

# AN ANALYSIS OF THE ANTI-CORRUPTION LEGAL FRAMEWORK AND THE CAPACITY TO APPREHEND PUBLIC SECTOR CORRUPTION IN NIGERIA

By *Olusola Adesina Akinsanya*

*PhD Candidate, Babcock University, School of Law & Security Studies, Nigeria*

---

## ABSTRACT

Nigeria is dealing with a variety of problems. These issues, which include poverty, insecurity, kidnapping, ethnic and religious strife, poor governance, and many more, can be linked to corruption. Despite the magnitude of its GDP, Nigeria gets one of the poorest ratings for governance and corruption. This performance is directly related to the fact that it is one of the world's most oil and gas rich economies. Despite having a high per capita income compared to its degree of development, Nigeria's economy is not very diverse. In order to give the anti-corruption agencies, the freedom to work diligently without interference from the government, the government promptly should begin steps to engage with the National Assembly to revise the Nigerian constitution and legal system. Through a doctrinal approach and the engagement of content analysis, the article reviewed the legal and policy framework against corruption in Nigeria, and would examine if they have the capacity to apprehend public sector corruption. It would further examine the successes of institutional mechanisms like the Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices Commission (ICPC) and other related government agencies whose mandate is to fight against public sector corruption.

**Keywords:** Public Sector Corruption, Institutional Mechanisms, Legal and Policy Framework

## THE FOUNDATION OF ANTI-CORRUPTION LEGAL FRAMEWORK IN NIGERIA

Nigeria's extremely opaque oil economy is characterized by widespread rent capture, which causes distributive disputes that regularly erupt in violence. <sup>i</sup> The entrenchment of constitutional principle will give citizens in their separate districts the authority to recall any elected official at any time who has been discovered through a fair procedure to be corrupt, abusive, or betraying the people's will.<sup>ii</sup> Gradual anti-corruption measures aimed at improving developmental milestones at the industry level must be implemented.<sup>iii</sup> Corruption has been an impediment to the Nigerian polity. There are dimensions to the public sector corruption that make it seem quite in a league of its own that the former British Prime Minister had to say that Nigeria is fantastically corrupt. It is important to note that public sector corruption is symptomatic of deeper issues than is immediately obvious. <sup>iv</sup>

There are numerous ways in which corruption continues to present itself. It varies in size from small to large, in focus from governmental to administrative, and in range from incidental to structural. Corruption flows from governments through organizations and affects the people and/or organizations that must communicate with such organizations in order to access basic services. It primarily results from the use of public office for personal benefit. Any anti-corruption policy must be aware of the roots of corruption, the socioeconomic and political climate in which it thrives, and the wider connections between corruption, organized crime, and international illegal capital flows given the scope and influence of corrupt behavior.<sup>v</sup>

In other parts of the world, there are anti-corruption initiatives and disincentives for corruption. There have been disparate local integrity measures and programs which have mushroomed in China in recent years, in contrast to the earlier campaign approach anti-corruption strategy centered on national homogeneity. There has been promotion of local creativity in managing administrative integrity. According to Ting Gong, the strategic change is evidence of the institutional shortcomings of the previous anti-corruption regime, which included, among other things, a severe agency loss issue. However, the new integrity management strategy has contradictory institutional foundations. It shows that the central authorities have changed their minds on making local governments accountable for managing integrity. It is equally obvious that the Center's fear of losing power and desire to 'manage' government integrity through hierarchy are also driving forces behind the change.<sup>vi</sup>

In Nigeria, public sector corruption in Nigeria is a product of the resource curse.<sup>vii</sup> The discovery of oil in Nigeria in 1956 marked the trajectory of the polity. There have been many commentaries suggesting that colonialism is to blame because of the class consciousness that it introduced. That also was a foundation for what the level of the impact the resource curse had on the country after the discovery of oil.

Corruption has permeated both military and civilian regimes in the past. This has led to a worsening kleptocratic crisis, which has manifested itself in its most acute form since 1984, helped and amplified by oil money. As a result, the governing class experiences scandalous prosperity while the majority of Nigerians experience rising poverty, suffering, and degradation. While the economic and social institutions have degenerated, political life has been dominated by winner-take-all factional fights, political cynicism, and violence. Thus, corruption has permeated Nigerian society, and the country's current leaders are powerless to stop it. A public participatory democracy capable of watching over and holding those in charge of the state and the treasury accountable is necessary to fight corruption.<sup>viii</sup>

Under the military regimes, public sector corruption was fought through mechanisms that were beyond an institutional framework. This was because they would often suspend the constitution which would have provided the institutional capacity needed to fight public sector corruption. In some cases, the military governments were the source of the corruption and this gave rise to unbridled larceny. For instance, under the General Sani Abacha administration, there was an immense looting of the public treasury. So much that public officers stashed away the commonwealth in offshore and Swiss Accounts.

These anticorruption mechanisms under the military regimes had undergone several modifications before the Obasanjo administration. In an effort to combat corruption offenses, anti-corruption tribunals established by previous heads of state, the Buhari regime's War against Indiscipline, and several commissions were established. These initiatives had little to no effect on the corruption crisis.<sup>ix</sup> Reviewing the military regime of Buhari/Idiagbon historically reveals some admirable initiatives to combat corruption and disobedience, possibly after the country gained its independence. In order to combat wrongdoing, the administration started what it dubbed the "War Against Indiscipline (WAI)".

Many Nigerians praised WAI's successful outcomes. The nation was on the verge of relapsing into anarchy, environmental destruction, economic ruin, education without character, sacrifice-free religion, moral decay, among other forms of delinquency at the time.<sup>x</sup>

At the beginning of the democratic dispensation came the 1999 Constitution of the Federal Republic of Nigeria. In the constitution was the allowance for the Code of Conduct Bureau. The 1999 Constitution's Fifth Schedule, Part 1 outlines the Code of Conduct for Public Officers, which aims to uphold and uphold a high degree of morality in the conduct of public officials, ensuring that the acts and transactions of the public officials behave in accordance with the highest standards of morality and responsibility in the public.<sup>xi</sup>

## **CODE OF CONDUCT BUREAU ACT**

The purpose of the Code of Conduct Bureau is to uphold the highest moral standards in the conduct of government business and to make sure that public servants behave in a way that consistent with these standards.<sup>xii</sup> This as a mechanism against public sector corruption has failed, since officials in the public sector rarely get probed for living above their means. The Act establishing the bureau provides that the bureau shall receive asset disclosures from public officials in compliance with this Act's provisions.<sup>xiii</sup> However, it appears asset declarations are only remembered where political witch-hunt is concerned. Public sector corruption has only grown in astonishing strength.

In 2022, it was reported that the Accountant-General of the Federation, Mr. Ahmed Idris, was detained by EFCC agents on suspicion of diverting and laundering N80 billion. Verified intelligence reports revealed that Idris had amassed the money through phony consulting contracts and other unlawful business dealings, utilizing proxies, relatives, and close friends. Through real estate investments in Kano and Abuja, the money was laundered. Idris was detained after he disregarded requests from the EFCC to address matters related to the fraudulent conduct.<sup>xiv</sup> Cases like the accountant-general's puts a question to the orientation of many public officers in Nigeria, many of whom are involved in one act of graft or another.

The lawsuit concerning the alleged N7.1 billion fraud implicating the former governor of Abia State, is a reference point on how the Code of Conduct Bureau has failed to alleviate graft in the public sector. During his time as governor of Abia State, Mr. Kalu, who is a sitting senator

from Abia North, was tried alongside his company, Slok Nigeria Limited, and Udeh Udeogu, a director of finance and accounts. They were found guilty in December 2019 of stealing N7.1 billion from the Abia State's treasury. When the Supreme Court invalidated the proceedings that led to Mr. Kalu and his co-defendants' convictions in May 2020, he had already begun serving a 12-year prison sentence for the crimes. His co-defendant Udeh Udeogu received a ten-year sentence as well.<sup>xv</sup> The Orji Uzor Kalu case is an instance of the failure of the Code of Conduct Bureau in its asset's declaration mandate. There is the high possibility that the prosecution of public sector graft would be easier when assets are declared.

The failure of the Code of Conduct Bureau extends to its popularity amongst public sector officials, as Dasuki Arabi, director general of the Bureau of Public Service Reforms (BPSR) has claimed that many public employees were uninformed of the code of conduct.<sup>xvi</sup> The implication of this is that the Code of Conduct Bureau needs to make more efforts to have its impact on the activities of public sector workers, so as to establish more accountability in the sector.

## **ECONOMIC FINANCIAL AND CRIMES COMMISSION (EFCC) ACT**

The adversary of national progress is corruption. It casts a negative light on a country and its citizens. A country that allows corruption to flourish is frequently under attack from numerous economic, political, and social ills, which eventually stymies any significant national advancement. The commission developed into the administration of Obasanjo's trump card in the eyes of the world community when Nuhu Ribadu served as chair.

Nigeria is plagued by the malignant problem of corruption. Public officials' theft, bribery, embezzlement, nepotism, and money laundering have invaded every aspect of society. The list of corrupt or incompetent officials is topped by those seeking positions in major political parties. High-ranking elected officials and other public servants frequently participate in corrupt behavior. According to estimates, Nigeria's GDP is corrupted to the tune of 20%. Nigeria has consistently placed last on Transparency International's (TI) Corrupt Perception Index (CPI) list. The Economic and Financial Offenses Commission (EFCC) was established by the Nigerian government in 2002 to look into and prosecute cases of financial and corruption crimes.<sup>xvii</sup>

The Ethical Reorientation Campaign of Shagari's Second Republic, the War Against Indiscipline (WAI) of the Buhari/Idiagbon regime, Babangida's Committee on Corruption and other Economic Crimes, and War Against Corruption<sup>xviii</sup> are just a few of the anti-corruption policies that have been implemented in Nigeria by successive governments. Other initiatives include creating inquiry panels, commissions of inquiry, and tribunals (such as the Failed Bank Tribunal) to prosecute corrupt people. These did not produce very many results.<sup>xix</sup> It became crucial for Nigeria and its citizens whether or not the country was able to combat corruption. If Nigeria didn't succeed, the pessimists and cynics would win the day. They would argue that corruption is so pervasive that some people view it as normal that it is impossible to deal with. Nigeria would not only succeed in creating a foundation for prosperity, democracy, and freedom in our politics if it is successful in combating corruption. It will serve as an illustration to other nations that one cannot accept corruption as normal.<sup>xx</sup>

African nations are increasingly using specialized anti-corruption organizations (ACAs) to fight corruption. This comes as no surprise given the accomplishments these organizations have made elsewhere in the world, for which they have been dubbed "the most inventive aspect of the anti-corruption campaign of the previous two decades." However, while ACAs have been effective elsewhere in the world, Nigeria in particular and Africa as a whole cannot claim the same. The Economic and Financial Crimes Commission (EFCC) is a major Nigerian ACA, however corruption in the nation is still on the rise.<sup>xxi</sup>

However, with the knowledge that fighting or eliminating corruption is a must for achieving or maintaining political, economic, and social growth in Nigeria. Olusegun Obasanjo, the then-president of Nigeria, made the anti-corruption effort a top priority for his administration. As a result, the Economic and Financial Crime Commission was founded (EFCC).<sup>xxii</sup>

The institution of the EFCC was established under the EFCC Act to tackle corruption both at the public sector level and at the societal level. The EFCC is a Nigerian law enforcement organization which looks into financial crimes such as advance fee fraud (419fraud) and money laundering. The Economic and Financial Crimes Commission is responsible for preventing financial crimes. The Economic and Financial Crime Commission (EFCC) was founded in 2003, partially in response to pressure from the Financial Action Task Force on Money Laundering (FATF), which listed Nigeria as one of 23 countries that were non-cooperative in

the international community's efforts to combat money laundering. The agency's headquarters are located in Abuja.<sup>xxiii</sup>

Nigeria was an outsider among nations from the late 1980s to the year 2000 because of some dishonest Nigerians who deceitfully obtained money from foreigners under false pretense (i.e. advance fee fraud or 419). Everywhere they went, Nigerians experienced untold hardships as a result of this issue, making the government's need to combat economic crime a major issue. The government had to establish a separate commission to handle the investigation and prosecution of economic crimes instead of employing the ordinary law enforcement officials due to the complicated nature and technological development of these crimes.<sup>xxiv</sup>

The Financial Action Task Force added Nigeria to its list of non-cooperative nations in 2002. The establishment of a Financial Intelligence Unit was necessary for Nigeria to be removed from this list. The Financial Intelligence Unit was established as a part of the Economic and Financial Crimes Commission in 2002 as a result of a statute that was approved by the government in response to a request by this international organization. The EFCC began operations in 2003, and the EFCC Act was reenacted in 2004 to address shortcomings in the 2002 Law. The commission has had some success in its function as the EFCC in battling corruption in Nigeria.<sup>xxv</sup>

The EFCC Act provides that the EFCC can cause inquiries to be made into any potential violations of the Act or other laws pertaining to economic and financial crimes by any individual, corporate entity, or organization.<sup>xxvi</sup>

The EFCC has been preoccupied since it was founded in 2003, trying to decontaminate the nation. Among others, charged with the duty of preventing financial and economic crimes such money laundering, bank fraud, and advance fee fraud. The commission has improved the safety of the nation for legitimate commerce. The detection and blocking or seizure of funds obtained from terrorist activity was under the purview of the Commission. In addition, the EFCC hosted the Nigerian Financial Intelligence Unit (NFIU), which is tasked with gathering reports of suspicious transactions (STRS) from financial and designated non-financial institutions, analyzing them, and disseminating them to all appropriate international institutions and other governments. The EFCC has positively impacted the battle against corruption, and this is without question. Foreign investors have found the nation to be safer and more alluring as a result, and the commission's effects can be seen in the millions of dollars' worth of assets that

have been retrieved from criminals and the scores of individuals who are currently being tried in court.<sup>xxvii</sup>

The adversary of national progress is corruption. It casts a negative light on a country and its citizens. A country that allows corruption to flourish is frequently under attack from numerous economic, political, and social ills, which eventually stymies any significant national advancement. The commission developed into the administration of Obasanjo's trump card in the eyes of the world community when Nuhu Ribadu served as chair.<sup>xxviii</sup>

Crimes involving the country's pension system for retired civil officials ranked among the Economic and Financial Crimes Commission's (EFCC) most serious corruption cases in 2015. Sources in the anti-graft commission revealed that the top cases involved the aforementioned pension scam fraud in the office of the Head of Civil Service of the Federation, the now-famous oil subsidy scam, and the currency scam at the Central Bank of Nigeria, among other ongoing corruption cases in various courts across the nation. Scams involving biometric information, a former head of the Federal Civil Service named Steve Oronsanya, and allegations of corruption against the former governors of Jigawa State, Sule Lamido, and Adamawa State, Murtala Nyako, are cases that have been prosecuted by the EFCC. The EFCC also investigated the misappropriation of public funds by former governors of Kebbi State Saidu Dakingari and Martins Elechi of Ebonyi State, as well as the corruption case against former governor and candidate for governor of Kogi State Abubakar Audu.

Ten suspects from the civil service of the federation were charged with about N30 billion in fraud against the Pensions Account, Office of the Head of Service of the Federation, on 134 counts in March 2011 along with 30 entities. The majority of the charges filed in courts have not been resolved because the cases against the accused people have gone through numerous court processes over the years with altered charges and delays in the justice system.<sup>xxix</sup> The institution has been a contentious entity from its inception. moving from one significant issue to another. The fundamental reason for this, has been the colourful people that have been picked to head the institution. They all assumed their positions with increasing degrees of theatricality, starting with Mr. Ribadu, all the way to Mr. Magu. They moved around with authority that largely elevated them above the institution and shaped it to suit their own preferences. In recent years, the EFCC Chairman has grown to be almost as dreaded as the president.<sup>xxx</sup>



The significance of the EFCC as a potent weapon for national solidarity, however, cannot be overstated. The majority of analysts concur that the problem of corruption keeps weakening the forces holding the economy, which results in widespread poverty as a result of governments failing to fulfill their obligations to the people. A robust judiciary, and an effective EFCC would go a long way toward bolstering the government and putting it in a better position to keep its commitments.<sup>xxxix</sup> The institutionalization of the EFCC is something that had always failed to materialize, especially, when the EFCC was beginning to seem like a political instrument for the persecution of politicians in the opposition.

## **INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION ACT**

When he came into office, Chief Olusegun Obasanjo, the PDP's nominee for president and president of the Federal Republic of Nigeria, introduced a bill to the National Assembly that would combat corruption. The Independent Corrupt Practices and Other Related Offences Commission was established after that Bill became law. The foundation of the Act is stated in six types of behavior that are thought to be the root of the pervasive corruption that exists across all levels of our civil workers. using one's. position for financial gain; Insincerity in advise given with the intent to gain benefit; gratification; influence-peddling; less than a full day's work for a full day's pay; tardiness and slovenliness.<sup>xxxix</sup>

The Act defines a public officer. The term "public officer" refers to any individual working for or involved in any capacity with the Federal Government, State or Local Governments, Public Companies, or Private Companies entirely or jointly launched by any Government or its Agency, including the subsidiary of any such Company, whether located within or outside Nigeria, and includes Judicial officers working in Magistrate, Area, or Customary courts or Tribunals.<sup>xxxix</sup>

The ICPC was founded and given the responsibility of preventing, detecting, looking into, and prosecuting corrupt acts and related offenses in Nigeria. In order to increase public support for the battle against corruption, the organization also provides whistleblowers with safety. The organization was founded and given legal status in June 2000. Under the Corrupt Practices and Other Related Offences Act of 2000, it was established and given authority. Later, on

September 200, Olusegun Obasanjo, the president of Nigeria at the time, inaugurated it. The ICPC chairperson is in charge of running it. Investigation, prosecution, and prevention of corruption offenses are all part of the ICPC's remit. The group examines any slack laws in parastatals, ministries, and government bodies that can open doors for corruption. Additionally, the organization offers civic education against corruption and solicits support from Nigerians to fight corruption. Before the establishment of the ICPC, Nigeria had experienced multiple unsuccessful attempts to combat pervasive corruption. The first was General Olusegun Obasanjo's 1977 Jaji Declaration.

The second attempt was President Shehu Shagari's Ethical Revolution in 1981–1983. General Ibrahim Badamasi Babangida's National Orientation Movement, which began in 1986, came next. The Corrupt Practices and Other Related Offences Act of 2000, the first fairly effective attempt to combat corruption in Nigeria, was finally enacted following these and more attempts. However, the ICPC has suffered many difficulties, most of which are connected to its reach. Six units and ten departments make up the body. The operational departments and general service departments are among the directorates' departments. Operations, legal services, asset tracing, recovery, and management, special services, systems study and evaluation, and public awareness and education are all included in the first category. Administration and human resources, finance and accounting, planning, research and statistics, and the Anti-Corruption Academy of Nigeria are the general services departments (ACAN). Since the act's creation on June 13, 2000, the only acts of corruption that the Commission may look into and prosecute are those that occurred after that date.<sup>xxxiv</sup>

The "My Constituency! My Project" community awareness and education initiatives are the ICPC's response to the tracking exercises designed to tackle corruption on a large scale. The campaign, which is being run in conjunction with the National Orientation Agency (NOA), aims to alter how the general public feels about constituency projects that are located within communities by encouraging local residents to take responsibility of the projects, safeguard and preserve them, and be inspired to keep an eye on and report on abandoned and ongoing projects in their neighborhoods. In order to accomplish this, the Commission teamed up with significant grassroots leaders like traditional rulers, religious figures, and civil society organizations to help spread the campaign's messages.<sup>xxxv</sup> The National Orientation Agency (NOA), which has the necessary structures in the country's 774 local Councils, collaborations with traditional rulers, religious leaders, and civil society organizations are largely responsible

for the enormous successes the Commission has seen with its project tracking initiatives and policy. In keeping with its dedication to advancing the two core goals, the target individuals are encouraged to persuade their supporters to adopt the right mentality toward the Nigerian project by exposing corruption in the implementation of constituency and executive projects.<sup>xxxvi</sup> To support the Commission's advocacy for CEPTI and NEIP's behavioral change, the ICPC recently sponsored sensitization dialogues in fifteen states and the Federal Capital Territory, bringing together traditional leaders, religious leaders, and community-based Civil Society Organizations. The goal of the ICPC strategy is to persuade Nigerians to not only start using the window that the organization has provided through the NEIP and CEPTI, but also to start engaging in constructive behavior that is conducive to contributing their voices to national issues.<sup>xxxvii</sup>

## **UNITED NATIONS CONVENTION AGAINST CORRUPTION 2004**

A pernicious scourge, corruption has a wide range of damaging impacts on societies. It undercuts democracy and the rule of law, results in human rights abuses, skews markets, lowers standard of living, and promotes organized crime, terrorism, and other risks to national security.<sup>xxxviii</sup> All nations, large and small, wealthy and impoverished, are affected by this cruel phenomenon, but its harmful repercussions are most pronounced in the developing world. Through stealing money meant for development, diminishing a government's ability to deliver essential services, fostering inequality and injustice, and discouraging foreign help and investment, corruption disproportionately harms the poor. Economic stagnation is largely caused by corruption, which also poses a significant barrier to progress and the reduction of poverty.<sup>xxxix</sup>

The Convention is the result of efforts begun by the United Nations many years ago, when the term "corruption" was hardly ever used in official forums. Putting the fight against corruption on the global scene required methodical efforts, initially at a specialist level and then progressively at the political level. Both the World Summit on Sustainable Development in Johannesburg and the International Conference on Financing for Development in Monterrey provided venues for governments to declare their commitment to combating corruption and raising public awareness of its disastrous effects on development.<sup>xl</sup>

The sole legally binding global anti-corruption tool is the United Nations Convention against Corruption. Its expansive scope and the fact that many of its provisions are mandatory make the Convention a special tool for creating a thorough response to a global issue. Preventive measures, criminalization and law enforcement, international collaboration, asset recovery, and technical aid and information exchange are the five major points covered by the Convention.<sup>xli</sup>

The Convention addresses a wide range of corrupt practices, including bribery, the buying and selling of influence, the misuse of office, and various private sector corruption-related offenses. The Convention's inclusion of a dedicated chapter on asset recovery, which aims to return assets to their rightful owners, including nations from which they had been illegally taken, is one of its highlights. The Convention has been ratified by the vast majority of UN members.<sup>xlii</sup>

The Ad hoc Committee for the Negotiation of the Convention against Corruption had seven sessions between January 21 and October 1, 2003, during which the text of the United Nations Convention against Corruption was discussed. The Convention addresses five key topics: asset recovery, international cooperation, criminality and law enforcement, preventive measures, and technical aid and information sharing. The Convention addresses a wide range of corrupt practices, including bribery, the buying and selling of influence, the misuse of office, and various private sector corruption-related offenses. If these acts of corruption are not already crimes under domestic law, countries are required by the Convention to create criminal and other offenses to cover them.<sup>xliii</sup>

The United Nations Convention against Corruption provided that Each State Party shall make an effort to create, maintain, and strengthen mechanisms that encourage transparency and prevent conflicts of interest in conformity with the fundamental principles of its domestic law.<sup>xliv</sup> Transparency International opine that greater transparency would provide the public a clear indication of how serious the government is about putting these commitments into practice.<sup>xlv</sup>

Many people believe that corruption and other immoral behavior have turned into a harmful cankerworm that has eaten deeply into the economies of all countries. Although the situation is not unique to Nigeria, the way in which the unjustly affluent people were honored across the nation raises serious concerns. Nigeria is renowned for the numerous anti-corruption measures the country's administration has put in place to combat the problem. Despite the anti-corruption measures in Nigeria, corruption has become more severe and pervasive in both the public and

private sectors. This has continued through President Olusegun Obasanjo's administration in 1999, when two separate anti-corruption bodies were established (ICPC and EFCC), and into the current administration of President Muhammadu Buhari, where a whistleblowing mechanism was introduced.<sup>xlvi</sup>

One could wonder why Nigeria has not yet fully addressed the country's corruption problem. The inclusion of people from all walks of life in the battle against corruption is one of the measures. According to the collective action theory, fighting and defeating corruption involves group actions and a shift in the public's mindset about the need to bring sanity back to Nigeria. The same is true for traditional and religious leaders in Nigeria, who can play a variety of roles in lowering immoral behavior in society. The best course of action is to correct and actively prohibit bestowing religious or traditional titles on people who do not deserve them in society. It is possible that Nigeria will become less corrupt and great after these and other things are done.<sup>xlvii</sup>

## **THE INTERVENTION OF THE FREEDOM OF INFORMATION ACT FOR PUBLIC SECTOR TRANSPARENCY**

The Act's goal is to increase public access to information and records. The Act also lays out methods for achieving these goals and aims to safeguard serving public officials from any negative effects resulting from the unauthorized publication of specific categories of official information. The Act, according to the report, will give residents the ability to hold the government responsible for misusing public monies or failing to provide public services. The availability of information is a key sign of the positive outlook for the growth and prosperity of the economy.<sup>xlviii</sup>

The law was passed to permit public access to specific government records in order to maintain accountability and openness. In compliance with the public interest and the protection of individual privacy, the FOI Act aims to increase access to public documents and information while also protecting it. The FOI Act allows people to hold the government responsible for misusing public cash or failing to provide public services. It also aims to set up mechanisms for achieving these goals while safeguarding active public servants from any negative repercussions from the unlawful leaking of some types of official information. Conflicts

between the Act's provisions and those of other laws are further regulated by it. Indicators of economic progress, civic participation, and a properly functioning democracy all depend on freedom of information, which is why it's been hailed as a promising first step toward securing good governance and the rule of law in Nigeria. If the nation is to make any significant progress toward the establishment of good governance, transparency, and accountability, the paper emphasizes the need for vigorous implementation of the FOI Act. It also notes that a strengthened FOI regime will increase citizens' demand for accountability and curb corruption in Nigeria.<sup>xlix</sup>

There was no particular law governing access to public records and information prior to the passage of the Freedom of Information Act, 2011 (the FOI Act). The FOI Act ensures that information held by public authorities will be disclosed and institutions. The FOI Act is novel since it allows for transparency in those parties' activities and in government offices. As a result, citizens can hold the government responsible, as well as aiding law enforcement in their case investigations. As a result, anyone can request access to government officials' public documents, which may or may not be granted. If the application is rejected, the applicant will get written notice of the decision.<sup>1</sup> The delinquent officer or institution is subject to a fine of 500,000 naira, when a case of improper denial is proven.<sup>ii</sup> Any public official who destroys or modifies public records before releasing them to anyone who requests them commits a crime that carries a minimum sentence of one year in prison.<sup>lii</sup>

Despite the inadequacies that have been noted, the FOI Act is a valuable instrument in Nigeria's fight against corruption. The law must be used by every Nigerian to demand accountability and openness from public institutions. Government personnel will undoubtedly feel pressure to behave correctly since they are aware that their actions would be scrutinized and that any corruption or misbehavior will eventually come to light. Nigerians must abandon their passivity and tackle the task of building their country by establishing an open society where accountability and openness are ingrained in the culture. As a result, they must start raising pertinent issues and holding government agencies responsible. The FOI Act must be utilized effectively because it is a ready instrument for anti-corruption efforts in the public service.<sup>liii</sup>

## CONCLUSION

The anti-corruption legal framework in Nigeria is a reflection to international commitments to fighting corruption, especially public sector corruption. The institutional background has however refused to grow beyond its initial position, beckoning on the question about institutional integrity and non-partisan agency. From the analysis on the institutional mechanisms, there are reasons to believe that public sector corruption cannot be defeated by the current arrangement of anti-corruption mechanisms and laws, because anti-corruption laws can only be effective if there is a strong institutional support for implementation and proper engagement of the laws for efficiency. Public sector corruption in Nigeria is an issue that is rooted in the executive arm of government, because of its extensive powers and its access to fiscal capacity. Therefore, if anti-corruption mechanisms must be effective, they have to operate outside the scope of partisan concerns and should be closely monitored by the judiciary and the legislature. This would mean that institutional leadership of the anti-corruption mechanisms must be made accountable mostly to a joint-committee of the legislature and the judiciary, while breaking down the power of the executive on the operations of the anti-corruption mechanisms. Furthermore, the present constitutional arrangements in Nigeria allow for low executive restraint, which is resulting into a high incidence of public sector corruption occurring with impunity. If the anti-corruption mechanisms must be highly effective, there must be a proper restraining interventions on the executive excesses.

## ENDNOTES

<sup>i</sup> Pallavi Roy, 'Anti-Corruption in Nigeria: A political settlements analysis' (SOAS, University of London Anti-Corruption Evidence (ACE) Research Consortium, Working Paper 2017)

<<https://ace.soas.ac.uk/publication/anti-corruption-in-nigeria-a-political-settlements-analysis/>> 27 October 2022

<sup>ii</sup> Kehinde Osakede, Samuel Ijimakinwa, Taiwo Adesanya, Ann Ojo, Oluwadamilola Ojikutu and Alhassan Abubakar, 'Corruption in the Nigeria Public Sector: An Impediment to Good Governance and Sustainable Development' (2015) 4(8) *Review of Public Administration and Management*

<sup>iii</sup> Pallavi Roy, 'Anti-Corruption in Nigeria: A political settlements analysis' (SOAS, University of London Anti-Corruption Evidence (ACE) Research Consortium, Working Paper 2017)

<<https://ace.soas.ac.uk/publication/anti-corruption-in-nigeria-a-political-settlements-analysis/>> 27 October 2022

<sup>iv</sup> *ibid*

<sup>v</sup> Rob McCusker, 'Review of anti-corruption strategies' (No 23 Australian Institute of Criminology, Australian Government, 2006)

<<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.137.8695&rep=rep1&type=pdf>> accessed 19 October 2022

<sup>vi</sup> Ting Gong, 'Managing Government Integrity under Hierarchy: anti-corruption efforts in local China' (2015) 24(94) *Journal of Contemporary China*

vii The paradox of the plenty and the resource curse are two terms used to describe the phenomena whereby economies with abundant natural resources perform less favorably in terms of development than their resource-poor equivalents. According to conventional textbooks, this happens as a result of the demand for their exports causing an influx of income to rise the exchange rate.

viii SO Osoba, 'Corruption in Nigeria: Historical Perspectives' (1996) 23(69) Review of African Political Economy

ix Ibidolapo Bolu, 'Nigeria: The Anti-Corruption Legal Framework and Its Effect on Nigeria's Development' (*Mondaq* 13 May 2016) <<https://www.mondaq.com/nigeria/white-collar-crime-anti-corruption-fraud/490434/the-anti-corruption-legal-framework-and-its-effect-on-nigerias-development>> accessed 3 September 2022

x Patrick Enoch Nmah\* Corruption in Nigeria: A Culture or Retrogressive Factor? *Ogirisí: a new journal of African studies* vol. 13 2017

xi University of Ibadan, 'The Presidency Code of Conduct Bureau: Code of Conduct Ethics of Work Expected of Public Officers of the Federal Republic of Nigeria' (University of Ibadan 2020) <<http://ui.edu.ng/sites/default/files/code%20of%20conduct.pdf>> accessed 3 September 2022

xii Code of Conduct Bureau Act

xiii Code of Conduct Bureau Act, Section 3(a)

xiv 'EFCC arrests Accountant-General of Federation over alleged N80bn fraud' (*Vanguard*, 17 May, 2022)

xv Ameh Ejekwonyilo, 'Alleged N7.1bn Fraud: EFCC seeks transfer of Orji Kalu case to Lagos' (*Premium Times*, 10 March, 2022) <<https://www.premiumtimesng.com/news/top-news/516563-alleged-n7-1bn-fraud-efcc-seeks-transfer-of-orji-kalu-case-to-lagos.html>> accessed 20 September 2022

xvi Okwe Obi, 'Adherence to Code of Conduct Will Reduce Corruption, Others' (*Sunnewsonline*, 19 October 2022) <<https://www.sunnewsonline.com/adherence-to-code-of-conduct-will-reduce-corruption-others/>> accessed 15 October 2022

xvii Emmanuel Obuah, 'Combatting corruption in Nigeria: the Nigerian Economic and Financial Crimes (EFCC)' (Center for African Studies 2010)

<<https://go.gale.com/ps/i.do?id=GALE%7CA248405129&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=21522448&p=AONE&sw=w&userGroupName=anon-cc9efd6f>> accessed 15 October 2022

xviii L Diamond, 'Political corruption: Nigeria's perennial Struggle' (1991) 2(4 *Journal of Democracy*); Arinze Ngwube and Chuka Okoli, 'The Role of the Economic Financial Crime Commission in the Fight against Corruption in Nigeria' (2022) 4(1) *Journal of Studies in Social Sciences*

xix *ibid*

xx *ibid*

xxi Lukman Adebisi Abdulrauf, 'Using Specialised Anti-Corruption Agencies to Combat Pervasive Corruption in Nigeria: A Critical Review of the ICPC and EFCC' (2020) 12 *African Journal of Legal Studies*

xxii Arinze Ngwube and Chuka Okoli, 'The Role of the Economic Financial Crime Commission in the Fight against Corruption in Nigeria' (2022) 4(1) *Journal of Studies in Social Sciences*

xxiii Fabian, 'Economic and Financial Crime Commission' (*Fabioclass* 2022) <<https://fabioclass.com/economic-and-financial-crime-commision-efcc/>> accessed 15 October 2022

xxiv 'The Role of EFCC in Fighting Corruption in Nigeria' (Info-Guide, 22 October, 2022)

<<https://infoguidenigeria.com/role-efcc-fighting-corruption-nigeria/>> accessed 15 October 2022

xxv *ibid*

xxvi EFCC Establishment Act, 7(1)(a)

xxvii Arinze Ngwube and Chuka Okoli, 'The Role of the Economic Financial Crime Commission in the Fight against Corruption in Nigeria' (2022) 4(1) *Journal of Studies in Social Sciences*

xxviii *ibid*

xxix Daily Trust, 'Inside EFCC's High-Profile Corruption Cases' (*Daily Trust*, 26 September 2015)

<<https://dailytrust.com/inside-efccs-high-profile-corruption-cases>> accessed 24 October 2022

xxx The Duke of Shomolu, 'The EFCC: A Badly Needed Rebirth' (*The Cable* 18 February, 2021)

<<https://www.thecable.ng/the-efcc-a-badly-needed-rebirth>> accessed 23 October, 2022

xxxi *ibid*

xxxii Suleiman Oji, 'The Role of the Independent Corrupt Practices and Other Related Offences Commission in Crime Control and Investigation: A Critical Appraisal' (2019) *Nigerian Journal of Legal Studies*

xxxiii The Corrupt Practices and other Related Offences Act 200

xxxiv George Ibenegebu and Jackline Wangare, 'Full Meaning of ICPC and their Functions Explained in Detail' (*Legit*, 7 September 2022) <<https://www.legit.ng/ask-legit/guides/1117666-what-full-meaning-icpc-functions/>> accessed 25 October, 2022

xxxv *ibid*



- <sup>xxxvi</sup> Kehinde Abdulsalam, 'How ICPC Is Driving Behavioural Change Advocacy Through Community Influencers' (*Daily Trust*, 19 October, 2022)  
<<https://dailytrust.com/how-icpc-is-driving-behavioural-change-advocacy-through-community-influencers>>
- <sup>xxxvii</sup> *ibid*
- <sup>xxxviii</sup> United Nations Convention Against Corruption, iii
- <sup>xxxix</sup> United Nations Convention against Corruption, iii
- <sup>xl</sup> *ibid*
- <sup>xli</sup> United Nations Office on Drugs and Crime, 'United Nations Convention against Corruption' (UNODC)  
<<https://www.unodc.org/unodc/en/corruption/uncac.html>> accessed 25 October, 2022
- <sup>xlii</sup> *ibid*
- <sup>xliii</sup> *ibid*
- <sup>xliiii</sup> United Nations Convention against Corruption, Article 7(4)
- <sup>xliv</sup> Transparency International, 'Nigeria Must Strengthen Anti-Corruption Bodies and Increase Transparency on Asset Recovery' (Transparency International 2016) <<https://www.transparency.org/en/press/nigerian-must-strengthen-anti-corruption-bodies-and>> accessed 27 October, 2022
- <sup>xlvi</sup> Muritala Dauda, 'Corruption and Government Mechanisms In Nigeria: Diagnosis And Treatment' (2022) 14(1) *Journal of Techno-Social Issue on Social Science , Humanities and Quality of Life*
- <sup>xlvii</sup> Muritala Dauda, 'Corruption and Government Mechanisms In Nigeria: Diagnosis And Treatment' (2022) 14(1) *Journal of Techno-Social Issue on Social Science , Humanities and Quality of Life*
- <sup>xlviii</sup> Ifeoma Oluwasemilore, 'A Critical Analysis of Nigeria's Freedom of Information Act' (2018) 9(2) *The Gravitas Review of Business & Property Law*
- <sup>xlix</sup> Chike Walter Duru, 'The Relevance of Nigeria's Freedom of Information Act (2011) to the Country's Anti-Corruption War'(Academia 2016)  
<[https://www.academia.edu/34076482/THE\\_RELEVANCE\\_OF\\_NIGERIAS\\_FREEDOM\\_OF\\_INFORMATION\\_ACT\\_2011\\_TO\\_THE\\_COUNTRYS\\_ANTI\\_CORRUPTION\\_WAR](https://www.academia.edu/34076482/THE_RELEVANCE_OF_NIGERIAS_FREEDOM_OF_INFORMATION_ACT_2011_TO_THE_COUNTRYS_ANTI_CORRUPTION_WAR)> accessed 27 October, 2022
- <sup>1</sup> Freedom Of Information Act, 2011, Section 4
- <sup>ii</sup> Freedom of Information Act, 2011, Section 7
- <sup>iii</sup> Freedom of Information Act, 2011, Article 10; G.O Elias and Co, 'Some Key Issues In Nigerian Anti-Bribery and Anti-Corruption ("ABC") Law for Foreign Investors' (G.O Elias and Co 2017)  
<[https://www.iadclaw.org/assets/1/7/6-\\_Elias-\\_Nigerian\\_Anti-Bribery\\_and\\_Anti-Corruption\\_Law\\_for\\_Foreign\\_Investors.pdf](https://www.iadclaw.org/assets/1/7/6-_Elias-_Nigerian_Anti-Bribery_and_Anti-Corruption_Law_for_Foreign_Investors.pdf)> accessed 27 October, 2022
- <sup>liii</sup> Chike Walter Duru, 'The Relevance of Nigeria's Freedom of Information Act (2011) to the Country's Anti-Corruption War'(Academia 2016)  
<[https://www.academia.edu/34076482/THE\\_RELEVANCE\\_OF\\_NIGERIAS\\_FREEDOM\\_OF\\_INFORMATION\\_ACT\\_2011\\_TO\\_THE\\_COUNTRYS\\_ANTI\\_CORRUPTION\\_WAR](https://www.academia.edu/34076482/THE_RELEVANCE_OF_NIGERIAS_FREEDOM_OF_INFORMATION_ACT_2011_TO_THE_COUNTRYS_ANTI_CORRUPTION_WAR)> accessed 27 October, 2022