OBAFEMI AWOLOWO
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NIGERIA'S COMPLIANCE WITH THE UNITED NATIONS CONVENTION ON

CORRUPTION

By

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DEDICATION

This research is dedicated to God Almighty for His mercy in the journey of life and to the memory of my late father, Samuel Suuru Kikisuhu whose love l find hard to replace.

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LIST OF TABLES

PAGE

TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

CHAPTER THREE: RESEARCH METHODOLOGY

CHAPTER SIX: SUMMARY, CONCLUSION AND RECOMMENDATIONS

LIST OF ABBREVIATIONS AND ACRONYMS

ACN   -   Action Congress of Nigeria

AfDB   -   African Development Bank

AML   -   Anti-Money Laundering

AUCPCC -   African Union Convention on Preventing and Combatting Corruption

BBB   -   British Broadcasting Corporation

BPP   -   Bureau for Public Procurement

CACOL -   Coalition Against Corrupt Leaders

CBN   -   Central Bank of Nigeria

CCB   -   Code of Conduct Bureau

CCT   -   Code of Conduct Tribunal

CDD   -   Centre for Democracy and Development

CPI   -   Corruption Perception Index

CSOs   -   Civil Society Organisations

ECOWAS -   Economic Community of West African States

EFCC   -   Economic and Financial Crimes Commission

FCPA   -   Foreign Corrupt Practices Act

UNO   -   United Nations Organisation

GDP   -   Gross Domestic Product

GIFMIS -   Government Integrated Financial Management Information System

HRW   -   Human Rights Watch

ICPC   -   Independent Corrupt Practices and Other Related Offenses Commission

IMF   -   International Monetary Fund

IPPIS -   Integrated Payroll and Personnel Information System

KYC   -   Know Your Custom

MDAs -   Ministries, Departments and Agencies

NAICOM -   National Insurance Commission

NEITI -   Nigerian Extractive Industries Transparency Initiative

NEPAD -   New Partnership for Africa's Development

NFIU   -   Nigerian Financial Intelligence Unit

NGOs -   Non-Governmental Organisations

NIIA   -   Nigerian Institute of International Affairs

NPA   -   Nigerian Port Authority

NTA   -   Nigerian Television Authority

OECD -   Organisation for Economic Cooperation and Development

PDP   -   Peoples Democratic Party

PRO   -   Public Relations Officer

SEC   -   Security and Exchange Commission

SERAP -   Socio-Economic Rights and Accountability Project

SNG   -   Save Nigeria Group

TI   -   Transparency International

TUGAR -   Technical Unit on Governance and Anti-Corruption Reforms

UNCAC -   United Nations Convention Against Corruption

UNDP -   United Nations Development Programme

UNODC -   United Nations Office on Drug and Crimes

USA   -   United States of America

WB   -   World Bank

Abstract

The study evaluated Nigeria's level of compliance with the United Nations Convention on Corruption (UNCAC) framework; investigated the relevance of the convention in the effective fight against corruption in Nigeria; examined the position of government anti-corruption institutions in the reduction of corruption; and identified issues and challenges in the reduction of corruption in Nigeria. These were with the view to providing insight into the relevance of UNCAC and the level of Nigeria's compliance with its provisions.

Data for this study were drawn from both primary and secondary sources. Primary data was obtained through the conduct of in-depth interviews to purposively selected respondents. A total number of 15 respondents were interviewed for the study. Two of the respondents were scholars who had worked extensively on corruption, cooperation, democracy and good governance in Nigeria. An official from each of the following government agencies was also interviewed: Economic and Financial Crimes Commission (EFCC); Independent Corrupt Practices and other Related Offences Commission (ICPC); and Bureau for Public Procurement (BPP). These were the agencies established by the Nigerian government to fight corruption. In addition, an official each was interviewed from the following International Agencies, Civil Society Organizations and Human Rights Organizations in Nigeria: United Nations Development Programme (UNDP); United Nation Office on Drugs and Crimes (UNODC); Transparency International (TI); Human Rights Watch (HRW); Save Nigeria Group (SNG); and Socio-Economic Rights and Accountability Project (SERAP). These organisations are partners with government in the crusade against corruption and promotion of transparency and accountability in governance. Furthermore, two human rights lawyers from Ile-Ife and a human rights activist from Lagos were purposively selected for interviews based on their active roles in the campaign against

corruption in Nigeria. Secondary data were obtained from published and unpublished scholarly works available in books, journals, seminar papers, articles, newspapers, newsmagazines, conference proceedings, internet resources, dissertations, and government publications. Data obtained was analyzed using descriptive and content analysis.

The findings of the study revealed that Nigeria's level of compliance in the implementation of UNCAC framework was relatively low, due to the lack of political will in the fight against corruption. The study also found that the UNCAC was relevant to Nigeria's anti-corruption crusade, in the area of policy formulation for anti-corruption agencies, investigation and prosecution of corrupt individuals. The study further revealed that the position of anticorruption institutions in fight against corruption was hypocritical and marred by tribalism amongst others, which limited the effectiveness of the anticorruption agencies in the crusade for transparency and accountability. Finally, the study discovered that the issues and challenges in the reduction of corruption in Nigeria were primarily centered on poor implementation of policies on anti-corruption and politicization of the fight against corruption.

The study concluded that the UNCAC provisions on anticorruption were relevant for policy formulation and legal framework to fight against corruption. However, the level of compliance to relevant UNCAC provisions in Nigeria was relatively low due to overbearing political interference, inadequate intelligence, corruption in high places and weak compliance with relevant legal provisions to fight corruption.

CHAPTER ONE

INTRODUCTION

1.1   Background to the Study

Corruption is not new in Nigeria and in other parts of the world. In Ikubaje's view, it is an ancient global phenomenon which plagues the public and private sectors.[1] Literature on corruption is extensive, and there is no shortage of material on its history, nature, effects and it consequence. Less prevalent is information on the `cure' for corruption or on the utility or effectiveness of existing measures against it. Ayoade in his valedictory speech at the University of Ibadan says it exists in every country and regions of the world, though the issue is increasingly regarded as a pandemic in developing countries of Asia and Africa.[2] The concept of corruption, as argued by Williams, is not new but its "academic study is primarily a late twentieth century phenomenon."[3] Nye's perception captures it from a different angle when he says corruption can be defined in several ways, to cover a range of behaviours from "venality to ideological erosion".[4] A wide definition of corruption will include public and private sectors and cover activities consisting of fraud, extortion, embezzlement and abuse of office. Scholars have advanced various reasons for the increasing study of the concept.

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[1] J. G. Ikubaje. *Corruption and Anti-Corruption in Nigeria: Revenue Transparency in the Nigerian Oil Sector.* (Lagos: Pub-Taolab and Co., 2006)

[2] J. O. Ayoade. "Nigeria: Positive Pessimism and Negative Optimism." (Valedictory Lecture, Faculty of the Social Sciences, University of Ibadan, Nigeria, 2012).

[3] R. Williams and A. Diog. *Controlling Corruption: The Politics of Corruption* (Chatham, Edward Elgar Publishing Ltd., 2000). p. 11

[4] J. S. Nye. "Corruption and Political Development: A Cost- Benefit Analysis." (*American Political Science Review,* Vol. 61, No. 2, 1967). p. 416

According to Waller, corruption has being an extensively used concept and one of the most pressing problems of modern society; it harms the economy, polity and society as a whole.[5] Waller's view is further strengthened by the European Commission Report which claims that globally, countries around the world suffers from this phenomenon which hampers economic development, undermines democracy, damages social justice and the rule of law, impinges on good governance and sound management of public money, and competitive markets. In extreme cases, it undermines the trust of citizens in democratic institutions and processes.[6]

Over the years, corruption has transformed from a predominant national phenomenon to a global issue. It is the magnitude and depth of the phenomenon that makes it an urgent policy problem to be addressed by the stakeholders including government and its agencies, International governmental and non-governmental organizations, media and the general public. In line with this development, Pogoson perceives that the end of the cold war and the emergence of an integrated international economy have contributed to widespread perception of corruption as a phenomenon with intrinsically global consequences.[7] He also stresses how this development is linked to the new global realities especially the explosions of communication and information that have made it easy to expose corrupt officials and activities. Such forces are limiting the freedom government officials once had to advance their private interests at the expense of the common wealth. In addition, these forces lower the tolerance governments have for corrupt individuals and practices. He further says that until the mid -1990s, anti-corruption measures

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[5] C. J. Waller, T. Verdier and R. Gardner. "Corruption: Top Down or Bottom Up? Economic Enquiry." (*Western Economic Association International,* Vol. 40, No. 4, 2002). p. 690

[6] European Commission.s 'Report. "From the Commission to the Council and the European Parliament." (Brussel, COM 38 Final, 2014).

[7] I. Pogoson. "Globalization and Anti-Corruption Reform in Nigeria: 2003-2007 in Anti-Corruption Reforms In Nigeria Since 1999: Issues, Challenges And The Way Forward." *(IFRA Special Research Issue,* Vol.3., 1999). p. 27

were not regarded as a suitable subject of international agreements, rather a matter reserved to national sovereignty.[8]

In recent years, the significance of anti-corruption policies on socio-political and economic developments have continued to wax strong as priority, and consistently dominate the political agenda of the United Nations Organisation. Considering how corruption harms the economy and hampers infrastructural development domestically and internationally, the need to develop and implement a set of adequate anti-corruption policies at the global level becomes increasingly imperative. In Pogoson's perspective, a significant vehicle of change in the global environment was the emergence of several international efforts at fighting corruption.[9] He also admits that the anti-corruption crusade which was initiated advanced the broad principles of corruption control, greater transparency and accountability and demanded the establishment of anti-corruption regimes.[10] In a similar vein, he further establishes that as the international anticorruption crusade broadened, and a new global standard regarding corruption began to take place, countries began to promote good governance, ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which their economies can prosper, politics becomes stable and society becomes develop.[11] The battle against corruption has not only become more urgent, it has also become more obvious as the extent of its reach is growing. It is this development that led to the emergence of global anti-corruption institution like the United Nations Convention Against

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[8] i*bid.*
[9] *ibid.*
[10] *ibid.*
[11] *ibid.*

Corruption (UNCAC). Unfortunately, Maphosa in his briefing paper claims that a review of an

array of literature on anticorruption in Africa indicates poor results in terms of productivity…[12]

The UNCAC is a product of this heightened consciousness of corruption as a growing and indiscriminate threat to humanity. It is the first global legally binding instrument in the fight against corruption. The European Commission Report maintains that in the UNCAC provisions, corruption is now a phenomenon that falls under the general category

For more information, please contact **ir-help@oauife.edu.ng**

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[12] S. B. Maphosa. "Democratic Progress and Regress: How Can Elections in Africa Nature Human Security and Better Livelihood?" *(African Institute of South Africa, Briefing,* No 79. 2013). p.17