

THE CIVILIAN AND THE INTRICACIES OF CORRUPTION IN NIGERIA'S FOURTH REPUBLIC: A CASE STUDY OF BUHARI'S ADMINISTRATION (2015-2022)

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Abstract

The paper investigates the civilian and the intricacies of corruption during President Buhari administration. This article is a conceptual paper based on content analysis. It forwards its arguments using neo-patrimonial theory. The article reveals that the scale of corruption in Nigeria under Buhari's administration is massive, widespread and pervasive. It contends that the politicisation of anti-corruption crusade of Buhari as well as "sacred cows" in his government have created doubt in the fight against corruption. This is quite evident in the records of various allegations levelled against political office holders. The content analysis shows that the limited political will of the anti-graft agencies, and inadequate resources hinder the drives towards attaining the Buhari's tripod vision of fighting corruption, defeating terrorism, and fixing the economy. The article concludes that, despite the anti-corruption crusade, there are still rising insecurity, democratic backsliding which have hindered anti-kleptocracy efforts, and created new corruption opportunities for unscrupulous officials and their enablers. Therefore, it recommends autonomy of the anti-graft agencies; improved standard of living of people above poverty line; strong institutions; public awareness by the civil society on the threat posed by corruption, and value re-orientation of the people.

Keywords: Civilian, Intricacies, Corruption, Fourth Republic, Anti-corruption Crusade, Anti-kleptocracy.

Introduction

Across the world, particularly in the last few decades, corruption has become a cankerworm that has eaten deep into almost all the facets of human society. Specifically, the magnitude of corruption differs in manifestations and costs in all nations. Democracies in Africa reflect practical manifestations of indisposition.¹ Since 1995, the Transparency International, a non-governmental organisation (NGO) publishes annually the Corruption Perception Index (CPI), which measures

¹ See Adeyeye (2011), Dibia (2009), Ogundiya (2011) and Baker (1995; 2000) for a discussion on the magnitude of corruption.

the degree of corruption among public officials and politicians in nations.² CPI is a composite index, drawing on 16 different polls from 10 independent institutions. The countries close to 10 are considered ‘highly clean’ and those close to zero, ‘highly corrupt’.³

In 2005, CPI revealed that nearly half of the countries score less than three, indicating a severe corruption. Corruption is perceived as most rampant in Chad, Bangladesh, and Haiti. Similarly, countries with high levels of per capita Gross Domestic Product (GDP) like Poland, Argentina, the Philippines, Zimbabwe, Canada, Indonesia, Ireland, Malaysia, Israel, Slovenia, Czech Republic, the United Kingdom, and Venezuela have lower levels of corruption.⁴ There has been a marked increase in the perception of corruption in countries with high income such as Canada and Ireland.⁵

In the 2022 Corruption Perception Index, Nigeria was ranked 150 out of 180 countries. Other countries in the same ranking with Nigeria include Cambodia, Central African Republic, Guatemala, Lebanon, and Tajikistan. This made Nigeria to be one of the most corrupt nations in the world. In order to curb corruption in Nigeria’s Fourth Republic, the civilian administration under the leadership of President Olusegun Obasanjo introduced an anti-graft agency, the Independent Corrupt Practices and other Related Offences Commission (ICPC) to tackle corruption. However, the civilian administration effort to combat corruption suffered serious setbacks due to the neo-patrimonial orientation of the Nigerian political class, inadequate structures, and a weak judicial system.⁶ The state of corruption during Buhari administration is worrisome. For example, the Secretary to the Government of the Federation, Babachir Lawal was alleged of breach of Nigerian laws in handling contracts awarded by the Presidential Initiative for the Northeast (PINE).⁷

Barely three years after the inauguration of President Buhari, the Economic and Financial Crime Commission (EFCC) announced 603 corruption convictions. The former governor of Taraba state was sentenced to fourteen (14) years imprisonment. Similarly, a Senior Advocate of Nigeria, Joseph Nwobike was convicted of attempting to pervert the consent of justice.⁸

The post-independence era in Nigeria, which marked the First Republic was notorious for corrupt practices where government contracts, purchases and loans were

2 Transparency International is a non-governmental organisation that publishes the Corruption Perception Index of nations. Transparency International Corruption Perception rankings are used as a proxy for assessing the level of government corruption for each economy.

3 Countries on a scale of 0 are highly corrupt while countries on a scale of 10 or close to 10 are very clean.

4 International Institute for Educational Planning, 2005. Scholarly works reveal that corruption is perceived as most rampant in Chad, Bangladesh, and Haiti.

5 A global survey of corruption singles out Canada as suffering from an increased perception that it’s plagued by corruption.

6 Enweremadu, David (2006). The struggle against corruption in Nigeria: The role of the national anti-corruption commission (ICPC) under the Fourth Republic, IFRA Special Research, 2, 41-46. The ICPC is an anti-corruption agency that investigates allegations of corruption against public officials and prosecutes.

7 A N544 million contract fraud offence was brought against the former Secretary to the Government of the Federation, Mr Babachir Lawal and five others by the EFCC.

8 Mr Nwobike was prosecuted by the Economic and Financial Crimes Commission (EFCC) for attempt to pervert the course of justice. The Lagos State High Court in April 2018 found him guilty of the charge, while the Court of Appeal in Lagos also upheld his conviction and 30-day imprisonment.

systematically manipulated to enrich political office holders and their cronies.⁹ The collapse of the republic could be partly attributed to the cankerworm of corruption.¹⁰ The Second Republic that followed was not far better, as the magnitude of corruption increased among public office holders. This was evidenced with the discovery of fraud at the Ministry of Communication where the government was losing N50 million monthly.¹¹

The Fourth Republic that started in 1999 was fraught with corrupt practices. Despite the establishment of anti-corruption agency such as Independent Corrupt Practices and Other Related Offences Commission (ICPC) in 2000, and the Economic and Financial Crime Commission (EFCC) in 2003, the end of Obasanjo's tenure manifested corruption through the Halliburton and Siemens scandals, and \$10 billion spending on the power sector.¹² Corruption under Buhari's administration has been described as massive. According to the 2020 Country's Reports on Human Rights Practices by the United States Department of State, the scale of corruption in Nigeria under Buhari's administration was massive, widespread and pervasive. In Section 4 of the Report focusing on Nigeria titled: 'Corruption and Lack of Transparency in Government', the US noted that:

Although, the law provides criminal penalties for the conviction of official corruption, the government did not consistently implement the law, and government employees frequently engaged in corrupt practices with impunity.

The above is an indication that the anti-corruption agencies set up by the government were not alive to their responsibilities during Buhari's administration. The reality of the dispensation of the Fourth Republic has dashed the hopes of Nigerians in the civilian administration that was supposed to show probity, transparency and accountability in government.

Scholarly works have focused on anti-corruption crusade of Buhari government, corruption during the military regime, Corruption Perception Index during the civilian administration, Nigeria's encounters with corruption, and politicisation of the anti-corruption fight. For example, Akinwale¹³ observes that the 23 years of the return of democracy have been characterised by "leadership of empty promises and dashed hopes. According to Akinwale¹⁴, given the prevailing level of corruption and loss of hope in the future, political leaders in Nigeria have shown lack of willingness and capacity to protect lives and properties, and they have successfully failed in promoting productive activities that can boost the Nigerian economy.

9 Oluwashakin, A. (2012). The International Community and Corruption in Nigeria (1999-2012). 57th Annual Congress of the Historical Society of Nigeria, 28-31 October 2012.

10 See Agubamah (2009). Africa Weekly News May 27, 1994, on the Collapse of the First Republic.

11 Enweremadu, D.U., and Okafor, E.E. (2009). Anti-corruption Reforms in Nigeria since 1999: Issues, Challenges, and the Way Forward. IFRS Special Research, 3, 60-86.

12 The former President Olusegun Obasanjo was accused as one of the three Nigerian leaders whose palms were greased in the Halliburton bribery.

13 Akinwale (2022). The 23 years of the return of democracy have been characterised by "leadership of empty promises and dashed hopes.

14 Ibid

Similarly, the National Bureau of Statistics (NBS) revealed that the highest rate of corruption incidences in Nigeria from 2016 to 2019 occurred in the North-Central, South-East and South-South zones.¹⁵ NBS uses data from a study conducted between May and June 2019 involving 33,000 households. The Bureau's study shows that three (north-east, north-west and south-west) of the six regions recorded small decreases in the prevalence of bribery.

Previous scholarly works are in no doubt useful to the analysis of corruption under the civilian administration. Yet, there is still dearth of literature on how anti-corruption crusade of Buhari has affected the security, economy and aggravate corruption. It would be recalled that the anti-corruption crusade of Buhari was the major reason that brought him to power.¹⁶ Corruption has constituted social obstacle to the execution of government projects, and it is undoubtedly a principal affliction, which causes public resentment and may lead to social upheaval in any country.¹⁷ Klitgaard¹⁸ observes that systemic corruption distorts incentive, undermines institutions, and redistributes wealth and power to the undeserving. Those who pay and receive bribes are expropriating a nation's wealth, leaving little for its poor citizens. When corruption undermines the rule of law and incentive to investment, economic and political development are crippled. Nigeria's ranking in the Corruption Index released by Transparency International has continued to deteriorate. Political corruption has created widespread national disaffection, which has been hijacked by some interest groups for their own parochial purposes.¹⁹

The aftermath of corruption is the shortage of public goods, and poor service delivery. On a large scale, it poses a threat to democracy and good governance.²⁰ The corrupt ridden nature of Nigerian society has made it difficult, if not impossible to achieve. The 2030 Agenda for Sustainable Development was adopted by all United Nations' Member States in 2015.²¹ Member states of the United Nations recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth-all while tackling climate change and working to preserve our oceans and forests.²²

With corruption, there can be no sustainable development, nor political stability. By breeding and feeding on inefficiency, corruption invariably strangles the system of social organisation. In fact, corruption is literally the antithesis of development

15 National Bureau of Statistics (2019).

16 Buhari's Administration Promised to Fight Corruption, Defeat Terrorism and Fix The Economy.

17 Oyebode, A. (1990). Overview of corruption: Political and Economic Recovery in Nigeria: Seminar Paper Presented at the Faculty of Law, University of Lagos. *Premium Times*. March 12, 2021.

18 Systemic Corruption Distorts Incentive, Undermines Institutions, and Redistributes Wealth and Power to the undeserving.

19 Nigeria ranks 145 out of 180 countries, the same as Mozambique, Madagascar, and Liberia. Nigeria had in 2022 scored 24 out of 100 points and was ranked 150 among 180 countries on the 2022 Corruption Perception Index.

20 Olurode, (2005). Corruption as a Social Problem. In L. Olurode and R. Anifowose (Eds.), *Corruption and Good Governance in Nigeria*, 1-18.

21 See United Nations Department of Economic and Social Affairs on 2030 Agenda for Sustainable Development Goals.

22 Member states of United Nations recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth.

and progress.²³ The ills of corruption in the society is quite obvious, particularly, it deters development, and impoverished the citizens. According to Terence McCulley, the U.S. Ambassador to Nigeria,

Corruption harms the citizens of all nations in varying degrees. Therefore, for development and its sustainability to take place, there is the need to root out the cancer of corruption that has eaten deep into the fabrics of the society.

The centrality of this article is to interrogate the civilian administration claims of accountability and transparency in government. The disposition of Buhari's administration at the inception was to eradicate corruption of all forms in the country. Hence, the establishment of anti-corruption crusade. The questions that arise are: How did anti-corruption crusade address the corrupt ridden nature of Nigerian society under Buhari's administration? What impacts did the anti-corruption crusade have on the economy, security and level of corruption in the country? Interestingly, Nigeria's ranking in the Corruption Index released by TI continued to deteriorate. The Socio-Economic Rights and Accountability Project (SERAP), a non-governmental organisation concerned with economic and social rights in Nigeria, and anti-corruption work, has made allegations of several corrupt infractions against the administration of President Muhammadu Buhari.

Barely one year to the expiration of his tenure, a sum of N4 trillion was approved by the National Assembly to fund fuel subsidy.²⁴ The perception of the civilian administration is that it is accountable and transparent than the military. However, the 23 years continuous governance of civilian administration has proved otherwise. Seemingly, it is not far better than the military administration it replaced. Available records have revealed that food inflation rate from the month-on-month analysis rose to 2.0 per cent in April from 1.62 per cent in January during the administration of President Buhari. The surge in food prices would hinder poverty alleviation progress in Nigeria.²⁵ It is against this backdrop that this article investigates the intricacies of corruption during the civilian administration of President Buhari with a view to examining how anti-corruption crusade of Buhari administration has affected economy, security, and corruption.

23 Political corruption has created widespread national disaffection, which has been hijacked by some interest groups for their own parochial purposes.

24 Premium Times May 20, 2022, on fuel subsidy barely one year to the expiration of his tenure, a sum of N4 trillion was approved by the National Assembly to fund fuel subsidy.

25 World Bank, Vanguard June 12, 2022.

Conceptual Orientation of Corruption

For clarity, and to situate the concept within the context of Nigerian society, a conceptual clarification of corruption is necessary. Giving a precise definition of corruption may be misleading because different scholars and researchers have defined corruption from different perspectives. The concept of corruption is so wide that it has become very difficult to give a single definition to the concept.²⁶ The primary requirement for debating anything is to understand first and foremost the actual thing being talked about.²⁷

The role of the state and politics is essential to the understanding of corruption.²⁸ Amundsen defines corruption as the private wealth seeking behaviour of someone who represents the state and the public authority, or as the misuse of public goods by public officials for private ends. Corruption is ubiquitous in human society. In this, Roy²⁹ argues from the functionalist perspective that the prevalence of corruption in all societies and at all times, is attributed to its culturally integrative role. The World Bank defines corruption as the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution. Similarly, the Asian Development Bank defines corruption as the sale of official posts, or illegal payments to foster or sustain monopolistic access to markets.³⁰ Corruption is a disease, a cancer that eats into the cultural, political and economic fabric of society, and destroys the functioning of vital organs. According to Transparency International,³¹ corruption is one of the greatest challenges of the contemporary world. It undermines good governance, fundamentally distorts public policy, leads to the misallocation of resources, harms the private sector and private sector development, and particularly, hurts the poor.

Yury Fedotov³², states that corruption is the thief of economic and social development; stealing the opportunities of ordinary people to progress and to prosper. Without corruption and bribery, millions of women, children and men cannot be trafficked as slaves; thousands of small arms cannot reach their violent destinations; and tons of illicit drugs cannot reach their consumers.

Hallak and Poisson³³ define corruption as the systematic use of public office for private benefit. Corruption is any organised, independent system in which part of the system is either not performing duties, it was originally intended to; or performing

26 Adedire, S. A. (2014). Corruption and the Challenges of Sustainable Transformation in Nigeria (1999 to 2014). *Journal of Social Sciences and Public Affairs*, 4, 2, 88-118.

27 Chafe, (1994) The primary requirement for debating anything is to understand first and foremost the actual thing being talked about.

28 Amundsen, I. (1999) *Political Corruption: An Introduction to the Issues*. Chr: Michelsen Institute of Development Studies.

29 Roy (1970) argues from the functionalist perspective that the prevalence of corruption in all societies and always is attributed to its culturally integrative role.

30 Asian Development Bank (2000).

31 Transparency International stresses that corruption undermines good government, distorts public policy and leads to misallocation of resources.

32 Fedotov (2015) in the Chief at the United Nations Office on Drugs and Crime (UNODC).

33 Hallak and Poisson (2002).

them in an improper manner, to the detriment of the system's original purposes.³⁴ To Ibrahim Shihata,³⁵ corruption occurs when... in all cases, a position of trust is being exploited to realise private gains beyond what the position holder is entitled to. In the word of Alex Gboyega³⁶, corruption is any decision, act, or conduct that subverts the integrity of people in authority or institutions charged with promoting, defending, or sustaining the democratisation process, thereby undermining its effectiveness in performing its assigned roles.

Dikwa³⁷ observes that corruption is a systematic vice associated with an individual, society or a nation which reflects favouritism, nepotism, tribalism, sectionalism, undue enrichment, amassing of wealth, abuse of office, power, position, and derivation of undue gains and benefits. Corruption is the criminal misconduct by public servants in the discharge of official duty, which among others, may include habitual acceptance of illegal gratification for himself or for any other persons; misappropriation or conversion of property entrusted to him as a public servant or allowing another person to do so; acts of obtaining pecuniary advantage for himself or for any other person.

For Nye³⁸, corruption is defined as the behaviour which deviates from the formal duties of a public role because of regarding (personal, close family, private clique) pecuniary or status gains, or violates rules against the exercise of certain types of private regarding influences. The above definition by Nye has been criticised for its narrowness and excessively concerned with the illegality of such practices defined from a Western point of view.³⁹

In its broad sense, De Sardan⁴⁰ opines that corruption includes nepotism, abuse of power, embezzlement and various forms of misappropriation, influence peddling, prevarication, insider trading and abuse of the public purse.

Theoretical Framework

Neo-patrimonial theory provides appropriate theoretical explanation that underpins the intricacies of corruption during Buhari's administration. The proponents of this theory are J.F. Medard, R.H. Jackson and C.G. Rosberg, R. Joseph, Peter Lewis and J. F. Bayart. The analysis of corruption by these scholars are related to 'prebendalism' 'personal rule' and the 'politics of the stomach' Neopatrimonialism denotes the simultaneous operation of two Weberian ideal types of domination: patrimonial

34 Aluko, Y.A. (2009). Corruption in Nigeria: Concept and Dimensions. In Enweremadu and Okafor (Eds.), *IFRA Special Research*, 3.

35 Shihata (1997) posits that corruption occurs when a position of trust is being exploited to realise private gains beyond what the position holder is entitled to.

36 Gboyega (1996).

37 Dikwa, *Federal Accounts Nigeria Revenue*. Abuja: National Bureau of Statistics.

38 Nye (1967) defines corruption is defined as the behavior, which deviates from the formal duties of a public role because of regarding (personal, close family, private clique) pecuniary or status gains, or violates rules against the exercise of certain types of private regarding influences.

39 Nye (Ibid) has been criticised for its narrowness and excessively concerned with the illegality of such practices defined from a western point of view.

40 De Sardan (1999).

(a subtype of traditional domination) and legal-rational⁴¹ In other words, the basic proposition is that formal state institutions are fused with informal, particularistic politics of rulers.⁴² This theory seeks to explain how authority is personalised and shaped by the ruler's preferences, rather than any codified system of law.⁴³ In this case, the rulers selectively distribute favours and material benefits to followers.⁴⁴ Medard⁴⁵ identifies the characteristics of patrimonialism to include no distinction or confusion between personal and public property; personalisation of power at the summit and at all the levels of authority, and a direct exchange of political and economic resources or 'straddling'.

Neo-patrimonial theory is adopted for the study to explain the behaviour of politicians who have turned to businessmen. In most cases, public office holders award contracts to themselves in the name of their companies, thereby violating the extant laws on public procurement. The politicians, in turn, redistribute the resources stolen to their acolytes and party supporters to remain in power or re-elected. Corruption in the Nigerian perspective is characterised by 'straddling', a system where economic and political powers overlap, a confusion between the private and public realms, and patronage or clientelist redistribution of the 'national cake', what Joseph calls 'prebendalism'⁴⁶.

In the Nigerian context, the expectation of the society is that, after leaving office, public office holders must be wealthy. The primacy of office holders in Nigeria is to become rich, while services to the people become secondary. Specifically, the average office holder like the police, a civil servant in Nigeria, sees the office as an opportunity to have a share of the 'national cake'. Even, when an allegation of corruption is levelled against a public office holder, his kinsmen and the communities he represents still insist that replacement should come from the same communities. The reason is for the kinsmen, the communities, and the supporters of the public office holder to continue enjoying the dividends of corruption.

The neo-patrimonial theory is suitable for the corruptive ridden nature of the Nigerian society. The politicians are always willing to bribe their supporters with money in order to win political power, hence, they induce voters with monetary rewards for patronage. For the officials in either private or public sector, they collect kickbacks to render services to whoever they get in contact with, particularly when such person's need their services. Unfortunately, the anti-corruption agencies of the Buhari's administration have not been able to stem the tide of corruption ravaging the society, partly because of the value orientation of the leaders and followers, limited political will and sentiments of the anti-graft agencies amongst others. Therefore, a

41 Max Weber proposed that neopatrimonialism was a patrimonial and legal-rational.

42 Brattan/van de Walle (1997) observes that the basic proposition is that formal state institutions are fused with informal, particularistic politics of rulers.

43 Neopatrimonial theory seeks to explain how authority is personalised and shaped by the ruler's preferences, rather than any codified system of law.

44 Medard, J.F. (1994). *Democratic Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

45 Medard (1998). Proves that the characteristics of patrimonialism are: no distinction or confusion between personal and public property; personalisation of power at the summit and at all the levels of authority, and a direct exchange of political and economic resources or 'straddling'.

46 The politics of Prebendalism was used to redistribute national revenue and to favour the political acolytes of the office holders.

pragmatic approach towards re-orientating the value of the society is needed to curb the menace of corruption. Otherwise, corruption in Nigeria may subsists.

Forms of Corruption

Corruption manifests in various forms. This takes the form of public officials demanding for money to deliver services to the donor, misuse of public funds by government officials and politicians, or any other actions taken by the donor or the receiver to influence the performance of an act. Corruption occurs both in the private and public sectors. However, the public sector is more prone to corruption than the private sector, simply because citizens get in contact with public officials for services. Broadly, corruption can be categorised into: political, judicial, and economic.

Political corruption occurs when the politicians and the decision-makers, who are saddled with the duties of formulating, implementing, and interpreting the laws in the name of the people 'are themselves corrupt'⁴⁷ Political corruption is any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs.⁴⁸ The term 'political corruption' tends to refer to corruption occurring at the policy-making stage or, in Eastonian terms, the input side of the political system. Political corruption includes electoral malpractices such as rigging and falsification of election results, registration of under aged voters, votes buying and so on.

Other aspects of political corruption are the influence of 'godfathers' on the election of representatives, lopsidedness in appointment of political office holders, and the use of public office to siphon public funds.⁴⁹ Prominent among the warlords in the states are Senator Modu Ali Sheriff vs Governor Mala Kachalla of Borno; and Dr Olusola Saraki vs Governor Mohammed Lawal of Kwara State. In the case of Kwara State, Olusola Saraki, a former Senate leader fell out with Mohammed Lawal on the sharing of political booties. In Lagos State, political godfather, Bola Tinubu and the former Governor, Mr Babatunde Fashola had a cold war where the former did not want the latter to go for the second term.⁵⁰ Interestingly, the cold war between the former Governor of Lagos State, Mr Akinwunmi Ambode and his political godfather, Senator Bola Tinubu led to the the loss of second term for Akinwunmi Ambode.

The concern of International Observers on corruption has necessitated them to monitor the conduct of election in most African countries, particularly in Nigeria. The International Observers that witnessed the 2003, 2007, 2011, 2015, and 2019 elections commented on the level of irregularities that were associated with Nigeria's elections.

Judicial corruption is now prevalent in Nigeria, particularly with the return to democratic governance of the Fourth Republic, in 1999. One of the cardinal pillars of the rule of law is an independent judiciary. Indeed, an independent, competent, fair,

47 Aluko, Y.A. (2003). Corruption in Nigeria: Concept and dimensions. In Enweremadu and Okafor (Eds.), *IFRA Special Research, 3 Nigeria and the Politics of Unreason: A study in the Obasanjo regime*. London: Adonis and Abbey Publishers.

48 Heidenheimer A.J., Johnston, M. and Levine, V.T. (eds.) 1989. *Political corruption: A handbook*. New Brunswick, NJ: Transaction Publisher.

49 Majekodunmi, A. and Awojika, F.O. (2013). Godfatherism and Political Conflicts in Nigeria: The Fourth Republic in Perspective. *International Journal of Management and Social Sciences Research*, 2, 7, 11-25.

50 The cold war occurred between the political godfather and son.

impartial and accountable judiciary is indispensable for the fight against corruption.⁵¹ Judicial organ of government is responsible for the interpretation of law and adjudication of disputes. Section 6 of the 1999 Nigerian Constitution (as amended) vests in the Courts and Tribunals established by law, the powers to adjudicate between the State and the accused of corruption, money laundering and other related crimes.⁵²

According to Transparency International, judicial corruption includes any inappropriate influence on the impartiality of the judicial process by any actor within the court system. Thus, judicial corruption includes misappropriation of funds allocated to the judicial body, and taking bribes to influence trial and judgement. In a bid to curb corruption in the judicial organ of government, the late President Abacha set up a seven-man judicial panel for the reform of the judiciary under the chairmanship of Justice Kayode Eso, the then retired justice of the Supreme Court.⁵³ In the report submitted in 1994, 47 judicial officers were indicted. Also, the Babalakin panel that was set up in 2001 indicted 28 judges, while in 2011, the National Judicial Council recommended the removal of Justice Musa Ibrahim Anka of the Zamfara State High Court over allegations of taking bribes. Justice Anka was suspended by the Council in July 2010 following a petition written against him by Zamfara State Director of State Security Services alleging that he received bribe from one Zubairu Abdulmalik in order to deliver judgment in his favour. This situation has become worrisome for the Nigerian judiciary who supposedly are now ‘hunter have become the hunted.’

Economic/Commercial corruption takes the form of inflation of contracts, bridging the due process of awarding contracts, tax reduction through bribes, and extortion. In bribery, societal interests use extra-legal payments or bribes to implement the content of state policy or its implementation. Extortion involves the use and abuse of state power by public officials to demand extra-legal payments or rents in return for providing a legitimate or illegitimate service.

Organised corruption are relatively large-scale complex criminal activities perpetrated by group of elites and control agents, loosely or largely organised, such as hoarding, racketeering, smuggling and 419 scams.⁵⁴

Administrative/Professional corruption are casual but deliberate acts carried out by top administrative and professional officials such as falsified accounts, are embezzlement of government funds. Working class corruption is close to the administrative type of corruption but differs because of the actors and their status. This concerns artisans, account clerks and messengers in the office.⁵⁵

51 SERAP (2016). *Go Home and Sin No More: Corrupt Judges Escaping from Justice in Nigeria*. Lagos: SERAP.

52 Constitution of the Federal Republic of Nigeria (1999).

53 SERAP (2016). *Health in Decline: Human Rights Impacts of Corruption in Nigeria's health Sector*. Lagos: SERAP.

54 Adeyeye, A.I. (2011). Corruption in Nigeria: An Assessment of Twelve Years of Democratic Governance (1999-2011). *Ilorin Journal of Sociology*, 3, 2, 190-209.

55 Aluko, J.O. (2006). *Corruption in the Local Government System in Nigeria*. Ibadan: BookBuilders Publishers.

The Civilian Administration and the Intricacies of Corruption under Muhammadu Buhari Administration

Prior to the civilian administration of President Buhari, corruption appeared intractable. This is because past governments (both military and civilian) attempted to curb the menace of corruption, but all to no avail. For example, the military regime of Buhari's administration was overthrown due to lack of accountability and transparency. The nine-year rule of General Babangida ushered in a new era of 'contractocracy' and 'settlementocracy' Babangida regime was known for its political corruption, particularly its transition programme without an end that ultimately led to the annulment of 12 June, 1993, presidential election.

The presidential election of 12 June, 1993, was considered to be one of the freest and fairest election in Nigeria. The records of his level of corruption after Babangida voluntarily handed over power to an Interim Government of Ernest Shonekan, was greatly alarming. The military junta of Abacha was the most corrupt government during the military.⁵⁶ The ongoing Fourth Republic that commenced in May 1999, is fraught with a catalogue of evidence of corrupt practices, involving ministers, governors, legislators, the police and oil marketers.⁵⁷

At the inception of the Fourth Republic in 1999, General Olusegun Obasanjo's policy reform focused on the major sectors of the economy like pension, energy, and power. The reform led to the privatisation of Power Holding Company of Nigeria (PHCN), Banking reform that allowed for merger and acquisition, the setting up of the Independent Corrupt Practices and Related Offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC) by Obasanjo's administration.⁵⁸ The ICPC was set up on 29 September 2000 following the recommendation of President Obasanjo with the mandate to prohibit and prescribe punishment for corrupt practices and other related offences.⁵⁹ Section 6 (a-f) of the ICPC Act 2000 further sets out the duties of the Commission.

Economic and Financial Crime Commission (EFCC) was established in 2003 with the mandate of combating financial and economic crimes. The Commission was empowered to prevent, investigate, prosecute, and penalise economic and financial crimes. Thus, the two agencies are responsible for tracing and confiscating the proceeds of crime.⁶⁰ Through the ICPC and EFCC, the administration of Obasanjo 'hunted' to prosecute the perpetrators of crimes. However, between 1999 and 2007, the undue executive interference of the two commissions had retarded progress in the anti-corruption crusade.⁶¹ A onetime Chairman of the ICPC, Justice Mustapha Akanbi alleged that it was disheartening that most of the corrupt offenders in Nigeria were being

56 Ibid

57 Oluwashakin, A. (2012). The International community and corruption in Nigeria (1999-2012). 57th Annual Congress of the Historical Society of Nigeria, 28-31 October 2012.

58 President Obasanjo reform led to the privatisation of Power Holding Company of Nigeria (PHCN), Banking reform that allowed for merger, acquisition, and the setting up of the Independent Corrupt Practices and Related Offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC).

59 The ICPC Act prohibits and prescribes punishment for corrupt practices and other related offences.

60 SERAP (2016). *Health in Decline: Human Rights Impacts of Corruption in Nigeria's Health Sector*. Lagos: SERAP.

61 Under Obasanjo administration, the undue executive interference of the two commissions retarded progress in the anti-corruption crusade between 1999 and 2007.

given bail conditions on the order of the executive arm of government through the Office of the Attorney General of the Federation (AGF) and the Minister of Justice.⁶²

Akanbi comments on the miserable score card of the commission in its anti-corruption crusade. According to Akanbi⁶³:

As at today (August 19, 2004) there are 76 individuals facing trial for corruption and related offences in designated courts. The number cuts across every stratum of life. Standing trial today are some former federal ministers, a former governor, a permanent secretary, a chief medical director of a university teaching hospital. In fact, only recently, the Chief Medical Director of a University Teaching Hospital was convicted. Not less than six principal officers of universities spread across the country are being investigated. Some former chairmen of local government councils, a deputy registrar of a high court, and indeed some judges, and lawyers are also on trial.

The above scenario shows the various categories of people involved in corruption, and their trials. However, some of these allegations ended in trial without prosecution in the court of law.

Anti-Corruption Crusade of President Muhammadu Buhari Administration

The United Nations Convention against corruption that came into force on 29 September 2003 was to: (1) promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (2) promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and (3) promote integrity, accountability and proper management of public affairs and public property.⁶⁴ Rather than combating corruption in Nigeria, the rate of corruption in the country is alarming, particularly with the military government that ruled the country for long years. However, the democratic governance of the Fourth Republic was not far better. The People's Democratic Party that ruled the country between 1999 and 2015 failed the electorates due to the high level of insecurity, dwindling economy, and pervasive corruption that ravaged all facets of life.⁶⁵ President Muhammadu Buhari accused the two former rulers, namely, Chief Olusegun Obasanjo and Goodluck Jonathan of being responsible for the decay in the oil industry and the increasing wave of corruption in the country. During his campaign, Muhammad Buhari promised the electorates to bring an end to terrorism, improve the economy, and fight corruption. The anti-corruption crusade of Buhari rests on a tripod implementation of Treasury Single Account (TSA), Biometric Verification Number (BVN) and 'Whistle Blowing' policy.

Treasury Single Account (TSA) is a public accounting system using account, or a set of linked accounts by the government to ensure all revenue receipts and payments are done through a Consolidated Revenue Account (CRA) at the Central Bank of

62 There was an undue interference of the executive arm of government in favour of the corrupt officers.

63 Akanbi comments on the miserable score card of the commission in its anti-corruption crusade.

64 Report of the General Assembly resolution on war against corruption, New York, 31 October 2003.

65 There was a high level of insecurity, dwindling economy and pervasive corruption between 1999 and 2015.

Nigeria. TSA allows all government ministries, departments, and agencies (MDAs) to remit their revenue collections to the CRA through their individual commercial banks on a fee-for-service remuneration basis.⁶⁶ BVN is a biometric identification system implemented by the CBN to curb or reduce illegal banking transactions in Nigeria. It is a modern security measure in line with the CBN Act 1958 to reduce fraud in the banking system. Whistle blowing is the term used when a person passes on information concerning wrongdoing, such as corruption, sexual harassment.⁶⁷

The anti-corruption crusade of Buhari's administration, which rests on a tripod implementation of TSA, BVN, and Whistle Blowing's policy have received commendations, as seen in increased savings. Nevertheless, the politicisation of anti-corruption crusade of Buhari as well as 'sacred cows' in his government have created doubt in the fight against corruption.⁶⁸ This is quite evident in the records of various allegations levelled against political office holders. The acting head of EFCC, Ibrahim Magu was accused of corruption, insubordination, and abuse of office by the Attorney General of the Federation, Abubakar Malami. The EFCC boss was suspended and still placed on half pay for 16 months after suspension. The primacy of Magu's case was that the delay in the implementation of the Salami's panel report created doubt in the commitment of the Federal Government to transparency, accountability, and the anti-graft war.⁶⁹

Similarly, the former Chairman of APC, Adams Oshiomole, encouraged the defectors from the opposition party to join the ruling party and have their 'sins' forgiven. According to him, all sins are forgiven once you teamed up with the ruling party.⁷⁰ This clearly shows that anti-corruption fight of President Buhari persecutes the opposition parties and preserve the members of his party. At the commencement of the second term of office of President Buhari, Nigeria was ranked 146 and by 2020, it was ranked 149 in the Transparency International's Corruption Perception Index. In response to the country's performance, President Buhari described the rating 'as senseless and baseless'. Similarly, corruption is not far-fetched in the Nigerian judiciary during Buhari administration. Constitutionally, the judiciary is saddled with the responsibility of interpreting laws and adjudicating disputes. Although, National Judicial Council (NJC) has indeed sanctioned quite a number of judges found to have run afoul of the Code of Conduct. However, a worrying development noticeable in addressing judicial corruption in Nigeria is the fact that accountability has been limited only to the enforcement of compliance or non-compliance with the Code of Conduct for judicial Officers.⁷¹ For example, a high court judge, Christopher Selong was suspended for allegedly influencing the tribunal's judgment in favour of a party to an election petition before the tribunal. However, Selong's suspension was set aside by the court, but he was nevertheless retired from the service.

66 Premium Times March 7, 2016.

67 Whistleblowing is a disclosure of information relating to crime, sexual harassment, and other wrongdoing.

68 Buhari VS Atiku: The politics of the anti-corruption fight. Vanguard January 27, 2019.

69 The delay in the implementation of Salami's panel report on the erstwhile Chairman of EFCC sparked doubt on the federal government's commitment.

70 The Defectors from the Opposition Party are forgiven once they Teamed up with the Opposition.

71 The Code of Conduct for Judicial Officers was Published in 1998. See SERAP (2016) *Go Home and Sin No More: Corrupt Judges Escaping from Justice in Nigeria*. Lagos: SERAP.

The NJC has applied civil sanctions on erring judges but in some cases, has failed to hand over the corrupt judges to the law enforcement agencies for prosecution. Corrupt judges not only keep the illicit proceeds of their crimes, but they also get their pension and retirement benefits as if they have done no wrong while the victims of their corrupt acts are left without effective remedy.⁷² In a survey conducted on corruption in 2019 by UNODC, the data showed the total number of bribes paid per type of official as a percentage of all bribes. It revealed that the police officers, public utility officers, tax/revenue officers, teachers/lecturers, doctors/nurses/midwives, federal road safety corps, vehicle inspection officers and other types of officers had 35.7 per cent, 19.3 per cent, 5.1 per cent, 5.6 per cent, 4.2 per cent, 6.8 per cent, 5.4 per cent, and 18.0 per cent, respectively.⁷³

Police officers constitute the category of officer that received bribes more than any other officers in 2019. This is because people have daily contact with the police officers and are, therefore, prone to give bribes.⁷⁴ Transparency International (TI) has observed that the cancer of corruption is still prevalent since President Buhari assumed office in 2015. The 2021 report released by TI showed that Nigeria scored 24 out of 100 points and ranked 154 out of 180 countries. When compared to the 2020 report, Nigeria dropped five places from its 149th ranking, making her to become the second most corrupt country in West Africa. Amidst the poor performance of the country in the Corruption Perception Index, the TI identified seven weaknesses of Nigeria's anti-graft campaign. This included security corruption failure, failure to investigate high profile corrupt cases, illicit financial flows, absence of asset recovery, lack of effective protection of whistle-blowers, lack of key anti-corruption legal framework, and judicial challenges. More importantly, the partisan politics introduced by Buhari in his fight against corruption has dampened the war against corruption. Corroborating the prevalence of endemic corruption during Buhari administration, Dr Ngozi Okonjo-Iweala, a two-time Minister of Finance, laid out in granular detail how each of the three types of corruption (grand corruption, political corruption, and administrative corruption) persisted.

Consequently, both the executive and the judiciary have shifted blames on each other in the fight against corruption. The executive blames the judiciary for the delay in dealing with high-profile corruption cases while the judiciary blames the executive, particularly, the anti-graft agencies, for the poor investigative and prosecutorial abilities, which frequently lead to high-profile cases collapsing in court.⁷⁵ On some occasions, the president delayed assent to bills passed by the legislature. In July 2018, the National Assembly passed the Federal Audit Service Bill (FASB) for presidential assent. The FASB empowers the Auditor General of the Federation to penalise government agencies and officials who refuse to submit their financial statement for audit. The bill was unnecessarily delayed by the president and extended beyond the 30-day window required for Presidential assent. This action of the President, apart from being unconstitutional, did not augur well for the fight against corruption of Buhari administration.

72 Olaniyan, K. (2014). *Corruption and Human Rights Law in Africa*. Oxford: Hart.

73 UNODC (2019). *Corruption in Nigeria: Patterns and trends. Second survey on corruption as experienced by the population*.

74 Police officers constitute the category of officer that received bribes more than any other officers in 2019.

75 Business Day February 28, 2022.

The Auditor General of the Federation indicted the National Assembly for failing to account for N9.4 billion. Between 2013 and 2015, the Nigerian Police could not account for at least 44 assorted arms. Similarly, auditor-general's report of 2016 revealed how health officials at the Federal Medical Centre, Gusau in Zamfara State diverted N300 million meant for 'health equipment'. All these indictments ended without further investigation and prosecution by the anti-graft agencies.

The various records clearly show that President Buhari is partly responsible for the failure of the anti-corruption crusade he has created. Specifically, the 'witch-hunting' of the opposition parties and opponents, as well as double standard played by Buhari's administration have served as setbacks to the fight against corruption.

Impact of Anti-Corruption Crusade on Security, Economy, and Corruption under President Buhari Administration

The tripod vision of President Buhari's administration is security, economy and corruption. The president claimed that the three priorities of his administration have received significant attention with measurable results. The president observes that Nigeria's ranking has improved on the World Counter-Terrorism global Index from 4th to 6th position on the list of the most terrorised nations. Similarly, the President claimed that across the North-Central and North-West of the country, progress has been made with regard to stemming the tide of communal violence, farmer-herdsmen clashes, cattle rustling and kidnapping.⁷⁶ However, the present situations in the country counter the president's claims on the performance of his tripod vision. The overlapping functions of the twin institutions (the EFCC and the ICPC) undermine their efficiency and effectiveness.⁷⁷

Barely 6 years to the administration of President Buhari, there is a mixed reaction in different quarters that his anti-corruption crusade is a 'fallacy', that is full of hypocrisy.⁷⁸ For example, his administration failed to appoint people of unquestionable character into important positions, his sentiment in conducting investigation on his acolytes, and inability to make concrete reforms in the Petroleum industry. The Centre for Democracy and Development (CDD) examined that Buhari's anti-corruption record has created rising insecurity, democratic backsliding, which have hindered anti-kleptocracy efforts and created new corruption opportunities for unscrupulous officials and their enablers.

In some quarters, it has been argued that despite various promises and commitments by the administration on anti-graft activities, corruption remains a menace crippling Nigeria socio-economic development including the fast falling educational standard, dilapidating healthcare, bad roads, rising unemployment that precariously breeds social vices like crimes, vandalism, banditry, armed robbery, kidnapping, and youth agitation, poorly motivated security personnel, youth under-development, bad governance, and the eroded public services.

The president who doubled as Petroleum Minister is still found wanting in the ministry he headed since 2015. It would be recalled that the president rhetorically posed

76 Vanguard June 17, 2022.

77 Hassan, Idayat (2021). The EFCC and ICPC in Nigeria: Overlapping mandates and duplication of effort in the fight against corruption. Working Paper November 2021.

78 This Day December 31, 2021.

a question during his campaign: ‘Who is subsidising who?’ He categorically alleged the PDP administration was using fuel subsidy to fund corruption. Unfortunately, the same Buhari administration got the approval of the National Assembly of N4 trillion to fund subsidy.⁷⁹ Aside from this, the president complained that the then Secretary to the Government of the Federation (SGF), Mr Babachir Lawal was not given fair hearing after he had been invited by the National Assembly to defend himself of fraud allegation, and brought doubt into the president’s anti-corruption war. Mr Babachir was alleged to have given contracts worth N200 million to the companies he owned thereby violating the procurement code and procedure.⁸⁰

Following the allegations levelled against Babachir, series of corruption has occurred. For example, the former Managing Director of the Niger Delta Development Commission (NDDC), Mr Nsima Ekere, was taken to the custody of EFCC in connection with mishandling of N47 billion contracts awarded between 2017 and 2019.⁸¹ Thereafter, the then Accountant General of the Federation (AGF), Ahmed Idris, was arrested by EFCC on allegation of N80 billion fraud. This act of corruption by the officer that was saddled with the responsibility of overseeing public expenditure showed that the administration of President Buhari was dented with corruption⁸².

Several corrupt infractions reported by SERAP has been corroborated by the Auditor-General of the Federation in the 2019 Audit report. According to the audit report, federal MDAs failed to account for N323.5 billion in 2019. In several financial transactions, the report stated that the spending by public officers violated Paragraph 415 of the Financial Regulations Act, which states that ‘The federal government requires all officers responsible for expenditure to exercise due diligence. In his submission, Agbu⁸³ highlights four serious implications of corruption as follows:

- (1) It affects adversely the quality of governance and social structure in Nigeria;
- (2) It has eroded government’s ability to provide the needed social amenities like water, sanitation, healthcare, education;
- (3) It retards economic development and precipitates deterioration of public infrastructure and amenities; and
- (4) It untamed bad governance in Nigeria despite the various legislations enacted to check this despicable phenomenon.

The corrupt practices in the security architecture have greatly increased insecurity. The embezzlement of monies allocated for the military sector to combat insurgency, terrorism and banditry has been on since the last regime and has continued unabated. Evidences of cases of ex-military chiefs charged of diverting these monies abound.⁸⁴ For example, former security adviser, Dasuki Sambo has been facing charges bordering on embezzlement of 1.4bn pounds. Under the Buhari administration, the country’s National Security Adviser to the President confirms that fund amounting

79 Daily Trust May 19, 2022.

80 Daily Trust May 19, 2022.

81 The former Managing Director of Niger Delta Development Commission (NDDC), Mr. Nsima Ekere was arrested for allegedly diverting N47billion through registered contractors of the agency.

82 Daily Trust May 19, 2022.

83 Agbu (2003).

84 The Guardian December 14, 2015.

to several billions of naira allocated for procurement of ammunition and arms were unaccounted for under the leadership of the former service chiefs headed by Gabriel Olonishakin.⁸⁵ Billions allocated for the purchase of arms under Buhari were stolen. The implication of this is the inadequate arms and ammunitions to combat insecurity.

Also, the anti-corruption crusade has affected the health sector of the economy. The right to health is indeed an internationally recognised human right, which is reflected in several human rights treaties. For example, Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to which Nigeria is a signatory, guarantees to everyone the right to the highest attainable standard of physical and mental health, and impose obligations on states ‘to achieve the full realisation of this right’ including by ensuring the reduction of the stillbirth rate and of infant mortality, the healthy development of the child, and the improvement of all aspects of environmental and industrial hygiene.⁸⁶

The enjoyment of other fundamental human rights such as the right to life, right to own property, right to education, freedoms of association, religion, and movement rests on the right to health. In spite of this, successive governments have violated the right to good health of Nigerians due to the corruptive nature of the society. Thus, corruption has impacted on the right to health, both in the past and in the present. The reason is not unconnected to the poor facilities of the public hospitals and poor service delivery in the health sector. The administration of President Buhari is not an exception. Corruption impedes citizens’ access to basic care and deprives the health sector of much needed resources to establish an environment to carry out a government’s obligations regarding the right to health. Similarly, corruption in the health sector has increased the spate of inequality in an environment where inequality abounds. In this case, the poor who cannot afford the high cost of health care services become vulnerable. For example, pregnant women that are poor are forced to seek the services of unqualified health care providers for medical attention. Indeed, the available records show that the anti-corruption crusade of President Buhari failed to fight corruption.

Conclusion

The article has evaluated the anti-corruption crusade of Buhari’s administration with a view to assessing whether the administration showed probity, transparency, and accountability in its anti-corruption drives. Furthermore, it investigated the impact of the anti-corruption crusade on security, economy, and corruption. An overview of the Nigerian society revealed that corruption is the ‘cancer’ that has eaten deep into the fabrics of human society right from the military regime to the civilian administration, and it has affected the economy, security, and aggravated corruption.

More importantly, President Buhari’s administration witnessed allegations of several corrupt infractions, the politicisation of anti-corruption war, the poor performance as ranked by the Transparency International, and illicit financial flows. This is an indication that, on assuming the leadership position, the pursuit of his tripod

85 Premium Times March 12, 2021.

86 Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (2006).

vision of security, economy, and corruption is neglected by the Buhari administration. The twin institutions (EFCC and ICPC) that were set up to fight corruption introduced sentiments to achieve their mandates. It is obvious that, despite the anti-corruption crusade, there are still rising insecurity, democratic backsliding which have hindered anti-kleptocracy efforts and created new corruption opportunities for unscrupulous officials and their enablers. Thus, President Buhari's administration is caught in the web of the same rhetoric question he posed against the People's Democratic Party during his campaign: 'Who is subsidising who?' Barely, a year to the expiration of his tenure, he has got approval of the National Assembly of N4 trillion to fund fuel subsidy. The approaches adopted by the government to fight corruption are politically motivated and maneuver to quiet the groaning public.

Recommendations

Based on the above, the article recommends that the anti-corruption crusade must be premised on the ability of the government to improve the standard of living of people above the poverty line. The improved well-being of the people will in no small way provide relief to the people whenever they are in need.

The anti-graft agency should be granted autonomy in order to discharge their constitutional assigned roles without fear or favour. The autonomy of the agency would free it from the excessive control of the executive, particularly in the appointment of the Chairman of the anti-graft agency. Furthermore, the EFCC and ICPC's budget should be increased in order for the institutions to recruit more personnel.

Aside from this, the institutions of the government need to be strengthened to keep abreast of the technological development. The use of technology would reduce physical contact with government officials who either receive or give bribes. In addition, the government must make internet facilities accessible to the people for ease of information. For example, access to social networks like Facebook, Twitter, and YouTube, create opportunities to spread information relating to corruption.

The Nigerian civil society must publish its findings, and reports on corruption for public awareness. Such awareness tends to arouse the interests of the public on the threat posed by corruption. To avoid undue delay, the government should create specialised anti-corruption courts to hasten the trial of cases. Members of the judiciary serving in the specialised court should be properly motivated to prevent judiciary corruption.

A value re-orientation of Nigerian society is necessary. Both the leaders and the followers must undergo value re-orientation to change the perception of leaders and followers about public office holders.

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