

An Empirical Study of the Role of Specialised Agencies in the Policies and Practices of Anti-Corruption in Nigeria

Ayo Awopeju

Department of Political Science

Joseph Ayo Babalola University

Ikeji-Arakeji, Osun State, Nigeria

E-mail: awopejuayodeji@yahoo.co.uk Tel: +2348034482689

Abstract

Anti-corruption policies are essential in the conduct and practice of anti-corruption activities of any country. The study examined the role of specialised agencies (ICPC and EFCC) in their policies and practices with a view to unearthing the reason(s) for their weak performance. The study made use of qualitative research strategy, with a combination of interpretive and critical approaches. It employed both primary and secondary sources of data collection. The primary data were collected through Key Informant Interviews (KIIs) while secondary sources were culled from books, government publications, journals, etc. The technique of data analysis for primary data was thematic analysis while the secondary data were content analysed. The study revealed that the specialised agencies under study played advisory role on policies issues as regards their practices, implementation of anti-corruption policies, blocking of leakages, exposing corrupt officials, streamlining the menace of fraudulent practices, etc. The study concluded that despite the numerous roles played by these agencies, their operations remained insignificant regarding government policies, thus weakening their capacities in exercising their mandates. The study, therefore, recommended that anti-corruption agencies should be involved in the policy making process that affects their operations.

Keywords: Anti-corruption, Policies, Role, Agencies, Officials

Introduction

Anti-corruption policies are put up by governments of various countries to check the menace of corruption. Although, corruption affects most countries in the world, it is endemic in climes of Asia, Latin America and sub-Saharan Africa. These continents are bedeviled by corruption. It is in view of this that corruption is seen as a monster responsible for “debt overhang, constraints to elections and obstacles to flow of Foreign Direct Investment (Ribadu, 2007, Obuah, 2010). For instance, corruption has been endemic stage to the extent that it has affected growth in every sector of the Nigerian state. The historical antecedent of Nigeria from 1960 till present depicts accounts of misappropriation of funds, embezzlements, prebendalism and settlements through graft and contracts (Awoshakin, 2006; Sheriff, 2009).

As a result, Nigeria like other countries of the world took steps (two decades ago) to contain the menace of corruption in the country. The former President, Olusegun Obasanjo, declared the pursuit of transparency and accountability as the twin-pillar of his administration in 1999. The intention of this declaration, it is believed, was to wage war against corruption in Nigeria. According to President Obasanjo “our goal is to fight corruption to a standstill. To achieve this purpose, serious anti-corruption policies have to be put in place to infuse strong moral and ethical values to the people” (FRN NEEDS Document, 2004: 59).

Consequent upon this, government established various relevant agencies to fight corruption and promote transparency and accountability. The agencies include the Independent Corrupt Practices and Other Related Offences Commission (ICPC) (2000), the Economic and Financial Crimes Commission (EFCC) (2002), the Budget Monitoring and Price Intelligence Unit (BMPIU) (2003), and the Extractive Industries Transparency Initiatives (EITI) (2003).

Against this backdrop, the study focuses on major anti-corruption agencies (ICPC and EFCC) in combating corruption in Nigeria. The reason is that these agencies are unique and modeled after the Independent Commission Against Corruption (ICAC) in Hong Kong. Besides, they were set up to clean up endemic corruption through enforcement, prevention and education in Nigeria. Although most studies on EFCC and ICPC focused on effectiveness, challenges, anti-corruption efforts, strategies, impact, lessons from other regions such as Hong Kong and Singapore (Awopeju, 2017; Awopeju, Jegede & Olowu, 2018; Awopeju, 2018; Enweremadu, 2010; Amadi & Alapiki, 2012; Chukwuononye, 2011, Ngwakwe, 2009), few studies have examined the roles and practices of these agencies in combating corruption. Therefore, the study examines the role of specialised agencies in their policies and practices affecting their operations in Nigeria. This is the missing link, which the study intends to fill in the literature.

However, the study intends to provide answers to the following questions: what are the institutional roles of ICPC and EFCC in the policies and practices of anti-corruption in Nigeria? What are the best strategies to employ in the policies and practices of anti-corruption agencies in Nigeria? In order to provide answers to these questions, the sections of this paper are divided into six. The first section introduces the study, the second dwells on conceptual clarification, the third presents the methodology of the study, the fourth section examines the theoretical framework of the study, section five discusses the role of anti-corruption agencies in the policies and practices of combating corruption in Nigeria while section six concludes and makes recommendations.

Conceptual Clarification

Policies

Policy is an essential aspect of public administration. Policies are decisions as to what are expected to be done, when and how. Dimock & Dimock (1936: 82) define policies as intentionally recognised and established rules intended to guide the conduct of administrative judgments. Ogbeide (1995) examines it beyond intentionally organised and established rules. He defines it as the purposive decisions or plans of actions undertaken by governmental institutions and officials to address specific social problems or issues in a society. Similarly, Dror (1967) sees it as conventional instructions which should be strictly adhered to in the process of executing major issue decisions. In the context of this paper, policies are rules or directives useful for guiding administrative outcomes.

Corruption

Corruption is the economic relationship between the government and the private sector (Rose-Akerman, 1999). It is a symptom that something has gone wrong with the management of the state. According to Khan (1996), corruption is the behaviour which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because private-regarding motives such as wealth, power or status. Comprehensively, corruption is defined as anything illegal or embraces social misconduct. This ranges from massive fraud, to extortion, embezzlement, bribery, nepotism, influence, peddling, bestowing of favours to friends, rigging of elections, abuse of public property, the leaking of government secrets, sell of expired and detective goods like drugs, food, electronic and spare parts to the public, etc (El-Rufai, 2003).

Anti-Corruption Institution

This is a resilient organisation that is funded by the public with the aim of combating corruption as well as other related crimes by reducing its occurrence through aggression means (De Sousa, 2006). Similarly, Aderounmu (2011) states that it is adopted appropriate strategy that is intended to create corruption-free environment and preserve a high standard of morality. Anti-corruption institution, for this study's purpose is the proclamation or campaign by an organisation, which is usually public – like state agency-announcing that concerted actions to be taken or are being

Methodology

Research Design

The study made use of qualitative research strategy, with a combination of interpretive and critical approaches. The underlying objective is to interrogate and understand the roles of the EFCC and the ICPC in their policies and practices while combating corruption in Nigeria.

Method of Data Collection

The data were gathered through primary and secondary sources. The primary data were through Key Informants Interviews (KIIs). A number of twelve (12) KIIs were conducted with the officials of the anti-corruption agencies studied. The officials comprise the officials from the Investigation and Prosecution Departments in Abuja and Ibadan respectively. The categories of people involved in KIIs were purposively selected. The target groups were heads, prosecution and investigation departments of the EFCC and the ICPC. The use of purposive sampling mainly for interviews is to establish a good correspondence between the research questions and the respondents. Secondary sources complement the primary data of the study and they included the use of textbook, journals, newspapers, government publications, archival materials, etc.

Techniques of Data Analysis

Since the data for the study were largely qualitative, the collated data for the study were analysed by using qualitative technique. The primary data were subjected to critical discourse and thematic analysis while the secondary data were content analysed. The analytical objective is to describe and explain relationship between institutions and their policies while combating corruption in Nigeria.

Ethical Consideration

In order to adhere to ethical consideration, the interviewees were kept anonymous. Besides, no respondent was endangered and when respondents expressed concerns, such were adequately addressed before the interview continued.

Theoretical Framework

The study adopted Structural-functional approach as its theoretical framework. The theory is a major framework for political research and one of the foremost in Systems Theory. It is an outgrowth of the systems theory. It has its origin in Social Anthropology in the work of Malinowski and Raddifle Brown. The approach was imported to Political Science through Sociology by Talcott Parsons, Robert Merto and Marion Levy; Gabriel Almond and James Coleman, who developed it as a tool of political analysis in Comparative Politics (Almond and Coleman, 1960).

This approach identifies and examines the structures and functions which political systems perform for the system's maintenance. In other words, it explains the functions of a political system and structures responsible for the various functions. It is a means of analyzing the pattern of relationship between the structures, specifying the functions performed by each of the structures, how the functions are performed, and the consequences each pattern of performance has for the political system.

The theory is relevant to this study because anti-corruption agencies (EFCC and ICPC) are structures within the political system and perform some roles which include investigation, search, arrest, prosecution, etc. These roles are parts of the basic structure in a political system which keeps the system going. In other words, they are governmental institutions and they are basic structures within a political system.

Specialised Agencies (EFCC and ICPC) and Policies and Practice of Anti-Corruption in Nigeria Policies are essential in the conduct and practice of anti-corruption of any country because they give directions, which an anti-corruption agency heads to in terms of conduct and practice. They are not only designed to conduct, influence and determine various decisions and actions of the agencies but also have impact on overall activities that take place within their context or environment. Policies are so essential to the extent that every agency (whether government or private) must have a set of policies to steer the affairs of such agency. Facts gathered from the field and sources found in the literature show that the specialised agencies (EFCC and ICPC) perform some roles as regards their institutional policies in combating corruption. These are:

First, they play roles of advising government on policy issues. In the practice of anti-corruption activities in Nigeria, they do get information, gather facts and are exposed to the dynamics of corruption or nature of crime on a daily basis. Because they are not directly involved in the formulation of policies, they can open government's eyes to corruption cases. That is, opening their eyes by enabling them to know that crimes have grown from simple to complex. This is where they are relevant in advising government on subsequent policy formulation. In order to corroborate this, the Head of Investigation, Department, ICPC had this to say:

More or less, our institution enables us to first of all see the various dimensions of corrupt practices in the country...and by the information we have and the fact we see, we are able to see first the dynamism or the dynamic nature of crime. Because if you see some of the things that come to us, you will see that the practices of those crimes or the manner in which these crimes are committed have changed overtime. Through information we get, we are able to advice government on our discoveries so that those discoveries are analysed properly and channeled to the highest authority in the country for policy development (KII/M/ICPC Official/Abuja/2018).

Similarly, the Head, Prosecution reiterates on advising the government on issues of crime as regards policy development. He maintains “we are not involved in formulating of policies. We do advise government and the Commission on legal matters...we advise them on policy issues. For policy direction, that is the responsibilities of the government (KII/M/ICPC Official/Abuja/2018). He stated further that Section 6b of the ICPC Act prescribes that in order to scrutinize public organisations' structures, processes and practices that encourage corruption, there must be an unwavering review and that changes should be made where it is necessary.

The second point has to do with putting the anti-corruption policies into practice. It is the government that formulates the policies, while the anti-corruption agencies implement them through the various Acts that set them up, from where they also derive their powers. For instance, In the ICPC Act, Section 6 (a), and the EFCC Act, Section 7, the Commissions are granted the authority to be involved in receiving and investigating appeals; if a *prime ma facie* is established upon investigation, a higher unit can be sent to investigate the prosecution.

Third, the agencies in charge of anti-corruption activities play significant roles in investigating possible corruption cases by ensuring that civil, administrative and criminal sanctions are carried out through proper mediums (Iwuandi, 2017). An essential role which anticorruption institutions should play is to ensure that the people who live above their means are investigated and prosecuted appropriately. And once they are living above their means, it points to the likelihood of involvement in corrupt acts.

Fourth, these agencies are involved in policies and practices of anti-corruption activities by blocking leakages or loopholes. For example, the EFCC in the course of fighting financial crimes through various technological innovations, block corruption leakages. An official interviewed in the KII session provides thus:

We block the loopholes of corruption cases. For instance, the yahoo-yahoo boys are blocked; we ensure that the money they are about to get in their banks are not given to them. We have ensured that we work with the bank in order to achieve this aim. Even, we are familiar with their websites and we see to it that they are being blocked and we get them arrested in the course of discharging our responsibilities (KII/M/EFCC Official/Abuja/2018)

Therefore, the Directorate of Planning, Policy and Statistics (DPPS) of the EFCC was created in 13th April 2012 as a think--tank of the Commission. However, the Directorate coordinates, monitors and evaluates the strategic plans of the Commission through its functions of coordinating statistics, research and publication and opening the eyes of the government to the rate of corruption in the country.

The EFCC plays a role of streamlining the menace of fraudulent practices in the Nigeria civil service. For example, the EFCC recently uncovered 37,395 ghost workers in the civil service (Leyira and Temple, 2018). In 2011, it captured 27,000 unapproved new entrants and through its efforts, the pension bill of the federal civil service that was initially N2.3 billion to N1.1 billion monthly, was reduced (<http://punchng.com/efcc-uncovers37,395-ghost-workers-on-fg-payroll/>). This implies that the EFCC helps to ensure slimmer wage bills in the Federal Civil Service in Nigeria.

Similarly, the Head, Prosecution Department of the ICPC observes that:

The ICPC block loopholes in the course of fighting corruption. We have issues such as Integrated Personnel Payment Information System (IPPIS) now. Every government worker is enrolled in the IPPIS. With IPPIS, the day you are retiring, nobody needs to tell you, rather your salary stops automatically. And to a large extent, ghost workers are easily identified in the system (KII/M/ICPC Official/Abuja/2018).

Also, an officer in the ICPC at the zonal office in Ibadan also confirms that the institution blocks corrupt leakages and loopholes when she posits that:

We have been instrumental to many policies in Nigeria that aid the anti-corruption fight. For instance, IPPIS has saved the government millions of Naira and exposed ghost workers. Bank Verification Number (BVN) is another, which has helped in reducing bank fraud. The government collaborates with the ICPC in exposing corruption... This year, there is Constituency Project Tracking (CTP) which ICPC now uses to monitor the projects in order to ensure that the money given to the legislators are well spent (KII/F/ICPC Official/Ibadan/2019).

The ICPC has monitored over 100 constituency projects in six (6) states, which include Ekiti, Imo, Jigawa, Bayelsa Sokoto and Benue between 2016 to 2017 (Live Television Programme,

Focus, on AIT, 27th December, 2019). The assessment of the ICPC on these projects is that most of them are abandoned and only few of them are completed. Benue state is the worst of all the states where the CPT was assessed. Most of the constituency projects are not even touched (Live Television Programme, Focus, on AIT, 27, December; 2019). The implication of this is that most of the legislators have diverted the money meant for constituency projects (3% of the annual budget) which is from federation account, into their personal pockets.

Apart from IPPIS, he elaborated on other policies such as the Due Process Policy (DPP) and Budgetary Process, which the ICPC has impacted. All these policies are used to block loopholes or leakages of corruption cases in the public sector. In his words:

On the issues of Due Process and Budgetary Process, we have hands in all those issues. When we study the system, we advise government and government listens and follows our advice. ICPC has a major hand in them (KII/M/ICPC Official/Abuja/2018)

In order to actualize this, the ICPC has ensured effective monitoring and evaluation of the trend of corruption in government Ministries, Department and Agencies (MDAs) across the nation so as to seal identified loopholes. This is done through the inauguration of the Corruption Monitoring and Evaluation Department (CMED) in September 2011. The Department's main tasks are:

(i) coordinating and monitoring Anti-corruption and Transparency/Monitoring Units (ACTUs) activities. The unit was established to implement mechanism for ICPC mandate on prohibition and prevention of corruption especially in the public service.

(ii) general supervision and assessment of anti-corruption activities in the country. Through its capacity, ACTU has produced significant results over the years by sensitizing the Ministries, Department and Agencies (MDAs) and other institutions in the policies of the anti-corruption regimes. In 2007, 125 ACTUs were registered in MDAs and tertiary institutions while 21 ACTUs were sensitized as regards the issue of corruption. Besides, the ICPC through its Strategic Action Plan (SAP) has its operational guide as the policy in fighting corruption. The SAP is in line with the Federal Government National Plan on corruption. "That serves as what officers of the Commission work with and from there they draw their Key Performance Index (KPI) on the areas covered in the SAP (KII/F/ICPC Official/Ibadan/2019). The United Kingdom Police, with assistance from the United Nations 'agency on Drug and Crime have trained more than 1200 EFCC personnel on financial and economic crimes, handling of corruption cases, information technology, record keeping, methodology, and how to do self-assessment for the agency in combating corruption in Nigeria (see <https://www.unodc.org/Nigeria/en/itngas08.html/>).

Fifth, through their institutional and human resources, the anti-corruption agencies serve as influencers and carry out oversight functions on anti-corruption policies. The agencies in charge of anti-corruption activities influence the government on legal provisions in fighting corruption. In a session of KII conducted with the ICPC official, he emphatically stated that:

On our legal instrument, we have influenced the various civilian regimes in Nigeria, different colourations now come in; different issues that we never knew, to have some aspects of corruption scenarios open to us. The scenarios have affected our influences on

various regimes (KII/M/ICPC Official/Abuja/2018).

Despite the policy advocacy activities of the anti-corruption agencies, data gathered from the field showed that government may not have adequately taken advantage of these advocaces. It becomes obvious that despite proposals of an agency like the ICPC for the review of its Act, the various civilian governments have not yielded to its yeaning. Rather, it appears that the agency's institutional capacity is eroded by the power of the National Assembly by its seeming non-cooperative stance on salient issues. For instance, the Punch Editorial (2012) states that the ICPC has been regaled with graft allegations emanating from an institution that is supposed to be one of the strongest fulcrums of democracy. To corroborate this, scholars on anti-corruption in Nigeria view that the conventional instrument provided by the constitution for the fight against corrupt practices is not immune from corruption including the legislative institution (Duruji and Azuh, 2016). Some of the provisions of anti-corruption law are weak. For instance, the provisions of section 19, 21, 22, 23, 29 and 40 are light in terms of punishments. This has made those engaged in corrupt practices to feel that the punishment is light, relative to the offence.

Sixth, the anti-corruption agencies build institutions that help their workforce in combating corruption. An official of the EFCC said:

The Commission exposes its officers and men to various world class training. All over the world, we have the Forensic Unit, which technical staff have been trained in the US. In fact, every staff of the Commission has been exposed to one training or the other. For instance, those in operation are exposed to various trainings as they grow in their careers. There has been advanced investigation course, interview courses, basic computer analysis courses, bank statement analysis courses, etc. (KII/M/EFCC Official/Ibadan/2019).

In line with the above quotation, an official of the ICPC also stressed:

Our institution, through our human capacity development, has trained our staff locally and internationally in order to confer positive influence on agencies in charge of anti-corruption in Nigeria. There is a huge build-up of capacity for fighting corruption. This is for the benefit of the institution and the nation now and in the future. In terms of labour development, anti-corruption agencies are also impactful (KII/M/ICPC Official/Abuja/2018).

Seven, they play significant role in exposing corrupt officials at different levels of Nigerian government (Obiyan, 2013). The EFCC has played remarkable and commendable roles in combating financial crimes by exposing unethical practices. These include political corruption, bureaucratic corruption and embezzlement, and bribery at the three levels of government: federal, state and local. For example, one-time Speaker of the House of Representatives, Dimeji Bankole and the Deputy Speaker, Usman Nafada were arrested in June 2011 by the EFCC for allegedly misappropriating 1 billion Naira (\$6.4 million) and 40 billion Naira (\$256 million) respectively (Awopeju, 2021).

Eighth, there have been series of involvements in reviewing laws while combating corruption. For instance, the EFCC has engaged itself in reviewing of Money Laundering Provision Act of

2011, which was amended in 2012, Advance Fee Fraud Act is being amended, and many others. According to the Head, Economic Governance Department of the EFCC:

The EFCC has engaged in the review of laws. You can see that the Money Laundering Provision Act of 2011 was adjusted in 2012, Advance Fee Fraud was also amended in 2005. The EFCC has also contributed to Cyber-Crime Act. So, because of the experience garnered by the officers and men of the Commission, who have been engaged in this area of investigation, the Commission has been able to make inputs such that the country is making new inroads in the areas of crimes and criminality (KII/M/Head, Economic Governance, EFCC/Ibadan/2019).

Nineth, the EFCC has engaged in preventive strategies by enlisting institutions, organizations and other stakeholders while combating corruption cases. An EFCC officer in a KII session in Ibadan posits that:

Institutions have been enlisted in the fight against corruption. We believe it helps to reduce crime rates in Nigeria. realizing that many of the youths are into crimes, we go to schools and higher institutions to tell them about the consequences of crimes on society at large. If they are forewarned, they may be dissuaded from crime. In University of Ibadan (UI), there is a programme we do which is called “crime alert,” which comes up between 1:10 pm to 2:00 pm every Tuesday. These are parts of the efforts and preventive strategies that we use in propagating our mandate (KII/M/EFCC Official/Ibadan/2019).

The officer further stated thus:

It is not an exaggeration to state that fighting corruption is not only government business but the business of all. The inclusion of traditional rulers and institutions will help in fighting corruption so as to be more efficient and holistic in nature. The traditional rulers, through their legitimate act will be able to fight corruption within their domains (KII/M/ EFCC Official/Ibadan/2019).

Based on the foregoing, findings revealed that anti-corruption agencies are advising government, developing skills, serving as influencers and blocking loopholes for corruption, instrumental to many policies that foster anti-corruption initiatives, review laws, engage institutions, organizations and stakeholders in the fight against corruption, etc. However, when it comes to the involvement in policy making process, anti-corruption agencies are just advisers of government. In other words, they are directly involved in strategies or policies relating to their practices while fighting corruption in the country.

It is important to stress here that policy-making is an instrument for directing any agency or organisation in such a way to ease administration and solve problems. Since the problems of the anti-corruption agencies can be solved within the context of government, they have to wait till government responds to them. This is the ground for political manipulation of the anti-corruption agencies.

These findings, though agreeing with the theory of structural functionalism which expects certain set of functions to be performed in the society in order to keep the system going, the anti-

corruption agencies have not been involved in policies statements regarding their operation which may affect their capacities. Therefore, they have not achieved the role of goal attainment vis-à-vis their mandates.

Conclusion

The study examined the roles of the specialised agencies (EFCC and ICPC) in their policies and practices as anti-corruption agents in Nigeria. However, the study revealed that the agencies play the roles of advising government on policy development on anti-corruption, serve as influencers, streamlining the menace of fraudulent practices, blocking of leakages, implementing anti-corruption Acts, etc. Based on these findings, the study concludes that the specialised agencies play insignificant roles in government's policies relating to their operations, thus weakening their capacities in exercising their mandates.

In order to improve their capacities, the following strategies are recommended for efficient anti-corruption practices in Nigeria:

First, government should comply with the anti-corruption policies statements regarding the involvement of these agencies in policy formulation which the government has not kept. In other words, the anti-corruption agencies should be involved in the policy making process that affects their operations. This will make them feel that they are stakeholders in the policies regarding anti-corruption and this will encourage them in the fight against corruption. Their role should go beyond implementing anti-corruption laws or Acts. The advisory role that they are involved will make the agencies ineffective while combating corruption. Agencies must liaise with government and relevant stakeholders in promoting and enacting anti-corruption policies in Nigeria

Two, the government should reform the legal infrastructure to strengthen the operations of anti-corruption agencies in Nigeria. In order to achieve this, the government should ensure that bills critical to anti-corruption are prioritized by the legislature and the judiciary. The legal framework is a pre-requisite for effective combating of corruption; therefore, the legal framework of the anti-corruption agencies should be made proactive in such a way that it would discourage people's involvement in corrupt practices.

Three, the government should initiate laws that make punishment for corruption offences harsher and ensure government and its officials comply with anti-corruption policies faithfully. Likewise, strict and sustainable laws must be entrenched in the Acts of these anti-corruption agencies by ensuring that their laws instill fear on the minds of the people that have the intention to commit or engage in corruption in Nigeria.

Four, there is need to demonstrate high level of integrity, transparency and accountability in the policies and practices of these agencies. Effective rule reforms must be put in place to condition and constrain the behaviour the bureaucrats and political leaders as regards the policies and practices of anti-corruption in Nigeria.

Five, government needs to encourage good governance its activities with the anti-corruption agencies. It is not enough for political office holders and other government functionaries to preach zero tolerance to corruption. They should exhibit accountability, transparency, fiscal responsibility and respect for the rule of law while dealing with these agencies in exercising their mandates in Nigeria.

Six, the agencies need to be consistent and non-partisan. The Government intervention in the practices of these agencies may whittle down their capacities. Many a times, the intervention may

come through the office of Attorney-General in the withdrawal of some cases. Therefore, for these agencies to be proactive in their operations, independence should be given to these specialised agencies while combating corruption in Nigeria.

Seven, anti-corruption practices in Nigeria should correspond to international best practices. The agencies should learn some lessons as regards best practices from countries such as Singapore, Hong Kong and other countries that the fight against corruption is won. In order to achieve this, the agencies (EFCC and ICPC) should be exposed to periodic training as regards new policies from these countries while combating corruption in Nigeria.

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