, the Commission has neither charged nor prosecuted any student for the offence of examination malpractices. This is one of the grey areas where the ICPC has carved a niche for itself to widen the scope of its autonomy on issues not specifically stated in its enabling Act. The anti-corruption programmes focusing on students' activities have not been challenged or reversed by any stakeholder as they seem to enjoy ex-post legitimacy in the spirit of Carpenter's (2001) work.

Notwithstanding its lack of specific powers on most of these non-financial crimes, (especially corrupt practices by individuals not holding public office) and being the first post-1999 anti-corruption agency to operate within a context of widely perceived declining morality (Smith, 2007, p. 138), the ICPC has taken up the fight against increasing dimensions of amoral practices in public and private sectors of the economy on ethical grounds. For instance, from my field observations of the operations of the Commission, its law-report volumes and pending court cases, proceedings of seminars and workshop, there has been an increased focus on non-financial corrupt practices with punitive measures on convicted culprits. The range of practices that have received ICPC attention is broad and includes the abuse of processes in public recruitment exercises (on grounds of ethnicity and patronage, for instance), examination malpractices, admission racketeering, the operation of illegal universities and colleges, sexual harassment, and the possession and use of fake academic certificates.¹⁰⁹

The implication of the above scenario, in which the ICPC digs deeper into non-financial corrupt practices, to any keen observer of events in Nigeria is that the ICPC has become a jack of all trades. In order to clear any doubts on the focus of the Commission, I asked the chairman what the priority of the ICPC is within Nigeria's anti-corruption landscape, and whether or not the ICPC and the EFCC are complementary or competitive institutions. He was unequivocal in his response. He recounted that the

¹⁰⁹ The ICPC has charged, prosecuted and secured convictions of a number of public officials (like teachers, lecturers etc) who abused their positions by engaging in examination malpractices and sexual harassment in the past. See (**Vanguard, Nigeria, 2019**): (ICPC)Exam Malpractice: Ibadan Poly Lecturer bags 20-year Imprisonment available at <https://www.vanguardngr.com/2019/11/icpc-exam-malpractice-ibadan-poly-lecturer-bags-20-year-imprisonment/> (last accessed 19/05/2020) and (**CNN, 2018**): Nigerian professor in sex for grades scandal gets prison term. Available at <https://edition.cnn.com/2018/12/17/africa/nigerian-professor-jailed-in-sexual-assault-case-intl/index.html> (last accessed 19/05/2020).

ICPC being the foremost agency amongst all, was created with overarching mandates to prevent, investigate, and prosecute *all* forms of corrupt practices in Nigeria. Hence, the Commission's operations are central to those of all other related agencies created after it.

Moreover, the emergence of specialised crimes (such as a money laundering) after the creation of the ICPC, and the need to implement the provisions of the United Nations Conventions Against Corruption (UNCAC) ushered in specialised agencies such as the Economic and Financial Crimes Commission (EFCC), National Drugs Laws Enforcement Agency (NDLEA) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The EFCC addresses issues of economic and financial crimes, terrorism financing and also takes care of criminal activities related to money laundering, while NAPTIP and NDLEA enforce Nigeria's anti-human-trafficking and drug laws respectively. He further cited the recent inauguration of the Cybercrimes Advisory Council to combat cybercrimes as an effort "to address specifics but ICPC still remains central to all these activities."

Overall, from my observations, though the Commission's focus on the non-financial corrupt practices largely promotes its corruption-prevention strategies, especially among the youths and enhances its institutional visibility, the punishments attached to non-financial abuse of public office in most instances remain undefined and thereby leave most of such abuses unpunished.

4.4.3 Corruption Thrives on Opacity in Public Administration and Finance

During the months of my fieldwork, a recurring theme that featured in the approach of the ICPC to its anti-corruption campaign programmes was that corruption is endemic in Nigeria because the bulk of government operations, institutions and their practices are outside the view and scrutiny of the public. This re-enacts the emphasis

on transparency as the core pillar of anti-corruption campaigns (Carlitz , 2013, p. 49; Bauhr & Grimes, 2017, p, 431). Even though government ministries, agencies, parastatals and their personnel cannot function without interacting with the public, the core of their activities, especially the financial operations that determine the level of economic exertions on the public (through taxation and other revenue generating measures, for example), and policy priorities through government expenditures and budgeting, largely escape the public purview. This crucial disconnect from the public, despite the conspicuous public presence of government institutions, creates substantial opportunities for corruption because of the “opacity in governance processes in Nigeria” (Human Rights Watch, 2007, p. 2; Uzoigwe, 2011, p. 3; Amuwo, 2013, p. 138).

Captured in one phrase, the ICPC aimed its anti-corruption measures at targeting the opening-up of governance processes to the public through its advocacy for transparency and increased public participation in government’s programmes and projects. This institutional philosophy, which guides nearly all preventive anti-corruption activities of the ICPC, derives from at least two grounds: the theoretical views on the definition of corruption and the international context of anti-corruption campaign initiatives.

Theoretically, the fraud triangle theory based on the scholarly work of Cressey (1950, 1953), postulates that corrupt practices thrive on the concurrent existence of three main factors: pressure (motivation), opportunity and rationalization. The prime among these factors being the opportunity for corrupt practices. The existence of opportunity for corruption and corrupt practices, in addition to pressure from individual’s social network and self-rationalisation of corruption practices tend to increase the likelihood of abuse of power in positions of trust. Opportunities for

corruption could be a result of excessive discretionary powers in the hands of public officials and limited or no public participation, review and scrutiny of official practices. ICPC's interventions draw on Cressey's work by focusing on the dismantling of the opportunities for corruption that exist in various public systems in Nigeria. For instance, section 6(b) of the ICPC Act explicitly mandates the Commission to: "*examine the practices, systems and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them.*" Through its Planning, Research and Review (PRR) department, the Commission has conducted a number of system studies and reviews across MDAs in Nigeria (ICPC, 2006, 2010, 2012, 2015). Again, in a bid to minimize corruption through the promotion of transparency, the Commission has been campaigning for increased participation by members of the public in government processes such as budgeting.

Moreover, ICPC's disposition towards increased transparency in public finance could be situated within the global context of anti-corruption campaigns. As argued in chapter 1, the post-cold war shift from government to governance, and by extension increased focus on good governance in the Global South, has undoubtedly popularised the concept of "transparency" as a *sine qua non* for anti-corruption (Bauhr & Grimes, 2017, p, 431). Transparency entails openness, accountability and integrity in government (Ihugba, 2016, p. 206).

Conceptually, transparency means open access to public information while accountability connotes institutional responsiveness to stakeholders' concerns (Fox 2016).¹¹⁰ Fox (2007, pp. 664 - 665) contends that "Transparency is necessary but far

¹¹⁰ Accountability could be upward (to international donors) or downward (to members of the public). See Fox (2018, p. 66).

from sufficient to produce accountability”, and that “the actual evidence on transparency’s impact on accountability is not as strong as one might expect”. Nevertheless, within the context of good governance and development, transparency and increased citizen participation in government programmes signal to public officials that they are on the radar and their actions are subject to reviews and periodic social accountability.¹¹¹

Figures 4.3 and 4.4 below are pictures of ICPC transparency-awareness campaign banners with messages to educate the citizens on their right to know the contents of the budgets of the governments at various levels – council, state, federal, ministries, departments etc. Banners and stickers that carry these kind of messages are common features within the premises of ICPC offices that I visited. They were also displayed during the various conferences, seminars and workshops organised by the Commission and its partner institutions during my fieldwork. Figure 4.3 adds a message that encourages citizens’ participation in the budgetary processes: *“you have the right to not only know but also contribute to its formulation and implementation”*. The ICPC, in recent years, has put these transparency and participation messages into practice by facilitating various project interventions in collaboration with local communities, Civil Society Organisations (CSOs) and international donor agencies.

¹¹¹ Social accountability here refers to the responsiveness of public institutions to the needs and concerns of the members of the public (See Fox 2018, p. 73).

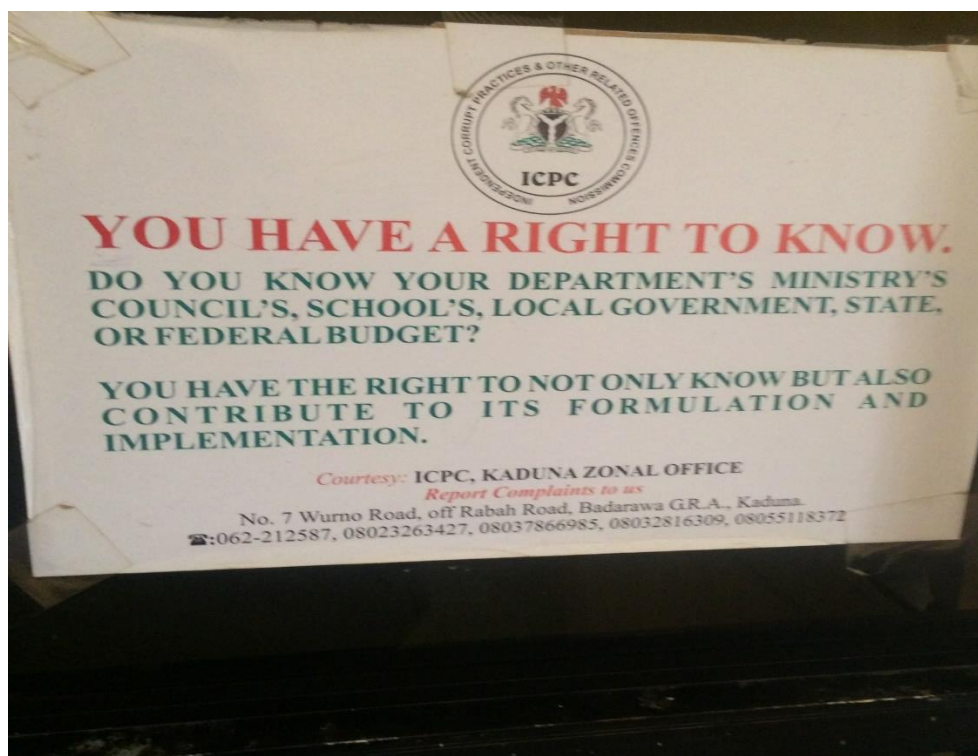


Figure 4. 3: Transparency-Awareness Banners on participation in budgetary preparation process.

Author's photo file

One of these projects was titled “*Real People, Real Impact*” and was funded by the United Nations Development Programme (UNDP), launched and implemented under the supervision of the Education Department of the ICPC in 2009 by four non-governmental organisations: Afro Centre for Development, Peace and Justice (AFRODEP); Poverty Alleviation for the Poor Initiative (PAFPI); Anti-Corruption Youth Movement, Nigeria (ACYMN) and Democratic Action Group (DAG). This is one of the project-specific funding initiatives of the global anti-corruption campaign “partners” discussed in Chapter 1. This project took a bottom-to-top approach to budgetary processes. It engaged the selected communities across three (Sokoto, Niger and Delta) states in Nigeria in all the key stages of budgeting and project execution including project identification, planning, and implementation and monitoring. The idea was to change the long-established practice whereby public officials assumed they

knew what the community needed and therefore budgeted on behalf of the people. The old process did not only alienate people by misplacing what might have been their needs and priorities but also provided the avenue for misappropriation and embezzlement of public funds. Through the top-bottom budgeting practice, many citizens were oblivious of most public works that were already backed with funds. In Nigeria, many public works that were long “executed” on government white papers remained either untouched or abandoned half-way through, with public officials claiming that funds were inadequate to complete such projects, when in fact, the allocated funds have been siphoned into private pockets.



Figure 4. 4: Operation Know Your Budget. Source: Author's photo file.

In a major government policy shift to support transparency in public finance, the Federal Ministry of Finance commenced in 2005 (Songwe et al., 2008) the publication of monthly federal allocations that have been disbursed to the various tiers of government in national dailies. This attempt was to prevent situations in which public officials hitherto divert these allocations to other uses while key budgetary items such as salaries and other recurrent expenditures are left unattended.

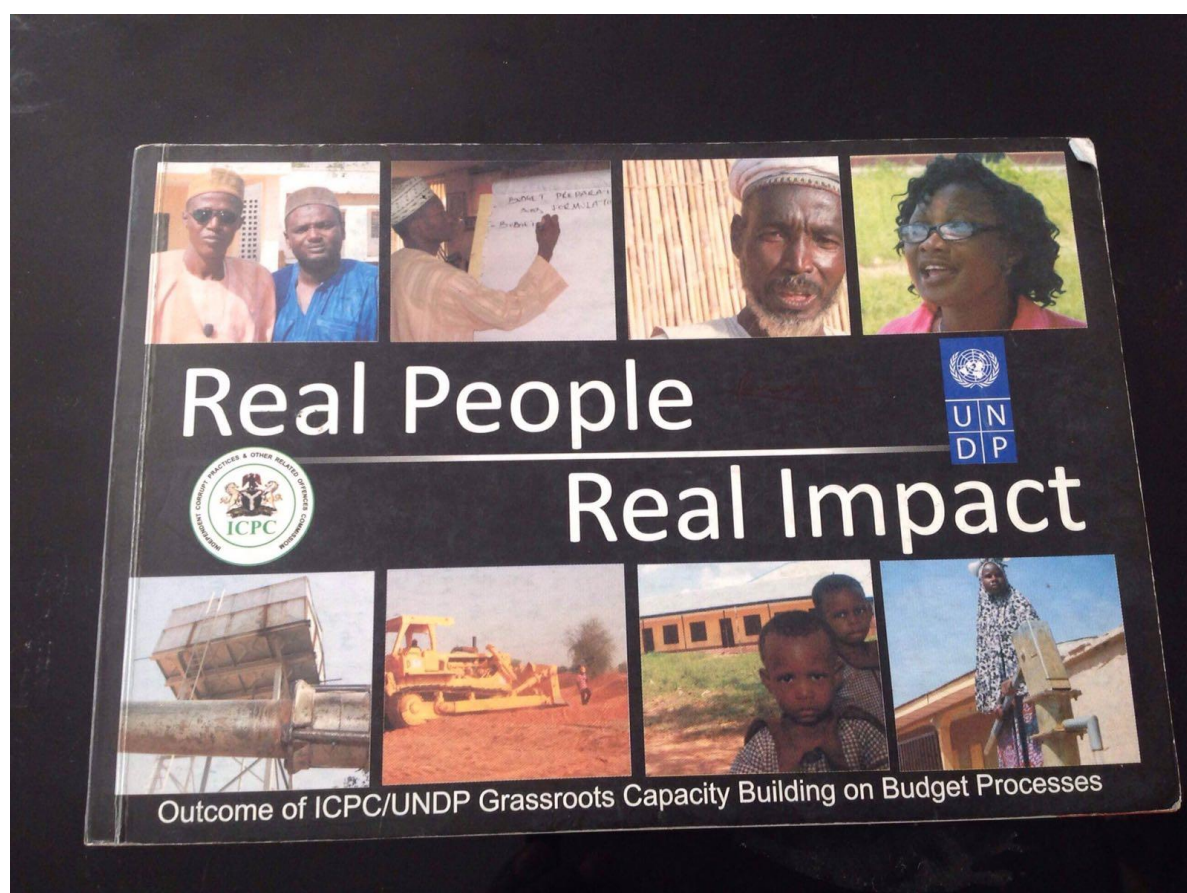


Figure 4. 5: Training Workshops and some of the projects executed as outcomes of ICPC/UNDP Grassroots Capacity Building on Budget Processes published in 2012.

Another major boost to the ICPC's transparency, participation and accountability projects in Nigeria is the enactment of the Freedom of Information Act (2011).¹¹² This act seeks to "make public records and information more freely

¹¹² Available from <https://www.cbn.gov.ng/FOI/Freedom%20Of%20Information%20Act.pdf>.

available, provide for public access to public records and information, and protect public records and information to the extent consistent with the public interest...” (FOI Act, 2011). To some extent, these initiatives to promote transparency have yielded positive results with civic organisations like *Budgit*, which was founded in 2011 by a group of young Nigerians.¹¹³ Budgit utilizes an array of technological and statistical tools to break down and analyse government budgets and financial records before putting these in a format very easily readable and understood by members of the public. It regularly publishes budgetary guides in layman’s terms and pictographs to sensitize the citizens using the information available to it from government sources with a view to raise the standard of transparency and accountability in government. It also leverages on the power of social media to reach a large number of followers and users of its outputs. Nevertheless, there are still challenges surrounding public participation and transparency of public finance in Nigeria. For example, public procurement is still rife with insider abuses regardless of the enactment of a new Public Procurement Act in 2007.

The foregoing notwithstanding, the continued engagement of citizens in budgetary processes, persistent public awareness on public finance (especially in the national dailies), and emphasis on integrity, ethical standards and internal control measures during ICPC seminars and workshops for public officials demonstrate the Commission’s acknowledgement of corruption as an opportunist crime, and the need to tackle it through increased openness and strict internal control measures that minimise such opportunities.

¹¹³ Budgit uses an array of tech tools to simplify the budget and matters of public spending for citizens, with the primary aim of raising standard of transparency and accountability in government. See: <http://yourbudgit.com/about-us/> (accessed on 05/07/2019).

4.4.4 Contradictions Inherent in Practical Anti-Corruption Measures Are Sometimes Valuable

The ICPC is empowered to fight corrupt practices in Nigeria through the enforcement of the (punitive) anti-corruption laws, and implementation of corruption-prevention strategies. Strictly speaking, the enforcement of anti-corruption laws involves the investigation of reported cases and petitions, prosecution of culprits where *prima facie* cases are established and ensuring that indicted entities are made to face the appropriate penalties as stipulated by the law. This is however not as straightforward as it appears in theory. From the available records, the Commission's enforcement activities have been very limited even in criminal corrupt practices against the state.

Rather than focus exclusively on its enforcement powers, the Commission sometimes explores other non-prosecutorial (though not backed by law) means to resolve corrupt-practice cases. Given the plethora of pending and unending cases that the Commission has filed before various courts and the associated prosecution costs involved, the non-prosecutorial approach might have proved more effective in some cases over the years. Notwithstanding, it has conflated the stand of the Commission in relation to its explicit powers to bring accused persons to justice through prosecution.

From the perspective of legality, several posters, handbills, billboards, printed T-shirts and other publicity materials have images of handcuffs that are hooked to arrested suspects, preparatory to prosecution as shown in *Figure 4.6* below. The emphasis is that all offences stipulated in the ICPC Act are punishable by law and whenever there is a petition or credible intelligence to investigate any of these crimes,

the Commission is committed to thorough investigation and prosecution to ensure that the indicted suspects are appropriately sanctioned.

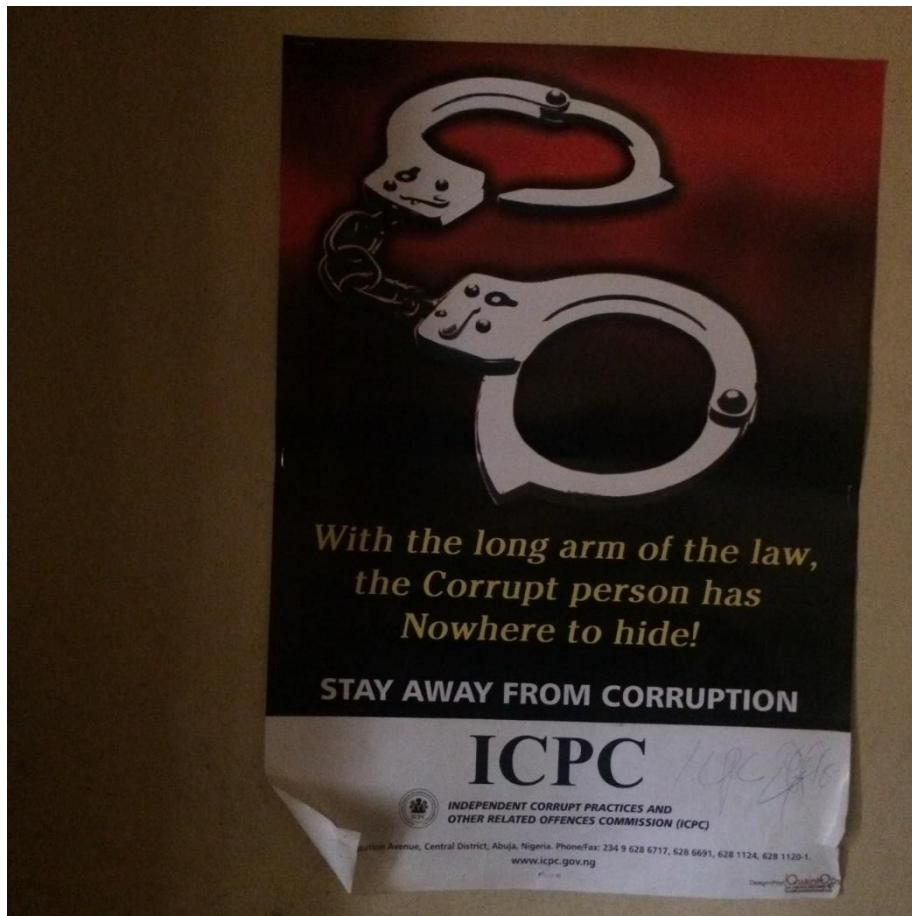


Figure 4. 6: Handcuffs signifying ICPC's commitment to strict enforcement of anti-corruption laws. Author's photo file..

However, from the experiences of key ICPC officials in charge of enforcement, investigation, prosecution and asset tracing, the barrage of legal encumbrances that surround the investigation and prosecution of corruption petitions have resulted in a practical realisation of the need for the contextual alternative resolution of corruption cases without prosecution. The first time an ICPC member of staff mentioned this possibility to me, he quickly looked around apparently to see if no one else had heard

him despite the fact that we were just two in the vicinity. His facial expression clearly indicated that what he had just told me did not reflect the Commission's official position but was nonetheless a routine practice within the organisation.

In subtly expressed but similar submissions, some other key officials of the ICPC at the headquarters averred that the realisation that the strict enforcement of the ICPC Act is not always feasible accounted for the Commission's shift of focus from enforcement to corruption-prevention strategies, by deepening moral and ethical codes in work places as tools for moulding the conduct of public officials. Not only this but also, wherever restitution is sufficient to resolve an alleged case of corrupt practice either by people in public office or between two private parties (as were occasionally reported), criminal prosecution is considered only as a second option. Consider the following case of diversion of public assets into private hands. In 2016, some retiring directors at the Federal Ministry of Water Resources misappropriated project vehicles.¹¹⁴ The intervention of the ICPC upon the receipt of the petition submitted by some staff in the ministry only led to the retrieval and return of these vehicles to the departments from where they were "taken away". Some of these vehicles are displayed in *figure 4.7* as they were awaiting the return to the ministry after being retrieved from the retired officials. At the ceremony marking the return of these vehicles to the ministry on 26 January 2017, the ICPC chairman, Mr Nta Ekpo said:

This formality should not just be for handing over of recovered vehicles from one anti-corruption agency to another public institution. Rather, it should be a moment for solemn reflection on our avowed commitment to public service and the thought processes of the public servant going into retirement. It is not so much that official vehicles of the Federal Ministry of Water Resources were dishonestly made away with by retiring public servants. However, what is more significant is the need to ask some questions and consistently interrogate how

¹¹⁴See (The Punch, 2017a): ICPC to prosecute ex-directors for stealing 40 vehicles available at <http://punchng.com/icpc-prosecute-ex-directors-stealing-40-vehicles/>.

40 government vehicles were removed without authorisation (The Punch, 26th January, 2017).

By making a remark on the thought processes of the public servant going into retirement and calling for solemn reflection “on our avowed commitment to public service”, the chairman was actually not only questioning the genuineness of the retiring directors’ commitment to public service but also the dysfunctional systems within the ministry where this theft of government vehicles was possible in the first instance. The chairman’s speech ended with a promise that the retiring directors indicted would be prosecuted according to the law. However, to date there has been no report on the prosecution of any of the directors involved.



Figure 4.7: Stolen cars retrieved from government officials. Source: ICPC, 2017.

Similarly, in all reported (alleged) cases of fraud between private parties, the ICPC tries, in the first instance, to establish the basis of the transaction between them. If it is a case of pure business contract in which one party is deemed to have either

violated the terms or defrauded the other, a referral of the case is made to the police for criminal/civil investigation and prosecution as appropriate. The chairman told me the Commission does not involve itself in fraud cases resulting from business contracts between two private parties. If, however, a member of the public is defrauded by a public official (for example in a case of alleged employment scam), it is the duty of the ICPC to investigate the case and prosecute the indicted official where necessary. In what may be likened to Alternative Dispute Resolution (ADR) mechanism, the chairman said most cases involving private individuals and public servants are more often than not resolved by restitution. Two cogent reasons were offered for this. One, if the indicted public official is able to fully refund the amount of money fraudulently collected from the individual and the money is returned, in many instances, the individual unilaterally stops honouring investigative appointments. At that point, the agency will be unable to present the key prosecution witness should the case proceed to court. Two, if the official is able to fully refund the criminally obtained money to the private citizen, the complainants in some cases formally opt to withdraw the petition. This option is preferred upon legal advice and past experiences of prolonged court cases resulting from injunctions, jurisdictional challenges and perpetual adjournments which are very common in Nigerian courts.

4.5 Conclusion

In this chapter, I have argued that in addition to the historical politics of anti-corruption campaigns in Nigeria that influences the operational strategies of the ICPC, there are other factors that have also contributed to the operational policy options and positioning of the Commission in the years under review. My main argument is that the Commission's present corruption-prevention practices reflect its responses to institutional threats to its survival, and its resilience in fighting for continued relevance

in a much-contested multi-institutional operational space of anti-corruption law enforcement in Nigeria.

I have discussed these additional factors by exploring the institutional trajectory of the ICPC. I have sketched its evolution within Nigeria's post-1999 anti-corruption campaigns architecture under its successive chairpersons. I have also placed particular emphasis on how the Commission contextualises and views Nigeria's corruption problem. I argue that all these factors have, individually and collectively, impacted the ICPC's operational outlook.

Nigeria's post-1999 anti-corruption campaign landscape has been vacillating in terms of the political will of the leadership to control corruption.¹¹⁵ Relative to the activities of the EFCC, the limitations on ICPC enforcement powers as a result of loopholes in the ICPC Act and lack of access to valuable institutional resources and intelligence have impelled the Commission to explore other areas of its mandate where it has comparative operational advantages, namely, in corruption prevention. To understand the scope of the ICPC's corruption-prevention activities, I examined its perspectives on corruption and anti-corruption operations in Nigeria.

I argue that the ICPC's perspectives on corruption and its anti-corruption strategies reflect its determination to pursue a much less politically confrontational approach to the fight against corruption, and a quest for operational strategies in less-contested areas of its specialization and statutory capability. Not only this, the

¹¹⁵ Former ICPC Chairman, Mr Nta Ekpo (*in office*: 2012 - 2013) once noted that Nigeria is not short of relevant laws to combat corruption but that the major challenge is the (political) will to execute the laws (Ikpeze, 2013, p. 160). See also (Premium Times, 2013): Nigeria lacks will to fight corruption, says ICPC boss available at <https://www.premiumtimesng.com/news/119996-nigeria-lacks-will-to-fight-corruption-says-icpc-boss.html>. (Last accessed: 19/06/2020).

Commission has also emphasised the cost-saving implications of corruption-prevention activities.

Through an examination of some of the ICPC's campaigns and pedagogical materials, I have documented that the Commission contextualises Nigeria's corruption problem as being ubiquitous, financial and non-financial in nature, and that corruption thrives on opacity in governance. Moreover, the Commission finds certain inherent contradictions in practical anti-corruption measures as sometimes valuable. All these thoughts guide the Commission's corruption-prevention programmes and activities that occasionally go beyond the limits of its explicit mandate as stipulated in the ICPC Act.

In spite of the limits of its mandate, it turns out that the ICPC concerns itself with "aspects" of corruption that do not so much involve public officials primarily (for example, its campaigns on students' examination malpractices, indecent dressing, internet fraud amongst others); with some of its campaign and education messages emphasising individual unethical decisions to the detriment of social and structural factors that fuel corrupt practices. Thus, the ICPC's messages go beyond an exclusive focus on legality and engage in the promotion of certain standards of morality that it lacks legal powers to enforce. Overall, the materials discussed in this chapter illustrate the tensions and incongruities running through the ICPC's discourse and practice as well as a gradual shift from its challenging initial focus on enforcement to an increasing specialisation in the politically safer domain of corruption-prevention activities. In summary, its challenges notwithstanding, there is no convincing evidence that the Commission has engaged in any sort of activities on its reputation management by promoting its enforcement operations far and above the other aspect of its mandate. Consequently, the ICPC has not really had a pattern of institutional evolution that

aligns with Bautista-Beauchesne (2021) three-phase anti-corruption agencies' reputational management proposition.

In the remaining chapters of this thesis, I shall focus on the programmes and activities of the Commission, and particularly its collaborative work with third party institutions, in implementing its corruption-prevention and public-education mandate.

Chapter 5

The ICPC Working through Others I: Anti-Corruption Campaigns by the National Anti-Corruption Coalition (NACC)

5.1 Introduction

As I argued in chapters 2 and 4, the weak institutional environment for incumbent-regime accountability, coupled with the ICPC's perspective on the nature of corruption in Nigeria has influenced the Commission's choice of anti-corruption strategies. Anti-corruption institutions in Nigeria have been accused of being used as political tools by incumbent regimes; not least in Nigeria's post-1999 democratic experience (Lawson, 2009, p. 85; Folarin, 2009, p. 27; Nwozor et al, 2020, p. 607). Moreover, in the midst of the stiff competition with the EFCC in terms of the enforcement mandate, the ICPC found its comparative advantage in corruption-prevention programmes a viable tool. Because these measures are pro-active means of controlling corruption, they are exempted from the politics of anti-corruption, which sometimes negatively impact on the integrity of the operations of the anti-graft agencies.

Corruption-prevention measures take different forms. As spelt out in the ICPC Act, these include systems review and citizens mobilization against corruption. Systems review entails the monitoring and reviewing of operational systems in government ministries, departments and agencies with a view to recommending the restructuring of any system that is found or deemed susceptible to corrupt practices. Citizens' mobilization against corruption involves the creation of platforms through which citizens could be sensitized to promote value re-orientation against corruption. The value re-orientation is intended to transform citizens into anti-corruption and change agents who would be able to discern any situation in which official processes are being undermined for corrupt practices, and report to the appropriate authorities

for investigation and redress. Practically, the mass mobilization is expected to reach out to every citizen in order to deepen the governments' anti-corruption disposition and campaign messages. While the bureaucratic tasks of systems review are strictly confined to the operational activities of the Planning, Research and Review (PRR) department of the ICPC, the mass mobilization activities were primarily designed as operational areas in which the Commission can amplify its messages and expand its spread using non-state actors – mainly the Non-Governmental Organisations (NGOs) and the Civil Society Organisations (CSOs). This is another area in which the ICPC's institutional capabilities to innovate as discussed in the literature on bureaucratic autonomy is reflected in its design of the scope and depth of involvements of the non-state actors in the realisation of its objective of controlling corruption in Nigeria.

In the literature and development policies, NGOs have been seen as a positive force for development (Routley, 2012, p. 120) and good governance (Ivanov, 2007, p. 32; World Bank, 2000; OECD, 2003; UNODC, 2004) because of their roles in holding the state to account. The large number of NGOs involved in anti-corruption campaigns in Nigeria is partly explained by the work of international actors and institutions that aggressively pushed for their formation, promotion and consolidation as indispensable partners in the promotion of good governance (Enweremadu, 2012, p. 139). These non-state actors operate under the auspices of the National Anti-Corruption Coalition (NACC). The ICPC's collaboration with non-state actors in implementing anti-graft campaigns has its merits for the Commission (for example, little or no funding for the sponsorship of the programmes organised by non-state actors). However, there are concerns about the limited sphere of control the Commission could exert on the activities and programmes of the non-state actors while they are on the field. There is also a possibility for authorised non-state actors abusing the delegated authority

granted them by the ICPC. All these have implications for the overall relevance, operational autonomy, performance and reputation of the Commission as discussed in chapter 3.

In this chapter, I attempt to answer these questions: what are the survival strategies of the ICPC? What feedbacks do these strategies have on the bureaucratic independence of the Commission? To begin with, the main argument is that ICPC corruption-prevention activities carried out through a network of non-governmental organisations under its supervision form a critical part of its institutional visibility and survival strategies. In addition, I will demonstrate how this arrangement impacts on the institutional autonomy of the Commission and finally, the mechanisms that are in place for the Commission to navigate this set of institutional partnerships in a manner that would not hamper its primary focus as an anti-corruption agency. This is done by analysing the qualitative data collected during my participant-observation at a one-day National Anti-Corruption Coalition Seminar organised by the Reverend Okechukwu Christopher Obioha Orphanage Foundation (REOCOORPH) in Enugu, South-East, Nigeria on 27 April 2017.¹¹⁶

5.2 The National Anti-Corruption Coalition (NACC) Seminar, Enugu, Nigeria

At 9.45 in the morning of 27 April 2017, the about 150-seat capacity hall was nearly filled up with attendees from all walks of life – civil servants, clergy, educationists, military and paramilitary agencies, amongst others (see *figure 5.1 below*). The podium was neatly arranged with some tables and chairs for about 10 people overlooking the remaining chairs on the opposite and lower side of the hall,

¹¹⁶ REOCOORPH is a member of the National Anti-Corruption Coalition (NACC), a body consisting of non-governmental organisations (NGOs) formed, co-ordinated and empowered by the ICPC to educate and mobilise citizens against corrupt practices.

with the music system playing some Christian songs and the speakers purposefully tucked into the four corners of the hall.



Figure 5.1: A cross-section of the participants just before the start of the programme.
Source: Author's photo file

While this was going on, one could not but observe the energetic engagements of a man, about 6 feet 2 inches tall, ascetically clothed in a conductor suit, going up and down ensuring that everything was in working order. This man would later turn out to be Reverend Okechukwu Christopher Obioha, the chairman of the REOCOORPH foundation.

The programme commenced with an opening prayer led by Venerable Anene Nzelu, an Anglican priest from Awgu/Aninri Diocese, Enugu. As the prayer session ended, the stage was set for the business of the day when the chairman of the foundation took the microphone to invite the dignitaries to the seats on the platform. Among the special guests were Prince Mohammed Obaje, the Enugu Zonal

Commissioner of the ICPC who stood in for the Chairman of the Commission, Professor Ukwu I. Ukwu, a retired professor of Development (as he was then introduced) who was described as having an ascetic lifestyle in and out of active service; Dr Udokenya, a former Commissioner of Education in Enugu State; Venerable Anene Nzelu, the Anglican priest; State Comptroller of Immigration; State Sector Commandant of the Federal Road Safety Corps (FRSC); State Commandant of the Nigeria Security and Civil Defence Corps (NSCDC); as well as the representative of the Commissioner of Police, Enugu State Command. The master of the ceremony then announced as Professor Ukwu I. Ukwu (see *figure 5.2 below*) as the chairperson of the event.



**Figure 5.2: Prof. Ukwu before he was invited to the platform (sitting: first from Right).
Source: Author's photo file.**

In his opening speech, which preceded the traditional breaking of kolanuts,¹¹⁷ Professor Ukwu surprised the attendees by saying he got the invite at a short notice, just a day before, and as a result, he was not fully prepared for any formal speech-making but to confer his blessings upon every activity of the day as tradition demands. He thereafter delegated the kolanut-breaking task to a man (who by virtue of his display, I suspected to be a ritual specialist, see *figure 5.3 below*) to perform this rite. After some words in Igbo language, mostly sounding like incantations and later facing the direction of the professor – the privilege of whom had brought this task upon him – he broke some kolanuts, pointed them up, and then wrapped everything up with, “in Jesus’ name” and everyone responded with a loud “Amen!” to affirm the prayers.

¹¹⁷ This is a customary ritual that welcomes and inducts visitors fully into any typical event in Igboland in Nigeria. It is obligatory that everyone present at any event during which kolanut breaking takes place must partake in the sharing and eating of the kolanuts and other items on offer. This signifies goodwill and voluntary participation of all in such events.

Some of the items presented along with the kolanuts – garden eggs, mashed groundnut, and alligator pepper – were immediately served on the special tables and then taken round the hall for all attendees to have a taste of. Announcements were constantly made that “he who brings kolanuts, brings life” and that everyone who was happy with the day’s event should partake in the eating of the prayer items. By tradition, nobody rejects the offer of a kolanut, either as a gift or as an item of celebration, except as a sign of disapproval of the gesture of the offeror. In the best situation, the kolanut is accepted, broken, and eaten by all the partakers at the event in which it is offered. The centrality of this cultural practice to the incidence of corruption in Nigeria, particularly the limited window for the offeree to reject the kolanut offer will suffice later in this chapter.



Figure 5. 3: Kolanut-breaking rites at the event. Source: Author's photo file

Reverend Obioha, the Chairman of the REOCOORPH foundation, gave a brief historical background of his foundation in his welcome address. He said the foundation was established in 2004 and completed its registration as a member of the NACC in

2009, after a successful background check. He averred that his motivation for setting up the foundation was to render selfless service to humanity. According to him, the primary mission of his foundation was to cater for the welfare of the vulnerable people in the society: the widows and the orphans. However, over the years, it has become more apparent that the main reason why society lacks state-funded social safety nets and welfare systems for vulnerable groups is the rampant official profligacy and uncouth corrupt practices which continue to “take the state out of the reach” of ordinary people. He then took it upon himself to sensitize the people, especially in the rural areas, on basic civic education. If people are sensitized to know their rights, privileges and responsibilities, they would be able to identify when such rights have been infringed upon and seek immediate redress where possible. Civic education, in his assessment, is the first step to opening up the black box of corruption in government businesses.

Without recourse to any official document or definition of corruption as outlined in the enabling acts of the anti-corruption agencies in Nigeria, Reverend Obioha told the audience that the definition of corruption as contained in the foundation’s handbills includes bribery, embezzlement, fraud, contract inflation, extortion, tribalism and nepotism. For me, his novel addition to the contextualization of corruption in Nigeria was his description of extortion as not being limited to official malpractices. He noted that the “prosperity gospel” of Christendom has provided an avenue for corruption to flourish. According to him, religious leaders, under the guise of spirituality and canonical teachings, extort their followers in the form of tithes and offerings collection. They perpetuate the doctrines of blessing without work and enrich themselves in the midst of the poverty of their flocks. This affirms Smith’s (2007, p. 5) argument that *“when Nigerians talk about corruption, they refer not only to the abuse of state offices*

for some kind of private gain but also to a whole range of social behaviours in which various forms of morally questionable deception enable the achievement of wealth, power, or prestige as well as much more mundane ambitions. Of morally questionable deception in Pentecostalism, Smith (2007) writes that:

The growing predominance of prosperity churches has complicated the role of Pentecostalism in the criticism of corruption. The large numbers of middle-class and elite Nigerians who belong to these prosperity churches are able justify their wealth and success in religious language, even though many have clearly acquired their wealth through various mechanisms of corruption (p. 213).

Speaking further, Reverend Obioha lamented that the refusal of religious leaders to speak up whenever politically-exposed and fraudulent members of their congregations make dubious donations to the church treasury has helped corrupt practices to flourish in Nigeria. He informed everyone present that the day's seminar did not have any specific theme but to promote general soul-searching and to encourage everyone to reconsider whatever activities they engage in, which directly or indirectly promote corruption in the country. He admonished religious leaders, being respected figures within the society, to utilize their strong followership to effect the change that Nigeria urgently needs to be on the path of progress. He also challenged each representative of government agencies at the seminar to sanitize their respective institutions to make Nigeria corruption-free. He further called the attention of the audience to the non-elaborate nature of the event as what Nigeria needs to change from a culture of profligacy to prudence, accountability and efficiency. He noted particularly that the table before the special guests was lacking the usual items (including assorted wines, juice and food) found at public gathering of this nature in Nigeria. He repeatedly said he could not afford such luxury for this event and it was against his character to solicit for money from politicians, who are mostly corrupt, to

organise the event. After all, the invited guests understood the tone and context of the anti-corruption programme and the message it was supposed to pass to the members of the public. In rounding-off his speech, he went on to praise the good work of the ICPC and made some disparaging remarks about the EFCC, especially on the unmitigated media trial of corruption suspects by the latter, which gave it unwarranted public dominance over the former. His condescending remarks about the EFCC later became a subject of a disclaimer by the Zonal Commissioner of the ICPC, Prince Mohammed Obaje.

5.2.1 Who is Corrupt? A Call for Self-Reflection

Next was the turn of the Zonal Co-ordinator of the ICPC (see *figure 5.4 below*) to deliver the keynote address of the Chairman of the ICPC, Bar. Ekpo Nta. In this address, which lasted for about six minutes, the chairman congratulated the foundation for putting together the programme at such a critical time when it was so needed. He gave a succinct introduction to the mandate of the Commission on prevention, investigation and prosecution of corrupt practices as well as public education, enlightenment and enlistment of support for a collaborative fight against corruption in order to make Nigeria a better place for all. He stressed the need for all non-state actors to consider anti-corruption projects as everyone's business. He reiterated the calls on religious leaders to champion anti-corruption campaigns as they present the best channels of huge membership to take anti-corruption messages to the grassroots.

The ICPC Zonal Commissioner thereafter transitioned from the keynote address to the lecture titled "Corruption in Nigeria: The Role of the ICPC in Combating the Scourge". He began by defining corruption as "an abuse of entrusted position of authority for personal benefit or the exploitation of a system for securing an unmerited

advantage". His definition of corruption as the exploitation of a system for securing an unmerited advantage was not explicitly stated in any official document of the ICPC. It is the Commission's idea which helps to determine the validity of petitions presented to it. However, citing this definition is an indication that officers of the Commission scrutinize reported cases of corrupt practices beyond the explicit context of the relevant laws that they enforce. It is an indication that ICPC officers' discretion in determining the limits of the privileges merited by a public official by virtue of his or her position might be a critical factor in the enforcement of anti-corruption statutes. Corruption, according to him, was pervasive in Nigeria and nearly everyone was involved. He therefore cited a few practical examples to drive home his points. On each example, he asked the audience whether or not the acts being described involved corruption. For activities on bribes, extortion, embezzlement, and contract inflation, everyone agreed they were corrupt acts.

However, opinions of the members of the audience became divided when he asked whether or not the use of an official vehicle for any private concern constitutes a corrupt practice. He emphasised that he expected this scenario of divergent views on the private use of an official vehicle. Nevertheless, the use of official property for a private assignment, he said, was corruption. He went further to say that corruption could be financial and non-financial and thereby reconnecting with the earlier position of Reverend Obioha who said ethnic favouritism, tribalism and nepotism are corrupt acts. He also stressed positionality of Nigerians in their subjective judgement of whose act is deemed corrupt or otherwise. From his experience, whenever Nigerians benefit from the official wrong-doing of a person, the acts are rationalised as being non-corrupt and vice versa. In summary, he submitted that the society ends up in a situation whereby tribal affiliations becloud individual perception of corrupt public officials and

politicians despite the fact that everyone agrees that corruption is a spanner in the works of Nigeria's development. "Who is then corrupt?" He asked rhetorically.

He proceeded by highlighting the mandate of the ICPC as being widespread and far-reaching in combating both financial and non-financial abuse of entrusted positions in the area of enforcement (investigation and prosecution), prevention and public education and mobilization strategies. He cited about twelve different programmes of the ICPC's engagements with non-state actors, including school anti-corruption clubs, Anti-Corruption Vanguard in colleges, anti-corruption volunteers, the National Anti-Corruption Coalition, and community/town hall meetings.



Figure 5. 4: South East Zonal Commissioner of ICPC Prince Mohammed Obaje. Source: Author's photo file

He posited that corruption in Nigeria was systemic and that whoever does not belong to the system's networks would be excluded, with certain associated costs to the individual. He noted that the root causes of corruption in Nigeria could be summarised in what he called the *fraud triangle* (discussed in chapter 4), which connects opportunity for corrupt practices to societal pressure and rationalisation of corrupt practices. Simply put, individuals who are in positions of authority and have the opportunity to subvert public interest for private ends end up justifying their illegal actions on the grounds of social pressures from their family or dependants. He cited what Nigerians usually called “dividends of democracy” – patronage in the form of material gifts – from politicians as a typical example of the sub-optimal (corruption-induced) allocation of public resources that is widely practised in Nigeria.

Overall, his lecture followed the usual pattern of others that I have attended during my fieldwork with the Commission. However, while discussing the impact of corruption, he added that, corruption has some “advantages”, though with a caveat – only as an academic exercise. For example, corruption acts as the necessary oil in the engine of bureaucracy, especially in Nigeria, where official processes are deliberately lengthened to frustrate “non-co-operating” users of public services (see Chapter 4). A bribe, he said, might facilitate official processes and reduce waiting times. This position is well supported in the literature. Indeed, Leff (1964, p. 8), Huntington (1968, p. 68) and Lui (1985, p. 761) argued that corruption may be beneficial to the efficient functioning of bureaucracy and may be the only mechanism through which some groups of individuals who would otherwise have been excluded can participate in government.

The Zonal Co-ordinator's remark on such theoretical upsides of corruption was however not the official position of the ICPC, he noted. If anyone is caught offering

bribes, both the giver and the taker are liable to prosecution, he stated. Moreover, he also highlighted the negative impacts of corruption on national development, peace and security, investment and productivity. Corruption he emphasised, impacts negatively on the overall well-being of the majority of the citizenry. There is therefore an urgent need for a redirection of national values towards integrity, honesty, transparency and accountability to ensure a better Nigeria for all. He concluded his speech by re-emphasising the mandates of the ICPC and the various strategies the Commission has designed to actualise them. He reminded the participants of the significance of the seminar to the ICPC's effort in mobilising support and encouraging the citizens to own the anti-corruption campaign as this has proved to be major pillar of success of anti-corruption institutions in other nations.

5.2.2 Prayer Cannot Eradicate Corruption

The other elder statesmen on the platform were invited to make their contributions to the topic. Dr Udokenya recalled with nostalgia his years as a special marshal in the Federal Road Safety Corps (FRSC). He prided himself on his voluntary-service days in the corps when, as a “no nonsense” officer, motorists feared him more than the regular officers of the corps. Wherever he was posted, people knew that he wouldn't take bribes to subvert his duties. Everywhere he went, his presence was felt. He however decried a situation in which there is lack of provision for the transmission Nigeria's history to the younger generation. This, he said, makes the youth to believe that things have always “been this bad”.

On the way forward, Dr Udokenya demystified the potency of prayers in addressing Nigeria's corruption problems. He reiterated that Nigerians like to pray too much about everything but he was sure that “God will not come down from heaven to fight our battle here. We must be serious with our collective actions against corruption

in all ramifications”. However, as passionate as he was about eradicating corruption in Nigeria, he ironically narrated many situations in which he personally gave out gifts to police officers on duty.¹¹⁸ He did not regard this act as a fertile ground for bribery, which is a predominant form of corrupt practice encountered by Nigerians daily.

In his speech, Venerable Nzelu commended Reverend Obioha for organising the seminar. According to him, he had known Reverend Obioha for over 40 years as an individual who is passionate about sound societal virtues. Venerable Nzelu, who described himself as an accountant, a lawyer and a cleric quoted Martin Luther King Junior’s dictum that “nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity” and alluded to the fact that what the facilitator of the seminar has done is to provide a platform to address any element of sincere ignorance about corrupt practices in Nigeria. He expressed his happiness that some of the seemingly innocuous daily acts that Nigerians repeatedly engaged in have been laid bare before them as corrupt practices. Now, there is no room to plead ignorance in matters involving corruption. He admonished all to be aware of the legal sanctions that corrupt practices attract and encouraged them to abstain from these practices no matter how appealing, compelling or unavoidable they might appear. Wherever they find corruption, they should report it. He cited several times that he had personally been involved in reporting corruption that resulted in the dismissal of officers of the FRSC in particular. However, this was not in any way surprising as he claimed to be the uncle to the former Corps Marshal and Chief Executive of the FRSC, Mr Osita Chidoka, whose education he claimed, he personally sponsored. This family bond with the head of the FRSC could have been the most critical factor that led to the swiftness

¹¹⁸ These gift items are likened to the cultural kolanuts that recipients are not expected to resist unless they have ulterior motive against the giver. To foreclose the opportunity for corrupt practices through gift-giving, the ICPC Act forbids public officials from receiving any form of gift.

with which his reports were treated. He further narrated that, whenever any officer on the road asked for bribes, he simply took note of their service number, snapped them secretly while they took the bribes, and thereafter forwarded a report directly to the headquarters of the corps for investigation and sanction. He described Dr Udokenya as an oracle and anti-corruption crusader. He testified to his impeccable personal qualities and claimed to have known him for over five decades.

On his part, Venerable Nzelu said he had overcome societal temptation on corruption by rejecting bribe offers for him to pervert the course of justice in his previous positions and assignments as a member of several judicial panels of enquiry, election-petition tribunals, amongst others. In rounding off his speech, he solicited financial support for the REOCOORPH foundation from the participants at the seminar, and thereafter announced a personal donation of the sum of ₦100,000.00 (approximately £200 in 2017) in support of the foundation's projects.

5.2.3 Corruption: An Anonymous Third-Party Crime

As the stage turned to the leadership of the government agencies present at the event, each representative was in defensive mode. They each refuted the claims that their agencies were corrupt. To them, corruption in Nigeria is undeniable but it is always perpetrated by officials of any other nameless third-party state institution and not theirs. For the representative of the FRSC, the corps' core values revolved around transparency and integrity. Cases of corruption involving their officers were not frequently reported as claimed by the members of the public. For any case reported against their personnel, there is a standard procedure in place to investigate and sanction the officials involved accordingly, depending on the magnitude of the alleged

offence. He flatly rejected the existence of syndicated corruption within the FRSC.¹¹⁹ He thereafter gave out the hotlines of the FRSC for the members of the public to report cases of corruption and other emergencies including accidents on the highways. He reassured the members of the public that the FRSC authorities place a premium on rendering the utmost quality of service to always ensure the safest standard on the highways.

The programme ended with a question-and-answer session. One Mrs Ogechukwu Enwelum, the co-ordinator of the Divine Era Development and Social Rights Initiative (DEDASRI), Enugu, commended the organiser of the seminar for a job well done. She however lamented that it appeared the composition of the audience was not reflecting the presence of the “ordinary Nigerians” who are the commonest victims of corruption in the society. Most participants at the seminar were believed to have some forms social capital with which they could navigate society with minimal direct individual costs of corruption (cf. Gupta, 2012, pp. 109-110). There was still much to be done. According to her, “ordinary” people have a different orientation about corruption in society. They don’t regard the patronage system as corruption and that is why they celebrate the corrupt when they (the corrupt) come back home (to their communities) with proceeds of corruption. Again, she urged the government agencies, particularly the FRSC, to do more publicity of their reporting channels. This would make it easier for the people to lodge their complaints and get in touch with the corps in the case of any emergency.

¹¹⁹ This is an alleged arrangement in which junior officials who deal with end-user of public services on a daily basis are believed to be paying a certain percentage of the sum realised through bribes and extortions to higher authorities within the agency in a pyramid structure.

In the closing session, some participants asked the Zonal Co-ordinator to explain the differences between the ICPC and the EFCC. Responding, the Zonal Commissioner once again echoed his earlier position on financial and non-financial corrupt acts. The major area of difference between the ICPC and the EFCC is in the focus of their mandates. While the ICPC, as the foremost anti-corruption agency in the post-1999 democratic Nigeria, has the broad mandate to deal with both financial and non-financial acts of corruption committed by public officials, the EFCC has a narrow mandate to combat financial acts of corruption including embezzlement, money laundering, and other acts of economic sabotage to the nation committed by both public officials and private individuals. He conceded that both the ICPC and EFCC have overlapping mandates in that most corrupt practices tend to be financial in nature. Nevertheless, both agencies are complementary rather than being competitive as it was usually discussed among the members of the public. To the two agencies, he said, what was important is to achieve a Nigeria that is free of corruption.

From the various topics discussed at the seminar and the post-event interview I had with Reverend Obioha, there are quite a number of interesting issues that are significant to the operational sustainability of the ICPC/NACC collaborative work. In this next section, I analyse the key themes.

5.3 Analysing the Anti-Corruption Seminar and the Emerging Issues

This seminar is no doubt, one of hundreds of its kind that the ICPC partner-institutions usually organise to carry out the task of citizens' mobilization and public education. While it is possible for each collaborative institution working with the ICPC to have their different backgrounds reflecting in the overall tasks they carry out on behalf of the Commission, this seminar, in several ways, portrays what may be typical

of similar programmes organised by non-governmental organisations like the REOCOORPH foundation.

Because the ICPC relies on the success and sustainability of this type of arrangement to achieve most of its citizens' mobilization and public-education campaign objectives, there are some established facts I gathered about this form of institutional arrangement before, during and after this seminar which may influence the ways the Commission views its collaborative operations with the members of the NACC. These facts require further analysis to provide answers to one of my research questions on the implications of the ICPC's implementation strategies for the anti-corruption campaigns' outcomes in Nigeria and guide the Commission in deciding its best course of actions for the future.

First, there is a gap between the definition of corruption as contained in the enabling Act of the ICPC and what the foundation teaches the public about corruption. Second, the seemingly inseparable link between religion, culture and corruption narratives featured repeatedly throughout the programme. Moreover, there was evidence about how the ICPC's non-funding of NGO-collaborative projects was affecting its overall control and, by extension, the Commission's operational autonomy in the overall anti-corruption campaign within the country. In practice, there is limited evidence of ICPC's control over the activities of the anti-corruption NGOs as they tend to be influenced more by their own primary motives and institutional capabilities. In addition to this, the lack of a corporate governance structure within the REOCOORPH foundation, for example, featured repeatedly in its organisation and presentation of the seminar. By implication, these issues collectively pose sustainability challenges to this mode of operation on which the ICPC is heavily dependent.

Indeed, with the collection of individuals that formed the list of special guests, it was clear that the foundation targeted people of acclaimed impeccable character and public-service records, whom it believes will be pivotal to convince attendees and the general public at large of its focus and identity as an anti-corruption agent. However, from their seemingly innocuous speeches and responses to questions, some of these individuals gave the impression that anti-corruption efforts can only work best through a subverted institutional arrangement that in itself is also a form of corruption. Clearly, this is not the institutional position of the ICPC as the Commission would never champion any action that would undermine strict official procedures in public administration.

Finally, there were repeated attempts by the organiser of the seminar to disprove the public perception of the ICPC as an institution under the shadow of the Economic and Financial Crimes Commission (EFCC). This only served to ignite more intense conversations on the subject matter with the ICPC Zonal Commissioner trying everything possible to defend the institutional existence and survival of the ICPC. In what follows, I discussed how each of the identified issues above helps us to answer our research question.

5.3.1 The Independence of the ICPC and Shared Agency

As noted in the previous section, the Commission's collaborative work necessitates carrying out some of its corruption-prevention work through intermediaries (which have their own interests and ideas on how these tasks should be carried out). It is however noteworthy that this is not a straight-forward arrangement, as this practice inevitably impinges on the formal-legal operational independence that the Commission has by its enabling act. To put this into perspective: to what extent does the Commission have control over the narratives that

are projected in its name by the partner-organisations? To what extent does the Commission control the contents of the programmes of the partner-institutions? What happens should there be moral hazards on the part of the partner-organisations? What influence does third-party funding have over the success of ICPC operations? And finally, what is the impact of ICPC collaborative work on its institutional autonomy?

Section 3 (14) of the ICPC Act explicitly provides that “the Commission shall in the discharge of its functions under this Act, not be subject to the direction or control of any other person or authority”. When examining the various circumstances under which the independence of the Commission could be supplanted, the usual first port of call is to focus on the relationship that exists between the Commission and the arms of government including the executive, the legislature and the judiciary. The import of this section to this research is to expound the nuances under which the independence of the Commission is being subjected to influences from its work with the third-party volunteer organisations involved in the collaborative programmes. This is done by extending the concept of the Commission’s autonomy beyond the scope of its freedom from political control by the organs of government, to include how its identity is shaped by collaborative operational activities that are sometimes beyond its own control. Here, I focus on issues relating to the activities of the intermediaries that, to some extent, show that the ICPC is losing control over them. Analysing these issues is important because at policy level, it is assumed that the ICPC is in complete control of the delegated authority and agency that it shared with the third-party collaborative bodies.

First, by not funding the projects and programmes being carried out by the partner-organisation in the name of the ICPC, the Commission has to rely on the independent sources of funds with which its volunteer organisations carry out their work. Without prejudice to these sources, it is possible that whatever source there is

for this funding, it would come with certain conditions that the ICPC has no control over. For instance, funds provided by religious organisations may promote religious-induced anti-corruption messages which may not be acceptable to all the citizens of Nigeria. In a secular state like Nigeria, there is a tendency to insist on the pursuit of public policies that clearly delineate a boundary between the state and religion. However, as evidenced in the programme sponsored by REOCOORPH, it was not only that prayers were offered in the Christian way exclusively, but there were also several examples of drawing only from diverse biblical references to support anti-corruption creeds of the REOCOORPH foundation. Even though the ICPC claims that it is regulating the activities of these NGOs, there was nothing it could do to control such Christian religiously infused anti-corruption teachings. Definitely, there may be Nigerians of other religions in attendance at the seminar who may not be enthused by those messages being “preached” simply because of their divergent and very often conflicting religious views. For as long as these narratives by the NGOs are under the garb of the ICPC, the identity and independence of operations will remain fluid and problematic in projecting a unified mission and objective of combating corruption in Nigeria.

To a large extent, the success of the ICPC, which persistently claims that 80% of its mandate focuses on corruption prevention (Mohammed, 2013:7), depends on the success of its public education and mass-enlightenment campaign – a task that is overwhelmingly left in the hands of the third party partner-organisations. To buttress this point, it is important to note that the ICPC representative at the REOCOORPH seminar in Enugu was nothing more than “an invited guest” in a programme that resonates at the core of the Commission’s mandate. Several factors might have been responsible for this marginal participation when in fact, the total control of the event

and its narratives were supposed to be championed by the Commission. One, the Commission was reluctant to provide funding support to the anti-corruption NGOs. Two, its limited workforce constrained it from organising regular programmes like this under its full control, a situation perhaps compounded by its limited geographical coverage that is mostly focused on state capitals. Nevertheless, the influence of the views of people like Reverend Obioha in shaping the public image of the ICPC cannot be ignored.

To compound the identity crisis that bedevilled the work of the ICPC “at the edge” there is also the problem of inadequate supervision of its partner-agencies. Once an organisation becomes registered under the NACC umbrella, it is free to organise its sensitization programmes (roadside campaigns, distribution of handbills, workshops, seminars etc) with many of these not requiring the approval of the Commission. For example, some handbills which were unilaterally produced by the REOCOORPH foundation were distributed during the seminar in Enugu. According to Reverend Obioha, the handbill represents REOCOORPH anti-corruption tenets. In it, corruption was variously defined in several ways not covered by the ICPC Act. Here, it was not clear the extent to which the ICPC moderated the contents of the document or whether there was any input from the Commission at all. By implication, it is possible for the NGOs to spread their self-induced ideologies and thoughts during their outreach programmes, which are not always monitored by officials from the Commission. For example, in Enugu where there are about eighteen members of staff including the drivers, it is practically impossible for the Commission to fully carry out surveillance on the activities of its collaborating NGOs. This is because the Enugu Zonal office is also responsible for the co-ordination of ICPC activities in Enugu, Anambra and Ebonyi States covering a total of fifty-one local government areas.

Again, there could also be a form of misrepresentation to the unsuspecting members of the public because NGO members are allowed to carry out their anti-corruption sensitization programmes with ICPC hand bands, fez caps, customised high-visibility jackets etc. Meanwhile, the Commission's officers do not have any official uniform (probably for security reasons) which could distinguish them from anti-corruption NGOs' workers. As a result, members of the public may not be able to differentiate between the volunteers and officials of the Commission, making it easier for unscrupulous individuals to capitalise on this to perpetrate illegal acts by impersonation.

In a very recent case, a duly registered NGO under the NACC, Community for Peace and Corrupt-Free Society (CPCFS) (*sic*), Nigeria, capitalised on its association with the ICPC to make some unapproved claims to collect certain registration fees from unsuspecting members of the public. It took the ICPC the extra measure of issuing a disclaimer to dissociate itself from such schemes as follows:

The attention of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) has been drawn to a "Special Note" put in the public domain by a Non-Governmental Organisation, Community for Peace and Corrupt- Free Society, (CPCFS) Nigeria and circulating nation-wide via social media, radio jingles and person-to-person canvassing. The "Special Note" states that the NGO is collaborating with ICPC in the fight against corruption, particularly its Constituency Project Tracking Group initiative, using web links of news reports to substantiate its statement. While it is true that CPCFS is one of the organisations ICPC is working with on the CPTG initiative, the Commission HEREBY DISCLAIMS the association of its name and activity on the "Special Note" with the membership drive/official restructuring of CPCFS whereby the NGO is asking members of the public to register with the sum of N2,200 to get some benefits as well as the NGO's verbal promise to prospective members that ICPC would be paying such members. The Commission would like to reiterate that ICPC is NOT a part of this money-raising scheme of CPCFS or any other entities. Notice should be taken that any further report of this matter will be investigated and duly

punished. Members of the public should take note and are urged to contact the Commission when in doubt. (Capitalised words in original) ¹²⁰

Cases like this are not uncommon in any arrangement involving the participation of NGOs and Civil Society Organisations (CSOs) in Nigeria because some founders or conveners of these organisations, no matter their claim of altruistic motivation, promote the organisations mainly for financial gain (Smith, 2006, p. 5). This certainly increases the ICPC's burden of regular monitoring and surveillance.

5.3.2 Sustainability Challenges of ICPC Collaborative Programmes

The ICPC has an enormous task co-ordinating individuals and groups (as its partners) to facilitate its collaborative activities. As I was informed by senior officials both at the headquarters and the zonal offices in Kaduna, Lagos and Enugu, the Commission does not fund any of the programmes or projects of its partners. Any individuals or groups interested in aligning with the Commission's mission and mandate would simply have to source its own funds for the volunteer assignments. By this arrangement, the Commission has the advantage of expanding the scope of its activities through the "free" services and projects fully funded by its partners. Through its linkage with the partner organisations, the Commission also has the advantage of reaching out to the grassroots people within the coverage areas of the NGOs, clubs, and the volunteer groups.

Nevertheless, each of these sources of potential benefit also poses great dangers to the integrity and relevance of the Commission. In terms of funding, the Commission has little or no control over the source of funds being mobilized by its partner-organisations. In this, there is a likelihood of the funders having a separate

¹²⁰ See (ICPC, 2020): Disclaimer: ICPC Not Involved in Community for Peace and Corrupt-Free Nigeria's Membership Drive available at <https://icpc.gov.ng/2019/08/29/disclaimer-icpc-not-involved-in-community-for-peace-and-corrupt-free-society-nigerias-membership-drive/>

(hidden) agenda to be exploited using the cover of the ICPC. Most importantly, the mode of funding might not be sustainable. In the case of the REOCOORPH foundation, the chairman told me that he was not engaged in any paid employment. He is a freelance pastor without any church affiliation. When asked for the sources of the funds being used for his programmes, he responded that he has been relying on the donations of Nigerian volunteers who care about charity work. These individuals are motivated to support him based on his work on the welfare of orphans and elderly people. It was not clear whether or not he made the donors aware that their donations are also used in funding anti-corruption programmes. Neither was the identity of the voluntary donors made known to the public. The only point he made was that he was always wary of politicians because of the obscure source of their wealth and their hidden political agenda. This was in sharp contrast with the subsequent findings by the researcher that Reverend Obioha himself is also a full-time politician. Reverend Obioha had always been a candidate of the opposition party – Alliance for Democracy (AD) – at several general elections in Nigeria. In fact, as at the time of this fieldwork, Reverend Obioha's suit against the Independent National Electoral Commission (INEC) and the factional leader of the Alliance for Democracy (AD) was pending in court. In the suit, Reverend Obioha, represented by Barrister Nzelu (the same Venerable Nzelu mentioned earlier) was arguing before the court that he was the authentic chairperson of the AD and that INEC should stop recognising the other respondent. This suit also confirms that the relationship between Reverend Obioha and Venerable Nzelu goes beyond their "common interest" in the fight against corruption. Perhaps anti-corruption activism might just be a cover for Reverend Obioha

to champion his political cause and enhance his visibility indirectly.¹²¹ This makes his claim of non-association with politicians very specious. Also, no mention was made of any previous donation being turned down for any reason whatsoever. He revealed further that apart from his self-funding and other donations towards REOCOORPH work, all the nominal members of the foundation are not committed in terms of its finances. Despite the fact that he has worked under this condition for about eight years, the sustainability of the REOCOORPH foundation is in serious doubt. The financing of the foundation has no clear delimitation from that of its founder. There is simply no form of corporate governance in its operation. In fact, according to him, the meal shared during the programme was home-made and prepared by his wife using the ingredients they have at home. This should be a source of serious worry for the ICPC because I was reliably informed that REOCOORPH is one of the leading and most active NGOs that have been championing the public education and mass-enlightenment programmes of the Commission. These observations confirm the findings of Theobald (2000) that:

The outlook for a vigorous civil society in less developed states is not encouraging. Poverty, low levels of literacy, geographical and social isolation, and, probably most important of all, the unrelieved burden of surviving from day to day, hardly conduce to participating in and organizing those associations that will constitute an effective check on the actions of government (p. 153).

There was evidence to validate this too. During my visits to the zonal offices in Kaduna, Lagos and Enugu, I saw just a few records of NGOs who are in partnership with the ICPC. It was only the REOCOORPH foundation seminar that I witnessed during the fieldwork. All other programmes were directly organised by the Commission

¹²¹See (Daily Post Nigeria, 2013): INEC is truncating democracy – Lawyer tells court available at <https://dailypost.ng/2013/05/20/inec-is-truncating-democracy-lawyer-tells-court/>. Last Accessed on 07/10/2019.

itself. In essence, it will be a big loss if a foundation like the REOCOORPH becomes moribund due to lack of adequate funding and a poor governance structure.

5.3.3 Moral Hazards under Weak Surveillance

As noted in 4.3.1 above, the ICPC relies not just on non-governmental organisations (NGOs) as third-party agencies that performed collaborative anti-corruption tasks on its behalf. Several outreach programmes were set up to recruit school children into anti-corruption clubs, college students into the Anti-Corruption Vanguard, Youth Corps members into anti-corruption community-development service groups, and private individuals as volunteers into the National Anti-Corruption Volunteer Corps.

This creates a certain form of delegated authority to the partnering organisations. Working through third-party organisations comes at certain costs for the agency, some very detrimental to its image, reputation and integrity as an anti-corruption agency. The Commission, on its drive to carry out education and mass mobilization to deepen anti-corruption campaigns, may be aware of the potential dangers involved in this task. I believe this is why, according to one of its education department's official in Enugu, the Commission carries out extensive background checks and vetting of any individuals or organisations to be involved in its collaborative work. According to the official, individuals who wish to join any of the anti-corruption campaign groups are required to submit, as referees, names of two reputable persons who can attest to their character and integrity. This is in addition to a detailed police report confirming that the person (the intending member) has no records of any crimes. Without these two requirements, no one could be cleared or registered as a member of any groups that works with the ICPC.

As for the organisations – mainly registered under the NACC – the requirements include the submission of a copy of their certificate of registration with the Corporate Affairs Commission (CAC) confirming their mission and vision, valid documents confirming their operational address (this is confirmed through a visit by ICPC officials) and then, letters of guarantee from two reputable traditional rulers within the local areas of operations of the organisations confirming their past programmes and activities, which must conform with the acclaimed scope of operation in the intent form they have initially submitted. All these documents are closely examined and wherever further clarifications are needed, the concerned organisation or individual is called upon to provide such.

Although the authority delegated by the ICPC does not empower any collaborative organisation to investigate and prosecute alleged offenders on its behalf, there is still a need for the Commission to continuously monitor the activities of its partners to ensure they do not stray from their assigned portfolios. Not only this, but there is also a form of continuous negotiation between the Commission and its partners to ensure that the volunteer institutions do not infuse any hidden agenda into their mass-mobilization programmes while reaching out to the members of the public.

For instance, despite the fact that the REOCOORPH foundation has been registered as a member of the NACC and has operated for about eight years under the auspices of the ICPC, approvals for any of its programmes are not automatic. Its chairman still has to go through bureaucratic process of submitting the proposals for its programmes (including the date, venue and time) to the chairman of the ICPC through the state/zonal office. I suspect that the bureaucratic delays in getting feedback through the official process led Reverend Obioha to resort to his direct connection to the ICPC boss. The continuous vetting of the programmes of NACC

members (and other third-party organisations) is motivated by a strong concern over the moral hazards that may creep in after such organisations may have been registered with the ICPC. During the post-seminar interview, Reverend Obioha informed me of the initial focus of his NGO on the welfare of orphans and elderly people and also rationalised why he subsequently combined the ICPC anti-corruption project with his portfolio after some years of operations. That was his claim. I do not have any means to establish these claims and neither does the ICPC. The implication of this is that the ICPC cannot fully allow the partner organisations to operate on their own free will.

To emphasise the possibility of moral hazards and how the ICPC cautiously treats its partner organisations, I reflect on a particular moment I witnessed in Lagos. During one of days I was at the ICPC Lagos Zonal Office, the education department where I was primarily hosted received a letter. This letter was a follow-up to one that was previously received by the ICPC from one Ndi-Igbo Anti-Corruption Group, Lagos. Immediately the education official opened it, he was smiling distrustfully and nodding his head. It was at that point that I asked him what could make him smile about the contents of an official letter. His response was loaded with reservations against the organisation that wrote the letter. In the letter, the anti-corruption group (also a member of the NACC) had scheduled a high-powered anti-corruption summit to hold in Lagos. The group had invited the Executive President of Nigeria, leaders and members of both houses of the federal parliament as well as the Chief Justice of the Federation amongst other high-ranking officials expected to grace the occasion. This letter, which is a follow-up to the initial letter received a few weeks earlier indicated that the programme had been postponed indefinitely to a date to be communicated later. His submission was that right from the very day the group became a member of

the NACC, the Lagos Office of the Commission was worried that the promoters of the group could have other motives for floating the organisation and joining the NACC. However, since state/zonal officials lack the powers to disqualify any prospective member, there is little they could do about their worries. Nonetheless, the Lagos office has never treated any of their programme proposals as genuine and they were always being monitored to ensure that the ICPC platform is not used achieve any ulterior motive. What surprised me in this whole episode was not the purported intent of the Ndi-Igbo anti-corruption group but how it is impossible for the ICPC at the national level to fully benefit from the intelligence gathered by its state/zonal officials.

Despite the purported surveillance of the Commission on the activities of its partner organisations, I found out not only in Enugu but also in Lagos and Kaduna offices respectively that certain groups and organisations that previously operated under the ICPC/NACC had been disbanded as a result of their engagements in unauthorised activities using the name of the ICPC.

5.3.4 Anti-Corruption Network and Patronage System

A very striking observation I made during this seminar was how the anti-corruption mechanism in Nigeria relies heavily on the patronage system to survive. Here, two observations are pertinent: one, in organising the anti-corruption seminar, Reverend Obioha had direct contacts with the Chairman of the ICPC to facilitate the approval and official participation of the Commission and two, the only person that cited how certain corrupt civil servants were punished as a result of his reporting of such acts practised by road safety officials was Venerable Nzelu. He achieved this “feat” not as an ordinary citizen but as a result of his family to the Chief Executive of the Federal Road Safety Corps (FRSC).

While preparing for the seminar, Reverend Obioha had approached the Enugu Zonal Head of the ICPC to liaise with the headquarters in Abuja to seek approval for the programme to hold. During the course of my fieldwork, I was able to establish that this process was the standard practice for any programme organised by affiliate organisations of the ICPC. In as much as this was just a sensitization programme being organised by the foundation, I thought it was not all that necessary for the headquarters to be deeply involved in the planning phase, especially as I was told previously that all the background checks for the NGOs working with the ICPC were done by the headquarters before they were accepted for registration. I believe that sending a periodic update of information on the activities and performance of these NGOs to the headquarters would be enough while the zonal offices concentrate on the logistics that would facilitate the collaborative work with the NGOs. Though I was not privy to the information that caused delays in getting timely feedback acceptable to Reverend Obioha in the course of planning for this seminar, at some point, he opted to directly communicate with the Chairman of the ICPC in Abuja.

As a result, the Enugu office became merely a point of contact to receive any documents sent to him from Abuja. As he (Reverend Obioha) told me, he was unhappy that some of the handbills and posters released to him from the Abuja headquarters was not handed to him. He wondered why this should be the case:

I wrote to Abuja, they said there is no material (the handbills)... They told me the material was coming from Abuja yesterday from the National Chairman. They said they will bring it to me. They didn't bring it to me. They went and sent it this morning, they brought a few copies of this thing from this envelope. I asked the man. I said, what is this? He said, I should ask the Zonal Commissioner because Patrick who is in charge of NACC should have given me the materials... If you want to go to Abuja, go to Abuja... they now dropped it and gave me a few. That is the truth of the matter. I was struggling with materials which is not good but I am not complaining about that because there is corruption everywhere and we need to keep talking. There is no way you cannot give me materials. If they want their own materials, they should write for it. They know what they are doing. I

am not complaining anyway (Personal interview with Reverend O. C. Obioha in Enugu, April, 2017).

It was clear from the tone in which he delivered the above message that his personal (direct) effort to request for handbills from the national headquarters of the ICPC in Abuja yielded some results. However, because these sensitization materials were sent to him through the zonal office in Enugu, some of the materials were retained by the officials in Enugu. Clearly, he was not happy about this but unwittingly submitted to the bureaucratic manoeuvres of the Enugu office. He even concluded that this in itself was an act of corruption over which he had no powers.

It was also clear from his speech during the seminar that he knew the itinerary of the ICPC chairman from his personal contacts as he informed the audience that the chairman purposely returned to the country just a day before the seminar to prepare and deliver the keynote address at the seminar as scheduled. He said further that the chairman was unavoidably absent as a result of other official assignments. How he came to the conclusion that it was the primacy of the REOCOORPH seminar that brought the chairman back – even though he eventually did not attend the seminar – I could not understand. However, the chairman's keynote address and goodwill message were delivered by the Enugu Zonal Head of the Commission.

This network that connects Reverend Obioha directly to the ICPC chairman may prove significant and the only thing needed to determine whether a programme organised under the auspices of the ICPC by any affiliate organisation will hold or not. It is clear from the processes involved that if by any chance there was no timely official feedback from the headquarters through the Zonal Office, the programme may be stalled or postponed indefinitely. I do not know the number of events that may have

suffered this fate. But in the case of the seminar at Enugu, cancellation or postponement of the programme at the last hour would have caused tremendous damage to the reputation of the organiser among the attendees, especially senior government officials who might not have any personal relationship with Reverend Obioha beyond their official invitations.

In the second observation, the power of patronage clearly played out in the ability of Venerable Nzelu to bring to book, erring officials of the Federal Road Safety Corps (FRSC). In any medium possible, it is usual for government agencies in Nigeria to announce to the public that there is a laid down procedure to report any act of corruption among their officials and the subsequent in-house mechanism to investigate and punish officials found to have flouted the law. This routine was also carried out at the seminar by the senior officials of the police, the FRSC, the Nigeria Customs Service (NCS), and the NSCDC amongst others. However, this was not always the case. More often than not, reported cases are neither investigated nor punished; especially if the officials involved have connections up the hierarchy of administration within the agency. This has led to several allegations of syndicated corruption by the members of the public who believed that corrupt junior officials of government agencies who interact with citizens on a daily basis are by no means acting alone without the knowledge, co-operation and approval of senior officials.

Venerable Nzelu's experience in bringing corrupt FRSC officials to book, without bureaucratic cover-up or delays, was simply outstanding. He cited his experience to encourage the participants at the seminar to speak up and seek redress whenever they encounter similar situations where corrupt practices (extortion by public officials) seem unavoidable. What he however forgot was his positionality and personality within this network of social relations and powers. This line of actions as

reported by him is fraught with several abnormalities that are built around the patronage system. The patronage system forms part of the challenges of anti-corruption campaigns in Nigeria. Patronage networks in anti-corruption campaigns may facilitate the punishment of the corrupt as witnessed in the foregoing case but more often than not, it works against the entire principles of transparency and accountability that are the hallmarks of good governance. First, by directly contacting the Corps Marshall, Venerable Nzelu had subverted the official procedure laid out to members of the public. Not only this, by not using the appropriate channel to secure the punishment, those channels are implicitly made irrelevant. In most instances, when members of the public got wind of the punishment meted out to erring Corps officers, they become less enthused by the personality of the “whistle-blower”. Their loss of confidence and scepticism are borne out by the fate of millions of other citizens who do not enjoy the closeness of Venerable Nzelu to the Chief Executive of road safety. This is further worsened if they have witnessed similar situations and forwarded the complaints to the FRSC through the official procedure with neither investigation carried out nor any punishment meted out. Furthermore, subjecting the anti-corruption mechanism to patronage network results in power plays in which the outcome depends on whoever has more influence on the decision-making authority. For instance, if Venerable Nzelu had been an ordinary friend of the Corps Marshall instead of his claim of being a benefactor to Mr Chidoka, the entire narrative might be different, especially if the officials that collected the bribes also have connections with the Corps Marshall. Instead of the investigation and punishment in line with bureaucratic rules, the Corps Marshall – an enforcer of the law – might end up being a mediator, trying to resolve the matter to the satisfaction of both parties without following the appropriate bureaucratic procedures for such interventions.

In summary, the interference of the patronage system in the administration of Nigeria's anti-corruption policy and practice makes the anti-corruption framework itself corrupt – at least by subverting official procedures to the benefits of certain individuals. I believe there should be a better way of strictly upholding official guidelines in dealing with individuals and organisations involved in Nigeria's anti-corruption mechanisms. Inadvertently, Venerable Nzelu's story promoted a somewhat corrupt practice at an anti-corruption seminar. By the strict definition of corruption and the official guidelines of the ICPC, it would be impossible for this situation to unfold from any in-house ICPC's resource person if this programme had been primarily organised by the Commission.

5.4 Conclusion

In this chapter, I have discussed one of the arrangements under which the ICPC works through third-party institutions. By relying on the data gathered during my participation in a one-day seminar organised by the REOCOORPH foundation, a member of the NACC, I analysed the inherent strengths in the outsourcing of the responsibilities for public education and mass-enlightenment campaigns on corruption and corrupt practices (a core mandate of the ICPC) to a third party. I also discussed the unintended negative implications of this arrangement, particularly on the operational autonomy and integrity of the ICPC in the extreme case that NACC member such as the REOCOORPH foundation undermines the delegated authority of the ICPC. There is also a danger that participants at seminars such as this would assume every point made, including those undermining strict official rules through the patronage system, are promoted by the ICPC. In reality, the Commission was "co-opted" into such an environment by an intermediary that should be under direct control of the ICPC itself. In essence, the ICPC, which should have independent powers in

the control of these activities, was becoming an unwitting participant in programmes that counter its official position as an anti-corruption Commission.

This outsourcing arrangement is no doubt beneficial to the ICPC in terms of cost, and to Nigerian society at large, as it widens the geographical spread of the ICPC's anti-corruption campaigns beyond the immediate coverage of its offices nationwide. However, the ICPC should be more circumspect in the screening of prospective NACC members to identify those with genuine interests in anti-corruption campaigns. Not only this but also, upon registration, the Commission should strengthen its network of institutional surveillance over the activities of these NGOs and finally, the Commission should be ready to be more involved financially in the programmes organised by the NACC members. This will ensure that genuine NGOs are given the needed funding support to sustain their programmes and activities.

Chapter 6

The Anti-Corruption and Transparency Monitoring Units (ACTUs): The Internal Monitors

6.1 Introduction

During my research visit to the North-West Zonal office of the ICPC in Kaduna in March 2017, I got to know a senior manager who had gained substantial experience in postings at several ICPC offices. In our daily informal conversations, he drew on his experience as a frontline and investigation operative to reflect on the intricate operational challenges that the Commission faces from his years of service. He used to reiterate one particular point: the ICPC could do more if it focused on fighting corruption proactively. Building on his long years of experience, he tended to see enforcement through investigation, prosecution and asset-tracing and forfeiture as ineffective when not outright impossible.

One of the keys to effective ICPC operation was what this veteran employee called “follow the money”. He was of the opinion that the ICPC should create a mechanism through which its officials are seconded to government ministries, departments and agencies (MDAs) to monitor the critical areas of public administration that are most susceptible to abuses, namely the financial operations of public institutions. These ICPC officials would monitor staff payroll, public procurement, budgetary processes and other sundry financial activities, and promptly notify the Commission whenever there are suspected cases of infractions. This would enable the ICPC to act promptly to mitigate financial abuse of public office in a timely manner. By doing this, corruption will be “nipped in the bud”, he said.

I noted that the Commission already had a mechanism in place that is intended to serve the same purposes he thought were so critical: the Anti-Corruption and Transparency Units (ACTUs). In fact, the existing system empowers designated

officials to carry out the same responsibilities as proposed above, only that these officials are not primary personnel of the ICPC. Moreover, the scope of the ACTUs goes beyond financial surveillance to include all the other duties performed by the ICPC officials, excluding prosecution of an accused person. His response was that the current arrangement has not been effective in fighting systemic corruption across government MDAs in Nigeria in the ways that the ICPC had envisaged, and that something needs to be done. However, he didn't tell me much about the things that were wrong with the present arrangement much less the reforms to correct them.

In this chapter, my focus is on the corruption-prevention collaborative work of the ICPC with other state actors enlisted under the Anti-Corruption and Transparency Units (ACTUs) within government agencies. The ACTUs' operational mechanism is similar to that of NACC discussed in chapter 5 because under both arrangements, the ICPC delegates the power and responsibilities to carry out its corruption-prevention operations to third parties. However, while the NACC members are non-state actors and are limited to corruption prevention through public education and mass-enlightenment campaigns, ACTU officials are non-ICPC government personnel and are empowered to carry out almost all the functions of an ICPC officer except prosecution of cases. ACTU officials are primarily employed and paid as civil servants, and they report directly to line managers within the government MDAs where they work. I explore the operational performances and the experiences of field officials of the ACTUs, to further understand how the ICPC's attempts to actualise its mandates through third-party institutions unfold. This chapter reveals how the ICPC attempts to prevent corruption by "outsourcing" its powers and responsibilities to reach its targeted operational goals. It also examines the critical underlying issues that undermine the

operational independence of the Commission and suggests key areas of restructuring that could improve the overall operational effectiveness of this arrangement.

6.2 The Anti-Corruption and Transparency Units (ACTUs)

In 2001, in line with section 6(f) of the ICPC Act to enlist and foster public support in combating corruption, the ICPC sent a request to the Head of Service of the Federation for the establishment of the Anti-Corruption and Transparency Units in government ministries, departments and agencies (MDAs). Thereafter, a stakeholder meeting of ICPC management and chief executives in government establishments was held. In this meeting, the *modus operandi* of the proposed ACTUs was discussed. Subsequently, two memoranda OHCSF/MSO/192/94 (dated 2/10/2001) and OE/MS/MSO/196/s.1/7 (dated 16/04/2003) were issued by the Office of the Head of Service of the Federation requesting the chief executives of federal establishments to establish ACTUs and provide funding support for their operations as requested by the ICPC. By July 2015, there were 426 ACTUs across federal MDAs in Nigeria.¹²²

The creation of ACTUs originated from the powers of the ICPC chairman to issue standing orders in pursuant of the Commission's mandate as enshrined in Sections 7 (1) and 70 of the ICPC Act with reference to its powers to make rules. Section 7(1) of the Act provides *inter alia*:

The Chairman may issue administrative orders to be called "Standing Orders", which shall conform with [sic] the provisions of the general control, training, duties and responsibilities of officers of the Commission, and for such other matters as may be necessary or expedient for the good administration of the Commission and to ensure the efficient and effective functioning of the Commission.

¹²² <https://icpc.gov.ng/actu/> Last accessed 20/06/2020.

The roles expected to be performed by the ACTUs include: conduct of preliminary investigations into reported cases of abuse of powers within the host organisation; conduct of system study and review within the host organisation to detect and change any operational systems flaw that may induce corruption; promotion of anti-corruption education and enlightenment campaign programmes; monitoring of budget implementation (*follow the money*); promotion of ethics and enforcement of integrity through compliance with ethical codes; monitoring of operational systems and procedural compliance to prevent suppression of records, false claims, embezzlement, dishonesty and falsification of records; recognition and presentation of merit awards to staff with outstanding records of good professional conduct and integrity in service delivery. These are indeed very comprehensive and challenging roles for the ACTUs to perform considering their structural integration with the MDAs that they are expected to operate.

Each ACTU is to have at least five members including the chairperson and the secretary, who must be senior management-level officials, to be nominated by the chief executive of the host establishment. It should be noted that the ACTU chairperson in any MDA may be appointed from any other government establishment outside the host organisation. Functionally, membership of the ACTU is to reflect the various skills and specialisations of staff and spread across the staff cadres within the host organisation.

For the ACTUs to function effectively, all government establishments must set up the unit as soon as practicable, provide support and conducive environment for transparency, accountability and zero tolerance for corruption.¹²³ ACTU members

¹²³ As of July, 2015, there are 426 Anti-Corruption and Transparency Units across the various ministries, departments and agencies of the government. It is noteworthy that the establishment of ACTUs is

must be included in key operational committees of the organisation and allowed unrestricted access to essential operational documents. In spite of the injunction to set up such units as soon as practicable, this process has often been protracted and challenging. Despite the fact that the formation of these units was part of the operational strategies of the ICPC within a year of its creation, setting up the ACTUs has not been easy. For example, over 50% (255) of the current number of 426 units were created between the years 2001 and 2008 – the first seven years after ICPC's inception. In the years that followed from 2008 to 2015, ACTUs have been growing at a declining rate with fewer and fewer new units being formed in the successive years.

As instructed in the funding circular, the host organisation is to provide funding, office space and operational equipment and logistics for the smooth running of the ACTUs. Moreover, the Chief Executive Officers of the MDAs should ensure that ACTU members are protected from victimization and harassment in the discharge of their duties.

Technically, the ICPC retains the principal control over the ACTUs, as it (the ICPC) is expected to be the last resort in handling serious and unresolved internal issues relating to abuse of office in the MDAs. To escalate any issue, the ACTUs report directly to the ICPC and duplicate the office of the Chief Executive. Depending on the gravity of the case, the ICPC decides the next line of action on further investigations and prosecution, if necessary. In return for the service of ACTUs, the ICPC protects its members from victimization, harassment and threat of disengagement from their primary employment within the organisation; organises annual joint meetings with the

restricted mainly to the Federal Government institutions even though it has been resolved by the Supreme Court that federal anti-corruption agencies have jurisdictions over all the states and local governments that make up the federal units in Nigeria. According to the resolution, corruption is a federal criminal offence. See Enweremadu (2012, p. 20).

Chief Executives of the MDAs to review the performance of the ACTUs over time; conducts yearly compliance evaluation and performance assessment of the ACTUs; and provides training and support to ACTU members from time to time to help them acquire the requisite technical and professional skills to perform their tasks effectively and efficiently.

The aforementioned structure presents a clear picture of the conception of the ACTUs' operations. However, during my participant-observation of the ICPC 2017 annual training workshop for the members of the ACTUs across Nigeria, and the subsequent interviews I had with some members of these units, it became clear that the operational environment for ACTUs is very different in reality. My interaction with ACTU field officials provided an insight into the work and the operational challenges they face. In the rest of this chapter, I discuss the proceedings of the 2017 ICPC/ACTUs' workshop, analyse the intricacies surrounding their relevance and the implications of their work on the independence of ICPC operations.

6.3 The 2017 ICPC Annual Training Workshop for ACTU members

The ICPC 2017 annual workshop for the members of the ACTUs at the Anti-Corruption Academy of Nigeria (ACAN), at Keffi, Nasarawa State, gave me the opportunity of witnessing how the Commission trains its institutional "foot-soldiers" and also provided an avenue to interact with, and interview some participants. I was thus able to gain insights on the participants' experience working as ACTU members, the relevance of this training workshop in enhancing and refreshing their professional capacity, as well as listening to their narratives on the key challenges they confront in their day-to-day assignments. Importantly, many of the testimonies touched on the ACTUs' survival and their coping strategies to remain on the job. ACTU members also

suggested ways by which the ICPC can improve the capacity of the units to transform them into the effective anti-corruption entities they were designed to become.

The workshop was held between Tuesday 6th and Thursday 8th June 2017 and had in attendance 175 members from various ministries, departments and agencies across Nigeria. Figure 6.1 below shows a cross section of the participants at the workshop. This was one of the very few programmes that was held at the Anti-Corruption Academy of Nigeria (ACAN) during my fieldwork. It was therefore a key moment for me to learn about the material contents of the workshop and the lived experiences of the workshop participants, who implement the ACTUs' operational standing order.



Figure 6. 1: A cross-section of the participants at the Data Gathering and Investigative Skills workshop for members of ACTUs, June 2017. Source: Author's photo file

6.3.1 The Workshop's Theme

The theme of the workshop was “Data Collection and Investigative Skills for Corruption Prevention in MDAs for ACTUs.” In the goodwill message of the chairman of the ICPC, he reiterated the rationale behind the establishment of ACTUs as a corruption-prevention mechanism in government MDAs and admonished ACTU members to consider their nomination as a call to service at the highest level of integrity and professionalism. He then charged them to participate fully in every activity of the workshop to refresh their skills and enhance their capacity for the effective discharge of their duties. He also advised them to be free in discussing their experiences during the interactive question-and-answer sessions after the lectures to deepen and share knowledge amongst the participants.

In all, there were five lectures and one group-activity session, which focused on various sub-themes on data collection and investigation skills. The lectures were delivered by facilitators and consultants from within and outside the ICPC/ACAN. A number of lecturers were senior officials in their respective units within the Commission. From the lectures, it was clear that they were well prepared in sharing their hands-on experience with the participants, who were more or less carrying out exactly the same duties as them. To emphasise the thoroughness of the training workshop, I shall therefore proceed to the relevant details of the lectures.

6.3.2 The Lectures

6.3.2.1 Corruption Risks, Anti-Corruption Legal Instruments and Corruption Prevention

The first paper, titled “Public Sector Corruption: Mapping-Out Corruption Risk Areas”, highlighted what constitutes corruption risks in public organisations. According to the lecturer, a risk is a situation or condition that makes probable the occurrence of

a future event that could hamper the realisation of organisational goals. Corruption risks therefore include any condition that facilitates or makes abuse of official procedures within an organisation possible. This could be at an environmental, organisational or personnel level. It is the duty of anti-corruption officials charged with corruption-prevention responsibilities to identify the corruption risk areas in the organisation and put in place mechanisms that could mitigate them.

The lecturer identified key activities that could provide the breeding grounds for corruption risks if no proactive measures are taken, including: office procurement and contract awards; staff recruitment, training, promotion and discipline; budgeting processes; payroll management; office vehicle use and management; office materials; staff-attendance records; revenue generation and remittances; licensing, regulatory and oversight functions and information security amongst others.

Furthermore, the lecturer argued that it was necessary that the identified organisational operational areas be strategically mapped out and for a standard procedure (an ethics infrastructure) that is less prone to abuse or ambiguity to be adopted. This will minimise discretionary opportunities usually exploited for abuse and corrupt practices. It should also be well spelt-out what the sanctions are if this standard procedure is flouted.

Though the ACTU officers at the workshop came from diverse departments and backgrounds within the Nigerian public-service sector, this first lecture served to educate and enhance their knowledge of the general nature of corruption as it could exist in any organisation irrespective of the nature of their operations. Some key issues that came up for discussion after this lecture included corruption risks involving staff recruitment and promotion as well as the interface of MDA officials with their

regulatory/supervisory authorities, such as the National Assembly Committees. As reported by the participants, the interactions with regulatory agencies sometimes resulted in pressures and unofficial requests for personal financial and non-financial benefits being made to the staff of MDAs by regulatory officials.

In her response, the lecturer stated unequivocally that favouritism in all its manifestations is an act of corruption. Therefore, all policy frameworks that could engender objectivity of action in any corruption risk area within the organisation should be in place. For example, recruitment policy, accelerated-promotion policy, discipline policy and whistleblowing policy should be well outlined in institutional Standard Operating Procedures (SOP) to minimise the scope of individual discretions. Furthermore, the lecturer contended that dealing with regulatory authorities was not an easy task. She lamented that even the ICPC had to be strong enough to weather the storm of the overtures for unofficial dealings made to its leadership by the National Assembly committee members in the course of its annual budget defence over the years. It is necessary for ACTU members and, by extension, officials of the MDAs to report any such unofficial and unethical demands to the ICPC for appropriate action to be taken.

Still on the nitty-gritty of corruption within the MDAs, the second lecture of the workshop titled “Corruption Red Flags in Public Procurement” was delivered by a resource person from the Bureau of Public Procurement (BPP), Abuja. The lecturer identified procurement, whether in terms of materials or services, as the biggest financial/budgetary outlay of any organisation, and incidentally making public procurement the largest loophole of financial corrupt practices in Nigeria (Udeh &

Ahmadu, 2013, p. 144; Ozigis, 2019, p. 337).¹²⁴ It is a critical activity that could determine the success or failure of an organisation if the associated corruption risks are not proactively identified and dealt with. The lecturer averred that public procurement is highly prone to abuses because large sums of money are usually involved. From available evidence, there is a possibility of abuse at every stage of the procurement process from the tender stage to evaluation, invoicing and delivery.

The lecturer stated that corruption in procurement could occur as a result of individual or collective actions of staff members of the public institutions acquiring the goods or engaging the services and/or contractor(s) offering the goods or services to the institutions. Nonetheless, with painstaking effort, it is possible to identify the key indicators (red flags) that point to the likelihood of corruption in procurement processes, whether such is facilitated by individual or collective actions. The lecturer therefore highlighted certain indicators of corruption risks in procurement and the control strategies that could be instituted to minimise such abuses.¹²⁵

What sufficed in the discussion session following the lecture on corruption in public procurement revealed that ACTU officials were extensively experienced in public procurement matters. A participant from University of Uyo Teaching Hospital lamented that in the present situation, the procurement officials in the MDAs were working hand-in-hand with the Chief Executive Officers to circumvent the extant procurement laws and advised that the ICPC should do more research in this area to unravel the ugly trend. Another participant from the Federal Ministry of Transportation

¹²⁴ Alhaji Bala Kaoje, a Nigeria former Minister of Sports and Youth Development once declared that procurement fraud accounts for 70% of government budget in Nigeria. See (The Punch, 2017): Corruption in procurement accounts for 70% of govt budget – Kaoje available at <https://punchng.com/corruption-in-procurement-accounts-for-70-of-govt-budget-kaoje/>. Last accessed 09/10/2019.

¹²⁵ For a detailed discussion on corruption red flags in public procurement and contracting, see IBRD/World Bank (2013) and Ifejika (2018).

expressed the powerlessness that ACTUs faced in the hands of the Chief Executives of the MDAs. He described these executives as the “mini gods” who determine what happens in ACTUs by virtue of their delegated powers to nominate members of the ACTUs and their control over the finances of the units.

Moreover, another attendee from the University of Uyo Teaching Hospital requested that ACTU members be made automatic members of the Procurement Board to enhance their supervisory and monitoring capacities within their respective MDAs. However, this request was countered by an ACTU official from the University of Calabar, who argued that the investigative powers of the ACTU members would be compromised if they become automatic members of the Procurement Board as they would no longer be able to investigate the activities of the same board in which they belong.

In addressing the issues raised on public procurement, the lecturer averred that the Bureau of Public Procurement, where he works, only co-ordinates the procurement activities of all government MDAs across the federal establishments to ensure compliance with the Public Procurement Act 2007; this law does not empower the BPP to prosecute violators of the laid down procurement procedures. He emphasised that the anti-corruption agencies are in a better position to investigate and prosecute violators of the provisions of the Procurement Act. He further advised that the current procurement law does not make any provision for the inclusion of ACTU officials as members of the board even if such inclusion does not compromise their investigative powers.

The next lecture, which discussed “The Legal and Institutional Frameworks for Preventing and Combating Corruption”, was an attempt to trace the history of anti-

corruption laws in Nigeria. In some ways, the lecturer argued that all major extant statutes in Nigeria were considered to be anti-corruption instruments because they all specified the conduct that is expected from public officials in the course of their duties. In this regard, any deviation from such provisions, especially to serve personal and pecuniary purposes of the violator, constitutes an act of corruption, and these legal instruments usually have provisions for addressing such infractions.

In addition, the lecturer stressed some of the challenges facing the enforcement of anti-corruption instruments in Nigeria to include weak institutional capacity, frosty inter-institutional co-operation and rivalries, lack of special anti-corruption courts and the legal lacunas that allow for unending legal battles in prosecuting corruption charges. All these challenges, he said, have made it difficult for the satisfactory implementation of the anti-corruption laws. In fact, he also described citizens' apathy towards anti-corruption campaigns as another dimension of inadequate political will on the side of the citizens, as there were some states from which the ICPC has not received any petition from members of the public for several years. If anything, this is an indication that, despite the efforts of the ICPC to mobilize the Nigerian public against corruption, there are still some underlying factors resulting in the differentials in the level of awareness amongst citizens about anti-corruption campaigns across the country.

Responding, a member of the ACTU from the University of Calabar opined that the punishment for the various corrupt practices as contained in the extant laws appeared inadequate or too lenient to deter the crimes. It is likely that he had first-hand experience of how officials were willingly flouted the extant anti-corruption laws without consequences; and even when the law took its course, the punishments meted out were considered grossly inadequate to deter potential violators. This ACTU

member recommended that the ICPC should approach the appropriate authorities for the amendment of its enabling act.

Not surprisingly, the lecturer affirmed that the sanctions in Nigeria's anti-corruption agency laws were grossly inadequate, coupled with the low conviction rate in the courts. He however expressed frustrations at the cumbersome processes to amend these laws. He cited a particular instance in which the Money Laundering Act submitted for amendment was "watered down" by the members of the National Assembly in contrast to the request for stiffer penalties as proposed by the anti-corruption agencies.¹²⁶ The lawmakers who are responsible for the amendment of these laws have the idea that such amendments are targeted at them and will stop at nothing to either delay such requests or turn it around in their favour. In any case, requests for such amendments have not received favourable consideration from the members of parliament.

6.3.2.2 Corruption Investigations and Intelligence Gathering

The second session of the seminar explored topics in Corruption Investigations and Intelligence Gathering. The first paper in this session taught participants the "Basics of Intelligence Gathering" in the fight against corruption. The key highlights of the lecture included the definition of intelligence, intelligence cycles, sources of information, and methods of collecting information, and corrupt practices that require intelligence gathering in the course of investigating them in the MDAs.

¹²⁶ The political landscape in Nigeria is fast changing in terms of its players and their roles. Many of Nigeria's politicians who enjoyed immunity from their previous positions as governors and deputy governors (post-1999) have found their way to the National Assembly after winning elections to represent their respective constituencies. With this, they have continued their hold on the political system. Incidentally, because many pending cases being investigated by the anti-corruption agencies are against the ex-beneficiaries of constitutional immunities, it has become an arduous task getting the proposed amendments to the existing anti-corruption laws through the parliament.

Contrary to general ideas that intelligence depicts secret information, the lecturer averred that intelligence means processed information that could aid operational actions of law-enforcement or security agencies. He emphasised that unprocessed information that gives no further lead to law-enforcement agencies could not be regarded as intelligence. The pieces of information to be processed could be obtained from open and secret sources (directed, undirected and casual) by various means including investigation, surveillance, interviews, examination of records, espionage, biometric capture, searches and seizures, and system study and review. This information goes through various stages of processing through a cycle to become useful in answering the most important questions on any particular case being investigated.

Intelligence gathering commences with the issuance of the directives for such activities by the competent officer in charge (Head of Operations, ACTU Chairman, etc). The authorised officer would then collect the information, process it and disseminate it as a report to the authorising party. Virtually all acts of official abuse could be subjected to intelligence gathering. This helps the investigating officer to have robust unbiased pieces of evidence to present against the accused, especially if the case leads to prosecution.

Participants raised a number of questions relevant to building mutual trust with their work colleagues (who are not ACTU members), and how ACTU agents who preferred anonymity could get all the support they needed in reporting cases of corrupt practices in the MDAs. Of particular interest, however, was the case of a participant I refer to as Mr Johnson from the Federal Ministry of Water Resources. Mr Johnson is an ACTU member at the ministry and was one of those involved in the case of the corrupt conversion of government vehicles into private property (described in chapter

4). He expressed his frustration that despite being an ACTU member, there was no special treatment accorded to him during the course of the investigation, when all the officials allegedly involved in the case were questioned at the ICPC headquarters in Abuja. Other participants were worried about the security implications of their ACTU's responsibilities while it appears that not all the reports they have submitted to the ICPC have been acted upon.

While these questions and concerns of the ACTU officials signalled their experiences and the challenges they face in the line of duties, especially in terms of personal security and lack of co-operation from colleagues who are not ACTU members, it also indicated the privileges that some ACTU members believed they should enjoy by virtue of their delegated powers and positions. Rather than addressing these cogent points, the response of the lecturer was somewhat vague and imprecise. The lecturer recommended that ACTU members should forward their complaints and concerns regarding operational challenges to the ICPC for review and action where necessary. He also counselled that participants should consider their personal safety as the topmost priority while they work. However, the ICPC did not utilise the opportunities offered by this workshop to offer some assurances while addressing specific issues raised by the participants. It therefore inadvertently created some justification for ACTU members to exercise extreme caution and possibly provided the grounds for inaction when the threat to their lives is evident in the line of duty. The lecturer also failed to address the perception of some ACTU members who believed that they deserved special treatment even when they are caught in the web of official malfeasance in their place of work. It is telling that despite the significance of this annual workshop, there is a limit to what could be achieved through it as clearly shown in the instances above.

In the last lecture titled the “Basics of Investigation”, the Head of Investigations Unit, ICPC National Headquarters, maintained that investigation is the life-wire of any law-enforcement agency. He stressed that the investigation department is key to the implementation of the enforcement mandate of the ICPC and, by extension, its empowered institutions such as the ACTUs. He noted that officers must uphold two critical grounds during the investigation stage of any case: presumption of innocence and the respect for fundamental rights of the accused person. Abuse of the investigation process goes against international best practices as set out by the various treaties and conventions for which Nigeria is a signatory. The lecturer noted how the ICPC received a huge number of petitions from members of the public, out of which only a few made it to the prosecution stage. It is the duty of the investigation department, in conjunction with the legal department, to determine cases for which the Commission could argue with enough factual evidence beyond reasonable doubt, to establish grounds for conviction. The task of establishing this factual evidence in the course of examining reported cases of corrupt practices is the core duty of the investigation department of the Commission, the lecturer stated.

According to him, an investigation is a systematic, minute, and thorough attempt to learn the facts about something complex or hidden. It is often formal and official. He argued that systematic and thorough investigation is a daunting task; and that a successful investigation is an achievement not to be underestimated. The lecturer went further to describe the key questions an investigator seeks to answer (what, where, when, who and how) about an event, the investigation cycle, the attributes of a good investigator and the challenges that hinder successful investigation.

This lecture on investigation re-emphasised the delegated powers of ACTU members, including their investigative powers in preliminary cases in the respective MDAs before reporting to the ICPC when necessary for further action. Responding, a participant from the Federal Mortgage Bank commended the lecturer for his painstaking efforts in explaining the paper. She however remarked that the performance of ICPC operatives in practice is significantly lower than what was explicitly described in the lecture. To this, the lecturer noted that the reason why ICPC operatives may not always conduct investigations as thoroughly as described in the lecture was that, in any investigation assignment given by their superiors, operatives have three core areas of focus: time, cost and the scope of the investigation. Should they (the operatives) compromise any of these, their entire work will fail. Regardless of this further explanation, it was clear that some ACTU members perceived ICPC operatives as performing below their capacity and it would be ill-advised to discount this without evidence to the contrary.

In the concluding sessions of the workshop, participants were taught basic accounting skills in corruption monitoring and investigation, at the end of which they were dispatched into groups for practical work. All the groups were tasked to carry out a hypothetical system review of any chosen government establishment, paying close attention to existing institutional practices and policies, and to propose a corruption-prevention plan/strategy for implementation in the organisation.

After the group presentations, two participants were allowed to make general comments to reflect on the overall programmes and activities of the workshop. While they both agreed that the workshop has been very educative, refreshing and well managed, the first respondent noted that the ICPC relied almost exclusively on in-house experts for these workshops. He recommended that in the future, they should

involve external resource persons with both professional and academic profiles. The second respondent advised the ICPC to ensure that all the lessons learnt during this programme are put into practice by ensuring adequate empowerment and regular oversight activities for the ACTUs. This may be achieved by quarterly visitations to the ACTUs by the ICPC team, for instance. This would be different from the previous arrangements in which ICPC desk officers hold periodic meetings with the ACTUs. Overall, it is expected that the participants would bring their newly acquired skills into practice as they return to their various offices to continue the various assignments required of them as operatives of the Anti-Corruption and Transparency Units (ACTUs).

6.4 Anti-Corruption and Transparency Units (ACTUs) in the Field

On the face of it, it appears straight-forward that ACTUs would function according to their designs. Moreover, going by the contents and quality of the seminar organised for the periodic training of ACTUs in the preceding section, there is no doubt that the Commission places a high premium on the conceptual roles that ACTU members are expected to perform in their various establishments. However, this may be far from the actual experience of ACTU members in the field. While there are success stories as narrated by some ACTU members, evidence gathered from participant responses during the workshop and the interviews I had with some of them suggested otherwise.

With the observed institutional and conceptual gaps, the attempt of the ICPC to monitor and prevent corruption in the MDAs from within, using in-house “agents” and “internal monitors”, is fraught with inconsistencies that make their operational success challenging, even if this is not publicly acknowledged by the Commission. In the next sub-sections, I discuss these inconsistencies and the “coping-strategies” – the

practical norms – devised by the ACTU members to survive their everyday dilemmas in fighting corruption within the challenging institutional environments.

6.4.1 The Anti-Corruption and Transparency Units (ACTUs): Whose Agents?

Functionally, the operatives of ACTUs are staff members of the respective government establishments where they serve. This is to ensure that they can monitor the activities of the organisation from within and ensure compliance with official provisions, and where there is a breach, immediate remedies are provided. However, in practice, by virtue of the various arrangements under which they operate, it is far from clear how these operatives would work at the service of the ICPC. Indeed, ACTU members including the chairman and the secretary are not only nominated single-handedly by the chief executive of the host agency, but this host agency also has the sole responsibility to fund all the operations of the ACTUs.

This financial framework was established in the initial funding circular issued by the Office of the Head of Service of the Federation (mentioned earlier), at the request of the ICPC. The outcome was that monies for ACTU operations were allocated arbitrarily and entirely at the discretion of the Chief Executive. Recognising this problem, the ICPC pushed for the release of yet another circular (OHCSF/SPSO/CSTD/314/T2/61) from the Office of the Head of Service of the Federation. Dated 5 October 2016 (see Appendix 1), the new circular mandated the MDAs to create in their budgets, a separate head for the funding and operation of ACTUs. At the time of writing, this latest intervention is yet to be implemented. The inability of the ICPC to provide direct funding limits its influence on the ACTUs' operations and relevance. ACTUs rely heavily on their host agency for survival.

This conflicting situation means that the ACTUs become extensions of the ICPC in design, but inseparable parts of the organisation in which they operate, in reality.

An interviewee who is an ACTU chairman in one of the Federal Universities in Nigeria summarised their experience as thus:

The fact that we don't have budget, we have to play the politics within to get the money. It is a constraint. It may be given, it may not be given and depending on the disposition of the person in charge. At the moment, even the outgoing Vice Chancellor used to approve funds for us to travel and attend conferences. This one does the same. But when it gets to office management programmes, it becomes a bit difficult because it is seen as the job of ICPC and then, they should be able to fund you. Maybe it is good for us to also make that very clear. ICPC has its responsibility and should live up to it. University has its own responsibility and should live up to it. When ICPC passes the buck to the Vice Chancellors, it amounts to corruption too. Ok? Whether you like it or not, you play into their hands. [Interview by the Author, June 2017]

It is not explicitly stated the kind of politics that is necessary to get non-budgeted funds for ACTU operations in this case, but the fact remains that some compromises are inevitable. More so, as this operative recognises this singular condition as a constraint that also requires that "you play into their hands". It should be recalled that during the workshop session, another operative had also mentioned unofficial requests and compromises they encountered to secure funding for ACTUs. This operative then asked whether or not the ICPC faces a similar situation during its budgetary presentations at the National Assembly, to which the ICPC official responded in the affirmative.

This workshop itself provides a further example of the effects that the ICPC's limited resources have on its relationship with ACTUs. It emerged that the ICPC charged ACTU members for workshop registration fees, feeding and accommodation to attend the workshop despite the fact that the ICPC is directly responsible for

organising and co-ordinating it. It is important to understand what this means for the loyalty of the ACTU operatives.

As noted in chapter 4, shortage of funds, especially for operational overheads, is a critical challenge to the work of the Commission. This has hampered its efforts in taking the expected leading roles in organising and funding the third-party partners such as ACTUs, which are engaged for corruption-prevention programmes. The consequence is a situation that inevitably meant that the loyalty of the ACTU members will always lie with the management of the host organisations. He who pays the piper, they say, dictates the tune. The ICPC needs to do more if the Commission truly seeks to achieve any meaningful results for corruption prevention through the ACTUs too.

6.4.2 Deep Knowledge, Limited Impact

The participants at the workshop reflected a good spread of ACTU membership across virtually every sector of the Nigerian economy, from education to health, maritime, transportation, oil and gas, aviation, agro-allied research institutes, and other anti-corruption agencies. The list is long. Nobody could have expected the core officers of the ICPC to exhibit the diverse inner working knowledge as the staff members who work in these agencies. This served as a justification for the creation of the ACTUs.

The diversity of this ACTU pool could provide an important source of intelligence that would otherwise not be available to the ICPC in monitoring and preventing corruption in Nigeria. The questions raised by ACTU members during the workshop showed that they were aware of several infractions peculiar to their respective agencies, ranging from collusion in contract awards, theft of public property, violation of code of conduct, forgery of official documents and records etc. For example, an official from the Rubber Research Institute stated that only the staff

members of the Institute with the requisite technical knowledge could understand the techniques used in stealing latex, the commercial product from which the government generates revenue from the Institute. In the case that there is a reported case of theft in this organisation, ACTU members who understand the nitty-gritty of this industry stand a better chance of providing intelligence and tracing material evidence required for the successful prosecution of such case. Such is the beauty of ACTUs in design.

However, because of the tension and power dynamics over the actual control of ACTU activities, the operatives end up getting intelligence that is mostly not put into meaningful operational use. One interviewee told me that their dilemmas lie in between the provisions of the ACTU standing order, which prescribes their duties as anti-corruption agents, and the Civil Service rules, which provide for their responsibilities as career civil servants.

In the circumstance of this tension however, there is neither any meaningful reward nor punishment prescribed in the ACTU standard operating procedure. Meanwhile, a clear career path towards promotion and discipline is laid down in the civil-service regulations. In fact, the ACTUs' operational guidelines do not prescribe a reward for exceptional performance as an operative. One of the interviewees lamented thus:

...no matter how effective I am as an ACTU member, it doesn't add a kobo [the smallest unit of the Nigerian currency] to me at all. It doesn't add anything to my promotion. Nobody is going to say because you are effective as ACTU... in the course of my promotion, I need paper publication. I need to do research and all that. If I don't do that, nobody is going to promote me. They won't say because you are very effective as an ACTU member, you can see the kind of thing. So, to actually make the ACTU to be effective, we have to be encouraged... [Interview by the Author, June 2017]

Even in the cases where ACTU operatives worked assiduously to submit reports on investigated cases, including recommendations for punishment, there were complaints of complete disregard for their recommendations by the Chief Executive, who is supposed to take actions over such. In a particular case, a staff member who was recommended for demotion for engaging in serious corrupt practice was spared because of his closeness to the management. However, in less than a year, she committed the same offence once more and was brought before the ACTU again. The ACTU official involved told me they simply ignored the case.

Knowing this situation as the reality of their working conditions, ACTU operatives have fashioned several strategies of self-preservation, silence and inaction. One of these strategies of self-preservation is to focus more on anti-corruption education, public enlightenment and mobilization against corruption by organising in-house seminars for members of staff of the MDAs. This is much like the overarching strategy of the ICPC itself in trying to avoid being out of tune with the government in power. That way, they can present themselves as active ACTU members, while also working to build their civil-service career. The consequence has been very weak ACTUs in operation, far from the ideal role that they were conceived to play.

6.4.3 Treading along the Boundary

In practice, all the names of nominated individuals for ACTU membership are sent to the ICPC office in charge of the zone or state. This is done to allow for background checks to verify that such individuals do not have criminal records that could put their integrity in doubt. During my visit to the Enugu office, the head of the Corruption Monitoring and Evaluation Department [CMED] conducted such checks on a number of individuals nominated for ACTU positions. This check was also done

to establish that the nominated individuals were not the Chief Executive Officer's cronies surreptitiously planted to carry out their agenda in the organisation.

However, the limits of such vetting are obvious. While background checks could establish whether or not nominees have past criminal records, the mechanism to confirm the unofficial relationship between the nominees and the Chief Executive is limited. Unfortunately, most of the nominees end up as loyalists of the nominating officer – the Chief Executive Officer – as it is unlikely that the management would nominate individuals who are known to be “non-cooperating” within the organisation. Even in cases where truly firm individuals emerge as members or chairman of the ACTUs, the operating environment is usually turned against them if they are not willing “to play by the rules”. The work environment becomes toxic for the non-cooperating officer. At this point, the protection against victimization and harassment contained in the ACTU Standard Operating Procedure becomes inadequate. As one ACTU member narrated:

...although government tried to put such a thing but you know if they victimise you, before anybody will come to your rescue, it takes a lot of time. And they can always exploit loopholes. Like when you try to fight corruption, corruption will always fight back. They will look out for you. So, that is why you have to be very careful. They say he that must come to equity must come with clean hands. Once they know they are your target, they will be looking for anything. They can even try to set you up” [Interview by the Author, June 2017].

In a subtle way, if you are an overly conscientious ACTU member, they will try to frustrate your efforts. For instance, any official issues in connection with approvals that will facilitate ACTU programmes will be strategically delayed. One attendee confirmed that his approval letter to attend the ACTU workshop was deliberately hidden from him until he clamoured for it after learning that other ACTU members received similar letters. ACTU members also often experienced social exclusion by non-ACTU-

member colleagues within the host organisation. Uncompromising officials may become a social pariah as a result of their tenacity to fight corruption.

In extreme cases, there might be threats to the life of an ACTU member who appears to be diligently following the procedures as laid down by the ICPC rule book, as pointed out by a participant during the workshop lecture. The key survival strategy by some of the officials interviewed is to always take their cue from the Chief Executive in order to gauge what is expected of them and to know the red lines that ACTU members should not cross. This knowledge is critical to identify the boundary along which to tread between visibility and inactivity, without running into trouble in the course of ACTU's duties. In any case, the Chief Executive Officer is treated like a mini-god by most of the attendees with whom I interacted because he or she holds the power of "life and death" over their civil-service careers within the organisation.

In summary, the operational environment of ACTUs provides the ground for it to pander to the preferences of the management of the host organisation rather than performing the anti-corruption duties for which they were established. None of my interviewees told me any story of serious cases forwarded to the ICPC that eventually became a matter for full investigation and prosecution. This suggests that whatever the organisation does not want outside institutions (most importantly, the ICPC) to know, ACTU members cannot afford to divulge. Otherwise, they would be putting their civil-service careers at risk.

6.4.4 ICPC/ACTUs in the MDAs: Where lies the Independence?

According to the Standing Order for the operations of the Anti-Corruption and Transparency Units (ACTUs) in the MDAs, produced by the ICPC in the year 2014, the ACTUs are expected to:

operate as an autonomous outfit, with functional linkage with the office of the Chief Executive of the respective establishment. The independence and protection of the unit shall be guaranteed by each MDA for the effective discharge of its mandate... Units in Departments and Agencies that are self-accounting shall report directly to the Commission and not to their supervising ministries; provided that units in such agencies shall be in regular consultation with one another and the supervising ministry's unit (ICPC, 2014, pp. 2-3).

Much like the ICPC itself within Nigeria's anti-corruption campaign landscape, the import of the clauses above was to guarantee the independence of the ACTUs in the MDAs, and to ensure that their operations were in no way encumbered by the need to accede to the influence or control of the management of the MDAs where they operate. On this, three things would suffice. Firstly, what does the independence of ACTUs mean if their operations are to be carried out in MDAs characterised by networks of institutions, interdependence and overlapping functions and responsibilities. Secondly, considering the ACTUs' "functional" linkage with the office of the Chief Executive of the respective host establishment (including but not limited to the power over nomination for membership and funding), where lies the loyalty of the ACTUs? Thirdly, considering the premium that the ICPC places on the ACTUs (usually regarded as "mini ICPC" in the MDAs), and the powers that the ICPC delegated to them, what is the implication of the intricacies of ACTUs' operational environment on the ICPC as an independent anti-corruption Commission?

Technically, enacting the autonomy of the ACTUs and its operations within the MDAs has not been wholly problematic, despite their interactions with several other units and departments with seemingly overlapping responsibilities. Some ACTU members revealed in the course of my interviews with them that they have encountered no problem in exercising ACTU powers of investigation, for example. Quite a number of preliminary investigations have been conducted with the full co-operation of the staff members involved across cadres and units.

Nevertheless, the autonomy clause has also been cited as a setback for the ACTUs in situations where their inclusions could have enhanced their operational effectiveness. ACTUs were set up as corruption-prevention units but it has been difficult to include their officials as members of some critical committees and boards, such as the finance committee or the procurement board of the MDAs. Not only is the compromising of ACTU members as autonomous investigation agents cited as the reason for their exclusion, but also most legal instruments that backed up the creation of these boards and committees did not acknowledge the existence of ACTUs as critical stakeholders in the same context as the ICPC. Hence, there have been no legal grounds for their inclusion regardless of their relevance in such positions.

Moreover, as discussed in the sub-sections 6.4.1 – 6.4.3 above, it is obvious that the functional linkage of ACTUs to the office of the Chief Executive of the host MDAs in the two decisive areas of appointment and funding has significantly diminished not only the autonomy of the units but also limited the scope of their activities. As evidenced by the various dimensions through which the civil service careers of ACTU members provide stronger motivation for actions (and inactions) than the performance of their anti-corruption responsibilities, it is not difficult to understand why the loyalties of ACTU members lie with the Chief Executives, thereby making their de facto autonomy a charade.

Overall, it is very clear that by putting its statutory powers in the hands of civil servants who are placed under a primary authority that is stronger than that of the ICPC, the Commission has wittingly or unwittingly subjected its operational autonomy to the control of a third party – the Chief Executives of the MDAs. This practice contradicts Maggetti's (2007, p.272) definition of autonomy as the ability to translate one's own preferences into authoritative actions without external constraints. Unless

the ICPC takes a bold step at restructuring the workings of the ACTUs, one of its earliest corruption-prevention attempts may continuously remain its weakest design.

6.5 Conclusion

In this chapter, I have discussed – based on qualitative data collected from participant-observation of the ICPC/ACTUs 2017 Annual Workshop, proceedings and interviews – the ICPC corruption-prevention mechanism through the third-party entities, the Anti-Corruption and Transparency Units (ACTUs). By design, the ACTUs are in-house anti-corruption bodies, which are expected to provide the ICPC with specialised and industry-based first-hand intelligence on corrupt practices across government MDAs to facilitate prompt actions against official abuse and infractions on government operational rules. Not only this but also, the ACTUs also serve as safeguards and corruption-prevention agents by facilitating anti-corruption education and public enlightenment amongst members of staff of government establishments.

In practice, this well-intentioned mechanism encounters certain operational risks and encumbrances. First, the operatives of the ACTUs are not ICPC personnel. Second, the ICPC does not fund the operational activities of the ACTUs. Third, the incentives for promotion under Civil Service Rules trump the ACTUs' Standard Operating Procedure, which does not reward ACTU performance in any tangible way. All these factors combined to create an operational environment where ACTU members are seen but barely heard from. Overall, as much as the ACTUs' operational arrangement offers the ICPC the opportunity to spread its footprints across MDAs in Nigeria to enhance its relevance, it is a terrain of visibility cowed into silence because the existing provisions for the protection of ACTU members from victimization is deemed insufficient.

From the views expressed by the ACTU members, the ICPC/ACTUs' arrangement would be more productive if the ACTUs' operatives were ICPC personnel on secondment duties across the MDAs. This is also close to what the senior manager at the ICPC's Kaduna office wished for, as I discussed in the opening pages of this chapter. Such an arrangement would ensure the independence of their operations and protect the ACTU members from the undue control of the Chief Executives of the MDAs, whom at present they perceive as "mini gods" who should be feared in most instances.

The next chapter focuses on another aspect of the ICPC corruption-prevention operations through another third-party arrangement – the Youth Advocacy Programme.

Chapter 7

The ICPC Working Through Others II: Youth Advocacy

7.1 Introduction

Youths are indispensable agents of social change (Ademola, 2013, p. 14). They constitute a very large proportion of Nigeria's population. According to the National Bureau of Statistics (National Bureau of Statistics, 2015), Nigeria's most recent population-census result in 2006 showed that, of the total of 140.4 million Nigerians, persons of 0 – 39 years accounted for 116 million (86.2%). Persons within the school-age group usually aged between 5 – 29 years (the ICPC anti-corruption education and youth-advocacy population target group) accounted for 76.69 million (54.6%) out of the 2006 population figure.¹²⁷ Similarly, researchers have reported a rising trend in this large youth population of the Nigerian demography (Akinyemi & Isiugo-Abanike, 2014, p. 239; Omoju & Abraham, 2014, p. 352). Policy makers do not only recognise the economic potential that this demography holds for the nation but also, the possibility of steering it towards a sustainable path of good governance and political development if the youths are timely engaged in civic education, value re-orientation and nation building (ICPC, 2013, p. 4).

Over the years, the ICPC has reiterated the emphasis it places on youth engagement in the fight against corruption in Nigeria (Vanguard Nigeria, 2018a; ICPC, 2015, p. 16; The Punch, 2018)¹²⁸. The Commission has also portrayed the youth as the greatest victims of corruption in Nigeria and reasserted its commitments to vigorously ignite the passion for anti-corruption ideals, integrity, nationalism, and self-

¹²⁷ Available here: <https://nigeria.opendataforafrica.org/NGNADOP2016/distribution-of-population-in-national-assembly-nigeria-2012> (last accessed: 27/07/2020).

¹²⁸ The Punch Newspaper 27 November. (2018, November 27). Students Are Critical Stakeholders to Fight Against Corruption - ICPC. Lagos, Nigeria. Retrieved June 15, 2020, from <https://punchng.com/students-are-critical-stakeholders-to-fight-against-corruption-icpc/>

discipline among the youths for nation building. Beyond the fact that the youths are filled with zeal and physical energy required for mass mobilization, the other reason for engaging the youths in ICPC anti-corruption campaign strategies is that the campaign is likely to be efficacious if it is owned and driven by the citizens and built in a bottom-to-top approach (ICPC, 2015a, p. 2). In this regard, in addition to other general anti-corruption and mass-mobilization programmes, the Commission has initiated specific programmes and projects that directly focus on youth mobilization.

In the chapters 5 and 6, I discussed how the ICPC carries out its mandate by working through, and relying on, third-party state and non-state actors. In this chapter, I will focus on the approaches engaged by the Commission to deepen the anti-corruption “enlightenment” campaigns through youth advocacy. These include the formation of ICPC anti-corruption clubs in secondary schools, the Anti-Corruption Vanguard in universities, polytechnics and colleges of education, the National Anti-Corruption Volunteer Corps, the National Youth Service Corps (NYSC) and the Anti-Corruption Community Development Service (CDS) group, and the National Anti-Corruption Volunteer Corps (NAVC).

Unlike the ACTUs, members of the youth-advocacy groups are expected to focus on the tasks specified in the ICPC Act, section 6 sub-sections (e) & (f): to educate the public on and against bribery, corruption and other related offences, and to enlist and foster public support in combating corruption. The youth groups can only engage in public education and mass anti-corruption campaign programmes. They do not have any delegated powers to investigate or prosecute corruption cases. They are however encouraged to report corruption cases to the ICPC. The funding for the advocacy programmes comes from individuals, groups and international donor agencies like the United Nations Office on Drugs and Crime (UNODC), United Nations

Development Programme (UNDP), United States Department for International Development (DFID), and the European Union (EU), which provide direct financial and technical support to the ICPC.¹²⁹

7.2 The Youth Advocacy Groups

7.2.1 The Schools' Anti-Corruption Clubs

As an integral part of the “catch them young” mission of the ICPC’s education (Mohammed, 2013, p. 8), awareness and citizens’ mobilization drive, the Commission embarked upon the setting up of anti-corruption clubs in secondary schools across Nigeria with a view to educating the school children on the ills of corruption within society and spur a sense of ownership of the nation’s anti-corruption campaigns among the young school children. Membership of this club is voluntary and it is open to all students enrolled in secondary schools across Nigeria, both public and private.

Contrary to the legal context of crimes and punishments for dealing with corruption as outlined in the ICPC Act, a review of the anti-corruption education resources targeted at school-age children (the ICPC National Values Curriculum in particular) revealed that persuasive approaches to value education are adopted. Positive values of integrity, discipline, contentment, honour and justice are contrasted with negative behaviours and social deviance (examples of which abound within the immediate vicinity of the school) to propagate good character while turning them away from “vices” of corruption and other related offences. Children are encouraged to strive for excellence by dedicating themselves to their studies, shun lateness, examination

¹²⁹ It should be noted that the international donors do not provide direct cash budgetary support to either the ICPC or its affiliated programmes and projects. Instead, the ICPC identifies the project, supervises a transparent process of awarding the contract for the project and the donors pick the bills. This process in itself is an interesting phase of the partnership between the ICPC and the international donors that is worthy of further exploration.

malpractices, disrespect for authority; and desist from lying, theft, absenteeism, drug abuse and all other social “vices” (Nwozor, 2010, pp. 12 – 13).

With the aim of fully integrating the young children into the national anti-corruption campaign architecture (especially those who may not join the anti-corruption clubs) the ICPC, between the years 2003 and 2008 (ICPC, 2009, p. 16), undertook research and planning to develop and infuse the National Values Curriculum into the Civic Education subject being taught across secondary schools in Nigeria.¹³⁰ It engaged in these activities in conjunction with the Nigerian Education Research and Development Council (NERDC). The broad themes of the National Values Curriculum include honesty, discipline, justice, right attitude to work, citizens’ rights and duties and national consciousness. These themes are further divided into sub-themes specifically focusing on responsibility, truthfulness, excellence, sincerity, integrity, transparency and accountability, self-control, modesty, self-respect, fairness to others, freedom of discussion, right to disagree, punctuality, devotion to duty, service, co-operation, fundamental human rights and citizens’ duties, patriotism, loyalty, unity and sense of belonging. It is expected that making students undergo these teachings in a classroom setting, complemented with examinations would leave a life-long imprint of good citizenship and disdain for corruption (ICPC, 2013, p. 5).

In my visits to the various zonal offices of the ICPC, my interactions with the ICPC education department officials revealed that, as a matter of policy, staff considered this level of preventive anti-corruption campaign as crucial to the long-term success of the Commission’s work, as properly trained and informed youth would form

¹³⁰ In addition to Civic Education, other subjects into which the contents of the National Values Curriculum were infused include English Studies, Islamic Studies, Christian Religious Studies, Business Studies and Social Studies (ICPC, 2013, p. 13). These subjects cover years of schooling from Basic 1 to SSS 3, i.e., from Primary 1 to the end of secondary-school education.

the critical mass of committed citizens required to steer the path of Nigeria towards a corruption-free society.

There are several extra-curricular activities that the ICPC organises to engage the club members regularly. These include a national anti-corruption quiz and essay competitions, which are annually conducted across states. Selected states and regional winners participate in a grand finale at a venue designated by the ICPC. Topical issues on corruption and citizenship form the themes of these competitions. Others include art competitions and periodic excursions to explore and learn more about the issues the children have been taught in their classes and club meetings. Moreover, members are encouraged to organise series of what are termed “integrity lectures”, in which notable Nigerians with distinguished records in the fields of business, crafts and public administration are invited to tell their stories and encourage the children to embrace the core virtues of honesty, discipline, justice and fairness to all, which would give them the hope of a brighter future as individuals, and build a prosperous country for all.¹³¹

During all my visits to the ICPC offices outside Abuja, I was told many stories of success about these clubs in different part of Nigeria, and some photo albums documenting past programmes of the clubs especially at the Enugu Zonal office. I did not witness the inauguration or any other activities of the ICPC school anti-corruption clubs. Nevertheless, I found out that battles between the federal government of Nigeria and the Lagos State government (and others) over whether or not corruption is a

¹³¹ Among notable Nigerians who have been invited to deliver the ICPC integrity lectures on the basis of their distinguished careers are Late Professor Dora Akunyili (former Director General of Nigeria’s National Foods and Drugs Administration and Control), Bishop John Onayeikan (Former Archbishop of the Catholic Diocese of Abuja, Nigeria), Senior Advocate of Nigeria Chief Afe Babalola (a renowned legal luminary) and Mahmud Yayale Ahmed (former Head of Service of the Federation).

federal crime remain a critical undermining factor for school anti-corruption clubs in Lagos State. In the next section, I will discuss this further.

7.2.2 Students' Anti-Corruption Vanguard (SAV)

Students' Anti-Corruption Vanguard (SAV) are a select group of students who lead the broader student population in championing the new ideas and ways with which the ICPC has been engaging Nigerian youths in the fight against corruption. The SAVs serve the same purpose as the anti-corruption clubs. They were set up in institutions of higher education in Nigeria to ensure continuity in scope of formal citizenship education, awareness and mobilization. Membership is voluntary and cut across all students enrolled for academic programmes in all the universities, polytechnics and colleges of education across Nigeria. The Anti-Corruption Vanguard constitute the fora for sensitizing young adult citizens about corruption in ways that go beyond the anti-corruption campaigns at secondary schools.

Lived experiences and quotidian corrupt practices across the campuses and within the larger society are contextualised and related to the various indices of governance failure with which the students can immediately relate. The non-financial corrupt practices in the universities such as examination malpractices, sex-for-grades (sexual harassment), and money-for-marks syndromes are also discussed. The idea behind the Students' Anti-Corruption Vanguard is to breed an army of youths who will combat corruption within and outside the campuses through actual non-violent activism such as integrity campaigns, budget and compliance monitoring, insistence on best practices in public-service delivery, whistleblowing and refusal to be involved in corrupt practices and taking pro-active steps to nip corruption in the bud.

The structures of the SAVs are separate from those of Anti-Corruption and Transparency Units in any institution where they co-exist. However, because the

chairperson of the SAV must be a senior member of staff of the institution of learning, there are places where ACTU members are also part of the leadership of the SAVs. In addition to anti-corruption campaigns being undertaken by the members of the SAVs themselves, the ICPC senior officials periodically visit the various higher institutions of learning for interactive sessions for feedback from the students. Moreover, the integrity lecture series is also organised in the various universities from time to time.

As a result of the consistent interventions by the ICPC through the SAVs, there have been increasing instances of student activism and whistleblowing leading to subsequent investigations and prosecution of university management officials who are involved in mismanagement of appropriated funds for running costs and infrastructural improvements of the learning environment in their institutions. It is noteworthy that following the sensitization on the whistle-blower policy, there have been rising reported cases of what the ICPC termed as “sextortion” – a practice by which lecturers insist on obtaining sexual “favours” from students (particularly females) before they are allowed to pass their course.¹³²

7.2.3 National Youth Service Corps Anti-Corruption Community Development Service Group (NYSC Anti-Corruption CDS group)

On 22 of May 1973, following the end of the brutal three-year civil war, Nigeria established the National Youth Service Corps (NYSC) as a tool to nurture the country’s fragile unity (Ojo, 1980, p. 52; Arubayi, 2015, p. 18). NYSC is an organisation under

¹³² A recent case in this regard is that of one Professor Richard Akindele, a lecturer at the Obafemi Awolowo University, Ile-Ife, and one of his students. The professor demanded sex from the student who eventually reported the matter to the ICPC. Upon investigation, prosecution, trial and conviction, the professor was sentenced to a total of 7 years in jail to run concurrently for two years. See <https://edition.cnn.com/2018/12/17/africa/nigerian-professor-jailed-in-sexual-assault-case-intl/index.html>. Last Accessed 13/10/2019/.

which college graduates under the age of 30 years complete a compulsory one-year national service immediately after finishing their studies. The NYSC is a medium to mobilize graduates from various universities and polytechnics across the federation and to deploy them for national service in areas different from their region/state of studies and origin. Over the years, this programme has ensured that Nigerian graduates have been immersed in cultures and customs different from theirs while they embark on the one-year service in other parts of Nigeria. Each serving corps member has two main responsibilities: the primary assignment, which is based on their core educational skills, and the secondary assignment, which could be any voluntary tasks they consider interesting and which could possibly improve the lives of the people in the community where they serve. The secondary assignment constitutes the Community Development Service (CDS).

However, beyond the national-unity purpose of setting up the corps, the ICPC has recognised the NYSC intervening years between college studies and the wider world of jobs and larger societal engagements as a valuable contact point to engage the youths in national anti-corruption advocacy as secondary assignments for corps members. This culminated in the creation of the ICPC/NYSC Anti-Corruption Community Development Service Group in 2003 (UNODC, 2017a, p. 18), a few years after the ICPC was inaugurated. Induction of young graduates into the NYSC anti-corruption clubs commences at the three-week induction training for all youth corps members. During induction programmes, which run simultaneously across all the 36 states of Nigeria and Federal Capital Territory Abuja, the ICPC resource persons facilitate the campus-style integrity lecture series at designated times in the orientation-camp schedule. As the camp winds down and just before the corps are deployed to their various places of primary assignments, the ICPC encourages corps

members to indicate their interest and get registered as members of the Anti-Corruption Community Development Service group.

The programme and activities of the ICPC/NYSC Anti-Corruption CDS group replicate those of the Schools Anti-Corruption Vanguard – mainly anti-corruption education, sensitization and mass mobilization. Members are organised into state and local-government chapters with the state/zonal offices of the ICPC supervising their activities and these activities funded by voluntary donations and sometimes small grants from the ICPC. Members do not have any special uniforms apart from customized ICPC fez caps and vests.

During my visit to the South East Zonal Office of the ICPC in Enugu, one of the city landmarks that fascinated me was the statue of an anti-corruption campaigner dressed in the full NYSC kit, built by the NYSC anti-corruption CDS Enugu State and strategically sited at the popular Ezillo Avenue roundabout that leads to the ICPC Enugu office. The statue (*figure 7.1 below*) projects a message that summarises the key focus of the Anti-Corruption CDS – “shun corruption, it’s evil”.



Figure 7. 1: ICPC/NYSC Anti-Corruption CDS Group Enugu North 2015/2016 Batch.
Source: Author's photo file.

This statue cuts the image of a young Nigerian projecting a message against corruption. From my findings, the NYSC did not contribute financially towards the execution of this CDS project. In fact, the essence of the CDS programme is to encourage the youths to make their own sacrificial contributions towards national development in any way they can. In this regard, the statue project does not only show the willingness of the youths to champion the campaigns against corruption, but also demonstrates their selfless commitments to this national cause in the little way they could. It must be noted that the placement of the statue at the roundabout was strategic

so that the embedded message could get across to the large number of people who use the busy road daily.

7.2.4 National Anti-Corruption Volunteer Corps (NAVC)

The rationale behind the setting up of the National Anti-Corruption Volunteer Corps, as noted in the corps' operational guidelines, was based on the success of the bottom-up approach to anti-corruption campaigns elsewhere, especially of the Independent Commission Against Corruption (ICAC) in Hong Kong (Scott, 2017, p. 227). The premise was that anti-corruption campaigns are likely to be more successful if they are owned and driven by the citizens rather than their entire architecture being controlled and enforced solely by the government – the top to bottom approach. The NAVC was established in 2008 to recruit and engage able-bodied Nigerians as self-enlisted part-time anti-corruption campaign foot-soldiers across the country.

The roles expected to be performed by members of the NAVC include: engaging in advocacy and sensitization of the public against corruption, mass mobilization of other Nigerians for national integrity, fostering of public support for the national anti-corruption crusade through rallies and other forms of outreach, assisting the Commission in the acquisition and dissemination of information, observing high level of integrity in society and reporting acts of corrupt practices to the Commission (ICPC, 2015a, p. 4).

This volunteer corps, unlike other youth advocacy groups, does not require members to be in any educational institution or post-study affiliated programmes like the NYSC. Candidates are recruited among the youth population, provided they fulfil the basic requirements. To avoid the pitfalls of other previous similar government initiatives, which attracted a huge number of unemployed youths who enlisted on such

programmes with the motive that sooner than later, their volunteerism would turn to a source of a permanent paid job, certain strict criteria were established for prospective NAVC recruits. Candidates must be at least 25 years of age, be in a full-time paid job, be literate with at least a high-school certificate and be willing to offer part-time services for anti-corruption advocacy (ICPC, 2015a, p. 5).

In addition to this, prospective candidates must present verifiable proof of identity, with which a thorough background check is conducted to ensure that ex-convicts are not inadvertently recruited into the ranks of the NAVC. In the NAVC, members are treated as individuals even if they joined through referrals from existing groups or organisations. All intakes into the NAVC are required to pass through compulsory induction programmes periodically organised by the ICPC. As part of the induction programme, all enlisted volunteers undergo training to deepen their knowledge of the following subjects: understanding the nature of corruption, overview of ICPC Act, the NAVC code of conduct, public enlightenment/education strategies, guidelines for community advocacy, counselling others and frequently asked questions about the ICPC. This is to ensure that, by virtue of their position and closeness to the citizens, all volunteers have the basic knowledge of what the ICPC does and also possess the qualities and skills necessary to volunteer for an anti-corruption organisation.

The ICPC recognises the spatial limitation of its spread across Nigeria and I believe this informed the organisational structure of the NAVC, which is somewhat more comprehensive than the structure of the Commission itself. The NAVC has a national secretariat based in and run from the national headquarters of the ICPC in Abuja by a designated national co-ordinator. While the ICPC has zonal offices in only 15 states across Nigeria, there are NAVC offices in each of the 36 states of the

federation and the Federal Capital Territory and the 774 local governments. Each of the designated offices of the NAVC is run by a co-ordinator and assisted by a set of executive members as stipulated by the operational guidelines of the NAVC (ICPC, 2015a, p. 6).

NAVC functions directly under the supervision and monitoring of the office of the National Co-ordinator at the ICPC Headquarters in Abuja. By virtue of its operational guidelines, the NAVC is a semi-autonomous organisation with offices that are separated from ICPC locations nationwide. The members of the NAVC are not involved in the enforcement mandate of the ICPC even though they are encouraged to perform whistle-blowing functions. The volunteer corps are permitted to use ICPC-customised jackets, vests, fez caps and other identity markers and other ICPC's symbols of state power whenever they embark on their advocacy programmes. The operations of the NAVC are expected to be funded by voluntary donations from NAVC members and citizens who are passionate about the mission of the corps.

Between 2008 and 2014, the corps recorded huge participation from registered volunteers who, by all accounts, conducted themselves with a very high level of integrity, commitment and dedication in performing mass-awareness campaigns and sensitization activities under the guidance of the ICPC (ICPC, 2009, p. 6; ICPC, 2010, p. 18; ICPC, 2012, p. 17). Of particular note, is the exceptional turnout of youths in the south-eastern part of Nigeria. In 2010 for example, a one-million-man anti-corruption march was organised by the corps and led by the then Governor of Imo State. In attendance at the march were the then ICPC Chairman, Justice

Emmanuel Ayoola and visiting members of the Kenyan anti-corruption Commission, who were on a study tour of the ICPC programmes in Nigeria.¹³³

Despite the impressive performance of the NAVC, the fact that the system was not totally immune from abuse made it vulnerable to individuals with non-altruistic motives. These individuals eventually found their ways into the ranks of the NAVC, with the scale of the consequent abuses soon outrunning the supervisory capacity of the Commission itself. In 2014, the Commission was forced to suspend all operations of the NAVC nationwide following a series of widespread abuses and engagement in criminal activities by NAVC members, who arrogated to themselves the ICPC's powers to arrest, interrogate and detain citizens, in neglect of the extant guidelines at the time (ICPC, 2015:2). This turn of events will be further discussed in the next sub-section below.

7.3 Youth Advocacy and “Corruption” in Anti-Corruption

By virtue of its autonomy, the choice of the ICPC's operational strategies, which include the youth-advocacy programme discussed in the previous sections, is not subjected to any form of external control or review. In fact, as described earlier, all of the various arrangements derive their delegated operational powers from the Commission. However, upon close examination, it was observed that a number of these arrangements have certain feedbacks on the scope of the operations and powers of the ICPC in discharging its primary duties of controlling corruption as a result of the limitations on the supervisory capacity of the Commission over these outreach

¹³³ See “Ayoola Drums Support for ICPC”, *PM News*, 17 June 2010, available at: (<https://www.pmnewsnigeria.com/2010/06/17/ayoola-drums-up-support-for-icpc/#:~:text=Retired%20Justice%20Emmanuel%20Ayoola%2C%20the%20Chairman%20of%20the,c hapter%20of%20the%20National%20Anti-Corruption%20Volunteer%20Corps%20%28NAVC%29.> Last accessed: 22/07/2020). Also, <https://icpc.gov.ng/navc/> (last accessed: 22/07/2020).

groups. In what follows, I discuss some of these unexpected feedbacks on the autonomy of the ICPC over its operations.

7.3.1 Symbols and Images of the State as (Anti-) Corruption Apparatus

There are many subtle dimensions by which the presence of the state permeates citizens' everyday lives in ways that go without saying. The technology through which the state registers its presence subconsciously in the minds of the people includes images and symbols of the state's instrument of authority, for example, its logo, seal, signatures and symbols. These are what Gupta (2012, p. 59) referred to as micro-markers. Wherever these appear, they trigger in citizens an awareness of state power and the authority that follows even if these symbols and images are set up by non-state actors. Such is the psychology that connects symbols, images and state power.

When the idea behind the National Anti-Corruption Volunteer Corps was conceived in 2008, the leadership of the ICPC authorised the volunteer corps to use ICPC-customized vests, fez caps, banners, high-visibility jackets, wristbands and letter-head stationery in their advocacy outreach. The management of the ICPC believed that giving the registered members of the NAVC such privileges would confer a stamp of approval on their advocacy projects and would go a long way in identifying and differentiating them from those who do not have the permission of the Commission to engage in such activities. However, in a situation in which the national scope of the Commission's offices and staff is far outnumbered by the registered NAVC units, the Commission later found out that unscrupulous elements, who were registered as NAVC members, were taking advantage of its overstretched supervisory capacity.

In Lagos State, with an estimated population of about 12 million residents, the ICPC has only one office sited on the Lagos Island, which also serves the neighbouring

state of Ogun.¹³⁴ Recognising the latent powers of the state in its representative symbols and images, some NAVC members quickly spread their “services” to the vast Lagos mainland areas, where their activities exceeded the scope of the advocacy work that the ICPC had permitted them to carry out on its behalf. These members found that such activities would pass largely unnoticed.

In an interview with the Lagos Zonal Head of the Commission, Mr James (not real name), he told me that it was very late before the ICPC authority realised what was going on under the coverage of the NAVC offices within Lagos. It was only through the petitions written by some victims of the illegal activities of NAVC members that they got to know the level of abuse being committed by fraudulent individuals under the cover of state instruments of power granted for the use of the NAVC. At their designated offices, NAVC members erected signposts with the ICPC logo, issued letters under ICPC customised letter-head stationery and paraded themselves as ICPC official to unsuspecting members of the public. Crucially, they were also carrying out the enforcement mandate of the Commission in flagrant violation of the extant guidelines for their work. For about six years between 2008 and 2014, some NAVC members in Lagos State had been carrying out arrests, conducting sham investigations into “petitions” received and even went as far as detaining suspects in their designated offices on Lagos mainland. As soon as the detained suspects “settled”, they were released “on bail” pending the conclusion of “investigations”, so they claimed.

¹³⁴ The population of Lagos State as provided by the National Bureau of Statistics (NBS) of Nigeria is 9.1 million. See <http://nigeria.opendataforafrica.org/ifpbxbd/state-population-2006>. Last Accessed 12/10/2019. However, since the last population census held in 2006, the population of Lagos State has increased significant as a result of the continuous influx of people from other states in Nigeria in search of better economic opportunities.

The Lagos Zonal Head said the immediate thought of the ICPC officials when the first of these cases was reported was to assume that it was an isolated case of abuse of delegated authority by the NAVC members in Lagos. However, the national secretariat of the ICPC quickly set in motion nationwide audits on the activities of NAVC. The findings were damning. NAVC chapters across the federation have been abusing their positions by turning instruments of state powers into tools of harassment of citizens in order to extort money from them.

The immediate action the Commission took in 2014 was to disband all the activities of the NAVC throughout the federation and prosecute those found culpable in these criminal acts (ICPC, 2015a, p. 2).¹³⁵ In fact, by the time I visited the Lagos Zonal Office in April 2017, a station wagon bus formerly used as an “operational vehicle” (*figure 7.2* below) by the Lagos State Chapter of the NAVC was now disused in one corner of the ICPC premises where it was impounded. The zonal head informed me of the ongoing plans to review the operational guidelines of the NAVC and implement the necessary safeguards that would prevent future abuses of such initiatives.

¹³⁵ See also: “ICPC rebrands NAVC.” Available at, <https://icpc.gov.ng/navc/>. Last accessed 14/10/2019.



***Figure 7.2: Impounded and disused operational vehicle of Lagos State Chapter of the NAVC.
Source: Author's photo file***

I later found out that reviewed operational guidelines for the NAVC had been published in 2015 with a number of drastic precautionary measures. Despite this review, the Commission has been reluctant to revive the NAVC activities on the scale of its previous operations and near complete autonomy. In the reviewed guidelines, all intending members of the NAVC must be employed, be a member of a professional body or faith-based organisation and must submit two letters of recommendation from senior civil servants, community leaders, clergy or their employers. Henceforth, no designated office of the NAVC can have a signpost or any other instruments of authority of the Commission. In very strict terms, NAVC members were forbidden from

printing customised letter-head stationery and business cards. These were the instruments of powers previously exploited and abused.

The foregoing notwithstanding, it is not clear when the vibrancy of the NAVC activities – not ingrained with any self-serving motives – will return fully. While my Lagos encounter with the stories of the NAVC seems to suggest otherwise, the increasing number of post-2014 newly inaugurated state chapters of the NAVC outside of Lagos, as regularly published on the ICPC website, indicates a promising future for NAVC corruption-free advocacy projects.

7.3.2 Advocacy in Whose Jurisdiction?

Gupta (2012, p. 45) notes that “the state consists of congeries of institutions with diversified levels, agencies or bureaus, agenda, functions and locations”. Contextually, thinking about the anti-corruption agenda in a federal state like Nigeria brings to the fore the question of the nature of the relationship between the federal and state levels of governments. As in some of the other spheres of government programmes, in the fight against corruption in Nigeria there is no unanimity as to who should do what among the various levels of government. In 2002 the Supreme Court made a judgement in a case between the Federal Government and some of the states, as discussed in chapter 4, in which the Supreme Court resolved that corruption is a federal crime and, as such, the Federal Government has the jurisdiction to do everything deemed necessary to tackle corruption in every nook and cranny of the Nigerian federation. However, despite this, the jurisdictional tensions between the federal government and some states are still unresolved.

One of the hotbeds of these confrontations between the states and the federal government is Lagos State. Lagos is generally viewed as a microcosm of Nigeria.

Whatever is doing well in Lagos is most likely to do well in the rest of Nigeria and whatever anomaly is observed in the Lagos metropolis mirrors the bigger story about the country. In Lagos, the ICPC as a federal agency has found it particularly difficult to get the necessary collaborative assistance needed from the Lagos State government to facilitate its work. Historically, in post-independence Nigeria, Lagos had always been under the administration of opposition political parties to the ruling party in Abuja until 2015. It is possible to attribute the current impasse between Lagos and federal institutions to the pre-existing political tension between the two. However, the fact that Lagos' recent rule by the federal party of government (the All Progressives Congress) has changed nothing much about this hostility shows that these jurisdictional battles are not simply the result of partisan competition and rivalry between the political parties that control Lagos State and the Federal Government of Nigeria.

Informal conversations during my visit to Lagos in April 2017 alerted me to the challenges faced by the Lagos office in reaching out to any agency owned and funded by the Lagos State government. For example, zonal office staff narrated how their repeated letters to the Lagos State Ministry of Education, seeking permission to inaugurate school anti-corruption clubs have not received a reply. The implication is that the Commission has not been able to do any youth advocacy in the public secondary schools across the state. At some point, I was notified that we shall be visiting one of the private secondary schools – over which the state ministry has no powers to deny access to the ICPC – to inaugurate the school anti-corruption club. This visit also did not materialise as it was cancelled at the final hours because of the ongoing Senior School Certificate examinations at the time.

On my return to Abuja, I also confirmed that the problem in Lagos has been duly communicated to the higher authorities of the ICPC. Education Department staff expressed the helplessness of the ICPC in turning around the situation in Lagos. Apart from the National Values Curriculum, which is being taught in Lagos schools, none of the national school anti-corruption club programmes like the quiz and essay competitions could be held in Lagos. They conceded that the Commission has chosen to focus zonal efforts on other states in the Southwest, as the challenge in Lagos looks insurmountable in the foreseeable future. “Make Lagos ‘dey’ there (Let Lagos be on its own). This is a pilot project. Why would one state hold us to ransom? We will do it somewhere else that they are willing to work with us. That is the way we are looking at it right now”, said the Head of Education Department at the ICPC Headquarters, Abuja. This is only a short-term solution. A meaningful, credible campaign against corruption in Nigeria cannot leave out Lagos school children as a result of an unresolved institutional relationship breakdown between the state and the ICPC. In the long-term, something needs to be done.

7.3.3 Working without Feedback

The impact of the ICPC’s programmes and activities has largely remained beyond the scope of my research. However, this does not mean that I did not ask ICPC officials, particularly those in the education department, about the feedback they get from their efforts and why they think education, enlightenment and mass mobilization can change citizens’ disposition towards corrupt practices in the society.

ICPC staff are acutely aware of the challenges involved in the evaluation of the work of the education department. Staff at the national headquarters in Abuja noted how the ICPC enforcement units could rely on statistics of petitions received, cases investigated, conviction rate, recovered properties etc to make a point in

assessing their work. In the education unit, one of the managers observed, “our work could be compared with those of clerics. We work by persuading the citizens towards a course of action against corrupt instinct and practices and helping to discourage others who may want to engage in corruption”. At best, it is the general change in perception that could be measured. Unfortunately, they have no fast rule or procedure in place to do this at the present time. Trying to get feedback on education and enlightenment programme in corruption prevention in Nigeria, especially in the short term, is like measuring the impact of religious preaching on moral behaviour. “While we get positive feedbacks from our partner organisations – those who receive our regular supply of handbills and information materials from us, on how far they have reached in spreading the messages, our belief is that the impact of our work would manifest in the long-term”, she noted. She however expressed confidence in the use of technological interfaces to replace human interaction in public-service delivery as much as practicable to reduce the opportunities for corruption. Perhaps, this comment is an indication of a shocking lack of faith on the impact of any campaigning/outreach efforts by the education department of the Commission.

A senior officer of the education unit of one of the zonal offices I visited also expressed little faith in the effectiveness of the Commission’s educational activities: “We do this job because we must do it. If Nigeria wants to eradicate corruption, the death penalty should be put in place for convicted corrupt individuals especially in cases of grand corruption”. Those involved in the most serious cases of corruption were clearly not individuals who lack adequate knowledge of extant laws against corruption in the land. The senior official argued that there was little evidence that anti-corruption education has any ex-ante deterrence effect when compared with punishments.

The scepticism of these ICPC education officers might be as a result of the rising incidence of youth involvement in financial crimes in Nigeria, particular the 419 scams earlier discussed in chapter 2. It is not unusual that the average age of suspects involved in financial crimes being arrested by the EFCC is around 22 years.¹³⁶ Mostly, these are undergraduates currently studying in Nigerian higher institutions of learning or recent graduates who have found it difficult to secure jobs, years after leaving school. As discussed, the incidence of youths' involvement in financial crimes predated the creation of the ICPC and was in fact one of the reasons why the Commission launched the Students' Anti-Corruption Vanguard (SACV) to nurture a group of anti-corruption champions that will chart the course of anti-corruption mobilization and education amongst the youth. The seemingly little effect of these interventions – particularly on the Nigerian youths – is perhaps a reflection of the obstacles that efforts at controlling corruption face when they take place in a broader environment of prevalent endemic corrupt practices.

Irrespective of their positions, both officials believed that education and enlightenment programmes worked better in combating corruption in other countries than Nigeria due to Nigeria's peculiarities. But the experience of other countries, where a mix of anti-corruption programmes have worked relatively well, provides evidence of a link between credible enforcement and effective campaigning. For instance, in Singapore and Hong Kong, the enlightenment campaigns championed by the youth are most likely to have served the purpose of merely informing the public of the

¹³⁶ See (The Punch, 2019): EFCC arrests 25 LAUTECH students for Internet fraud available at <https://punchng.com/efcc-arrests-25-lautech-students-for-internet-fraud/>. Last Accessed 13/10/2019. See also (The Guardian, Nigeria, 2019a): EFCC arrests 29 suspected internet fraudsters in Ibadan available at <https://guardian.ng/news/efcc-arrests-29-suspected-internet-fraudsters-in-ibadan/>.

consequences of engaging in corrupt practices, as the penalties for corruption were also severe and certain (Quah, 1999, pp. 82-85; Patrick , 2002, p. 15).

7.4 Conclusion

The youth demography of any nation constitutes the powerhouse of its productivity. The energy of this segment of the population, if well harnessed, can be a catalyst for the realisation of national aspirations including but not limited to the desire to stamp out corruption from national political life. In Nigeria, the ICPC has rightly identified the potential of the youths as change agents and has built some of its corruption-prevention programmes to engage them.

In this chapter, I have explored a number of these corruption-prevention programmes. It is interesting to know that these programmes are very comprehensive in that they initiate participants from the early years of formal education, nurture them through the school years and until after graduation. And for those who opt for informal education, there are specific programmes such as the NAVC to integrate them into the fold. With the ICPC youth anti-corruption advocacy programme in Nigeria, every willing individual can become an active participant.

As much as these programmes present some of the widest windows for the ICPC to achieve its mandate of public education and mass-enlightenment programmes for corruption prevention and to promote its institutional visibility and relevance, they also present some challenges. In particular, the Commission has struggled to eliminate opportunities for corrupt practices that unscrupulous elements operating under the shield of state power and symbols could explore while pretending to be genuine participants in anti-corruption advocacy. As discussed in this chapter, there has been increased awareness among Nigerians about corruption and anti-

corruption programmes of the government, and most importantly on how to report/resist corruption.

Despite its potential, the challenges of anti-corruption youth advocacy programmes remain daunting. These challenges have stretched beyond limit the supervision and monitoring capacity of the ICPC. Evidence of this abounds. For instance, the length of time it took the Lagos office to know about the abuse of the NAVC paraphernalia and offices. This eventually prompted a nationwide investigation on the activities of the NAVC, as a result of which cases of widespread abuse of power by members of the NAVC were reported, with the subsequent nationwide disbandment of the NAVC programmes in 2014. As of July 2017, the subsequent rebranding of the NAVC, which requires fresh registration by all intending members, was ongoing. In any case, these instances of abuse have undermined the operational independence and integrity of the ICPC.

Moreover, the political rivalry created between the federal and state governments, especially in states where the opposition parties are in government, constitutes impediments to the full implementation of the school anti-corruption clubs as I observed in Lagos. Education is an item on the Concurrent List of Nigeria's federal government, which means both the central and the subordinate government units have powers over the administration of education policies. While it is easy for the anti-corruption programmes to be inaugurated in federal schools and colleges, there have been administrative bottlenecks for the ICPC in getting the necessary approvals for the state education ministries for such activities.

Recommendations to fully harness the potential of youth advocacy in corruption prevention in Nigeria could include the recruitment of more officers and the

establishment of its offices (or outpost) across all the 774 local governments in Nigeria to strengthen its supervision capacity. The Commission could also liaise with the Federal Ministry of Education to work out a better synergy with the state education ministries and schools across Nigeria, irrespective of their ownership or management status. Finally, the agency could Commission a comprehensive research project to investigate the impact of its advocacy and public-education programmes. This could provide an indication of how best to invest its resources in the coming years. Ultimately, however, given that the ICPC staff are aware that their initiatives in educating youths against corruption face an uphill battle in a context in which enforcement of anti-corruption laws suffers from so many shortcomings, the Commission needs to do more in strengthening its enforcement mandate to emphasise its seriousness in rooting out corrupt practices in Nigeria.

Chapter 8

The Anti-Corruption Academy of Nigeria (ACAN): The Research and Training Arm of the ICPC

8.1 Introduction

In the chapters 5, 6 and 7, I have focused on the corruption-prevention programmes of the ICPC, albeit many of these are implemented through some other agencies, including both state and non-state actors. One of the things that I observed during my first few days at the Commission headquarters on arrival in Nigeria in 2016 was the repeated emphasis that the ICPC officers placed on the primacy of prevention as the centrepiece of the institution's work. This observation, coupled with the nature of its enforcement work and my placement within the academic/research-focused arm of the Commission, formed the basis for my fieldwork focus on yet another corruption-prevention project of the Commission – the Anti-Corruption Academy of Nigeria (ACAN), the research and training arm of the ICPC. The ACAN has the mandate to champion knowledge-driven preventive anti-corruption mechanisms through research that would impact the policy-making process, and regular training of staff and other public officials on pro-active anti-corruption measures. The ACAN provides another perspective through which the ICPC's effort at corruption prevention could be analysed.

In this chapter, by relying on my participant-observation and interviews with its key officials, I discuss the background of the Anti-Corruption Academy, its main programmes (particularly the ones in which I participated), the main targets of its programmes, its research capacity and prospects for the future. My aim is to situate the academy's projects within the implementation of the corruption prevention framework of the ICPC mandates, and possibly reflect on its potential and prospects for the future.

8.2 The Background of the Anti-Corruption Academy of Nigeria (ACAN)

Since the establishment of the ICPC in 2000, the Commission has recognised the need to train and retrain its personnel to enhance their skills and capacity in the discharge of their duties (ICPC, 2006, p. 35). To achieve this objective, the Commission has two options: either to engage the services of other institutions (that might not strictly meet its internal requirements) or establish its own institution with the sole focus of delivering specialised training, not only for its personnel but also for the operatives of other security and law-enforcement agencies in Nigeria. For the first 14 years of its existence, the ICPC operated with the outsourcing of the training of its personnel.

In 2011, the International Anti-Corruption Academy (IACA), with its headquarters in Laxenburg, near Vienna, Austria, was founded. Nigeria joined the IACA in 2012 as one of its earliest members. According to the Chairman of ICPC, Barr. Nta Ekpo, it was after his attendance of the IACA conference in Austria in 2012 that he became motivated to propose the idea of an Anti-Corruption Academy – to be established and managed by the ICPC – to the Federal Government of Nigeria. Subsequently, the ICPC got approval and by October 2014 the Anti-Corruption Academy of Nigeria, the first of its kind in Africa, was commissioned (ICPC, 2015b, p. 1). In part, the establishment of the academy also lends credence to Nigeria's commitment to the implementation of the treaties of the United Nations Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption (AUCPACC) and finally, ICPC collaborative work with the United Nations Office on Drugs and Crimes (UNODC), by strengthening the capacity of its personnel to carry out their assignments.

The philosophy that underpins the establishment of the academy – according to the ICPC – is that corruption and related crimes can be controlled through training and re-training that are grounded in sound policy formulation, operational efficiency, good management culture, and behaviour and communication skills that are required to drive a corruption-free society. The academy aims to become a model manpower-development institution, sustainably providing the necessary connection between theory and practice to drive the fight against corruption and related crimes in Nigeria, Africa and beyond. It also aims to become a centre of excellence, enhancing the multi-disciplinary approach to the fight against corruption through training, research, documentation and advisory services. In less than three years of its operations, as discussed in subsequent sections, the academy has provided training and advisory services for the internal needs of ICPC personnel and other members of the public, including security personnel, public officials as well as staff of NGOs.

The Anti-Corruption Academy of Nigeria (ACAN) was established pursuant to section 6 of the Corrupt Practices and Other Related Offences Act 2000, which empowers the Commission to carry out preventive, enforcement and enlightenment functions. Specifically, section 6 (c) of the Act empowers the ICPC to “instruct, advise and assist any officer, agency or parastatals on ways by which fraud or corruption may be eliminated or minimised by such officer, agency or parastatal”. Over the years, the academy has been providing training for public officials and the general public on matters relating to good governance, accountability, transparency, integrity, ethics and all issues relating to anti-corruption and corruption prevention.



Figure 8. 1: The Administrative Block of the Anti-Corruption Academy of Nigeria, ACAN, Keffi, Nigeria. Source: ACAN website

8.2.1 Facilities of the ACAN

For a very young academy of its status, the physical facilities for the running of its programmes and activities were sizeable and functional. At its site at Kilometre 46, Keffi-Abuja Expressway, Keffi, Nassarawa State, there are three buildings: the administrative block, the hostel and the ICT complex. I was reliably informed that the academy was sited at such a distance on the outskirts of Abuja, far away from the ICPC headquarters, to create a serene environment befitting the nature its academic activities but it was also glaring that the current facilities at ICPC headquarters cannot accommodate the requirements of the new academy.

Within the administrative block (see *figure. 8.1 above*), there are staff offices, three lecture rooms and two auditoriums of different capacities that are used for conferences, seminars and workshops. The ICT complex (see *figure. 8.2 below*) houses the e-learning facilities of the academy while the hostel block provides the

limited accommodation facilities that are available for the trainees and trainers at the academy. The Provost of the Academy, Professor Sola Akinrinade gave an assessment of the facilities as thus: “And look at our physical facilities. We are just developing them. You can see that for every structure we have, they are of fair standard but we can do better. We don’t have (internal) roads yet. We don’t have enough hostel accommodation for trainers and for trainees when they come” Considering the nature of the programmes that were being run at the academy during my fieldwork, one cannot but agree that the facilities were still sufficient for its current needs.



Figure 8. 2: The ICT building at the Academy. Source: Author’s photo file

In terms of human resources, there were 19 members of staff responsible for running of the programmes of the academy. The vertical flow of command runs from the Provost down to the Deputy Provost and then to the heads of units including administration, programme, advocacy and external relations, finance and accounts, audit, library, and intelligence and the security-support unit. Some of these personnel served as resource persons while others provided support services during the

seminars and workshops at the academy. However, because the academy has not commenced any of the core teaching programmes, none of the staff members worked in teaching positions during my fieldwork at the institution. I also observed that only the Provost of the Academy holds a PhD degree – the minimum teaching qualification requirement set by the National Universities Commission (NUC), if the institution intends to offer academic postgraduate degrees.¹³⁷ Nevertheless, the Provost did not cite this as a constraint to its full operations. In fact, he told me that the academy, going by his preliminary findings, cannot run academic postgraduate programmes independently. “We don’t have that capacity yet, which is why we want to work with polytechnics and universities to achieve that purpose” he said. It is planned that any academic postgraduate anti-corruption degree to be facilitated by the academy will be offered and awarded by a full-fledged university in collaboration with the Anti-Corruption Academy.

8.2.2 Programmes of the ACAN

Established to enhance the competence of the personnel and institutional capacity of the ICPC, the academy is structured to help Nigerians understand anti-corruption concepts through academic research and carefully designed lectures and seminars. It has a wide range of programmes built around integrity issues, security studies and public-service matters. Furthermore, the programmes are designed in ways that will assist participants in learning how to design and organise specific intervention mechanisms for detection and prevention of corrupt practices in various spheres of human endeavour.

¹³⁷ As of November 2018, there was another member of personnel who graduated with a PhD degree from the University of Westminster, UK.

To fulfil its mission as the research and training arm of the ICPC, the academy runs a number of programmes and activities. Training has been clearly privileged over research. Research activities during my stay in the field were minimal. By contrast, teaching, workshops and seminar events were common occurrences. Generally, these were aimed at deepening participants' knowledge in professional best practices, including accountability, integrity, transparency, ethics and all issues relating to anti-corruption and corruption prevention. Broadly classified, the training programmes of the Academy were limited to three groups:

7.2.2.1 In-House Staff Training Programmes

The ICPC emphasises training and re-training of its personnel as a key strategy to ensure that they are ahead in contemporary knowledge on corruption prevention, detection and control. Over the years, the Anti-Corruption Academy has served as the grounds to achieve this purpose. ICPC core staff members and those on secondment to the Anti-Corruption Academy have been made to undergo regular professional training in key areas of anti-corruption operations at the academy. In the academy's archives, I came across several training documents and materials specifically on ICPC's personnel induction, leadership skills, self-development and career progression and succession management. Annually, all ICPC staff members are mandated to undergo at least one refresher course at the academy. With this, the academy has been a veritable machinery to deliver comprehensive, institution-tailored training packages to the staff. This would otherwise have been impossible or, at best, have required some compromise if the ICPC had continued to rely on external training for its officers.¹³⁸

¹³⁸ See <https://icpcacademy.gov.ng/about/background/>.

7.2.2.2 Bespoke Training Courses for Other Institutions

To fulfil its purpose of providing world-class law enforcement and anti-corruption education for top professionals and administrators in the public and private sector, the academy runs periodic customised training programmes delivered in the form of seminars and workshops to a wide range of targeted participants throughout Nigeria. This is one area in which the academy has projected itself as an all-round anti-corruption training institution. Because of the nature of corruption, there is hardly any institution, whether private or public (including the legislative and executive arms of the government), in which anti-corruption training and education is irrelevant. During my fieldwork, I participated in three participant-tailored anti-corruption workshops. These were organised for the members of the Anti-Corruption and Transparency Units, ACTUs; the key finance officials of state governments across the federation (Commissioners of finance, accountant-generals, auditor-generals etc); and the enforcement officers of the National Broadcasting Commission (NBC).

From the records for the years 2015 and 2016, I also found that training programmes have been organised for participants from some other similar law-enforcement agencies, regulatory institutions, as well as revenue-generating parastatals at local, state and federal levels. Further trainings have also been organised for participants across various sectors of the Nigerian economy, including aviation, education, agriculture, finance and health. In general terms, the key focus of this training includes skill acquisition on data gathering and security, investigation and surveillance, integrity management systems, leadership and career advancement, and procurement processes.

At this juncture, I make a brief note of the training workshop that was organised for the enforcement officers of the National Broadcasting Commission (NBC) in which

I took part. The NBC, as the sole regulatory institution of the broadcasting industry in Nigeria, relies on the national broadcast code to apprehend and punish violators in line with the provisions of the law. To enforce the code, there was a need for the NBC's officers to perform operational roles that are not different from those of other security agencies. Upon the receipt of petition or intelligence on any illegal activities, they would launch an investigation, conduct surveillance, effect an arrest (if necessary) and ultimately prosecute the offender(s) in a court of competent jurisdiction when sufficient evidence of violation of the broadcast codes was established. The bespoke workshop for the NBC staff did justice to this. The contents of the training included the subject matter of investigation, ethics of investigation and investigation techniques, basics of intelligence and intelligence gathering, legal significance of evidence, chain of custody, basic of surveillance, investigative reporting, and a little exposition on the connections between NBC staff and the anti-corruption laws in Nigeria.

In contrast to the enforcement-focused seminar of the NBC, the academy organised another one-week-long corruption-prevention themed workshop for all the senior officers who run the bureaucratic engines of the state governments across the federation. Key participants included the accountant-generals, auditor generals and Commissioners of finance. According to the ICPC Chairman, "without the collaboration of career officials within public service, no politician would be able to steal public funds". This submission was re-echoed throughout the workshop and it was the main point that shaped the conversations around the corruption-prevention training from the states across the federation.

The training was a wake-up call to the state government officials who form the critical mass required to ensure the smooth implementation of a barrage of e-payment and e-governance tools in public-service delivery aimed at preventing corruption. The

key lectures included the overview of anti-corruption legislation in Nigeria, understanding fraud, corruption and corrupt practices in governance, with a number of case studies from the ICPC, EFCC and CCB; the conceptualisation, benefits and challenges of Integrated Payroll and Personnel Information System (IPPIS); and the basics of workplace integrity. Presentations also comprised an overview of the government's electronic revenue-collection platforms and processes: the Treasury Single Account (TSA) and the Government Integrated Financial Management Information System (GIFMIS). Other aspects covered included tax fraud and tax-evasion prevention, standardization of internal-control mechanisms and financial reporting systems, money laundering and new payment methods, and the designing and monitoring of integrity-management systems. This workshop was rounded off with a practical session in which hypothetical cases were given to participants to work on in groups and everyone was encouraged to participate.

7.2.2.3 Thematic Conferences, Seminars and Workshop

In its bid to fulfil its objectives of becoming a think-tank for the policy formulation and implementation in the law-enforcement and anti-corruption sector, the academy over the years has organised and facilitated a number of conferences, seminars and workshops on the thematic areas of corruption prevention, detection and control. The conferences have been held both within and outside premises of the academy. In some instances, these conferences were supported by partners such as the United Nations Office on Drugs and Crimes (UNODC) and the United Nations Development Programme (UNDP).

In December 2016, I took part in one of these conferences at the Keffi site of the ACAN. It provided a platform for scholars to brainstorm on contemporary theories of corruption and how these could be factored into anti-corruption policy frameworks

and mechanisms being implemented by the ICPC. The theme of that year's conference was "*Cultures of Corruption*". Participants presented papers on sub-themes including cultural theories of corruption; African indigenous concepts, systems and understanding of corruption; religion and corruption; globalization, countercultures and corruption; morals, law and corruption prevention. Against the background of the theme of the conference, some submissions by participants portrayed corruption as an inherently African cultural phenomenon. Some presenters placed the emphasis instead on the influence of globalization and consumerism, which in their view had been detrimental to African traditional value systems, thereby fuelling the scope and depth of corrupt practices in public and private spheres.

Most of the participants saw the task of eliminating corruption as the government's responsibility, with recommendations largely focused on what government should do, especially with regards to ensuring the independence and adequate funding of Nigeria's anti-graft agencies. I noticed that none of the scholars discussed the framework of institutional reforms, which is oriented towards a lean public sector and increased private-sector participation in service delivery. Neither did the New Public Management (NPM) reforms, which dominate Nigeria's structural approach to anti-corruption interventions in line with neoliberal paradigm, feature in the discussions.

During my fieldwork, some staff members of the academy travelled around with the Provost to the country's six geopolitical zones to participate in the ACAN/ICPC anti-corruption summits. This was to ensure that a larger number of participants got involved. By decentralising the venues of these summits, the academy avoids the constraints usually placed on registrants for its on-site conferences and trainings. The off-site summits not only raised the number of people who could then participate in the

conferences but also improved the visibility of the ICPC/ACAN across the country. Gaining visibility has indeed become crucial for the ICPC in its quest for continued relevance. These summits offer a platform for the Commission to reiterate its commitments to corruption prevention.

Until now, I have mostly limited myself to an account of the academy's programmes. In the remaining pages, I will reflect on the effectiveness of the academy's training and interpret its significance within the ICPC trajectory and organizational structure. I discuss these points as follows.

8.3 Anti-Corruption Training and the Control of Corruption in Nigeria

8.3.1 Anti-Corruption Training, Measurement and Results

To start with, the academy currently has no feedback mechanism in place to measure the impact of its training programmes. Theoretically, it is possible to measure the impact of the academy's training programmes on participants and trainees by designing questionnaires to be administered on trainees in three phases. These include pre-training questionnaires to assess the training needs of the participants; the immediate post-training questionnaires to get feedback on the mode of delivery and contents of the training programmes; and the medium-to-long-term post-training mechanism to quantifiably track attendees' work ethic, integrity and productivity in a systematic way. A commissioned research to specifically investigate the impact of the academy's work can also be conducted to complement or build on data collected through the questionnaires. Despite the fact that establishing a causal link between ACAN training and attendees' work-related outcomes is not an easy task, all the aforementioned indicators could, at least, cautiously provide the academy with a measure of the impact of its training-programme outcomes on work-place corruption

prevention and control indices, as well as useful feedback on the delivery of its programme contents.

During my participant-observation fieldwork at the academy, I noticed that none of these mechanisms was in place and raised this in the interview I had with the Provost. He confirmed my observations and regretted the missed opportunity for the academy in this regard. He however made references to a few instances in which the Academy has received testimonies and commendations from state governments for past trainings on budgetary and public procurement processes for public officials, which were adjudged to have improved the knowledge and capabilities of their (state) officials in the performance of their duties.

These observations from ACAN prompted a wider overall introspection of the performance appraisal of anti-corruption education and training in Nigeria. Despite the adoption of the New Public Management strategies by successive post-1999 administrations with emphasis on the performance appraisal of public institutions (Irene, 2019, p. 85, Dahida & Ahmed, 2013, p. 9; Ikeanyibe, 2016, p. 568; Ibieta, 2013, p. 59), little attention has been paid to the assessment of the outcomes of anti-corruption education and training. Though this would certainly be a rigorous task, it is one area in which more research is needed to understand fully the impact of the wide-ranging corruption-prevention measures, including education and training by institutions such as the ICPC Academy.

8.3.2 ACAN - A Sporadic Academy

Within my first three days of settling down in Abuja in November 2017, I travelled to the academy after learning from the ICPC administrative office that ACAN would be my primary placement during the fieldwork. According to the head of administration, “ACAN is the most relevant to your work and we think it is the best

place for you to be”. This was somewhat of a disappointment, as I did not want to limit my research exclusively to the academy. Yet, I knew that with time, I would figure out the best strategies to conduct my research given the timeframe for the fieldwork. In any case, I travelled to the premises of the institution at Keffi, Nassarawa State. On the instruction of the Provost, I was offered a partitioned office space to be shared with another member of staff. My allotted space was equipped with a sizeable desk, a chair, and drawers to keep my personal items. Above all, in such a location where the temperature can sometime be above 40⁰c, the air-conditioned office proved very helpful.

On the day of my arrival, I felt a bit isolated. The surrounding silence was a stark contrast with the hustle and bustle of the ICPC’s national headquarters in Abuja. For me, this was an early indication of irregular activities within the school. I decided to take a walk around the three buildings: the administrative block, the ICT complex and the hostel block. Silence reigned everywhere. I observed that all the support staff – administrative officer, the accountant, the auditor, facility manager amongst others – were in their offices. It was hard to guess what they were busy with, but every one of them was available at their desk. I left the academy at about 4pm in the evening as I could not meet any of the teaching staff members on that day.

These early experiences confounded my expectations. The academy’s website listed a postgraduate degree, certificate and diplomas on anti-corruption studies among its programmes. These were in addition to its regular seminars and workshops. Not only that but also, the website stated that the academy hosted a critical mass of researchers who constitute “a think-tank group” for policy formulation to bridge the gap between knowledge and practice through academic research and professional policy

analysis¹³⁹. I had pictured myself meeting students undergoing programmes on a daily basis or, at least, interacting with some of the researchers who were working at the academy. It was not until the second week after visiting the Provost's office at the ICPC headquarters in Abuja that I met with other academy staff. When I shared my surprise at the academy's lack of activity and my impression that it was a "ghost town", I was made to understand that at its infancy stage the institution was focused on seminars and workshops. I should not expect to find any students or researchers on the ground anytime soon.

I was with the academy from November 2016 to July 2017, a period of nine (9) months in total. The first event I took part in was the anti-corruption conference in December 2016. Between the months of February and April, I embarked on my visits to the ICPC zonal offices in Kaduna, Lagos and Enugu. A week before my departure for these visits to the zonal offices, I approached the academy's administrative office to collect a copy of its 2017 programme brochure to keep abreast of the forthcoming activities and plan my journeys accordingly. I was informed that the brochure had not been produced, as a result of the delays in releasing the required funds. What is more, because of the lack of funds to pay for any events, the Academy was yet to line up its programme for the year. The implication was that by January 2017, nobody in the academy knew what was going to happen in the year ahead. For the remaining part of January before I departed on my journeys, going back to the academy from Abuja, where I lived, was like repeated visits into a known territory. For me, nothing was new. You just went there, met the administrative staff who were always at their desk and appeared to be very busy, and the same feeling of inactivity around the academy.

¹³⁹ <https://icpcacademy.gov.ng/about/the-academy/>

Rather, I preferred going to my desk at the library, ICPC headquarters at the Central Area, Abuja. Here I had better access to the physical library facilities of ACAN hosted by the Central library. I also had better opportunities for meeting the members of staff of several departments and units within the Commission for interactions and informal talks – much of which I found useful for my research.

It was a relief when I was told towards the end of my zonal visits that some programmes were coming up at the academy in May and June. Upon my return, I quickly collected the details of the programme. And in successive order, I was part of the ACTUs', state-government and NBC workshops. There is no doubt that these programmes were rich in content and depths. Some participants I interviewed averred that what they learnt would improve their skills and competence upon their return to duties.

8.3.3 Mismatch of Expertise

In designing and planning, one cannot but conclude that the thoughts that went into the conception of the Anti-Corruption Academy as the research and training arm of the ICPC were grandiose, lofty and commendable. The academy was conceived to provide world-class law-enforcement and anti-corruption education for top professionals and administrators in the public and private sectors; bridge the gap between knowledge and practice through academic research and professional policy analysis; and to transform into an elite institution for law enforcement studies. These are very ambitious objectives that are all achievable if plans are adequately matched with implementation. It could also mean gradual but consistent commitment to the implementation of the masterplan over the coming years.

From the initial conception of the ICPC, it was supposed to be largely an enforcement-driven anti-corruption agency. This initial drive of the ICPC manifested in the background of the first set of staff, enlisted as early as October 2000. The operational staff were mostly police officers on secondment from their primary duties in the Nigeria Police Force (NPF). The administrative staff, who were from the civil service, were also on secondment. Subsequent recruitments by the ICPC which normally posts officials to ACAN, the latest of which took place in 2015, have not prioritized staff whose profile matched the requirements of an institution like the Academy. These would generally be academics with track records of scholarship on anti-corruption, criminology, sociology, finance and accounting, law and allied studies.

By the time the academy commenced its operations in 2014, of all of its 19 staff, only the Provost (a former vice chancellor of Osun State University, South-West, Nigeria) was a PhD holder, while all other members of staff were administrative and enforcement personnel from the headquarters. In a nutshell, there is a mismatch between the academy's human resources and its mission. Over its two years of full operations, no effort been made to remedy this mismatch through a purposeful staff recruitment. From my observations, interviews and the available records, the academy has relied on the services of core ICPC personnel (that is, ICPC staff without primary posting to the academy) and other non-academic guest lecturers (mostly from allied government agencies and with relevant skills) to carry out its training programmes. All the courses and programme contents on investigation were handled by the head of the investigation department of ICPC from the headquarters and his immediate subordinates, while topics on corruption prevention though the standardization of internal-control mechanisms and appropriate financial reporting system were taught

by the head of finance and accounts, also from the ICPC headquarters.¹⁴⁰ The other topics that related to the government-wide payroll-management systems and financial accounts auditing were designated to guest lecturers from the office of the auditor-general of the federation. In a way, this setup provided the opportunities for the teachers to share their practical experiences at work with the participants. It also gave the participant a first-hand training experience from practitioners.

At any rate, one should not forget that the academy is an all-in-one institution that gathers all sorts of professionals from various backgrounds, including both public and private organisations. Credit must be given to the institution for its all-encompassing, all-inclusive training programmes that cater for the needs of participants from sectors including education, banking, sports, health, agriculture, law enforcement and the judiciary, broadcasting, consumer- protection agencies, human-rights advocacy group, and civil-society and non-governmental organisations. Without any attempt to demean the good work of the academy, my findings showed that what it has in the wide spread of its services, it lacks in the depth of its human resources. For example, how can one general training-inclined investigation officer deliver on the specific investigation skills required to understand and forestall corrupt practices in the health sector? What in-depth administrative skill does a long-term ICPC training staff member have to guide a university professor (a member of ACTU) who had been on the teaching and research job in their post for over three decades?

¹⁴⁰ The head of the Investigation Unit of the ICPC is an accountant. He has no basic academic qualification in crime investigation and control. During an interview, he told me that all the past heads of the investigation unit before his appointment were Crime Investigation Officers on secondment from the Nigeria Police. His appointment was in a way a confirmation of the previous arguments by accountants that corruption crimes are best investigated by accountants as they are almost everywhere cases of financial misappropriation.

These questions arose unavoidably during the interactive sessions of the workshops I attended at the academy, with some participants suggesting that the ICPC should make concerted efforts to enhance the skills of its resource persons. Some lecturers regurgitated the training materials they have delivered in previous workshops with little or slight modifications. Some participants lamented that the training enlightened them to appreciate the enormity of the corruption problem in their respective establishments but what the resource persons taught them constitutes only a minute portion of the technicalities involved. They wished the ICPC could engage the services of discipline-specific resource personnel to deepen the contents of the workshops and improve the programme.

My experiences lend credence to the submission of participants who canvassed for the engagement of more experts in relevant fields (see chapter 6) and not just “practitioners”, as the academy had offered. The participants would like to see more academic experts in the field of corruption and anti-corruption studies engaging in rigorous analysis of the specific contents of the academy’s programmes on corruption (definition, concepts, types, causes and effects), corruption-prevention tools, integrity-management systems, and basics of investigation. I participated in fewer programmes of the ICPC and the academy than I had earlier envisaged but this does not preclude the relevance of my observations and analysis of the delivery of the course contents as currently being offered. As soon as I began to participate in the second round of workshops, most of the course contents on offer became monotonous and sometimes repeated verbatim even when the lecturers were not the same. These feelings would have been the same among returnee-participants who have also documented such instances.

The management of the ICPC did not deem it necessary to recruit academic staff with competences in teaching and research to fill the places created when the academy commenced operations. For example, only the Provost was recruited from the academic community while all other designated full-time positions were filled with staff members transferred from their enforcement, media and administrative positions from the ICPC. In the interview with the Provost, he indicated that the academy would soon commence the professional Postgraduate Diploma and Certificate in Corruption and Anti-Corruption Studies. He acknowledged the lack of academic staff capacity of the institution and stressed the support being provided to the academy by the international donor agencies, which he preferred to call “development partners”, particularly the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP). These are leading international institutions that provide training assistance and programme-funding support for the sponsorship of the consultants who are drawing up the postgraduate programmes of the ACAN. At the time of writing this work, the postgraduate programmes are yet to commence. The Provost also mentioned the readiness of the United States government, through its embassy in Nigeria and the USAID funding support and technical expertise, to provide training for personnel of the academy upon request. He told me the embassy was willing to engage the services of experts across the globe to help the ICPC/Academy in whatever area of training it requires. What is very telling in his submissions was that, at best, the academy is not planning to employ more hands in the immediate future. I believe this position should change if the institution truly aims to achieve the objectives of its creation as laid out.

8.3.4 Funding of the ACAN

To attribute the gap between the academy's objectives (its mission) and its current state solely to funding might be misleading as there were other complementary issues that could be addressed simply by re-ordering priorities and not necessarily getting more funds. For instance, by employing at least three PhD holders and downsizing its current staff capacity from nineteen to twelve, some of its immediate needs for highly skilled full-time personnel might be met. To give credit to the Provost, in responding to the questions on the challenges of the academy, he did not attempt to put everything squarely on funding. He admitted that the institution is essentially a "work-in-progress" and would require much more time to reach maturity. This said, he inevitably remarked that the financial provisions for the college do not meet its expected target and capacity in service delivery. "We don't have the kind of funds that we need to be able to do the kind of things we want to be doing. These are critical issues," lamented the Provost.

For a start, the academy was established and is operating as an entity directly under the ICPC, with little financial autonomy. The academy has no budget of its own. Its financial needs in terms of staff remuneration, running costs and capital expenditures are collectively treated under the direct budgetary head of the annual budget of the ICPC. Meanwhile, in what appears to be a persistent challenge for the ICPC, the academy suffers from the same institutional budgetary constraints as the Commission. Budgetary provisions are made on what the ICPC head of finance and accounts described as "incremental budgeting" (see chapter 5). That is, whatever the financial requirement of the Commission is, its budget cannot be granted by the parliament beyond a specific fixed rate of a 2.5% annual increment, for example. To cope with this challenge, the ICPC has consistently prioritised staff salaries and other

benefits, and recurrent expenditures over the need for capital expenditures. While it was confirmed that ACAN was built mainly from statutory allocations to the ICPC, the issue of inadequate funding for the operations of the academy was a regular issue throughout the period of my fieldwork. I observed however, that there were instances in which the academy has leveraged on the supports of the “development partners” to bridge the acute funding gaps from its parent-institution (the ICPC). For example, the ACAN ICT complex was built with the support of the UNODC project-specific funding.

Regardless of the academy’s avowed commitments to strengthen the ICPC’s corruption-prevention capacity, limited financial provisions have contributed in no small measure to reduce the number of attendees at its programme. As discussed in previous chapters and according to the Provost, ACAN does not receive any funds from the ICPC to organise any of its training programmes. In some ways, the trainings and workshops are self-funded by participants’ contributions in the form of conference/workshop registration fees and other sundry costs. The Provost said:

... we are funded by the ICPC but the funding does not cover the activities that we carry out. So, when we implement training programmes, we have to pay for feeding, you have to pay for the accommodation of participants, you have to pay for the resource persons, we pay their honorariums... (Personal interview with the Provost, ACAN, Keffi, Nigeria.)

Nevertheless, the Academy does not aim at maximising surpluses from its programmes revenues. In fact, in some instances, when the number of intending participants falls below the optimal level, there are operational losses. In any case, there are always compromises between the resource persons and the management of the academy to negotiate honoraria, especially when there are few receipts from attendees.

As much as the academy appreciates and acknowledges the financial support of the UNDP and the UNODC, a few words on these might be appropriate here. “The ... technical support is very critical in terms of the support from our development partners. They don’t give you money” said the Provost. The funds from the development partners are not donated in cash but rather in programme support. These institutions allow the academy to identify its areas of need and then provide direct funding to the contractor to render the services or deliverables. This limits the use into which the academy can put institutional funding support from the development partners. Again, in most instances, the support would come in terms of capacity building, in which case the UNDP/UNODC would engage consultants to lead a training programme organised for the academy’s staff and Civil Society Organisations (CSOs). From the records, attendance at “free” programmes that are facilitated and sponsored by UNDP/UNODC are usually the highest amongst the representatives of the CSOs and NGOs. However, because this kind of support is not regular, the academy cannot compel relevant institutions to send their representatives for training no matter how valuable they could be.

8.3.5 Leveraging on Technology?

A critical area in which the Provost insisted the academy would make a strong impact is the use of its web presence to reach out to targeted users of its services, especially those who could not attend its programmes either because of their schedule at work or the mandatory costs of the training. Before departing the University of Edinburgh for the fieldwork, I had done a little web search of the work of the academy. I had familiarised myself with its basic contents, including information on courses, e-learning options and downloadable materials. Initially, I did not pay attention to how frequently the website was being updated.

However, after getting to the academy, I became more interested in monitoring updates to its contents. The news section was particularly revealing in this regard. For example, as at May 2018, the last news update on the site was on 8 November 2017. The downloads section featured only three items: the academy's brochures for 2016 and 2017 as well as its August 2017 bulletin. The total number of downloads for all the materials on the site since it became operational was under 300 as of May 2018. Moreover, none of the teaching materials during its seminars and workshop were made available for download.

Finally, the e-learning section, which was assumed to provide links to other resources on corruption and anti-corruption studies locally and internationally was completely inactive. When clicked, the message "the requested resource is not available" popped up, clearly indicating that the link has not been active over the years. I do not know if collaborative efforts with institution such as the International Anti-Corruption Academy (IACA) in Austria to provide links for resource materials would require financial commitments beyond regular updates on the academy's web, but it would not cost anything extra to the academy to upload all its lecture materials for its previous seminars/workshops to the web. This would go a long way in giving individuals and even corporate institutions that would like to leverage on ACAN services to engage in developing anti-corruption capacity and staff training. On this front, the academy needs to do more.

8.4 Conclusion

The creation of the Anti-Corruption Academy of Nigeria (ACAN) has been one of the ICPC's largest and most noticeable investments in recent years. The academy makes sense within the ICPC institutional trajectory away from direct enforcement and towards prevention programmes and activities. It offers an attractive path towards

ICPC's institutional expansion: a larger Commission carving out its own space and staying relevant by doing things that no other rival agencies are doing or things in which it has comparative strengths over others. This is what this thesis has documented in the previous chapters.

Yet, as discussed in this chapter, the vision behind the Academy is laden by challenges, contradictions and inconsistencies, leading to a result that is far from living up to its promises. Many of these challenges could be attributed to the inadequate finance and staff capacity. From the interview, the leadership of the academy conceded that it is still in its infancy and that it remains a “work-in-progress”. Nevertheless, while the location of the academy suggests its marginal position within the overall operational activities of the ICPC, some of the academy’s operational practices and staffing policies make it imperative that more work needs to be done to build solid foundations. Such foundations would enable it to achieve its long-term vision of becoming a model anti-corruption resource-development centre in Africa by promoting multi-disciplinary approach to the fight against corruption through research, documentation, training, and advisory services.¹⁴¹

¹⁴¹ See <https://icpcacademy.gov.ng/about/the-academy/>.

Chapter 9

Summary, Review of Findings and Recommendations

9.1 Summary

Nigeria is notorious for corruption. Almost in equal measure, the country has a long history of anti-corruption campaigns, not least since its return to democratic governance in 1999. The creation of multiple anti-corruption agencies in Nigeria's Fourth Republic has resulted in a competitive operational environment where various anti-corruption agencies struggle to enforce overlapping mandates with similar enabling statutes.

The principal focus of this thesis has been to understand how the ICPC, with its low profile compared to the EFCC, has carved out a niche from which to operate and fulfil its mandate against the backdrop of continuous calls for its cessation. This work is relevant for a number of reasons. One, previous studies on anti-corruption campaigns (and anti-corruption agencies) in Nigeria, in light of its multi-institutional approach, have contended that the ICPC is no longer relevant to the fight against corruption (FGN, 2014, p. 12; Arowolo, 2006). Other studies of Nigeria's anti-corruption agencies have focused mainly on the EFCC and largely ignored the ICPC (Sowunmi et al., 2010; Albert & Okoli, 2016; Onyema et al., 2018).

In contrast, this study examines this field from the perspective of the ICPC. It explores the factors that have contributed to the ICPC's resilience. It presents a fine-grained empirically grounded perspective on what staff at the ICPC and their partners in civil society and government have actually been doing to carve out a niche where they can be seen to operate independently from other agencies. The perspective on everyday practices shows how the ICPC and its partners enjoy some level of bureaucratic autonomy to widen the scope of the Commission's work through creative

ways of interpreting its mandate, especially in areas that do not overlap with those of the EFCC. The strategies being utilized by the ICPC have developed into some comparative advantage for the institution, which in turn, the government could employ to develop innovative complementarities between the ICPC and EFCC.

This thesis has drawn on ethnography, mainly by participant-observation, personal interviews and document analysis. Chapter 1 sketches the background of Nigeria's post-1999 anti-corruption campaigns by highlighting the domestic and international factors that spurred the Nigerian government to embrace anti-corruption interventions as critical governance imperatives, especially through the establishment of independent anti-corruption agencies. In a theoretical framework underlying this research work, I referenced primarily Carpenter (2001), Maggetti (2007), and Maggetti and Verhoest (2014) on bureaucratic autonomy to emphasise the need to re-examine and re-contextualise the institutional autonomy of anti-corruption agencies with respect to their choice of operational strategies beyond the realm of political control, which is more prominent in the literature.

Chapter 2 traces the history of (anti-) corruption in Nigeria. It shows how anti-corruption campaigns, and particularly the enforcement of the anti-corruption legislation in terms of criminal prosecution, have been politicised, partisan, or at best merely instituted as a sort of performance by the Nigerian political leadership. This, in turn, hindered the accountability of any of Nigeria's past governments (both military and civilian), and even the current administration of President Muhammadu Buhari. Furthermore, it argues that this political environment contributed to the ICPC's shift away from law enforcement to the prioritisation of corruption-prevention programmes. Consequently, corruption-prevention programmes form a large part of the ICPC's

operational structure in which it has substantial institutional comparative advantages over the EFCC.

In Chapter 3, I reviewed the theoretical literature on bureaucratic autonomy to lay the foundation for the analysis of empirical findings. Here, I explored a comprehensive definition of bureaucratic autonomy. I also discussed other key issues on the management of bureaucratic autonomy, state capacity and bureaucratic reputation to frame the empirical chapters. Chapter 4 analyses the institutional trajectory, operational activities and leadership priorities of the ICPC to explain the shift of focus to corruption-prevention strategies. By using data gathered from handbills, cartoons, stickers, billboards, poems and personal interviews, my analysis shows that the ICPC understands corruption to be systemic, financial and non-financial, and shrouded in secrecy. This understanding in turn impelled the agency to design multi-dimensional approaches to control corruption. Moreover, I argued that ICPC's institutional understanding of corrupt practices within the limit of the provisions of the ICPC Act, its operational challenges and leadership orientation provide additional impetus to the agency's inclination for the consolidation of its corruption-prevention programmes.

Chapter 5 presents the ethnography of an anti-corruption seminar organised by a member of the ICPC National Anti-Corruption Coalition (NACC) – the Reverend Okechukwu Christopher Obioha Orphanage Foundation (REOCOORPH). The NACC forms part of a mass of third-party non-state actors that carry out corruption-prevention activities on behalf of the ICPC by organising seminars, public talks and other sensitization programmes aimed at educating members of the public against corruption. Based on my observations during the programme and some interviews conducted, I argued that the ICPC fails to exercise sufficient control of the programmes

being organised by the NACC, especially over the core messages of anti-corruption being presented to the members of the public. Without the necessary control and adequate supervision, there is a pattern in which the activities of the NGOs may have negative effects on the institutional integrity of the ICPC.

Chapter 6 discusses another set of actors that are supposed to operate on behalf of the ICPC, the Anti-Corruption and Transparency Units (ACTUs). The operational guidelines of ACTUs empower them to perform all the roles of the ICPC except prosecution of cases. Because the ACTUs are nominated by the ministries, departments and agencies' chief executives, and the operational activities of ACTUs are financed by the MDAs, the primary loyalty of the members of the ACTUs lies with their host institutions. This factor alone counters any benefits the access to privileged information might have. My participant-observation of the training workshop organised for ACTUs members also revealed some deficiencies in the capacity of the ICPC to co-ordinate and manage the diverse groups of professionals who are members of the ACTUs.

Youth advocacy constitutes another critical aspect of the corruption-prevention programmes of the ICPC. Chapter 7 highlights the various forms through which the potential of the Nigerian youths is being harnessed to promote anti-corruption education, public enlightenment and civic re-orientation for national development. The youth-advocacy programmes had mixed outcomes. For instance, the National Anti-Corruption Volunteer Corps (NAVC) has abused the youth-advocacy programme, which has led to the Corps' nationwide disbandment in 2014.

In line with global best practices in bridging the gaps between knowledge and practice in the field of anti-corruption, chapter 8 examines the ICPC's efforts to

embrace knowledge-driven corruption-prevention interventions through the establishment of the Anti-Corruption Academy of Nigeria (ACAN). ACAN is the research and training arm of the ICPC, which provides training, research, documentation and advisory services in the field of anti-corruption. ACAN is the primary institution where the ICPC periodically trains and retrain its staff members. The institution also organises bespoke training workshops and seminars to officers and staff members of other law enforcement agencies and MDAs to enhance their law-enforcement and corruption-prevention skills. By reviewing its programmes, facilities and staff capacity, I argued that the ACAN is laudable in its vision and objectives and expands the reach of the ICPC for more visibility and relevance. However, there is still room for improvement with regard to service delivery if it is to truly develop into, and maintain a status, as a leading anti-corruption training institution, not only in Nigeria but in Africa.

9.2 Bureaucratic Autonomy in Anti-Corruption Agencies: Some Reflections on ICPC's Experience

In this study, I have examined empirically how the ICPC has fared in translating its operational autonomy into strategies that enable it to create a niche for itself in the face of existential threats within the Nigerian anti-corruption apparatus in which it competes with other agencies. The research builds on the different theoretical points highlighted in the reviewed literature on bureaucratic autonomy and bureaucratic reputation in chapter 3. The idea is to be reflective of these theoretical propositions in analysing empirical observations with a view to understanding more about bureaucratic autonomy as it applies to anti-corruption policies implementation in Nigeria, and with lessons drawn for wider implications of bureaucratic autonomy within the context of anti-corruption programmes generally.

The formal autonomy of the ICPC as discussed in chapter one (section 1.4) is the starting point of our analysis in the empirical chapters. The statutory mandate of the Commission highlights in general terms its main functions in tackling *public* corruption in Nigeria. In relating our findings to how the Commission has fared over the years with regards to the autonomy that it possesses, I am mindful of the nature of the tasks of the Commission which – in spite of ICPC’s claims to be animated by technical expertise and a dispassionate approach to promoting compliance with the law and enforcing it – is inherently political, and distinct from other types of government agencies. This is consequential because of the vested interests of the political elites and of course, the political utility of anti-corruption rhetoric and performance.

One of the critical aspects of bureaucratic autonomy identified in the literature is the ability of public agencies to craft their own identities, to project their capabilities in the effective delivery of their mandates, and to manage their reputation amongst their multiple audiences. ICPC’s multiple audiences (and stakeholders) include but not limited to the politicians (executive and legislative officials within the Nigerian state), the Nigerian citizens, the media, other ACAs in Nigeria, other public organisations including ministries, departments, and agencies (the MDAs), the civil society, and the international donors and partners. How has the ICPC evolved over the years as it strives to assert its operational autonomy? In what ways have these stakeholders impact on the bureaucratic autonomy of the Commission?

To start with, the ICPC has a considerable degree of formal autonomy. In fact, the name of the Commission was deliberately crafted to have the word “independent” inserted into it as a mark of its statutory autonomy. The Commission was established with an organizational structure and hierarchy that clearly delineated its powers and accountability mechanisms. Unlike the EFCC, it is not directly placed under the

presidency. It is a stand-alone Commission with operational links to the Office of the Attorney-General of the Federation. Annually, its reports and budgetary estimates are presented to the National Assembly for debates and approvals.

Moreover, as discussed in chapter one, the president is responsible for the nomination and appointment of the chairperson of ICPC upon the ratification by two-third majority of the Senate. The President cannot abruptly remove the chairperson from office unless on the grounds of inability to perform their duties (whether arising from the infirmity of mind or body or any other cause) or for misconduct. This removal request must also be approved by two-third majority of the Senate, thus ensuring security of tenure of office for substantive chairpersons of the Commission. Still on formal autonomy of the Commission, section 3 (14) of the ICPC Act explicitly provides that “the Commission shall in the discharge of its functions under this Act, not be subject to the direction or control of any other person or authority”.

Apart from the above institutions – the presidency, the National Assembly and the Office of the Attorney-General of the Federation under which the ICPC nominally files charges, the Commission is not in any way intended to be controlled or directed by any other agency or institution of the Nigerian state. In theory, this is where the propositions of the formal autonomy end.

From the findings of this study however, translating this formal autonomy to real practice is not a straightforward task. In terms of focusing its attention of corruption prevention (non-enforcement) activities, the Commission has recorded no significant resistance from the political class. The Commission also enjoys policy autonomy as it faces no challenges in the drafting of its various policy interventions especially on its corruption prevention programmes. Nevertheless, we have documented evidence of

situations under which the formal autonomy of the Commission is politically and technically challenged in manners which imply that the political will to support the operations (particularly the enforcement mandate) is weak under successive governments since its creation in the year 2000.

For instance, the Commission does not have offices in all the 36 states of the federation. Most of the offices of the Commission that I visited have dilapidated infrastructure in need of repairs, upgrade or replacement. When I put my findings to the Head of the Accounts and Finance of the ICPC at the headquarters, she put everything down to the Commission's lack of financial autonomy. ICPC's funding does not come from consolidated sources. The Commission is not allowed to utilize part of the recovered funds in its enforcement operations to fund itself. Instead, it relies on what the official referred to as "incremental budgeting" that is, a process of piecemeal annual increase in the budgetary allocation to the Commission by the parliament irrespective of its operational needs. The financial resources available to it imposed clear limits on what the Commission can do. As much as these financial procedures limit the capacities of the Commission, we are mindful that Commission these limitations derive from the ICPC Act 2000. As such, they impact negatively on the capacities of the Commission to actualise its own plans.

On the processes for filing court cases, there have been instances when the Commission received "orders from above" to stop its ongoing investigations into cases of alleged corrupt practices against incumbent top government functionaries and there were instances where court cases were withdrawn by the Attorney-General of the Federation after a declaration of *nolle prosequi* on the grounds of political expediency (Ikpeze, 2013, p. 161, see chapter 4). Other areas in which the de facto autonomy of

the ICPC is challenged include its operations with non-state actors (stakeholders) as discussed in chapters 5 and 7.

There are state actors such as the MDAs whose actions have a bearing on the operations of the ICPC. Chapter 6 discusses the various ways in which the line managers in the MDAs where ICPC's ACTUs operate exert more control over the ACTUs' operations than the ICPC itself. Not only this but also, an agency such as the NFIU which was hitherto operating as a unit within the EFCC was less responsive to the operational request for financial intelligence by the ICPC. All this had effects on the Commission investigative capacity in manners not intended by its enabling statute.

The impact of ICPC's formal autonomy being subjected to financial and technical dependency (to the National Assembly and the AGF office) is quite significant in terms of its enforcement statistics. For instance, from 2001 to 2015, the ICPC filed a total of 482 cases and secured 72 convictions (Babasola, 2017, p. 129), representing a 15% conviction rate, with an overwhelming majority of these convictions involving low-ranking bureaucrats, and no high-ranking Politically Exposed Persons (PEPs) (ICPCLR, 2013, Vol. 1). In fact, it is this "low" enforcement performance of the ICPC that creates a sense of cynicism about its activities and consequently a lower institutional profile when compared with the EFCC. In most instances, what the ICPC does is mostly driven by not upsetting the powers that be. In essence, the institution's public reputation which could have been bolstered by enforcement activities becomes a secondary consideration. The resultant effect of this is that throughout the evolution of the ICPC over the years, there is no evidence to link its enforcement operational dynamics or institutional reputational management with the three-phase theoretical proposition of Bautista-Beauchesne (2021).

What is most striking in our findings is that the observed operational autonomy which enables the Commission to enhance its visibility and survival in the face of the existential threat from rivals such as the EFCC might be relevant for non-enforcement operations only. Unlike the enforcement (repressive) outputs in which the citizens, the media and civil society normally place higher premium (Bautista-Beauchesne, 2021, p.301), it is difficult to measure the impact of prevention activities which have preoccupied the Commission on the control of corruption. Nevertheless, successive ICPC chairpersons might have chosen this less controversial trajectory in the promotion of the non-enforcement mandate as a strategy of self-preservation. This is an art which seems to have been well-mastered by successive ICPC chiefs because existing records show a consistently low exposure of the Commission to politically high-stake corruption cases. Meanwhile, all the substantively appointed ICPC chairpersons have managed to serve out their tenures while those of the EFCC have often been fired and humiliated out of office before the end of their tenure because they became caught in the web of Nigeria's prebendal politics in which holding incumbents accountable is extremely difficult (see Ribadu, 2010). Could the ICPC have been more proactive and independent in dealing with enforcement activities such as investigation and prosecution of high-ranking political elite and top-level bureaucrats with substantial political networks?

One clear observation stands out of this work: in contrast to the tasks of the government bureaucracies studied by Carpenter (2001), anti-corruption tasks of the ICPC are inherently political – an exercise in state's self-regulation of its political actors - as the inability of the Commission to prosecute high ranking political elites as discussed in chapter 4 has shown. That the officials of the Commission can be ordered to stay off certain cases due to political expediency is a testament to the high-stake

politics that underlies its tasks. In contrast to the EFCC, the ICPC is an institution established to fight *public* corruption only and that calls into more questions, the scope of the bureaucratic autonomy in its operations, particularly the enforcement aspect. The lesson here for anti-corruption researchers and development practitioners with interest in anti-corruption programmes is that when dealing with or analysing bureaucratic autonomy of anti-corruption institutions, special attention should be paid to the centrality of politics in the dynamics of corruption (or anti-corruption) beyond the scope of what obtains in other public agencies. Bureaucratic autonomy outcomes within ACAs need to be assessed and understood differently from within other public institutions as our research has shown.

Bureaucratic autonomy when applied to anti-corruption agencies should be analysed with caution. Unlike other autonomous institutions created by the government, anti-corruption agencies' core responsibilities to self-regulate the activities of the government that created it are unique. Hence, far more than the other autonomous regulatory agencies created by the government to oversee various sectors of the economy including health, banking, agriculture, energy, and power, amongst others; the tasks and operations of anti-corruption agencies deserve special attention. Often, what initially appears like genuine instances of *de facto* operational autonomy may not be more than a strategy of escapism when critically examined as our research has demonstrated.

In development discourse, attention must be paid to the assumption that bureaucratic autonomy experiences of public agencies in Europe and America can be transposed to those of African bureaucracies, and more specifically, to anti-corruption agencies in Africa as usually prescribed in international anti-corruption treaties. The nature of the tasks before anti-corruption agencies – not only in Africa but globally –

is essentially political and would most likely attract significant vested political interests and interference in ways not experienced in other autonomous bureaucracies across other sectors of the economy.

In summary, while formally the ICPC enjoys considerable autonomy; in practice, its operations are influenced by government and other stakeholders' interests. In exceptional circumstances the government influence is direct, as when the ICPC receives orders behind closed doors, or the AG decides not to prosecute cases against the ICPC criterion. Certainly, these more exceptional interventions send a clear message to ICPC managers. So, more often, the government influence is also exerted indirectly, as when managers internalize what they assume to be the government expectations on them. As for the other stakeholders (both state and non-state actors discussed in chapters 5, 6 and 7), as much as the ICPC tried to integrate them into its operational outlook, its limited institutional capacity to monitor and control their activities meant that the Commission exerted little control over them. Indeed, while the ICPC has forged a path that has ensured its longevity, this path has not been precisely a path of de facto autonomy as in the case of the government bureaucracies studied by Carpenter (2001).

9.3 Review of Research Findings

As I have argued in this thesis, in addition to its seemingly marginal enforcement activities, the ICPC has concentrated its efforts on a number of corruption-prevention programmes, which promote its visibility. To understand how chapters in this work are inter-connected to the overall corruption-prevention theme of the Commission, the research questions raised in chapter 1 are re-examined and analysed as follows:

(a) How has the ICPC survived “in the shadow” of the EFCC?

In answering this question, it is necessary to contextualise the ICPC's corruption-prevention programmes, which are enhancing its national visibility as forms of institutional performance. The Commission relies on the provisions of the ICPC Act section 6 sub-sections [c, d, e & f] to engage a number of critical stakeholders that are spread widely across Nigeria to promote anti-corruption education and public enlightenment. The Commission has leveraged on these activities to develop a distinct profile and a place of its own in the country's anti-corruption map. Conversely, the EFCC has been weakened over the years and seen its mandate downsized. For instance, the 2018 Presidential Executive Order 6 which made removed the NFIU from the structure and control of the EFCC.¹⁴² The ICPC is arguably no longer evolving in the shadow of the EFCC.

(b) What does the autonomy of the ICPC mean in practice? How does the ICPC degree of autonomy affect its implementation strategies?

There are two dimensions to the autonomy of the ICPC: political and bureaucratic. In this work, I explored the bureaucratic autonomy of the Commission: its ability to determine the priorities of its operational activities without direct external control. On the face of it, the ICPC enjoys considerable bureaucratic autonomy. The figure of the chairmen is emblematic in this regard. They enjoy immunity in office and, as the chairman himself underscored when I interviewed him, none of his predecessors had been removed from office before the completion of their five-year tenure. The extent of the ICPC's bureaucratic autonomy is also reflected in the chairman's discretionary powers.

¹⁴² See (Premium Times, 2018): Why Buhari signed NFIU law separating it from EFCC – Aide available at <https://www.premiumtimesng.com/news/headlines/275871-why-buhari-signed-nfiu-law-separating-it-from-efcc-aide.html>. (Last Assessed 12/07/2020).

As I discussed, the ICPC Act entitles the chairman to issue standing orders that can have far-reaching effects for its operational structure. This has created opportunities for those enterprising and creative ICPC leaderships willing to seize them, as illustrated in the case of the ACTUs. The dynamics generated by such standing orders, specifically those that involve delegation of the ICPC mission, are paradoxical. The use of the standing orders reflects the ICPC's autonomy, but it also undermines the Commission's ability to translate its policy preferences into action, which is an integral part of conventional definitions of autonomy (Maggetti 2007, p. 272). This is apparent in the difficulties that the ICPC has experienced when trying to monitor and control non-state third parties acting in its name (chapters 5 and 7). As a result, the ICPC has found itself issuing rebuttals and public notices to disown the activities of people and organizations acting in its name within the framework of some of its prevention and public-education programmes.

The ICPC's bureaucratic autonomy has other clear limits. Those derived from the source of its financial resources are perhaps the most obvious. Budgetary approvals to the ICPC come in the form of statutory allocations by the National Assembly and such allocations impose clear constraints to the scope of the ICPC's operations. In this regard, reliance on third parties is clearly linked to budgetary constraints. Obviously, instances of political interference also loom large on the ICPC activities. In the past, as senior officials of the ICPC are willing to admit in confidence, such interference has come in the form of requests from the Attorney-General of the Federation, purportedly acting on presidential instructions, not to pursue ongoing court cases further. Although these are high-stakes cases, according to those testimonies, instances like this are very rare. Governments rarely want to appear as if they directly control anti-corruption agencies for partisan benefits. More often than not, the

autonomy of the ICPC stands, at least much more conspicuous than that of the EFCC which reports directly to the office of the President.

(c) Why and how are these implementation strategies prioritized?

Chapters 2 and 4 identify some of the factors that account for the privileging of prevention over enforcement activities. One is the historical trajectory of anti-corruption campaigns in Nigeria, which has made incumbent accountability a difficult task politically. On top of these political obstacles, even when the Commission decides to prosecute cases, it has to reckon with the shortcomings and inefficiencies of the Nigerian judicial system. Often, protracted delays and legal quandaries in court have contributed to excessive costs of enforcement that sometimes far outweighed the material object of the corrupt practices in question. Corruption-prevention programmes are prioritized in part because – unlike enforcement – they allow the ICPC to stay away from the troubled waters of partisan politics. Prevention offers a convenient and visible platform for the ICPC, one that befits the Commission’s limitations in resources in that it can attract donor support and lean on the contributions of third parties. Some ICPC staff do not hide their frustration with this state of affairs. Fully aware of the levels of impunity that those involved in corruption enjoy, they see prevention as a “performance” that serves first and foremost to justify the salaries of ICPC staff. Others express more faith in the impact of public education and prevention and see promise in the development and consolidation of units like the ACAN within the ICPC.

9.4 Recommendations

Throughout the thesis, I have avoided taking established images of success and failure that colour conventional views on anti-corruption agencies in Nigeria. I have preferred to let readers draw their own conclusions on the insights gained through my research and have refrained – where possible – from expressing views on how the

ICPC could or should carry out its missions. In the conclusion, however, I want to use the remaining pages of this thesis to offer the following recommendations, in the spirit of suggesting constructive ways for the ICPC to strengthen its operational capacity.

One, given the severity of financial abuse of office in Nigeria, the ICPC should leverage on the extant laws to create innovative ways, much like the *follow the money*, as suggested by the agency's senior staff at the Kaduna office. At the ICPC-MDA interface, ACTUs could play a more effective role in the monitoring of the use of public resources in the procurement of goods and services as well as the remuneration of personnel. A restructuring of the ACTUs, which could involve ICPC personnel being directly seconded to the MDAs as overseers, could lead to significant improvements. For such a solution to be effective, the ICPC should widen the scope of its recruitment to enlist manpower with diverse specializations across the various sectors of the economy. For example, an ACTU member from the Rubber Research Institute in Edo State reliably informed me that it will be difficult for non-experts in the field of rubber production to detect corrupt practices that staff members of the institute could carry out. Interviews with other ACTU members concurred that the Commission lacks specialized personnel to cater for its field operations in all MDAs across Nigeria.

Two, there is no doubt that the present number of ICPC's offices nationwide is grossly insufficient. Currently, the ICPC has 16 offices nationwide: the headquarters in Abuja and 15 state/zonal offices.¹⁴³ There is the need to increase the national spread of the Commission. The Commission should build more offices to cover at least all the 36 state capitals across Nigeria. It should also create its outpost/contact desks across the 774 local governments of Nigeria to enhance its supervisory capacity in the co-

¹⁴³ See <https://icpc.gov.ng/office-locations/>. Last accessed 28/10/2019. See also the Regional/State Map of Nigeria showing the locations of ICPC offices nationwide, in the preliminary pages of the thesis.

ordination of the array of non-state actors (NGOs, CSOs, Schools, Advocacy Groups, Religious institutions, etc) that are working under its guidance and delegated authority. The extended period within which dubious NGOs and advocacy groups were able to carry out their nefarious activities under the institutional cover of the ICPC before they were apprehended and disbanded was a clear indication of the grossly inadequate monitoring capability of the Commission.

In addition to the foregoing, the ICPC should look into the possibility of part-financing the programmes and activities of all properly scrutinized and certified NGOs. It is not only important to thoroughly establish the genuineness of all prospective anti-corruption and advocacy NGOs and CSOs, in addition, all approved non-state actors should be provided with financial support so as to increase the stakes of the ICPC in the activities of these groups. By supporting the groups financially, the ICPC will not only be in control of their programmes, but it will also be in a position to demand for accountability from those in charge of their operations. For the ACAN, there is ample evidence that inadequacy of funding and personnel capacity are major constraints preventing it from living up to its promises. As much as the current profile of the academy could be attributed to its early years of operation, there is need for increased funding via the ICPC consolidated sources, while its staff-recruitment policy should be prioritised to reflect the long-term vision of the institution as a model anti-corruption resource-development centre in Africa.

Nonetheless, from my fieldwork experience, I am aware that as laudable as each of these recommendations might be, they will all require an improved financial profile for the ICPC. It is therefore recommended that the agency should have its budget taken off the bureaucratic routine, as in the case of the MDAs, and be provided for from consolidated funds. This will ensure that the agency continues to enjoy some

level of financial autonomy, which in turn would help it to live up to its mandate more effectively and comprehensively. As discussed in chapter 6, there have been instances when members of Nigeria's federal parliament demanded bribes from the leadership of the ICPC so that they could help facilitate some extra budgetary approvals for its activities. Continuous exposure of the Commission to this environment will erode its power to assert the autonomy on which the vision behind the agency was premised.

9.5 Future Research

Considering the specific nature of the questions for this research and the findings thereof, there are a number of very important areas that future researchers might be interested in examining. As I pointed out earlier in chapter 1 of this thesis, the operational autonomy of the ICPC offered the agency the latitude to choose its operational strategies without direct political control. As I argued, successive chairmen of the Commission have capitalised on this opportunity to focus on corruption-prevention operations in which the institution has comparative advantages over the EFCC. These prevention operations have increased the visibility of the agency. It may be interesting for future researchers to explore in depth, the degree of autonomy the ICPC enjoys in its enforcement operations. This is important as the chairman of the Commission, by virtue of Section 44 of the ICPC Act, legally reserves the right to order the investigation of any petition or reported cases of corrupt practices, for example.

Further research could also examine other areas of corruption-prevention activities of the ICPC that I have not considered in this work. The impact of the ICPC's exclusive institutional power to review MDA operational systems is a vital part of its remit and may also be one of the factors behind its resilience. Conceivably, case studies of the operation of ACTUs in specific government departments could help us

develop a clearer sense of the nature of the obstacles for enhanced integrity in the public sector.

Moreover, future researchers could also be interested in creating a template or database for comprehensive record keeping and tracking of beneficiaries and trainees of the ICPC's education and training programmes. This is an area that could provide a robust feedback mechanism for the agency and help it to streamline its course offerings and pedagogical approaches in line with emerging operational and workplace challenges.

Finally, on a theoretical level, given the peculiarity of the tasks of anti-corruption agencies, more research is needed to account for the nuances of the application of bureaucratic autonomy to anti-corruption programmes. Corruption as discussed in this thesis is essentially a political problem (or crime), and any effort to combat it is unavoidably intertwined with some politics either to strengthen or weaken the powers of any institution created to carry out such (anti-corruption) functions.

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Appendix 1

Head of Civil Service of the Federation's (Creation of ACTUS' Budget Line) Circular to the MDAs



OFFICE OF THE HEAD OF CIVIL SERVICE OF THE FEDERATION

The Presidency Federal Secretariat, Phase II,
Shehu Shagari Way, Central District, P.M.B. 248,
Abuja

Office / Dept.....
Ref No... **OHCSF/SPSO/CSTD/314/T2/61**

Telegrams: **HCSFEDGOVT.**

Telephone: **09-5234491**

Fax:

Date: **5th OCT, 2016.**

CIRCULAR

Chief of Staff to the President,
Deputy Chief of Staff to the Vice-President,
Honourable Ministers/Ministers of States
The Secretary to the Government of the Federation,
All Special Advisers,
Chairman, Federal Civil Service Commission,
All Permanent Secretaries,
All Service Chiefs/Inspector-General of Police,
The Clerk of the National Assembly,
Auditor-General for the Federation,
Accountant-General of the Federation,
Chief Registrar, Supreme Court of Nigeria,
All Directors-General and Chief Executives
of Extra-Ministerial Departments.

RE: ESTABLISHMENT OF ANTI-CORRUPTION AND TRANSPARENCY UNITS IN MINISTRIES/EXTRA-MINISTERIAL OFFICES/AGENCIES/PARASTATALS.

Please recall Circular No. OHCSF/MSO/92/94 dated 2nd October, 2001 on
above subject.

2. In 2001, the ICPC established Anti- Corruption Units in MDAs to tackle corruption in civil service through preventive approaches and the institutionalization of a culture of Transparency and Accountability in the conduct of Government business.
3. Consequent upon the establishment of the Units in the MDAs, another Circular Ref. No. **OE/MS/MSO/i196/S.I/7** dated 16th April, 2003 (Funding Circular) was issued directing the Heads of MDAs to fund the activities of the Units in their respective MDAs, pending when ICPC would eventually take over such funding.
4. In 2013, through the collaborative efforts of the ICPC, OHCSF and the Justice for All programme, a select team of Assistant Directors were identified, trained and deployed to strengthen the Operations of the ACTUs in selected MDAs.
5. The ICPC developed Operational Guidelines known as 'Standing Order' for the Operations of the Anti- Corruption and Transparency Units (ACTUs) for guidance and efficiency of the ACTUs, this set of guidelines was revised in 2014.
6. ACTUs derive their powers from the provisions of Section 6(a)-(f) of the Corrupt Practices and other Related Offences Act, 2000, which empowers them to serve as compliance and ethics officers, with the sole aim of educating and enlightening their respective MDAs on the need for adherence to rules, regulations and upholding of ethical practices in the work place. ACTUs are also empowered to carry out preliminary and administrative investigations into cases of misconduct and refer to appropriate quarters as spelt out in the ACTU Standing Orders.
7. Functions of the ACTUs include:

- i. Educate and Enlighten the Public on Corruption and related offences;
- ii. Monitor Budget Implementation in MDAs;
- iii. Promote Ethics and Integrity through enforcing compliance with Ethical Codes in MDAs.
- iv. Conduct Preliminary/administrative Investigations when necessary;
- v. Undertake the Study and Review of Operational systems of MDAs, to improve transparency and accountability;

8. From the foregoing, I am to inform you that henceforth;

- i. *MDAs are mandated to create a Budget line for the funding and operation of ACTUs in MDAs annual budgets;*
- ii. *Anti-Corruption and Transparency Units (ACTUs) would be represented in Junior Staff Committee (JSC), Senior Staff Committee (SSC), Public Procurement Committee (PPC) and Technical Boards Evaluation Committee (TBEC) as observers only to enhance transparency of the various committees in the discharge of their duties.*

9. Attached are the Standing Order for the Operations of the Anti-Corruption and Transparency Units in MDAs and the Template for ACTU Quarterly Reports for your perusal and prompt compliance please.

Mrs. Winifred Ekanem Oyo-Ita FCA
Head of the Civil Service of the Federation.

