

Nigeria's Fight Against Corruption And The Extent To Which It Has Tackled It.

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ABSTRACT: Nigeria is generally considered the giant of Africa. There are so many different aspects of this recognition within the global spectrum. In view of this, the might of the state cannot be debated but it is also not beyond reproach. The study below portrays some of these aspects considering corruption, mismanagement of funds in Nigeria. Nigeria has attained record levels in mismanagement, bribery and corruption. The wealth of Nigeria comes mostly from its resources, petroleum products being the largest resource the country is endowed with. Accounting for over 90% of the GDP, Nigeria is Africa's largest exporter of petroleum products and a prominent member within the global trade. This has given the country a significant position within OPEC (Organization of Petroleum Exporting Countries). However, this study adds light to the fact that despite its potential, bribery, corruption and mismanagement of funds has significantly impacted Nigeria's economy. Due to this, the people of Nigeria live under the poverty threshold. This has led the country to be one of the recipients of aids from around the world to support some of its sectors which are seriously affected by the corruption. The study brings an in-depth view into the corrupt practices within the state and how the practices are carried out within the state and how the extent to which Nigeria has tackled it. Looking into the mismanagement of funds and aids also presents how difficult it is for the people most afflicted to receive the aid they need. Notwithstanding, the research also evaluates the overall impact of the mismanagement on the state mechanism as a whole while presenting its impact on smaller institutions of the state. Finally, the study makes some policy suggestions which can alleviate the repercussions of corruption in Nigeria.

Key Words: *Corruption, bribery, embezzlement, Fraud, Mismanagement, Natural resources.*

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I. INTRODUCTION

In Nigeria, there is a widespread cultural and linguistic difference. However when it comes to corruption regardless of the cultural background, Nigerians understand and have a unanimous definition of corruption. We can go to more details about the definition of corruption but to an average Nigerian, it's the act of giving and receiving bribe. Almost every Nigerian from all walks of life have directly or indirectly encountered bribery. It's such an enormous web that has covered the entire country that it's seen as a way of life by many Nigerians. In 2012, transparency international conducted a survey with 50,000 people. More than 25,000 people in the survey said they had paid a bribe in the last 12 months. Also, 1 in 10 person said they or a family member had been affected by bribery and over half of the respondents in the survey indicated bribery has affected their business.

Corruption has been so deeply rooted into Nigeria and became a part of it. From 1966 – 2002, Nigeria moved from the world's most corrupt country to the fourth most corrupt country to do business with. Giving and receiving of bribe has been incorporated into the daily life routines in Nigeria. To carry out basic activities like transportation, driving from one part of the country or within the same location you will be requested a bribe. This has become so rampant that if you refuse to give bribe you will not be able to perform certain activities in some places. Most Nigerians have very much accepted this is their way of life and have built an entire political system around it. To put this into more detailed perspective, I will look at some forms of corruption which exist in Nigeria.

There are several ways in which corruption exist within the Nigerian society. It's difficult to meet with a Nigerian who hasn't encountered any form of corruption as explained

Immediate opportunist corruption. This is usually exercised in the form of paying a bribe to gain an immediate favor or unfair advantage to a public servant. The public servant is obliged to perform their civic duty without charge to the masses however this is very common in Nigerian and the masses are very aware about it. Its reference as "oiling the palms" of the public officer for a duty they were supposed to perform without charge.

This exist in the entire nation and could be in so many different ways. For example a Nigerian could go to the government hospital for check up. Once there, the government employee who registers them for their reason to be there accepts bribe to speed up their process or move them to the very top of the list. With the large population Nigeria has, most public services are crowded due to limited number of the facilities across the country.

Widespread corruption. This exist in Nigeria in the as a form of recognition by the entire society of the presence of corruption in all areas of the Nigerian society top to bottom. Bribery and corruption is found present in all Nigerian industries to an extent that it has become socially acceptable across every work of life. Objecting to corruption now seems to be the odd thing to do in case when one sees or encounters corruption.

Systematic Corruption. The entire system on which the Nigerian state runs on is built on corruption. To get to public office is not based on an individual's ability to lead or govern rather on his network of relations to people who are already in positions of authority. This is applicable not just for public service but right to private denominations in Nigeria. From employer to employees corruption exist in the web of relation. A country with the relationship structure leads to exploitation of everyone who needs any services. This does not just end within the Nigerian society but its worth to note that its the reputation that presides the nation whenever its mentioned abroad.

Also, the most destructive and disruptive form of corruption exist at the helm of the federal government where those at the top with access to the state treasury siphon funds to increase their wealth at the expense of the entire nation. This is done with collaboration with the public authorities who are supposed to be the gate keepers for the state funds. Public contracts for the development of the state is given not on merit or expertise but on basis of bribe. A candidate for a state contract might not have the know-how or expertise to handle a particular contract the state wants to carry out. However, this does not stop the individual from winning the contract as long as he can present a sizeable bribe to the public authority who is responsible for handing out this contracts to deserving individuals and entities. After receiving the contract it will not be completed to the standard required by the state, it will be done with the cheapest means possible for the contractor to enrich himself instead. Its the continues growth and strength of corruption and malpractices in Nigeria that has kept the country to stay under developed though its one of the richest states in Africa (Opara 2007)

The overwhelming increase in bribery, corruption and other forms of malpractice in Nigeria necessitated the need for immediate action to prevent the state from drowning in malpractices. This prompted former president Olusegun Obasanjo to acknowledging there was need to institute anti corruption initiatives. In his address in 1999 when he introduced the corrupt practices and other related offences act, he recounts the state had institutionalised corruption as a base of governance. Adding that the continuous growth of corruption has eroded the very core institutions in Nigeria on which its values were to be upheld. This leading to a privatization of means but the very powerful minority at the expense of the masses clawing opportunities of the state into the hands of a few. Threatening the judiciary system of Nigeria, intimidating its laws and regulations clouding the society and threatening its democratic values. Adding that power had shifted from the desire to govern and grow the state to a means of accumulation of wealth. The reason this behaviour is sustained is directly linked to the abandoning of productive initiatives, and the collapse of accountability and fading of leadership. These normalised acts which were once considered vile ultimately became totable promoting a cultural shift and making it societally accepted across the nation.

The presidents address portrayed the need for an immediate need of reforms and initiatives to be reinstated in Nigeria. The disconnect between reality and what had become the status quo had swept off all public confidence in the nations economic and political institutions which had laid the basis for this distort in relationship.

II. INITIATIVES IMPLEMENTED BY NIGERIA TO COMBAT CORRUPTION

Its worth to recount that its not the absence of anti corruption that promotes corruption in Nigeria but the inability for the institutions to uphold this laws and hold culprits accountable for this acts. Nigeria like every other country that has identified corruption as a problem has initiated within its constitution and the laws governing the state, set of rules to hold people abusers of authority accountable. The Nigerian constitution of 1979 provides lays the fundamental principles of the conducts of public officers. This code requires a range of responsibilities to public officials within other aspects to declare from time to time upon request their total assets to the public.

Following his remarks and tirade on corruption, former president Obasanjo started his fight against corruption by instituting a number of organs and institutions to check corruption. First he started with an anti corruption bill addressed to the house of Assembly titled " A bill for a law to prohibit, punish bribery and corruption of or by public officials or other persons". He proceeded to set up institutioned commissions and panels to review different aspects of corruption.

However, with the most noticeable aspect about his efforts for the fight against corruption was the creation of the Economic and Financial Crime Commission (EFCC). From its creation till date, the institution has led the charge in the fight against corruption in Nigeria. Its responsible with the administration and enforcement of the provisions of the Economic and Financial act. Investigating all sorts of financial crimes in cooperation with other global institutions like Interpol. It will be very brief to dive into the EFCC immediately regardless of how effective it has been as an institution fighting corruption in Nigeria. Its worth reiterating again that, its not the absence of laws or codes in Nigeria which are against corruption. Its been about upholding this acts, laws and codes in the face of corrupt practices that the failure has been recorded and led to this phenom in Nigeria. There are several acts instituted in Nigeria to check corruption and institutions also whose duties include standing up to this malpractice. For the acts, these are the following the constitution of the federal republic of Nigeria amended in 1999, the criminal code Act, the penal code, money laundry prohibition act of 2011, the economic and Financial Crimes Commission Act, The ICPC Act, Corrupt practice and other related offenses Act, Code of Conduct Bureau and Tribunal Acts, Public complaints and Commission Act and The Central Bank of Nigeria Act. All this different Acts exist in Nigeria all to uphold moral values and stand against corruption (Ikpeze 2013)..

Like Acts, there are several institutions which are found in Nigeria directly linked to check corruption at all times. I will give a brief analysis on each of this institutions role in the plight against corruption.

The National and State houses of Assembly. The two houses are one of the prominent institutions in Nigeria with significant influence over corruption. Besides the powers to make laws to target corruption in the state, they can also exercise powers of investigation into this practices. Both houses have an oversight function and legislation to summon witnesses and apply punishment against contempt and perjury. These powers are unhinged and can be directed to supervise investigations on the government and corruption or other malpractices.

The Judiciary. Which is comprises of all courts in the state from the low courts to the highest. This is made up of the customary courts, the magistrates and the supreme court. They are charged with the interpretation of the laws and status which govern corruption the fight against corruption and the prosecution of culprits.

The Economic and Financial Crimes commission (EFCC) this institution was created specifically for the purpose of combatting economic and financial crimes. Its responsible for investigation suspects of financial malpractices and retention of funds from culprits. Its grown to tackle other related areas such as internet and online fraud and working in collaboration with other international agencies like interpool.

Public Complaints commission established following the public complaints commissions act to check public officials and protect the public against oppressive and corrupt practices of public officers. Its recommendations and investigations can lead to arrest and prosecution of public officials. However this institution has not been very effective in its fight against corruption due to its limitation in enforcement.

The code of conduct tribunal its core value is to prevent corruption in public offices. It was created under the code of conduct act with authority to try individuals and groups who violate the Act.

The central Bank of Nigeria being one of the leading financial institutions in Nigeria its core vales right at its foundation are rooted to fight corruption and dishonesty. In order to fight corruption from the top, the act in the creation of the bank provides provisions for the directors or governors of the bank to be held accountable if found guilty of any form of misconduct. Section 54 of the proceedings of the act of the board of directors states that a director with interest either directly or indirectly linked with the bank or business deals should disclose these interest during the board meetings and can't vote or act on these matters (Ikpeze 2013). The central bank is also versed with the power to collaborate and share information with other agencies in the fight against corruption.

The judicial police force law enforcement and other security agencies have been given the power from the moment of their establishment to investigate , arrest culprits of acts of corruption in Nigeria. There are other security agencies in Nigeria like the Defence Intelligence Agency(DIA), the State Security Service (SSS) and the National Intelligence Agency(NIA). All the agencies under the National security act gives provisions to these agencies to fight corruption in the state.

Also the Federal Character Commission (FCC) poised with the responsibility to make certain the equal distribution of socio-economic amenities, infrastructural development and positions of responsibility among the state entities that make up the federal government of Nigeria. Its policy on equity provides an ideal for transparency and even distribution across Nigeria. Its powers and composition are further authorised within the constitution.

The Independent Corrupt Practices Commission created under the corrupt practices and other related offences act with the ideal to protect the public service against acts of corruption. It conducts investigations and recommendations which eventually lead to arrests and prosecutions of persons found guilty of this malpractice.

III. THE EXTENT OF SUCCESS REACHED IN THE FIGHT AGAINST CORRUPTION IN NIGERIA

As I mentioned earlier, it is not the absence of laws that govern corruption in Nigeria but the effective implementation of these laws. The absence of checks and balances when those in authority give no account of their actions. Looking at the success recorded in Nigeria's history there is record success achieved in this fight. However, our focus will be on the successes achieved by the EFCC which is the institution in the state which has been very effective in this fight. With the development of several strategies and initiatives to tackle the phenomenon which has cast a dark shadow over the republic of Nigeria, the EFCC regardless of the challenges still led the charge in this mission. There are several recounts of its success it has achieved in curbing corruption and other forms of malpractice.

From its creation, the EFCC has been the most effective institution in Nigeria fighting against corruption. In its very inception in the early 2000's it has been able to recover billions of naira from corrupt individuals across Nigeria especially from people who belong to the elite of Nigeria. Its effectiveness has given it the ability to grow fighting corruption not just within Nigeria but being able to cooperate with other international agencies like Interpol and City of London police to arrest and prosecute defaulters. These cooperations have led to the arrest of over 200 people and seizure of millions of dollars of ill-gotten money. It has stationed a unit within the ministry of finance to help it monitor and track movement of money from suspicious individuals or people of interest. Its work duties escalated to fighting online fraud within Nigeria as it became very rampant in Nigeria arresting many fraudsters in Nigeria responsible for massive online scam schemes. The successes of the EFCC can't be overlooked at any point when talking about how Nigeria fought against corruption. We will further look into a few of its cases.

It took charge in the investigations of the former police inspector general Alhako Tafa Balogun. His corrupt practices were made public and he was forced to resign as the inspector general of the Nigerian police. The EFCC was responsible for the investigations after his resignation and eventual conviction. Also the 55 million Naira bribery scandal which involved former minister of education Professor Fabian Osuji and former Senate president Chief Adolph Wabara the EFCC recovered all these funds from these accused individuals. Another very successful case the EFCC championed was the case against the former Head of Nigeria Ports Authority (NPA) chief Bode George whom with some other suspects misappropriated 85 Billion Naira the suspects as convicted for the misappropriation of the funds.

They were also able to charge former governor of the state of Nasarawa Alhaji Abdullahi Adamu for various counts of corruption and syphoning of 15 billion Naira during his reign as state governor. Also one of the agencies top success was the arrest and conviction of Cecilia Ibru the former managing director of Oceanic Bank International. She was charged with more than 25 counts of fraud, embezzlement, money laundering in one of Nigeria's massive corruption schemes. The EFCC discovered several assets from very large equity positions in several banks in Nigeria, real estate property in Dubai and the US. She had approved several loans to underserving companies and individuals in significant amounts. The EFCC was able to trace almost all the areas where she had syphon funds to. Including her close associates, relatives, maids who had massive accounts in billions of Naira (Nnamdi et al 2014). She was convicted upon the investigation by the EFCC and charged for the crimes she had committed. She was jailed and her assets seized and she was asked to pay over 1 billion dollars in cash back to the state.

Furthermore, in a recent case of the same magnitude as previously, the EFCC with the help of some international organisation were able to discover massive amount of money former petroleum minister embezzled. Diezani Alison Madueke was charged with syphoning over \$6 billion dollars from the state treasury. The EFCC investigation led to the seizure of several accounts linked to the former petroleum minister who had also served as the president of OPEC (Organisation of Petroleum Exporting countries). The state was able to recover real estate and other properties linked to her from London under the investigations of the EFCC (Africatech 2017)

However, as successful as the EFCC has been and just mentioning a few of their high profile cases as seen above, there are many other cases they have brought people to justice in Nigeria especially related with corruption. Notwithstanding, there are a lot of limitations the fight against corruption faces in Nigeria.

Firstly one of the most significant draw-backs to the fight against corruption in Nigeria is Immunity. Top government officials, executive office holder have been granted immunity while they are in office under the Nigerian constitution. This includes immunity from prosecution while the state official is still in office. Several crusades have pointed out the fact that if there is ever going to be a ground breaking success and stamp on corruption by the republic of Nigeria, it has to be top state officials. The untouchable state officials who control key areas of the Nigerian economy generating the most wealth like the Oil sector. On several counts of corrupt individuals with the constitutional immunity has not led to prosecution. The EFCC tried to bring

former governor of plateau state Governor Joshua Dariye to answer for his corruption accusation but couldn't be prosecuted because of his immunity. This has made it extremely difficult to fight corruption as it has laid a platform of the feeling that encourages the growth in corruption embezzlement and mismanagement among the top states elite (Osa et al 2014). There are continuous calls from Nigerians for the issue of the immunity to be addressed, to limit the immunity only for activities performed on state duties against civil suits. That no immunity should be given in a case where a state official is charged with criminal offense especially corruption.

Furthermore, there is a constant abuse of power and the lack of a will to fight corruption. There are several laws to help the state in its plight against corruption however, the implementation of these laws that is always the problem. The agencies and institutions have this imminent road-block as to the implementations of the laws against corruption as it doesn't apply to the highest authorities in Nigeria. On a case where authorities abuse power in Nigeria in 2011 former head of the central bank of Nigeria Mr. Lamido Sanusi started looking into the NNPC records for oil sales. He noticed more than \$20 billion dollars had not made its way back to the state's treasury. As he investigated the records, he decided to convene a meeting with the top bankers of the state to get an explanation where the money disappeared to. This was the first of its kind where a representative of a state institution investigated missing funds linked to the state. However, just after he conveyed the meeting with the bankers and demanded an explanation about the whereabouts of the funds, he was fired. He recounts that his demand from the bankers to give an account of the missing funds had been reported straight to the central government in Abuja (Nossiter 2014). At the time the state officials were focused on the next elections and staying in power. It was not an appropriate time to target the NNPC (Nigerian National Petroleum Corporation) which was a major source of financing the election campaigns of most of the state officials. If Sanusi had managed to stop the scheme, then they would not be able to finance the upcoming elections. Even after presenting his findings to the Senate, which were based on concrete evidence that there was a scam perpetrated by the NNPC, no further action was taken to this effect. After having brought out these questions and requesting for an answer from the concerned officials, he was instead fired for recklessness. The standards have already been set and the leadership of the state is in the hands of those who strive in activities that only benefit the elite of the country.

Also, there is another aspect which is the conflict of interest. There is conflict between agencies, the judiciary. There are no fine lines dividing these organs to where their influence or reach is limited. So from this it brings forth the fight among them in the quest for authority for which institution should be the head in the fight against corruption. A case in point is with former attorney general Michael Kaase Aondoakaa who engaged in several controversial battles with the head of the EFCC on the limit of the agencies power. In some cases he attempted to take over prosecution cases that the EFCC was leading actions in. This aspect is very common and one of the significant setbacks in the fight against corruption.

IV. CONCLUSION

Corruption is responsible for hindering socio-economic conditions of the country and restricting the outreach of the aid programs. Mismanagement in the country is leading to embezzlement of funds, bribery, and the decrease in confidence on the judicial system in Nigeria. Failure in the delivery system of the aid money leaves the country in a vulnerable condition. There is a lack of accountability in the government officials and lack of rule observance in the entire nation that helps corruption to exist in Nigeria (Kamorudeen & Bidemi, 2012). Nigeria is paying a high price for its corruption, \$8 billion in infrastructure deficit, piling international debt, and a declining GDP. Exploitation of the funds is tarnishing the image of Nigeria in the global platform as well. The ineffective civil service code of disbursement of grants, lack of adherence to rules, and weak accountability make the international aid ineffective in the case of Nigeria (Kamorudeen and Bidemi, 2012). To come out of this blasphemy Nigeria is adopting remedial measures with the help of international organizations such as the EFCC and UNCAC (United Nations Council against corruption) to frame a more transparent economy.

Certain measures can be taken to improve the country's capacity to deal with mismanagement. One of the most significant aspects which can be improved is accountability of the state officials. The state officials are not accountable for almost anything they do. The absence of accountability of state representatives at all levels is an important obstacle to change in the entire Republic of Nigeria. The understanding of it is very normal to be corrupt is a tradition that exists in the state of Nigeria which has taken over every aspect of the lives of the Nigerian people. People seek positions of leadership not because they see themselves fit for a leadership role or for the interests of the nation, but as a means to become extremely rich. This is the culture of the state and a vicious circle. It is not possible to predict when this will end since it becomes a norm in Nigeria. However, if public officials become accountable for their actions and decisions and give an explanation to the masses, this may lead the way to a new age (Paul 2016).

Recommendations for better performance in the management of funds should include the need for increasing the role of public participation in the war against corruption. The participation can be

increased with the help of two measures that are in the macro and the micro level. Macro-level participation includes a top-down approach and micro level participation includes a bottom-up approach. The macro level of public participation would require the government to implement forced anti-corruption measures in the nation by strengthening the judicial system and policy measures on the disbursement of the funds. On the other hand, the micro level participation would involve the empowerment of residents of Nigeria so that they are equipped to defend their rights in a better manner. This can be achieved by increasing education and empowerment in the economy. The government needs to establish open dialogues with the civil society. It has to work on establishing public – government partnerships and share information on the designing, implementation, and evaluation of funds in the country and work on inclusion of ethnic minorities.

Nigeria should work on establishing a national framework for anticorruption developed by successive governments. The framework should include the Prohibition Bill and Money Laundering Prevention Act to close the loopholes in criminalizing bribery existing in both the private and public sector. The framework must lay down the procedure of dealing with the legislative loopholes, criminal immunities, and political interference in the prosecution and investigation of the corruption and mismanagement of the funds. The framework should necessarily be independent of any form of external intrusion to ensure that articulate statistics on the investigations, prosecutions, penalties, and confiscated properties are reported and updated at regular intervals for every Nigerian without any exemption on status or class.

Also it will be beneficial for Nigeria is to develop a plan for providing the transparency of the ownership of funds. There is a need to establish a registry of the companies, especially working in international aids and grants and NGOs. The registry will be responsible for revoking the sanction on the companies for non-compliance with the rules or in the case of fraud in the funds. The registry should be given the right to expose even the big names associated with deceits and work on improving the disclosure of people associated with the company, its capital structure, and ownership status.

To fight against corruption and mismanagement, Nigeria must fight against organized crimes. One of the most significant measures the state can implement is to have an autonomous audit institution that will monitor the NNPC. Nigeria is Africa's largest oil exporter and it makes no sense why it should still be in the same economic position. These independent audit institutions should not be under the control of the central government, so they cannot be influenced by the government which is at the center of these activities. This will to an extent limit mismanagement of funds and resources as the audit institution will be able to trace and trail the movements of the fund within the NNPC.

The government should work in establishing an oversight of the legislative procedure within the country and increase citizen participation in the use of aid in police and military budgets. The oversight will enhance the monitoring and implementations of the funds, specifically in the areas of money launder, terrorism financing, and anti-piracy acts. Enrollment of regular external auditors can strengthen the legal framework and increase transparency in relation to the usage of funds in the country

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