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**THE CONTROL OF CORRUPTION IN NIGERIAN GOVERNMENT**

A focus on the duties and structures of an Anti-Corruption Agency

Master's Thesis in  
Public Management

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**ABSTRACT**

Corruption in Nigerian government past and present has been a recurring phenomenon. The three arms of government (executive, judiciary and legislature) are enmeshed in corruption. Corruption being a world-wide phenomenon affects mostly developing and underdeveloped countries. Many countries therefore try as much as possible to control the incidences of corruption in governance through various means. Nigerian governments at various times have adopted different measures to control corruption and corrupt practices. The objective of this research is to explain how effective an anti-corruption agency could be in the control of corruption in Nigerian government. Special attention would be focused on the duties and functions of ICPC in controlling corruption in Nigeria.

Corruption is therefore researched historically in Nigerian government. The decay in Nigerian government is as a result of the institutionalization of corruption by various governments in the past and present. It researched how anti-corruption agency can stem the incidences of corruption in Nigerian public life. ICPC was thus charged with the control of corruption in public services, but unfortunately it was rendered incapacitated by the government.

Qualitative research method is adopted for this research. This method is based on documentary analysis which has been proven to be one of the best ways of doing research in management. In public administration, documentary analysis is used for phenomena of interest that cannot be measured through personal interviews, with questionnaires, or by direct observation. Moreover, the central concepts of this thesis are based on corruption, ethics, and control.

The main finding of this research is that despite the various approaches by governments in Nigeria to control corruption, they were not realisable due to lack of political will, godfatherism, and other factors that encourage corruption. To effectively control corruption in Nigerian government, there should be political will from the government. Also, anti-corruption agency should be independent, free from interference from any arm of the government. Also anti-corruption initiative should be a bottom top initiative. Anti-corruption agency should be instituted in every local government of Nigeria thereby fighting corruption from the local to state and then federal governments.

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**KEYWORDS:** Corruption, Administrative Corruption, Administrative Ethics, Control, Anti-Corruption Agency, ICPC, Nigerian government.



## 1. INTRODUCTION

### 1.1. Background of the Research

*“There are two reasons behind what people call my generosity. Firstly, I am a Moslem, and generosity is enjoined on all believers by Islam. Secondly, I am also a realist. I happen to know that hoarding earthly wealth is meaningless in so far as a millionaire will not, when he dies, be buried with his millions. I prefer to share the little I have with those who have none at all in the belief that God whose command I thus obey will reward me in the next world. I cannot even hoard things for my children as many people do. For one thing, how do I know that my children, when I die, will not spend all the wealth I have thus amassed through tight-fistedness within twenty-four hours! Such a thing has happened to many so-called rich men, hasn't it? I believe that no one but God can make anyone rich”. (Premier of Northern Nigeria, Sir Ahmadu Bello (1965) quoted in Wilmot 2007.)*

The name Nigeria is synonymous with corruption worldwide due to the reckless abandonment of our leaders in looting the public treasury, which also affects the behaviour of the citizens within and outside the country. Nigeria since independence has been ruled by various governments, both military and civilian. From one regime to the other there have been allegations of administrative corruption. Also the incursion of the military into the polity was due to corrupt charges levelled against the civilian governments at one point or another. But Nigerian leaders (both military and civilian), are more interested in enriching themselves instead of carrying out their constitutional duties of providing for the masses of the people. Corruption of the government has turned the strongest asset of the country, which is oil into a curse. Oil revenues that should have been used for improvement of the lives of ordinary Nigerians, has been used in sponsoring political violence, fraudulent elections, police abuses and most importantly embezzlement by the government. It was estimated that between Nigeria independence in



1960 and the end of military rule in 1999, more than \$380 billion was lost to graft and mismanagement and it still continues till today. (Human Rights Watch 2011:6.)

However, government at different times have initiated actions on tackling this menace, but unfortunately corruption still thrives due to the approach of the government. The most recent method adopted by the new democratic government is the use of anti-corruption agencies. Anti-corruption agency has proved to be an effective way of controlling corruption in many countries. The cases of ICAC of Hong Kong and CPIB of Singapore easily come to mind. Therefore the introduction of anti-corruption agencies in Nigeria during the time of President Olusegun Obasanjo was greeted with wide acceptance.

ICPC was created by ICPC Act of 2000 and was given the mandate of combating administrative corruption and corrupt practices in Nigerian public and private places. This controlling power was vested on it by the Federal Government of Nigeria. Different opinions abound about the effectiveness or not of this agency in combating corruption. This research will examine the extent corruption in Nigerian government since independence till date, and also examine different governmental policies instituted to control corruption in public and private places. It would also examine the contribution of ICPC in the control of administrative corruption in Nigerian public administrative settings, its shortcomings and proffer a solution for a better anti-corruption agency.

## 1.2. Objective of the Research

Corruption in Nigerian government has become a household name to the common masses of the people and in the committee of nations. Nigerian government past and present involved massively in corruption and maladministration. The masses usually blame the military incursion into polity as the source of corruption in Nigeria. The purpose of this research is to explain how anti-corruption agency could be an effective tool to control corruption in Nigerian government. This will be

done by historically tracing the problem of corruption in Nigerian government since independence in 1960 and various measures used by different government to combat the menace of corruption. It would also examine the contribution of ICPC in the control of administrative corruption in Nigerian public administrative settings, its shortcomings and proffers solution for a better anti-corruption agency.

To arrive at the objective of this research, the following would be the main research questions of the study:

*What are the effective instruments to be used by the Nigerian government to tackle the menace of corruption in Nigerian public service?*

*How effective can ICPC control corruption in the Nigeria public service?*

### 1.3. Organization of the Research

This research is a case study analysis of Nigeria as a country and ICPC as an anti-corruption agency. The problem of corruption control is unending everywhere and most especially in Nigeria. This is due to the fact that there are no strong anti-corruption agencies that would be really independent of the government. This study will serve as a reference point for the government of Nigeria in solving the incessant problems of corruption which is affecting the whole systems of governance. Chapter 1 is the introduction part which deals with background of the research which is the aim of the research and also the research objective. It also focuses on the organization of the research.

Chapter 2 focuses on the central concepts which are the various theories adopted in this research. It explains theories such as ethics, corruption, and control. It also discussed issues of administrative corruption and the categorization of corruption.

Chapter 3 is about the research strategy. This is the research methodology used in this thesis. It consists of the formulation of the research questions and the type of research method used. It also discussed about the validity and reliability of the research documents.

Chapter 4 focuses on administrative corruption in Nigerian government past and present. It goes through the historical perspective of administrative corruption in Nigerian government since independence and its causes. Administrative ethics and past efforts aimed at controlling corruption were also discussed.

Chapter 5 is about Independent Corrupt Practices and other related offences Commission (ICPC). Since this is the focus case-study, explicit details of its establishment, duties and structures are discussed here. The achievements and problems of ICPC were also discussed. Chapter 6 is the conclusion part. This sums up the whole details of the research and gives the view and recommendation of the researcher on making anti-corruption a viable tool in the fight against corruption in Nigeria.

#### 1.4. Scope of the Research

The main focus of this research is ICPC as an anti-corruption agency, and the scope of this research would be since the inception of ICPC in year 2000 up until year 2010. This would help in examining the contributory efforts of ICPC to the control of corruption in Nigerian government. It would also x-ray the extent of administrative corruption in Nigerian governments since Nigeria independence in 1960 till present day government (2011).

#### 1.5. Previous Studies

View into the previous studies in this research will be focused on the main issues of study which are; corruption, administrative corruption in government and anti-corruption agency. Various researchers on public administrative ethics, sociology, organizations, and other fields have made research about corruption, this is because it is a worldwide phenomenon and opens for research by various research-

ers. These writers wrote on corruption, administrative corruption, and anti-corruption agency, which are the main focus of this study. Some writers wrote on the concept of corruption, some on corruption and how it can be controlled, while others researched on the essence of anti-corruption agency. There were writers also that wrote on administrative corruption in Nigeria. Administrative corruption in Nigeria thus, has been a focal point for many writers on administrative ethics due to its prevalence in governance.

A prominent writer on corruption in Nigeria is Victor Dike (2003) wrote on managing the challenges of corruption in Nigeria. He examined the impact of corruption control during the time of President Olusegun Obasanjo's administration. He discussed about the effects of corruption on Nigeria as a nation and concluded by writing that in order to control corruption in Nigeria, much power should not be granted to officers, such as customs, immigration and poorly paid police officers that issue business licenses, goods clearance documents and international passports. This will prevent the incidences of corruption. Dike (2008) also wrote about corruption in Nigeria: A new paradigm for effective control.

Moreover, Aluko (2006) wrote about corruption in the local government system in Nigeria. He explored causes and cost of corruption and how it affects local government administration. He also linked corruption in the local government to what is happening in the federal government. Also Fajonyomi (2006) wrote about corruption and anti-corruption strategies in Nigeria. He discussed about the various anti-corruption policies by the government of Obasanjo, which he saw as mere policies on paper not in action. He wrote that despite the fight against corruption there were still daily reports of corruption in government ministries and departmental agencies. Olojede and Fajonyomi (2001) edited a book called *Ethics and Public Accountability in Nigeria*. This book has various articles about ethical management in public and private sectors.

Also past studies on administrative corruption can be found in the work of Werner (1983) titled *New Direction in the Study of Administrative Corruption*. He wrote

about different views about the definition of corruption and discussed about its various types. In same vein, Caiden and Caiden (1977) wrote about administrative corruption. They went through the history of administrative corruption and discussed more about systemic corruption which is a common kind of corruption in Nigeria. In all, Bruce (2001) *Classics of Administrative Ethics* is a masterpiece in the study of administrative ethics. It contains collection of public administration journals that are relevant in the study of administrative ethics. Richter and Burke (2007) had a publication on management ethics. *Combating Corruption, Encouraging Ethics* is a compilation of journals and articles written by various authors and organizations. Also Salminen's edited works of 2007 and 2010 on ethics in public life were well researched publications on administrative ethics and governance.

Human Rights Watch (HRW) is an international non-governmental organization that conducts research on human rights all over the world made some research into corrupt activities in Nigeria government. *Corruption on Trial* (2011) and *Criminal Politics* (2007) which gave details of corruption and its causes in Nigeria, serve as good reference for this research. Transparency International (TI) also a non-governmental organization famous for its ranking of corrupt countries of the world also serves a reference point. Also Organisation for Economic Co-operation and Development (OECD) publication on *Specialised Anti-Corruption Institutions* (2008) was a well researched publication about models of anti-corruption agencies.

These previous studies into this research topic couple with other research materials, serve as good reference point to make this research work a reality.

## 2. THEORETICAL FRAMEWORK

### 2.1. Ethics

Ethics is a branch of philosophy that is concerned with the study of moral principles and action. Morality therefore is concerned with those practices and actions that are considered to be right or wrong, which also concerned with the values those actions reflect and the rules through which they are done. (Denhardt and Denhardt 2009:127.)

Ethics is also seen as a set of principles, often defined as a code that acts as a guideline to conduct. This set of principles provides a framework for acting. (Lawton 1998:16). Ethics is thus defined as a “systematic attempt through the use of reason to make sense of our individual and social moral experience in such a way as to determine the rules which ought to govern human conduct” (DeGeorge 1982 in Denhardt et al. 2009:127.)

Ethics can also be viewed in two alternative but related ways; it is firstly the science of morals and secondly the system of morals. Being a science of morals, ethics is the branch of philosophy which concerned with human character or human conduct examined in the light of certain ideals. It is a systematic study of society which determines what is right or wrong and/or what is good or evil. Ethics as a system or morals is connected with the rules of behaviour. It deals with the standards of social conduct. It is these standards of social conduct that lead to standards of professional or religious conducts. Standards of medical practice, standards of administrative practice, etc are all under the rubric of ethics as a system of morals. (Asobie 2001:43-45.)

Ethics act as guide for individual on how to conduct self in private and public places. In public administration and management, ethics is connected to how individual behaves in the public sector. In understanding individual behaviour, there should be a reason for doing whatever an individual does. There are three main reasons for this: firstly doing something because it is thought to contribute to the fulfilment of the goals of an action. Secondly, doing something because an individual is accustomed to it, and lastly doing something because something in the situation requires it. (Hyryläinen 2010: 8-9.)

Therefore, ethics should serve a role of stopping an individual from taking the wrong route in his administrative career. It will prevent a public official from appointing a close relative into a management position where there are more qualified candidates. It will also prevent him from taking bribe in regard to his official duties. (Hyyryläinen2010:2.)

### 2.1.1. Principles of Ethics

Radhika (2012) stated that there are two important models to the study of ethics in public administration; ethics of the sovereign good and ethics of the service of good. Ethics of the sovereign good is simply a set of guidelines based on which an individual acts. This ethics is recognised to be a set of values from which the different views on what is good can be judged. This can be seen mostly in real world situation where many people have different versions of the same ethical concept. People try to change the concept to fit their need depending on their conception of the good. It is therefore important to identify the viewpoint that holds the true spirit of the ethical guidelines. (Radhika 2012:26.)

Ethics of the service of goods; efficiency and maximization of the inputs and outputs are mainly values promoted by the ethics of the service of goods. There are three important aspects to the service of goods; logic of reciprocity, its view of the collective, and its criteria for judgement. At the core, service of goods is based on mutual exchange, and also that people are rational and have the freedom to choose what goods or services they want. This means that if an individual likes a particular good or service, he can enter into an agreement with a suitable trader on the terms for the purchase of the same service or good. In exchange the individual can offer monetary resources to compensate the trader for the services and goods that they have provided. (Radhika 2012:26.)

### 2.1.2. Administrative Ethics

Ethics in public administration could conceptualise as rules and regulations officials are expected to conform to in the discharge of their official obligations. An act thus

becomes unethical when it violates the moral principle surrounding an office. (Akhakpe 2001:18.)

The study of administrative ethics concerns efforts to identify and formulate rules for the wise and proper use of administrative discretion. Public administrator is trapped in ethical decision making. His decision can either make or mar his public service career. (Rosenbloom, Kravchuk & Clerkin 2009:521.)

Therefore in making ethical decision, according to Rosenbloom et al. (2009), there are three broad philosophical approaches that guide a public administrator:

The virtue/intuition approach is about a person knowing what it means to be a good person and to accept and show these characters in order to show that he really is a good person. These characters include honesty, integrity, trustworthiness, loyalty, fairness, caring, respecting, responsible etc. The deontological/principle based approach is the approach that relies on a set of agreed principles which guide an administrator decision. The means and ends go together they cannot be divorced, and the decision maker must carefully apply these principles in order to act ethically. The teleological/utilitarian approach contends that there are no overriding moral principles that can guide all actions, therefore the consequences of an action becomes the determining factor used in evaluating the ethics of a decision. (Rosenbloom et al. 2009:521.)

However, these approaches to administrative ethics are often treated as options or alternative to one another. People act according to combination of approaches using them alternately in different situation. (Richter and Burke 2007:4.)

These three approaches are used to create an ethical triangle to show how complementary they are to each other. The ethical table as shown below explains the essence of synthesising the three models of ethical approaches into an ethical triangle. The main idea that each approach is based on are; justice, greatest good, and integrity. These ideas reinforce and mutually support each other. As shown in the diagram below, principle based approach's main idea is justice/fairness, consequences based approach's



idea is greatest good, while the idea of virtue/intuition based approach is integrity. (Richter et. al. 2007:27.)

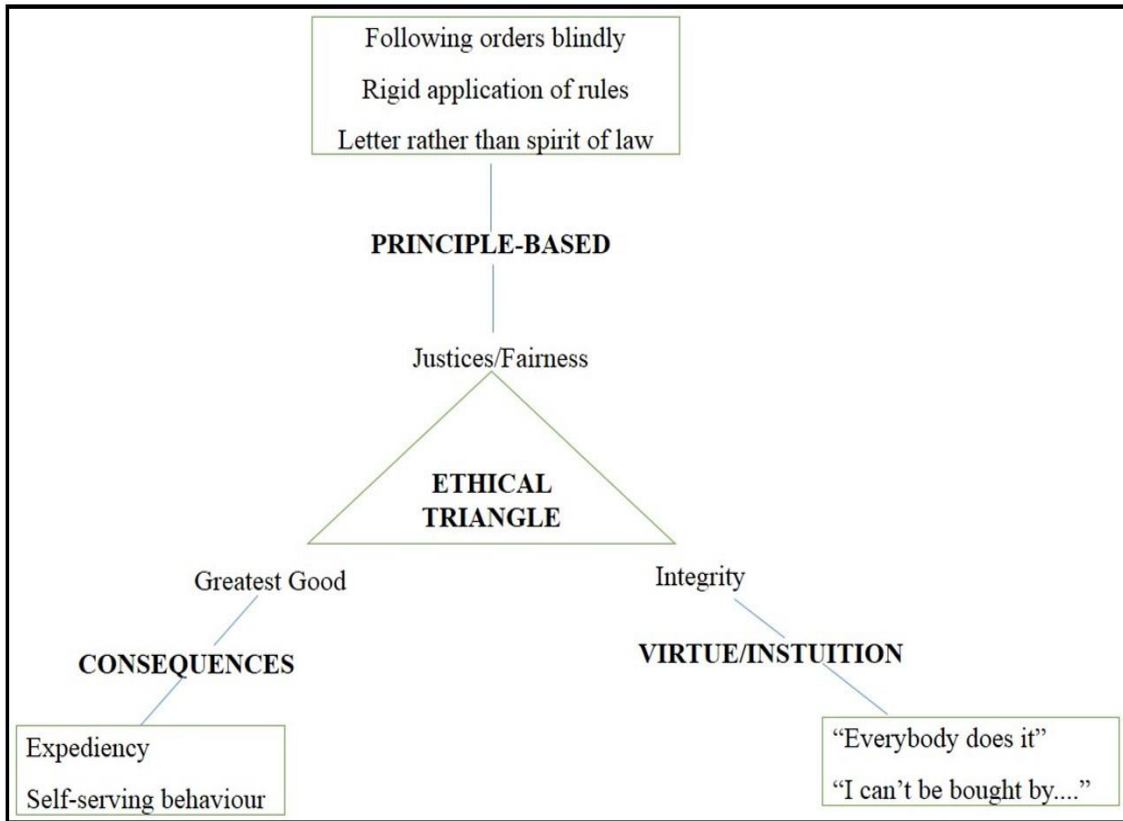


Figure 1 The Ethical Triangle. (Richter and Burke 2007:27).

## 2.2. Corruption in General Terms

The existence of corruption is not new to the world; in fact the history of corruption is as old as the world. Widespread illegality and corruption were traced to ancient civilizations. Old civilizations like ancient Egypt, Israel, Rome and Greece had records of corruption. Thus corruption existed in the past likewise in the modern day governments. (Dike 2003.)

Corruption is a universal phenomenon and a societal evil that plagues the whole system making it to function abnormally. Corruption is relative and it has no single definition since it means different thing to different people or society. It varies from one place to another. (Munyae & Lesetedi 2002:52.)

Caiden (2007:78) also posited that there is no an “*all purpose definition of corruption*”. But despite this, definition of corruption has been categorized into three different groups according to Werner 2001; Public office-centered definitions which is the deviation from legal and public duty norms to benefit oneself in any form; Market-centered definitions which view corruption as a maximizing unit where officials maximize pecuniary gains according to the supply and demand in the market-place of their official domain; Public interest-centered definitions, which focuses on the betrayal of public interests by preference of particular/common interest. (Werner 2001:193.)

However, due to the focus of this research, the public office centered definition by Nye (1967:419) would be adopted. He defined corruption as: “*behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence*”. He explained these behaviours to be bribery, nepotism, and misappropriation.

The Transparency International (TI) a non-governmental organization that is dedicated to curbing corruption, views corruption as “the abuse of entrusted power for private gain”. Corruption hurts everyone whose life is dependent on the integrity of people in a position of authority. Also, the United States Agency for International Development (USAID) views corruption as “the misuse of public office for ,private gain”. This encompasses abuses by government officials such as embezzlement, and nepotism, and abuses linking public and private actors such as bribery, extortion, influence peddling, and fraud. It believes that corruption arises in both political and bureaucratic offices and can be petty or grand, organized or unorganized. (quoted in Richter et al 2007:80-82.)

Corruption is dysfunctional to administrative efficiency and productivity; it destroys the social fabric of the nation and also weakens the entire national economy by creating situations of political instability. It is a social evil that eats up the whole fabric of the society and endangers social existence. (Ogunna 2003:207.)

Corruption is a complex and multi-faceted phenomenon that affects all countries in various degrees. Kofi Annan said; it causes enormous harm by impoverishing national economies, threatening democratic institutions, undermining the rule of law and facilitating terrorism (Webb 2005 in UNECA Africa 2009:209.)

Being a multi-faceted phenomenon, it links multiple issues together, issues such as abuse of entrusted power for private gain, low integrity, taking bribes, maladministration, fraud, and nepotism (Salminen, Viinamäki & Ikola-Norrbacka 2007:76.)

The United Nations Convention provided a catalogue of acts that are criminalized under several national penal laws including Nigeria, and that now form part of the international and regional legal framework for combating corruption in which African Union Convention also share similar approach. These acts include: bribery of national public officials; bribery of foreign public officials and officials of public international organizations; embezzlement, misappropriation or other diversion of property by public official; trading in influence; Abuse of function or position; illicit enrichment- a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income; laundering of the proceeds of crime; concealment; obstruction of justice. And the common denominator of such act is that they all consist of getting undue advantage from public officials or private entities for private or personal gain (UNECA Africa 2009:210.)

### 2.2.1. Administrative Corruption

Administrative corruption occurs in almost everywhere in the world. Administrative corruption occurs when there are deliberate criminal acts by top administrative officers for private, material or socio-political gain. Such acts may include falsified accounts, embezzlement of government funds, fraudulent tax returns and indirect demand for inducement to perform legally binding obligations (Aluko 2006:5). Administrative corruption is also said to involve “the diversion of resources from the betterment of the community to the gain of the individual at the expense of the community” (Abdullahi Smith quoted in Akhpkpe 2001:19.)

Administrative corruption has two distinct categories: the first occurs when a corrupt act is committed in accordance with the rules. This is a situation whereby an officer receives a benefit from an individual because he does something he should have done as provided by the law. The second occurs when the operations took place in contravening the rules. In this, a service is asked from an officer who by law is prohibited of him. (Fruits 2012.)

### 2.2.2. Administrative Corruption as a Norm

Administrative corruption was viewed in two divergent views; as a norm and as functional. As a norm it was viewed as a doubtful thing which never existed in the past, it was believed to be something created by bureaucracy. But it was trace to 18<sup>th</sup> century in Western Europe. Before clear distinction between public and private standards of behaviour which was the idea of the French Revolution, many corrupt practices such as venality and nepotism were not seen as corruption and thus not against the law and even exploited to the benefit of the rulers. (Caiden & Caiden 1977:304.)

The concept of administrative corruption is universal and dates back to the ideas of the French Revolution. It swept away private monarchical government and replaced it with representative government. Before this revolution the monarchy practiced a lot of unethical behaviours and regarded them as normal and legiti-

mate. Representative government was created where office became a public trust and officials servants of the community. Privilege and hereditary tenure were replaced by qualification for office. Officials became full time and were paid by salary not from private profits gained from conducting the government's business. This created a sense of belonging and a clear distinction between personal lives of officials and the behaviour expected from them in work by strictly following the laid down rules. Public accountability therefore entailed continued hierarchical bureaucratic control as opposed to sporadic, dilatory judicial intervention. (Caiden et al. 1977: 305.)

Before the transformation practices by the revolution now thought of as corrupt it provided the basis of government. Nepotism, venality, exploitation of public function for private profit, were not only usual but also served the needs of the crown which could not be fulfilled through more legitimate channels. But even while such practices were commonplace, they were by no means accepted. Corruption was recognized as long ago as the ancient empires even before the advent of money, and vigorous attempts were made to combat it. Examples were in the bureaucracy of Mauryan India, the Athenian city-state where a public audit was instituted to check corruption and enforce a public role upon officials. Also in republican Rome where provincial officials and other officials were making fortunes at the expense of the public, awareness of corruption existed and orators such as Cicero spoke out against it. The monarchies in Europe instituted means to combat corruption though to serve their own needs but sometimes agreed on total eradication. Lack of bureaucratic standards, entrenchment and pervasiveness, functionality, for the short-run purposes of the regime or participants, did not mean that corruption was not in existence. It was well recognized and consequences realized in government though regarded as wrong. (Caiden et al. 1977: 305.)

### 2.2.3. Administrative Corruption as Functional

The fact that corruption should serve certain interests even those of the states is not surprising. The existence of corruption itself means that someone is profiting from it. A link however was made between corruption and development by the revisionists. They believe that where political and administration systems are deficient, corruption may compensate and prove of general benefit to development. (Caiden et al. 1977: 305.)

Werner (1983) explained that functionalists identified the following functional propositions;

Economic Market Propositions say that corruption brings a wider range of economic choices by encouraging foreign investment and strengthening the private and the public sector. It serves as a means of bypassing cumbersome, genuinely hampering, governmental economic regulations. It was also argued that corruption is an accommodating device and a must for successful development.

The Integration Function means that corruption gives citizens access to public officials and therefore develops the integration of immigrant and parochial groups.

Administrative Advocacy states that corruption provides elasticity and humanity to rigid bureaucracies. This is by providing “short cut” to escape the bureaucratic bottleneck. It also serves to increase the calibre of public servants by providing opportunities for supplemental income which may compete with co-optive forces coming from the non-governmental market.

Pacifistic Corruption means that in a situation where structural reform is absent, violence as the other alternative to corruption threatens the stability of already unstable systems. (Werner 1983: 148.)

However, functional theorists of administrative corruption were criticised. A well known condemnation came from the then Singapore Minister of Foreign Affairs and Labour when he said at a conference in 1968 that:

*“I think it is monstrous for these well-intentioned and largely misguided scholars to suggest corruption as a practical and efficient instrument for rapid development in Asia and Africa. Once upon a time, Westerners tried to subjugate Asia by selling opium. The current defense of Kleptocracy is a new kind of opium by some Western intellectuals, devised to perpetuate Asian backwardness and degradation. I think the only people please with the contributions of these scholars are the Asian Kleptocrats”* (quoted in Werner 1983:148.)

Moreover, the entrenchment of corruption as functional prevented positive changes taking place on an orderly basis. This means that the more corrupt practices approached the dimensions of a norm or accepted standard of behaviour, the more they impeded both administrative and societal changes. Therefore the impulse of change had to come not from continuing development and modification of accepted corrupt means of administration, but from reforms promoting innovation and new norms. Though corruption might prove functional to the interests of certain individuals or groups, and also to the system inasmuch as it shares those interests; its functionality means that there is a need for reform in the system. (Caiden et al. 1977: 306.)

#### 2.2.4. Categorization of Corruption

The complexity of corruption makes it to be categorized into different types. The following are the types of corruption that occurs in many developing countries and most especially Nigeria.

Official Corruption as explained in Section 98 of the Criminal Code of Nigeria states that *“Any person who: (A) being employed in the public service, and being*

*charged with the performance of any duty by virtue of such employment corruptly asks, receives or obtains, any property or benefit of any kind for himself or for any other person on account of anything done or omitted to be done, by him in the discharge of his office; or (B) who corruptly gives, confers, procures any property or benefit, of any kind on account of any such act or omission on the part of the person employed is guilty of felony of official corruption and is liable to imprisonment for seven years”*

Extortion By Public Officers as in Section 99 of the Criminal Code of Nigeria states that *“Any person who, being employed in the public service, take or accepts from any person for the performance of his duty, as such officer, any reward beyond his proper pay and emoluments or any promise of such reward, is guilty of a felony, and is liable to imprisonment for three years”*

Judicial Corruption as under section 114 of the Criminal Code of Nigeria, its stated that *“ Any person being a judicial officer that (A) corrupts, asks, receives or obtains, or agree or attempts to receive or obtain any property or benefit of any kind for himself or any other person on account of anything already done or omitted, by him in his judicial capacity, or (B) corruptly gives, confers, procures or promises, or offers to give or confer or to procure or attempt to procure to or, upon or for any judicial officer, any property or benefit of any kind on account of such judicial officer is guilty of a felony and is liable to imprisonment for fourteen years”* (Nigeria Criminal Code Act quoted in Fajonyomi 2006:17-19.)

Political/Grand corruption is the form of corruption that occurs at the highest levels of political authority. It happens when the public office holders and decision makers that are entitle to formulate, establish and implement the laws for the betterment of the people and themselves corrupt. This occurs in the form of formulating policies and legislation that will be of benefit only to the politicians and legislators. Political corruption is sometimes similar to corruption of greed because it affects the manner in which decisions are made as it manipulates political institutions, rules of procedure and distorts the institutions of government. (Dike 2008.)



Bureaucratic/Petty Corruption is the form of corruption that occurs in the public administration settings or simply the implementation end of politics. It is also known as low level and street level corruption. It is the kind of corruption that citizen encounters on a daily basis in places like hospitals, schools, local licensing offices, police, tax offices etc. It similar to corruption of need and it usually occurs when one obtains a business from the public sector through unlawful procedure. (Dike 2008). This form of corruption is prevalence in Nigeria and its handle with levity. It is called “*man-know-man*” in Nigerian local parlance. Petty corruption is jeopardising official rules in favour of kith and kin. This manifested especially in untruthful reporting of details, ignoring of cut-off dates, fixing of parking tickets, issuance of death certificate to a healthy person etc. (Edevbaro 1998:39.)

Electoral Corruption is the purchase of electoral votes with money or other benefits. Promises of official posts or special favour, coercion and intimidation and interference with freedom of election are all characteristics of electoral corruption. This form of corruption is more prevalent in Nigeria where all forms of political thuggery are the order of the day during any election year. Voters are bought with money and other promises, elections are outrightly rigged to favour the losers and people killed or intimidated. (Dike 2008.)

Collusion is seen as a secret or illegal activity undertaken by two or more people in a formal organization for the purpose of fraud. A junior staff may therefore be termed to be `good`, `co-operative` or `hard-working` in the service if they collude with their superiors in stealing tax payers' money. (Aluko 2006:72-73.)

Bribery is the payment in any kind (money, gift, gratification etc) that is taken or given in a corrupt relationship. This bribery include kickbacks, gratuities, payoff, sweeteners, greasing palms etc (Dike 2008). Fraud is another type of corruption which involves extorting money by trick, swindling and deceit. It also involves counterfeiting, racketing, smuggling and forgery. (Dike 2008.)

Embezzlement is also a type of corruption common among public officials. This is the theft of public resources by public officials. This is a situation when a public official steals from the public office in which he works. Public officials in Nigeria are good example of embezzlement. It is the easiest way to accumulate wealth due to absence of strict laws to curtail it. (Dike 2008.)

Individual Corruption is simply defined as a situation whereby an individual strays from a prevailing norm of official public behaviour. Corruption in most terms is thought of in individual terms which includes. These individual behaviours include informal organizational short-cuts, occasional accommodation of personal favour, mutual “understanding” etc. These behaviours may be condonable according to circumstances but they still bear the real characteristics of individual corruption. These mean that they can be coped with and minimised within a reasonable effective control system, and also they do not in any way subvert the main purpose of the organization. (Caiden & Caiden 1977: 306-307.)

Systemic Corruption is a situation where wrongdoing has become the norm, and the standard accepted behaviour necessary to accomplish organizational goals according to notions of public responsibility and trust has become the exception not the rule. In this type of situation, corruption becomes institutionalized that organizational supports back wrongdoing and actually penalize those who live up to the old norms.(Caiden et al 1977:306.)

Systemic corruption is well established in most public offices in Nigeria and many countries of the world. These happen in a society where society prizes organizational loyalty over the public interest, where past standards of public rectitude and personal integrity have been eroded, and where notion of public responsibility and trust have been thrust aside with exploitation of public office for personal gain. (Caiden et al. 1977: 306.)

Systemic corruption happens whenever the administrative system itself transposes the expected purposes of the organization forces participants to follow what would

otherwise be known as unacceptable ways of doing things and actually punishes those who resist following these ways. Deviant conducts is so institutionalized that no individual can be personally faulted organizationally for participating, dysfunction is actually protected (Caiden et al 1977: 306.)

In systemic corruption, the organization portrayed an external code of ethics that is contradicted by internal practices. Internal practices encourage, abet and hide violations of the external code. Violators are protected and when exposed, they receive lenient punishment whilst their accusers are victimized for exposing organizational hypocrisy and receive harsher punishment. Non-violators are punished by been denied the rewards of violation and offending violators. Non-violators find no internal relief and external disbelief. Prospective whistle-blowers are intimidated and terrorized to submission. Courageous whistle-blowers have to be protected from organizational retaliation. Violator become so accustomed to their practices and the protection they enjoy, whereby if they are eventually exposed they evidence surprise and claim innocence and unfair discrimination against them. Collective guilt finds expression in rationalizations of the internal practices and without strong external supports there is no serious intention of ending them. Those formally charged with revealing corruption rarely act and when forced by external pressure they excuse any incidents as isolated and rare occurrences. (Caiden et al 1977: 306-307.)

However, some argued that if business is conducted according to systemic corruption, which is how things are done, how public power is exercised, the operational norm of public administration, it can no longer be considered as corruption. It will be considered as merely an extra-legal device to gain influence over public policy, or to fill vacuums left by inadequate public laws, or to get around unrealistic public norms. It can also serve to bridge gaps in the value system of the community in relation to institutional change, or to reallocate resources and services when disequilibrium arises between supply and demand. All these look positive about systemic corruption, but when it is reduced to specific actions, the danger inherent is

self-evident and its institutionalization is clearly dysfunctional to the society.  
(Caiden et al. 1977: 306-307.)

### 2.3. Concept of Control

Control from the general point of view is to order, limit, or rule something or someone action or behaviour. This implies that control is more of limiting behaviour in order to monitor activities of a person, group or corporations. Control of corruption is an administrative process in public administration. Control is seen as a way of monitoring activities, that involves identifying, detecting and correcting unintentional performance errors and intentional irregularities, like fraud, theft, or misuse of resources. (CIPMN 2009:21). Control according to Garrison and Noreen is "the steps taken by management to ensure that the objectives set down at the planning stage are attained and to ensure that all parts of the organization function in a manner consistent with organizational policies" (Garrison & Noreen, 1997 in Jason 2007:4). Control in management means setting standards, measuring actual performance and taking corrective action. It is also an administrative function that is more of implementation of strategy rather than formulation of strategy. (Garland & Richard 1986:51.)

For an effective performance in an organization there must be a control system which will be in force to act as checks and balances on the subordinates. For a control to be effective it must be a continuous process. It is not a system that will be used and dumped by any organization or else there will be chaos in the hierarchy. It is a necessity in every organisation in order to bring about orderliness and conformity to the rules and regulations of an organisation for the attainment of the organisation's aims and objectives. In an organisation where there is no set system of control, there will be backwardness and inefficiency.

Control is compulsory in every level of organizational hierarchy. It will ensure that there is strict adherence to the stipulated order irrespective of the person (superior or subordinate). Control in public administration is the control of all machineries of the government. Control can be carried out only by the person bestowed with the power or

authority by the highest body in an organization or public offices. Control is therefore a causal relationship in which the actions of an actor is been brought about by the preference of other actors (Dahl in Gruber 1987:13.)

### 2.3.1. Administrative Control

Administrative control is the control in which governmental agencies must exercise over their constituent elements which can be subunit or individuals. It is imperative to note that due to the nature of bureaucracy a strict control measure should be put in place to ensure efficiency and effectiveness in government.

Control in public administration is interconnected with guidance and evaluation, to be considered as one of the three important elements for the proper functioning of public administration. This is that for an effective control there must also be guidance and evaluation. Control in this wise is the function of information and motivation for intelligent conformity to the laid down rules. Guidance is the function of standard setting for actors (administrators) in the system in order to achieve effective result. While evaluation means the function of feed-back and concerns particular acts as well as the output of a whole system of action as far as it matches some desired outcomes and some mechanism of control. These three elements of public administration work hand in hand in order to bring about efficient coordination of a plurality of actors in terms of linked actions (Kaufmann 1991: 213-234.)

The methods of control in public administration are internal and external control. Internal control is for different departments in the public sectors to exercise control over their employees. This control is provided by staff services in various departments since many of them are designed with a control function partly in mind. The personnel department is one of these departments which have influence in dealing with personnel problems in the organization and it also see to the general well-being of the employees. The budget office also has a significant role to play in the control of the organization. It decides on how money is disbursed and for what purpose. The purchasing office also play a significant role in exercising control over the financial aspects of the

organization especially in the award of contracts to get some certain things in the departments. The auditing branch of the organization is another form of control which usually falls into the category of external control, but some organizations usually have their own auditing units in order to control their finances. The last form of internal control according to Berkley is the field inspection. This is a situation where there will be some inspectors that will oversee activities in an organization. These inspections are carried out by internal units, field inspectors and sometimes regular line officials (Berkley 1991: 328-339.)

External control on the other hand is control outside the organization. This is conducted by other numerous agents and agencies in order to act as checks on administrative powers. These agencies include courts, legislative arms of government, auditing etc. (Berkley 1991: 328-339.)

Means of superior-subordinate connection is very important in an organization. In a situation where superiors cannot control subordinates due to lack of certain information of events in the lower level, then there will be use of the following three means of control in order to subdue the subordinates and achieve the required compliance. Duress or coercion control is achieving compliance through the use of threat, force or penal sanction which can include denying them of rewards. The exchange or utilitarian control means is based on complementary interests and interdependencies between superiors and subordinates. This is through the means of bargaining, negotiating etc. Normative or identification control is based on common norms and values just like the aforementioned mechanism (Wolfgang in Kaufmann 1991:235-253.)

### 2.3.2. Mechanisms of Control

According to Peterson (1984), administrative control contains six major control mechanisms in order to retain control over subordinates. Supervision is the first mechanism. This is a situation where there will be a direct observation of a subordinate by a supervisor who acts as a direct superior and provides supportive and corrective measures to him or her. To be a supervisor special skills and capabilities is required.

Input control is another mechanism which is the limiting of resources to subunits of an organization. This will ensure that there is control over inputs such as personnel and expenses. Behaviour control mechanism is the structuring of activities through the use of plans, procedures, standard setting and technology. This is more related to Weber's theory of bureaucracy. Output control mechanism is extensively used by many organizations but not exclusively by all types of organizations through the use of monitoring, evaluation of performance, output and results. Selection-socialization mechanism is a control which exists when norms and values are internalized into the organization. And finally the Environmental control mechanism which is the constraint on the organization imposed by its task environment. (Peterson 1984 quoted in Nicholas 2001: 92-94.)

### 2.3.3. Control of corruption

Corruption is resilience and cannot be totally eradicated, especially in Nigeria and other developing countries. In this wise it is encouraged to work towards controlling its occurrence to the lowest minimum. Salminen et al. (2007) opined that for effective control of corruption the following elements should be involved; Promoting, Preventing and Watch-dogging. Promoting ethical conduct in public offices will create citizens confidence in public institutions. Preventing will bring about loyalty of officials to the offices, and Watch-dogging will bring about maintenance of just and clean administrative culture. (Salminen et. al.2007: 91-92.)

Political will from the highest level of government in a democratic system is important for the success of any anti-corruption campaign. This will sanitize the polity and will have moral strength to combat bureaucratic corruption. It will ensure that the anticorruption bodies are more efficient. It will also break the politico-administrative collusion to plunder the state with low risk. High-morality based politics should be encouraged among the public office holders. They should be educated on the essence of good conducts in governance. (Dwivedi & Mishra 2006: 726-730.)

Judicial activism is another way to control corruption. Judiciary in Nigeria is corrupt as other arms of the government, but the highest level in the judiciary which has constitutional protection should set the motion to deal with combating corruption through public interest litigations. (Dwivedi & Mishra 2006: 726-730.)

Creation of Anti-corruption Agencies has gone a long way in controlling corruption in nations. Governments in some parts of the world have created anti-corruption agencies to investigate and prosecute allegations of corruption. The ICAC of Hong Kong, The Force to Combat Corruption of Liberia, and of recent the EFCC and ICPC of Nigeria are some examples of these agencies. Even with the not too efficient nature of EFCC and ICPC in Nigeria, it is seen that these agencies are not useless after all, because they receive certain numbers of complaints and they deal with them to their capabilities despite the government interference into their activities. (Gould 1991: 476.)

Procedural simplification will discourage corruption. Many laws and complicated procedures for obtaining contracts, multiple levels of clearances, multilevel approvals of contracts and no time limit set for doing things and lack of accountability provide enough space for private gains from the public officials. Simplified and computerised system of doing things should be introduced into the public sector offices. E-government should be encouraged, whereby things would be done without consulting anybody. (Dwivedi & Mishra 2006: 726-730.)

Accountability of executives is another means of controlling corruption in public services. Strengthening of institutional checks and balances, improving vigilance enforcement measures and reforming civil services at all levels with strong emphasis on moral content, recognizing integrity and honesty as virtues in service, enhancing compensation package to motivate public servants in maintaining honesty in service and discourage unethical behaviour. All these would go a long way in bringing accountability at all levels of governance. Public servants must be made to know that they are accountable to the public and therefore must take their



job more seriously. Since there is compensation for loyal workers, there should also be punishment for erring while on duty, this will instil into the workers the highest level of integrity and behaviours. (Dwivedi et. al. 2006: 726-730.)

The media should be encouraged to play a role in fighting corruption. Firstly the media should be independent and not bias. The media can play a two way role in the control of corruption; first by exposing the corrupt and guilty bureaucrats and politicians, and secondly, by getting involve in yellow journalism and help corruption prosper through collusive blackmailing. The second should be discouraged and checked by a vigilant judicial system. (Dwivedi et. al. 2006: 726-730.)

Role of Social Activists and Civil Society Organizations cannot be dismissed. They can play significant roles in educating the public on their rights and legal status on different matters and also to be able to demand for their rights from the authority. These organizations can go a long way in exposing corrupt public officials and create public awareness in order to initiate judicial action against the guilt. (Dwivedi et. al. 2006: 726-730.)

Purges and Wars on Indiscipline is another way of controlling corruption. An example was the campaign against corruption by the administration of General Murtala Mohammed's "Operation Purge the Nation" which he created to purge the civil service of corruption public servants of his predecessor (Yakubu Gowon). The civil service departments were purged of 11,000 civil servants, including half of the heads of civil service departments. This action of purging was accepted by the populace because corruption in the Nigerian civil service at that time was the order of the day. Couple with laziness, mediocrity, indiscipline, nepotism, apathy, favouritism and tribalism. However, at the wake of the assassination of General Murtala, such purging had little lasting effects on corruption. Such purging is needed in Nigeria of today where public and civil servants are at the height of corruption. (Gould 1991: 476.)

Implementation of Tougher laws and Enforcement by government would discourage corruption. In a country like Nigeria where the government is faced with massive complaints on the issues of corruption and corrupt practices, the passing of tough laws outlawing corruption in its various forms is encouraged. In government the most common form of corruption involves soliciting and receiving bribes or gratification as a condition of providing public service to the people, this should be discouraged by provision of strict laws to stop it. By doing this, there should be a staff of investigators armed with sufficient authority and means of getting around people, couple with sufficient prosecutors and a court system that is free of external and internal pressures to allow impartiality in the application of the laws and justice. (Gould 1991: 476.)

These control measures will go a long way in ensuring sanity and discipline in governments and civil service. Where there are strict laws and orders, corruption will be reduced to the bearable minimum since it cannot be totally eradicated.

#### 2.4. Effects of Corruption

Despite the functional aspect of corruption as propounded by the functional school, the danger and its dysfunctionality to the society as a whole are glaring. In the case of Nigeria these danger and dysfunctionality are clear and many are suffering the consequence of this monster called corruption. (Caiden et. al. 1977: 306-307). Corruption is said to rob Nigeria's economy of an estimated \$2bn to \$3bn each year. (Acquaah-Gaisie 2005: 373). From this statement it is clear that corruption creates lots of retrogression in the economy of nations. The effects of corruption in Nigeria and developing nations are;

Low Level of Development is one of the consequences of corruption. After independence from the British in 1960, Nigerian government had made several development plans without successfully executing any of them. This inability of executing this plans were due to corruption. Nigeria is faced with low level of devel-

opment despite the fact that we are blessed with abundant human and material resources. Nigeria on several occasions gets rated as among the most corrupt countries of the world due the looting and embezzlement of our leaders. Billion of money looted from the Nigeria treasury which could have been used for providing necessary basic amenities, were lodged in foreign account. Corruption resulted in low productivity. (Ogunna 2003: 234.)

Investments in social sectors like education, health, social security are less rewarding to those involved in corruption than the ones in business, commerce, industry, defence etc. This will affect allocation to the social sector being reduced and also causing unemployment, poor development of social infrastructure and therefore poor human development. Increased crime also appears as effect of corruption. Corruption allows immunity for criminal acts that the law is sold to higher bidders. Criminals can go scot free without being prosecuted to the detriment of the public due to their position in the society. They also have links with those in power and perpetrate crimes and acts of terror that harm the common people. (Dwivedi et al. 2006: 724-726.)

Economic Productivity is affected by high level of corruption in government. Though there is benefit in administrative corruption for a very few people in the government and public sector, the general effect on the country economic productivity is negative. These government officials demand for bribe on many services they render to the public, those services that would not produce bribe are thus rendered unreachable for the masses. These adversely affect the productivity of a nation especially Nigeria. Many government developmental efforts are usually shared among the top public servants not getting to the masses that these services are meant for. (Gould 1991: 470.)

Equity and Justice is absent in a corrupt state. Corruption widens gap between rich and poor. This great inequality is present in most corrupt riddled state. Nigeria is a good example of inequality between the ruler and the ruled. This gap is apparent in every facet of human endeavour in Nigeria, having separate ways of life all to-

gether. There is lack of justice in all strata of public life, and the masses conceived the government as being dishonest to them. (Gould 1991: 471.)

Bad Reputation for a nation is one of the consequences of corruption. Nigeria as a nation suffers more from this image tarnishing among the international community. The government inability to tackle the scourge of bribery and corruption, contract inflation etc, is seen as unwillingness in the part of the government. This affects the image of Nigeria as a nation and also the citizens of Nigeria wherever they may go around the world. The continuous downwards plunging of Nigeria in the ranking of Transparency International Corruption Perception Index ranking of corrupt nations confirms this.

Insecurity and Lawlessness is caused by corruption in a nation. The citizens see the government as not reliable and decided to take laws into their own hands. This creates insecurity in the country. The present happenings in Nigeria are a confirmation of how far corruption can take a nation. The issues of Boko Haram, Niger Delta Militants etc are all manifestations of corruption. Some of them believe they are fighting for their rights which the government deprived of them.

## 2.5. Government

Government as a term can be viewed in two ways; as a body that has the authority in a given entity (national, regional or local), and government is also viewed as the whole constitutional system. The first view is relevant for this research. Government is bestowed with powers to control and organized a given state, which anyone that disobeys the laid down rules will be punished according to the law of the state. Moreover, there are several forms of government as practiced around the world which include democracy, monarchy, autocracy and dictatorship, (Robertson 2004: 211). But for the purpose of this research, discussion will be based on two types of government namely; civilian (democracy) and military governments (dictatorship).

Civilian government is a type of government whereby the civilian political leadership is responsible for making the strategic decisions of a state. Civilian government is a democratic government elected by the people of the state. All the features of a democratic state are expected to be present in a civilian government. Law in a civilian government is by the custodians of law (house of parliament, house of assembly, senates etc). Many countries in the Third World use civilian government to indicate that it is a democratic government not a military government. The key features of a civilian government are citizen participation, democracy, fundamental human rights, etc.

A military government is classified as a dictator type of government. It is a system in which all the powers vested on the government of a state are taken over by the military class. It has the absolute power to govern the state and it governs by the use of force. The exercise of political powers by the military is without a particular mandate or political responsibility given by the people. The military rules by decree not caring about the people they govern. Military government has ruled many countries of the world at one point or another. The key features of a military government are rule by force, discipline, desire to give command, radicalism etc. (Ogunna 2003:39.) The table below shows the characteristics of civilian and military government.

Table 1. Civilian and Military Governments Compared.

Government	Rule Type	Law	Participation
Civilian	Democracy	Act of parliament (law makers)	Citizen participation, fundamental human rights
Military	Autocracy/ Dictatorship	Rule by Decree (draconian laws)	Military in full control

## 2.6. Summary

This chapter examined the theoretical framework of the research. Ethics as an integral aspect of public administration encompasses issues like corruption control, administrative corruption, and ethical behaviour etc. Ethics is a code of conduct which guides a public servant from abusing his office. Corruption therefore is an unethical act which is not acceptable from a public servant. The history of corruption dated back to the old empires of the world, so it is not a new thing in today's world. Administrative corruption is seen deliberate criminal act by top government officers for private gain. This act covers all the acts that are classified as unethical. Administrative corruption was also classified as norm or functional.

Concept of control which brought about administrative control is the control which government agencies exercise on their subunits or individuals. This brings about orderliness in an organization. There are various methods of control like internal control, external control, superior and subordinate connections etc. Mechanisms of administrative control are supervision, input control, output control, behaviour control mechanism, selection-specialization mechanism and environmental control mechanism. Control of corruption can therefore go in various ways. Promoting, preventing and watch dogging are some ways of corruption control. Also, political will, judicial activism, creation of anti-corruption agencies, procedural simplification, accountability of executives and the role of the media would go a long way in controlling corruption.

The scourge of corruption is felt by the citizens of the affected countries through low level of development, absent of equity and justice, bad reputation on the citizens of the affected country, insecurity and lawlessness etc. In the empirical part of the research, most of these theoretical features will be used to bring about the main body of the thesis.

### **3. RESEARCH METHODOLOGY**

#### **3.1. Qualitative Case-study Research**

Qualitative case study research is the research method to be used for this thesis. The case study to be researched on is Independent Corrupt Practices and other offences Commission (ICPC). Qualitative case study method of research is one in many methods of doing research in social science. Case study is study which examines in some depth persons, decisions, programs, or other entities that are of unique characteristics of interest. This method is the most preferred research strategy by administrators when there is the question of how and why something happened. Thus examining ICPC as a case study research is an example of case study research. (O'Sullivan & Rassel 1989: 32-33). Case study is a way of exploring issues, gathering rich and descriptive data and it is often used for large scale research (McQueen & Knussen 2002:12). Case study is thus defined as an empirical inquiry that investigates a contemporary phenomenon within its real-life context, when the boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used. (Yin 1989 quoted in Johnson, Reynolds & Joslyn 2001:143). For a case to qualify as a case study, it must be a bounded system, an entity in itself and should be focus on a bounded unit which is either very representative or extremely atypical (Burns 1997 in Ranjit 2011:126-127). Therefore choosing ICPC as a case study of an anti-corruption agency is proper, since ICPC itself is an entity.

Case study research could be used for exploratory, descriptive or explanatory studies. Exploratory case study approach is used when little is known about some political phenomenon. In researching, only one or few cases of such phenomenon would be observed. Descriptive case study is used for the purpose of finding out and describing what happened in a single or few situations. It does not emphasis on developing general explanations on events. While explanatory is used to ex-

plain events by starting out with clearly identified theories which are expected to explain the actual events (Johnson et. al. 2001:143-144.)

For this thesis, the exploratory case study approach would be used. Since ICPC as a case study is not well known by many, using the exploratory approach would be appropriate. Since corruption is a well know phenomenon around the world, little is paid to mechanisms to control it in developing countries like Nigeria. Anti-corruption agencies play important role in the tackling of this menace of corruption and its pertinent to explore the impact of ICPC as an anti-corruption agency in Nigeria. The use of exploratory case approach is not just to look at anti-corruption from the surface, but to examine it deeply and see how best ICPC could be of use in the fight against corruption.

### 3.2. Documentary Analysis

The method used in gathering data for this thesis is the documentary analysis method. Document analysis or written records is used when the phenomena of interest cannot be measured through personal interviews, with questionnaires, or by direct observation. Corruption in Nigerian government cannot be measured through the aforementioned methods due to its complexity, except the use of document analysis. (Johnson et. al. 2001:237-238). The use of document poses little ethical issues in research compare to observation or interviewing. This is because making research with the use of existing data or document would not pose any risk to individual since the unit of analysis for the data is not the individual. (Johnson et. al. 2001:238-245).

Written records are of two types; episodic record and running record. The Episodic record is those records that are not part of an ongoing, systematic record-keeping program but are produced and preserved in a more casual and personal manner. Such records are like memoirs, personal diaries, correspondence, autobiographies etc. Also temporary records of organizations such as brochures, posters



and pamphlets fall under this category. The running record on the other hand is different from the episodic record since it is more likely to be produced by organizations than by private citizens. It is carefully stored and easily accessed and also it is available for long period of time. Data collection and reporting efforts of all levels of the government, interest groups, publishing houses, research institutes etc. (Johnson et. al. 2001:238-245.)

Most of the data used for this thesis fall under the two categories of document analysis; episodic and running records. Since the aim of this thesis is to examine the impact of ICPC on the control of corruption in Nigerian government through exploratory case study research, materials used were gathered from the ICPC publications which include quarterly reports, annual reports, pamphlets, ICPC website and the constitution of the Federal Republic of Nigeria. Data was also collected from academic journals, textbooks, educational, organization, and government websites.

### 3.3. Reliability and Validity of Research Documents

In research it is important to check the validity and reliability of research materials used. Reliability is defined by Joppe (2000) as "the extent to which results are consistent over time and an accurate representation of the total population under study is referred to as reliability and if the result of a study can be reproduced under a similar methodology, then the research instrument is considered to be reliable. (Joppe 2000 quoted in Golafshani 2003:597). Validity on the other hand is said to determine whether the research actually measures what it was intended to measure or how truthful the results of the research are. (Joppe 2000 quoted in Golafshani 2003:599).

Therefore, the reliability and validity of this research could be ascertained through the available resources for the research. The materials used for ICPC as a case study are from their publications and reports. These materials are valid and reliable since they are official documents from the right source. They serve as official truth and documented in government gazette. Materials from the websites of Transparency International and

United Nations are also valid and reliable because they are reliable and reputable international organizations who gathered information from government organizations. There also materials from online educational journals, these are valid and reliable since they represent research done by researchers of repute. Also newspapers reports used are valid and reliable because they rely on reports from non-governmental organizations that are watching activities in governance like Transparency International and Human Right Watch.

### 3.4. Nigeria A Country Case

Nigeria is a country in the southern coast of West Africa with a population of over 160million making it the 6<sup>th</sup> in the world and 1<sup>st</sup> in Africa. Nigeria is a federal constitutional republic with thirty six states and a federal capital territory Abuja. Nigeria got her independence on the 1<sup>st</sup> of October 1960 from her former colonial master Britain. Nigeria has been a federal state since independence mainly because it is multiethnic and multi-religious, but there is more to being a federal state. Nigeria territorial based diversity militates against both federalism and democracy by producing in response to divisive and centrifugal forces, highly centralized military and civilian rulers characterized by undemocratic or poorly democratic rule. At independence Nigeria adopted the British style of government, the parliamentary system of government. (Ayua & Dakas 2011:1.)

Nigeria is blessed with many natural resources; the most focused one is the oil. The oil wealth has been a source of curse instead of blessing for the country. It has not produce the needed comfort and tranquillity that such wealth produce for other countries, rather it has being a source of aggravated regional conflict, encouraged the centralization of national revenue, and stimulated widespread and systemic corruption throughout Nigeria`s political and social-economic systems. (Ayua & Dakas 2011:1.)

Nigeria is made up of more than 250 ethnic groups with the three major ones being the Hausa/Fulani, the Igbo and the Yoruba. These three major groups accounted for more than half the population of Nigeria. There are also some sizable groups like the Edo, Ibibio/Efik, Ijaw, Tiv, Nupe, Kanuri, Igala, and Urhobo. Although most Nigerians generally speak at least one of the three major languages (Hausa, Igbo, Yoruba), there are still some 250 languages that are spoken throughout the country. The official language spoken is English language as a former British colony. (Ayua & Dakas 2011:1.)

Nigeria is divided regionally, religion and ethnic wise. Geographically Nigeria is divided into six geographical locations; the predominantly Muslim Hausa/Fulanis mostly inhabit the Northwest, while the predominantly Christian Igbos mostly inhabit the Southeast but are very mobile and can be found in group throughout the country due to their flair for commercial activities. The Yorubas are religiously a mixed group and live mostly in the Southwest. (Ayua & Dakas 2011:1.)

Nigeria is divided administratively into 36 states and a federal capital territory (FCT). FCT Abuja is the administrative capital of Nigeria, while each state is divided into local government as the third tier of the government, for grassroots participation in politics.

Nigeria is practising a presidential system of government which has three arms of government; the Executive, the Judiciary, and the Legislative. The Executive arm has the President as the Head of State with Federal Executive Council. The Judicial arm has Supreme Court is the highest court in Nigeria, with Appeal Courts, Customary Courts, Sharia Courts all under the supervision of the Supreme Court. The Legislative arm consists of two houses; the Senate and the House of Representatives.

### 3.5. ICPC: An Empirical Case in Focus

Independent Corrupt Practices and Other Related Commission (ICPC) is an anti-corruption agency established under the Corrupt Practices and Other Related Offences Act in 2000. ICPC came at a time Nigerians were yearning for a true anti-corruption crusade. Also Nigeria was rated as the second most corrupt nation in the world by Transparency International Corruption Perception Index in 1999. The then President Olusegun Obasanjo in his swearing in speech affirmed the level of corruption in the polity. Therefore his creation of ICPC Act 2000 was a right move. The mandate of the commission is to prohibit and prescribe punishment for corrupt and other related offences.

The ICPC Act 2000 was the first and holistic approach to the fight against corruption in Nigeria. It encompasses enforcement, prevention, and educational approaches to combat corruption. It enumerates a host of corrupt offences in their old and sophisticated guises. It sets up the Independent Corrupt Practices and Other Related Commission (ICPC) with wide ranging powers. ICPC Act 2000 was empowered to question all Nigerians charged with corruption and misconducts. Private and public sectors, public officers with constitutional immunity were all included to be questioned for corrupt acts. (ICPC Report 2005.)

## **4. CORRUPTION IN THE NIGERIAN GOVERNMENT**

### **4.1. Corruption in Nigerian Government: Past and Present**

Nigeria as a nation is synonymous with corruption. Corruption situation in Nigeria takes many dimension, the most common of them is systemic corruption. As explained in the theoretical chapter, systemic corruption is a situation whereby wrongdoing has become the norm and the standard way necessary to accomplish organizational goals. Systemic corruption exists in all strata of governance in Nigeria. Nigeria is well known for systemic corruption and other forms of corruption. It is a known fact that the choices of projects that are approved for execution are not approved for the benefit it will give to the masses, but for the bribes and kickbacks that the government officials will get from it. This is deeply rooted in the system that there will hardly be an encounter with a public official without it ending with a form of bribery and misconduct. (Igwe 2010:99.)

Systemic corruption is rife in Nigeria that its effects on the bureaucracy are enormous. Corruption in a bureaucracy involves all those that are in the bureaucratic chain. Where the misconduct is revealed to the public, punishing the offenders becomes a no go area because these offenders are well connected to the ruling class. (Igwe 2010:99.)

However, this lack of ethics affects both the government and the citizens. Corruption is seen as a common way of life in Nigeria. From the ordinary man on the street, up the top of hierarchy of government, corruption is a common occurrence. 'Egunje' or 'man know man' are the common names given to bribery and corruption among the poor masses. They believe that to have an easy go at something, the best way is to pay this bribe. The law enforcement agents are not left out. On countless occasions, Nigerian policemen/women were caught red handed accepting bribe from the masses of the people. Customs, immigration and other government officials are not left out of this bribery and corruption.

The top-bottom problem of corruption in Nigeria has make the masses suffer in the midst of plenty. From one government to the other, irrespective of being civilian or

military, it is massive corruption. It is difficult to call oneself a Nigerian outside the shore of the country due to the fact that the name Nigeria is synonymous with corruption. Nigerian leaders are busy buying houses abroad while the poor masses are homeless. More than \$100 million was recovered from the foreign accounts of corrupt officials by the government of Olusegun Obasanjo, and their private properties corruptly acquired were confiscated both in Nigeria and abroad. (Iroanusi 2006:135.)

The situation of corruption in Nigeria started right from independence. From independence up till the present government, there are incidences of corruption. However, to understand the situation of corruption in Nigerian government past and present, it is important to explain it based on the two types of government that have ruled the nation; military and civilian. Moreover, civilian government is supposed to be a democratic setting. Rule in a democratic setting is supposed to be by the people and for the people.

#### 4.1.1. Military Governments

The major cause of administrative corruption in Nigerian government is the long stay of military regime in government. Due to this, this research would like to examine the extent of administrative corruption in Nigeria by military administrations before examining that of democratically elected governments. First democratic government was constituted in 1960 but unfortunately was ousted in January 1966 by a military coup. Their reasons for the coup were corruption and embezzlement of public funds. Unfortunately they became corrupt than those they accused. Since then there were incessant military interventions into the polity until 1999 when the current democracy was ushered in. Under the military regime especially in the late 1980s to late 1990s, corruption was institutionalized as a way of life and a means of retaining power. Rule of law was replaced by rule of men by decree. Public administration was relegated giving way to draconian rules thus the culture of cutting corners (short cut) was imbibed by the citizenry. Given the experience of the past years it is clear that the civilian administration of the second republic were less greedy and cautious in their corruption compared to the military. (Abdullahi 2004:70.)

General Yakubu Gowon's military administration (1966-1975) was the longest and one of the most corrupt in the history of military administration in Nigeria. It was during this regime that the Biafran civil war broke out. Immediately after the war, some of the bad behaviours of the war period such as looting in conquered areas, oppression of the enemies etc, were carried into the Gowon administration. (Ogunna 2003: 211.)

Because of the victory over the Biafran warlords, the administration was intoxicated by this victory allowing the officers and the Nigerian public servants who supported the struggle to do whatever they want without any check. Couple with the unexpected oil boom, there was an unprecedented reign of massive nationwide corruption where public officials were not ashamed to be corrupt. Public officials at all levels of government considered their post war activities in government as a form of celebration of their victory against Biafra. With this celebration, the leadership of the government lost its sense of duty and adopted a laissez faire style that permitted corruption at all level of government. (Ogunna 2003: 211.)

However, despite the fact that military administrations were corruption prone, there were some exceptional cases where they demonstrated some commitment to the eradication of corruption. The Murtala/Obasanjo regime was a better example. It had the best record in dealing with corruption than any military administration in Nigeria. ( Abdullahi 2004:70-71.)

When the administration of General Murtala Mohammed (1976) came to power, it installed a corrective government because corruption had eaten deep into the fabrics of the Nigerian society. His administration stands out as the only military regime that was determined to eradicate corruption in the Nigerian public life. (Ogunna 2003: 214). Corrupt public officials in the immediate past government of General Yakubu Gowon were brought to the public to account for their wealth, if found guilty of embezzlement and corruption their properties were seized and the officials punished accordingly. This administration recorded the highest feat of

war against corruption because it led by example in declaration of assets by the highest officials (Abdullahi 2004: 70-71.)

The military personnel were not exempted from the punishment of corruption. Assets Investigation Panel was set up to look into the allegations of corruption against past Military Governors. It was discovered that all except two of the military governors grossly abused their offices. They were dismissed from the military and all their assets were confiscated and returned to their various state governments. Also many public and civil servants across the nation were sacked for corrupt practices and abuse of offices. (Ogunna 2003: 212.)

The administration of Buhari/Idiagbon (1985-1986), came as a corrective regime to fight against corruption. It was practical in its approach by launching a campaign against corruption to raise public awareness and also brought the politicians of the Second Republic to account for their wealth and those that could not render account were punished accordingly. The extravagance spending of these politicians was well documented and showed evidence that corruption in Nigeria and even in most countries of the world has little to do with the form of government, but those that participates in the government. In other words, democracy with its theories of transparency and accountability is not immune to corruption. (Abdullahi 2004:70-71.)

Subsequently, the military administration of General Ibrahim Babangida (1986-1994), was reported to have committed massive corruption despite its words to restore discipline in the Nigerian society after overthrowing the administration of Buhari/Idiagbon. Though the extent of corruption in Babangida's administration is difficult to determine due to the fact that his administration is shrouded in secrecy and there was never any probe during or after his regime. However, his administration is believed to be one of the worst corrupt military regimes in the history of Nigeria which made him to be called the richest dictator in Africa. (Ogunna 2003: 215-217). Moreover, the administration's inability to render the account of the Gulf war oil windfall totalling \$12.5 billion and its annulment of the most



peaceful, free and fair election of 1993 won by Chief MKO Abiola, was seen as corruption of the highest order. (Ogunna 2003: 215-217.)

The Sani Abacha administration (1994-1998) came to power after a palace coup that toppled Chief Earnest Shonekan who took the reign of leadership from General Babangida who was forced to “step aside” due to the annulment of the June 12, 1993 election. General Abacha’s military administration was called the grand corrupt regime due to its ruthless looting of the government treasury and autocratic governance. Governance became a family business whereby most contracts were awarded to the families, friends and close relatives of the president. (Ogunna 2003: 218-219.)

Administrative corruption was the order of the day in the regime of Abacha. The level of corruption in this regime was so massive whereby the government that came after was forced to set up a policy of recovering looted money from public officials. There were various forms of corruption and corrupt practices ranging from payment for contracts that were not executed, inflated contracts, request for funds illegally, diversion of public funds and materials for personal enrichment etc. Many public officials that served under the administration of Abacha were indicted and some had their properties confiscated. (Ogunna 2003: 219-226.)

Immediately after the death of Abacha, there was massive revelation of his government corruption. A French investigation of bribes paid to government officials to get the award of a gas plant construction in Nigeria showed the level of official corruption in his administration. Also two years after his death, a Swiss banking commission report indicted Swiss banks of failure to follow compliance process in allowing family and friends of Abacha access to accounts which they deposited amount totalling \$600 million into the account. And also more than \$1 billion were found in various accounts across Europe. (Pallister 2000 quoted in Ojukwu & Shopeju 2010: 19.)

The sojourn of the military in Nigeria politics was marred with corruption. Corruption was institutionalized as a way of life and a means of retaining power. The

rule of law was replaced with the rule of men through various decree enactments. Public administration was relegated and the culture of cutting corners was deeply rooted in the conduct of the citizenry. Most of the military coups in Nigeria usually claimed to have seized power to stop corruption in the country, but unfortunately the military turned out to be more corrupt than the civilian politicians they accused of corruption. (Abdullahi 2004: 69.)

#### 4.1.2. Civilian Governments

However, the civilian governments in Nigeria are not immune from corruption. The First Republic public office holders were selected among the honest post-independence politicians. Many of them were better and God fearing in their dealings with the public purse. The likes of Sir Ahmadu Bello died without leaving any property and even died impoverished. (Wilmot 2007:90). They all had several things in common- love for their country and continent, a willingness to serve and a refusal to use the resources of the state for their personal benefit though they had little experience of governance. But subsequently, the government became more corrupt till date. Self enrichment and grand corruption has been the order of the day, enriching themselves at the expense of the masses. (Wilmot 2007:90.)

Despite the honesty of many of these public servants, there were still some bad eggs among them that were reported of being corrupt. There were allegations of extortions by public officials whereby they were extorting 10% of project allocations as bribes from contractors. It was unfortunate that this bad reputation spread outside the shore of the country and Nigeria was known as a country of 10%ers by the world communities that would like to transact business with the country. (Aluko 2006:37.)

The Second Republic government headed by Alhaji Shehu Shagari (1979-1983) was marred by corruption. Corruption was the trademark of this administration as it could not be controlled and it was visible in all facets of the society including the bureaucracy. Firstly, the government inherited 2.8 billion naira in foreign reserves and later earned additional 40.5 billion naira during its administration. By the end of its administration,

the country was indebted to the tune of 10.21 billion naira. (Akude 2007 in Ojukwu et. al 2010:19). Also in order to cover up crimes and corrupt activities in government corporations, there were reported cases of mysterious fires razing down important government buildings that had become enmeshed in scandalous corruption. Rent seeking was the main kind of corruption in this administration and it was seen as a symptom of Nigerian state failure and its consequent underdevelopment till today. (Edevbaro 1998: 144.)

There were various documented cases of corruption in the Second Republic Nigerian government. The Nigerian External Communication (NET) was detected to have been defrauded of 58 million naira by cashiers and management staff who colluded with outsiders. Further revelations were made on illegal collection of tax payers fund from NET by a debt collecting firm through the active connivance of some management staff. . There was also a reported case of Nigeria`s biggest single military contract- a 300 million pounds contract for the supply of 18 Jaguar ground attack fighters. It had a hidden 22 million pounds commission negotiated with the British Aerospace by a Nigerian consultant close to the then ruling government. (Edevbaro 1998: 144.)

Moreover, a more stunning documented revelation of corruption was reported of a then serving minister of transportation Dr. Umaru Dikko. The documentary evidence was lodged with a British court in 1985 based on two-count charges of corruption which was brought against Dikko by the Attorney-General of Nigeria at the Lagos Chief Magistrate Court in 1984. In the first count charge, Dikko was accused of receiving money through corrupt means on account of favour shown to Messrs Harma Construction Nigeria Limited in securing the award of a road reconstruction contract. On the second count, he was accused of corruptly receiving money on account of a favour shown to Eurotrade Nigeria Limited for the award of a contract for the clearing and distribution of about 300,000 bags of long grain parboiled rice to the company. Dikko did this in the discharge of his official duties as the chairman of the Presidential Task Force on Rice whereas he was responsible for the award of the said contract. (Edevbaro 1998:145-146.)

It was unfortunate that during the administration of Shagari there were many issues of corruption and corrupt practices. Administrative corruption was the order of the day. Corruption became regular feature in the activities of governance which led to the administration been named the golden age of corruption in Nigeria by Adamolekun (1984 in Edevbaro). Corruption was seen in practically every sector of public life for public servants to abuse their offices through embezzlement, fraud, bribery and theft. The spate of corruption during this administration led to the incursion of the military in 1984 overthrowing the administration of Alhaji Shehu Shagari on allegations of corruption and other corrupt practices. (Edevbaro 1998:148.)

#### 4.1.3. Present Democratic Dispensation

Since the ousted of the Second Republic democratically elected president in a military coup, Nigeria was under the military rule until 1999 when a new democratically elected president was ushered in. President Olusegun Obasanjo (1999-2007) who was once a military head of state became the newly democratically elected president of a corruption riddled Nigeria. In his inaugural message he stated that:

*“Corruption, the greatest single bane of our society today, will be tackled head-on at all levels. Corruption is incipient in all human societies and most human activities. But it must not be condoned. This is why laws are made and enforced to check corruption, so that society would survive and develop in an orderly, reasonable and predictable way. No society can achieve anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria. One of the greatest tragedies of military rule in recent time is that corruption was allowed to grow unchallenged, and unchecked, even when it was glaring for everybody to see. The rules and regulations for doing official business were deliberately ignored, set aside or by-passed to facilitate corrupt practices. The beneficiaries of corruption in all forms will fight back with all the foul means at their disposal. We shall be firm with them. There will be no sacred cows. Nobody, no matter who and where, will be allowed to get away with the*

*breach of the law or the perpetration of corruption and evil.*” (quoted in Fajonyomi 2006:13.)

As commendable as his statement was, one would have expected President Obasanjo’s administration to be at zero tolerance with corruption. But there were many reported cases of corruption and corrupt practices in his administration with very few prosecuted. After his eight years in Nigeria’s longest democratic transition, Obasanjo was said to be the most bizarrely corrupt leader in Nigeria’s history. He sold government properties to himself and close friends at give-away prices. Several revelations indicted his administration of massive corruption. The senate probe of the power sector in 2008 discovered that ex-president Obasanjo during his tenure aided and abetted the misappropriations of about \$16 billion spent by his administration on the power sector. Still there was no steady power supply to the populace. Besides this revelation, administrative corruption was at all levels of government and there was the chronic politics of looting. During these eight years of Obasanjo administration, Nigeria’s government earned an estimated \$223 billion due to rising oil revenue in the international market, but evidently the country lost a minimum average of \$4 billion to \$8 billion annually to corruption. (Human Rights Watch 2007 in Mustapha 2010:169.)

Obasanjo was reported to have bribed Senators in the National Assembly of Nigeria two times for them to vote against the incumbent Senate President and effect his removal from office. He also gave bribe to the Members of the House of Representatives to effect the removal of the House Speaker. (Mamman 2008:150). Obasanjo was also reported to have owned shares in Transcorp worth N200 million and he had influenced many concessions the company received in privatization of public enterprises bid. Transcorp bought 51 per cent shares in Nicon Hilton Abuja for N13 million. Federal government sold 51 per cent equity in Nigeria Telecommunications Limited (NITEL) to international investment (London) Ltd at \$1.1 billion but the company could not raise the fund. Transcorp later bought 75 per cent of same NITEL for \$750 million. Transcorp also got concession to build an independent power plant and was also granted licence to build a

N33.25 billion refinery in Lagos with a capacity to produce 400,000 barrels of oil per day. It also acquired four oil blocs in 2005. (Mamman 2008:151-152.)

Moreover, the probe of the Nigerian National Petroleum Corporation (NNPC) was a startling revelation of rot and fraud in the Nigeria government of Obasanjo. The probe of NNPC's activities between 1999 to 2007 when Obasanjo was both the president of Nigeria and also the minister of petroleum, revealed fraud in billions of dollars. NNPC was concluded to be the running story of fraud and undeniably the country's melting pot of corruption and a monument of graft. (Mustapha 2010:169.)

Also the executive, judicial and legislative arms of the government were not spared of corruption. Some ministers were involved in bribery allegations. Professor Fabian Osuji as minister of education was alleged to have offered a bribe of ₦55 million to the National Assembly to pass an inflated budget. There was also a bribery case about the National Identity Card project. The accused persons were former minister of Internal Affairs, Chief Sunday Afolabi, former minister of state and later minister of Internal Affairs, Dr. Mahmud Shata, former National Secretary of PDP, Dr. Okwesilieze Nwodo, and former minister of Labour and Productivity, Alhaji Hussaini Zannuwa Akwanga, Permanent Secretary Ministry of Internal Affairs, Ms. R D Akerele. They all served under the Obasanjo administration of President Obasanjo Also named are former Director Department of National Civic Registration, Mr Christopher Orumgre Agidi, and business partner of SAGEM in Nigeria, Mr Niyi Adelagun. They were alleged to have received funds as bribe from an agent of the French electronics company, SAGEM, in order to secure a \$214 million contract for the National Identity Card project. A former Inspector General of Police, Tafa Balogun was also alleged of corrupt practices. He was charged for obtaining billions of naira through money laundering and other illegal means. (Aluko 2006:161-204.)

The story is not different in other levels of the government. The 36 states of the federation witnessed massive administrative corruption by their various leaders. Reports revealed high level of official corruption characterised by the nature of spoil politics throughout the country. Elected public office-holders and politicians often siphon oil

revenues allocated to their states and local governments and deposit them in foreign accounts. They engaged in the award of contracts for gigantic projects, budgeting of large sums of money as security votes, making returns to Godfathers, employment of ghost workers, sponsorship of meaningless foreign trips, diversion of workers' salaries and budgeting funds for projects financed by other tiers of government, oil companies or multi-lateral agencies. With all these corrupt practices existing in Obasanjo administration, it is clear that corruption is fuelled and facilitated throughout Nigerian state by government's lack of accountability in the conduct of official acts of governance. (Ukiwo 2008 quoted in Mustapha 2010:170.)

Some governors were indicted for corruption and money laundering during the administration of Obasanjo. Governor of Plateau State, Joshua Dariye and governor of Bayelsa State, DSP Alamiyeseigha were two examples of those governors. Dariye was arrested in London in 2004 for money laundering where £80,000 cash was found with him and over £2 million was found in his London bank account. Dariye was reported to have used a fake company Ebenezar Retnaan Ventures to clear cheques meant for the state into his foreign account. Alamiyeseigha on the other hand was also arrested in London in 2005 also on money laundering charges. £1 million and €70,000 cash were found in his possession. Alamiyeseigha was said to own a estate in London worth £10 million. (Mamman 2008: 152.)

Obasanjo's administration ended with reported cases of corruption at all levels of the government; federal, state and local governments. Corruption became a norm and his so called sacred cows had field days all through his administration and many of them went unpunished. He handed over to his anointed Umaru Musa Yar'Adua in 2007.

The administration of President Umar Musa Yar'adua (2007-2010) is nothing different from that of his predecessor. Though during his inaugural speech he pledged to fight corruption but he ended up aiding and abetting corruption. He started his administration by declaring his assets which many Nigerians saw as a welcome development. His administration later showed that it was far from tackling corruption but succeeded only in protecting the corrupt. There were reported cases of bribery, contract inflation and em-

bezzlement. First it was the case of Patricia Etteh the former Speaker of the House of Representatives and her deputy Babangida Nguroje who were accused of inflating the cost of repairing their official legislative quarters. A panel of inquiry was set up to look into the case and they were found guilty. (Mamman 2008:153-155.)

The scandal of the Federal Ministry of Health was also blown open to the public. The budget surplus allocated to the ministry to the tune of N300 million, which the President directed all ministries to return to the government treasury was shared among the top executives of the ministry. This is done with the full support of the Chairperson House Committee on Health, Iyabode Obasanjo the daughter of the ruling President. The minister of Health, Professor Adenike Grange and other top officials were asked to resign and some were suspended. (Mamman 2008:156.)

The administration of Yar'Adua witnessed corruption charges against some of its state governors. Prominent among these governors was James Ibori the governor of Delta State. He was said to be above the law in Nigeria. In a press release by Metropolitan Police London, Ibori was reported to have embezzled what was estimated to be \$250 million of Nigerian public funds. Successive government shielded him from trial, but unfortunately for him he was arrested in United Arab Emirates and extradited to the United Kingdom where he was jailed for his atrocities. (MET Police London 2011.)

The death of Yar'Adua led to the swearing in of his vice. Goodluck Jonathan was sworn in to complete the term of Yar'Adua who died after many hanky-panky about the state of his health. Jonathan became the president and nothing changes. He was keen on becoming the next elected president so he would do everything to achieve that. He overlooked many corrupt public officials just for him to get the mandate. He was elected the president of Nigeria in 2011. Revelation so far in Jonathan's administration indicated massive corruption. Over N5 trillion in government funds was reported to have been stolen by Jonathan's administration since assuming office on May 6, 2010. These funds were lost through fraud, embezzlement and theft. (Punch Online 25.11. 2012). Corruption thus becomes a day to day affair in Nigeria. A day hardly passes in Nigeria without the news of corruption or corrupt indictment by government functionaries or public servants. There were cases of the embezzlement of pension funds, oil subsidy scam etc.



From the look of things, the administration of Jonathan may be the most corrupt in the history of governance in Nigeria.

#### 4.2. Causes of Corruption: The Nigerian Context

Persistence of administrative corruption in Nigerian government is due to some causes. The following could be said to be the causes and persistence of administrative corruption in Nigeria;

The Military Legacy is one of the causes of corruption in Nigeria. The prolonged stay of the military contributed greatly to the persistence of corruption in Nigeria. As earlier stated, the military incursion into politics was disastrous. Military ruled by decree replacing rule of law with rule by force, public administration was downgraded and looting became the order of the day. At first in 1966, the military leaders were rational decision-makers. Each succeeding regime however tend to build on the worst characteristics of its predecessor. Corruption became the norm at the top down to the bottom, as the military spurn all rules and procedure both legal and administrative, and became a law unto themselves. Also succeeding military regimes never thought of probing the past regimes, and corruption therefore at all level including the local government became large scale venture during the military rule in Nigeria. (Aluko 2006:114). It was estimated that the military regimes in Nigeria looted the country treasury to the tune of \$500 billion, robbing the country of its growth and any meaningful development. (The Guardian quoted in Igwe 2010:109). Moreover, most of these past corrupt military administrators are now the ones ruling the country again in civilian uniform after their retirement. The vicious circle of corruption still continues. An example in time is the administration of President Obasanjo and the present Senate President David Mark. They were both former military personnel at one time and the other. And there are many of these retired military personnel in the present democratic setting in Nigeria.

‘Godfatherism’ is another cause of corruption in contemporary Nigeria. Since the onset of the fourth republic in 1999, godfatherism has been introduced into the polity but it is now affecting every sphere of Nigeria public life. Godfatherism is a local political lan-

guage which connotes someone that has political influence or immense wealth to sponsor a political candidate vying for any electoral position in Nigeria. When such a person got elected into post, the political godfather in return anticipates unconditional loyalty from his political-son. (Mustapha 2010:174). This unconditional loyalty has caused a lot of damages in Nigeria of today giving way to massive looting of the treasury at all levels of the government, in order to please the godfather. During the administration of Obasanjo, many such cases of Godfather politics were exposed to the public. Example of such cases are that of Lamidi Adedibu of Oyo State, Chris Mba of Anambra State etc. These incidents were exposed to the public when the political 'godsons' refused to listen to their 'godfathers' who were then exerting their powers over them.

Rapid increase in the number of civil servants which results into low salary is another reason for corruption in Nigeria. There is poor remuneration system in the civil service culminating into officers looking for easy way to second income. This prompted them to engage in bribery and corrupt acts. Also increase in the number of government offices and the extension of the power of bureaucracy lead to more corruption. In a case where there is administrative bottle neck, in order to pass through this bottleneck u need to bribe your way through. This is as a result of weakness in supervision from the top executives. (Edevbaro 1998:46.)

Culture and weird value systems of the society also cause corruption in Nigeria government. This is the way or system of having things done in the society is made, it would be almost unavoidable to come clean of corruption in the society. The moral fabric of the society is relaxed and many citizens struggle for survival without the assistance of the government. This in essence creates a spoil system whereby almost everyone in the society is corrupt. Unemployment, poor infrastructures, poor educational standards etc, all affect the behaviour of citizens. (Dike 2003). Moreover, the communal culture in Africa whereby a non corrupt officer is not ready to report a corrupt officer is a great problem in dealing with corruption. They view exposing a corrupt person and him losing his job as a bad act, or fear of being persecuted by other citizens who are beneficiaries of the corrupt person. (Aluko 2006:114-115.)

The lukewarm attitude of the custodians of law contributed to the persistence of corruption in Nigeria. The attitudes of the law enforcing officers; judges, police and other public officials, often lead to corrupt behaviour. On many occasions culprits are always let go without proper enforcement of the law. They always allow the culprit to go scot free once they have collected bribe. Due to this, many cases were frustrated out of court. This has allowed many public office holders to acquire wealth and properties around the world, and the display of their ill gotten wealth without the society seeing any evil in it. They see it as a normal way of life. (Dike 2003). Inasmuch as these causes of corruption are still persistent in Nigeria, combating corruption would be herculean task for the government.

#### 4.3. Administrative Ethics and Past Efforts of Controlling of Corruption in Nigerian Government

Administrative ethics in Africa is fashioned out of the legacies of the colonial masters which were based on law and order. This is because most of what has been called administration in Africa has been based on the administrative history of the past colonizing countries. (Moyo 1994:527.)

It is important to understand that the dominant view of administrative ethics in Africa is law and order oriented, due to the essence of colonial administrative systems. Almost every part of Africa where the colonial masters ruled, they left behind administrative systems which were authoritarian, disciplinarian and generally hostile to cultural and political influences from the host communities. (Moyo 1994:527.)

In this sense, Nigeria is not an exception. The administrative setting of Nigeria was based on colonial heritage of the British system of administration at independence. On the declaration of independence in 1960, Nigeria adopted the British parliamentary system of government which operates basically through elected

representatives of the people in parliament. Sovereignty lies with the elected representatives in parliament on behalf of the people, while the actual conduct of the government is in the hands of the leading members of the majority party which form the government and constitute the cabinet. There are also the public servants who assist the ministers in carrying out their responsibilities to the people through formulation and implementation of policies. Public servants tenure unlike the politicians is permanent and responsible for the proper functioning of the administrative structure. Despite the assistance of the public servants, the ministers are still responsible individually and collectively to the parliament for the activities of the government. This is called the doctrine of ministerial responsibility and accountability which is a fundamental part of British parliamentary system (Agara and Olarinmoye 2009:14-15.)

The British colonial masters introduced certain systems of controlling the administration which became the legacy that the colonies inherited including Nigeria. The parliamentary control of the administration was effected through such political devices as question time, letters by members of parliament to the ministers, and parliamentary committees. Additionally, the British system also included two other methods which were part of the inherited administrative ethics of the colonies. These were internal and judicial controls. The internal control refers to certain internal arrangements which were peculiar to bureaucracy and aimed at preventing the abuse of bureaucratic power by superior on the subordinate. It is connected with the hierarchical structure of the bureaucracy and mediates the kind of relationship between superior and subordinates, career expectations and penalties for contravening rules and regulations governing the conduct of government work as explained in the tools of control. Judicial control on the other hand was put in place as a form of legal accountability which provided judicial remedies to any citizen who may be adversely affected by administrative actions contrary to law (Agara et al. 2009:14-15.)

At Nigeria's independence in 1960, the existing colonial westminster model and the parliamentary control method was accepted as the norm by indigenous politi-

cians since they had no other alternative to choose from. But unfortunately, these methods that worked effectively for the generations of British democratic system could not work in Nigeria. The indigenous politicians deliberately thwarted its implementation and effectiveness. Example is the tradition in the British parliament which is called the question time which had been an effective instrument for turning searchlight on the public service and for probing the conduct of administration was suppressed. The reason for the suppression of this method was for personal as they were interested in suffocating anything that would hinder them from their primary preoccupation and self perpetuation and enrichment. Therefore, the suppression of the parliamentary control which would have called the civil service to order through the political ministers in charge of them gave the way for the abuse and misuse of bureaucratic power and corrupt practices. (Agara et al. 2009: 14-15.)

Moreover, another reason for the suppression of the question time in the house of parliament was that most of the questions asked were majorly concerning the distribution of social amenities such as electricity, postal services, water and roads etc in lieu of how the services were doing in implementing decisions and their relationship with the citizens. They left discussion about how to improve the service and accountability of the public service officers. Another reason is also the short duration of the parliament sitting for business. The politicians are more concerned about opportunities to amass wealth to themselves instead of what benefits the masses. Therefore there was no adequate time for serious business to be discussed or searchlight turned on the conduct of the public service. The simple fact that the question time session took an air of inquisition, which was an opportunity for the opposition party to ridicule and castigate the ruling party for inefficiency and misconduct. Most of the ministers that were unfavourably disposed to answering questions on their misconducts decided to be absent in the sittings which eventually led to the question time session abandonment. (Agara et al. 2009:14-15.)

There was no serious policy for the control of corruption during the administration of Gowon. The coming of General Murtala in 1976 had a landmark in the control

of corruption in Nigeria polity. The promulgation of the Public Officers (Investigation of Assets) Decree No. 5 of 1966 by Gowon administration had no impact at all at stopping corruption in the government and public service. However, Murtala administration was serious in dealing with corruption. There was the enactment of the Corrupt Practices Decree No. 38 of 1975 and the establishment of a Corrupt Practices Bureau under same law. This decree was used to bring public officials who were accused of corruption in Gowon administration to account for their wealth. Offenders were punished accordingly and properties confiscated if found acquired illegally. (Abdullahi 2004: 70-73.)

Public officeholders engaged in gross misconduct and abuse of office. They turned the government treasury into private gold mine. This same foundation was laid for the second republic administrators. They engaged in massive frauds, contract inflation, commission and cutbacks. But when the regime was overthrown in 1984, efforts were made by the military administrators to promulgate draconian anti-corruption decree to instil discipline in the public service. The Recovery of Public Property Decree 1984 was promulgated. This empowered the Head of State to set up a panel to investigate whether a public officer had abused his office in the performance of his duties during the Second Republic. The Government also inaugurated the Civil Service Commissions and other Statutory Bodies (Removal from office) Decree 1984. This decree provides for the removal of any public servant suspected to have abused his office. Military tribunals were set up to try many officials of the Second Republic where many of them were given various jail terms depending on the gravity of their corruption. (Fajonyomi 2001:6). Also there was the introduction of War against Indiscipline (WAI) that rose awareness of the Nigerian populace on what actions constitutes indiscipline. Many Nigerians quickly adjusted to it and it became part of their way of life. This also formed part of the law used against the Second Republic politicians that were accused of abusing their powers and enriching themselves at the expense of the masses. But this administration was accused of high-handedness. (Abdullahi 2004: 71.)

The regime of Babangida brought another approach to the fight against corruption. There was the introduction of Code of Conduct for Public Officers and the

Code of Conduct Decree and the establishment of the Code of Conduct Bureau and Tribunal of 1989. There was also the establishment of a National Committee on Corruption and Economic Crimes in 1989. Despite all these, the administration relaxed the hard stance of the previous administration by reversing some of the jail terms of those convicted by the previous regime. Public accountability does not exist at all, and there were allegations of official corruption made against principal officers of the regime. Though few of them were removed, no serious positive action was taken against them (Abdullahi 2004:71; Gboyega 1996 in Fajonyomi 2001:6.)

The Abacha and Salami administrations were not different from that of Babangida administration. Abacha reintroduced War Against Indiscipline and Corruption (WAIC) in 1994. There were massive corruptions levelled against them despite the camouflaged decrees to fight corruption. (Fajonyomi 2001:7.)

The new democratic government introduced Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), and Code of Conduct Bureau. These agencies are still far away from realising the real fight against corruption. There are series of allegations of corruption at the three arms of the government, thus throwing public ethics and accountability to the dogs.

However, despite all the anti-corruption control efforts by successive Nigerian governments both military and civilian, only the administrations of Murtala 1976 and Buhari/Idiagbon 1985 were able to control corruption to some extent. Others could not succeed due to lack of political will and the Nigerian factor which affects every sphere of the citizens' life. (Abdullahi 2004:72-74.)

#### 4.4. Summary

Administrative ethics in Nigeria was a model left by the British colonialist. But the first republic decided to frustrate most of the efforts put in place by the coloni-

al masters to check corruption. Corruption thus became the order of the day in subsequent governments. Military and civilian governments are enmeshed in embezzlement and other corrupt activities. But despite the criticism of military incursion into ruling in Nigeria, two military administrations proof to be of good conducts. Administrations of Mohammed and Buhari were of exemplary characters in dealing with public purse. They instituted policies that purged the state of corrupt leaders and sanitize the polity.

However, various moves by other governments to control corruption proved abortive due to the fact that there was lack of political will. Corruption in Nigerian government has been a common menace and it has become a monster that is hard to control. Different policies by the government are mere paper works that lack implementation. Also the causes of corruption in Nigerian government are military legacy, godfatherism, increase in the number of civil servants, weird culture etc.



## 5. ANTI-CORRUPTION AGENCY AND THE CONTROL OF CORRUPTION

### 5.1. Anti-Corruption Agencies

Corruption is a social disease that exist where there is enough room for its existence. Anti-corruption agency is established to tackle corruption and combat it or to minimize its spreading. Anti-corruption agency also has the problem of plethora of definition since the motives of establishing it varies from country to country due to levels of corruption.

Meagher defines an anti-corruption agency as

*“Permanent agency whose primary function is to provide centralized leadership in one or more of the core areas of anti-corruption activity- including policy analysis and technical assistance in prevention, public outreach and information, monitoring, investigation and prosecution”* (Meagher in Fajonyomi 2006: 20.)

World Bank has a different view of anti-corruption strategy arguing thus: “any strategy to combat corruption must limit the motives and opportunities for public office holders to abuse their positions. This should be done directly for unilateral corruption, while for multi-party corruption it can also be done indirectly by focusing on the supply side of bribes. Although we do not know enough to identify optimal anti-corruption strategies for different country situations, there is no one-size-fits all strategy.” World Bank argument is that there is no one favourable anti-corruption strategies for all country since the motives, opportunities and supply side varies from one country to another. (World Bank 1999 quoted in Fajonyomi 2006: 20.)

Johnston opined that “anti-corruption efforts should not just aimed at detecting, discouraging and punishing particular kinds of corrupt practice but also at ad-

addressing deeper problems of political and economic development.” This would include the following:

**Institutions:** where accessibility of elites decisively exceeds their autonomy, enhance official autonomy by regulating channels of private influence, improving internal bureaucratic management and enhancing state capacity; where elites’ autonomy decisively outweighs their accessibility, open up channels of mass participation, accountability and bureaucratic access.

**Participation:** where economic opportunities greatly exceed political opportunities, enhance the depth and equality of political competition; where political opportunities greatly exceed economic opportunities, encourage broad based economic growth. (Johnston 2000 quoted in Fajonyomi 2006: 21.)

Anechiarico believes that an anti-corruption project must have a component which includes civil service, conflict of interest and financial disclosure, whistle blower protection, internal investigation, state and federal prosecution, procurement regulation, auditing, and routinization of charisma. All these components are important for an efficient and effective anti-corruption strategy. (Anechiarico 2005: 243-250.)

One key success in building effective anti-corruption according to Pope and Vogl is willingness of the proponents of good governance to share their experiences and work together in order to develop greater knowledge of best practices. In order to establish well structured anti-corruption initiatives, there should be a distinct national government agencies dedicated to curbing corruption, command citizens respect, transparent and fearless. They must be subject to review by free press and must be accountable to the public. They must also be politically independent in order to guide them against the whims of enraged political elite (Pope & Vogl 2000: 6-7.)

The core argument of Pope and Vogl as officials of Transparency International is that an efficient and independent anti-corruption agency will go a long way in bringing sanity into a government and would also act as key player in the war against bribery. (Pope et. al. 2000: 6-9.)

The OECD in its *Specialised Anti-corruption Institutions: Review of Models* (2008) came up with three types of anti-corruption agency models;

- I.** Multi-purpose agencies with law enforcement powers: this type of agency is a single type approach agency, which focuses on repression and prevention of corruption with various approaches like policy analysis and technical assistance in prevention, public outreach and information, monitoring, investigation. Different countries have tried this type of model. The Independent Commission against Corruption of Hong and Corrupt Practices Investigation Bureau are examples of this model. The creation of this models in these two countries, inspired many countries in the world to create similar agencies. The ICAC of Hong Kong inspired the creation of ICPC in Nigeria. Therefore ICPC of Nigeria falls under this type of model with its power to prevent, enforce and educate on what constitutes corrupt practices.
- II.** Enforcement Type Institutions: this model takes another form of specialisation and is used in the detection, investigation and prosecution bodies. It can also be combined as a specialised anti-corruption agency that detects, investigates, and prosecutes, all in one body. Examples of this model are: Norway (Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime), Belgium (Central Office for the Repression of Corruption), Spain (Special Prosecutors Office for the Repression of Economic Offences Related Corruption), and Romania (National Anti-Corruption Directorate).
- III.** Preventive, Policy Development and Co-ordination Institutions: this type of model is the type of institutions that have one or more corruption prevention functions. These functions could include research in the phenome-

na of corruption, assessing the risk of corruption, monitoring and co-ordination of the implementation of the national and local anti-corruption strategies and action plans, reviewing and preparing relevant legislation, monitoring the conflict of interest rules and declaration of assets requirement for public officials, elaboration and implementation of codes of ethics, assisting in the anti-corruption training for officials, issuing guidance and providing advise on issues related to government ethics, facilitating international co-operation and co-operation with the civil society etc. Institutions with this type of tasks include France (Central Service for the Prevention of Corruption), Albania (Anti-corruption Monitoring Group), Malta (Permanent Commission against Corruption), the United States (Office of Government Ethics) etc. (OECD 2008:31-32.)

Any of these models can be used as a national anti-corruption agency model in a country. It depends on the level of corruption, and seriousness of the governments and custodians of law in the country.

Anti-corruption agency has been a tool of corruption control in various countries of the world. The endemic nature of corruption calls for different approaches to tackle it, therefore the introduction of independent anti-corruption agencies is inevitable. The successes of such agencies in countries like Hong Kong, Singapore, Botswana, Malawi and South Africa made it to be accepted in other countries including Nigeria. (Pope 1999: 1.)

A successful anti-corruption agency must possess the following characteristics;

- i. It must be supported politically at the highest level of government (federal government). This commitment will allow it to operate without any interference.
- ii. It must be political and operational independence to investigate the highest levels of government. This will ensure that the activities of the agency are not crippled by being a functioning section of the President's office, which will hinder it from prosecuting close allies of the presidency.

- iii. It must have required powers to access documents and investigate witnesses, and also have leadership that are of highest integrity. (Pope 1999:2.)

Moreover, powers conferred on any anti-corruption agency must be in accordance with international human rights norms, and also the agency must not act in arbitrary to the laws of the land, therefore must acts and operates under the law of the country and must be accountable to the courts. A successful anti-corruption agency must possess the appropriate powers of investigation, prosecution and prevention. (Pope 1999: 2.)

Pope (1999:5), therefore saw the anti-corruption strategy adopted by the then President Olusegun Obasanjo as a “well-thought one”. President Obasanjo created two anti-corruption agencies with the mandate of tackling corruption in public and private places. He created ICPC in 2000 and EFCC in 2004. This research work is based solely on the work of ICPC since its more concern about tackling corruption in the public places.

## 5.2. Establishment of ICPC

The new political dispensation was welcomed into office in 1999 with the Transparency International ranking of Nigeria as the second most corrupt nation in the world. This was as a prolonged military rule in Nigeria. The newly sworn-in president then, President Olusegun Obasanjo saw corruption as a thing that needed to be nipped in the bud. In his swearing-in speech as previously mentioned, he reiterated the need for a concerted effort in fighting corruption when he said;

*“Corruption, the greatest single bane of our society today will be tackled head on; no society can achieve anything near its full potential if it allows corruption to become the full blown cancer it has been in Nigeria”.*

His government therefore swung to action by establishing anti-corruption agencies through The Corrupt Practices and Other Related Offences Act 2000. Among the newly created anti-corruption agencies then is Independent Corrupt Practices and other related

offences Commission (ICPC). It was established to be the arrow-head of Obasanjo's war against corruption as he promised. (Fajonyomi 2006:13-25). ICPC was established to thread the path of ICAC of Hong Kong which was established in 1974. ICPC mandate was to clean up graft in Nigeria. It was designed to match and interfere strict enforcement with strong preventive measures and community education. (ICPC 2008: 1-10.)

### 5.3. Duties of the Agency

Section 6 (a-f) of the ICPC Act 2000 sets out the duties of the Commission as stated below:

- a) Where reasonable grounds exist for suspecting that any person conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases, to prosecute the offenders;
- b) 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;
- c) 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;
- d) To advise heads of public bodies of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Commission thinks fit 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; and
- f) To enlist and foster public support in combating corruption.

These duties can therefore be grouped into three main classes as follows:

- I. Enforcement Duties; Investigation and Prosecution
- II. Prevention Duties; Systems Study and Review
- III. Public Education and Enlightenment.

Enforcement duties which include investigation and prosecution is one of the main duties of ICPC. Investigation power is vested in the ICPC Act section 6A and B. Anti-Corruption and Transparency Units were created to carry out this duty. There are professional investigators that are expected to carry out investigation when the needs arise. ACTU is therefore responsible for the investigation and it will represent the commission on whatever is going in the ministries. Moreover, with respect to the prosecution of cases, the ICPC Act provides that every prosecution for offences under it shall be done with the consent of the Attorney- General of the Federation. Furthermore, it is provided that the Chief Judge of a State or the Federal Capital Territory shall designate a court or judge to hear and determine all cases arising under the ICPC Act. Due to this, presently there are two such designated Judges in each State of the Federation and the Federal Capital Territory Abuja. (ICPC Act 2000.)

Preventive duties which are system study and review are part of the core duties of ICPC. This mandate of corruption prevention through systemic study of the operations and activities of public institutions with the aim of identifying and correcting corruption prone systems and procedures of public bodies, making recommendations for corrections as well as ensuring compliance to set out rules. These duties are carried out by the Planning Research and Review Department. This department has conducted System Study and Review of various governmental organizations in Nigeria.

Public education and enlightenment duties are one of the mandates of the commission. This mandate includes enlightening, enlisting and fostering public support in tackling corruption. This department has designed effective communication strategies to propagate appropriate messages through channels of Mass Communication that could bring about positive change in the society. (ICPC Monitor2011:41.)

#### 5.4. Structures of the Agency

The structure of ICPC as provided for in Section 3(3) of the Act 2000 consists of a Chairman and twelve Members, two of who represent each of the six geo-political zones of the federation. Every member is selected from the following categories of Nigeria as spelt out by the Act: A retired Police Officer not below the rank of Commissioner of Police, A legal practitioner with at least 10 years post-call experience, A retired judge of a superior court of record, A retired Public Servant not below the rank of a Director, A woman, A youth not less than 21 or more than 30 years of age at the time of his or her appointment, A chartered accountant.

The Act also provides that the Chairman and Members of the Commission, who shall be people of integrity, shall be appointed by the President upon confirmation by the Senate and shall declare their assets before resuming office.

The Administrative structure of the commission is made up of departments and units. These departments include: Investigation, Special Duties, Prosecution, Administration, Finance and Accounts, Planning, Research and Review, Public Enlightenment and Education. Audit Unit and Clinic are also attached directly to the Secretary. The Chairman of the commission oversees all these departments, and second in line to the Chairman is the Secretary to the Commission. He is responsible for supervising the activities of the departments.



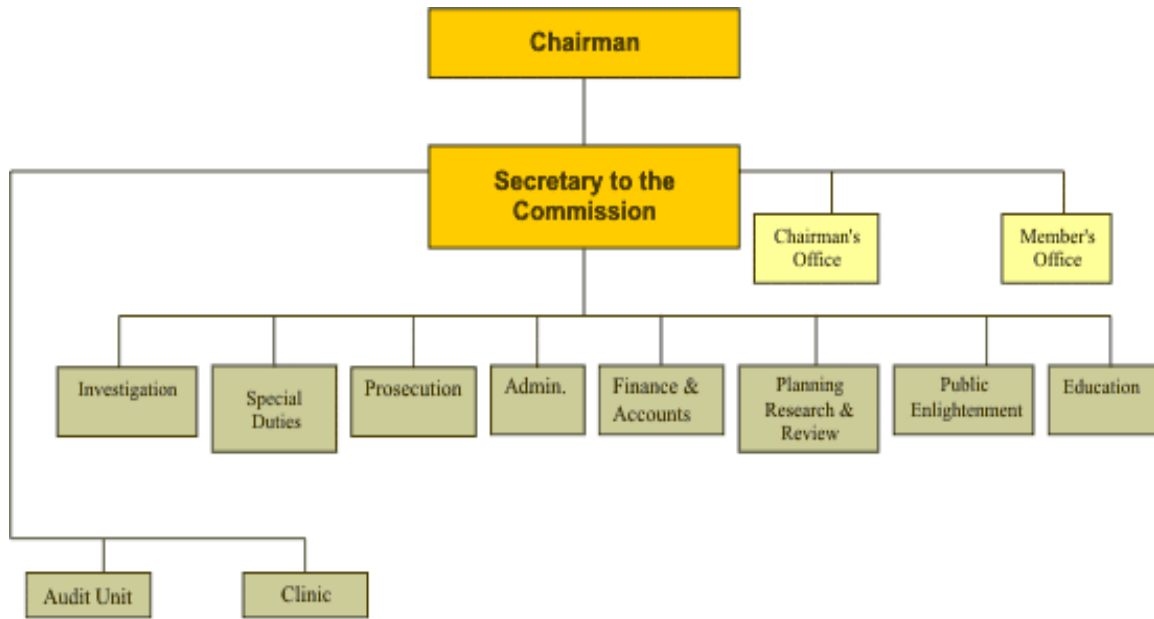


Figure 2. Administrative Structure of ICPC (ICPC 2011) and (Osifo 2012: 95.)

The Operational structure of the commission is the arrowhead of the Commission. It comprises of the Chairman of the Commission at the head of the hierarchy, followed by the Secretary to the Commission and three standing Committees (Committee 1, 2 and 3). These committees supervise the activities of the various departments grouped under three sub-units. There are also some special units that report directly to the Chairman. These units are: Chairman`s Special Unit, Publication Unit and Fast Track Team. The Chairman`s Special Unit which reports directly to the Chairman is set up to expedite enforcement. The Fast Track Team which comprises of investigators, prosecutors and their members, and Internal Audit Unit all report directly to the Chairman.

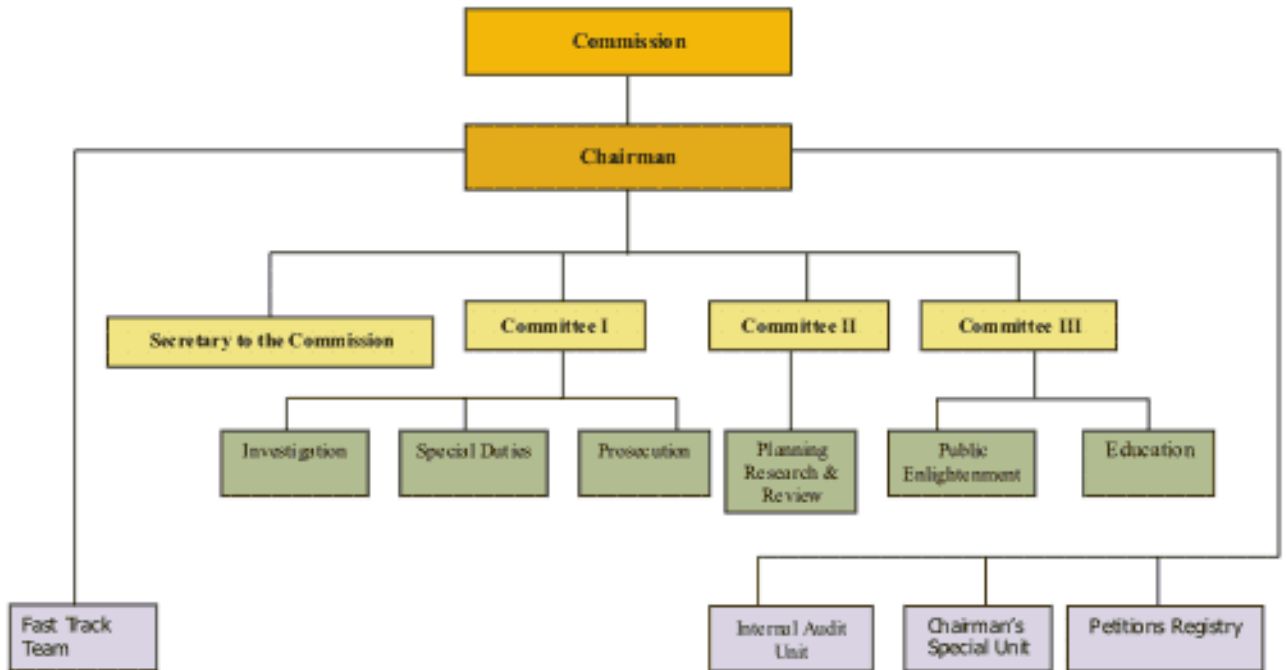


Figure 3. Operational Structure of ICPC (ICPC 2011;Osifo 2012:96.)

### 5.5. ICPC and the control of Administrative Corruption in Practice

The control of administrative corruption in Nigerian government has been a major cause of concern for subsequent government since independence, different government with different control policy as earlier mentioned. Nigeria being a nation that is enmeshed in this problem of administrative corruption, it is hard to find a best fit solution to control it. In this wise the introduction of ICPC was well received by Nigerians as a tool to control corruption. Despite the problem of legality that the agency faced at the onset, it was able to carry out some high profile investigations into corrupt government officials. As earlier stated in Obasanjo administration, investigation was carried out in connection with corruption activities over the National Identity Card project. The accused persons were former minister of Internal Affairs, Chief Sunday Afolabi, former minister of state and later minister of Internal Affairs, Dr. Mahmud Shata, former National Secretary of PDP, Dr. Okwesilieze Nwodo, and former minister of Labour and Productivity, Alhaji Hussaini Zannuwa Akwanga, Permanent Secretary Ministry of Internal Affairs, Ms. R D Akerele. They all served under the Obasanjo administration. Also named are former

Director Department of National Civic Registration, Mr Christopher Orumgre Agidi, and business partner of SAGEM in Nigeria, Mr Niyi Adelagun. They were alleged to have received funds as bribe from an agent of the French electronics company, SAGEM, in order to secure a \$214 million contract for the National Identity Card project. (Aluko 2006:160-168.)

Though little was done by ICPC to punish the culprits, but Nigerians were able to know the level of corruption in polity which was before now shrouded in mystery. ICPC since inception has been able to put notable Nigerians on corruption trials. Many years before the inception of ICPC, no case corruption was heard in any court in Nigeria. ICPC was able to file cases against individuals including Senators, Ministers, Judges, Senior Advocates, top executives of parastatals, Chief Medical Directors, Local Government Chairmen etc including former Senate leader Senator Adolphous Wabara. (ICPC Monitor 2011.)

ICPC in the area of corruption prevention has set up Anti-corruption and Transparency Monitoring Units (ACTUs) in 364 Government Ministries, Agencies and Parastatals, and has undertaken Systems Review exercises in 70 of them from 2002 to 2009. These activities have impacted greatly on the impunity of corrupt people whereby the incidence of corruption is reduced in some measure. The Planning, Research and Review Department usually conduct sensitization lectures for ACTUs on how to carry out their operations in their respective locations. (ICPC Monitor 2011: 37-42.)

In controlling corruption in the government, ICPC also has a television programme called "Corruption Must Go" through its Public Enlightenment Department. This programme is presented on the National Television Authority (NTA) nationwide. This will help in sensitising the polity and the general public on what corruption is and the punishment for whoever is caught in the act of corruption. There is also the ICPC News publication that is published monthly, and also the ICPC Monitor magazine that is published quarterly. (ICPC Monitor 2011:37-42.)

ICPC in its bid to ensure that Nigerians are aware of corruption and what constitutes corrupt behaviours, it initiates through its education department, projects aimed at curbing corruption in the society. It established Anti-corruption clubs in schools, Conferences, Seminars and Workshops, Grassroots Anti-corruption Outreach, Youth Education and Mobilisation, Partnership Platforms and Anti-corruption Educational Publications. Through all these programmes, many public servants from local government areas across the country have been trained. Conferences aimed at sensitising public servants across the six geographical zones of the country were held. National Conference on Anti-corruption Committees of Nigeria Legislatures and Heads of Anti-corruption Units in Government (NILCAC/ACTU) was jointly organised by ICPC and National Assembly. (ICPC Monitor 2011:37-42.)

The menace of corruption cannot be controlled solely by the government, therefore ICPC adopted an holistic strategy of fighting corruption by making every Nigerian a stakeholder in the fight against corruption. The National Anti-corruption Volunteer Corps (NAVC) was created. Over 180,000 credible Nigerians have so far enlisted in it across the federation. The initiative is aimed at taking anti-corruption crusade to the grassroots. This initiative received commendation from the general public. (ICPC Monitor 2011:37-42.)

Moreover, from year 2001 till 2011 which is the scope of the study, ICPC received various petitions of corruption and corrupts behaviours levelled against government officials and various public office holders. The table below shows the numbers of petitions received and treated within these specified years. Based on this table, the performance outlook of ICPC could be agreed to be poor and unacceptable based on the number of petitions received and number of cases filed for prosecution. Moreover, the number of cases in favour of ICPC is quite low compare to the number filed.

Table 2. ICPC Performance Table 2001-2011, (Osifo 2012:86, Onuogu 2013).

<b>Year</b>	<b>Petitions Received</b>	<b>Cases Filed</b>	<b>Cases in favour of ICPC</b>
2001	44	4	0
2003	418	14	0
2005	415	11	0
2007	777	51	3
2009	998	26	7
2011	270	23	0
<b>Total</b>	2922	129	10

#### 5.6. Problems faced by the Agency

Corruption being a recurrent issue in Nigeria, there is bound to be various problems with any agency charged with its control or total eradication. ICPC as an anti-corruption agency is not an exception. The problem of ICPC starts from its inception. Due to its enormous powers, the Senate of the Fourth Republic Nigeria saw it as a threat to their freedom. The Act was therefore repealed by the Senate to serve the interest of some prominent officers of the National Assembly, who already had some criminal complaints levelled against them by the Commission. There were allegations of corruption against the then Senate leader, Pius Anyim, and also Speaker of the House of Representatives, Ghali Umar Na'Abba. They both went to court to contest the powers of the Commission to investigate allegations of corruption levelled against them. This prompted the repeal of the Commission Act in 2003. This was so disturbing that the then Chairman of the Commission Justice Mustapha Akanbi saw it as a tragedy and he wept for Nigeria.(Aluko 2006:10-12.)

Another problem that faced the Commission is the problem of inadequate funding. The budgetary allocation by the government to the Commission is small compare with what the Chairman of the Commission requested for. At the onset the Chairman requested for

2 billion naira to execute the program of the Commission, but the government gave them 500 million naira which was not enough. Carrying out investigation on governors and other government functionaries on money laundering require sending investigators abroad which cost a lot of money. But where there is no available fund, it become impossible. Also the counsel fees for filing a case in court are expensive. It was seen as an attempt by the government to frustrate the effort of the Commission by starving it of funds. (Fajonyomi 2006:23-25.)

The Commission is also faced with the problem of judiciary, it is not free from judicial intervention. Despite the fact that the Commission has enough evidence to prosecute corrupt government officials and past governors, a clause in the ICPC Act section 52 (1) which requires that the Commission should forward any case involving the President, Vice President, State Governors and Deputy Governors, to the Chief Justice of the Federation for investigation. The Chief Justice subsequently appoints an independent counsel to carry out another investigation. This clause debars the Commission from prosecuting many of these leaders. (Fajonyomi 2006:25.)

The issue of leadership is another problem that is affecting the operation of ICPC. From its inception it has been ruled by aged people due to improper interpretation of the ICPC Act. The Act requires the chairman to have experience as would be required for a High Court Judge in Nigeria or above, but those that have been appointed so far were those with Supreme Court qualification. These narrowed down candidates that would apply for the job, and mostly these people are aged and its affecting the performance of the agency. President Jonathan once nominated a 72 years old former judge for the chairman of ICPC, but he was rejected by the Senate because they were concerned about his ability to meet up with the challenges of the agency. (HRW 2011:46-47.) There is also the problem of inadequate manpower and office accommodation. This is hindering the performance of ICPC. (ICPC Monitor 2011:42.)

From the above problems highlighted, it is clear that the government is not serious with its anti-corruption campaign. The Independent Commission Against Corruption of Hong Kong (ICAC), was used as a model for the creation of ICPC, but from all indica-

tions it was glaring that they are different in all senses and they are incomparable. (Fee-man 2003:22.)

### 5.7. Summary

Anti-corruption agency is one of the ways used worldwide to tackle corruption. There are different approaches to the creation of ICPC depending on the one that is convenient for the country to practice. Anti-corruption agency in Nigeria followed the multi-purpose agency with law enforcement powers model. Nigeria instituted ICPC as an anti-corruption agency to tackle corruption in governance. It is well organized to follow the footsteps of ICAC of Hong Kong. At the onset of its operation, everything looked promising. Numerous court cases against ICPC made the government to repeal the Act and make it more lenient on the serving political class. Government interference and other numerous problems of ICPC make it very hard to be compared with ICAC of Hong Kong.

ICPC has the mandate to investigate and prosecute cases of corruption, prevent the incidences of corruption, and educate the public about the dangers of corruption. The structures of ICPC consist of a Chairman and twelve members selected across the six geopolitical zones of Nigeria. These structures are divided into two which are administrative and operational structures. The Chairman of the agency oversees all the structures, they all report direct to the Chairman.

ICPC was able to prosecute some cases in the courts of law. Before the inception of ICPC there was never a case of corrupt officials tried in any court in Nigeria. Therefore the creation of ICPC is a welcome development in Nigeria, but there are still some necessary procedures to be carried out to make it truly independent as the name implies. Numerous problems of the agency incapacitated it from functioning as expected. Inadequate funding, problem of judiciary intervention, problem of leadership, inadequate manpower etc, are some of the problems that affected the performance of ICPC.

## 6. CONCLUSION

The aim of this research is to examine the extent of corruption in Nigeria government and how it could be controlled by ICPC, an anti-corruption agency created by the government. This research tried to look at the extent of corruption in Nigerian government through the historical perspective. It is clear that the level of corruption is so huge from independence in 1960 up till the present government.

The research method which is qualitative case study research is adopted for this research. The written records approach to the best of the researcher knowledge is the most appropriate method used in gathering data for the research. Though this method might not be the best but due to the fact that it is a case study research, but it is accepted as a reliable method of doing research in social science. Data was gathered on the extent of administrative corruption in Nigeria government from written documents, journals, dissertations, textbooks and newspapers. ICPC as a case study was examined through documents direct from the agency and its official website. Official documents were also referenced; an example is the constitution of the Federal Republic of Nigeria. All these sources of data gathering are reliable and authentic.

### 6.1. Main Findings

This research with reference to the first research question; what are the effective instruments to be used by the Nigerian to tackle the menace of corruption sees administrative corruption as a part of governance in Nigeria. Nigeria from independence till date has been ravaged by the plague of corruption, and various efforts of the government at controlling it have been futile. The government cannot effectively tackle the scourge of corruption due to lack of political will. This level of corruption makes it an upheaval task for the government to have a meaningful approach to the control of corruption. With the various policies discussed in this research, it is clear that the government from independence till now failed woefully in having effective means to tackle corruption. There were only two serious ef-



forts at controlling corruption by government in Nigeria; the administration of General Mohammed Murtala in 1975 and the administration of General Muhammadu Buhari in 1984. This research also find out that despite the corrupt nature of military rule in Nigeria, these two administrations were of exemplary characters and were committed to tackling the menace of corruption.

The second research question which focused on the contribution of ICPC to the control of corruption in government is important in this research. Due to the alarming nature of corruption in Nigerian government, these research finds out that the creation of ICPC to control administrative corruption in Nigeria government is not enough to tackle corruption. ICPC is well structured to tackle corruption in governance, but its scope is limited by the government. The problem of ICPC started from inception in year 2000 when some law makers saw it as a threat to their looting of the treasury and decided to repeal it. The act was rendered powerless to try any serving government official and politicians. It later became a political tool that was used by the government to track down any opposition party members and label them as being corrupt.

In this wise, ICPC failed in its effort to tackle administrative corruption in the polity. There are still some corrupt politicians that are walking on the streets of Nigeria without prosecution. Some were investigated and found guilty but they were left off the hook, or sometime never prosecuted.

However, the spoilt nature of Nigeria system will make it difficult to control corruption in every ramification of the society. To effectively control corruption in Nigeria, a total reformation of the political system is important. Lots of those in power are power drunk and corrupt. Even an aspiring politician has it in mind to be corrupt and embezzle public funds due to the corrupt system.

Therefore there should be political will along with the political reformation. Corruption control failed many times in Nigeria due to lack of political will. Past leaders like Ahmadu Bello, Tafawa Balewa, Okotie Eboh etc., exhibited political

will during their time in office. Many of these first republic politicians left office without embezzling public funds. Some even died in penury like Ahmadu Bello. The present ruling class are interested in their pockets. President Obasanjo the initiator of ICPC showed the lack of this political will when he entered into an agreement with the family of the then deceased military dictator General Abacha on the repatriated loots from foreign accounts. He made a financial deal with the Abacha family to get a share of the looted money and forget about the whole case. This shows the level of deterioration of Nigeria society. (Dike 2003.)

Ethical standards are important in administrative decision making. In Nigeria, a well structured ethical standard in decision making would help the fight against corruption. Ethical decision making aids the public servant in taking good decision that will be of great benefit to the nation. Ethical education should be made paramount to all public servants, politicians and the general public. Ethical education will therefore enable public servants to differentiate between right or wrong, and also would enable them to make ethical decisions when there is confusion as what corruption is or not. This will serve as enlightenment on what constitutes corruption and good conducts. As Dike 2003 rightly said;

For effective control of corruption there should be adherence to ethical standards in decision making, and it must be the foundation of the nation's policy on corruption. This will reduce personal gains from corrupt behaviours of public officials who are not worried about ethical implications of their corrupt actions. Effective sanctions would therefore serve as a deterrent for those interested in corrupt behaviours. (Dike 2003.)

Freedom of the judiciary and incorruptible law practitioners will aid the control of corruption in Nigeria. There would be no success in any fight against corruption if the judiciary is under the control of the government. It is unfortunate today that the custodians of the law are themselves corrupt. Any judge that wants to come clean to the public would be retired prematurely or even dismissed in some instances. The unresolved case of Justice Ayo Salami is an example of meddling

into the affairs of the judiciary. The judiciary in Nigeria must be apolitical and independent of executive interference. This will help in quick prosecution of cases involving corrupt public officials. Moreover, the lawyers should be more practical in the fight against corruption. Lawyers should stop manipulating the criminal justice system to protect their corrupt clients from conviction. Falana (2012) said:

*“All those cases that have brought judiciary to shame were handled by Senior Advocates of Nigeria, the supposed leaders of the legal profession....Legal practitioners must rise up to challenge their actions because they are ruining the legal system. They are exposing Nigeria to ridicule”.* Therefore freedom of the judiciary and sincerity of the practitioners is very important to sustain the fight against corruption in Nigeria.

Freedom of the press is paramount to the development of a nation. During the military rule in Nigeria the press was subjected to non-existence. The military ruled with might and power, and media house that dare report any case of corruption would be closed or sanctioned. The emergence of democracy does not guarantee the freedom of the press just like the military. Cases of journalist being dismissed for reporting some sensitive cases of corruption, insensitivity of media house owners, and loyalty of some journalists to corrupt public office holders are just a few of examples of press corruption in Nigeria. In a working democratic system, the press plays vital role in sensitising the public about issues of corruption in the governance. In Nigeria, there are some cases where serving government paid a huge sum of money to some media houses in order to cover report of large scale corruption in the polity. The case then becomes 'he who pays the piper dictates the tunes'.

For successful implementation of any anti-corruption mechanism in Nigeria, the press has to be free and be sensitive in reportage. The press has a responsibility of sincerely reporting day to day activities in governance to the citizens. By doing this the public is carried along on activities of their leaders.

Introduction of E-governance is urgently needed in Nigeria. If the government business is done purely on electronic transactions, the case of corruption will be

minimally reduced. E-governance as practiced in developed countries of the world needs to be introduced in many developing countries including Nigeria. E-governance usually comes with the hope of improving public administration in terms of efficiency which is one of the primary values of public administration (Lee and Perry 2002 in Fatile 2012: 122). Therefore the government of Nigeria should make effort to ensure that e-governance is introduced fully into governance.

Employment and Protection of Whistleblowers is important in the fight against corruption in a country like Nigeria. Though the issue of a whistleblower is highly risky in Nigeria, despite that it should be incorporated into governance in order to bring sanity into the system.

Finally, an authentic independence of anti-corruption agency in Nigeria. Anti-corruption agency in Nigeria should follow the international procedure for creating an anti-corruption body. ICPC in Nigeria is not independent; it is fully under the control of the government. For a true fight against corruption in Nigeria, any anti-corruption establishment must be independent of all the three arms of government in Nigeria. And also ICPC must be financially independent. Getting budget from the government hampers the performance of ICPC in the fight against corruption. The yearly budget is too meagre for carrying out the running of the organisation. It is therefore important for ICPC to have full autonomy. In the words of Falana in Premium Times;

*“The national assembly should urgently enact a law to make the anti-corruption agencies totally autonomous. They should not be subjected to reporting to the executive because this exposes their activities to interference”* (Falana 2012.)

Moreover, multiple anti-corruption agencies cannot solve the problem of corruption in Nigeria. It will lead to duplication of duties. In the case of ICPC and EFCC, though their mandates are different on paper, but they still carry out almost

similar duties. ICPC's mandate is enough to take care of the fight against corruption in Nigeria. (Fajonyomi 2006:34.)

Anti-corruption project is not just a child's play that will be used as a political weapon against opposition parties. In Nigeria especially and in many developing countries, the seriousness in combating corruption is not much if it exists at all. A vibrant anti-corruption agency should be learned from the Hong Kong SAR which has become the reference point for anti-corruption projects worldwide. (Pope et al. 2000:6.)

ICAC is independent of government intervention, has well-resourced staff and not politically inclined. EFCC and ICPC in Nigeria are just toothless bull dogs in their own right due to political influences on them. A project that was well established with the full backing of the law later became powerless due to pressures from the ruling government. Moreover, with the arrays of problems faced by ICPC, it makes the control of corruption an upheaval task in the country that is full of corruption like Nigeria.

## 6.2. Recommendation

This researcher would recommend firstly, that anti-corruption agency should be created in every local government areas in Nigeria. The eradication of corruption should be from the grassroots. This would serve as a bottom-up approach to the fight against corruption. The grassroots bottom-up approach to fight corruption would be the best approach in Nigeria. Every local government in Nigeria is corrupt; the grassroots approach will enlighten the citizens of problems associated with corruption. This could be achieved by institutionalizing the ICPC in every local government of Nigeria. It should oversee the activities going on in the local governments in terms of procurement, contract allocation etc.

Secondly, the immunity clause in Nigerian constitution preventing the prosecution of serving public office-holders should be removed. Immunity clause was entrenched in the 1999 Constitution of the Federal Republic of Nigeria Section 308 subsection 1, 2 and 3 under the heading of Restriction on Legal Proceeding.

Thirdly, anti-corruption agency should be practiced according to the international standard of creating an anti-corruption agency. Corruption fighting was successful in Hong Kong and Singapore mainly due to their strong anti-corruption agencies. ICAC of Hong Kong and CPIB of Singapore were successful due to their adherence to laid down principles of forming an anti-corruption agency. Their commitment and sincerity made them to become reference point for any successful anti-corruption initiatives.

Sincere commitment of the government to fighting corruption is also important in the fight against corruption and making things work. If a government is does not have commitment in fighting corruption, corruption would become systemic and there can never be commitment from their citizens. Political will is very important in the fight against corruption.

And in final conclusion, government should create ethics institution that will foresee the training of future public office holders. It should be made compulsory on every intending public servant to undergo ethical training in this institute.

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## APPENDIX

### NIGERIA FACTS AND FIGURES

<b>Location</b>	Nigeria is located in the Western part of Africa, bordering the gulf of Guinea, between Benin and Cameroon.
<b>Independence</b>	1 <sup>st</sup> of October 1960 from British colonists
<b>Population</b>	174,507,539 (July 2013 estimate).
<b>Languages</b>	English (official), Hausa, Yoruba, Igbo (Ibo), Fulani, over 500 additional indigenous languages.
<b>Religions</b>	Islam 50%, Christianity 40%, Indigenous religions 10%
<b>Government Type</b>	Federal Constitutional Republic (Presidential system)
<b>Capital</b>	Federal Capital Territory (FCT) Abuja.
<b>Administrative Divisions</b>	36 States and the Federal Capital Territory (FCT Abuja)
<b>Government Division</b>	Federal, State and Local Governments with the President as the Chief of state and Commander of the Armed Forces.



<b>Judiciary Division</b>	<p>Highest Court is the Supreme Court of Nigeria which consists of the Chief Justice and 15 Justices.</p> <p>Other subordinate courts are; Court of Appeal, Federal High Court, High Court of the Federal Capital Territory, Sharia Court of Appeal of the Federal Capital Territory, Customary Court of Appeal of the Federal Capital Territory. In addition to these, are state court systems similar in structure to federal system. They are all under the supervision of the Supreme Court of Nigeria.</p>
<b>Legislative Division</b>	<p>Bi-cameral National Assembly which consists of the Senate and the House of Representatives.</p>
<b>Economy</b>	<p>The economy of the country is build on oil. There are other mineral resources like; cotton, rubber, cocoa, bitumen etc.</p>

(Ayua and Dakas 2011:1, CIA World FactBook).