

**EVALUATION OF PERFORMANCE OF CODE OF
CONDUCT BUREAU (CCB) AND CODE OF CONDUCT
TRIBUNAL (CCT) IN COMBATING CORRUPTION
IN THE NIGERIAN PUBLIC SERVICE**

BY

ADAGBA, ONAH SUNDAY
(Ph.D/ADMIN/51932/2005-06)

**DEPARTMENT OF PUBLIC ADMINISTRATION
INSTITUTE OF ADMINISTRATION,
AHMADU BELLO UNIVERSITY, ZARIA
NIGERIA**

OCTOBER, 2012

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ADAGBA, ONAH SUNDAY

B.Sc Pol. Sc. (ABU 1992), MPA (ABU 2000)

(Ph.D/ADMIN/51932/2005-06)

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**DEPARTMENT OF PUBLIC ADMINISTRATION, AHMADU
BELLO UNIVERSITY, ZARIA NIGERIA**

OCTOBER, 2012

DECLARATION

I declare that this dissertation titled: "Evaluation of Performance of Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) in Combating Corruption in the Nigerian Public Service" has been undertaken by me. It is my own contribution to knowledge, in the Department of Public Administration. The dissertation was undertaken under the careful supervision of Professor Halidu I. Abubakar, Professor Adam A. Anyebe and Dr Kola Obaitan.

This dissertation has never been previously presented for any degree at all at any university and sources of information derived from literature have been duly acknowledged in the text and the references.

Adagba, Onah Sunday

Date

CERTIFICATION

This dissertation entitled "EVALUATION OF PERFORMANCE OF CODE OF CONDUCT BUREAU (CCB) AND CODE OF CONDUCT TRIBUNAL (CCT) IN COMBATING CORRUPTION IN THE NIGERIAN PUBLIC SERVICE" by Adagba O. Sunday meets the regulations governing the award of the Degree of Doctor of Philosophy (Public Administration) of Ahmadu Bello University, Zaria and is approved for its contribution to knowledge and literary presentation.

Prof. Halidu I. Abubakar
Chairman Supervisory Committee.

Date

Prof. Adam A. Anyebe
Member Supervisory Committee

Date

Dr H. A. Yusuf
Member Supervisory Committee

Date

Dr Abdulkarim B. Suraj
Head of Department

Date

Prof. Joshua A. Abiodun
Dean, Postgraduate School

Date

DEDICATION

This dissertation is dedicated to the evergreen memory of my late mother Mrs Eunice Onyila Adagba. May her gentle soul rest in peace with the Lord. Amen.

This work is also dedicated to the Nigerian masses, who have suffered from the country's inability to provide good governance because of corruption.

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Finally, various authors of various sources were used for this study, including official records and publications. I have tried to interpret these materials to the best of my understanding. I therefore accept responsibility for

any error(s) of fact or interpretation of them as used in the work. None is by any imagination deliberate.

ADAGBA ONAH SUNDAY (October 2012)

ABBREVIATIONS

ICPC	-	Independent Corrupt Practices and Other Related Offences Commission
EFCC	-	Economic and Financial Crimes Commission
CCB	-	Code of Conduct Bureau
CCT	-	Code of Conduct Tribunal
CCB and T	-	Code of Conduct Bureau and Tribunal
NEITI	-	Nigerian Extractive Industries Transparency Initiative
CPI	-	Corruption Performance Index
ICAC	-	Independent Commission Against Crime
CPIB	-	Corrupt Practices Investigation Bureau
ACA	-	Anti Corruption Agency
FBI	-	Federal Bureau of Investigation
OGE	-	Office of the Government on Ethics
FGN	-	Federal Government of Nigeria
FMINO	-	Federal Ministry of Information and National Orientation

ABSTRACT

All over the world, the issue of corruption has become a major problem to be tackled because of its corrosive impact on good governance and the socio-economic well being of the people whom government exists for. In Nigeria, there are quite a number of anti-corruption agencies established to address the problem of corruption, like the Economic and Financial Crimes Commission, the Independent Corrupt Practices and Other Related offences Commission and the Code of Conduct Bureau and Tribunal etc. This dissertation evaluates the performance of Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) in combating corruption in the Nigerian Public Sector. The study postulates that the administrative structure, the legal framework establishing the Bureau, the inadequate executive capacity and the lack of government's political will are constraints to her effective operation and performance. The study adopted the system's theory as theoretical framework because of its components and besides, what is being studied (corruption) is part of a wider system (government) and society. Its output also affects the level of good governance. Both primary and secondary data were used in the study. The data collected through the questionnaire were analysed through the use of tables, frequency counts and percentages. The hypotheses were further tested using the chi-square statistics which serves as an important ingredient for measuring their performance. The qualitative data from the interviews, observations and other secondary data were descriptively analysed. From the analysis of data, the study found that the Code of Conduct Bureau and Tribunal have not performed adequately in executing their mandate because of the agency's administrative structure and the legal framework establishing them coupled with the inadequate government's will to enable the organisations succeed. Although the lack of executive capacity and other material resources were identified as constrains too, the test of hypothesis (chi-square) has shown that although these are problems to the bureau, they are not significant enough to affect her overall performance like the issue of structure, legal framework and the insufficient political will by the government and interference. Thus the significant contribution of the study is that it has demonstrated that the persistence of corruption in the Nigerian Public service or the society generally is not so much about its pervasiveness and sophistication, but because of the administrative structural deficiencies, legal framework and other organizational deficiencies of the bodies established to fight corruption. Consequent upon these findings, the study recommends amongst others that (1), government should urgently re-invigorate the agencies for a better performance to set it on the pedestal to bark and to bite thereby checkmating corruption in the service (a), urgently review the administrative structure of the bureau separate from the normal civil service structure to enhance quick response and decision making (b) constantly review the legal framework of the bureau to expand its scope of powers to cover new dimensions of corruption in service (2) Enhance the executive capacity of the Bureau in terms of quality and quantity of staff, financial allocation, logistics and other material resources necessary for the effective execution of its mandate and (3) Government's demonstration of political will to enable the bureau succeed in its mandate as seen in some countries. It is only then, that the dividends of democracy and good governance will reach the majority of Nigerians who daily live in despair under the heavy weight of an albatross (corruption).

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

In much of the developing world, and certainly Nigeria, the traditional western colonial concept of limiting the role of government largely to that of maintaining law and order has been set aside and replaced with the image of government which gives adequate attention and efforts, not only to the need for peace but also to the requirements for better living standards for its people. In this way, Ranis (1971) notes that government in developing areas has become the goal setter or change agent for the society; producer and distributor of goods and services, regulator of the political and economic behaviour of the people. The acceptance of these development responsibilities by government has thus given rise to the need to create and adapt national bureaucracies (Public Service and/or Public Sector Organisations) that are effective and efficient, as instruments for the achievement of development.

According to Cater and Herz (1961) in Ngu (1992), Public Administration is the machinery through which government provides its economic and social services to its citizens. Administration affects every aspect of life today. It makes policies, provides leadership, executes and administers the law and takes a variety of decisions either by itself or through government departments, local government and parastatals. The increasing and diversified roles governments have had to play in recent years result in uncontrollable growth of modern

bureaucracies, particularly in new and emerging states. In these states, peoples' expectations of government are growing higher and higher, with government becoming increasingly a part of the daily life of the citizen. (Reters 1978; Ridley, 1979). According to Robinson, in Ngu (Ibid), "the hegemony of the executive is now an accomplished fact. The modern administration impinges more and more on the individual; it has assumed a tremendous capacity to affect the rights and liberties of the people." It is to provide or perform these varieties of functions (security, physical infrastructural development, moral, social and economic welfare of the people) in an equitable, efficient and effective manner, which is the whole essence of good governance, that administration has been endowed with wide powers and 'there is no hope that the powers would diminish in the near future'.

Because government is the prime mover of national development process and the public sector is central to the government efforts in that direction, combating corruption in the public sector becomes a sine quanon for a country in search of rapid socio-economic transformation. Thus, in public administration literature, there has been growing pressure on governments to ensure that public servants are accountable to the public. Ngu (Ibid) here asserts that 'some of the major criticisms levied against the public bureaucracies include corruption, inefficiency, maladministration and misuse of uncontrollable discretionary powers which go a long Way to infringe rather than protect the rights of citizens' It is even in this spirit that the 1988 civil service reform declared that "the

accountability of an officer shall not cease by virtue of his leaving office, as he may be called, at any time after leaving office to account for his tenure." This is with a view to checking corruption in the service. Sani (2005:174) asserts that corruption means many things to different scholars and the lay man. There is however a convergence of views that:

Corruption is the antithesis of ethics in philosophy. In its simplest form, ethics is system of moral principles and rules of conduct which forbid the betrayal of public trust, abuse and mis-use of public office for whatever untoward and unwholesome motive. It is therefore a science of morals and code of behaviour for members of the public service in particular and society in general in their relationship with politicians, bureaucrat and the public at large in the conduct of public and indeed private business. Corruption therefore is a situation which is bereft of ethics.

Adeyeye (2002:10) opines that all manifestation of corruption are motivated by the desire to use the instrumentality of office for private gains for the benefits of the official, his relations, ethnic group or friends at the expense of the general good. The 1999 constitution part 1 (19) clearly describes corruption as a "misconduct" that could lead to the breach of the oath of allegiance, oath of office etc. Khan even espoused a more desirable definition of corruption thus: "corruption is an act which deviates from the rules of conduct governing the action of someone in position of public authority because of private regarding motives such as wealth, power or status.

Corruption has been a great impediment to economic development and above all, threatened the stability of the polity and greater integration of the

nation. Loyalties were fragmented by thoughts of personal gains while centrifugal tendencies were promoted through the instrumentality of corruption (FMINO 2005:1). In all this, the Nigerian Public Sector cannot by any imagination be exonerated from this perpetuation and even the institutionalisation of the malaise. Haque (1996:23) here points that:

Public Administration itself is susceptible to corruption. Since officials exercise a substantial amount of power. There are possibilities for acquiring improper benefits by interpreting or bending rules in favour of certain groups or individuals. All governments seek to have in place a number of safeguards for deterring and dealing with corruption within administrative agencies. At the same time, public administration has to develop ways and means to prevent and detect corruption in other sections of society. Much of the benefits of rapid economic growth or a stable political order may be lost in the growing tide of corruption.

Although corruption is a world-wide phenomenon, with the ranking of countries differing on the corruption perception index, it has assumed a special dimension in Nigeria and indeed Africa, given that unlike Europe, Asia, and Latin America, endemic corruption has undermined the process of development. In his inauguration, Obasanjo (1999) declared that "government officials (had become) progressively indifferent to propriety of conduct and showed little commitment to promoting the general welfare of the people and the public good. Government and all its agencies (had become) thoroughly corrupt and reckless. Members of the public (have had) to bribe their way through in ministries and parastatals to get attention and one government agency had to bribe another government

agency to obtain the release of their statutory allocation of funds” He vowed to immediately re-introduce the Civil Service Rules, Financial Instructions and other regulations to ensure transparency. According to Obasanjo (1999)

“No society can achieve anything near to full potential if it allows corruption to become that full blown concern it has become in Nigeria. One of the greatest tragedies of military rule in recent time is that corruption was allowed to grow un-challenged and unchecked, even when it is glaring for everybody to see. The rules and regulations for doing business were deliberately ignored, set aside or by passed to facilitate corrupt practices.”

Revelations at the Human Rights Violation Investigation and Reconciliation Commission (otherwise called Oputa Panel (2000) shows that leaders rather than government officials aid and abet corruption, using the latter as facilitators. The Commission also asserts that:

The practice was more intense under the military regime that not only did they disregard accountability and transparency, but also frown at the principles of checks and balances. This process was accompanied, as to be expected, by the intimidation of the judiciary, the subversion of due process, the manipulation of existing laws and regulations, the suffocation of civil society and the containment of democratic values and institutions.

Corruption is not a new phenomenon in Nigeria neither is its history recent. The only mystery beclouding the nation is combating or at least minimising corruption in our body polity. Taking a history swipe to the issue of corruption, Adewunmi (2007:179) asserts that: Nigeria itself is fraud-personified, the white leaders originally planted the nation as a seed of corruption. The seed

was only inherited by the black successors to nurture into a mighty blossoming tree.

This negative perception of colonial and neo-colonial leadership provides a paradigm for analysis of corruption in Nigeria. According to him, Britain counterfeited Nigeria into existence through fraudulent modes of acquisition and governance. The servants of Her Majesty hoodwinked and beguiled our forebears into signing most of the treaties that gave Her Majesty the right to control Nigeria's pre-colonial enclaves. He further asserts:

Nigeria was by this fact conceived in corruption, midwifed in fraud, born as a bastard sort of potpourri and fostered into an awkward sort of geopolitical malformation. Stated more plainly, Nigeria was created out of scramble and graft; it was nurtured into a failed common wealth that must serve the imperial ambition of England.

Also Abubakar (1994:2) espouses the view that "indeed, every major report on the Nigerian public service since the country attained independence in 1960 that touched even tangentially on financial management procedure in the service, has expressed very deep reservations regarding the hitherto prevailing provisions and the weaknesses of the techno-bureaucratic mechanism for ensuring control and accountability in the service. Since then corruption in Nigeria has become a cankerworm that has eaten deep into every aspect of the Nigerian life". According to FMINO (2006)

"Unbased demands for colossal "kick-backs" and "kick-fronts" became the order of the day. Consequently, governance and socio-

economic conditions deteriorated as resources which ordinarily should be targeted at the country's development were mis-managed and looted. In fact, before the advent of the fourth republic in 1999, public infrastructures have deteriorated to the extent that no meaningful economic growth could be supported. It was so insidious a scourge that it impoverished and affected the socio-economic well being of the populace."

It is crystal clear that one of the greatest obstacles to Nigeria's development efforts and by implication recovery from conditions that create financial, bureaucratic, moral, economic, social and even political stagnation is corruption. Corruption has conspired with political deficiency, social decadence and economic kwashiorkor to eat up whatever is known as public morality, weakened Nigeria's ability for self redemption and sent red signal to potential investors in the international community that might eye investing in Nigeria's otherwise lucrative economy. As Adeyemi (1991: Transparency International, I.T 2004) puts it, "Rated recently, and for the fourth consecutive year, as one of the worst tainted nations of the world, Nigeria has sunk too deep into credibility problem at home and abroad."

To most outsiders, the very name "Nigeria" conjures images of chaos and confusion, military coups, repression, drug trafficking and business fraud. The international media generally shun Nigeria because it is a difficult place to work, and it is not easy for journalists to sell their stories to editors in New York, Atlanta or London. Nigeria does not present a cut-and-dried moralistic tale of South African type about an evil racial minority suppressing heroic resistance

fighters. So from time to time, Nigeria drifts across our television screens and into the world's public consciousness, only to fade out again. (Maier 2000: xviii).

Corruption has so permeated every aspect of both our national and private life. Spending huge public resources on vanity appears the pastime of people in high places and positions of trust in Nigeria.

The FMINO (2005:1) asserts that "by 1999, the level of corruption had become frightening indeed. It perverted the national atmosphere and overwhelmed all levels of government. It caused the distortion or diversion of government welfare programmes and continued to undermine the goals of development as public funds were often arbitrarily handled, used for private purposes or deposited in personal accounts including those of foreign banks. Unbashed demands for colossal "kickbacks" and "kick-fronts" became the order of the day. Consequently, governance and socio-economic conditions deteriorated as resources which ordinarily should be targeted at the country's development were mis-managed and looted." Obasanjo (2003), at his second term inauguration as president declared, "We are aware of the expectation to see rapid results from our anti-corruption crusade. Our leadership regards corruption as the antithesis of development and I would like to assure you that we are determined to fight this evil to a standstill"

When you bemoan the spate of corruption in Nigeria, your compatriots laugh you to scorn to indicate that you are old-fashioned. They jest that to be corrupt is the only formula for living in Nigeria of today and "there is nothing you

can do about it.” If a discussion lengthens beyond tête-à-tête, you would even be lectured extensively that becoming fraudulent is simply behaving to type (Adewumi 2007:179).

Globally, corruption has been identified as a major problem that affects the development of nations and service delivery generally. But according to the corruption performance index(CPI), as at February 2009, Nigeria was listed as the 50th most corrupt country on the scale of 1 – 130 where 1 is the least corrupt country and 180 the most corrupt. The corruption performance index measures the perceived level of public sector corruption in 180 countries and territories around the world. (www.transparency.org)

Certainly, this situation cannot be allowed to continue or be simply ignored. If ignored, it can lead to peril and national calamity since there is so far no substitute for an effective civil service machinery if governmental measures are to be implemented for rapid development and progress in every aspect of our national life.

1.2 Statement of the Problem

With the advent of the Obasanjo administration in 1999, there was the renewed effort aimed at ensuring transparency and accountability in the Nigerian Public Service. This was part of the different governmental reforms to bring about a corrupt free service, ensure discipline, efficiency and professionalism of the service etc. Some of these reforms are still on-going especially the anti-corruption war. In the light of this, some institutions were either created anew or

were re-organised as part of the reform process like the Independent Corrupt Practices and other Related Offences Commission (ICPC) in 2000, the Economic and Financial Crimes Commission (EFCC) in 2004, the Nigerian Extractive Industries Transparency Initiative (NEITI), saddled with the responsibility of ensuring due process and transparency in payments by extractive industries and the Budget Monitoring And Price Intelligence Unit (DUE PROCESS). All these were in addition to the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) that had already been established by the recommendation of the 1986 political bureau and later enshrined in the fifth schedule of the 1999 constitution to check corruption and abuse of office by public officers. Thus the Code of Conduct Bureau is an important agency established to check corrupt activities in the Nigerian Public Sector through the enforcement of the code of conduct for public officers.

Its mandate, (i.e. the Code of Conduct Bureau) is to “establish and maintain a high standard of morality in the conduct of government business and to ensure that the actions and behaviours of public officers conform to the highest standard of public morality and accountability.” Other specific functions include

- 1 Receive declarations by public officers made under paragraph 11 of part 1 of the fifth schedule of the 1999 Constitution
- 2 Examine the declarations in accordance with the requirements of the Code of Conduct or any law.

- 3 Retain custody of such declarations and make them available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe
- 4 Ensure compliance with and, where appropriate, enforce the provision of the Code of Conduct or any law relating thereto, and
- 5 Receive complaints about non-compliance with or breach of the provisions of the Code of Conduct or any law in relation thereto, investigate the complaint and, where appropriate, refer such matters to the Code of Conduct Tribunal. (Public Officers HANBOOK: 4-5).

Looking at corruption holistically, monitoring and prevention has often been adjudged as the most effective strategy of taming the scourge. It will control the abuse of power and excesses of public officials. But despite all these important mandate that was aimed at preventing and checkmating corruption in the Nigerian Public Service, the Code of Conduct Bureau (CCB) and Tribunal (CCT) have not been able to live up to expectation, more than two decades after their establishment. According to the World bank's Federal Public Expenditure Review published in 1995, 'approximately US\$200 billion was invested in Nigeria between 1973 and 1993 with very little to show for it. With perhaps no celebrated cases documented to the credit of CCB and T, the Obasanjo's government in its first tenure (1999 - 2003) had reasons to establish these other anti graft agencies mentioned above. According to Asaju (2008), so far, the EFCC has taken 400 cases to court and secured 150 convictions. Also, the commission has prosecuted

some former governors for alleged corruption, and goes on the trail of others for similar reasons. Five governors already prosecuted included Saminu Turaki of Jigawa state, for money laundering to the tune of N.36 billion, Orji Uzor Kalu of Abia state for stealing over N.3 billion, Jolly Nyame of Taraba state for embezzling N.1.6 billion, Joshua Dariye of Plateau state for allegedly laundering over 1.4 billion and Chimaroke Nnamani of Enugu state for misappropriating N.5.3 billion and \$2.3 million etc. Even at this, the EFCC has been accused of selective judgement and have not been able to input the required fear into public office holders and public servants. Corruption continued to be endemic.

Of critical concern is the depth and span of its existence in Nigeria thus creating the negative impression that this cankerworm is indigenous to the nation. It has grown at an alarming rate through the second republic, spread like wildfire through the military interregnum and the aborted third republic and continued its rampaging course across the socio-political landscape of the country to create the deep morass of present times. Public officials were progressively indifferent to propriety of conduct while rules and regulations were deliberately ignored, set aside or simply by-passed to facilitate corrupt practices. It has permeated every aspect of our national life thus leading to the loss of faith by the general public in the ability of government to provide adequate and efficient services.

Since 1995 when Transparency International (T.I), a global anti-corruption body began its rating of countries, according to their perceived level of corrupt

practices, Nigeria has always been grouped among the worst nations, lacking in transparent dealings. According to a survey conducted by the United States of America based Pew Research Centre in 2007, corrupt political leaders have been rated as the top national problem in Nigeria.

Also the outcome of a survey finding of the 2007 Nigeria corruption index, conducted by the Independent Advocacy Project (an anti-corruption group) revealed that the Nigeria Police, the Power Holding Company of Nigeria (PHCN) the Nigeria customs service and the Ministry of Education (particularly higher institutions and examination bodies) are the most corrupt institutions in Nigeria. The survey was designed to highlight the magnitude of corruption and its effects on democracy, development and good governance. The yardsticks used to measure corruption in the project included frequency, severity, size and financial/social cost of corruption. In fact, many have nicknamed the CCB and CCT as a "Toothless Bulldog"

Against the above background and based on the mandate of the Bureau, what are the factors that have deterred CCB and CCT from effectively carrying out this mandate (functions) thus combating corruption in the Nigerian Public Sector? This question informed the basis of this research work.

Research Questions

- i. What has been her capacity to effectively carry out assigned mandate in terms of finance, material resources, human resources (both quantity and quality)?
- ii. To what extent can we say that the legal framework within which it operate has given her the power, not just to bark but also to bite, thereby restoring transparency and accountability in the public sector?
- iii. How has the structure of the bureau in terms of co-ordination, proactive decision making and quick implementation of decision affected her ability to effectively carry out her role as an anti-corruption agency?
- iv. To what extent can we here say, the CCB and CCT has enjoyed political will without undue interference?

1.3 Objectives of the Study

The high incidence of corruption and the socio-economic dysfunction it has caused are so over-whelming. Thus, the main objective of this study is to evaluate the performance of the Code of Conduct Bureau and Tribunal in ensuring transparency and accountability and as well combat corruption in the Nigerian public service.

Other specific objectives of the study includes,

- i. To examine the administrative structure and legal framework to determine whether or not it undermines the capacity of CCB and CCT to effectively perform their mandate.
- ii. To assess the adequacy of the executive capacity in terms of human, financial and material resources available to CCB and CCT to carry out their mandate.
- iii. To examine the extent of government's political will in ensuring the effective performance of CCB and CCT

1.4 Hypotheses Tested

- i. That the administrative and legal frameworks establishing the Code of Conduct Bureau and Tribunal are not constraints to its effective performance.
- ii. That inadequate executive capacity, financial and material resources does not inhibit the effective performance of the Code of Conduct Bureau.
- iii. That lack of government political will is not a constraint to the effective performance of the Code of Conduct Bureau and Tribunal.

1.5 Justification for the Study

Perhaps the most important justification of this study is the fact that there is a dearth of empirical studies on this organisation, may be because it is considered simply as a part of government's bureaucracy, whose role is just the

mundane administration of assets declaration forms to public servants. Her role in the overall fight against corruption is hardly appreciated and thus the agency is mostly seen as a toothless bulldog without the powers to bite. Worse still, people don't see or appear to understand that the basis for any effective fight against corruption, particularly in the public service is asset declaration which provides the standard against which ones transparency could be measured.

Another justification this study is not far-fetched. Obviously, whenever a government, a society, institution or organisation embarks on a planned change in order to resolve present problems (as in this study, the endemic corruption that has perverted every aspect of our national life), there is even the greater need for concurrent studies (action research) into the programme outcomes. This kind of appraisal is necessary, not only for the analysis of outcomes, but also for better decision-making that guides implementation. It will also point out obvious lapses, help to redefine or re-direct strategies for more purposeful results. Put more succinctly, this study constitutes necessary inputs for more effective strategies, and decision-making towards efficient programme implementation and monitoring in CCB and other anti-corruption agencies. It will espouse areas of synergy between them.

1.6 Significance of the Study

Corruption has become so embedded in our system that to day, no sector or institution can claim to be spared or protected from the corrosive effects of the malaise. Its impact has been devastating, leaving behind a trail of agony. It

has caused so much dysfunction that it has become of a great impediment to the much needed socio-economic development of the country. It has threatened the stability of the polity and greater integration of the nation. Loyalties have been fragmented by thoughts of personal gains over and above national interests while centrifugal tendencies have been promoted through the instrumentality of corruption. It has dented the image of the country abroad while sending away potential investors. A country so rich and endowed with so much resources (both human and natural) a lucrative economy, suddenly can no longer stand. Poverty has become a fall out of mismanagement and outright looting by officials given public trusteeship.

Of critical concern is the depth and span of its existence in Nigeria thus creating the negative impression that this cankerworm is indigenous to the nation. It has grown at an alarming rate through the second republic, spread like wildfire through the military interregnum and the aborted third republic and continued its rampaging course across the socio-political landscape of the country to create the deep morass of present times.

Another significance of this study is that it will demonstrate that the persistence of corruption in the Nigeria and the Public Service in particular is not so much because it is pervasive and sophisticated, but because of the structural and other organizational inadequacies of the bodies established to fight corruption.

It is in this context of concept, causes, magnitude and manifestation, coupled with the effects of corruption on the country that this study, on performance evaluation of Code of Conduct Bureau and Code of Conduct Tribunal in combating corruption in the Nigerian public sector finds its relevance and significance. This study is thus prompted by the keen interest of this researcher in good governance, particularly in a democratic setting. The issue of good governance is very critical to our overall national development quest. It is the only panacea to allowing the dividends of democracy reach the citizens of this country and corruption is a major constrain to that objective.

The study will serve as a basis for further research work on good governance, democracy and impacts of corruption on the public service which is the main machinery of government for formulation and implementation of policies.

Further significance of this study is hinged on the fact that it will expose the various corruption dimensions and their spread and how they have affected our development and will continue to do so if left un-checked. It will stimulate awareness and finally bring to bear the need to shun corruption, by both public and private individuals and to expose corrupt officials and bring them to account for their acts.

1.7 Scope and Limitation of the Study

This study will measure the scope and limitation of the study from two (2) perspectives viz. the scope in terms of substance delineation and time context.

Corruption comes in various forms, dimensions and categories. Its magnitude and manifestation as earlier stated is perverse. It has permeated every aspect of national life (both public and private). However, this study cannot embark on studying the whole of it due to time and resources. To this end therefore, this study, relates only to corruption in the public sector and the evaluation of the performance of a primary institution (CCB and CCT) established by government to combat same in the public service. It should be noted that corruption and its practices have their effects on both the machinery of government itself (bureaucracy) and the society generally. This study will thus not fail to discuss and assess such impacts on a broad scale.

Against this background, this study will look at corruption in the public sector from two (2) broad perspectives and as classified by Sani (1999) thus: micro and macro types.

“Micro corruption” according to Sani relates to the individual administrator, the careerist, at the top, middle or lower levels of the organisation, plundering and recklessly looting the public treasury. Macro- corruption on the other hand refers to “macro- corrupt decisions,” made by the individuals that are of a long range effect on many people. Both represent a disturbing phenomenon of increasing levels of corruption and low ethical standards among most of the political leaders and top echelon bureaucrats.

Apart from the substance of study, we must also specify the institution being studied which in this case is the Code of Conduct Bureau (CCB and T).

These organisations are considered strategic in the over-all fight to combat corruption in the public service and ensuring transparency and accountability in governance.

In terms of time context, the specific time scope of this study is the Fourth Republic (1999 to 2009).

The choice of this time is hinged on the fact that by 1999, the level of corruption had become frightening indeed. It was so endemic in our public life and even the society in general that the glaring reality of the ravages of corruption could no longer be ignored, let alone wished away. This era also represented a marked period within which an elected government promised to make the fight against corruption an important cardinal focus of the regime, in an attempt to sanitise our public sector and the way it does or conducts governmental business. As the former president of that forth republic Obasanjo once put it.

As you know, the issue of transparency, accountability and eradication of corruption assumed a central place in the policies and programmes of this administration from its inception. The fight against corruption is meant to be observed within the three arms of government; the executive, the judiciary and the legislature, because corruption will not disappear in our national life if the measures adopted in the fight are designed for the executive arm or within the judiciary alone, while the legislative arm wallows in corruption.

In addition, our fight against corruption will be meaningless if it is concentrated within the federal tier of government while the states and local governments wallow in corruption: neither would the battle against corruption be won if it is concentrated within the

public sector while the private sector, the fourth estate of the realm and civil society wallow in corruption.

Another justification for this time context is that this period marked the very time when government purports that, for the sake of the impoverished Nigerian majority, drastic actions and measures need to be taken to break the stranglehold of the malaise of corruption and to save the nation from total collapse. And as earlier stated in the overall justification for this study (see 1.5), whenever a government or an institution embarks on a planned change in order to resolve present problems (particularly when such a programme is on-going) there is the need to assess the effects (outcomes) of adopted policy measures, strategies and programmes to point out obvious lapses which in the final run, will help redefine strategies for more purposeful results.

1.8 Definition of Terms

The attempt in this section is to operationally define some of the concepts used in the study to give the reader a clear focus. Some were so defined because they form the fulcrum of the study. Thus the following concept are operationally defined thus:

(1) Public Service/Public Sector

The term public service or public sector is often used interchangeably in this work.

The public service in Nigeria is used here to include service in a civil capacity as distinct from the private business section.

The public service therefore in this study is operationally used to include the civil service at the three levels of government in Nigeria (i.e. the federal, state and local governments), the parastatals and the tertiary institutions of learning financed wholly by government from public funds.

(2) Structure

Operationally in this study it is used to mean the administrative work flow processes in terms of the reporting process, proactive decision making and implementation within and outside the agency in executing her mandate. It has to do with the hierarchical flow of authority and information flow with the present body, externally and internally. Internally, it is the flow of authority within and between departments in CCB and CCT.

(3) Law Enforcement

Law is a collection of such rules according to which people live; or a state or country is governed. Enforcement on the other hand is causing a law or a decision to be carried out.

Law enforcement as a compound word is used here to mean, causing the provisions of the act establishing the CCB and such other law that guarantee its operation and performance (e.g. Nigerian constitution) to be carried out.

(4) Operation

It implies, the CCB performing their legitimate functions i.e.:

- ensuring that public servants declare their assets periodically
- ensure compliance of civil servants to their mandate, and
- Ensure that offenders of the act are adequately punished.

(5) Performance

This implies the achievement of the objectives and mandate of the CCB and T. It also implies the rate at which the operations of the CCB and T have reduced corrupt practices among the public servants. It is determined by the number of cases prosecuted, convictions, the type of cases etc.

(6) Evaluation

This concept is used in the context of this work to mean a careful consideration of the operations, activities as well as the material resources of the CCB and with a view to seeing and espousing their adequacy and quality in enhancing its operations.

(7) Customer

Customer generally implies those who patronise a service provider.

In this work, customer is used to imply the public servants who constitute the major target of the CCB and T's operations. In other words, the major focus of CCB and T is to ensure transparency and accountability in the public service by ensuring that every public servant declares their true assets at certain points in time.

(8) Legal Framework

This compound word is used here to imply or refer to the laws establishing the CCB and within which they derive, their powers/authority to carry out their mandate.

(9) Corruption

According to Usman (2008: X) ...

Corruption means much more than public officers taking bribes and gratification, committing fraud and stealing funds and assets entrusted to their care. corruption ... means the deliberate violations for gainful ends, of standards of conduct legally, professionally, or even ethically established in private and public affairs.

These gains may be in cash or kind or it may even be psychological or political, but they are made from the violation of the integrity of an entity and involves the subversion of its quality and capacity.

Therefore corruption is used in this work to include the following:

- Deliberate false declaration of assets
- Non-declaration of asset as at when required
- Collecting full day's salary for less than a full day's job
- Lateness to work and absenteeism
- "grand" and "petty" corruption
- Active and passive corruption
- Bribery
- Influence peddling
- Offering and/or receiving improper gifts

- Bribery to avoid liability for taxes and other costs
- Bribery in support of fraud
- Bribery to avoid criminal liability
- Bribery in support of unfair competition for benefits or resource
- Bribery to obtain confidential or inside information
- Embezzlement, theft and fraud
- Extortion
- Abuse of discretion
- Favouritism, nepotism and clientelism
- Conduct creating or exploiting conflicting interest and
- Improper political party contribution.

10. Executive Capacity

This refers to all factors, human and materials, that aid in the over all operations and performance of the organization. It also involves the adequacy of the required skills and experience of staff, necessary to carry out the mandate of the organisation. This can be measured by the quality and quantity of staff, type of training acquired by the staffs, which equip them to effectively carry out their functions.

11. Human Resources

The entire staff of CCB and CCT currently available for the performance of their functions/mandate.

12. Financial Resources

Funds (money), available to CCB and T to carry out their legitimate functions. It is measured here by the amount available to the organisation, the timely release and effective utilisation.

13. Material Resources

All visible and tangible material resources available to CCB e.g, Offices, Vehicles, Cameras, information gadgets, Public enlightenment equipments etc.

14. Political Will

Implies the willingness of government to give CCB and CCT the necessary support and independence to perform their duties. It is measured by the level of interference (unnecessary interferences) and the support given to CCB and CCT to exercise their powers towards achieving their mandate. (Adequate finance, environment, logistics etc that enhance performance).

1.9 Organisation of Chapters

This dissertation is presented in six (6) chapters, covering all aspects of the study, from the introduction to the summary, conclusion and recommendations.

Chapter one is the General Introduction and background to the study, which highlights the role of government as the prime mover of national development process and the strategic place of the public service (bureaucracy) in that process. It looks at corruption as a malaise and the need to combat it in

the Nigerian public sector if the service is to achieve its role of transformation. The chapter looks at the statement of problem, the objectives of the study, the hypotheses tested, justification and significance of the study, and the scope and limitation of study were highlighted.

Chapter two is the literature review and the theoretical framework adopted for this study. The overview includes an introduction, an analysis of some conceptual issues of corruption, magnitude and manifestation of corruption, causes of corruption, effects and impacts of corruption on Nigeria and the theoretical framework adopted for the study which is the system's theory.

Chapter three is the detailed discussion of the research methodology. This includes the research design adopted for the study, the methods and sources data collection, the population of study, sample size and sampling technique and finally the methods used in data presentation and analysis.

Chapter four highlights the background of the sample institution i.e. the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT), their organisational structure and an overview of the public officers for the purposes of the Code of Conduct.

The chapter also provides an insight into some of the strategies and structures adopted by some countries in their fight against corruption, for possible lessons.

Chapter five is entirely the presentation and analysis of the data collected from the field and used to test the hypotheses earlier postulated in this work.

Chapter six is the concluding chapter. It contains the brief summary of the entire work, the conclusion drawn from the analysis of data and some recommendations proffered on the basis of our research findings.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

The importance of literature review in a research work as this cannot be overemphasised. This is because, literature review concerns a re-examination of the extent to which existing research and relevant literature have covered the area which one may wish to investigate. Obioma (1987:23) asserts that literature review simply implies re-examining the factors which interact in the work(s) already carried out which the prospective researcher studies. The basic and underlying assumption here is that, a review of literature is necessary for a better grasp of the background of the subject matter under study. It is only when this is done and the researcher builds on extent literature, that one would say that there is a real addition to knowledge.

The review in this research therefore is intended to serve to isolate the approaches, methodologies, analytical instruments and facts which previous studies contain and at the same time to eliminate aspects of the above elements which may be in disagreement with "the main text" and the proposed subject of this research. Besides, this review will allow the researcher to retain relevant information and to discard facts etc not relevant or appropriate in the context of this research. Yakubu (2002:45) espouses the view that, a well conducted literature review will provide better focus and enables for effective analysis and hence accurate scientific interpretation. The review therefore, provided a clear

idea about the most appropriate theoretical framework within which the data gathered in the course of the research were interpreted.

This research aims of evaluating the role of the Code of Conduct Bureau (CCB) in combating corruption in the Nigerian public sector. In the light of this, the views of experts, authors, institutions/organs, relevant documents (both within and internationally) and other sources interested or engaged in the whole war against corruption were reviewed. It is the view of this researcher that these scholarly and scientific studies have provided a broader view and grant better understanding of the subject matter.

2.2 Concept of Civil Service

The Dictionary of Social Sciences defines the civil service as “generally, the body of central government as “generally, the body of central government officials of permanent and non-political status who are members, neither of the judiciary nor armed forces.” According to Agbenyo (2005) the civil service generally is understood to be the arm of government that determines how the objectives of government are to be carried out and how resources are allocated among the various competing demands of the country or state. This position clearly outlines the importance of the service in determining the quality of life of the citizenry through state apparatus. It is in this regard that Agbenyo (2005) further asserts that the:

civil service is the engine – house and the shaft of the society and prime mover of the economic , political and social

development. What keeps it moving enduring are time tested principles of remuneration and contentment of the civil servant. Other factors are rules and regulation, otherwise known as red-tape which ensures rationality in decision making and thus lead to administrative effectiveness which forms the bedrock of an enduring polity or society. The system obviates corruption, nepotism, favouritism and tribalism.

Basically, this important role i.e. the primary and fundamental good of the civil service, to deliver good quality services to the general public is mainly the reason why the service has always been under the watchful eyes of the public.

Scott (1981) describes the civil service as a normative structure composed of rules and roles, specifying more or less clearly, who is expected to do what and how.

In view of the above, an organisation like the Code of Conduct Bureau and Tribunal (CCB and T.) operating under a civil service structure or described to be under the civil service conjures the image of an organisation that uses passive methods, devoid of force, to achieve its goal. In fact, the public service rules limits its scope to "a body or organ which enjoys continuity of existence and essentially covers ministries and extra-ministerial offices." Unfortunately, in view of the current trend, such an organisation will most often be perceived as being inefficient, indiscipline, corrupt as 'the crisis of governance over the past decades in Nigeria has been associated with the collapse of professional and ethical standards in virtually every aspect of our national life. For example ... the pervasive culture of greed, indiscipline and corruption in the public service" (Adegoroye: 2005)

The civil servant is expected to be impartial. This rule of impartiality thus requires them to act with maximum fairness to all members of the society. They must ensure that their actions are not tainted by any bias of political belief, religion or social class. Everybody, irrespective of political ideology, religious belief, social class or status must all receive equal treatment in the hands of the civil servant.

Besides the characteristic of impartiality, the civil service has structural characteristics. They are hierarchically organised, with a system of superior – subordinate relations. Duties are defined and specialised for the various sub-units within each civil service.

Also, rules and regulations bind all the service's activities i.e. Public Service Rules (PSR), and this characteristic describes what the German Scholar, Max Weber, has called the "ideal-type" bureaucracy. In theory, it is supposed to guarantee an efficient administration. All organisations that exhibit these characteristics are described as bureaucratic (civil or governmental) in contrast for example to military bureaucracy.

The hierarchical structure of the civil service is probably its most prominent characteristic as far as the ordinary citizen is concerned. It is well illustrated by the manner in which the personnel is organised and remunerated. In the Nigerian situation (1979) for example, there were seventeen (17) distinct ranks and a range of salary is attached to each rank for the purpose of salary administration. This rank and salary structure is referred to as a unified grade

structure. The lowest category of grades (Grade Levels 01 – 06) consists of the junior staff of the civil services – the messengers, typists, stenographers, clerks, craftsmen, and artisans, and technical assistants. The next category of grades (Grade Levels 07 – 09) are the supervisory, intermediate and lowest management staff, including executive officers, technical officers. The third broad category consists of the middle management staff (Grade Level 01 – 13) who performs the bulk of the administrative and professional functions within the ministries and departments. At the top of the hierarchy is the upper management category (Grade Levels 14 - 17). This category of staff constitutes the leadership group and they are responsible for policy and general management.

Although Anyebe (2004:2) asserts that the Nigerian civil service has undergone several major reforms, all in an attempt to make the service more effective and efficient, the current designation of staff within the middle and upper management categories of the federal and state civil services essentially remains as follows:

Table 2.1: Civil Service

Grade Level	State Civil Service	Federal Civil Service
08	Assistant secretary II	Assistant secretary II
09	Assistant secretary I	Assistant secretary I
10	Senior assistant secretary	Senior assistant secretary
11		
12	Principal assistant secre	Principal assistant sec.
13	Under – secretary	Under-secretary
14	Principal secretary	Deputy secretary
15	Secretary	Principal secretary
16	Permanent secretary	Secretary
17		Permanent secretary

Source: Anyebe, A.A (2007) Public Administration in Nigeria: Challenges and Issues

2.3 Conceptual Issues of Corruption

Despite the wide knowledge on the concept of corruption, it has continued to pose a great deal of difficulty in terms of a generally acceptable definition. Its definition is problematic in a way that is independent of ethics or normative values of the observer. In other words, it is burdensome to define in a value-free fashion and the most important analytical problem is the difficulty of agreeing on what constitutes a corrupt behaviour and moreover how to operationalise the concept. It is however important to note here, that corruption cannot be adequately diagnosed and discussed without reference to accountability and transparency. While the three concepts have become popular parlance in both public and private sectors, it is still worth mentioning that they are self supporting, often times viewed as two sides of a coin by public administration scholars and practitioners alike.

Corruption is the major concept used throughout this study mainly because it is one of the primary societal ills the Code of Conduct Bureau (CCB) is mandated to address, at least in the public sector which is the scope of this study.

According to Compos (2007) corruption means "the use of public office for private gain, which can take on a multitude of faces; its scale can be grand or petty." To Usman (2008)

... Corruption means much more than public officers taking bribes and gratification, committing fraud and stealing funds and assets entrusted to their care. Corruption ... means the deliberate violations, for gainful ends, of

standards of conduct legally, professionally or even ethically established in private and public affairs.

These gains may be in cash, or kind, or it may even be psychological, or political, but they are made from the violation of the integrity of an entity and involves the subversion of its quality and capacity.

Other scholars have tried to define corruption and distinguish it along political, bureaucratic, economic, moral and even religious perspective. However, in reality, the different categories are not more than different manifestation of the same phenomenon. According to Adeyeye (2002:10) "all manifestation of corruption are motivated by the desire to use the instrumentality of office for private gains, for the benefit of the official, his relations, ethnic group or friends at the expense of the general good. Gboyega (2002:14) equally identified two variant definitions of corruption viz: traditional and political definitions. To him, the traditional definition or connotation of corruption involves the giving or taking of bribes or illegal acquisition of wealth using the resources of a public office including the exercise of discretion. The political definition according to him is any decision, act or conduct that was perverse to democratic norms and values. It also includes any decisions, act or conduct that subverted the integrity of people in authority or institutions, charged with promoting, defending or sustaining the democratisation process, thereby undermining its effectiveness in performing assigned roles.

Abdullahi (2007) in the June 18 edition of New Nigeria Newspaper, attempts to define corruption by comparing two different but complementary

concepts, indiscipline and corruption. According to him, indiscipline is the lack of discipline. It is the failure or refusal to submit one's desires and actions to the restraints of orderly social conduct in recognition to the rights and desires of others. Corruption on its own is the adulteration of moral and ethical standards of the society. It is usually taken to mean a recovery or offending for money or other clear advantages in return for contracts.

Taking it from the legal/constitutional perspective, the 1999 constitution part I (19) clearly describe corruption as a "misconduct" that could lead to the breach of the oath of office etc. Obasanjo, a former Nigerian president (2005) defines corruption to cover all-forms of abuse of office and trust for private gains. It may be grand corruption, systematic corruption or petty corruption, whatever form it takes. It entails high economic and social costs. Khan (1996:1) on his part defines corruption as "an act which deviates from the rules of conduct governing the action of some one in position of public authority because of private regarding motives such as wealth, power or status." The admiration for the definition stems from the fact that it tries to avoid the problem of value judgement arising from an ethical definition. Besides, the definition facilitates the analysis of the concept within the paradigm of transparency and accountability in governance.

Adetola (2007:41) espouses the view that corruption does not lend itself to an easy definition and stressed that corruption cannot be understood in isolation, as a discrete phenomenon, but must be located within a wider pattern

of socio-political behaviour whereby resources are diverted from intended beneficiaries to private and/or group ends. He refers to Szeftel (1998) who offers a working definition that might help explore corruption in the construction industry thus:

“corruption is a behaviour which deviates from the norms, rules and duties governing the exercise of a privileged role or office for the purpose of private gain. It may do so by ignoring prohibitions against certain acts, or by fulfilling obligations to act as long as it does so for private advantage or private regarding motives.”

The World Bank Sanction Committee defines corruption as the “offering, giving, receiving or soliciting of anything of value of influence, the action of an official, in the procurement or selection process or in contract execution (World Bank, 2003).

Sam (2005:174-175) also exposes the view that corruption means many things to many scholars and the lay man. He however asserts that there is however a convergence of view that,

“corruption is the antithesis of ethics in philosophy. In its simplest form, ethics is a system of moral principles and rules of conduct which forbids the betrayal of public trust, abuse and misuse of public office for whatever untoward and unwholesome motive. It is therefore a science of moral and code of behaviour for members of the public service in particular and society in general in their relationship with politicians, bureaucrats and the public at large in the conduct of public and indeed private business.”

A detailed official and statutory definition of the concept and its variants is given in the law setting up the anti-corruption commission known officially as the

“Corrupt Practices and other Related Offences Commission” (ICPC). The Act was enacted by the National assembly and sponsored, signed into law by former President Olusegun Obasanjo on the 13th of June, 2000 as an annexure to the 1999 Nigerian constitution.

On the occasion, of signing the Bill, into law, President Obasanjo gave the following six (6) areas which in his view corruption covers, amongst others.

- (a) Use of one’s office for pecuniary advantage
- (b) Gratification
- (c) Influence pedalling
- (d) Insincerity in advice with the aim of gaining advantage
- (e) Less than a full day’s work for a full day’s pay; and
- (f) Tardiness and slovenliness.

Some have also argued that the absence of accountability and transparency is what breeds corruption hence Otite (1986:12) see it as:

The perversion of integrity or state of affairs through bribery, favour or moral depravity: when at least two parties have interacted to change the structure or process of society or the behaviour of functionaries in order to provide dishonest, unfaithful or defiled situations, then corruption has taken place. It therefore involves the injection of additional but improper transactions aimed at changing the normal course of events and altering judgements and positions of events.

Other definitions worth mentioning here too are those by Nwankwo (2002) and Nye (1997). Nwankwo asserts that “Fraud/corruption occurs when a

person in a position of trust and responsibility, in defiance of prescribed norms, suppresses the rules to advance his personal interest at the expense of the public interest he/she has been entrusted to guard and promote. Nye says here that corruption is:

A deviation from the "normal duties of a public role for private pecuniary or status gains. Such violations of duties or rules include bribery (use of reward to pervert the judgement of a person in a position of trust), nepotism (appointment by ascription rather than by merit) and misappropriation of public resources for private use.

We have here tried to espouse the views of scholars and practitioners of administration alike on what corruption means or entails, but suffice to state here that despite the ambiguity of corruption and its varied definitions from the political, economic, bureaucratic judicial/legal, moral and even academic perspectives etc, it is the view of this researcher that corruption is simply a deliberate deviation from norms, standards, rules, policies and general ways of doing things either for individual or group gains or even both.

Aremu (2008:19) in the Daily Trust of Monday, 7th January proffers three (3) definition of the concept of corruption and variations. The first is incidental (individual) corruption which is confined to individuals' malfeasance and is largely episodic. This he says, used to be the prevalent form of corruption associated with relatively few greedy public office holders. It is associated with the so-called 10% or 20% of rent seekers. The second is the institutional corruption, that involves institutions where public officials can extract rents due to the

weaknesses of the prevailing system of controls and regulations. The notable examples here, he says are the police and NEPA (or PCHN), according to official sources. The third one is the systematic (societal) corruption, which is an endemic or entrenched form of corruption that pervades the entire society.

Nigeria's Vision 2010 report identifies systematic corruption as the "corruption that pervades all facets of society including the political realm. According to Vision 2010, 'political corruption is related to the activities connected with the election and political succession and the manipulation of people and institutions in order to win elections and/or retain power and office. As the Vision report further espouses: "The battle against economic corruptions will not be sustained, unless political corruption is also frontally combated. In fact, it is the political corruption that enthrones the corrupt leaders, who in turn perpetuate economic corruption and not accountable to the people of the country."

Corruption is a global malaise and so insidious a crime and a scourge. According to Doig and Theobaid, cited in Edo (2001:93) corruption can be defined thus:

... Money or any rewards for awarding of contracts, violations of procedures to advance personal interest, including kickbacks from development programmes or multidimensional corporations, pay-offs for legislative support and the diversion of public resources for private use, to over-looking illegal activities or intervening in the justice process, forms of theft, over pricing, establishing non-existing projects, payroll padding, tax collection and tax assessment fraud.

Still, another definition of corruption that is all encompassing and elaborate is that given by the United Nations convention against corruption, which classifies the following conducts as corrupt: bribery, embezzlement, theft, fraud, extortion, abuse of discretion, favouritism, and nepotism, creating or exploiting conflicting interest and improper political party donation.

Following the United Nations Global programme against corruption, the following indulgement can be identified as various dimensions and patterns of corruption.

- (i) 'grand' and 'petty' corruption;
- (ii) active and passive corruption;
- (iii) bribery;
- (iv) influence peddling;
- (v) offering or receiving improper gifts;
- (vi) bribery to avoid liability for taxes or other costs;
- (vii) bribery in support of fraud;
- (viii) bribery to avoid criminal liability;
- (ix) bribery in support of unfair competition for benefits or resources;
- (x) private sector bribery
- (xi) bribery to obtain confidential or inside information;
- (xii) embezzlement, theft and fraud;
- (xiii) extortion;
- (xiv) abuse of discretion;

- (xv) favouritism, nepotism and clientelism;
- (xvi) conduct creating or exploiting conflicting interest; and
- (xvii) improper political party contribution.

2.3.1 Transparency and Accountability

It has previously been stated that the concept of corruption cannot be adequately exhausted without relating it to the issues of transparency and accountability. This is tacitly because, a scenario where the code of ethics and its essential elements of transparency and accountability have been discarded can only portend a discouraging indicator of good governance. Obasanjo (1999) states that "... at the root of corruption quagmire in Nigeria is the failure and virtual collapse of governance, the contamination of democratic values, the erosion of accountability procedures and the prevalence of bad leadership.

Abdulsalami (2004:2) espouses the view that, in recent times, most of the most frequently cited features of the public service in Nigeria is the absence or low level of accountability and transparency in the conduct of high public official. This is often stated in reference to government or its institutions – the bureaucracy, the civil service or any of its component units as corruption, inefficient (or unproductive), ineffective, insensitive or non-responsive and secretive or shady in its dealing. He asserts that in public discourse, "accountability" and "transparency" have become twin terms, and sometimes they are used interchangeable, or as virtual synonyms. However, when they are employed each with a specific usage in reference to a definite

behavioural/operational feature of the civil service, its component agencies or its individual official, then a distinction can be made between "accountability and transparency," between being accountable/responsible/or answerable on the one hand and being transparent, clear, stable or undoubted on the other hand.

A. The Meaning of Transparency

Anyebe (2007:50) asserts that the concept of transparency may be conventionally defined as "being pervious to light, open, clear and frank." He asserts that the importance of transparency underscores the three (3) crucial components of accountability which are a clear definition of responsibility, reporting mechanism and sanctions; and its linkage with accountability.

According to the Oxford English Dictionary, the term "transparency" connotes the quality or condition of being pervious to light, clearness. Used this way, to be transparent means to be open, frank, in genius, easily seen through, recognised, frank and candid, to be understood, to be evident, obvious, etc. Used to describe/assess government official business, it suggests visibility, clarity and openness in the process. Such transactions are according to law, rules and regulations are observed; the principle of fair play, balance (or equity); carefully followed (Abdulsalami 2004:3).

In recent years, the concept of transparency gained immense currency and popular application in its usage, all over the world and certainly Nigeria. Thanks goes to Transparency International (T.I) a leading international non-governmental organisation dedicated to fighting and eliminating corruption

worldwide, in recognition of the harmful effects corruption has on national economic and business environment, on political life, on the culture and values of society; on personal and family life (TI, press release in February, July 2003 and January, 2004 respectively). In its universal and local usage, the term 'transparency' refers to the level of corruption in the political and administrative institutions in countries across the world.

Since 1995 when this global anti-corruption body began its rating of countries, according to their perceived level of corrupt practices, Nigeria has always been grouped among the worst nations, lacking in transparent dealings. Although some may contend with, or even disagree with whatever criteria that may be used to assess standard, magnitude or prevalence of corruption by transparency international, no sincere Nigerian can deny the high level of corruption which has permeated every facet of the nation's public life. Abdulsalami (2004) posits a survey report conducted in April 2003, by TI in countries selected from different parts of the world. The report shows that, in the perception of respondents, political parties are by far the most corrupt institution among the eleven public institutions studied. In Nigeria, the police occupies the number one position as the most corrupt i.e. in the eyes of those interviewed. The outcome of the opinion survey in Nigeria shows that the police is followed by the remaining ten institutions in the following descending order; political parties, educational system, utilities such as telephone (NITEL) and electricity (PHCN), courts, business licensing, medical service, customs,

tax/revenue office, etc. Abdulsalami avers that if by using the result of the TI survey, it means that the Nigeria police is the least transparent among the public institution studied. This may cast doubt on the semantic meaning of the term "transparency." Frequent users of Nigerian highways see clearly how security agents collect money from vehicle drivers especially the commercial ones. What could be more "transparent" than the police transactions with these commercial vehicle drivers? It is accepted however, that even if and when corrupt practices are openly carried out, they are still illegal, unethical, and contravenes the principles of justice, probity honesty, fair play and morality. So the institution of Nigeria police is not transparent. Their actions are against the grains of civilised conduct in both public and private sectors.

B. The Meaning of Accountability

The views of scholars on what accountability is, varies. Anyebe (2007:49) asserts that "genetically, accountability refers to answerability for one's action or behaviour. According to Abdulsalami (2004:3), in everyday popular parlance, to be accountable means to be responsible to somebody or for some thing. He justifies the notion that "accountability" and "responsibility" could be used interchangeably or even as synonyms; because a person or an official is responsible, if he is expected to render an account or an explanation in respect of an assignment. To Pfifner and Presthus (1960:551) Accountability is the formal or legal locus of responsibility.

Technically, accountability involves the development of objective standards of evaluation to assist the owners of an organisation to evaluate the performance of duties by individuals and units within the organisation. Anyebe reiterates that this concept has three (3) important components – a clear definition of responsibility, reporting mechanisms, and a system of review, rewards and sanctions. But to Elaigwu (2005:214) accountability is a dual responsibility, both to the owners and employees of an organisation to each other, between superiors and subordinates. According to him accountability is a sense of responsibility or liability to ones superiors, subordinates as well as employer to whom one must be accountable for the trust reposed on him. He opines further that accountability is not only due to the owner of an organisation as Olowu (2002) would want us to believe, but also to superiors and even subordinates. To him also, the issue of accountability to subordinates makes transparency imperative.

Olowu (2002:140 – 142), and Anyebe (2007:51), here outlines the importance or simply put the justification for accountability on the following grounds:

- (i) It is essential for the efficient functioning of all organisations, especially the public organisations in a democratically governed state.
- (ii) It enables states to derive optimum benefits of democratic life.
- (iii) Accountability is also one of the indices of good governance.

- (iv) The demand for accountability has also been aggravated by the sharp decline in resources available to state institutions in the face of rising expectation in the 1980s and 1990s and the pressure on government by citizen to give them maximum value for money.
- (v) It is a pre-condition for foreign assistance/aid by international assistance agencies.
- (vi) The increasing versatility and education of the citizenry.
- (vii) The need for the efficient functioning of the system.
- (viii) The widespread public perception (or reality?) that government organisations are generally wasteful and inefficient in the use of public resources, in the delivery of public services in Nigeria.

It is against this background perhaps that Smith and Hague (1971:3 – 4) assert that accountability has a definite connotation in public financial management. When used in relation to public financial management, accountability requires that government must have the assurance that public funds are spent on the purposes specified and without personal gains to private individuals beyond fair compensation for their services (Smith and Hague 1971). Burkhead (1956:359) defines accountability as legal liability, the establishment of a pattern of control cover receipts and expenditures, that permits determination either by the executive or by the legislature (or both) that public monies have been used for a public purpose. To make this possible, he explained that accounts must be kept on a basis that permits the continued measurement and

analysis of government programmes and the (effectiveness) efficiency with which they are performed. This also means that accountability can be seen as being financially prudent, honest as well as rendering appropriate stewardship as it concerns public money.

Abdulsalami (2004:4) again reiterates that accountability in public administration generally, and the civil service specifically depends critically on the existence of an effective system or culture of accounting and financial reporting.

Engstrom and Copley (2001:3) points out that this ensures that:

- (a) there is budgetary integrity, since financial reporting demonstrates accountability with regards to the raising and expending of monies in accord with the budgetary process, and laws and regulations.
- (b) Operating performance can be evaluated in terms of service efforts, costs and accomplishment of the reporting entity.
- (c) Stewardship can be rendered. This reflects the concept that financial reporting should enable assessment of the impact on the nation, of the government's operation and investments.
- (d) The financial system and controls is adequate or not.

"Accountability stands out as a cherished goal of every government." Abubakar (1994:5). He also reiterates the view of Day and Klein (1987) that "accountability is one of the fashionable words of our time." He asserts that "over the past decades, new institutions and new techniques have been developed in the service of accountability." This preoccupation with the

institutions and techniques, Day and Klein argue" ... minors wider concerns: the welfare state is also a service delivery state. Its development has compounded the problems of making those who deliver services answerable both to those who finance them and those who use them."

Despite this widespread reference to the concept and concern for it to work, accountability remains a much misunderstood and maligned concept. At best of attempts, it has been defined rather narrowly within the framework of financial management. In recent years, much attention has, quite understandably been focused on defining the concept and in providing a more meaningful yardstick for it as a desirable and hopefully attainable goal not only in the management of public funds but also in the management of public trust. (Abubakar, 1994). He espouses several other views.

According to the United Nations (UN) Manual for government accounting and Budget execution UN (1952:5), accountability is "a liability (involving) the establishment of a pattern of control over receipts and expenditures that permits a determination either by the executive or by the legislature or (both), that public money have been used for public purposes." This definition, though not without its usefulness, tends to impose a constraint to a more broad-based understanding of the concept. Some of them have also gone further to provide a framework within which the concept can be meaningfully, applied for practical administrative and legislative purposes.

In Etzioni's (1975:279 – 285) view, accountability is associated with three popular meanings; (1) greater responsibility to elected superiors, (2) greater responsiveness to community groups and (3) greater commitments to "value and higher standards of morality." In their own contribution, McKinney and Howard (1978:417) see accountability as "responsibility to account for stewardship of a resource or authority." They went on to identify what in their view constitute different types of "accountabilities" which administrators or bureaucrats in general are called to discharge.

These include:

- i. Fiscal accountability - responsibility for public fund
- ii. Legal accountability - responsibility for obeying laws
- iii. Programme accountability - responsibility for carrying out a programme
- iv. Process accountability - responsibility to carry out procedures and
- v. Outcome accountability - responsibility for results.

The five facets of accountability suggested by McKinney and Howard above are not mutually exclusive. A high level administrator in an organisation like the chief executive will no doubt be expected to have a concurrent responsibility involving all these facets. Indeed, commitment to any one of the facets will necessarily involve a commitment to at least two others. For instance, programme accountability will have to go along side fiscal, legal, process and indeed, outcome accountabilities.

Thinking very much in the same vein, Steward (1984), provides a very clear analysis of the different levels at which accountability occurs. He argues

that there is a ladder of accountabilities and, by implication, suggests that unless we break down our discussions about the subject from the usual generalities to consider what is required at each rung of the ladder, little practical progress will be made. Only by identifying clearly with which one is concern, at any particular point in time, can one begin to establish to that level of accountability and who should exercise sanction over whom. Steward's ladder as illustrated by Tompkins (1987:60) is presented in the figure below:

Figure 1

Steward's Ladder' of Accountabilities

Level 1 Policy accountability:	Selection of policies pursued and rejected
Level 2 Programmes accountability:	Establishment and achievement of goals
Level 3 Performance accountability:	Efficient operation
Level 4 Process accountability:	Using adequate measures
Level 5 Probity accountability:	Complying with laws and regulations

The model of accountability provided by Steward suggest that different groups and certainly different information sets are involved at different levels of accountability. Moreover, Steward points out that there is a difference between that he calls bond of accountability and a link of account. The latter involves only the right to information and the duty to report, while the former carry with them the right to exercise sanctions. Stewart's ladder itself provides the basis of a framework for setting about the task of developing a comprehensive and broad based system of accountabilities. Tompkins (1987) provides an extensive

discussion of Stewart's ladder of accountabilities, which for constraint of space and focus of this study we cannot here explore.

Day and Klein (1987:4 – 5) aptly summaries the conception of accountability presented by the various writers on the subject as well as its ethical foundation. According to them, "Accountability begins with individuals in simple societies. It ends with situations in complex societies ... even at its simplest, in the relationship between individuals, (accountability) presupposes agreement both about what constitutes an acceptable performance and about the language of justification to be used by actors in defending their conduct ... to talk about accountability is to define who can call for an account, and who owes a duty of explanation."

The overall purpose of the foregoing analysis is to put the concept (of accountability) in proper focus. For it is the contention of this study, that the absence of a clear conception of what constitutes accountability as well as its basic elements has contributed largely to constraining any meaningful application of measures for internalising the basic tenets of accountability, (both administrative and legislative) to bureaucracies in all societies. In this light therefore, accountability in the context of a civil service should be viewed as responsibility, legal and moral to the public; ensuring that public funds are spent for the specific purposes they are meant for (rules and regulations) and that the best value is obtained for money spent.

In all, accountability and transparency are necessary for the efficient functioning of any system. The two (2) concepts become more essential when considering the functioning of public sector organisations. No wonder, it is often argued that where there are no accountability and transparency, public administrative system runs amok. It is the requirement that those who hold public offices account for the use of that office to citizens or their representatives

2.4 Transparency and Accountability as Basis for Good Governance

The public service has earlier been defined or seen as an agglomeration of all organizations that exist as part of government machinery for the delivery of services. It is therefore a major player in the success or failure of any government. It is the power that ensures good governance. Agbenyo (2005:215) describes the public services this way:

It is the engine house and shaft of the society and prime mover of economic political and social development. What keeps it moving and enduring are time tested principles of remunerations and contentment of the public servants. Other factors are rules and regulations, otherwise known as "red tape" which ensures rationality in decision making and thus lead to administrative effectiveness which forms the bedrock for an enduring polity or society. This system obviates corruption, nepotism, favouritism and tribalism.

This assertion therefore means that tackling the issue of corruption (accountability and transparency) in the public service is part of the overall reform programme provides a basis for good governance. As Obasanjo (1999) notes, "No government can ever survive or deliver viable service to the people, no

matter how good its intentions are, if corruption existed in the ranks as well as in its public service on which it depends to provide the effective and efficient administrative machinery to translate its policies into action” The above statement is a clear indication that corruption in the public service constitutes a major barrier to service delivery.

In recent times, the term good governance has been frequently used in development literature. The variance to “Good governance” is “bad governance” often regarded as one of the root causes of all evils and general stagnation in our society. That is why major donors and other international financial institutions are increasingly basing aid and loans, to conditions that reforms in our public sector ensures “good governance”. According to Maduagwu (2003), “By good governance, people generally mean the provision of bread and butter. In other words, what seems to bother most Nigerians was whether a particular regime improves the economy of the country. Whether under a particular regime, there are availability of food, portable water, good roads, housing, electricity, drugs in hospitals and other essential goods at affordable prices? Whether there are better employment opportunities and whether workers are regularly paid their salaries? Whether there is low crime rate and less communal, ethnic and religious crisis etc etc. These indices no doubt are credible criteria for measuring good governance in Nigeria”.

According to Haruna (2004) Good governance suggests that every thing is in its right place while the variables that promote effective and efficient functioning of the public service are also doing fine and that the human element

which manipulates the process is equally well positioned. That is why Ogiri (2004) also asserts that in a developed or developing democracy like ours, government and governance are joint responsibilities of both the leaders and the led. Consequently, the moral and political legitimacy of a government is defined not only by method of choice and succession of leaders, but also by the ability of a government to effectively and demonstrably strive for the common good of many. Thus Ojowu (2001) declares 'Human welfare is the object of governance and man is the subject'. In all these, corruption stands out as the main obstacle to the achievement of good governance.

A good government must therefore have a well developed public service as that is the organ through which government discharges its onerous responsibilities to society. The public service is the core of good governance, irrespective of their ideological stand. According to Akinyele (2002), this fact is more acutely important in developing countries (and certainly Nigeria), where the need to remove the time dimensions between them and development imposes great strain on the governmental machinery.

According to Kaul (1999:149), good governance demands that government makes consistent efforts to promote the social and economic welfare of the people, while at the same time providing safeguards for the protection of individual liberties. To do this effectively, various institutional structures for promoting popular participation and the formulation and implementation of government policies are required.

Olaoye (2004:5) expresses the view that good governance connotes that the management, directing and control of public affairs are done in a way acceptable to majority of the people being governed. It means there is the rule of law, freedom of expression and association, accountability and transparency, as well as development oriented leadership. It follows right then that there is peace and good environment, which are necessary for development programmes to be implemented. He further asserts that in a system with an attribute of democratic governance, one would find a tradition of the respect of the rule of law and an independent judiciary fairly well established, where judicial decisions are respected and appointment is not based on any other criterion such as patronage or ethnicity, but purely on merit. Under an atmosphere of good governance, the judiciary is not undermined while facilities that will enhance judicial administration are made available for judicial officers. These include, adequate professional staff, physical and social infrastructure and timely release of fund. The new democratic principle of equality, impartiality and fairness are the order of the day.

Ugo (Op Cit) also espouses the definition given by the world bank as the “manner in which power is exercised in the management of a country’s economic and social resources for development. Yahaya (1998:3) here asserts that good governance will in effect mean the use of power by the government. i.e. the president and his ministers, senators, members of the house of representatives and how the public services operates:

- a) To promote democracy, accountability and transparency
- b) To formulate and implement good policies

- c) To effectively and efficiently manage the Nigerian human and financial resources in order to achieve sustainable national development, to achieve economic prosperity, and alleviate poverty.

Yahaya opines therefore that the achievement of the objectives of good governance is heavily dependent on the calibre and orientation of the political leaders in government and competent, well trained and motivated public service. Accountability is fundamental to any organisation with pretensions to being democratic. Government and/or public sector organisations are created by the public, for the public and need to be accountable to it (Anyebe 2007:51) (emphasis is mine).

In all therefore, to achieve good governance, many things are involved like institutions and structures, most of which are within public administration. In fact some of the instruments being utilised in the process of good governance are institutions like the Code of Conduct Bureau and Tribunal, Public complains commission, Budget monitoring and price intelligence unit (BMPIU) otherwise referred to as due process etc.

Although there is a dearth of empirical researches on the CCB and T, a very important and classic empirical study conducted and which is related to this study is the University of Liverpool's PhD dissertation of Ngu S. M (1984), which was published into a book entitled "**The Ombudsman in Theory and Practice; The Nigerian and Comparative Perspective.**" According to Ngu, hardly can one find any institution in this world attracting public criticisms like the public bureaucracy whose object is to transform government policies into

reality. Some of these criticisms levied against the public bureaucracies include corruption, inefficiency, maladministration and the misuse of uncontrollable discretionary powers which go a long way to infringe rather than protect the rights of the citizens. It is for this reason that governments all over the world have been attempting to minimise public criticisms and to improve on the image of their respective bureaucracies through the use of administrative control mechanisms which included the ombudsman system, an innovation of the Scandinavian countries which later received great attention in other countries including Eastern and Western Europe, Asia and Africa including Nigeria.

The term "Ombudsman" according to Ngu (1992) means "Officer" in Sweden where the Ombudsman system is said to have originated. He is an "independent" official whose duty is to investigate citizens' complaints against cases of repression and maladministration by public officials and to recommend remedy where applicable. In Nigeria, the Ombudsman is referred to as the Public Complaints Commission. The ombudsman is in a very strong position to redress individual grievances arising out of maladministration. He has access to departmental files on a complaint being made to him by an individual. He satisfies himself by looking into relevant papers and seeing whether there has been any fault or lapse on the part of administration. He operates differently from the ordinary courts of law. As Wade (1963) tries to emphasis, "The Ombudsman is not required to lead any evidence or to prove his case before the ombudsman. It is for the Ombudsman to find out whether the complaint is

justified or unjustified". In fact, proceedings with the Ombudsman are simple. There is no court fee or any form of financial commitment with the Ombudsman. The Ombudsman himself is the complainant's lawyer. As an external administrative control mechanism, he operates outside the administrative hierarchy and this again is very important with regards to the problem here under study. The purpose is to make the Ombudsman more effective, objective, non-partisan and efficient in the discharge of his functions.

By and large, if the Nigerian Ombudsman or the Public Complaints Commission is to have a broad interpretation of the provision of section 4(2) of the decree establishing the institution, it will certainly enjoy unlimited powers and functions and the dangers are there. Ngu notes that "the commission will be flooded with a mass of trivial, stupid complaints which will occupy its time and that of his staff when they would be better employed upon other matters".

Aware of this danger, the commission, in practice limits its activities to cases of maladministration and is thus more inclined to provisions of section 4(3)(d) of the decree which is more specific than section 4(2) earlier mentioned. Therefore major cases or complaints received and processed include "non-payment of retirement benefits", "non-payment of compensation for landed properties" and issues arising from the mismanagement of the National Provident Fund. Others include "wrongful dismissal", "non-payment of overtime allowances" and miscellaneous complaints. It is this gap that this present study intends to fill by looking at another version of an Ombudsman which focuses on

the rudimentary but very basic foundation of any fight against corruption. The study thus focuses on corruption with the twin issues of transparency and accountability on a wider context in the Nigerian Public Service. It seeks to evaluate the performance of the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) in combating this menace in the Nigerian Public service thereby enhancing the efficiency of public administration in service delivery? The output will certainly be determined by the measure or size of input into the institution which can also be seen as a system and the level of autonomy and independence of the institution.

The Ombudsman system was introduced in Nigeria in the Edicts of April 1974 by the then Kaduna and Kwara state government before it was replaced by the Decree 31 of 1975 to cover the whole country. Although both decrees excluded the military and police from the Ombudsman jurisdiction (unlike New Zealand which had a militia ombudsman), this perception might not be unrelated to the notion that the corruption and maladministration are features of civilian governments while the military are "corrective regimes". Despite this, the Nigerian ombudsman has played an important role in the country's political and administrative developments which are essential for the country's economic development. The detailed analysis of empirical data on chapter eight (8) of the book Ngu (1984) supports this position.

2.5 Magnitude and Manifestation of Corruption

Corruption and the abuse of office have long been a way of life both in the public and private sectors in Nigeria. In fact it has been institutionalised that today, corruption exists in low and high places of the Nigerian society, cutting across all works of life. Its magnitude and manifestation are high and endemic. It has reached an alarming stage that even the international community dread doing any form of business with Nigerians. To that stead, the country has constantly been rated as one of the most corrupt countries in the world. As the FMINO (2003:1) aptly puts it:

All indicators showed that by 1999, the level of corruption had become frightening indeed. It pervaded the national atmosphere and over-whelmed all levels of government. It caused the distortion or diversion of government welfare programmes and continued to undermine the goals of development as public funds were often arbitrarily handled, used for private purpose, or deposited in personal accounts including those of foreign banks. Unbashed demands for colossal kickbacks and "kick fronts" became the order of the day. Consequently, governance and social economic conditions deteriorated as resources, which ordinarily should be targeted at the country's development were mismanaged and looted.

According to Umar (2004:5) corruption in the public service manifests in many forms such as: self enrichment through the misappropriation, inflation of contracts, over invoicing, ghost worker syndrome, diversion of government properties for un-authorized uses, collecting bribes, goodfatherism, charging personal expenses to government, submission of false claims, printing un-authorized receipt booklets, violation of rules and regulations etc.

Even today, and inspite of the efforts of the government and other institutions, and not withstanding all the retreats, workshops, exhortations and prayers by religious groups, corrupt practices are still rife among public servants and politicians. The police are still carrying out their extortion at road block, civil servants still manipulate figures and compel those who have transactions with them to pay gratifications before performing their legitimate duties. Lecturers on campuses continue to carry out their academic research on the "not-so-innocent-flesh of some of their female students in exchange for academic grades (Ogiri, 2004:13 – 14). Indeed corruption has become widespread that it is an albatross, a colossus on the neck of a country that appears to be almost helpless.

The misdeed of government, past and present leaders have taken corruption into the family units and even into the places of worship. Criminals are known to receive great favour from religious leaders. Even a clerk who donates a ten million Naira organ or builds part of a place of a religious leader and his family plus vacation cost abroad is never questioned. Rather, such a crook receives prayers and praises from the religious leaders, but of course not the blessing from God who knows all things. Parents often display the product of their criminal activities even when their children know what they earn and the investment they have. It is indeed very sad.

Corruption has indeed been a major problem to the Nigerian society because of its negative impact on the socio-economic development and well-being of the people.

According to a survey conducted by the United States of America based Pew Research Centre in 2007, corrupt political leaders have been rated as the top national problem in Nigeria. The report ;of the survey asserts that “corrupt political leaders rate as a major concern in diverse groups of middle eastern countries – Lebanon, the Palestinian territories and Israel. But the poll finds that worry about political corruption is most widespread in Nigeria and Czech Republic.” The study carried out in 47 nations including the U.S Canada, Italy, France, Nigeria and South Africa specifically says 82 percent of Nigerians view corrupt political leaders as the country’s predominant problem as the table 2.1 below indicates.

Table 2.2: Top National Problems

Country	Crime %	Corruption Political leaders %	Spread of Aids Disease s %
S/Africa	93	-	88
Nigeria	81	82	-
Bangladesh	86	76	73
Pakistan	85	-	-
Chile	85	-	-
Brazil	82	-	-
Peru	80	73	79
Czech Rep.	-	78	-
Argentina	-	75	-
Indonesia	-	75	-
Lebanon	-	75	-
Tanzania	-	-	88
Ethiopia	-	-	87
Uganda	-	-	83
Ivory/Coast	-	-	81

Sourced from the Punch Newspapers, August 2, 2007, pg 3.

The figures above indicates that Nigerians view corruption as a major problem over and above crime, hence the need to tackle it headlong in order to allow the dividends of good governance to reach the citizens.

Also the outcome of a survey finding of the 2007 Nigeria corruption index, conducted by the Independent Advocacy Project (an anti-corruption group) revealed that the Nigeria Police, the Power Holding Company of Nigeria (PHCN) the Nigeria customs service and the Ministry of Education (particularly higher institutions and examination bodies) are the most corrupt institutions in Nigeria. The survey was designed to highlight the magnitude of corruption and its effects on democracy, development and good governance. The yardsticks used to measure corruption in the project included frequency, severity, size and financial/social cost of corruption.

Seven (7) years into a regime that professed to fight corruption headlong, the study still shows that ninety nine percent of all the respondents identified the Nigeria police as the most corrupt institution in Nigeria, 87 percent selected the PHCN while the Ministry of Education and the Nigeria customs service got 74 percent and 61 percent respectively. The corruption index also suggested that corruption was growing in the country as all the identified institutions with the exception of the customs got higher percentages of corruption rating from 2005 survey.

Table 2.3: Organisations Likely to Receive Bribes

	Year 2005	Year 2007
Total	2013 %	2005 %
The Police	96	99
Power Holding Company (PHCN)	83	87
Min. of Education (Universities, Poly./Colleges of Education)	63	74
Customs and Excise Dept	65	61
Federal Road Safety Corp (FRSN)	42	51
Immigration/Passport Office	56	46
JAMB	41	47
Local Government Authorities	47	46
Independent Electoral Commission (INEC)	-	38
The Tax office/Federal Inland Revenue Service (FIRS)	36	36
Health Ministry/Primary Health Facilities/Teaching Hospital	30	32
Ministry of Justice	27	31
The Presidency	24	29
NNPC	27	28
Federal Housing Authority	26	28
Nigeria Ports Authority/Nigeria Maritime Authority	33	24

Source: The Punch Newspapers June 14, 2007, pg. 7

According to the Nigeria Corruption Index (NCI), these institutions of government received the most bribes from those to whom they are providing

service. It also identified corruption as one of the factors that drives the average Nigerian to the depths of despair, as to the study, "the experience of having to offer bribes, whether in cash or in kind in order to access basic social services or what rightly belongs to one, has serious psychological implications for many Nigerians. It negatively affects their state of mind" (emphasis is mine).

The private sector too cannot be left out. Infact the private sector is one of the major culprits and collaborators of the public officials in perpetuating corruption in the country. In their struggle for contracts, it corrupted public officers. They bring in contrabands for example and bribe the customs to bring in the banned goods into the country. They manipulate rules and regulations to win an edge over the system in the pursuit of their selfish objectives. They will not pay taxes, electricity or telephone bills but try to manipulate and corrupt the officials to pay reduced cost or nothing at all. The tales are many and there is no way in which our private sector, a large part of it, can claim innocence of our present predicament.

Worse still, corruption has been bequeathed to the youth, as a way of life that could be adopted in place of hard work and transparency – at home, at work and even in school. Academic corruption is now rampant in our schools (in primary, secondary and tertiary institutions). Occultism, examination mal-practices, admission racketing, wrongful grading, truancy, sexual harassment, sexual gratification, prostitution etc are the order of the day in most of our educational institutions.

Corruption has indeed been embedded or built into our individual and national psche in place of ethnical morals and standards. These days, it is not uncommon to see parents, as custodian of morals, buying results from such institutions as JAMB, WASC, NECO or evening paying exorbitant fees for impersonators to sit and write exams in their wards' stead, mothers parade their daughters before officials, institutions etc to win underserved favours or contracts. The list is unending and today, the greatest concern with the extent or level of corruption in this country, is on how the business of government, that is supposed to be for the greatest good of the greatest number of people in the country is been conducted with the lowest standards of ethical and public morality, transparency and accountability.

Adewunmi (2007:196) in discussing the variations and magnitude of financial crime say they are many; election rigging, disobedience to court rulings, bribery, sale of justice to the higher bidder, financial mis-appropriation, bank fraud, money laundering etc. Strangely enough he says, Nigerians perpetuate these many crimes and still worship with "clean" conscience. So as Ajibola (1991:xxii) puts it: "It is not only the politicians or the executives that are corrupt in our society, but so are bureaucrats, public servants involved in the administration of justice, law enforcement agencies, the press, religious leaders and other members of the public."

Awolowo sums it up when he asserts as follows:

*everyone strives by hook or by crook to be rich
and socially important, in order to win*

recognition and prominence in the Church/Mosque. They see to it too that they bring as much of these ill-gotten gains as they can spare to the Church/Mosque by way of atonement for their sins, and to secure approval for further loot. (Emphasis is mine).

In all, to even say that corruption has permeated every aspect of the Nigerian society is just an understatement. In fact, it has shaken the very foundation of the country and posed a great threat to whatever as a country today, we hope to bequest to the next generation.

2.6 Causes of Corruption

From our discussions so far in the previous sections, it would have started to emerge, almost explicitly, some of the causes of the malaise called corruption. Various scholars and practitioners alike in the field of public administration and even individuals in society have variously tried to diagnose the causes of corruption, with particular reference to Nigeria where the cankerworm seems to be more perverse and endemic.

But why is corruption a viable enterprise in Nigeria? Dike (2008) asserts that the causes of corruption are myriad; and that they have political and cultural variables. He espouses the views of Lipset and Lenz(2000) that some evidence point to a link between corruption and social diversity, ethno-linguistic fractionalisation, and the proportion of the country's population adhering to different religious traditions. He further asserts that studies have noted also that

corruption is widespread in most non-democratic countries, and particularly, in countries that have been branded neo-kleptocratic and prebendal (NORAD 2000). Thus, the political system and the culture of a society could make the citizens more prone to corrupt practices or activities. However, the focus of this section is more on the fundamental factors that engender corrupt practices in less developed nations and particularly Nigeria. Some of the factors include;

- 1) Great inequality in distribution of wealth;
- 2) Political office as the primary means of gaining access to wealth;
- 3) Conflict between changing moral codes;
- 4) The absence of social and governmental enforcement mechanism; and
- 5) The absence of a strong sense of national community (Bryce, 1921).

The causes of corruption in Nigeria cannot deviate significantly, if at all, from the above factors. However, obsession with materialism, compulsion for a shortcut to affluence, glorification and approbation (of ill-gotten wealth) by the general public, are among the reasons for the persistence of corruption in Nigeria (Ndiulor, March 17, 1999).

According to the FMIN :14, researchers have asserted that Nigerians are corrupt because the system under which they live makes corruption easy and convenient to pursue and that the cure for the scourge lies in making corruption difficult and inconvenient. Giving credence to this assertion, Obasanjo once posits that:

Once you give free rein unchecked, unbridled and uncontrolled, the bestiality of man comes to the fore

... the average African is not by nature more corrupt than the European or any one else from any part of the world. He is no less democratic than anyone else. But others have institutions, laws, conventions and practices which effectively discourages and punish corrupters and corruptees. Effective sanctions – moral, social, political and legal are essential part of the anti-dote against corruptions human rights' abuses and all forms of anti-democratic tendencies.

Diagnosing the causes of corruption and with particular reference to the Nigerian public service, Umar (2004:4 – 5) asserts that corruption in the service can be traced to one or a combination of the following:

1. Irregular payment of salaries
2. Low salary/wage
3. None or partial implementation of civil service regulations
4. Breach of channel of communication
5. Inappropriate posting of staff
6. General poverty in the society; and
7. Inability of meeting basic needs of food and shelter.

The views of Abubakar (1996:2) is here very inciting and worthy of mention. He began by giving a historical analysis of the various reports on the Nigerian public service since independence to give the causes of corruption in the service. He asserts that "indeed, every major report on the Nigerian public service since the country attained independence in 1960 that touched even tangentially on financial management procedures in the service has expressed very deep reservations regarding the prevailing provisions and the weaknesses of

the techno-bureaucratic mechanism for ensuring control and accountability in the service.” He sums up his view on the causes of corruption in the Nigerian public service by outlining two(2) major bottlenecks that have bedevilled the service since independence thus:

- i. structurally weak control mechanisms which create a variety of loopholes that have tended to facilitate and sustain corrupt practices; and
- ii. a near total absence of the notion and ethnics of accountability in the conduct of public affairs in the country. He concludes “large-scale corruption there was and there still is, in the management of public finances in Nigeria.

Also within the context of the Nigerian public service, another cause of corruption is insecurity against rainy days as widely seen by the delayed or non-payment of retirement benefits and/or pension. Government reform policy in the area of pension, giving room for a contributory pension scheme is doubtful and full of loopholes. The pension scheme managers seem not to be in grap with the modalities for their operations and the public appear to be helpless and asking why at all government ever contemplated such a sudden scheme.

There is also the absence of a definite and effective welfare programme to cater for certain people in country like the old people. According to the Guardian newspaper (Money Watch). “Welfarism as a programme of catering for a people in a particular country is non-existent in Nigeria. Welfare system began in

Germany in 1883, followed by other, developed countries. Since 1960, when Nigeria got independence, the country has no welfare system.

Another factor that encouraged and continues to sustain corruption in Nigeria is the weak and mismanaged economy. Right from day one, Nigeria had everything in natural and human resources to turn the country into the proverbial "Eldorado," but in the same vain too, from day one, lacked good managers of these resources. The result is a weak economy. Every Nigerian leader comes with promises of galvanising the nation's abundant resources to promote the fortunes of most Nigerians, who had since independence, been consigned to the poverty belt of existence. But none laid a good foundation for job creation to bolster the profile of manpower. Apart from the worsening unemployment and poverty levels of the country, uncontrolled inflation and other misused macro-economic indicators have been used to prevent economic growth at the desirable rate and gradual development, which the country has always needed.

Adewumni (2007:197) describes corruption as a vicious cycle whose jinx is too difficult to break. It is like the yolk and the albumen or the egg and shell. As for the causes, he attributes it to the society and system. He says "Nigerians are corrupt because their society is corrupt and the Nigerian society is corrupt because Nigerians are corrupt. In mutual reinforcement and endless succession, therefore, each is the cause and at the same time the effect. It is a "sociological bad faith," it is a chain that requires "the strong man," good leadership to break.

Leadership is the greater culprit and desideratum. "It is totally false to suggest, as we are apt to do, that Nigerians are fundamentally different from any other people, in the world. Nigerians are corrupt because the system under which they live today makes corruption easy and profitable. They will cease to be corrupt when corruption is made difficult and inconvenient"(Achebe 1983:1).

If it is thus evident that the system is a source of corruption, then bad leadership can not be divorced from it, hence at the root of corruption is bad leadership. Adewumni espouses the view here that "Nigeria's military leaders have also disappointingly elected to be their nation's enemies. This is a greater leadership problem and greatest national calamity, for "woe unto a nation whose king is a kid." The situation is not any different in the elected democratic governments. It is perhaps even worse. Yusuf (2000:45) for example attempts to discuss the profligacy and permissive disposition or open door policy of the Ibrahim Babangida regime, to all questionable deals, that became so ubiquitous and infected every national institution and assignment negatively. He asserts that "Babangida went all out to corrupt society. Abacha was intimidating people with fear. With Abacha gone, you can recover. But this (IBB – Made – attractive) corruption remains and is very corrosive to society." A Tell editorial also asserts that:

IBB rubbished the anti-corruption crusade started by Generals Ramat Mohammed/Olusegun Obasanjo (OBJ) and intensified by General Mohamadu Buhari. He reinstated dismissed military governors to their ranks and returned all properties earlier confiscated from them. (This corruption guru) elevated graft to

the equivalent of a director of state policy and idolised corruption. (the grandmaster even annulled Nigeria's freest and fairest presidential election) and till date, he has not accounted for the 12.8 billion dollars windfall which accrued from the crude oil sales during the 1991 gulf war.

Certain scholars too have espoused different view as to the cause of corruption as it were in Nigeria today. They opine that the root of corruption is colonialism. That Nigeria as a nation is simply behaving to type. According to Adewunmi (2007:179)

Nigeria itself is fraud personified. The white leaders originally planted the nation as a seed of corruption. The seed was only inherited by the black successor to nurture into a mighty blossoming tree" (And that they have effectively done). This negative perception of colonial and neo-colonial leadership provided a paradigm for analysis of corruption in Nigeria. (The emphasis is mine).

Crowther (1978:159) too traces the historical background of corruption by analysing how Britain shamefully lied and heightened her dissimulation to criminal extortion when she deceived traditional chiefs and clan heads to sign treaties with her representatives and automatically, inversibly ceded their sovereignty to the British crown. As he succinctly puts it:

Many of the chiefs' (over 400) signatures or marks were forged or obtained under duress. At other times, the British outrightly lied to them. For example, when Jaja, the former slave-turned-king of Opobo was negotiating an agreement with Hewett, he specifically asked the consul to define the word "protectorate." Hewett lied as follows: "the Queen does not want to take your country or your market but at the same

time she is anxious that no other (rival German, French) nation should take them. She undertakes to extend her gracious power and protection which will leave your country still under your government. She has no wish to disturb your rule.

How can fraud be more glaring and perpetuated in a system? No wonder

Adewunmi (2007) concludes in a very incisive way thus:

British counterfeited Nigeria into existence through fraudulent modes of acquisition and governance. The servants of Her majesty hood winked and beguiled our forebears into signing most of the treaties that gave Her majesty the right to control Nigeria's pre-colonial enclaves. Nigeria was by this fact conceived in corruption, midwifed in fraud, born as a bastard sort of potpourri and fostered into an awkward sort of geo-political, malformation. Stated more plainly, Nigeria was created out of scramble and graft, it was nurtured into a failed common wealth that must serve the imperial ambition of England.

2.7 The Effects/Impacts of Corruption on Nigeria

The previous section above we have tried to bring to bear, the various causes of corruption as postulated by scholars and practitioners of administration alike. This various causes of corruption are not without their dire consequences or impact on the country and that is what this section now turns to address or look into. The effects of corruption is indeed grave, the glaring reality of its ravages can no longer be ignored or simply wished away. The effects of corruption are mostly well known and at best felt by those who are supposed to be the beneficiaries of governmental policies and programmes, 'The public' it causes starvation, was, ethnic uprisings, undermining of democratic institutions

and brings about economic bankruptcy in the countries in which it occurs and general increase in crime rates.

According to Dike (2008), the effects of corruption to a nation's socio-political and economic development are myriad. The negative effects impact economic growth as it, among other things, reduces public spending on education (Mauro, 1997; and 1995). Lipset and Lenz (2000) note that the effect on growth, is in part, a result of reduced level of investment, as it adds to investment risk. The effect of corruption on education comes from the fact that the government spends relatively more on items to make room for graft (Shleifa & Vishny 1993; Lipset & Lenz, 2000). And corrupt government officials would shift government expenditures to areas in which they can collect bribes easily. Large and hard to manage projects such as airports, highways and power supply, make fraud easy. In addition, poverty and income inequalities are tied to corruption (Lipset & Lenz, 2000). Development projects too are often made unnecessarily complex in Nigeria to justify the corrupt and huge expense on them

According to the American Diaspora initiatives (2007:3) the effects of corruption are diverse and excruciating.

In the political realm, it has undermined democracy and the legitimacy of government by subverting formal processes. In doing so, it reduces seriously the trust and confidence of the people in their institutions. Corruption in elections and in legislative bodies reduces accountability and representation in policy

making. Corruption in public administration results in uneven provision of services. It undermines economic development in a variety of ways, of creating distortions, inefficiencies and diverting resources.

Obviously, corruption has been the greatest impediment to the economic development of the country. According to the World Bank Federal Public Expenditure Review published in 1995, "approximately US \$200 billion was invested in Nigeria between 1973 and 1993 with very little to show for it." Eigen (2004) who also describes the effects of corruption as tellingly disastrous and compares it to an unwanted weed, that invades every space and suffocates every "valuable plant, otherwise carefully planted" argues that "it has become a daunting obstacle to sustainable development and has resulted in major losses of public funds needed for education, healthcare and poverty alleviation in developing countries" Nigeria certainly belongs to this group of developing states.

Corruption has conspired with political deficiency, social decadence and economic kwashiorkor to eat up whatever is known as public morality; weakened Nigeria's ability for self redemption and sent red signal to potential investors in the international community that might eye investing in Nigeria's otherwise lucrative economy.

To most outsiders, the name "Nigeria" conjures up images of chaos and confusion, military coups, repression, drug trafficking and business fraud. The international media generally shun Nigeria because it is a difficult place to work and it is not easy for journalist to sell their story to editors in New York,

Atlanta or London. Nigeria does not present a cut-and-dried moralistic tale of south African type about an evil racial minority suppressing heroic resistance fighters. So from time to time Nigeria drifts across our television screens and into the world's public consciousness, only to fade out again (Maier, 2000:xviii).

The malaise of corruption has led to the harrowing infrastructural decay in the country today. FMINO asserts here that public infrastructure had deteriorated before 1999 to the extent that no meaningful economic growth could be supported. The corollary of infrastructural collapse and a corrupt business environment had been the paralyzing decline in domestic and Foreign Direct Investment (FDI) in the country. Abubakar (2007:15) espouses the view too that there is a concord that corruption retards significant variables for social and economic development by making impotent the very institutions and human resources that are designed to help growth. Oddly enough, corruption is harmfully affecting every sector of the Nigerian society." Its devastating blow is felt more in education, healthcare, infrastructure development, job creation, environment, foreign investment and economy, which are considered to be the symptoms and not the cause of Nigeria's underdevelopment.

Even observers also posit that corruption is not only dangerous to democracy but an impediment to the overall growth of the economy and that economic development, cannot thrive in a corrupt environment especially in Nigeria which is one of the 20 largest economies of the world. They say the effects of graft to the society is incalculable. Its lasting impacts on a nation could

better be imagined than described. Though we can estimate the monetary loss and vestiges of sleaze but we may never know the exact human cost of this enigma.

The former Nigeria's minister of finance, (Ngozi Iweala), in Daily Trust, 2008 aptly shows the inverse relationship between corruption and development when she observes that "at several junctions in Nigeria's history, corruption has sent development into reverse. Nigeria has been ranking at the bottom or second to the bottom in the Transparency International (TI) corruption index for a few years now, coupled with the pervasive "419" scams, which contributes to a continued poor image for the country." As Adewunmi (2007:204) also wraps it, "the destructive effects of financial corruption on the economy cannot be easily quantified. As an inordinate practice, of taking undue advantage at the expense of other compatriots, it is tantamount to interpersonal injustice, because it diverts resources away from their planned use for maximum gain, it bastardises and puts out of gear national strategies for wealth creation and distribution, because it misappropriates wealth to the rich and powerful clique, it strengthens the basis of inequality and oppression, and because it diverts productive resources from collective investment to personal use, it reduces capacity of the government to provide education, health and other social services that redistributes wealth to areas of greater marginal utility.

Corruption clearly has become a great impediment to economic development and above all, threatened the stability of the polity and greater

integration of the nation. Loyalties have been fragmented by thoughts of personal gains while centrifugal tendencies have been promoted through the instrumentality of corruption. It caused and continues to cause the distortion or diversion of government welfare programmes and continued to undermine the goals of development as public funds are arbitrarily handled, used for personal/private purposes or deposited in personal accounts including those of foreign banks. Consequently, governance and socio-economic conditions deteriorated as resources, which ordinarily should be targeted at the country's development were mismanaged and looted.

Corruption has indeed been an evil monster that has permeated the fabric of the Nigerian society especially among public officers that had access to government funds. It has pauperised the polity to the extent that while most Nigerians cannot afford to live in a decent accommodation and afford three square meals in a day, the citizens are bombarded daily with reports of how billions of naira is squandered by some public servants including those in the political category. While we cannot completely agree that these media reports are completely true, the enormous revenue generated by the country daily must have been and is still being misused by the public servants and politicians alike, since the impact of such revenue has not been felt by the common citizen. Infrastructural decay, epileptic power supply and absence of medical facilities, education etc are common place.

The pervasive nature of poverty in Nigeria in the midst of abundant human and materials resources has been traced by empirical studies to corruption in government. Mohammed (2008) traced the causes of the state of poverty in the country to amongst other things corruption and unfocused government policies.

Nigerians are not by any standard lazy people neither is the nation itself poor. Infact Nigeria is richly endowed with abundant natural and human resources. It is the sixth largest producer and exporter of crude oil in the world. It earns billions of dollars from the export of liquefied natural gas. But inspite of this, over seventy percent of Nigerians wallow in abject poverty and Nigeria remains highly underdeveloped.

The UNDP Report of 2007/2008 ranked Nigeria 158 in Human Development Index (HDI) out of 177 countries. While the HDI might not be a completely adequate measure of human development, it has, since its introduction in 1990, become a reliable representation of human progress because it gives a broad indication of the general state of well-being of a people. In this index, Nigeria is trailing behind countries like Eritrea, Senegal, Namibia, Togo, Gabon, and even war torn Sudan. It is indeed distressing to see Nigeria, the so-called giant of Africa barely ahead of nineteen countries; Rwanda, Democratic Republic of Congo, drought ravished Ethiopia, war torn Tehad, Sierra-Leone, Mali, Niger, Benin, non of which possess the number of our resources. Nigeria was ranked the 50th poorest nation out of 108 countries in the

same report. The level of poverty is however at variance with the huge revenue profile of the government over the years a pointer that successive governments have failed to apply the rising oil revenues to improve the lives of Nigerians, no thanks to corruption among public officers and institutions of government.

The analysis (2010) reports that in the last five decades, with increased revenue, many Asian and Latin American countries, improved the living standards of their population. China is a good example. It reported that before the Chinese revolution, the country was backward and agrarian with the economy mostly in the hands of various imperialist. But in the last fifty years, it has developed to be the second largest economy in the world and improved the living standard of its people. This was in spite of its rising population. But the reverse however is the case of Nigeria. Since the return to civil rule in 1999, there has been yearly increase in revenue accruing to government from the federation account. (See in tables a and b in appendix F).

The figures in the tables do not present the total revenue that accrued to the government because of the non-inclusion of revenue from the non-oil sector. From the table, which see a steady increase in revenue, for instance, in 2000, a total of N531, 612,593,116.79 billion accrued to the federal government from the federation account.

This soared to N792,879,926,357.91 billion in 2003 revenue then dramatically went up to N1,616,787,906,335.10 trillion in 2006. In 2008, the federal government got over two trillion naira.

With this increase, government also upped spending as budget figures also went up. But in the midst of this plenty, the living standard of Nigerians continue to fall abysmally to a low level. Despite the trillions of naira budgeted, every year, the social and economic lives of the people continue to deteriorate. Corruption has taken its toll on innocent citizens who have come to see the budget merely as a sharing formula for the elect few politicians and bureaucrat. Mohammed (2010) here concludes that “our elite on the other hand live lavishly, eating all sorts of assorted foods and drinks, driving expensive exotic cars while 70 percent of Nigerians are malnourished. It is obvious that the ruling elite have over the years carted away the nation’s resources to their personal accounts and still continue to do so, enriching themselves at the expense of the majority of Nigerians. The negative effect of this is multi-dimensional, permeating all aspects of socio-economic lives of a majority of the people.”

Corruption at the end of the day has also conspired with its creation (poverty) to significantly reduce the life expectancy of Nigerians to a very low level. According to the Human Development Report of 2009, life expectancy in Nigeria in 2007 was 47.7 years. This is because majority of Nigerians lack access to portable clean water in spite of the country being endowed by nature with generous rainfall, numerous streams, rivers, lakes and a large reserve of untapped underground water. Government has failed to tap this resource for the benefit of its people despite the increasing revenue profile accruing to her. This has serious implications for the health and general well-being of the people,

leading to the spread of water borne diseases such as cholera, guinea worm, typhoid fever, diarrhoea, hepatitis A and E, virus infections, schistosomiasis, onchoceiasis etc.

The Table C in appendix F shows the population of Nigerians without sustainable access to water, their life expectancy and revenue allocation to the Federal government.

Comparatively, the life expectancy in Nigeria (47.7 years) is a far cry from that of Malaysia which started its development plan almost of the same time with Nigeria. There, life expectancy is 73.9 years. In Ghana, life expectancy is 56.5 years while that of Namibia is 60 years. We are only marginally ahead of democratic Republic of Congo which is 47.6.

In Namibia, for example, only seven percent (7%) of its population lack access to sustainable and clean water. Indonesia with a very large population of over 1000 hundred million people is able to provide clean and safe water to eighty percent of its population leaving twenty percent without access. In Nigeria, fifty-three percent (53%) of its population is exposed to dangers posed by water borne diseases. This explains why life expectancy in Nigeria is quite low compared to a large number of developing countries. (see table D in appendix F).

These low indicators imply more serious underlying crisis in the national economy, the failure of leadership and surge in corruption.” (Mohammed 2010). There is no gain saying therefore that our leaders have continued to remain

insensitive to the plight of many Nigerians who continue to live under the excruciating pains caused by corruption. At a time when strong state intervention is becoming the norm in world economies, our government is blindly pursuing a policy of rolling back the state from the provision of basic and critical social services including power.

Mohammed (2010) has here succinctly summed up the negative impact of corruption on both the governed and the political leaders and bureaucrats when he asserts thus:

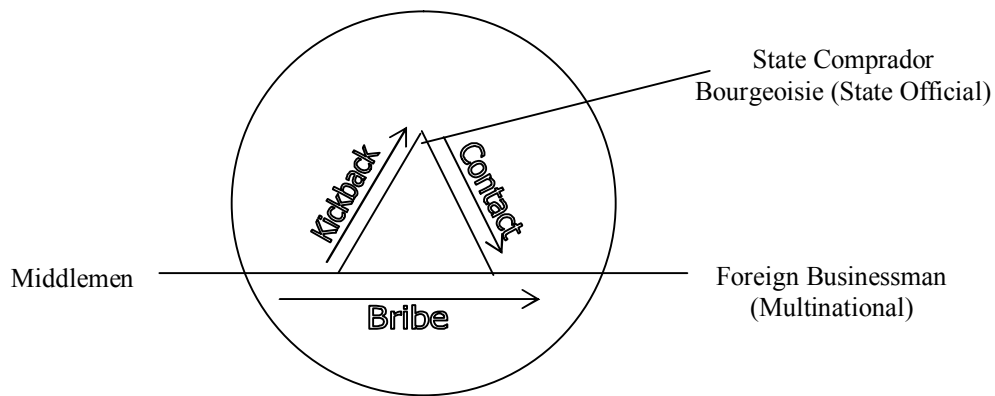
Successive administrations have not been able to place Nigeria on the path of sustainable development, because the ruling class, members of their families and their associates have cornered state resources, enriching themselves in the process. Most often, they use state institutions to protect and advance their interests as well as those of cronies. As a result, they have left Nigerians hungrier, less educated, more unemployed, inflicting untold pain, hardship and misery on the people. The tragedy of this is the upsurge in the rate of hooliganism, armed robbery, banditry, kidnapping and violence.

Because they have created a state of insecurity as a result of their wanton plunder of national resources, they are forced to build high walls around their houses with strong gates and mount latest security gadgets with security personnel to keep out robbers and protect their loot. The ruling elite and their cronies regard themselves as unaccountable to Nigerians they swore an oath to serve.

One of the features of the developing countries, to which Nigeria belongs, is the instability of the polity. Various scholars have variously tried to explain the causes of political instability using various theories. For example, Huntington S – Guide on political instability; Easton, D – System’s theory, Dudley B.J. – Games theory and Turner T – Political economy, analysis have used these theories to explain the cause of political instability., but of particular interest to this literature review and work is Teresa Turner’s theory/analysis (1978).

She uses corruption to explain that it is the cause of instability in Nigeria. In her work – political economy analysis, she asserts that there is what she calls the “commercial triangle” of corruption in Nigeria. She explains that it comprises three(3) major parties and elements in triangular relationship viz.:

Fig. 1: Causes of Political Instability, T. Turner (1978)



- (a) The businessman who represents the multinational corporation.
- (b) The local middleman from the national, private sector; and
- (c) The state official who assists the foreign businessman in gaining access to the local market.

This triangular relation is what Turner calls triad and she characterise this system as instability. She further explains the operationalisation or working methodology of this triangle of corruption thus:

... A foreign businessman comes to the country to sell his firms' product. He hires a local citizen as a go between with the state. If the contract materialises, the state official is usually rewarded with payment arranged by the go between or middleman ...

According to Turner, there are two things to note:

- (i) There is always a constant struggle among the middlemen, because those who have access to government officials continue to grow big, having money and yielding influence over officials. The struggle here is "cut-throat."
- (ii) The amount of 'kickback' an official gets depends on the amount of power he has over policy matter. There is struggle here too thus leading to instability. Those who are not in power or position of influence, plan to overthrow the regime so that they come to power to control policy matters or decision-making.

In all these discussion on the impact/effects of corruption, it is important to note here that these effects go beyond the country of origin of corruption. Corruption in Nigeria as in any part of the world is a serious threat to peace, stability and progress of a segment of the world, which is perhaps why some governments, and non-governmental organisation etc across the world seem to be interested in dealing with the issue of corruption, transparency and

accountability in Nigeria. Not being mindful of it, may be to their own peril too.

Maier, (2000:xx) espouses the view of a foreigner in respect of the effect of Nigeria's case as follows:

We, the outside world, ignore Nigeria at our peril, and we are ill served when our governments demonstrate such indifference. From almost any point of view, Nigeria truly matters. However deep it has sunk into a mire of corruption, repression and economic dilapidation, Nigeria remains one of the world's strategic nations. It is the biggest trading partner the US has in Africa. It is the fifth largest supplier of oil to the US market, where its low sulphur bonny light crude is especially prized because it is easily refined into gasoline. As the world's tenth most populous country, Nigeria represents an inherently sizable market that could provide trade opportunities for US and European companies. It is a vast land, stretching from the dense mangrove swamps and tropical rain forests of the Atlantic coast to the spectacular rocky outcrops of the interior and the wide belt of savannah that finally melts into the arid rim of the Sahara desert. Its (150) million people are extraordinary human pot-pourri of over three hundred ethnic groups that represent one out of six African. Nigeria is Africa's equivalent of Brazil, India, or Indonesia. It is the pivot point on which the continent turns.

Designed by alien occupiers and abused by army rule for three quarters of its brief life span, the Nigerian state is like a battered and brushed elephant staggering towards an abyss with the ground crumbling under its feet. Should it fall, the impact will shake the rest of West Africa. The Liberian civil war cost tens of thousands of lives and hundreds of millions of dollars in US taxpayers' money. Liberia's entire population is less than half of that of Lagos alone.

2.8 Theoretical Framework

One of the most dominant features in the management and social sciences is the adoption, discussion, analysis and even understanding of concepts from some theoretical point of view or orientation. This research endeavour is certainly no exception and therefore lends itself to a theoretical

orientation. According to Persons (1962:71), a theory is a set of logical relationships used to classify empirical phenomena and, in empirical reference; attempts to account for whatever may be the degree of uniformity and stability of such phenomena. The necessity for adopting a theory in a research work therefore is to enable us to in more logical and precise manner, classify some phenomena and to explain their relationship. (i.e. cause and effect relationships). In this work, the theory has helped in evaluating the performance of Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (CCT) in combating corruption in the Nigerian Public Service.

Further justifying the functional superiority of theories as guide post in all fields of human endeavour, Onah (2003:128 – 129) asserts that “rather than base action on judgement derived from mere experience, guess work or speculation, theories enables a chosen line of action to be anchored in, and guided by evidence derived from specific scientific research, which makes the consequences of such an action fall as close in line with the intended direction as possible.”

There are many theories that could be adopted for this research. For example Parsons’ (1962) pattern variables, provides a good analytical framework for this study. So also is the theory of the ecology of administration (Balogun, 1986) and the theory of organisation development and change by Mickinney and Howard (1979) French and Bell (1992), which employs knowledge of behavioural science to bring about change and development in order to achieve greater

effectiveness and productivity. Notwithstanding, after a very careful study, it is found that the system's theory provides a better and sounder theoretical framework for the analysis of the topic under study.

In view of the above, this research endeavour adopts the system's theory as propounded by Easton (1957), world politics, Vol. ix.

The justification for this system's analysis is hinged on the fact that the system's approach has clearer operational component. Secondly, what is being studied is part of the social system, which is man. Thirdly, because of its systematic approach to problems, the most probable means of learning more about it is to be involved in it through the use of the method in research works. Thus, if a system's thinking holds any promise of improving man's understanding of problems around him (causes, effects and possible means of dealing with them), then there may be some hope of applying, it to advantage in Evaluating the Performance of Code of Conduct Bureau and Tribunal in combating corruption in the Nigerian Public Sector.

2.8.1 The System's Theory and its Evolution

Put in historical context, the system's theory or analysis was developed in the mid 1940 in response to the complexities of military operations in the second world war and even greater post war problems and the physical and social reconstruction of problems. Thus in all sort of social situations, it was increasingly found that the solutions to problems required considering the nature of each problem in the broadest possible context. This was how the intellectual

orientation grew around the phrase "systems analysis" and a general system's approach evolved essentially seeing a situation as a whole.

In terms of definition various scholars have variously tried too, to give the system a definition. Hanika (1972:5) sees a system as "any entity," conceptual or physical which consists of inter-related, interacting or inter-dependent parts. Macmillan and Gonzalis (1973:2) defines it as the set of all entities, a change in whose attributes affect the system and also those entities whose attributes are changed by the behaviour of the system.

It could therefore be seen that virtually every system in nature or society encompasses sub-systems that are inter-related and inter-dependent., they are also designed to collectively work towards the achievement of a set of goals. What the inter-relationship and inter-dependence of a system also implies is that the smooth and efficient functioning of the parts will facilitate greatly, the overall performance of the whole system while the malfunctioning of even a single part could as well affect negatively the whole system in terms of its performance. It is an avenue if only all elements are working accordingly that objectives are achieved. The definitions of the system vary as there are analysis. It all depends on the field that it is being used and applied. For this reason, Simon (1964) asserts that "it is a set of attribute and a frame of mind, rather than a definite and explicit theory." One important fact to note about a system is that the expected outcome is the result of the interaction that takes place between the elements. Therefore, the operators of the system should be aware of the

interactions and inter-dependence that the dynamic nature of system can operate within. More so, a prediction of the future action of the system in operation can be made when the interactions are fully understood.

2.8.2 The Operation of a System

The starting point in our understanding of the operation of a system is that it exists to accomplish specific purposes. All of these purposes are determined from time to time on the basis of demands into the system or the existence of a problem that needs attention. It is already implicit that the notion that each part of the larger system does not stand alone but is related to other parts, or to put it positively, that the operation of no one part can not be fully understood without reference to the way in which the whole itself operates. These interrelated activities derive their relatedness or systematics from the fact that they all, more or less influence the way in which authoritative decisions are formulated and executed for a society.

According to Easton (1957:384) if we hold the system as a unit before our minds eyes, as it were, we can see that what keeps the system going are inputs of various kinds. These inputs are converted by the processes of the system into outputs and these, in turn, have consequences both for the system and the environment in which the system exists.

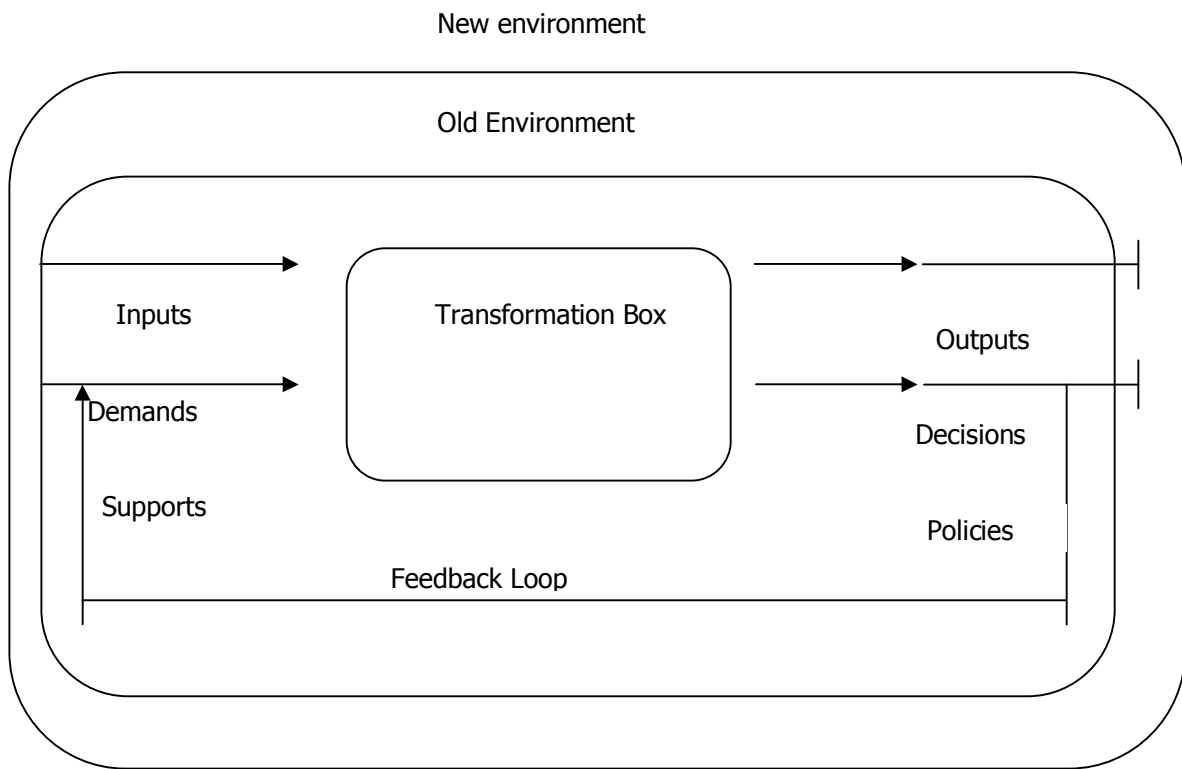
According to Easton, political phenomena can be analyzed *by* viewing them as a part of system whole. A system is seen as an assemblage of parts which work together harmoniously to achieve a common goal. In other words, a

system can be seen as an assemblage or combination of things or parts forming a complex whole.

Within the system exists other sub - systems, which depend on the larger system to survive. According to him, the system receives inputs (demand and support) from its environment. Demands are request made by citizens, on government to provide, supply, deliver or make available services, goods, amenities, facilities, opportunities, etc. Demand could also be requests on government to stop, remove, prevent certain actions; activities, dangerous to other people (like corruption). All the demands from the environment, are processed and decisions are taken on them at the conversion centre (transformation box) while output (results) are produced. Unsatisfied demands (fresh inputs) are generated and feedback into the transformation box for processing and conversion through the feedback mechanism and the process continues. Support is made up of financial material, moral and human contributions to the process of transforming inputs into outputs. Outputs are composed of policies, plans and budgets aimed at meeting people's demands or requests. It can also be physical goods, services, physical structures; positive or negative response to people's demands. Transformation box is made up of the legislature, executive and judicial arms of government. It is the decision making box. To Easton, feedback loop is the transmission belt or mode of people's reaction.

The transformation box must have adequate feedback process through which a portion of its output, which is feedback to the input, affects the success of the outputs, the absence of which the survival of the system is at stake. The formula here is simple and also very illuminating and these relationships are shown diagrammatically in figures 2 and 3 below.

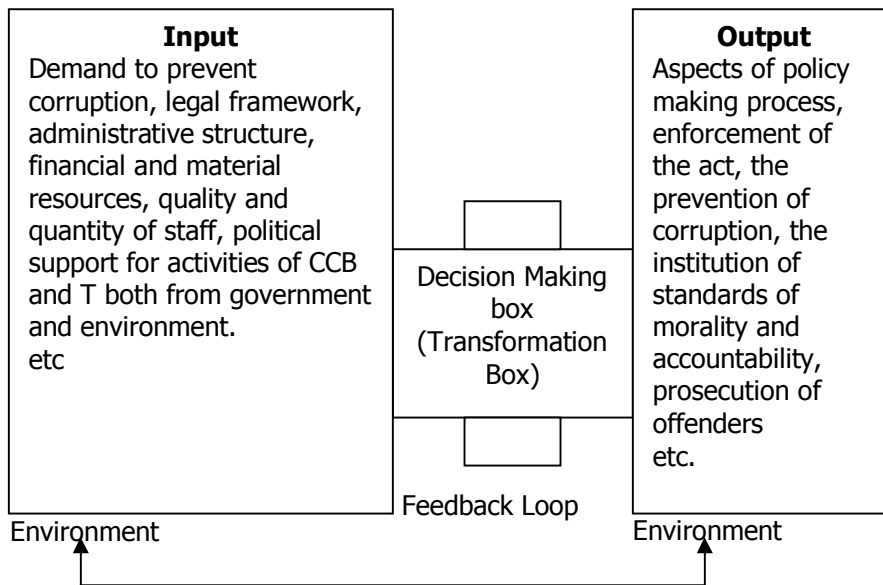
Figure 2



Source: System Theory (Input – Output Model) by David Easton

Figure 3

CCB and T as a System



Source: David Easton System Theory

The Code of Conduct Bureau and Tribunal is a system within the larger system (Government). This system comprises of other subsystems like the various departments Admin and Finance department, Assets Declaration Department, Investigation and Monitoring Department, and Education and Advisory Services Department. It also includes powerful individuals, interest groups, and influences from State or Federal government and so on. Each of these identifiable systems has boundaries and relates with others. These components are interdependent and work towards the maintenance of the system in a permanent state of equilibrium.

Demands and supports are made on the Bureau by both the government and people and these are processed and converted using its

administrative machinery. The decision making box, to Almond, (1965) is a point whereby political system receive inputs and respond to issues in its environment. In other words, it is a point whereby CCB and T actors make efforts in meeting the various demands. These efforts will emphasize the amount of financial, material and human resources etc committed to the execution of their mandate.

Outputs from the Bureau reflect in the level at which they have been able to reduce corrupt activities in the service and bring about high level of morality and accountability both in the service and society. The inadequacy of these outputs provokes fresh demands which are feedback for necessary action. The feedback mechanism here means how the people react to outputs and channel their fresh demands for considerations, so that the circle continues.

However, when the demand into the system outweighs the support, it will likely lead to stress. So, the support from the environment must always be much to ensure the growth of the system. Support has to do with patriotism, rights and duties of the stakeholders' e.t.c thus, making the system to grow. Stress brings about threat to the system due to overload and this could bring about collapse of the system. As such, the system must constantly be maintained. This study was guided by this theory or approach.

Easton further provides an overall view of the whole approach by identifying the major attributes of a system as follows:

- (1) Properties of Identification:** To distinguish a political system from other social system, we must be able to identify it by describing its fundamental units and establishing the boundaries that demarcate it from units outside the system.
- (a) Units of a political system:** These are the elements which a system is composed of, and in our case, they are political actions.
- (b) Boundaries:** some of the most significant questions with regard to the operation of a system can be answered if we, bear in mind the obvious fact that a system does not exist in a vacuum. This is very important to this study as we have seen earlier. The system is always immersed in a specific setting or environment.
- (C) ENVIRONMENT:** The way in which a system works will be in part a function of its response to the total social, biological and physical environment. Easton reviewed environment as where all inputs come from. That the environment is made up of human beings, infrastructures, building, natural resources (solid or liquid resources) air, water, soil, economic, social and political conditions of the people, state and federal governments. It is established to change for better. The environment can in turn enable the Code of Conduct Bureau and

Tribunal to perform or to stagnate. There is a symbiotic relationship between the environment and any agency or institution of government.

(2) Inputs and Outputs: If we select a political system for study, we do so because it has characteristically important consequences for society, normally, authoritative decision. These consequences are what Easton calls outputs. To him, if political systems don't have important outputs for society, we would probably not be interested in them

Unless a system is approaching a state of entropy, it must have continuing inputs to keep it going. Without inputs, the system can do no work: without outputs, we cannot identify the work done by the system.

From this point of view, we realise that much of what happens within a system has its birth in the efforts of the members of the system to cope with the changing environment and secondly that the behaviour of every political system is to some degree imposed on it by the kind of system it is, that is by its own structure and internal needs. But its behaviour also reflects the strains accessioned by the specific setting within which the system operates.

Before looking in greater details into the ways in which an examination of inputs and output sheds more light on the working of a system, it is important to note too that one of the other attribute of a system is differentiation within a system. From the environment come both energy to activate a system and information with regard to which the system uses this energy. In this way, a

system is able to do work. It has some sort of output that is different from the input that enters from the environment.

Lastly, despite the above, there should be integration of a system i.e. the mechanism whereby system members are integrated or induced to cooperate in some minimal degree so that they can make authoritative decisions. This is very important too, for the survival of the system.

A. Inputs: Demand

The input refers to the materials, human resources, information etcetera, that enter the system to be acted upon to produce output (that is the end-results of what is put into the system). Among inputs of a political system, there are two basic kinds: demands and support. Those input give a political system its dynamic character. They furnish it both with the raw materials or information that the system is called upon to process and with the energy to keep it going. We note here that it is only where wants require some special organised efforts on the part of society to settle them authoritatively that we may say that they have become inputs of political system (e.g. corruption menace and its impacts).

Demands have birth in two sectors: either in the environment (external) of a system or within the system itself ("within puts"). In the environment, we have such systems as the ecology, economy, culture, social structure etc. Not all demands originate or have their major locus in the environment (external), some stem from situations occurring within a political system itself (internal).

Demands which become issues (an issue being a demand that the members of a political system are prepared to deal with as a significant item) are processed (dealt with) through the recognised channels in the system. They are the output that comes out of the system in terms of government decisions or policies.

B. Inputs: Support

Inputs of demand alone are not enough to keep a political system operating. They are only the raw materials out of which finished products called decisions are manufactured. Energy in the form of actions or orientations promoting and resisting a political system, the demands arising from it, and the decisions issuing from it must also be put into the system to keep it running.

This input is what Easton calls SUPPORT.

Without support, demands could not be satisfied or conflicts in goal composed. So what do we mean by support? It may consist of actions promoting the goals, interest and actions of another person. It may be a nod for a political candidate or the defence of a decision by the courts of the land, it may be support for policies and/or programmes of the regime etc. In all these cases, support manifests itself through overt actions. On the other hand, supportive behaviour may involve not external observable acts, but those internal forms of behaviour he calls orientation or states of mind. A supportive state of mind is a deep-seated set of attitudes or predispositions, or a readiness to act on behalf of some other

persons. It exists when a man is loyal to his party, attached to democracy or infused with patriotism.

Supportive states of mind are vital inputs for the operation and maintenance of a political system. They are supportive so much that presumably, even in the face of considerable provocation, ingrained supportive feelings of loyalty may be expected to prevail in the environment of a system.

The feedback is a loop which serves to inform the conversion centre or the through-put about the impacts of the previous work done on the output. It is here pertinent to note that this feedback serves as further input into the system while others go into the external environment. That is why it is said that a system is a cyclical process and forms a coherent system of interaction. The broken lines indicate that the system is open and constantly interacts with the environment. This means that what happens in the external environment (outside the system) also affects the system and vice versa.

2.8.3 The Relevance and Application of the System's Theory to the Study

The specific task of this research is to evaluate the performance of the Code of Conduct Bureau and Tribunal in combating corruption in the Nigerian Public Sector. The nature of the research topic thus requires that we look at the problem systematically hence the choice of the system's theory in the first place. It has been noted earlier on, that a system's analysis is all about the examination of a process, which involves the nature of interaction and interdependence,

between and within entities that affect each other from their results in a given environment.

In the same way, there is the interaction and inter-dependence between the public service as a system and the environment (i.e. society) where it operates. They are all affected, one by the other and the mal-functioning of one part affects the effective functioning of the entire system; hence the examination and/or Performance Evaluation of this Bureau in combating corruption in the service will require that we undertake the task wholistically and in a systematic manner. That is why Adewunmi's (Op Cit: 197) description of, and causes of corruption is here important. He describes corruption and its cause in a systematic way by asserting that "corruption is a vicious cycle" and attributing its cause to 'the society and system.'" He further asserts that "Nigerians are corrupt because their society is corrupt and the Nigerian society is corrupt because Nigerians are corrupt. Therefore, each is the cause and at the same times the effect."

It is thus crystal clear that corruption as a national malaise cannot be treated or dealt with in isolation by focusing on the federal level, state, or local government levels, independent of one another but wholistically as they are all parts of the system whose interaction and inter-dependence is evidently clear. Besides, none of these services can be seen in isolation of the environment in which they operate. This is because, the operation of the system and its output affects the environment (society) which is the main beneficiary of the system's output (in terms of the provision of efficient and adequate services and the socio-

economic development of the society) and vice-versa, if the system mal-functions (perhaps through corruption) and the system's output is affected. In the same way, the system needs the INPUTS from the environment (in terms of human resources, information and citizen's economic obligations like payment of taxes etcetera) and SUPPORT (actions in the society that promote the goals of the system, support for system's policies and programmes or even societal orientations and states of mind that have deep seated sets of attitudes or predisposition), if it is to survive and function effectively.

In evaluating the performance of CCB and T therefore, we have to look at the adequacy of the administrative structure and legal framework within which they operate, inputs such as the material and human resources available to her, her funding (i.e finance), e.t.c. It is these variables that determine the output of the organization in terms of performance.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

One of the most critical aspect of a research endeavour is the methodology adopted to gather and analyse data on the problem under study. As an accepted and scientific way of doing research, it largely determines the success of the study and provides the basis for drawing up conclusions.

This study aims at evaluating the role of the Code of Conduct Bureau (CCB) in combating corruption in the Nigerian public service. In order to achieve the stated objective therefore, this chapter here outlines and explain the methodology adopted in the study under the following captions: Research design, methods of data collection, population, sampling method and sampling size and method of data analysis.

3.2 Research Design

Okeke and Offorma (2001) describe research design as the plan of procedure to be adopted in the study while Tuckman (1972) outline the elements of Research Design to include:

1. Spelling out the problem
2. Examining selected variables relevant to the problem
3. Proposing tentative answers (hypotheses and/or research questions) which will be answered on completing the study

4. The strategy (plan) for investigating the problem or more appropriately selected methods and techniques of data collection and analysis respectively
5. Conclusions about the relationship between the variables based on outcomes of analysis of data collected.

This study adopts the survey method of research. The survey method studies both large and smaller groups of a population by selecting and studying samples chosen from the population to discover the relative incidence, distribution and interrelationship of the independent and dependent variables. Since the study is an evaluative one, that seeks to evaluate a phenomenon (corruption in the Nigerian public service), a sample was drawn from the staff of the Code of Conduct Bureau (CCB) and some of her "customers" which are the various ministries and parastatals.

Furthermore, the choice of the method adopted in the study is partly influenced by the fact that there have been efforts in the time past to combat corruption in the public service and it is still on-going. Therefore the nature of the subject is both located in the past, present and the future.

3.3 Sources and Methods of Data Collection

There are basically two types of data. The methods used in collecting them for this study are in line with the types of data being collected and their sources viz: Primary and secondary sources.

A. Sources of Primary Data

The primary data were collected through questionnaire, interview and observation. These are further explained below.

(i) The Questionnaires

One of the methods of primary data collection in this study was the questionnaire. The questionnaire were framed to solicit the respondents' opinion on various issues under study, address the research questions and to serve as one of the basis for testing the hypotheses earlier stated in chapter one.

The form of information generated from the questionnaire method includes the bio-data of the respondents like their rank/designation, marital status, academic qualifications of respondents and their years of experience in the service.

Other information generated from the respondents opinion through the questionnaire were on the structure and legal framework of CCB and T i.e. the law establishing them, their powers and capacity to carryout their functions/duties effectively. What is their level of autonomy to independently take decisions regarding their operations and the exercise of authority without inhibitions and other bureaucratic bottlenecks associated with the mainstream public service, to work as a regulatory or enforcement agency.

The questionnaire also generated information on the Code of Conduct Bureau's executive capacity to effectively carry out its assigned functions, the structure of the CCB and how it inhibits or enhances coordination for effective

performance, the adequacy or otherwise of the financial allocations to the organisation and their effective utilisation and the material resources available; working tools, machineries, cameras, logistics etc accommodation, housing, security in the environment etc. Information on government's political support and/or were generated too through the questionnaire.

B. Interview

The interview constitutes another major instrument for collecting primary Data for this study. The data generated from the interview were used to supplement the questionnaire.

The type of information generated from this method is basically the same as the ones from the questionnaire i.e. the structure and legal framework of the CCB, her autonomy, executive capacity to carry out its operations, adequacy of financial allocations and materials resources, political support etc. This method also enabled the study to obtain first-hand information concerning some of the respondents' values, perception, experiences, attitude and benefits and how they affect their opinion on given subjects which the questionnaires in most instance, could not provide.

Also, the interview had in most situations provided the needed flexibility in terms of effective communication, explanatory opportunities and even the language used and served as explanatory tools especially where existing literature too had failed to provide insight into.

The questions for the interview were both structured and unstructured. The structured interview questions are contained in the interview schedule. (See appendix C). However the unstructured interview (where the order of asking question was determined by the prevailing conditions during the interview) was used in some cases and the researcher found this to be extremely informative.

C. The Observation Method

The observation method was used to gather data on the subject under study.

Since the Code of Conduct Bureau is a regulatory and enforcement agency to combat corruption in the public service, the study also adopted the observation method to observe first hand the facilities made available on ground for her to effectively discharge its duties.

The researcher thus observed the structures (offices), the decency of the environment, the security available on ground at the premises, the logistics available for its officers and even the attitudinal disposition of the staff when giving and collating the questionnaire.

The observation method has in this study helped to either reaffirm or to disprove some responses to the questionnaires and interview. This has also helped to remove biases and to arrive at objective conclusions based on facts.

D. Secondary Sources of Data

Because of the nature of this study which is an evaluative one, the study also relied heavily on secondary sources of data.

These secondary data were sourced from government documents (i.e. gazettes, pamphlets, and/acts), newspapers, journal publications, research studies, textbooks, official reports of the bureau etc.

The secondary data provided in-depth information concerning the profile of our sample organisation, the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT), the laws establishing them, their powers/functions etc and insights into the finances of the Bureau.

The secondary data generated also helped immensely in the aspect of literature review which has enabled the study to retain relevant information and to discard facts etc not relevant or appropriate in the context of this research. The review had provided better focus and enabled the effective analysis and hence accurate scientific interpretation.

3.4 The Population of Study

The population of this study is finite and consists of all the staff of the Code of Conduct Bureau (CCB) which is the primary institution established to combat corruption in the Nigerian public service. The other part of the population of study include the staff of the institute of leather and chemical research, Zaria; Federal Ministry of Transport Abuja and the Federal Ministry of Education also in Abuja and the Kaduna State Ministry of Finance.

These other organisations were selected and used as part of the population because they form part of the larger population referred to as the “customers” of

CCB and T. This category of civil servants are usually expected to fill the CCB asset declaration form at the point of entry into their organisations and updated every four years. The essence is to monitor their financial position and assets so as to be in line with their legitimate income. Although the research basically seeks to assess the performance of CCB and T in combating corruption in the public service, the agency cannot be a sole judge in its own affair hence these organisations helped to give some sort of independent assessment/opinion of the bureau's overall operational effectiveness and performance. This study can be said to be economical as samples from the various target population were taken and used in the study. Inference, deductions and generation to the entire population were made because of financial and other constraints. This has further justified the choice of the survey research method.

3.4.1 Sample Size and Sampling Technique

Perhaps the most frequently asked question concerning sampling is "what sample size does one need?" In this study like many others too, the answer is influenced by a number of factors including the population of the study, the sample size, the risk of selecting a "bad" sample and the allowable error. Apart from these, Miacoulis and Michener (1978) here assert that in addition to the purpose of the study and population size, three criteria will need to be specified to determine the appropriate sample size. These are the level of precision, the level of confidence or risk and the degree of vulnerability. These were carefully considered in this study.

The Code of Conduct Bureau has, offices in the 36 states of the Federation including the Federal Capital Territory, with its headquarters also in Abuja. The F.C.T office is located at Gwagwalada. However, for the purpose of this study, the headquarters of the Bureau in Abuja, the F.C.T office in Gwagwalada and the Kaduna state offices were selected for this study. The choice of these offices is basically judgemental. That is for the staff questionnaire. Also, samples were taken from the staff of the Four (4) institutions selected for the study.

There are several approaches to determining the sample size of a study. Therefore this study employed the use of percentages to determine the sample size.

Since the total staff strength of the Code of Conduct Bureau in Nigeria is just 900, with the three (3) offices selected for this study accounting for 172, the study took 50 percent for its sample size. The other four institutions have a larger population of staff put together at 5,119. Thus the study took 5 percent from them as sample size. This made the sample size for the staff to be 85 and that of "customers" to be 255, making a total of 340.

In both cases, the random sampling technique was used to draw up that sample size. So, any staff of these selected organisations seen on the days these questionnaires were administered was politely approached and given a questionnaire to fill. The choice of this technique is basically to avoid bias as Osuala (2005) rightly points out that, "in a random sampling, all possible samples of fixed size have the same probability of being selected. A sample drawn at

random is unbiased in the sense that no member of the population has any more chance of being selected than any other member.

3.5 Methods of Data Presentation and Analysis

Most data collected in researches conducted in Public Administration, Political Science, Psychology, Sociology etc are mostly qualitative in nature and could only be measured ordinally or nominally. Thus researchers most time assign numbers to them to be able to analyse them, bring out conclusions and inferences. We thus use ordinal and normal scale.

The data collected in this study (both primary and secondary) especially the primary are of this kind. Therefore for the purpose of testing these hypotheses, numbers were assigned to them according to their level of frequencies. Thus the descriptive and inferential statistics were adopted for this study.

The inferential statistics adopted included the frequency counts and percentages while the chi-square was used to statistically test the hypotheses earlier postulated in chapter one.

Chi-square is used to measure the relationship between variables of interest. Thus they are used to measure the level of discrepancies between the observed frequencies and the expected frequencies. The formula for calculating the chi-square is:

$$X^2 = \frac{\sum(F_o - F_e)^2}{F_e}$$

Where:

X^2 = chi-square

F_o = Observed frequency

F_e = Expected frequency

Σ = Summation

To calculate the expected frequency, we multiply the column total by the row total and divide the result by the grand total for each cell.

$$FE = \frac{CT \times RT}{GT}$$

The degree of freedom is the number of freely varying scores within the sample. The difference is always one less than the sample size and is given as:

$$Df = N - 1$$

The level of significance refers to the maximum probability with which we could be willing to risk. It could equally be referred to as probability of making type one error designated as alpha. That is rejecting as false a hypothesis that is in fact true. For the study, the level of significance used is 0.05.

Based on the statistical analysis the decision rule is as follows:

Decision Rule

We reject the hypothesis at 0.05 level of significance if the X^2 value (i.e. calculated value) exceeds the critical value (i.e. the tabulated value).

CHAPTER FOUR
OPERATIONS AND ORGANIZATIONAL STRUCTURE OF CODE OF
CONDUCT BUREAU AND TRIBUNAL

4.1 Introduction

The establishment of the various institutional frameworks and/or organisations as a deliberate effort to combating corruption in our public service and society at large can be seen as a significant statement on the collective political will of the democratic regime to put legal bite to its anti-corruption campaign. Their establishment also represent an important paradigm shift in the fight against corruption and seeks to prohibit and prescribe punishments for corrupt practices. One of these agencies established to address the problem of corruption in Nigeria, by preventing it is the Code of Conduct Bureau and Tribunal.

This chapter seeks to highlight the structure and operation of CCB and T. However, the study will first of all examine the strategies and structures adopted by some selected countries with similar problem (corruption) but have achieved some measure of success in tackling the menace in their various domain. These countries include Hong Kong, Singapore and the United States of America. The essence of this is to see what lessons can be learned from their experiences and possibly adopted in Nigeria.

4.2 Strategies and Structures For Fighting Corruption in Selected Countries

In this section, we want to look at some of the strategies and structures in fighting corruption, as adopted by some countries, their powers and some of the things that have helped to enhance their performance. What lessons can we learn from their experiences?

(A) Hong Kong – Independent Commission against Corruption (ICAC) was set up in 1974 to tackle corruption, marking a milestone in Hong Kong's anti-corruption history. Established with the enactment of the independent commission against corruption ordinance, the commission is INDEPENDENT OF THE CIVIL SERVICE and the commissioner is answerable directly to the chief executive of the Hong Kong special administrative region. The ICAC is committed to fighting corruption through a three-pronged strategy of (a) effective law enforcement (b) education and (c) prevention to maintain Hong Kong as a fair and just society.

The ICAC comprises of three (3) functional departments viz Operations, Corruption Prevention and Community relations.

The Operations department is the investigative arm of the commission. It is responsible for receiving considering and investigating reports of alleged offences under the prevention of bribery ordinance, the independent commission against corruption ordinance and the elections (corrupt and illegal conduct) ordinance. The department is responsible for investigating any conduct of a public servant which is connected with, or conducive to corrupt practices and importantly

investigating officers are empowered to make arrest for alleged offences covered by the above three conditions.

To further enhance this function, the corruption prevention department, through the commissioner has a statutory duty to examine the practices and procedures of government departments and public bodies and to secure the revision of methods of work or procedures which may be conducive to provide corruption prevention, assistance on request to any member of the public,

(B) SINGAPORE: Corrupt Practices Investigation Bureau. Singapore is reputed to be one of the few countries in the world where corruption is under control. This is due mainly to the STRONG POLITICAL WILL to curb corruption, FIRM actions taken against the corrupt regardless of their status and background, and the general public who do not accept corruption as a way of life. The CPIB was thus established as an INDEPENDENT body which investigates and aims to prevent corruption in the public service and public sectors in Singapore. Established in 1952, it derives its powers from the prevention by corruption Act (chapter 24). The Bureau is headed by a Director who is directly responsible to the Prime Minister. By reason of the CPIB mission statement "To combat corruption through swift and sure, firm but fair action" its functions are:

- i. To receive and investigate complaints alleging corrupt practices
- ii. To investigate malpractices and misconduct of public officers with an undertone of corruption; and

- iii. To prevent corruption by examining the practices and procedures in the public service to minimize opportunities for corrupt practices.

Today, Singapore enjoys an international reputation which has resulted in significant visits by foreign delegation to CPIB, to find out more information on what the country and CPIB have done to fight corruption over the last four (4) decades. Singapore has been ranked by the Transparency International (TI) corruption perception index as among the top 5 least corrupt country in the world. The Political and Economic Risk Consultancy (PERC) has also consistently ranked Singapore as the least corrupt country in Asia and it also achieved 6 key organizational excellence awards, resulting in its attainment of the Distinguished Public Service Award for Organizational Excellence in 2005 (Singapore government website: <file://localhost:/CPIB%20introduction.htm> and <quality%20journey.htm>).

(C) UNITED STATES OF AMERICA (U.S.A): OFFICE OF GOVERNMENT ETHICS (OGE)

United States Office of Government Ethic (OGE) created by the Ethics in Government Act of 1978. The United State office of Government Ethics (OGE) is a separate agency within the executive branch of the U.S federal government which is responsible for directing executive branch polices relating to the prevention of conflicts of interest on the part of federal government branch officers and employees. Primary duties include establishing the executive branch standards of conduct; issuing rules and regulation interpreting the criminal conflict of interest

restriction; establishing the framework for the public and confidential financial disclosure systems for executive branch employees, developing training and education programmes for use by executive branch ethics officials and employees, and setting the requirements for supporting and reviewing individual agency ethics programmes to ensure they are functioning properly.

The Director of OGE is appointed by the president after confirmation by the U.S. senate. The director serves a five-year term, thereby overlapping presidential terms, and is subject to no term limit. The rest of the OGE employees are career civil servants.

4.2.1 The Lessons from the Experiences of the Selected Countries

Some of the salient but important things we must have to note regarding these countries and their anti-corruption agencies are:

1. (a) In the case of Honk Kong, 15 independent of the normal service structure
- (b) Their investigating officers are empowered to arrest.
- (c) The commission has power to examine any practice or procedures of government departments and public bodies, with a view to revising practices that could promote corruption or allow it to take place
- (d) Strong and adequate legal backing
2. In the case of Singapore, we see expressly:
 - (a) Strong political will in curbing corruption
 - (b) Strong firm actions against the corrupt regardless of status

- (c) A strong public orientation that abhors and discourages corruption as a way of life
- (d) A strong legal framework that is constantly reviewed to meet current realities and the powers of the commission.
- (e) It is also independent of bureaucratic structure (i.e. civil service).

3. In the case of OGE:

- (a) Although it operates as an agency within the executive arm of the U.S federal government, it has a considerable amount of independence from the executive and free from political interference
- (b) It has the privilege of constant legal review to enlarge its scope and powers
- (c) Appointment of the chief executive of the agency is done in such a way as to outlive any particular serving president at a time. This is to ensure that such as chief executive (president etc) could be adequately probed if need be.

Thus in all, we see that some of the important inputs (refer to our theoretical framework in 2.8) into a system that will enhance its effectiveness, efficiency and overall performance are:

1. Government political will and support
2. A strong legal framework that is constantly reviewed to meet up with changing time
3. Material resources including finance, decent accommodation etc

4. Executive capacity in terms of human resources (both qualitative and quantitative) and,
5. A public that abhors corruption and discourages ostentatious living over and above ones means.

When you have these entire in place in a system (in terms of performance) will be high and both the government and the society will be better for it.

According to Tony Kwok, M (2003), a former head of operations ICAC, Hong Kong, the prerequisite for an effective corruption investigation include:

1. Independent: Corruption investigation can be politically sensitive. So the investigation can only be effective if it is truly independent and free from undue interference. This depends very much on whether there is political will to fight corruption in the country.
2. Adequate Investigative Power: The investigative officers need adequate investigative powers but there must be an elaborate check and balance system to prevent abuse of such wide powers.
3. Adequate Resources: Because corruption investigation can be time consuming and resource intensive. In Hong Kong annual budget amounted to US\$90 million, about US\$15 per capita.
4. Confidentiality: Investigation should be conducted covertly and confidentially before overt action is ready so as to reduce the opportunities for compromise and interference.

5. International Mutual Assistance: especially when cases are cross jurisdictional.
6. Profession: All investigators must be properly trained and professional in their investigation. The HK ICAC strives to be one of the most professional law enforcement agencies in the world.

The problem of how best to control corruption has always challenged policy makers since the dawn of civilisation. In present time, countries all over the world have established various agencies with various designs and size.

While delivering a paper Meagher (2004) identified two major approaches to fighting corruption:

- (i) the first is the single agency approach adopted by countries like Hong Kong and Singapore; while
- (ii) the second is a multi-agency approach adopted by countries like the United States of America.

The 'Single Agency' approach places a number of roofs – thereby creating a powerful centralised agency able to lead a sweeping effort against corruption. They are usually independent and well funded; although they required synergy with other government bodies to achieve their aims. The Hong Kong's Independent Commissioner Against Corruption (ICAC) and Singapore's Corrupt Practices Investigation Bureau (CPIB) are prominent examples of this type of agency. Each of these agencies is independent of the police force, established in response to major corruption scandals. Both agencies aim to suppress corruption

across a broad front, without bias or selectivity, by responding to all complaints, investigating cases, and designing preventive measures. The two agencies have comprehensive powers, and have benefited from their governments' early and forceful articulation of anti-corruption strategies. We posit that the agencies have recorded enormous successes in their efforts and have for the most part, created squeaky clean societies, (Meagher, 2004:3).

By contrast, the multiple-agency approach is less ambitious, creating one or more additional units or agencies with specific anti-corruption responsibilities that either did not previously exist or were scattered among departments. The U.S., France, and India point to the most easily accessible comparison. It also appears that Nigeria has adopted the same approach. In the United States, you have the Office of Government Ethics, which administers asset declarations and facilitates compliance with conflict-of-interest rules. The Indian Central Vigilance Commission performs a similar set of tasks.

But Meagher (2004:5) warned that:

One should avoid exaggerating the distinction between single – and multiple-agency approaches in the anti-corruption field. Clearly, more than one part of government has some responsibility for dealing with corruption in all the countries we have encountered. The difference lies in the extent to which powers are taken from other law enforcement agencies – or new and extraordinary powers are created – and housed in a single powerful agency designed to lead the anti-corruption effort.

A similar study was carried out by Alan Doig et al (2005).

In their work "Measuring 'Success' in Five African Anti-Corruption Commission," which aims at assessing the achievements of 5 Anti-Corruption Agencies (ACA) in Africa, warned that the measurement of ACC performance have to be done with great care. In particular, they warned that some people apply inappropriate measurement tools that are unhelpful, unrealistic and often time counter productive as a measure of performance.

In assessing the Prevention of Corruption Bureau (PCB) in Tanzania, the researchers captured the common problem ACAs like the Code of Conduct Bureau may face in carrying out their task when they stated that;

Prevention of Corruption Act lacks internal consistency and provides ambiguities which provide suspects with opportunities to manipulate the system and allow the judiciary, if so inclined, to decide in favour of defendants in dubious circumstances. Similarly the lack of meaningful deterrent through the option of the imposition of substantial and proportionate fines is a major weakness. (Alan Doig, et al:6)

In terms of structure, it is now known that various countries around the world have established ACAs to check corruption. These ACAs are structured differently to carry out their functions. While some are structured in a manner similar to paramilitary organisations, with law enforcement powers to arrest, detain and even grant bail to offenders of anti-corruption laws; others adopt organisational structures similar to those found in a government ministry including the ranks, nomenclature and processes.

This review here seeks to compare the two types of structures using the Singapore's Corrupt Practices Investigation Bureau (CPIB) and the American Office of Government Ethics.

The Singapore's Corrupt Practices Investigation Bureau (CPIB) is an appropriate example of an anti-corruption agency that has adopted the paramilitary structure discussed above due to the nature of its origin. It was founded in 1952, replacing the anti-corruption Branch (ACB) of the Criminal Investigation Department – a small unit within the police force. However, to make anti-corruption effort more effective, ACB was removed from the police force – the prior arrangement had prevented it from dealing strictly with elements of the police involved in corruption. The corruption problem remained unresolved, however, and the government of Lee Kwan Yew in 1960 decided to strengthen CPIB and enact a new prevention of corruption Act. Among other things, the act strengthened penalties and called for the forfeiture of corrupt gains. The Act also increased CPIB's powers to include arrest and examination of any suspect's bank accounts. Since that time, Singapore has adjusted the Act, and the powers and resources of CPIB, as needed. Among the changes was an expansion of criminal liability to include those who may not accept a bribe but intend to commit the offence, and those who accept a bribe but do not provide the expected favour in return. Also, establishing its credibility as a serious anti-corruption force enabled CPIB, as needed. Among the changes was an expansion of criminal liability to include those who may not accept a bribe but intend to commit the offence, and

those who accept a bribe but do not provide the expected favour in return. Also, establishing its credibility as a serious anti-corruption force enabled CPIB to overcome public scepticism and non-cooperation (Quah, 1999:83). According to Meagher and Caryn (2006:11), *"A necessary condition for successful investigations and prosecutions is having coercive powers – provided the agency has the actual ability to exercise these powers in practice."* While positing that giving coercive powers to ACAs will be considered as extreme in most societies, they agreed that it appears to have worked in countries like Singapore, where corruption was considered endemic. The fact that Singapore is one of the countries listed as the least corrupt countries in the world by a reputable research organisation (Transparency International) lays credence to the success of the CPIB (www.transparency.org).

The other structure is the passive structure similar to that of Government Ministries. These ACAs lack the coercive powers available to those under the law Enforcement Structure. Their role is confined to investigation and intelligence gathering for the government department responsible for prosecuting such offenders. They do not usually have the power to arrest and detain those who violate corruption laws. In all cases, they do not bear arms. The American Office of Government Ethics is one of such agencies. It is a small agency within the executive branch and was established by the Ethics in Government Act of 1978. Originally part of the Office of Personnel Management, OGE became a separate agency on October 1, 1989 as part of the Office of Government Ethics

Reauthorisation Act of 1988. The Office of Government Ethics exercises leadership in the executive branch to prevent conflicts of interest on the part of government employees, and to resolve those conflicts of interest that do occur. In partnership with executive branch agencies and departments, OGE fosters high ethical standards for employees and strengthens the public confidence that the government's business is conducted with impartiality and integrity (www.usoge.gov). It liaises with other law enforcement agencies like the Federal Bureau of Investigation (FBI) to effectively carry out its function.

The above analysis shows that the antecedents of an ACA determine its structure to a large extent. The Singapore CPIB was carved out from the Singaporean Police, thereby acquiring its Law enforcement structure on the one hand; while the American Office of Government Ethics emerged from the Office of Personnel – a Government Ministry.

4.3 Past Anti-Corruption Policies and Strategies in Nigeria

Before the advent of the present democratic dispensation, preceding administrations, particularly the military regimes had successively instituted legal measures and policies designed to combat corruption in the country. In the first place, it must be noted that military regimes themselves are an aberration. They do not rule by popular consent, so the first thing they do on assumption of power is that they suspend the constitution. Therefore, there is no form of check on their activities. Most times the reforms they profess to implement are mere rhetoric and

aimed at getting the support of the civilians. However, during the long military rule with occasional civilian regimes, these are the lists of laws, decrees and ethical campaigns launched to cleanse the social fabric of the country.

- 1- The Criminal Code 1982
- 2- The Penal code, applicable in the North
- 3- The criminal justice (Miscellaneous provisions) Decree, 1996.
- 4- The corrupt practices Decree 1975, which established the Corrupt Practices Investigation Bureau.
- 5- President Shehu Shagari's Ethical Revolution
- 6- The War Against Indiscipline of the Buhari/Idiagbon administration.
- 7- Mass Mobilisation for Social Justice, Self-Reliance and Economic Recovery (MAMSER) by Gen. Ibrahim Babangida.
- 8- The Code of Conduct Bureau and Tribunal Act (Cap 56 law of the Federation of Nigeria, 1990)
- 9- The Recovery of Public Property (Special Military Tribunal Act Cap 387, Laws of the Federation of Nigeria, 1990) as amended in 1991.
- 10- War Against Indiscipline and Corruption of late Gen. Sani Abacha
- 11- The failed Banks (Recovery of debts and financial malpractices in banks) Decree 1994 as amended in 1999.
- 12- The Recovery of Public Property (Special Military Tribunal Act Cap 389, Laws of the Federation of Nigeria 1990) as amended in 1999 by Gen. Abdulsalami Abubakar.

Despite all these measures, the problem of corruption remained endemic and in fact more virulent especially under the military. First of all, because of their inexperience in administration, they were unable to see clearly and take into account the magnitude, character and sophistication of corruption as defined by its socio-cultural context and time dimensions. For instance, the Criminal and Penal codes, apart from their complex wordings which created technical problems of interpretation and application, restricted the offence of corruption mainly to members of the public service and this gave the impression that non-public servants could get away with active collaboration in and commission of acts of corruption. Besides this, the criminal justice system that has been in place since colonial rule and the Evidence Act are colonially produced documents, so they do not have the adequate mechanisms to fight corruption. Yet the military were not geared towards reforming the laws. The fall out of this is up till the democratic era, there are delays in prosecuting cases of corruption. There are loopholes in the laws and lawyers who have a duty to defend their clients always take advantage of these loopholes to make sure anti-corruption cases are not concluded.

Another factor was the compromised sincerity of policy makers and those entrusted with the enforcement. Apart from the military themselves compromising and indulging in massive corrupt practices, they also shifted the burden of proof of innocence to the accused. Thus even though the military made provisions for the expeditious treatment of cases through the setting up of military tribunals and recovery panels, they didn't work because the foundations of the military regimes

were faulty. They could not fight corruption because they were not transparent and accountable. They were dictatorial and tyrannical in their styles of administration. Thus, the results were, to say the least, very disappointing. Only few cases were determined with commendable dispatch but the perceived partisan scale of judgement marred the much vaunted reformist stance they purportedly stand for.

4.3 Historical Background of the Code of Conduct Bureau and Tribunal (CCBT)

In 1986 the Political Bureau in its report which government accepted, observed that corruption and indiscipline were the bane of our political development. It recommended the strengthening of existing machineries for monitoring the actions and behaviour of public officers, to ensure that they conform to the highest standards of public morality and accountability. Following this recommendation, a Code of Conduct Bureau and Code of Conduct Tribunal were established as the agencies to enforce the Code of Conduct for public officers provided for in the 1979 Constitution of the Federal Republic of Nigeria. The provision has maintained a permanence of some sort, in the fifth schedule of all the Constitutions that followed thereafter, including the 1999 Constitution (as Amended).

The Code of Conduct Bureau and the Code of Conduct Tribunal are two autonomous institutions that operate independently with clearly defined but

complementary roles. While the Bureau administers assets declarations and investigate complaints of breaches of the code, the tribunal, adjudicates on the cases sent to it by the Bureau. Such cases are prosecuted by the Office of the Attorney General of the Federation through its officers posted to the Bureau.

Aims and Objectives of the Bureau

The aims and objectives of the Bureau is to establish and maintain a high standard of morality in the conduct of government business and to ensure that the actions and behaviors of public officers conform to the highest standards of public morality and accountability

Functions of the Bureau

The functions of the Bureau shall be to

- a. receive assets declarations by public officers in accordance with the provisions of this Act;
- b. examine the assets declarations and ensure that they comply with the requirements of this Act and of any law for the time being in force;
- c. take and retain custody of such assets declarations;
- d. receive complaints about non-compliance with or breach of this Act and where the Bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal established by section 20 of this Act in accordance with the provisions of sections 20 to 25 of the Act

4.3.1 The Need for a Code of Conduct for Public Officers

The need for Code of Conduct for Public officers in the young democratic state that Nigeria finds itself now cannot be over- emphasized. This is particularly so when viewed against the backdrop of large - scale fraud and corruption which has become prevalent in the civil / public service. The inimical effects of the twin evil on the economic and social development of the country cannot be glossed over. Nigerians have suffered physical deprivation and poverty directly as a result of corruption. As for our external corporate image, it was scarred beyond recognition, with Nigeria being rated as a highly corrupt country. The time has come for Nigerians to rid themselves of this cankerworm and to conscientize themselves towards acceptable behaviour. It was envisaged that a set of ethics and rules of behaviours for public officers will go a long way in enhancing this resolve.

This Code of Conduct is to assist public servants to become accountable and to adopt transparent practices in their work. By painstakingly studying these codes and endeavouring to imbibe them as part of their job, public officers were to save themselves the unpleasant consequence ; of having to face the Code of conduct Bureau and the Anti-Corruption law of 2000.

4.4 Code of Conduct Expected of Public Officers of the Federal Republic of Nigeria

The Code of Conduct for public officers is spelt out in the 1999 constitution fifth schedule, part 1 which is to establish and maintain a high standard of morality in the conduct of government business and to ensure that the actions and behaviour of public officers conform to the highest standards of public morality and accountability. It must be indicated here that all public officers should study existing rules and regulations governing Government business.

Details of the Code governing the conduct of public officers and for which a violation would amount to corruption is reproduced below:

1. A public officer shall not put himself in a position where his interest conflicts with his duties and responsibilities.
2. Without prejudice to the generality of the foregoing paragraph a public officer shall not:
 - (a) Receive or be paid the emoluments of any public office at the same time as he receive or is paid the emolument of any other public office;
or
 - (b) Except when he is not employed on full time basis, engage or participate in the management or running of any private business, profession or trade but nothing in this paragraph shall prevent a public officer from engaging in farming or participating in the management or running of any farm.

3. The President, Vice President, Governors, Deputy Governors, Ministers of the Government of the federation and Commissioners of the Government of States, members of the National Assembly and the House of Assembly of the States and such other public officers or persons, as the National Assembly may by Law prescribe shall not maintain or operate a bank account in any country outside Nigeria.
4. A public officer shall not, after his retirement from public service and while receiving pension from public funds, accept more than one remunerative position as Chairman, Director or employee of a company owned or controlled by the government or public authority or receive any other remuneration from public funds in addition to his pension and the emolument of such one remunerative position.
5. (1) Retired Public officers who have held offices to which the paragraph applies are prohibited from services or employment in foreign companies or foreign enterprises.
(2) The paragraph applies to the office of the president, Vice president, and Chief justice of Nigeria, Governor and Deputy Governor of a State.
6. (1) A public officer shall not ask for or accept any property or benefit of any kind for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties.
(2) For the purpose of sub-paragraph 6 (1) the receipt by a public officer of any benefits from commercial firms, business enterprises or persons

who have contracts with the government shall be presumed to have been received in contravention of the said sub-paragraph unless the contrary is proved.

(3) A public officer shall only accept personal gifts or benefit from relatives or personal friends to such extent and on such occasions as are recognized by custom:-

Provided that any gift or donation to public officer on any public or ceremonial occasions shall be treated as gifts to the appropriate institution represented by the public officer, and accordingly, the mere acceptance or receipt of any such gifts may not be treated as a contravention of this provision.

7. The President, or Vice-President, Governor or Deputy Governor, Minister of the Government of the Federation or Commissioner of a State or any other public officer who holds office of Permanent Secretary/Director General or Head of any public corporation, University or other parastatal, organization shall not accept;

(a) A loan, except from government or its agencies, a bank, building society or other financial institution recognised by law and

(b) Any benefit of whatever nature from any company, contractor, or businessman, or the 1 nominee or agent of such person: provision that the head of public corporation or a university or other parastatal organization

may, subject to the rules and regulations of of the body accept a loan from such body.

8. No person shall offer any property, gift or benefit of any kind as an inducement or bribe for the granting of any favour or the discharge in his favour of the public officer's duties.
9. A public officer shall not do or direct to be done in abuse of his office an arbitrary act prejudicial to the right of any other persons knowing that such act is unlawful or contrary to any government policy.
10. A public officer shall not be a member of or belong to, or take part in any secret society and or any society the membership of which is incompatible with the functions and dignity of his office.
11.
 1. Every public officer shall within 3 months after taking office and thereafter:
 - (a) at the end every four years; and
 - (b) at the end of his-term of office;Submit to the Code of conduct Bureau a written declaration of all his properties, asset and liabilities and those of his spouse, or unmarried children under the age of 21 years.
 2. Any statement in such authority or person authorised in that behalf to verify it shall be deemed to be a breach of this Code.
 3. Any property or assets acquired by a public officer after any declaration required under this constitution and which is not fairly attributable by sub

paragraph (1) (a) of this gifts, or loan approved by the Code of Conduct Bureau

12. Any allegation that a public officer has complied with the provision of this Code shall be made to the Conduct Bureau.
13. A public officer who does any act prohibited by this Code through a nominee, trustee, or other agent shall be deemed ipso face to have committed a breach of this Code.
14. In its application to public officers
 - (a) Members of legislative houses shall be exempted from the provisions of paragraph 4 of this Code; and
 - (b) The National Assembly may by law exempt any cadre of public officers from the provisions of paragraph 4 and 11 of this Code if it appears to it that their position in the public service is below the rank, which it contains provision.
15. Political office holders are expected to familiarise themselves with the rules and regulations regarding their behaviour while in office.

4.5 Public Officers for the purposes of Code of Conduct

1. The president of the Federation
2. The Vice-President of the Federation
3. The president and Deputy President of the Senate, speaker of House of Representative, and Speakers and Deputy Speakers of House of

Assembly of State, and all members and staff of Legislative houses.

4. Governors and Deputy Governor of States
5. Chief Justice of Nigeria, justice of the supreme Court, President and justice of the Court of Appeal, all other judicial officers and all staff of law.
6. Attorney-General of the Federation and attorney General of each State
7. Minister of the Government of the Federation and Commissioners of the State.
8. Chief of Defence Staff, Chief of Army Staff, Chief of Naval Staff, Chief of Air Staff and all members of the armed forces of the federation.
9. Inspector-General of Police, Deputy Inspector-General of Police and all members of the Nigeria Police Force and other government security agencies established by law.
10. Secretary to the Government of the Federation, Head of the Civil Service of the Federation or of the State.
11. Ambassadors, High Commissioners and other officers of Nigerian Missions abroad.
12. Chairman, members and staff of the Code of Conduct Bureau and Code of Conduct Tribunal.
13. Chairman, members and staff of local government councils.

14. Chairman and members of the Boards or other governing bodies and staff of statutory corporations and of companies in which the Federal or State Government has controlling shares.
15. All staff of Universities, Colleges and Institutions owned and financed by the Federal or State Government or Local Government Councils.
16. Chairman, members and staff of permanent Commissions or Councils appointed on full time basis.

4.6 Organisational Structure of CCB

The Code of Conduct Bureau is an Executive Body with a Chairman and nine members to make the board. It is an Extra-Ministerial Department which functions under the Presidency. While the chairman is the Chief Executive, the Secretary doubles as the Head of Administration and Secretary to the Board.

In line with the operational arrangement adopted by the Board and approved by the government, the Bureau has three full-time members who with the chairman and the Secretary constitute the Executive Committee of the Bureau.

The Bureau has four Departments headed by Directors who report to Secretary of the Bureau.

The Departments are:-

- i. Assets Declaration;
- ii. Investigation and Monitoring;
- iii. Education and Advisory Services, and

iv. Administration and Finance

It also has Audit, Legal and Bureau Information System Centre Units which are under the direct supervision of the Secretary

The Bureau has offices in all the 36 States of the Federation and the Federal Capital Territory all of which are headed by State Coordinators.

(1) Assets Declaration Department

(A) Functions:

The functions of the Department are:

- i. Calling for Nominal roll from Government establishments.
- ii. Administering Assets Declaration Forms to public officers.
- iii. Receiving declarations by public officers under paragraph II of part I of the Fifth Schedule of the Constitution.
- iv. Examining and verifying the declarations in accordance with the requirements of the Code of Conduct Statute.
- v. Retaining custody of such declarations and making them available for inspection under such terms and conditions as may be prescribed by the National Assembly.
- vi. Co-ordinating the activities of State Officers in the administration of Assets Declaration Forms.
- vii. Preparing and submitting list of defaulters to the Code of Conduct Tribunal for Trial.

(B) Activities of the Department

For effective co-ordination, the Department is made up of two divisions and one centre. These are: the Federal Operations Division, State and Local Government Operations Division, and the Bureau Information System (BIS) Centre. The Centre houses the Assets Declaration Strong Room where the completed Assets Declaration forms are stored and the Computer Section where the Forms are scanned in and resolved thereafter.

The Federal Operations Division takes care of issuing, receiving, processing, administering of acknowledgement slips and compiling lists of defaulting public officers in the Federal Ministries, Parastatals, Agencies and Commissions, including National Assembly, the Military, Police and Para-Military institutions in the Federal Capital, Abuja. The State and Local Government Operations Division takes care of issuing, receiving, processing, administering acknowledgement slips in the State and Local Government establishments including all public officers in the Federal Ministries, Parastatals, Agencies and Commissions in the States through the State Bureau offices nationwide.

(2) Investigation and Monitoring Department

(A) Functions

The functions of the department are as follows:

- (i) Receiving petitions and complaints from the public on any breach or non-compliance with the Code of Conduct for public officers.
- (ii) Investigation of allegations of corruption and abuse of office.

- (iii) Handling all matters relating to the security screening of the staff of the Bureau.
- (iv) Monitoring the Conduct of Public Officers to ensure that they conform to the Code.
- (v) Monitoring all negative social trends that impede morality and accountability.
- (vi). Referring all subject matters of investigation that fall outside the mandate of the Bureau to appropriate government agencies.

(B) Activities

The Petitions Screening Committee (PSC)

This is a structure put in place to facilitate the investigative activities of the Bureau and to ensure utmost integrity in the handling of petitions. The Committee is chaired by a Full time Board member and five other members made up of the three Heads of Operations Departments, the Legal Adviser, and the Deputy Director (Investigation & Monitoring) serves as member/Secretary to the Committee. The Committee deliberates on all petitions received by the department and takes decisions on the following:-

- (i) Invitation of parties in a petition to appear before it.
- (ii) Directing field investigation in cases where necessary.
- (iii) Referring cases outside the Bureau's mandate to relevant government Departments and Agencies.

- (iv) Referring cases to the Legal Unit for prosecution where prima facie evidence has been established against subjects.
- (v) Keeping matters in view, or discontinuation of cases, where there is paucity of evidence for prosecution.

All recommendations are sent to the Chairman through the Secretary of the Bureau for approval.

(C) Legal Unit

Functions

The legal Unit which is under the Chairman's office is headed by a Legal Adviser, from the Office of the Attorney-General of the Federation.

The unit carries out the following functions:

- i. Advice and give opinion on all legal matters,
- ii. Prosecute and defend all matters of interest to the Bureau,
- iii. Attends petition Screening Committee meetings.
- iv. Prosecutes public officers before the Code of Conduct Tribunal.

(3) Department of Education and Advisory Services

(A) Functions

The Department performs the following functions:

- (i) Promoting an educational system that motivates and stimulates positive moral and social values.
- (ii) Preparing public enlightenment papers, pamphlets, handbooks, booklets, etc. for distribution to public officers.

- (iii) Running courses and programmes for political office holders and Chief Executives on how to effectively carry out government business.
- (iv) Organising local and national workshops and seminars on ethics and accountability in public service.
- (v) Initiating and articulating orientation courses for the staff of the Bureau and sister organizations.
- (vi) Researching into ways and means of enhancing the quality of life of public officers responsible for citizenship and orderly society.

(B) Activities

The activities of the Department cover Public Enlightenment, Training and Capacity building.

i. Public Enlightenment

The Department of Education and Advisory Services having been charged with the responsibility of enlightening, informing and orientating public officers on the provision of the Constitution as it relates to their actions and behaviour, conforming with the highest standards of morality in the conduct of government business, carries out the following functions -

- (a) Media Campaign through the electronic and print media.
- (b) Enlightenment visits to Ministries, Departments, Parastatals, Extra Ministerial departments and Agencies of Government.
- (c) Public for a in states and the geo-political zones of the Federation.
- (d) Children's forum/Programmes.

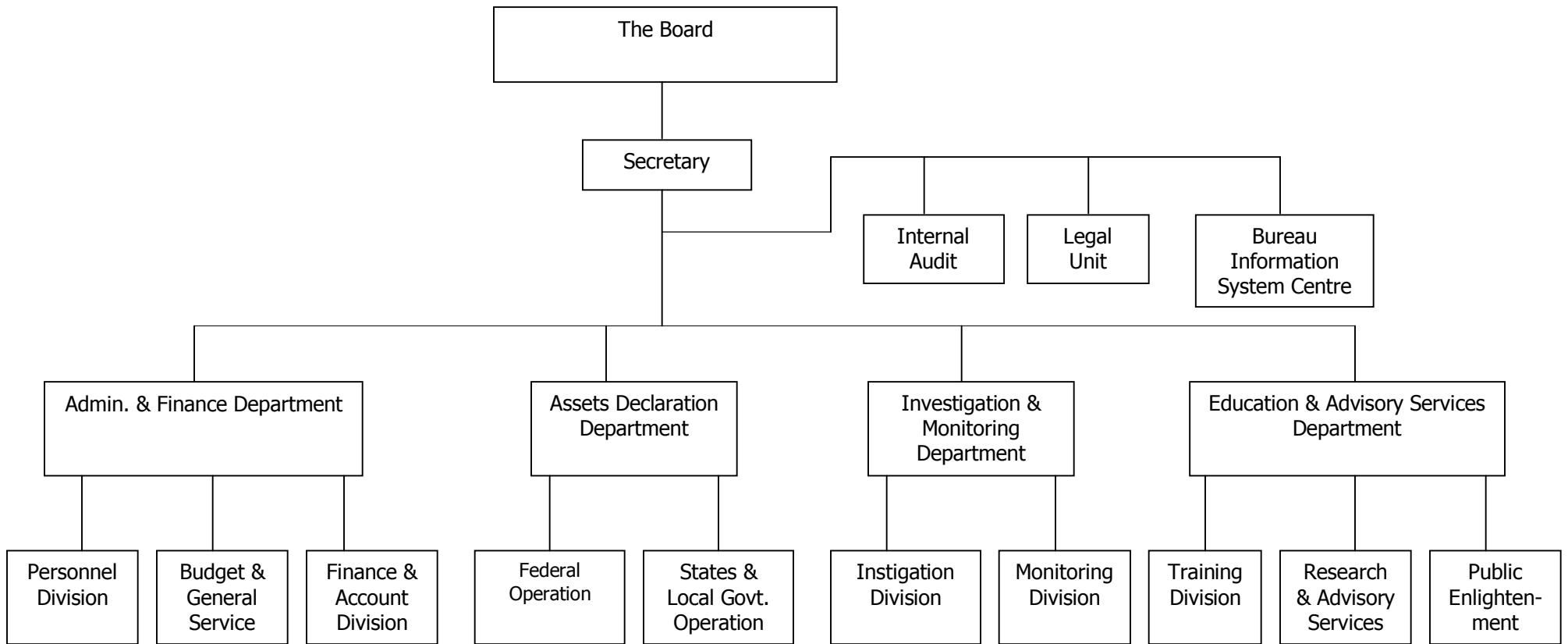
- (e) Workshops and Conferences.
- (f) Distribution of Public Enlightenment materials e.g. Public Officers Handbook, Posters, handbills. Customized Souvenirs and School materials.
- (g) In-house Orientation programmes.
- (h) Formulation of a Code of Ethics for Staff of the Bureau.
- (g) Collaboration with State Governments on Public Enlightenment Workshops.

(4) Administration and Finance Department

(A) Functions

- (a) To ensure that promotions are carried out on a yearly basis
- (b) To ensure that the Nominal Roll of staff is updated quarterly;
- (c) To ensure that all staff movements arising from promotion, conversion, confirmation and new appointments are gazetted;
- (d) To prepare and defend the Manpower Budget proposals for the coming year;
- (e) To ensure that the records of service of all members of staff are updated; and,
- (f) To ensure the speedy processing of all the administrative and financial matters from the state offices.

Fig. 3: Organisational Structure of the Code of Conduct Bureau



NB: The Code of Conduct Bureau has 36 Offices in the States and One in the Federal Capital Territory (Gwagwalada)

Source: CCB' 2005 Annual Report, pg 40

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5.1 Introduction

In this chapter, data collected through primary and secondary sources are presented and analysed. Data collected through the questionnaires are presented in tables and analysed using frequency counts and percentages. The data from the questionnaires were further interpreted using the chi-square. Based on the presentation, analysis and interpretation of data, the hypotheses postulated were tested.

The data collected through the interview conducted and secondary data were analysed using the content analysis. Inferences were also made on our observations. These data were used to further substantiate the hypotheses tested.

Also in this chapter, the major findings of the study are further summarily highlighted. For the purpose of emphasis, the three (3) hypotheses tested are:

- (a) That the administrative and legal frameworks establishing the Code of Conduct Bureau and Tribunal are not constraints to its effective performance.
- (b) That inadequate executive capacity, financial and material resources does not inhabit the effective performance of the Code of Conduct Bureau and Tribunal.
- (c) That lack of government political will is not a constraint to the effective performance of the Code of Conduct Bureau and Tribunal.

Furthermore, based on the sample size 340 questionnaires were administered to the respective respondents, out of which, 289 were duly filled and returned for analysis. Of the remaining 42, 19 were not duly filled while the remaining 23 were not returned at all. Therefore, the sample size of 298 was used for the purpose of data presentation and analysis.

Table 5.1: Distribution of questionnaire to CCB Staff

State	No. of Questionnaire Administered	No. of Questionnaire Returned	Percent
Abuja	60	51	69
Gwagwalada Office	17	12	19.5
Kaduna office	10	09	11.5
Total	87	72	100

Source: Field Survey by the Researcher, 2010

Table 5.1 above shows the number of questionnaires distributed and returned in respect of the staff while table 5.2 below represents those of the “customers” of the Bureau.

Table 5.2: Distribution of Questionnaire to Customers

Organisation	No. of Questionnaire Administered	No. of Questionnaire Returned	Percent
Federal Ministry of Education, Abuja	56	48	22
Federal Ministry of Transport, Abuja	81	73	32
Kaduna State Ministry of Finance Kaduna	78	70	30
Leather Research Institute Zaria	40	35	16
Total	255	226	100

Source: Field Survey by the Researcher, 2010

The questionnaires are in two sections. Section 1 dwells on the bio-data of the respondents while the second section dealt with the major issues of the study. The responses bordered on issues regarding the structure, the legal framework establishing the Bureau and as they affect its effective operation. Other issues include the adequacy or otherwise of its executive capacity, financial and other materials resources available to the bureau for its effective operation. Finally, the responses also dealt with issues of government's political will and support to the bureau, political interference, independent decision making etc.

5.2 Data Presentation and Analysis

5.2.1 Administrative Structure of CCB and T

First, the study examined the administrative structure as it affects the effective operation and performance of the bureau. The administrative structure of the bureau is same as the normal civil service which is bureaucratic in nature.

Bureaucracies are generally criticised and identified with certain stereotypes, common of which are unnecessary time wastage (Redtapism), being out of touch and exhibiting qualities of sluggishness, complacency and inability to handle emergencies that require proactive decisions and actions. This is because the reporting channels are hierarchical from bottom to top before decisions are taken and communication sent from top to bottom for any action to be taken. This could be a major impediment to the effective operation of CCB and T especially under the Nigerian context. The Code of Conduct Bureau is an Executive Body with a Chairman and nine members which make the board. It is an Extra-Ministerial Department which functions under the Presidency. While the chairman is the Chief Executive, the Secretary doubles as the Head of Administration and Secretary to the Board.

In line with the operational arrangement adopted by the Board and approved by the government, the Bureau has three full-time members who with the chairman and the Secretary constitute the Executive Committee of the Bureau.

The Bureau has four Departments headed by Directors who report to Secretary of the Bureau. The secretary also reports to the board that in turn is answerable and reports to the presidency. The line of authority and supervision is rather long and could affect the operation of the bureau in diverse ways.

Thus the respondents' opinion was sought on the impact of CCB and T administrative structure on the effectiveness of their operation and performance. Their responses are contained in table 5.3 below.

Table 5.3: Organizational Structure of CCB Affects its Performance

	Responses	Strongly Agree		Agree		Undecided		Disagree		Strongly Disagree		Total	
		F	P	F	P	F	P	F	P	F	P	F	P
1	Structure allow for effective discharge of duty	6	8	36	50	12	17	12	17	06	08	72	100
2	Structure allow for quick and timely decision making	08	11	40	69	-	-	18	25	-	-	72	100
3	Structure allow staff control as discipline	08	11	40	56	06	08	18	25	-	-	72	100
4	Structure allow for quick and timely prosecution of offenders	-	-	42	58	04	06	26	30	-	-	72	100
5	Structure allows for enforcement of compliance	06	08	42	58	06	08	18	25	-	-	72	100
6	Structure give room for political interference	06	08	32	44	10	14	22	31	02	03	72	100

Source: Field Survey by the Researcher, 2010

Key:

F = Frequency

P = Percent

A detailed analysis of Table 5.3 above indicates that the responses on whether the structure of CCB allows for effective discharge of her duties, majority of the staff were of the view that it does. 50 percent which constituted the majority agreed that the structure of the CCB as presently built was adequate for

effectively discharging its duties. 08 percent of them strongly agreed with this fact while 17 percent of the respondents disagreed that the structure allowed for effective discharge of duties. 08 percent of the respondents strongly disagreed with the view that the structure was effective in discharging its duties, while 17 percent of them were undecided.

A majority (64 percent) of the respondents also agreed with the assertion that the structure allowed for quick and timely decision making. The table indicates also that 11 percent of the respondents strongly agreed with the assertion. Only 25 percent of the respondents opine that the structure of CCB as presently constituted does allow for quick and timely decision making.

In terms of staff control and discipline the table above indicates that majority of our respondents, 40 of them or 56 percent are of the opinion that the structure as it is allows for staff control and discipline. 11 percent others strongly agreed. 25 percent of the respondents disagreed while the remaining 08 percent were undecided.

In terms of the quick and timely prosecution of offenders, majority of the respondents representing 58 percent are of the view that the CCB's structure as it is now allow for quick and timely prosecution of offenders. Only 26 respondents or 36 percent have disagreed. 06 percent of the remaining respondents were however undecided.

Asked whether the structure also allow for enforcement of compliance with its mandate by the customers of CCB, majority of the respondents representing 58

percent also agreed. 08 percent strongly agreed while only 25 percent of the respondents disagreed that the structure allows for effective compliance by CCB's customers. The remaining 08 percent respondents were however undecided.

Finally as indicated in table 5.3 above, the respondents were asked if they believe that the structure of CCB gives room for political interference in their operations. The responses indicated that majority of them (44 percent) agreed that the structure give room for political interference. Another 08 percent strongly believe in the assertion while 31 percent of the respondents disagreed. 3 percent strongly disagreed while the remaining 14 percent were undecided on the issue.

In order to deal with the problem of corruption and perhaps to address some structural issues, governments that establish anti – corruption agencies (ACAs) try to structure them into various types. These structures are however categorised into two basic types viz;

- (a) The one is structured in a manner similar to paramilitary organisations with law enforcement powers to arrest, detain and even grant bail to offenders of anti-corruption laws.
- (b) The other structure is similar to that of government ministries. This structure lacks the cohesive powers available to those under the law enforcement structure i.e. the paramilitary. Their role is confined to investigating and intelligence gathering for the government department responsible for prosecuting such offenders.

They do not have the power to arrest or detain those who violate the anti-corruption laws and most time, they do not bear arms. This implies that the antecedent of any anti-corruption agency determines the structure.

In the case of the Code of Conduct Bureau, it functions in the formal bureaucratic structure. Its power to arrest, detain or grant bail can only be executed through another government agency that is independent of CCB but compliment each other in terms of functions (i.e The Code of Conduct Tribunal : CCT). As noted by Seidman (2008), the common bureaucratic stereotypes ... include being wasteful, inefficient, overly large....Bureaucracies are often criticised for being out of touch and exhibiting the qualities of sluggishness, complacency and arrogance... Its just that bureaucracies can only handle routine matters and if something is out of the ordinary, its 'I have to check with my supervisor'; Bureaucracy is the whipping boy , for when people are referring to an organisation which don't work, don't plan and don't innovate"

Finally on the issue of administrative structure, the respondents' opinion was sought on whether the administrative structure and the organisation itself need to be re-structured to allow for its effective operation and performance. The responses are tabulated below in table 5.4 below.

Table 5.4: Restructuring and Reorganisation of CCB Required.

Responses	Frequency	Percentage
Strongly agree	06	08
Agree	48	67
Undecided	08	11
Strongly disagree	-	-
Disagree	10	14
Total	72	100

Source: Field Survey by the Researcher, 2010

Table 5.4 above indicate that majority of the respondents representing 67 percent were of the view that the structure of CCB needs to be restructured/reorganised in order to make it more effective and enhance its overall performance. In this wise too, 08 percent of the respondents also strongly share that opinion while 14 percent of the respondents disagree with the issue of restructuring. The remaining 11 percent were undecided.

5.2.2 CCB Legal Framework

The legal framework also constitutes one of the major factors that could enhance the effective performance of CCB.

The legal framework of the Code of Conduct Bureau and Tribunal was provided for in Cap C. 15, LFN, 2004 of the Act. The Act provides for the establishment of the Code of Conduct Bureau and Tribunal to deal with complaints of corruption by public servants for the breaches of its provisions.” The Act also

stipulates the powers and composition of the tribunal. The question therefore is, is this Act effective in ensuring and enhancing the effective operation and performance of this bureau?

The respondents' opinions were sought on whether the legal framework constitutes a major constraint to their effective operation and performance. But first we sought for their level of awareness concerning the Act establishing their organisation i.e. if they are conversant with the Act and their responses are contained in the table below.

Table 5.5: Staff Have Adequate Awareness of the Act Establishing CCB

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	52	72
Undecided	04	06
Strongly disagree	-	-
Disagree	16	22
Total	72	100

Source: Field Survey by the Researcher, 2010

The table 5.5 above indicates that majority of the staff of CCB overwhelmingly agree that they are conversant with the act establishing their organisation. This can be seen from 72 percent agreement responses. Only 22 percent of the staff opine that they are not conversant with the act while the remaining 06 percent were undecided.

The staffs were further asked if they think that the legal framework establishing the bureau (i.e. CCB) is a major constraint to her effective operation/performance. That is exercising their powers and authority (i.e., power of arrest, prosecution etc) in the performance of their mandates. The respondents were asked how the legal framework i.e. the Act establishing CCB has empowered her in the areas of arresting offenders, their prosecution, punishment of offenders and power to enforce compliance to their mandate. Their responses are presented in table 5.6 below.

Table 5.6: CCB’s legal Framework Provides for the following powers

Responses	Strongly Agree		Agree		Undecided		Disagree		Strongly Disagree		Total	
	F	P	F	P	F	P	F	P	F	P	F	P
Power to arrest offenders	06	08	50	69	04	06	12	17	-	-	72	100
Power to prosecute offenders	08	11	40	55	04	06	20	28	-	-	72	100
Power to punish offenders	-	-	42	58	06	08	18	25	04	06	72	100
Power to enforce compliance	-	-	40	55	10	14	20	28	02	03	72	100

Source: Survey by the Researcher 2010

Key:
 F = Frequency
 P = Percent

From table 5.6 above, it is evidently clear that majority of the respondents or 69 percent have agreed with the assertion that the Act establishing the Code of Conduct Bureau empowers her to arrest offender of the Act. In fact, another 08 percent strongly agreed also. Only 17 percent of the staff respondents disagreed

that the Act empowers CCB to arrest offenders while the remaining 06 percent were undecided.

On the prosecution of offenders, 55 percent of the respondents affirm that the Act empowers the CCB to prosecute offenders. This group represent the majority while 28 percent disagreed with the majority, saying the act does not empower her to prosecute. 06 percent of them were undecided.

The responses also showed that 58 percent of the respondents assert that the Act of CCB empower her to punish offenders of the Act while 25 percent disagreed that the Act actually does not empower them to punish offenders. 08 percent were undecided. Similarly, 55 percent of the respondents were of the position that the Act establishing the bureau empowers her to enforce compliance of the Act. Only 28 percent believe that the Act does not while 14 percent respondents were undecided.

Secondly there is contradiction in the law establishing the Code of Conduct Bureau. For instance, while it is established as a law enforcement agency, it is being fused into the normal civil service administrative structure. It has only the powers to only administer asset declaration form, investigate abuse of non-compliance. It has no powers to arrest or detain violators of the act or defaulters. Rather the power to arrest and prosecute is given to another entity entirely i.e. the Code of Conduct Tribunal while prosecutors are to be appointed by the office of the attorney-general of the federation. The opinion of many interviewed have indicated that even though they have so much powers, it is not a direct one. It is

more indirect as the powers are carried out through another independent but just complimentary agency. They pointed out a limitation which shows that they cannot even determine or suggest punishments as that had already been determined by the act and it is too mild to say the least. In this regard, even the Tribunal has been limited by the act establishing them.

Furthermore, on the effectiveness of the legal framework, the opinions of the respondents were sought on the limitations of the legal framework. Their responses which are tabulated below clearly suggested that most of the respondents are of the view that the Act guarantee effective operation, discharge of its mandate, independent decision making and even complete autonomy.

Table 5.7: CCB’s Legal Framework is Limited in the Following ways

Responses	Strongly Agree		Agree		Undecided		Strongly Disagree		Disagree		Total	
	F	P	F	P	F	P	F	P	F	P	F	P
Does not guarantee effective operation	-	-	18	25	10	14	04	06	40	55	72	100
Does not allow for effective discharge of duties	-	-	18	25	08	11	04	06	42	58	72	100
Does not allow for independent decision making	-	-	18	22	10	14	04	06	40	55	72	100
Does not guarantee complete autonomy	-	-	18	25	08	11	04	06	42	58	72	100

Source: Survey by the Researcher 2010

Key:

F = Frequency

P = Percent

From table 5.7 above, it is evidently clear that in terms of effective operation, 55 percent of the respondents disagree that the Act does not guarantee her effective operation in terms of carrying out her assigned mandate. Another 06 percent further strongly disagreed with the above opinion. Only 25 percent of the respondents assert that the Act does not guarantee her effective operation. 14 percent of the respondents were undecided.

Also 58 percent of the respondents have disagreed that the act does not allow for the bureau's effective discharge of duties. 06 percent also strongly disagreed. 25 percent agreed that the act does not allow for effective discharge of duties. 11 percent of the respondents were undecided. The respondents view in the area of taking independent decisions indicates that 55 percent of the respondents and another 06 percent, either strongly disagreed or disagreed that the Act does not allow for independent decision making. 25 percent of the respondents however agreed while 14 percent were undecided.

Autonomy is an important aspect of the overall operation and performance of CCB. However from the opinion as tabulated above, a wide majority of 58 percent with another 06 percent disagreed and strongly disagreed that the act establishing the bureau does not guarantee its complete autonomy. 25 percent of them however agreed while another 11 percent were undecided.

The CCB is clearly established by law as a law enforcement agency and the law itself as indicated is not a constraint to its performance because the law has given the Bureau a wide function and the corresponding powers to carry out that

law enforcement function. For example, the CCB can receive complaints and where there is the need to arrest carry out that duty through the CCT. They are the only one that can issue any warrant of arrest to be carried out by the police. This is a very strong impetus to the performance of any such organization.

According to the Act establishing CCB, her functions shall be:

Receive asset declarations by public officers in accordance with the provisions of this act; ensure compliance and to receive complains about non-compliance and where the bureau considers it necessary to do, refer such complaints to the Code of Conduct Tribunal.

The Code of Conduct Bureau ensures that the conducts of Public Officers are being monitored by the Department of Investigation and Monitoring, especially as it relates to their life styles that are detrimental to public morality and accountability. When petitions are received and they do not fall within the mandate of the Bureau, they are forwarded to the relevant agencies for actions while those that fall within her mandate are handled by the petitions screening committee and prosecuted by the legal unit of the commission at the Code of Conduct Tribunal. This inter- agency relationship allow for the necessary synergies between them removes bottlenecks which could some times delays or frustrate the prosecution of offenders by CCB. Table 5.8 below contains the number of cases prosecuted by CCB from 2001 – 2006.

Table 5.8: Number of cases prosecuted by CCB from 2001-2006

Year	No. Of Cases	No. CONVICTED	No. DISCHARGED/ ACQUITED	NO. ADJOURNED
2001	970	411	5	554
2002	1,165	659	35	471
2003	955	410	35	510
2004	557	212	11	334
2005	54	522	4	21
2006	913	847	31	35

Source: Compiled from CCB Annual Reports.

Table 5.8 above shows that in 2001, 970 cases were prosecuted while 411 convictions were made with 554 adjournments. The trend across the years under review indicated that number of convictions is on the increase especially from the year 2005. The high rate of adjournments could be traceable to the criminal law itself which allow lawyers to ask for very frivolous adjournments in the process of prosecution thus allowing for unnecessary delays.

Petitions Received

During the year 2006, 107 new petitions were received by the bureau with the 24 old cases from 2005. From this number, a total of 114 petitions were presented before the petition and screening committee while the balance of 17 petitions received at the end of the year were forwarded for presentation to the PSC in 2007.

The breakdown and actions in respect of these cases are:

- (f) 48 cases- discontinued for lack of evidence
- 6 cases- kept in view pending further development
- (g) 17 cases- referred for field investigation
- 7 cases- referred to other organizations (agencies) to handle

3 cases – referred to the legal unit for prosecution at the tribunal

(h) 36 cases- at various levels of investigations.

Similarly, of the 292,377 asset declaration form given by all the states and FCT in 2008, only 200,481 were completed and returned. A comprehensive list of 1,013 defaulters were compiled and sent to the CCT for trials. Also of this number, only 17,330 declarants had been verified in the year. (Facts file, 2009:6)

In 2008/2009, a total of 129 were also received. Of this number, action had been completed on 64 cases, action still continues on 59, one case is kept in view because the petitioner' telephone number is incomplete for further contact; one other case was closed while the remaining 4 cases were referred.

In various interviews conducted with some management staff of the bureau, it was revealed that high rate of convictions should be taken to be a true reflection of the success of the bureau in reducing corruption even though the figures also concerned defaulters of asset declaration who simply get away with very mild sentences. They assert too that some culprits of corruption are still busy enjoying their loots while still in office.

Some other officials interviewed also asserted that the bureau has the power to investigate any breach of the Code of Conduct and they applauded the fact that one of the veritable powers necessary to kick start investigation was also provided for in the enabling law. They however asserted that because the bureau is seen as part of government ministry, most public officers ignore invitation by the bureau to ascertain possible breach of the act. Even the bureau on its own have the power to arrest, seal-off or confiscate properties of such public officers or even

freeze their account, most time they have to rely on other paramilitary and security agencies like the police etc to effect power of arrest. This does not augur well for the organisation. According to them since the bureau is empowered to arrest, it will ensure efficiency, timeliness and confidentiality etc. However, such operations will be better carried out by the trained operatives of the bureau if it is allowed to operate as a para-military organisation. It will also give them that necessary image of a law enforcement agency, and instil fear on those who have or intend to breach the Code of Conduct of the public service.

Still on the Act establishing the CCB, can it be said that the CCB is a regulatory agency, enforcement agency, or both? The opinion of the staff respondents were thus sought on this matter and their responses is here tabulated on table 5.9 below.

Table 5.9: CCB is more of a Regulatory Agency than Enforcement

Responses	Frequency	Percentage
Strongly agree	04	06
Agree	52	72
Undecided	06	08
Strongly disagree	-	-
Disagree	10	14
Total	72	100

Source: Field Survey by the Researcher, 2010

From table 5.9 above, the opinion of the majority of the respondents (72 percent and another strongly agree, 06 percent) indicated that the CCB is more of a regulatory agency than enforcement agency. Only 14 percent disagree with that opinion while the remaining 08 percent were undecided. Furthermore, the respondents were asked whether the legal framework (or the Act) establishing the CCB needs to be reviewed and their responses are tabulated as in table 5.10 below.

Table 5.10: There is Need to review the CCB's legal framework

Responses	Frequency	Percentage
Strongly agree	08	11
Agree	42	58
Undecided	10	14
Strongly disagree	-	-
Disagree	12	17
Total	72	100

Source: Field Survey by the Researcher, 2010

The responses from the staff respondents as indicated in table 5.10 above clearly indicates an overwhelming majority of 69 percent are calling for the review of the act establishing the CCB. Only 17 percent indicated a contrary opinion while the remaining 14 percent were undecided.

Based on the responses in tables 5.1 to 5.10 the research question related to the effectiveness of the structure and the legal framework establishing the Code of Conduct Bureau has been elaborately addressed. Thus the study here concludes that the structure of CCB is adequate for an effective performance as it allows for quick and timely decision making, and the effective discharge of her duties. Similarly the structure allow for quick and timely prosecution of offenders, and enforcing compliance on defaulters. However the structure allow for undue political interference in the activities and operation of the bureau.

Also, the legal framework establishing the bureau is not deficient as revealed in the analysis. This is because the Act adequately empowers the bureau to arrest offenders, prosecute the offenders of the law at the Tribunal. Besides, the law as many of the interview respondents argue adequately punish offenders. The punishments are as prescribed in the CCB and T Act, Part II Cap 23, 1- 2 and it is meant to serve as deterrent to others.

5.2.3 Executive Capacity

This refers to all factors, human and materials, that aid in the over all operations and performance of the organization. It also involves the adequacy of

the required skills and experience of staff, necessary to carry out the mandate of the organisation. This can be measured by the quality and quantity of staff, type of training acquired by the Staff that equips them to effectively carry out their functions. Of course, we all know that manpower is a very important factor in any organisation. All other inputs too could only work with the manpower available in an organisation. Therefore, the quantity and quality of manpower available to any organisation, is a determinant of its effectiveness in terms of operation and even the overall performance of the organisation. As indicated in the theoretical framework, manpower (both quantitative and qualitative), constitutes an input that will be examined in order to evaluate the performance of the Code of Conduct Bureau (CCB).

Therefore, the respondents' opinion was sought on the quantity and quality of staff in the bureau. But firstly, they were asked, if the lack of executive capacity constitutes a major constraint to the effective operation and performance of the bureau in executing its mandate. Their responses are tabulated on table 5.11 below.

Table 5.11: CCB lacks the required Executive capacity to Perform

Responses	Frequency	Percentage
Strongly agree	04	06
Agree	42	58
Undecided	10	14
Strongly disagree	02	03
03Disagree	14	19
Total	72	100

Source: Field Survey by the Researcher, 2010

From table 5.11 above, it could be seen clearly that majority of the staff respondents believe that inadequate executive capacity, constitutes a major constrain to the effective operation and performance of the CCB. As indicated, 58 percent of the respondents have supported that assertion i.e. that inadequate executive capacity is a major constrain to CCB's operation. Another 06 percent also further strongly agree with that position too. Only 19 percent disagreed with that view while another 03 percent further strongly disagreed with the view that inadequate executive capacity is a major constrain to her performance. 14 percent of the respondents were however undecided on the issue.

Even at the top management echelon, the bureau lacks same executive capacity. Records from the office show that the bureau has been without a board for over a decade now after the demise of the former Chairman. This implies that the bureau has been without a board that will articulate and formulate policy direction for the organisation. This definitely has its own implication on the operation and performance of the bureau.

On why the bureau has remained for a long time without a board, some staff argued that it is a deliberate effort by the political class to incapacitate the bureau. Some of the interviewee even said that they must have realised the cost of appointing strong and capable leaders for them, given the experience of some of their colleagues with EFCC under the leadership of Nuhu Ribadu, despite their supposed political connections.

5.2.3.1 Quantity of Staff in CCB

Specifically, the researcher went on to examine the quality and quantity of staff of the bureau with the purpose of assessing the adequacy to effectively carry out their assigned mandate. First, the respondents' opinion was sought on the adequacy of staff in the bureau and their responses are tabulated as in table 5.12 below.

Table 5.12: CCB Lacks Adequate Staff for its Operations

Responses	Frequency	Percentage
Strongly agree	02	03
Agree	40	56
Undecided	08	11
Strongly disagree	-	-
Disagree	22	30
Total	72	100

Source: Field Survey by the Researcher, 2010

From table 5.12 above, majority of the respondents have asserted i.e. agreed or strongly agreed that the CCB lacks the required staff strength to effectively carry out its mandate. This category of respondents represented 59 percent. 30 percent of them however disagreed with the lack of staff strength while the remaining 11 percent were undecided.

Some of the staff interviewed also agreed to the fact that the number of staff in the bureau is grossly inadequate to carryout its mandate/operations. According to the CCB's 2005 annual report, "the staff strength of 777 can hardly meet with the onerous task of ensuring compliance with the Code of Conduct for officers in governmental establishments in the federal, state and local government, areas. Our offices at the headquarters and 36 states and the FCT office in Gwagwalada are poorly staffed." This situation has not drastically changed for the better as the staff strength only changed marginally in the last two years.

5.2.3.2 Quality of Staff in CCB

Furthermore, on the issue of executive capacity, the study examined the academic qualifications, the skills and experience required by the staff to effectively carry out its mandate. The first question was on the academic qualification of the staff and their opinion is captured in the table below together with their responses on the staff skills and experience.

Table 5.13: CCB staff have the Following Required Qualities:

Responses	Strongly Agree		Agree		Undecided		Strongly Disagree		Disagree		Total	
	F	P	F	P	F	P	F	P	F	P	F	P
1. CCB staff have the required qualification	-	-	24	33	12	17	-	-	36	50	72	100
2. CCB staff have the required skill	-	-	20	28	12	17	-	-	40	53	72	100
3. CCB staff have the necessary experience	-	-	22	30	12	17	-	-	38	53	72	100

Source: Survey by the Researcher 2010

Key:

F = Frequency

P = Percent

The table above indicates the various responses of our respondents on the issue of qualification, skills and experience of the CCB staff. In the area of qualification, the response has shown that a majority of them (50 percent) clearly disagreed that the CCB staff have the required qualifications to adequately carry out their operations. 33 percent of them however agreed that they have the right

qualification while the remaining 17 percent were undecided. On the required skill to effectively carry out assigned mandate, 53 percent of the respondents disagreed that their staff have the skills for an effective operation, 28 percent others opine that the bureau staff have the skills while 17 percent were undecided. Similarly 53 percent of the respondents disagreed that the bureau staff have the required experiences to effectively carry out its mandate, 30 percent of them agree while 17 percent were undecided.

5.2.3.3 Staff Motivation in CCB

Another aspect of executive capacity is staff motivation. Staff who are not adequately motivated often time develop apathy and gross indifference toward their job which also leads to low performance and productivity. Thus motivating staff constitutes one of the important input into an organisation. The respondents' opinion was thus sought on the level of staff motivation in CCB.

Table 5.14: CCB Staff are Adequately Motivated

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	18	25
Undecided	10	14
Strongly disagree	10	14
Disagree	34	47
Total	72	100

Source: Field Survey by the Researcher, 2010

The table 5.14 above indicates that a greater majority of the staff, i.e. 47 percent disagreed with the assertion that the Staff of the Bureau were adequately motivated. Another 14 percent also further strongly disagreed with that assertion too. Only 25 percent had a contrary view, saying they agreed that Staff of the Bureau were adequately motivated. The remaining 14 percent were also undecided on the issue.

Inadequate training is a bane to the effective operation and performance of any organisation and training is a key component of motivation. When staffs are not adequately trained, they tend to show indifferent attitude, apathy and even anger to cover up their deficiency. An untrained staff would end-up a liability to the organisation and a bad example to others, especially when we realise that a well trained employee is linked more effectively to his job thus raising organisational output.

Most staff interviewed agreed to the fact that the staff of the bureau lack the necessary training and experience required to carry out their mandate. This according to them manifest in the unprofessional manner in which sensitive and important operations are carried out by the staff which most time lead to failure to identify and apprehend culprits.

5.2.3.4 Reasons Adduced for Low Staff Moral in CCB

Furthermore, those who disagreed with the assertion that the Staff are adequately motivated were asked to state the reasons for their disagreement. The main reasons adduced for the low staff moral include, the following: Poor

remunerations, inadequate training, inadequate working facilities, uncondusive working environment and poor logistics.

These reasons adduced constitute a major variable used in measuring staff motivation. For instance, when staffs are not adequately and timely paid they tend to be demoralised and their attention shifted to issues of how to survive. For an important organisation like CCB which is supposed to be an unbiased empire, if the staffs are poorly remunerated, they could be insincere and could even be easily corrupted in the process of discharging their duties. Their level of commitment will also be affected.

Concerning the issue of inadequate working facilities, when necessary tools and materials are not made available to the employee, they tend to also show unruly behaviour towards their job. No matter how qualified and experienced a Staff is, if he is not provided with the necessary facilities to work with, you are making him useless in the organisation. That motivation to work is erased. Related to this is the work environment. When the necessary and decent offices are not provided such as, furnishing and even security, it demoralises the workers and ultimately affects their productivity.

Further more, some of the staff interviewed agreed that the three (3) major areas that can be adduced for their low motivation are security of life, poor remuneration, and training.

The remuneration of the staff of the bureau is same as those obtained in the Federal Public Service. But other anti-corruption agencies like ICPC and EFCC

have enabling law empowering their management to set remuneration that is commensurate with their nature of mandate, job or responsibility. But the bureau has no such flexibility. This accounts for the disparity in wages between the bureau and those other anti-corruption agencies. For example, the total amount allocated for personnel cost to the ICPC (with a staff strength of 300) was N1, 036,457,836. By way of comparison, the Code of Conduct Bureau with, a staff strength of over 800, was allocated N480, 548,242 (Sourced from the Electronic Copy of 2009 budget at, www.fmf.gov.ng). This has created a situation where officers of the organisation earn very low wages in comparison to their counterparts. The cumulative impact of this results in the low morale of the bureau staff hence performance have been affected.

Another factor adduced for low moral among the bureau's staff is inadequate training. Most of the staff complained bitterly that the nature of the training they undergo is more civil than that of law enforcement. According to one of the bureau's syndicate report that I was opportuned to go through, "due to the specialised nature of the operations of the bureau, adequate capital investment in training and retraining of its staff to develop a core of experts in investigation, assert verification, community relation, communication arts, information technology/document management, supervisory and advanced management programmes is necessary. This will enhance the professionalism it requires in its operations." However, the summary of training activities for some years indicates

neglect of core training needs that would enhance productivity and efficiency. (See appendix D).

Also in 2008, careful examination of documents and reports of the year further confirms the neglect of core training for the staff of the bureau. For example, the statistics in training (summary) for the year 2008 is presented below.

Table 5.15: Summary of CCB’s Staff training for 2008

Training	Year	Junior	No. of Senior Staff	Total
Local	2008	200	263	463
Overseas	2008	Nil	6	6
				469

Source: 2008 Annual Report

From the table 5.15 above on training, the analysis indicated that the 6 overseas courses are for only the senior/management staff and they are for four foreign courses (i.e. study tours for a few days while the remaining ones are for the following (a) Five in-house programmes i.e. preparatory course for civil service confirmation exams (senior staff), (b) asset verification and investigation workshop, (c) retreat for CCB senior staff, (d) stress management workshop and (e) training of CCB staff on basic investigation techniques by SSS (the training which took care of 237 staff, short term course accounted for only 15 and federal training centre courses accounted for 10 staff and the long term course for only 8 staff).

It could therefore be seen that most of their training were not professional in nature and did not actually prepare them to undertake the kind of mandate given them as a regulatory agency. It also goes to strengthen the weakness of the legal framework establishing the bureau as a law enforcement agency without the corresponding power to operate and perform effectively.

5.2.4 Funding

Another very important input into any organisation is funding. Funding has to do with the financial resources made available to the organisation. Thus the availability, adequacy and the effective utilisation of such fund is a sine qua non to the effectiveness and performance of the organisation.

5.2.4.1 Release of Fund to CCB

CCB is no doubt a government institution and as such, it is funded by the government. The timely release of fund therefore constitutes a major problem in most institutions. This most times affects or cause delays in the execution or implementation of programmes and policies. The question now is, what is the situation is CCB? The respondents' opinions were sought and their responses tabulated in table 5.16 below.

Table 5.16: Funds Allocated to CCB are Timely Released

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	28	39
Undecided	10	14
Strongly disagree	-	-
Disagree	34	47
Total	72	100

Source: Field Survey by the Researcher, 2010

Table 5.16 above has shown that majority of the respondents representing 47 percent disagreed that allocations to the CCB are timely released. 39 percent agreed to the timely release of fund while 14 percent were undecided.

5.2.4.2 Adequacy of Fund in CCB

Apart from the issue of timely release of fund, its adequacy to effectively carry out its duties and/or responsibility is crucial. In CCB, it is an aspect that the respondents' opinion was sought. When funds are not adequately available, other resources, whether human or material seem to be affected. This is because without finance, other resources cannot be made available. Thus adequate finance constitutes an important index in the overall operation and performance of an organisation. Therefore the staff respondents were asked if the funds made available to CCB are adequate for effective operation and the overall objective of CCB. Their responses are tabulated in table 5.17 below.

Table 5.17: Funds Allocated to CCB are Adequate for its Operations

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	8	25
Undecided	10	14
Strongly disagree	06	08
Disagree	38	53
Total	72	100

Source: Field Survey by the Researcher, 2010

Table 5.17 above clearly adduced that only 25 percent of the respondents have agreed that the funding to CCB is adequate. But the larger majority of 53 percent and another 08 percent have disagreed and strongly disagreed with adequacy of fund to CCB. The remaining 14 percent of the respondents were undecided.

Some of the staff interviewed all agreed to the fact that inadequate funding constitutes a major impediment to the bureau' performance because they are grossly under funded. This is in consonance with the response earlier generated through the questionnaire and presented in table 5.18

Data on the budgetary allocation to the CCB from 2000 to 2006 is presented in table 5.18 below.

Table 5.18 CCB Estimated Budget and the Approved Allocation Released (2000 - 2006)

Year	Estimated Budget	Approved and Released Allocation	Capital Allocation
2000	N860,550,490.00	N179,749,513.40	NIL
2001	N1,034,200,130.00	N381,261,105.35	N31,875,000.00
2002	N1,038,970,840.00	N241,230,230.94	NIL
2003	N1,090,000,000.00	N303,844,010.97	NIL
2004	N2,150,840,732.00	N494,464,355.00	N50,000,000.00
2005	N2,170,630,120.00	N643,544,079.00	N180,320,000.00
2006	N2,280,870,930.00	N875,000,000.00	N257,578,656.00

Source: Sourced from CCB Annual Reports and electronic copies of annual budgets 2000 – 2006

From table 5.18 above, it could be seen clearly that allocation to the Code of Conduct Bureau is grossly inadequate especially when compared with their own estimated budgets and considering the nature of its activities operations and mandate. In fact, in some years too, there were no capital allocations (i.e. project). For example, in 2000, there was no capital allocation. The same goes for 2002 and 2003. In all the years captured in the table, there were only slight increments to the amount given to the organisation except in 2002 when there was a drop instead. According to the bureau’s annual report (2006; 22), “the ‘envelop system’ whereby funds for the budget of each year are allocated by the Federal Ministry of Finance has constrained the bureau, keeping its operation within the Unit of the envelope assigned to it.

Activities such as investigating public officers and public enlightenment require more funds than the bureau is currently allocated in its envelope. The envelope needs to be flexible enough to accommodate the needs of the bureau. For now the bureau has drastically scaled down on its public enlightenment activities owing to inadequate funding. Although they could be said to have achieved some measure of success in this area, (See appendix F).

Although details of budgeted requirements for the previous years under study had been difficult to come by, figures obtained from the electronic copy of the 2009 budget indicated that the Bureau had always been inadequate. According to the figures, the Code of Conduct Bureau with a staff strength of over 800, was allocated a paltry N480, 548,242 for its personnel cost. This inadequacy is more glaring when this amount is compared to the ICPC, with a staff strength of 300 but was allocated N1, 036,457,836.

According to Kwok (2003) the prerequisite for an effective corruption investigation include adequate resources, because corruption investigation can be time consuming and resource intensive. He cites the case of Hong Kong where annual budget amounted to US\$90 million, about US\$15 per capita.

Most Staff interviewed were of the opinion that this aspect is an important and cardinal aspect of the fight against corruption and needs to be funded well. They assert that public enlightenment is an important tool for national re-orientation to build a society that abhors corruption whether in the public sector or private.

Where there are allocations, it is grossly insufficient to enable her embark on any meaningful project save to pay for rented accommodation. Some staff interviewed asserted that the negative effect of insufficient funding is inadequate office accommodation. They asserted that given the sensitive nature of its operation, the bureau requires a befitting and secured office accommodation.

To them, what currently obtains is a situation where the bureau is sandwiched with other federal government ministries in the federal secretariat. And from the researcher's observation, the above assertion is true because some of the offices visited are in Federal secretariats. According to the bureau's annual report of 2008; 38,

A good working environment helps in the level of productivity of the human being, man being a product of his environment. The nature of the work of the Code of Conduct Bureau requires a high level of discreetness and confidentiality. As a matter of fact, the nature of the bureau's task requires that all the departments be located in a single properly for the purposes of monitoring, control and proper co-ordination to ensure that the aim and objectives of the bureau are achieved. For instance, some state offices reside in rented apartments and sometimes in residential areas that are not conducive for office accommodation, while only a few of them are accommodated in permanent building like federal secretariats. Meanwhile, the bureau's headquarters is partly in the federal secretariat complex, Abuja, sandwiched among the offices we are expected to police, and partly in rented apartment in Asokoro due to lack of office space.

Inadequate funding also has its negative impact on logistics especially vehicles. Logistics especially vehicle is crucial to the effective operation of the

bureau because the nature of their mandate involves, travelling, monitoring and verification of assets of public officers.

To carryout this assignment, the officers of the bureau need to move from one place to the other. This would not be possible if logistics are not adequately provided to enhance their operation. Some of the staff interviewed asserted strongly that logistic (vehicles) is a problem to their effective performance. One of the state key officers even narrated on experience during one of their functions when they have had to carry their important documents and equipment on public transport because the bureau had no functional vehicles. He even rhetorically asserted that they even have drivers including chief drivers without any vehicle for them to drive.

5.2.4.3 Effective Utilisation of Fund in CCB

The effective utilisation of fund also constitutes an important index in measuring the effectiveness of funding in an organisation. No matter how adequate the fund is, and made available, its effective utilisation determines the effectiveness of finance. As earlier stated the ineffective utilisation of fund is a bane of effective service delivery, especially in the Nigerian public service. Thus could this be a fundamental problem also in CCB, looking at the mandate of the institution? The respondents were asked the above question and their responses are tabulated below in Table 5.19

Table 5.19: Funds Allocated to CCB are Effectively Utilised

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	26	36
Undecided	14	19
Strongly disagree	-	-
Disagree	32	45
Total	72	100

Source: Field Survey by the Researcher, 2010

From the responses presented in table 5.19 above, 36 percent of our staff respondents agreed that funds made available to CCB are effectively utilised, while 45 percent that constitutes the majority have disagreed. The remaining 19 percent were undecided on the issue.

5.2.4 Material Resources

The material resources of any organisation constitute another important input into the organisation. Their importance in the overall operation and performance of the organization cannot be over emphasized. Without them, the human resource of the organization will be redundant and unable to perform. The inputs include operational gadgets, cameras, recorders, operational vehicles, public enlightenment equipments, office accommodation etc. How adequate are these material resources for the effective execution of the mandate of CCB? This has direct relationship with the performance of the Bureau.

In the light of the above, the respondents were asked if the necessary materials needed to carry out their duties/operations effectively are made available for them and their responses are tabulated below in table 5.20.

Table 5.20: CCB has adequate Material resources for its Operations.

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	20	28
Undecided	10	14
Strongly disagree	02	03
Disagree	40	55
Total	72	100

Source: Field Survey by the Researcher, 2010

Table 5.20 above has shown that only 28 percent of the respondents have agreed that the material resources necessary for the effective operation and performance of the CCB staff are made available to them. 55 percent were of the contrary opinion as they disagreed with the earlier opinion. Another 03 percent even strongly disagreed while the remaining 14 percent were undecided.

Logistics constitutes another important material resources required for effective operation/performance of CCB. Logistics implies transportation and other means of mobility. Since the nature of work or their duties requires movement from one place to another, especially for investigation, and verification, the issue of adequate logistics cannot be over-emphasised. The staff respondents were thus asked if adequate logistics are provided to effectively carry out their duties and their responses are tabulated in table 5.21 below.

Table 5.21: Adequate Logistics are provided for CCB's Operations

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	24	33
Undecided	12	17
Strongly disagree	04	06
Disagree	32	45
Total	72	100

Source: Field Survey by the Researcher, 2010

The responses above have indicated clearly that logistics have not been adequately provided for a smooth and effective operation and performance of CCB. As can be seen from the table, 33 percent of the staff respondents have agreed that logistics are adequate. However 06 percent of the respondents have strongly disagreed, with another majority of 45 percent also disagreeing. The remaining 17 percent were undecided.

Also, there are other tools and machineries required by the staff of CCB to enable them to effectively discharge their duties e.g. cameras, audio-visual recorders, communication gadgets i.e. radio and other security gadgets among others. Without some of these equipments it will be very difficult for the staff to function effectively, in the discharge of their responsibilities. Therefore the staff respondent's opinion was sought on the adequacy or otherwise, of these tools and machineries and table 5.22 below presents their responses.

Table 5.22: The tools and machineries in CCB are adequate for its effective operation

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	24	33
Undecided	08	11
Strongly disagree	04	06
Disagree	36	50
Total	72	100

Source: Field Survey by the Researcher, 2010

From the table above, a majority of the staff respondents have disagreed with the research statement that tools and machineries were adequately provided for the effective operation of the staff of CCB. Another 06 percent also strongly disagreed. This group of respondents outweighed the other 33 percent who are of the opinion that such tools and machineries are adequately provided. The remaining 11 percent were undecided on the issue.

According to an official publication of the bureau, challenges faced by the department for asset declaration and verification in particular are indeed numerous. Chief among these are challenges of logistics and capacity. “The department does not have project vehicles and modern equipment for the important assignments of verification of assets which often involve on the spot sighting of properties more often located in difficult terrains.

Capacity lacking in the department is the technical area of valuation of properties of assets tracking and financial profiling. These are areas that will

enhance the efficiency and effectiveness of the bureau in carrying out its functions (facts file 2009:7)

Office accommodation also constitutes another important material resource in CCB. It is expected that due to the nature and sensitively of their mandate and function, the organisation should have a decent and well secured office accommodation. Therefore the respondents were asked if that is the situation in CCB. The respondents' opinion is tabulated below.

Table 5.23: Decent office accommodation are provided in CCB

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	24	33
Undecided	06	08
Strongly disagree	04	06
Disagree	38	53
Total	72	100

Source: Field Survey by the Researcher, 2010

Table 5.23 above has indicated that only 33 percent of our staff respondents agreed with the opinion that decent office accommodation are provided for CCB staff as a way of enhancing their discharge of duties. A greater majority of 53 percent disagreed with that opinion while another 06 percent further strongly disagreed. The remaining 08 were undecided.

The last aspect to this was security. Some of the Staffs interviewed were of the view that in spite of the nature of their mandate and operations, adequate security is not put in place for them at the offices to ensure security of life and

property and this invariably affects their performance. Observation by this researcher also attested to this point. At some of the offices visited, there was no noticeable security presence. Even where the researcher met one or two police officers, he was not asked any question or stopped for proper interrogation just like most other people he saw entering. All these factors have gone a lone way to affect the motivation of the staff (i.e. negatively) with the attendant effect on operation and overall performance of the organisation.

5.2.5.1 CCB Performance Rating by Staff

With regards to performance, the staff were asked to rate their performance so far within the resources available, and as an anti-corruption agency. Their responses are tabulated below.

Table 5.24: The performance rating of CCB by Staff

Responses	Frequency	Percentage
Very high	-	-
High	22	30
Average	20	28
Low	30	42
Very low	-	-
Total	72	100

Source: Field Survey by the Researcher, 2010

The performance rating by the staff respondents in table 5.24 above has indicated that 30 percent of them rated the performance of CCB as high, 28

percent rated their performance as being average while the greater majority of them rated the performance as being low.

5.2.5.2 Reasons Adduced for Low Performance by Respondents

Against the background of these respondents' rating, their opinion was also sought on what factors could be responsible for this low performance rating. Their responses indicated that factors responsible for poor performance include the weak legal framework within which the bureau operates. The law establishing the bureau did not give her the necessary powers to bite as it is supposed to, being an anti-corruption watch-dog.

Another reasons adduced for low performance of the bureau is inadequate funding by the very government that established it to pursue such a sensitive mandate. Besides, the respondents have also indicated that the bureau lack adequate material resources with which to effectively operate and carry out its assigned mandate.

Also, from the respondents' opinion it was revealed that the Staff of the bureau is not adequately motivated to enhance their overall performance on the job. Motivation is here seen to include adequate remunerations, adequate training and conducive working environment and even logistics etc.

The other reasons adduced for the bureau's low performance is the lack of autonomy that will allow them to take decisions that are largely independent of the normal civil service structure and devoid of red-tapism but innovatively oriented. Also related to this is the lack of political support by the government to

the bureau. A government that sets out to establish such an agency with such a sensitive mandate should be seen to be giving her all the necessary political support for effective operation and performance.

Also the respondents were asked to identify the major factors that impede the effective performance of CCB and their responses are tabulated below.

Table 5.25: Reasons for CCB’s low performance rating

Responses of the Structure	Frequency	Percentage
1. The civil nature of the structure of the bureau	08	11
2. The weak legal framework	10	14
3. Lack of political will/support	44	61
4. Political interference	06	08
5. Inadequate human material resources	4	06
Total	72	100

Source: Survey by the Researcher, 2010-12-09

From table 5.25 presented above, the opinions of the respondents have indicated that, 11 percent of them opine that the civil nature of the structure of the Code of Conduct Bureau is the main reason for her poor performance. 14 percent suggested that the weak legal framework is the factor responsible for that low performance. A greater majority of 61 percent overwhelmingly suggests that it is the lack of political will that could be adduced for the low performance of the bureau. Of percent of the respondents are of the view that it is political interference while the remaining 06 percent pointed at the inadequate human and material resources available to the Code of Conduct Bureau as the main factor for its low performance.

Customers' (Public Servant) Awareness of CCB

Since the Code of Conduct Bureau cannot be the only judge in its own affair, it is expedient that the study sought the opinion of the major stakeholders, the ones whom the bureau offer services too (i.e. the public servant).

The public servants are in a better position to actually know and evaluate the CCB as an anti-corruption agency. This is because ensuring transparency and accountability in the public service constitutes the major mandate of the CCB. Therefore, in view of this fact the public servants who are the second category of respondents in this research work were asked to respond to questions relating to the performance of the bureau. However, this researcher first asked about their level of awareness of the act establishing the bureau as well as their activities.

Table 5.26: There is adequate awareness of the Act establishing the CCB by Public Servants

Responses	Frequency	Percentage
Strongly agree	-	-
Agree	156	69
Undecided	20	09
Strongly disagree	-	-
Disagree	50	22
Total	226	100

Source: Field Survey by the Researcher, 2010

From table 5.26 above, it can be seen that a greater majority of the public servant representing 69 percent agree that they are conversant with the Act

establishing the Code of Conduct Bureau. 22 percent of them disagreed, meaning they are not conversant with it. The remaining 09 percent were undecided.

The respondents were asked to rate the performance of the Code of Conduct Bureau in the achievement of her mandate. Their ratings are tabulated below.

Table 5.27: Performance Rating of CCB by the Customer

Responses	Frequency	Percentage
Very high	-	-
High	20	09
Average	62	27
Low	84	37
Very low	60	27
Total	226	100

Source: Field Survey by the Researcher, 2010

The ratings in table 5.27 above have indicated too that the “customers” opinion about the CCB’s overall performance is not very favourable to say the least. As could be seen, no respondent rated her very high. Only 09 percent of them rated the performance as high. 27 percent of the respondents rated their performance as being average while the greater majority i.e. 37 percent opined that CCB’s performance is low and the remaining 27 percent also rated their performance as being very low.

5.2.5.2 Reasons Adduced for Low Performance by CCB Customer

Based on the performance ratings, the question is what is the main problem militating against the effective performance of the bureau? This question was put to our respondents customers and the main reasons adduced for this poor performance included the following:

That the legal framework establishing the bureau is weak hence it cannot perform effectively to achieve her mandate. Another reason also adduced is the poor funding of the anti-corruption agency. They opined that the agency is too poor to perform effectively or create any impact.

Many of the respondents also cited the issue of government interference and the lack of political will and support to the organisation as responsible arguing that why is EFCC move feared than the others? Others point to the lack of internal mechanism which this researcher assumes, point to the lack of coordination in terms of its administrative structure.

Inadequate executive capacity was also adduced for CCB's poor rating. Respondents point that apart from not having staff capacity, the existing staff need to be more serious with their job and organisational mandate instead of seeing themselves more as civil servants. Other respondents further pointed out that the lack of material resources to work with is responsible for poor performance. Some even compared her with EFCC that they say have the latest machineries to work with but CCB doesn't even have vehicles to move around with.

The respondents were here also asked to identify what they think is the major reason for CCB's ineffective operation and low performance and their responses are tabulated in table 5.28 below.

Table 5.28: Major Reasons for CCB's low performance

Responses	Frequency	Percentage
The nature of the structure of CCB	30	13
The weak legal framework	49	22
Lack of government's political will and support to CCB	109	48
Political interference in CCB's activities	26	12
Inadequate human and material resources in CCB	12	05
Total	226	100

Source: Survey by the Researcher, 2010

The responses as indicated on the table above has clearly shown that a majority of the respondents representing 48 percent have adduced government's lack of political will and support to the CCB as the major reason for its low operational effectiveness and performance. 13 percent adduced the civil nature of the structure of CCB as a major reason, 22 percent adduced the weak legal framework as a major reason of low performance. Another 12 percent opine that it is the political interference in CCB's activities while the remaining 05 percent adduced inadequate human and material resources in CCB as the major reason for the bureau's low operational effectiveness and overall performance.

In view of the performance rating and the major problem highlighted and adduced as militating against the bureau, they were asked if they think the CCB

Bureau as an anti-corruption agency is still relevant in view of the situation in the Nigerian public service and even she society in general. Their responses are tabulated below.

Table 5.29: Relevance of CCB as an anti-corruption agency

Responses	Frequency	Percentage
Strongly agree	10	14
Agree	45	62.5
Undecided	04	5.5
Strongly disagree	-	-
Disagree	13	18
Total	72	100

Source: Field Survey by the Researcher, 2010

The responses in table 5.29 above have indicated that majority of the respondents represented by 62.5 percent agreed that the CCB is still relevant. Another 14 percent further strongly supported the view, 5.5 percent were undecided while the remaining 18 percent disagreed with the continued relevance of the bureau.

Further more, the other respondents' (Public Servants) opinion were further sought on the continued relevance of CCB as an anti corruption agency in the country and the public service in particular and their responses are tabulated in table 5.30 below.

Table 5.30: CCB is still relevant as an anti-corruption agency

Responses	Frequency	Percentage
Strongly agree	10	04
Agree	60	27
Undecided	42	18
Strongly disagree	26	11
Disagree	88	40
Total	226	100

Source: Field Survey by the Researcher, 2010

The respondents' opinion on the table above indicates, that only 04 percent of them strongly agreed that the CCB is no longer relevant as an anti-corruption agency in the public service, 27 percent also agreed with that opinion while 18 percent of the respondents were undecided. From the analysis also it is clearly indicated that majority of the respondents disagreed with the opinion that CCB is no relevant in the public service as an anti-corruption agency as 11 percent of them strongly disagreed while the majority of 40 percent also disagreed.

According to one of the bureau's documents which tried to address the question of duplication of functions among agencies like the bureau itself, I.C.P.C, E.F.C.C. and the Public Complains Commission (PCC), 'they pursue different mandates and reinforce each other in the anti-corruption campaign. Also in an interview with a key official whom we asked why all the anti-corruption agencies cannot come together as an entity to fight corruption instead of doing it individually, but he asserted that the fight against corruption is multi-faceted.

Hence it has to be tackled from all sides. The implication is to give specific mandates to specific agencies.

To further buttress the above issue, the respondents who were affirmative to the fact that the bureau is still relevant as an anti-corruption agency were asked to recommend ways through which the agency can be made more effective. Amongst others, they responded that funds given to the agency is too meagre and so it should be increased for effective operation. They also suggested that the law establishing the bureau should be made more effective by being punitive enough to serve as deterrent to others. The respondents also believed that the executive capacity of the bureau is too meagre or inadequate to effectively carry out its functions and operations. So it should be increased if results are to be expected. Suggestion also indicated that since the bureau is supposed to an unbiased umpire, it should be granted greater autonomy to effectively carry out her mandate.

Finally, those respondents that were of the contrary view to the fact that the bureau is still relevant as an anti-corruption agency were asked what should be done to the agency. 28 percent of them were of the view that the agency should be scrapped completely while 72 percent of them were of the view that the bureau should be merged with other anti-corruption agencies such as the EFCC and ICPC.

5.2.6 Government's Political Will

The importance of government's political will and her support in order to achieve set mandate by institutions and organisations cannot be overemphasised. Therefore the staff respondents were asked whether lack of political will and support to CCB constitutes a constraint to the effective operation and performance of the bureau. Their responses are tabulated below.

Table 5.31: Government lacks the Political Will for CCB to perform

Responses	Frequency	Percentage
Strongly agree	12	17
Agree	48	67
Undecided	06	08
Strongly disagree	-	-
Disagree	06	08
Total	72	100

Source: Field Survey by the Researcher, 2010

The responses in table 5.31 above have indicated that a majority of the respondents, i.e. 67 percent agreed that the lack of political will support by government to the CCB is a constraint to her effective operation and performance. Another 17 percent also further strongly agreed with that opinion. 08 percent respondents were undecided while the remaining 08 percent disagreed with the majority opinion on the issue of lack of political will and support.

Furthermore, the respondents were asked to identify where the government have shown lack of political will and their responses are tabulated on table 5.32 below.

Table 5.32: Government’s lack of political Will for CCB are in the following areas

Responses	Strongly Agree		Agree		Undecided		Strongly Disagree		Disagree		Total	
	F	P	F	P	F	P	F	P	F	P	F	P
1. Change the structure to suit the nature of its mandate	10	14	50	59	05	07	-	-	07	10	72	100
2. Change the legal framework (i.e. review)	08	11	52	72	05	07	-	-	07	10	72	100
3. Provide the necessary resources to carry out mandate	05	07	48	67	08	11	-	-	11	15	72	100
4. Guarantee its autonomy	04	06	54	75	08	11	-	-	06	72	72	100

Source: Survey by the Researcher 2010

From the table above, it could be seen clearly that the respondents, a majority of them or 69 percent have indicated that the government has lacked the political will to effect change in the structure of the bureau to suit the nature of its mandate and enhance its performance. Another 14 percent of the respondents further strongly agreed to that assertion. Only 10 percent of the respondents have disagreed with the majority opinion while 07 percent of them were undecided.

In the same vein, the majority of the respondents representing 72 percent have overwhelmingly agreed that the government has lacked the political will to change the legal framework establishing the bureau i.e. to review the law to enhance its operations as a law enforcement agency thereby enhancing its performance as well. Another 11 percent of the respondents further strongly

agreed with the assertion. Only 10 percent have disagreed with this position while the remaining 07 percent were undecided.

From the table also, 67 percent of the respondents have agreed that government has not demonstrated the political will in providing the necessary resources to effectively carry out its mandate. Another 07 percent of the respondents also strongly agree to that assertion while 15 percent of the respondents have disagreed with the opinion. The remaining 11 percent respondents were undecided.

On autonomy of the bureau, 75 percent of the respondents have clearly asserted that government has lacked the necessary political will to guarantee the autonomy of the bureau. Also 06 percent of the respondents strongly agree to this opinion while only 08 percent disagreed with the opinion. The remaining respondents representing 11 percent were however undecided.

In various interviews conducted with some management staff of the bureau, it was also revealed that government interferences in some high profile cases like that of the former governors of Lagos and Enugu states are clear indications that government is not ready to fight corruption headlong. They assert too that some culprits of corruption are still busy enjoying their loots while still in office now. Thus Government intervention directing the bureau to hands off such investigations on some key officials is very disturbing and frustrating. Even at the tribunal, the rate and manner at which culprits with cases to answer are discharged and acquitted points to the unwarranted intervention of government or her agents in prosecutions. The 1988 Civil Service Rule has not applied to retired public officers,

most of who are supposed to be in jail. But they are moving around as free citizens and even receiving the patronage of the government as advisers or Chairmen of Boards and/or Parastatals.

5.3 Test of Hypotheses

In this section, we used chi-square to test the hypotheses earlier postulated in chapter one. This is to test the validity of the hypotheses, using some of the data collected.

In chapter one of this study, three (3) hypotheses were put forward as guide for data collection and analysis.

5.3.1 Test of Hypothesis One

That the Structural and Legal frameworks establishing the Code of Conduct Bureau are not constrains to her effective operation/performance.

To test the hypothesis, data and responses to questions in table 5.3, 5.7 were used.

Table 5.3.1 Respondents Opinion on the issue of structure and legal framework as it affects its operation/performance

Opinion	Timely decision making	Effective discharge of duties	(Autonomy) independent decision making	Arrest	Prosecution	Compliance	Total
Structure	46	36	32	40	42	42	238
Legal framework	42	42	40	50	40	40	254
Total	88	78	72	90	82	82	492

Source: Survey by the researcher, 2010

Calculation of independent values (i.e. Expected Values)

Structure

$$1. \frac{238 \times 88}{492} = 42.569$$

$$2. \frac{238 \times 78}{492} = 37.731$$

$$3. \frac{238 \times 72}{492} = 34.829$$

$$4. \frac{238 \times 90}{492} = 43.536$$

$$5. \frac{238 \times 82}{492} = 39.666$$

$$6. \frac{238 \times 82}{492} = 39.666$$

Legal framework

$$1. \frac{254 \times 88}{492} = 45.430$$

$$2. \frac{254 \times 78}{492} = 40.268$$

$$3. \frac{254 \times 72}{492} = 37.170$$

$$4. \frac{254 \times 90}{492} = 46.463$$

$$5. \frac{254 \times 82}{492} = 42.333$$

$$6. \frac{254 \times 82}{492} = 42.333$$

The calculated χ^2 is based on the earlier formula presented in chapter three. It is reproduced below:

Structure

$$(1) \frac{(46 - 45)^2}{42} = 0.033 \quad (2) \frac{(36 - 38)^2}{38} = 0.037 \quad (3) \frac{(32 - 35)^2}{35} = 0.040$$

$$(4) \frac{(40 - 35)^2}{45} = 0.040 \quad (5) \frac{(42 - 40)^2}{40} = 0.035 \quad (3) \frac{(42 - 40)^2}{40} = 0.035$$

Legal Framework

$$(1) \frac{(42 - 45)^2}{45} = 0.094 \quad (2) \frac{(42 - 40)^2}{40} = 0.035 \quad (3) \frac{(40 - 37)^2}{37} = 0.038$$

$$(4) \frac{(50 - 46)^2}{46} = 0.030 \quad (5) \frac{(40 - 42)^2}{42} = 0.033 \quad (6) \frac{(40 - 42)^2}{42} = 0.033$$

$$= 0.798$$

$$X^2 = 0.798$$

$$DF = (r - 1) (c - 1)$$

$$= (2 - 1) (6 - 1)$$

$$(1) \times (5) = 5df$$

$$= 1.145$$

Decision Rule

We reject the hypothesis at 0.05 level of significance if the X^2 value (i.e. calculated value) exceeds the critical value (i.e. the tabulated value).

Decision

From our table value, since the chi-square (x^2) calculated at 5DF and 0.05 level of significance 0.798 is less than the critical value, 1.445, we do not reject, but accept the first hypothesis and conclude that the structural and legal

framework establishing the Code of Conduct Bureau and Tribunal are not constraints her effective performance.

5.3.2 Test of Hypothesis II

Inadequate executive capacity, financial and material resources inhibit the effective operation and performance of the Code of Conduct Bureau.

To test this hypothesis, data on responses from question 24,31 and 35 were used.

Table 5.3.2 Respondents' opinion on the executive capacity, financial and material resources and their impact on the operations/performance of CCB

	Availability	Effectiveness	Total
Human resources	40	42	82
Finance	38	40	78
Material resources	40	38	78
	188	120	238

Source: Survey by the researcher, 2010

FE

$$(1) \frac{82 \times 118}{238} = 40.65 \quad (2) \frac{82 \times 120}{238} = 41.14 \quad (3) \frac{78 \times 118}{238} = 38.67 = 39$$

χ^2

$$(1) \frac{(40 \times 41)^2}{41} = 0.034$$

$$(2) \frac{(42 \times 41)^2}{41} = 0.034$$

$$(3) \frac{(30 \times 39)^2}{39} = 0.036$$

39

$$(4) \frac{(40 - 39)^2}{39} = 0.036$$

$$(5) \frac{(40 - 39)^2}{39} = 0.036$$

$$(6) \frac{(38 - 39)^2}{39} = 0.036$$

Total 0.211

Decision Rule: We reject the hypothesis at 0.05 significance level, if the computed value of the test statistic (χ^2) exceeds the critical value (tabulated).

$$\chi^2 = 0.79$$

$$Df = (r - 1) (c - 1)$$

$$(3 - 1) (2 - 1)$$

$$2 \times 1 = 2 \text{ Df}$$

$$= 0.103$$

Decision

Since the calculated χ^2 (0.211) is greater than the critical value, we reject the hypothesis that inadequate executive capacity, financial and material resources does not inhibit the effective performance of the Code of Conduct Bureau.

From the test of the above hypothesis, it could be concluded that the executive capacity of CCB, its funding and even available material resources are major inhibitions to her effective operation and performance. These issues

constitute the major problems facing the bureau and they are significant enough to affect overall performance of the CCB. This goes to substantiate the first hypothesis that it is not the structure and the legal framework establishing the CCB that constitute the major constraints to her performance.

5.3.3 Test of Hypothesis Three

The lack of governments political will/support is a constraint to the effective performance of the Code of Conduct Bureau.

To test this hypothesis, data from questions on table 5.31 were used

Table 5.3.3 Respondents' Opinion on governments political will on the following

Opinion	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree	Total
Structure	10	50	05	07	00	72
Legal framework	08	52	05	07	00	72
Material resources	05	48	08	11	00	72
Autonomy (decision making)	04	54	08	06	00	72
	27	204	26	31	00	288

Source: Survey by the researcher, 2010

Expected Frequency (Fe)

$\frac{RT - CT}{OT}$

OT

Where;

RT = Row total

CT = Column total

OT = Overall total

$$(1) \frac{72 \times 27}{288} = 6.75 = 7$$

$$(2) \frac{72 \times 204}{288} = 51$$

$$(3) \frac{72 \times 26}{288} = 6.5$$

$$(4) \frac{72 \times 31}{288} = 7.75 = 8$$

$$(5) \frac{72 \times 0}{288} = 0$$

$$x^2 = \frac{\Sigma(\text{Fo} - \text{Fe})}{\text{fe}}$$

$$(1) \frac{(10 - 7)^2}{7} = 0.20$$

$$(2) \frac{(50 - 51)^2}{51} = 0.03$$

$$(3) \frac{(5 - 6)^2}{6} = 0.23$$

$$(4) \frac{(7 - 8)^2}{8} = 0.18$$

$$(5) \frac{(0 - 0)^2}{0} = 0$$

$$(11) \frac{(5 - 7)^2}{7} = 0.20$$

$$(12) \frac{(48 - 51)^2}{51} = 0.03$$

$$(13) \frac{(8 - 6)^2}{6} = 0.03$$

$$(14) \frac{(11 - 8)^2}{8} = 0.18$$

$$(6) \frac{(8 - 7)^2}{7} = 0.20$$

$$(7) \frac{(52 - 51)^2}{51} = 0.03$$

$$(8) \frac{(5 - 6)^2}{6} = 0.23$$

$$(9) \frac{(7 - 8)^2}{8} = 0.18$$

$$(10) \frac{(0 - 0)^2}{0} = 0$$

$$(16) \frac{(4 - 7)^2}{7} = 0.20$$

$$(17) \frac{(54 - 51)^2}{51} = 0.03$$

$$(18) \frac{(8 - 7)^2}{7} = 0.$$

$$(19) \frac{(6 - 8)^2}{8} = 0.18$$

$$(20) \frac{(0 - 0)^2}{0} = 0$$

$$(15) \frac{(0 - 0)^2}{0} = 0$$

$$x^2 \text{ (chi-square)} = 2.53$$

Df (Degree of freedom)

$$= (R - 1) (C - 1)$$

$$= (5 - 1) (4 - 1)$$

$$= 4 \times 3 = 12$$

$$= 5.23$$

Decision Rule

The decision rule is that we reject the hypothesis at 0.05 level of significance, if the computed value of the test statistics (x^2) exceeds the critical value at 5 degrees of freedom (5.23).

Decision

Since the test statistic (x^2) or computed value of 2.5 is less than the critical value of 5.23, we reject the third hypothesis that the lack of government's political will is not a constraint to the effective performance of the Code of Conduct Bureau. In other words, the lack of government political will has impacted negatively on the ability of CCB and T to perform effectively thereby reducing corruption.

From the above test of the three hypotheses, it has been established clearly that the administrative structure of CCB and T the enabling legal framework are not the major constraints to the effective operation and performance of the organisation. Rather, the major constraints to the effective

performance of the organisation are the inadequate executive capacity, financial and material resources which inhibited their performance. Also, the lack of political will by the government, interferences by government and/or her agent in investigation, arrests, prosecution and convictions are clear demonstration of the lack of political will to fight corruption. This particularly goes to explain the choice of the system's theory which talks about input and support to a system to enable it function effectively, as malfunction in one part affects the overall performance of the entity. Similarly, there need for input into the system in various ways e.g. human and material resources and finance. This also has to be backed up by the support of the people and government itself.

5.4 Summary of Major Finding

The starting point of our understanding of the operation of the theoretical framework (systems theory) is that it exists to accomplish specific purposes which are determined from time to time on the basis of demand. In the case of Nigeria, the demand is combating corruption in the Nigeria public service so as to enable the government's services reach the citizens more effectively and efficiently.

In terms of operation of the system, the Bureau (CCB) needs inputs into the agency in terms of support from the citizen (e.g. giving information about corrupt activities by public officers or their illicit wealth etc) and from the government side, it requires input like human resource, adequate funding, material resources, political supports (which of course includes non-interference in their activities), accommodation and the formation of effective and empowering

legal framework that will enhance performance (and review of such as at when necessary) and even in terms of allowing for an independent structure separate from the normal civil service.

It is these diverse inputs and support that the agency will work with to guarantee what is been produced into the environment of the system (society) by the public service, as output. It is this input/support that determines the effectiveness and the efficiency of the system in curbing corruption in the Nigerian public service. We must also note here that this output has consequences both for the system and the environment while it will give the system a good performance rating, it will ensure also that the citizen have better service delivery, improved economic development and over all socio-economic well-being of the people (i.e. standard of living), a key objective of good governance. Resources that previously used to be diverted or embezzled by public servant will go for the purposes they are meant for while citizens will no longer need to offer bribes in order to access service that rightly belongs to them.

But from the analysis of data, the study has come up with the following major findings which indicate that over all, the Bureau as a system, did not receive the necessary inputs and support required for its effective performance.

1- That the administrative structure and legal framework establishing the Code of Conduct is not a major constraint to her effective operation and performance. This is because; the study found that the law is adequate enough for its effective operation and performance. The Act establishing the Bureau gave

her the power to administer asset declaration forms on public officials, enforce compliance and investigate all assets declarations and where there is any breach of the act, prosecute such offenders at the Code of Conduct Tribunal (CCT). Members of the Bureau are (CCB) are indemnified in any action or litigation for any acts or omissions done or purported to be done in the course of the discharge of their duties under the act. It was further concluded that they have the capacity to prevent corrupt practices even before they occur. The Act also empowered the CCB through the CCT to impose punishment on offenders. Such punishments are without prejudice to the penalties that may be imposed by any law where the breach of of conduct is also a criminal offence under the criminal code or any other enactment or law. (See the Act, Part I, sections 6 – 17 and part II, section 23). So even though the legal framework has never been reviewed, it is not in any way a constraint to its effective performance.

2- That the major impediment to the effective operation and performance of the CCB and T is more of administrative (in terms of its executive capacity) than legal. The study has found out that the major impediment to CCB's effective operation and performance is her lack of executive capacity coupled with poor funding and inadequate material resources necessary for the achievement of organisational goals and objectives. From the respondent s' view and other secondary data, it was discovered that the bureau lack the required number and quality of staff to operate effectively and the available ones lack the necessary training and experience required in an anti-graft agency thus leading to

unprofessional way in which sensitive and important operations are carried out. Most time this leads to failure to identify and apprehend culprit. Even at the top management echelon, the bureau lacked the executive capacity and even operates without a functional board for over 10 years now, with its implication on policy articulation and implementation. Even in terms of funding, responses and other document have shown that the agency is grossly under funded, worse still, when their funding is compared with other anti-corruption agencies. The budgetary allocation to the agency clearly shows that.

Inadequate funding too has had its negative impact on the ability of the bureau to effectively perform its operations and achieving its mandate. The bureau has not been able to procure adequate logistics (vehicles) for its operations and her inability too to secure befitting office accommodation. In most places, their offices are sandwiched with other government departments and agencies that they are supposed to police.

The issue of poor funding, it was discovered has also affected negatively the staff motivation in various ways. In the first place, the remunerations of the bureau staff are same as those of the federal civil service. Unlike the ICPC for example the Code of Conduct Bureau has no enabling law empowering their management to set remunerations that is commensurate with the nature of their mandate and responsibilities. Another factor adduced for this staff morale is training. The kind of training the staffs of the bureau attended were not in consonance with the nature of their mandate. They are mostly civil in nature and

do not prepare them to undertake the mandate given them. They consist mostly of in-house programmes, workshops and retreats. Lastly by the nature of the mandate of CCB, the staffs require adequate security, both in the offices and outside their office i.e. home. The inadequate security provided has not guaranteed the security of their lives and properties and thus affected their morale and performance.

3- From the analysis of data i.e. both primary and secondary, the study has found out that lack of government political is a constrain to CCB and T's ability to adequately fight corruption through by a more effective performance. Government has indeed not shown the necessary political will to enable CCB and T to realise their objectives. This is done by the government through hamstringing the Board from prosecuting some public officers that have abused their offices. Despite the adequacy of the enabling law empowering the Board and its Tribunal, government have moribund the organisation. They have incapacitated her from the power of arrest, prosecution and conviction.

Also, the inadequate funding of the organisation to enable it function and perform effectively, inability of constituting its management board for over a decade and the establishment of such related organisations such as the EFCC and ICPC, virtually undermined the ability of the Board to perform effectively thus, identifying only as an organisation simply for filling assets declaration than fighting corruption.

CHAPTER SIX

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

This chapter summarises the entire work from chapter one to six which also includes the conclusions made from the study and the recommendations proffered out of the findings of this study.

6.2 Summary

This research work is an evaluation of performance of Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) in combating corruption in the Nigerian Public Sector. The study evaluated the performance of these institutions as primary and fundamental in the over all fight against corruption in the Nigerian Public Service. This work in the first place was motivated by the researchers strong interest in good governance as a way of enabling the dividends of democracy reach the people, for whom government exist.

The chapter one of the study therefore, contains the background to the study which highlights the role of government in the national development process, with the public sector being central in that effort. It perceives corruption as the obstacle to the realization of that development goal; hence the code of conduct Bureau and Tribunal were established to check corrupt activities in the public sector. The chapter therefore went on to make a statement of the problem of study, outline the objectives of the study and the hypotheses tested. Also the

justification for the study and the scope (both in substance context and time context) and limitation of study, including the definition of terms as used in this study was discussed. Finally, a brief outline on the organisation of the entire work was given.

Chapter two contains the review of literature which centres essentially on the public service, the conceptual issues of corruption and twin issues of transparency and accountability. This, the study asserts should be the guiding words and philosophy to guide the conduct of all public officials. The study therefore looked at transparency and accountability as a basis for good governance. The review also looked at the magnitude and manifestation of corruption both in the Nigerian public service and society in general, causes of corruption, the effects of corruption on the ability of government to provide for its citizenry. Finally in this chapter, the study explained the theoretical framework adopted for this study which is the system theory and gave justification for it.

The chapter three of this study contain the methodology of the study. As a critical aspect of a research endeavour, it outlined the research design which is the survey research, the sources and methods of data collection which basically are the primary and secondary sources. It also highlighted the type of information generated through these sources and finally the chapter outlined the sample size and the sampling technique adopted with the method that was used in the presentation and analysis of data collected through the various sources. Basically, they included the use of tables, frequency counts and percentages while the chi-

square technique was used for the further test of hypotheses that were postulated.

Chapter four gave an analysis of some structures and strategies adopted by some countries in fighting corruption to see what lessons can be learnt from their experiences. It highlighted the need for a code of conduct for public officers and the code of conduct expected of public officers in service. The chapter concluded by giving the historical background of the sample organisations under study.

Chapter five was wholly devoted to the presentation and analysis of data sourced from the questionnaires, interview, observations and other secondary data using the techniques explained in chapter three. As a result of the analysis, findings were made and hypotheses tested.

The last chapter (Six) is the summary (which includes this section) of the entire work, the conclusions deduced from the presentation and analysis of data in chapter five and finally in this chapter, recommendations were proffered based on the finding from the study.

6.3 Conclusion

In view of the data presented and analysed as well as the findings from the data analysed, the following conclusion were reached.

That the Code of Conduct Bureau and Tribunal occupy a very strategic position in the overall fight against corruption in the Nigerian Public Sector. By their function of administering assets declaration and maintaining data bank of

such assets, the bureau stands out at the very basic starting point to fighting any corrupt activity in the public service. They have been given enormous power to operate with the objective of preventing corruption even before it occurs. As a popular parlance says, prevention is better than cure. Therefore, the structural and legal framework within which the Bureau operates is not a constraint to her effective operation and performance. However, the administrative limitation in terms of her executive capacity is a major constraint to their effective operation and performance.

On this issue of executive capacity, the study concludes that the Bureau lacked the required and necessary capacity. One, the organizations lacked the required quantity and quality of staff necessary for effective operations for the professional execution of its mandate. Also related to this issue of quantity and quality of staff is training. The nature and type of training given to staff is not in consonance with their mandate of preventing corruption and or investigation of non-compliance of the act etc. This also negatively affects the morale of staff and affects the effective operation and performance of the Bureau.

This had greatly affected their ability to effectively carry out their operations. Due to this fact, the Bureau had failed to achieve its objective. Even at the top echelon, the Bureau lacks the executive capacity as it has been operating without a board for over a decade now. Thus, there was no policy articulation and implementation that will positively impact on the organisations.

The study also concludes that the Bureau is grossly under funded. This is particularly evident from the financial allocation to the organizations. Its allocations in terms of capital projects is grossly inadequate considering its needs in terms of office accommodation, logistics and other materials that are either lacking or grossly inadequate. The inadequate office accommodation and other logistics affected the effective operation of the organisation. Added to this, the offices are not adequately secured as they are either moulded up with other agencies and department which they are supposed to police or found in residential areas on rented properties. Related to this security issue is the fact that the staffs are not adequately protected in terms of security of their life and property. This affected the Bureaus overall performance as the staffs are demoralised.

Related to the above, the study concludes that the remuneration of staff is poor especially when compared to other anti-graft agencies. This went a long way in affecting the moral of the staff as their remuneration is same as obtained in the normal civil service.

The study also concluded that the government lacked the political will to make the organization perform as a functional anti corruption agency as seen in her interferences with cases of prominent individuals and her inability to amend the legal framework since enactment to cover new areas of corrupt practices discovered in the service, inadequate funding and the fact that it has not been able to appoint a board for it for policy articulation for a very long time. This clearly showed the lack of will on the part of government to enable it perform as

expected. It further showed the lack of government's political will to tackle corruption or prevent it in the Nigerian Public Service in particular and society in general.

6.4 Recommendations

In view of the above finding and conclusion, the study here recommends the following:

- 1) The fight against corruption is a very big and robust one. No agency should be seen as being mundane or outdated if any meaningful success is to be recorded. Therefore based on the finding of this study, it is the strong believe of this research that the revitalisation and re-invigoration of CCB and T as a preventive agency of corruption can serve as an effective alternative to combat corruption in the Nigerian Public Service. This is against the fact that newer anti-graft agencies like ICPC, EFCC and such other laws have failed to combat the menace of corruption in Nigeria. Rather corruption has continued to be more pervasive and sophisticated in the Service.
- 2) There is a need urgently grant the agencies the privileges of constant legal review to enlarge its scope and powers. A strong legal framework that is comprehensive and constantly reviewed to meet current realities and powers of the Bureau will enable them to legislate to covers grey areas where culprits could manipulate and escape justice. This is one of the key

areas that have enabled the Hong Kong Independent Commission against corruption (ICAC), Singapore Corrupt Practices Investigation Bureau (CPIB) and the United States Office of Government Ethics (OGE) achieve tremendous success in preventing corruption or tackling the existing menace. The immunity clause that prevents certain public officers from prosecution while in office should be removed.

- 3) Punitive penalties that will serve as deterrents for corrupt acts should be meted on offenders. Penalties should be commensurate with offence while plea bargain or options of fines should be abolished in any prosecution. In fact, the ultimate supreme price should be imposed in some serious cases of corrupt practices or actions of officials that cause losses to the country, state or local government.
- 4) This study also recommends that in terms of structure, the CCB and T adopt the paramilitary structure similar to that of Singapore's CPIB as against the current organisational structure found in government ministries including ranks, nomenclature and processes. This will allow for proactive decisions and actions against corrupt officials in the effort to prevent corruption. There should be synergy and co-operation between the agency and such other anti-corruption agencies like the police, State Security Service (SSS) EFCC, ICPC and the Public Complaints Commission (PCC) etc. They should be supported and given the necessary impetus to perform in a collaborative manner.

- 5) Professional training should be the core of any of CCB and T's training programme to make them more professional in outlook and operation. This will enhance efficiency and effectiveness in operation. These training should be in the areas of physical and investigative training given to similar agencies and/or security bodies. In fact, the establishment of a training school is also here recommended. The HK ICAC is reported to strive on professionalism anchored on training and re-training.
- 6) In terms of funding, the Bureau should be adequately funded to enable them carry out their responsibilities and mandate. The present level of funding is dismally poor as an important input to bring any reasonable output. Improved funding will enable the organisation to purchase adequate logistics like vehicles, and other material resources required for their effective operation. This will give them some measure of autonomy and ability to resist certain interferences. In fact, their allocations should be drawn directly from a special account or the Federation account. This improved funding will give them necessary autonomy to recruit its own staff based on need per time and determination of a salary structure outside the normal civil service.
- 7) The government should urgently assist the agency to build a befitting headquarter office so that all the departments and units will be housed under the same building. It will also allow for a more effective co-ordination of activities and security of important documents such as assets declaration

forms. It will also protect the lives of staff. State offices should be built across the 36 states of the Federation instead of sandwiching them into other ministries and parastatals that they are supposed to police. Staff quarters should also be built around the Federation to further enhance staff security.

- 8) The typology of Public Administration in Nigeria which is a Federal State comprises of the Central government administration, State government and Local government Administration. The federal civil service is based in the Federal Capital Territory (FCT) and thirty-six (36) state civil services and Abuja and the various local government service commissions. Apart from that, there are public corporations, state owned companies and other forms of public administrations like independent regulatory bodies, different types of agencies, boards, commissions and authorities etc. This is obviously too large for CCB and T to cover effectively in the execution of their mandate. This study thus recommends the establishment Code of Conduct Bureaus at the state and local government levels. Their powers should include the examination of certain practices or procedures of government and legislating to revise those that could promote corruption or allow it to take place. The single Bureau for the three tiers in the first place negates the principle of true federalism. However they should establish clear areas of synergy and co operations between them.

- 9) It is public knowledge now that corruption investigation can be politically sensitive. In Nigeria it is even more pronounced and practical. So for any corruption investigation to be effective and truly independent, government should demonstrate its own political will to fighting corruption by restraining itself from all forms of undue interferences in corruption investigation, irrespective of the offenders' status.

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APPENDIX A

QUESTIONNAIRE: LETTER TO THE STAFF (CCB) RESPONDENTS

Introduction

This researcher is a postgraduate student (PhD) of the Department of Public Administration, Ahmadu Bello University, Zaria. I am conducting a research to assess the institutional framework for combating corruption in the Nigerian Public Sector.

The objective of the questionnaire is to gather information on the activities of CCB, Evaluate her performance and isolate factors which may inhibit their effective operations and over-all performance.

I will therefore appreciate if you would fill and return the attached questionnaire to the undersigned.

Please be informed that the information obtained is purely for academic purpose and will not be used for any other purpose except this research endeavour. You are therefore not required to indicate your names.

Thank you, for your anticipated cooperation.

Yours sincerely,

Adagba, O. Sunday

APPENDIX A

STAFF QUESTIONNAIRE

Instructions

You are required to tick [√] from the list of options (A – E) what represents your opinion.

Section A: Personal Data

(1) Rank/Designation

(2) Sex: Male [] Female []

(3) Highest educational qualification

- (a) Primary []
(b) Secondary []
(c) Post Secondary []
(d) Degree []
(e) Postgraduate []

(4) Number of year's working experience

Section Bureau

A. Structure of CCB

(5) The structure of CCB allow for effective discharge of duty

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(6) The structure allows for quick and timely decision making

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(7) Structure allows for effective staff control and discipline

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(8) The CCB structure allow for quick and timely prosecution of offenders

- (a) Strongly Agree [] (b) Agree []

- (c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (9) CCB structure allows for enforcement and compliance of its mandate
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (10) The CCB structure as presently constituted gives room for political interference
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (11) The structure of the CCB as is presently constituted needs to be re-structured/reorganised to enhance operation and performance
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (12) You are very conversant with the law (act) establishing your organisation (CCB)
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (13) The legal framework establishing the bureau constitutes a major constrain to her effective operation and performance
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (14) The act establishing the CCB empowers her to arrest offender of the act
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (15) The act empowers her to prosecute offenders
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (16) The act empowers the CCB to punish offenders
(a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

- (17) The CCB act empowers the bureau to enforce compliance of her mandate
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (18) Do you agree that the law (act) establishing the CCB does not guarantee her effective operation?
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (19) The act does not allow for an effective discharge of duties
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (20) The act does not allow for independent decision making
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (21) The act establishing the CCB does not actually guarantee its complete autonomy
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (22) The CCB is more of a regulatory agency than law enforcement
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (23) Overall, the law establishing the CCB needs to be reviewed to allow for a more effective operation and performance
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []

C. Executive Capacity of CCB

- (24) The lack of adequate executive capacity is a major constrain to the effective operation of CCB
 (a) Strongly Agree [] (b) Agree []
 (c) Undecided [] (d) Disagree []
 (e) Strongly disagree []
- (25) The CCB lacks the required staff strength to effectively carry out its operations and mandate

- (a) Strongly Agree []
- (b) Agree []
- (c) Undecided []
- (d) Disagree []
- (e) Strongly disagree []

- (26) The organisation’s staff have the necessary qualification
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (27) The CCB staff have the required skills for effective operation
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (28) The bureau has the necessary staff experiences for effective operation
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

D. Staff Motivation in CCB

- (29) CCB staff are adequately motivated
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (30) If you disagreed with question 29, can you adduce reasons for the low staff moral in CCB?

E. Funding of CCB

- (31) Funding constitutes a major inhibition to the effective operation of CCB
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (32) Government allocations to the CCB are timely released
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (33) The funds released to CCB are adequate
- (a) Strongly Agree []
 - (b) Agree []
 - (c) Undecided []
 - (d) Disagree []
 - (e) Strongly disagree []

- (34) The funds (available financial resources) are effective for the smooth operation and achievement of CCB's mandate
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- F. Material Resources of CCB**
- (35) Material resources are adequately provided for the CCB for her effective operation and performance
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (36) Logistics are adequately provided for CCB's operations
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (37) Apart from logistics, specialised tools and machineries needed for law enforcement and regulation are provided adequately for CCB's operation.
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (38) The available material resources are effective for the smooth operation and achievement of CCB's mandate
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (39) Decent office accommodation are available for the Code of Conduct Bureau
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (40) Adequate security is provided for CCB's staff and offices
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (41) Security is provided for the staff outside their offices including their properties
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |

G. CCB's Performance Rating by Staff

- (42) How will you rate the performance of CCB so far from 1999 to 2009
- (a) Very high []
 - (b) High []
 - (c) Average []
 - (d) Low []
 - (e) Very low []
- (43) If your performance rating is either average, low or very low, please adduce reasons for her weak or non performance at all
- _____
- _____
- _____
- (44) Comparatively CCB has performed more effectively than either the EFCC, ICPC and other anti-corruption agencies
- (a) Strongly Agree [] (b) Agree []
 - (c) Undecided [] (d) Disagree []
 - (e) Strongly disagree []

H. Government's Political Will/Support to CCB

- (45) Government's lack of political will and support to the CCB is a major constrain to her effective operation and performance
- (a) Strongly Agree [] (b) Agree []
 - (c) Undecided [] (d) Disagree []
 - (e) Strongly disagree []
- (46) Government lack the political will to change the structure of CCB to suit the nature of its mandate
- (a) Strongly Agree [] (b) Agree []
 - (c) Undecided [] (d) Disagree []
 - (e) Strongly disagree []
- (47) Government lacks the will to review the legal framework of CCB to enable her function fully as a law enforcement agency
- (a) Strongly Agree [] (b) Agree []
 - (c) Undecided [] (d) Disagree []
 - (e) Strongly disagree []
- (48) Government lacks the political will to provide the CCB the necessary resources to carry out her mandate
- (a) Strongly Agree [] (b) Agree []
 - (c) Undecided [] (d) Disagree []
 - (e) Strongly disagree []
- (49) Government lacks the political will to review the Act of CCB to adequately guarantee its autonomy

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(50) What in your own opinion constitutes the major reason for the low performance of the CCB

- 1- The civil nature of the structure of CCB []
2- The weak legal framework []
3- Lack of governments political will and support []
4- Political interference []
5- Inadequate human and material resources []

APPENDIX B

QUESTIONNAIRE: LETTER TO THE 'CUSTOMER' RESPONDENTS

Introduction

This researcher is a postgraduate student (PhD) of the Department of Public Administration, Ahmadu Bello University, Zaria. I am conducting a research to assess the institutional framework for combating corruption in the Nigerian Public Sector.

The objective of the questionnaire is to gather information on the activities of CCB, Evaluate her performance and isolate factors which may inhibit their effective operations and over-all performance.

I will therefore appreciate if you would fill and return the attached questionnaire to the undersigned.

Please be informed that the information obtained is purely for academic purpose and will not be used for any other purpose except this research endeavour. You are therefore not required to indicate your names.

Thank you, for your anticipated cooperation.

Yours sincerely,

Adagba, O. Sunday

APPENDIX B

CUSTOMER'S QUESTIONNAIRE

Instructions

You are required to tick [√] from the list of options (A – E) what represents your opinion.

Section A: Personal Data

(1) Rank/Designation

(2) Sex: Male [] Female []

(3) Highest educational qualification

- (a) Primary []
(b) Secondary []
(c) Post Secondary []
(d) Degree []
(e) Postgraduate []

(1) Number of year's working experience

(2) You are aware of the act (law) establishing the Code of Conduct Bureau

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(3) You also conversant with the operations and activities of the CCB

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(4) The act establishing the CCB is adequate for its effective operation and performance

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

(5) The malaise of corruption is still endemic in the Nigerian Public Service

- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

- (6) The CCB has all its takes to eradicate corruption in the Nigerian Public Service
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (7) The CCB has been effective in enforcing her mandate in your organisation
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (8) You are aware of person(s) ever arrested, prosecuted and convicted by CCB
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (9) The operations of CCB and her activities has led to reduction of corrupt activities in any organisation
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (10) Please indicate, in your own opinion, the performance rating of the Code of Conduct Bureau
- (a) Very high []
(b) high []
(c) Average []
(d) Low []
(e) Very low []
- (11) I support the structure of CCB as presented built into the normal civil service structure
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []
- (12) Funding is not a problem or a hindrance to the effective operation and performance of the CCB
- (a) Strongly Agree [] (b) Agree []
(c) Undecided [] (d) Disagree []
(e) Strongly disagree []

- (13) The CCB has the executive capacity in terms of the quantity and quality of staff to carry out its mandate
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (14) Government has demonstrated adequate political will in fighting corruption in the public service
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (15) Government has shown adequate political support to CCB to enable her succeed in carry out her mandate
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (16) By all indicates, the CCB is still relevant as an anti-corruption body in the Nigerian public service and country generally
- | | | | |
|-----------------------|--------|--------------|--------|
| (a) Strongly Agree | [] | (b) Agree | [] |
| (c) Undecided | [] | (d) Disagree | [] |
| (e) Strongly disagree | [] | | |
- (17) Based on your opinion on question No. 19, please recommend ways of improving CCB's operations or what should be done if she is no longer relevant
-
-
-
-

APPENDIX C

INTERVIEW SCHEDULE

- (1) Do you agree with the postulation that the administrative structure and legal framework establishing the CCB and T is a constraint to her effective operation and performance?
- (2) In what specific ways or areas do you think it affects the bureau?
- (3) Are you satisfied with the present structure of the bureau or you will prefer the paramilitary structure? Why the choice of the option given?
- (4) Will you subscribe to a review of the legal framework to increase its scope and powers?
- (5) Does the CCB and have the required executive capacity for its operations? Does she have the required quality and quantity of staff for effective operation and efficient performance?
- (6) Is the bureau adequately funded? If not why?
- (7) Does the organisation have the required material resources to operate effectively?
- (8) How will rate the performance i.e. the support of government to the bureau?
- (9) Does the government have the political will to enable you succeed in your mandate?
- (10) In what specific ways is government lacking?
- (11) So far, how will you rate your bureau's performance?
- (12) Are you still relevant in the fight against corruption in the public service?
- (13) Comparatively, will you say the CCB and T has performed better than such other anti-corruption agencies like EFCC, ICPC etc?
- (14) Suggest ways of enhancing the bureau's performance?

APPENDIX D

SUMMARY OF TRAINING ACTIVITIES FOR YEAR 2001 – 2006

TRAINING STATISTICS 2001

JUNIOR STAFF

COURSES PARTICIPANTS	NO	OF
1. Five Federal Training Centre Courses	5	
2. 2 In-House programmes		
(a) CCB Drivers w/shop		
(b) CCB security guards w/shop		45
3. Long term courses		2
TOTAL	=	52

SENIOR STAFF

COURSES PARTICIPANTS	NO	OF
1. Four Foreign Courses		6
(a) Study tours to independent commission Against corruption (ICAC) Hong Kong and Corrupt practices investigation Bureau (CPIB) Singapore		
(b) Inter-governmental meetings on the preparation of draft terms of reference for the negotiation of the legal instrument against corruption; Vienna.		
(c) When citizens complain; “The Role of the Ombudsman in Improving Public Services”, London.		
(d) 10 th International Anti-corruption Conference Prague, Czech Republic		
2. Five In-House Programmes		145
(a) Preparatory Course for Civil Service Confirmation Exams (senior staff)		

	(b)	Assets verification and investigation w/shop	
	(c)	Training of CCB staff on basic investigation Techniques by SSS	
	(d)	Retreat for CCB senior staff	
	(e)	Stress management workshop	
3.		Short Term Courses	15
4.		Federal Training Centre Courses	2
5.		Long Term Courses	2
		TOTAL	= 170

YEAR 2002

JUNIOR STAFF

		NO	OF
COURSES			
PARTICIPANTS			
1.	Federal training centre courses	4	
2.	Long term courses	2	
	(a) Conversion training of chief driver Mechanic/ plant operator to works superintendent		
	(b) Confidential Secretary II course		
	TOTAL	=	6

SENIOR STAFF

		NO	OF
COURSES			
PARTICIPANTS			
1.	Eight short terms courses	12	
2.	Federal training centre courses	3	
3.	Sensitization Seminars on Anti-corruption Act 2000/orientation on assets verification	60	

4.	Long Term Courses	4	
	TOTAL	= 79	

YEAR 2003

JUNIOR STAFF

	COURSES PARTICIPANTS	NO	OF
1.	In-house Courses	82	
	(a) Preparatory Course for Staff writing year 2003 COMPRO exams		
	(b) Orientation on new form CCB-1 used For assets declaration		
2.	Five Federal Training Centre Courses		12
	TOTAL	= 94	

SENIOR STAFF

	COURSES PARTICIPANTS	NO	OF
1.	In-house Courses	132	
	(a) Orientation on New Form CCB-1 used For assets declaration		
	(b) Preparatory Course for Staff writing year 2003 Confirmation Exams		
2.	Short Term Course	25	
3.	Federal Training Centre Courses	1	
4.	Long Term Courses		
	(a) Post Graduate Diploma in Public Admin (ASCON)	1	
	(b) Law School Programme	1	
	TOTAL =	163	

YEAR 2004

COURSES PARTICIPANTS	JUNIOR STAFF	NO	OF
1. Preparatory Course for Staff writing year 2003 COMPRO Exams		80	
2. Four Federal Training Centre Courses			9
3. In-house Public Enlightenment Programme For CCB Hqtrs staff on GL 01-06		108	
4. Long Term Course which include			
(a) Secretariat asst. 1 course			
(b) Certificate Course in Public Accounting Auditing		3	
TOTAL		= 200	

SENIOR STAFF

COURSES PARTICIPANTS	NO	OF
1. Four foreign course	6	
(a) PAI when citizen complain London, U.K For assets declaration		
(b) International management w/shop Organized by NIM, London		
(c) Corruption & anti-corruption, Australia		
2. Eight short term course	12	
3. Two federal training centre courses	2	
4. In-house programmes	246	
(a) Public enlightenment programme for CCB Hqtr staff		
(b) Implant computer training for top bureaucrats		
(c) Retreat for state coordinators & management staff		
(d) Re-orientation w/shop for staff on GL 07	12	
5. Three long term courses		

- (a) Advance national business certificate course 3
- (b) Confidential secretariat II course
- (c) post graduate conversion course (**Accting**)

TOTAL = 269

STATISTICS ON TRAINING (SUMMARY)

TRAINING	YEAR	NO OF JUNIOR STAFF	NO OF SENIOR STAFF	TOTAL
Local	2004	200	263	463
Overseas	2004	Nil	6	6
TOTAL				469

YEAR 2005

JUNIOR STAFF

COURSES PARTICIPANTS	NO	OF
1. In-house corporate training	13	
2. Federal training centre courses	8	
3. Re-orientation w/shop for Officer on GL 01-06 (north central zone)	46	
4. Re-orientation of Hqtrs staff	80	
5. Courses of long duration	TOTAL =	148

SENIOR STAFF

COURSES PARTICIPANTS	NO	OF
1. Foreign course	9	
2. W/shop/seminars/courses of Short duration	48	
3. Masters programme (MSC)	1	
4. Federal training centre courses	2	

5.	Courses of long duration	7
6.	In-house corporate IT training	50
7.	Re-orientation of Hqtrs staff	108
	TOTAL	= 225

APPENDIX E

Government Revenue Profile 1999 – 2004

TABLE A

Month	Year 1999	Year 2000	Year 2001	Year 2002	Year 2003	Year 2004
January		-32,962,567,974.04	74,237,663,481.72	44,218,399,816.32	74,914,041,805.39	80,559,182,115.87
February		-29,299,780,707.46	76,797,356,597.94	43,723,1451,146.55	75,484,370,482.70	75,802,433,913.09
March		-40,490,535,418.50	76,487,740,432.97	44,057,169,615.48	66,760,552,287.47	72,976,081,360.75
April		-37,518,434,058.40	46,063,162,325.33	71,860,195,136.64	59,097,385,328.42	71,458,438,264.66
May		45,898,443,740.76	53,910,822,765.12	63,419,753,989.36	55,360,414,336.57	87,157,151,460.70
June	11,384,058,554.69	36,007,698,788.11	46,484,606,240.04	65,632,205,581.12	45,936,821,472.67	86,745,229,465.40
July	12,525,524,301.63	50,932,833,45.74	46,518,782,461.60	62,115,563,431.61	72,430,157,959.73	98,134,278,969.17
August	12,806,083,219.63	55,513,597,843.43	62,729,141,846.87	92,677,510,283.32	60,443,692,963.38	67,916,222,554.55
September	25,654,071,430.48	38,662,737,625.53	55,890,705,490.27	92,253,242,775.18	60,896,125,739.06	84,440,105,761.29
October	30,843,000,482.00	43,351,281,262.56	66,951,552,181.87	103,637,889,978.57	67,488,782,736.83	82,611,439,369.36
November	28,682,296,501.13	62,395,698,946.54	65,463,479,380.40	66,824,743,737.81	73,304,956,222.97	93,5471,311,397.48
December	32,938,647,307.10	58,578,983,305.72	52,385,367,306.93	51,557,855,142.08	80,762,652,022.72	106,854,399,557.64
Total net amount	154,833,681,796.66	531,612,593,116.79	723,920,380,511.06	801,977,674,634.04	792,879,926,357.91	1,008,196,284,189.96

Source: Analysis Vol. 6, No. 2, pg 8

Table B. Government Revenue Profile 2005 – 2009

Month	Year 2005	Year 2006	Year 2007	Year 2008	Year 2009
January	102,775,360,965.67	98,080,276,609.64	110,368,407,072.38	117,599,643,523.62	118,395,916,035.84
February	95,576,722,291.46	114,146,895,462.72	211,389,280,558.02	-	104,731,349,822.87
March	96,031,902,825.31	116,429,713,594.82	139,427,695,658.05	190,922,137,730.70	191,959,672,817.71
April	119,510,248,241.31	119,510,248,241.31	-	331,675,116,368.30	137,371,545,161.05
May	98,505,478,035.16	106,918,488,040.67	140,511,370,579.57	189,820,645,521.46	165,890,465,320.27
June	119,512,319,356.78	235,285,112,372.91	185,827,830,025.55	197,218,693,993.40	139,972,074,684.73
July	103,504,824,579.91	113,584,969,023.02	202,188,672,618.85	190,759,481,049.53	-
August	113,059,708,431.17	124,666,780,912.50	140,489,252,951.49	191,549,617,483.90	149,443,511,963.69
September	89,076,268,323.55	249,233,290,723.78	50,939,365,333.79	189,490,337,827.02	266,730,243,800.74
October	107,788,373,813.36	115,856,341,929.42	141,201,333,888.04	190,487,992,882.83	152,849,403,486.30
November	116,074,364,017.20	124,804,967,774.84	129,083,316,317.97	191,262,572,825.08	-
December	102,980,094,057.24	98,260,821,649.47	129,803,316,317.97	188,034,588,352.34	-
Total net amount	1,267,395,664,938.12	1,616,787,906,335.10	1,581,949,841,321.68	2,168,820,827,558.18	1,447,344,183,093.20

Source: Analysis, Vol. 6, No. 2 pg. 8

Table C.

Year	Population (Million)	Population living below \$2%	Population without sustainable access to an improved water source%	Life expectancy	Rev. Alloc. To Federal Govt. (in Billion)
Year 2000	113.9	90.8	43	51.7	531.00
Year 2001	117.8	90.8	0	46	724.00
Year 2002	120.9	90.8	40	51.6	802.00
Year 2003	23.8	90.8	0	43.4	793.00
Year 2004	128.7	92.4	52	43	1,008.90
Year	141.4	92.4	53	46.5	1,267.30

2005					
Year 2006	0	83.9	53	46.6	1,616.70
Year 2007	0	83.9	53	47.7	1,581.90
Year 2008	0	0	0	0	202
Year 2009	0	0	0	0	204

Table D Comparative Analysis of Nigeria's Population Living without Access to Improved Water Sources, their Life Expectancy with some Developing Countries (2000 – 2003)

Year 2000				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	113.9	90.8	43	51.7
Namibia	1.80	55.8	23.00	44.7
Ghana	19.3	78.5	36.00	56.8
Indonesia	212.1	55.3	24	66.2
Thailand	62.8	28.2	20	70.2
South Korea	222.2	Less than 2	8	72.5
Malaysia	46.7	0	0	74.9
Year 2001				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	117.8	90.8	0	46
Namibia	1.90	55.8	0	47.4
Ghana	20.00	78.5	0	57.7
Indonesia	214.4	55.4	0	66.2
Thailand	61.6	32.5	0	68.9
South Korea	47.1	Less than 2	0	75.2
Malaysia	23.5	9.3	0	72.8
Year 2002				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	120.9	90.8	40	51.6
Namibia	2.00	55.8	20.00	45.3
Ghana	20.50	87.5	21.00	57.8
Indonesia	217.1	55.4	22	66.6
Thailand	62.2	32.5	15	69.1
South Korea	47.4	Less than 2	8	75.4
Malaysia	24	9.3	5	73
Year 2003				
Country	Population	Population	Population	Life Expectancy

	(million) year 2000	living below \$2%	without sustainable access to an improved water source %	
Nigeria	23.8	90.8	0	43.4
Namibia	2.00	55.8	0	48.3
Ghana	21.20	78.5	0	56.8
Indonesia	217.4	52.4	0	66.2
Thailand	63.1	32.5	0	70
South Korea	47.5	Less than 2	0	77
Malaysia	24.4	9.3	0	73.2

Year 2004				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	128.7	92.4	52	43
Namibia	2.00	55.8	13.00	47.2
Ghana	21.70	78.5	25.00	57
Indonesia	220.1	52.4	23	67.2
Thailand	63.7	2.5	1	70.3
South Korea	47.6	<2	8	77.3
Malaysia	24.9	9.3	1	73.4
Year 2005				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	141.4	92.4	52	46.5
Namibia	2.00	55.8	13.00	51.6
Ghana	22.50	78.5	25.00	59.1
Indonesia	226.1	52.4	23	69.7
Thailand	63	2.5	1	69.6
South Korea	47.9	<2	8	77.9
Malaysia	25.7	9.3	1	73.7
Year 2006				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	0	83.9	53	46.6
Namibia	0.00	62.2	7.00	51.9

Ghana	0.00	53.6	20.00	59.4
Indonesia	0	53.8	20	78.2
Thailand	0	11.5	2	70
South Korea	0	0	8	78.2
Malaysia	0	7.8	8.5	73.9
Year 2007				
Country	Population (million) year 2000	Population living below \$2%	Population without sustainable access to an improved water source %	Life Expectancy
Nigeria	0	83.9	53	47.7
Namibia	0.00	62.2	7.00	60.4
Ghana	0.00	53.6	20.00	56.5
Indonesia	0	53.8	20	70.5
Thailand	0	0	2	68.7
South Korea	0	0	Nil	79.2
Malaysia	0	7.8	8.5	73.9

Source: Analysis Vol. 6, No. 2

APPENDIX F

PUBLIC ENLIGHTENMENT ACTIVITIES OF THE CODE OF CONDUCT BUREAU YEAR 2001 - 2009

YEAR 2001

S/NO	ACTIVITIES	REMARK
A	Media campaign	With a slight improvement in budgetary allocation from a Nil release in 2000, the Bureau was able to sustain most of the programmes sponsored, at the expiration of the contract with USAID/OTI which was simply a transition initiative. However, because of the cost implication of sustaining Network coverage, it was limited to Abuja while the CCB state coordinators were encourage to use their initiative and liaise with local radio houses for coverage of Bureau activities at the state level.
B	Workshops and orientation for public officers.	
C	Children's programme	
D	Distribution of public enlightenment materias	
E	Code conduct Bureau staff integrity badge	

PUBLIC ENLIGHTENMENT ACTIVITIES OF THE CODE OF CONDUCT BUREAU YEAR 2002

S/NO	ACTIVITY	REMARKS
A	Media campaign	Owing to budgetary constraints, the tempo of activities was not as high as the previous years The low tempo of media activity was made up by visitation to government ministries which has a relatively less implication in terms of costs. A total number of 17 government agencies were visited
B	Visitation	
C	Tours of local government areas	

PUBLIC ENLIGHTENMENT ACTIVITIES OF THE CODE OF CONDUCT BUREAU YEAR 2003

S/NO	ACTIVITY	REMARKS
A	Media campaign	The activities of the Bureau attracted a lot of attention because of the political environment generated by the elections in

		2003. Some politicians as part of their strategies thought they could use the Bureau and press as campaign tools. Consequently the Bureau was widely publicized for taking legitimate actions. This make it necessary for the Bureau to issue releases on its activities regularly.
B	Visitation to government agencies.	

PUBLIC ENLIGHTENMENT ACTIVITIES OF THE CODE OF CONDUCT BUREAU YEAR 2004

s/no	Activity	Remarks
A	Workshop/enlightenment	The collaboration between the Bureau and other stakeholders, particularly state governments is encouraging. Such efforts have led to the sponsorship of enlightenment workshops in some states of the federation. These include, Ebonyi, Edo, Katsina, Kano, Jigawa etc. The 2004 forum was elaborate and very successful because of the support enjoyed by the sponsors of the programme.
B	Children's forum	
C	Code Of Conduct Bureau Petitions Boxes	
D	Media campaign	

PUBLIC ENLIGHTENMENT ACTIVITIES OF THE CODE OF CONDUCT BUREAU YEAR 2005

S/NO	ACTIVITY	REMARKS
A	Workshop/enlightenment	The Bureau has collaborated with some state governors namely; Katsina, Akwa Ibom and Niger states, to enlighten local government chairmen, councilors and other officers on the code.
B	Children's forum	
C	Media campaign	

PUBLIC ENLIGHTENMENT ACTIVITIES FOR YEAR 2006

S/NO	ACTIVITY	REMARKS
1	Visitation to government agencies	With its primary focus on public officers, the Bureau in the review, visited government agencies to enlighten them to the code. The agencies visited at the federal level were: federal inland revenue service, Nigeria export promotion council, petroleum equalization fund (PEF),

		national agencies for food and drug administration control (NAFDAC), national deposit insurance commission (NDIC) and Nigerian investment and promotion council.
2	Workshop in collaboration with state governments	
3	Paper presentations	
4	Media campaign	

PUBLIC ENLIGHTENMENT ACTIVITIES FOR YEAR 2007

PUBLIC ENLIGHTENMENT

S/NO	ACTIVITY	REMARKS
1	Workshops in collaboration with state government s	In an effort geared towards tackling corruption in public officers, the Bureau started the year 2007 with aggressive enlightenment for public officers. The Bureau collaborated with various state governments in organizing enlightenment workshops for top government functionaries. The following four (4) states: Borno, Rivers, Katsina and Zamfara collaborated with the Bureau
2	Workshop in collaboration with international Bodies UNDP	
3	Paper presentations	
4	Enlightenment campaign to local government councils	
5	Media campaign	
6	Press release	

PUBLIC ENLIGHTENMENT ACTIVITIES FOR YEAR 2008

S/NO	ACTIVITY	REMARKS
1	Collaboration with international bodies/civil society groups/NGOs	The Bureau collaborates with the coalition for change (CAC) which is an organization with an objective of bringing together stakeholders in the fight against corruption with a passion for change. During the year under focus the Bureau with other anti-corruption agencies had series of meetings with this NGO. The UNDP post public forum assessment workshops were organized in the period under review. The workshop was organized to produce training materials in DVD format for our public education and enlightenment in states, local governments and public institutions.
2	Paper presentations	
3	Enlightenment campaign to Local Government Councils	
4	2008 Children's Forum	
5	2008 Workers Essay Competition	
6	Distribution of Enlightenment	
7	Materials	
8	Courtesy Visits Media Campaign	

PUBLIC ENLIGHTENMENT ACTIVITIES FOR YEAR 2009

S/NO	ACTIVITY	REMARKS
1	Workshop in collaboration with state government	The education and advisory services department started its public enlightenment programme in collaboration with states governments. These include Kebbi, Gombe, Katsina and Lagos state. With it primary focus on public officers, the bureau in the second quarter of the year visited five (5) government agencies to enlighten them on the code. These agencies included the Federal Civil Service Commission (FCSC) Power Holding Company plc (PHCN), National Universities Commission (NUC), National Orientation Agency (NOA) and the Federal Road Safety Commission (FRSC)
2	Visitation to government agencies	
3	2009 children's forum	
4	Workers essay competition	
5	2009 ministerial press briefing/chairman's dinner with chief executives June 2009	

APPENDIX G

Code of Conduct Bureau and Tribunal Act

“An Act to provide for the establishment of the Code of Conduct Bureau and Tribunal, to deal with complaints of corruption by public servants and the breaches of its provisions.”

[1989 No. 1]

IT January, 1991] [Commencement]

Part I

Code of Conduct Bureau

1. Establishment of the Code of Conduct Bureau

- (1) There is hereby established a bureau to be known as the Code of Conduct Bureau (in this Act referred to as "the Bureau").
- (2) The Bureau shall consist of a chairman and nine other members who shall be
 - (b) persons of unimpeachable integrity in the Nigerian society; and
 - (c) at the time of appointment, not less than fifty years.
- (3) The chairman and the other members shall be appointed by the President subject to confirmation of the Senate.
- (4) The chairman and any member shall vacate office upon attaining the age of seventy.

2. Aims and objectives of the Bureau

The aims and objectives of the Bureau shall be to establish and maintain a high standard of morality in the conduct of government business and to ensure

that the actions and behaviour of public officers conform to the highest standards of public morality and accountability

3. Functions of the Bureau

The functions of the Bureau shall be to

- a. receive assets declarations by public officers in accordance with the provisions of this Act;
- b. examine the assets declarations and ensure that they comply with the requirements of this Act and of any law for the time being in force;
- c. take and retain custody of such assets declarations;
- d. receive complaints about non-compliance with or breach of this Act and where the Bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal established by section 20 of this Act in accordance with the provisions of sections 20 to 25 of this Act:

4. Members of staff of the Bureau

- 1) Subject to the provisions of this Act, the tenure of office of staff of the Bureau shall be the same as that provided for in respect of officers in the civil service of the Federation.
- 2) The power to appoint members of staff of the Bureau and to exercise disciplinary control over them shall vest in the Bureau, and shall be exercisable in accordance with the provisions of rules and regulations as may, from time to time be made by the President.

5. Conflict of interest with duty

A public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities.

6. Restrictions on specified officers

Without prejudice to the generality of section 5 of this Act, a public officer shall not-

- a) receive or be paid the emoluments of any public office at the same time as he receives or is paid the emoluments of any other public office; or
- b) except where he is not 'employed on full-time basis, engage or participate in the management or running of any private business, profession or trade; but nothing in this paragraph shall prevent a public officer from engaging in farming or participating in the management or running of any farm.

7. Prohibition of foreign accounts

Any public officer specified in the Second Schedule to this Act or any other persons as the President may, from time to time, by order prescribe, shall not maintain or operate a bank account in any country outside Nigeria,
[Second Schedule]

8. Retired public officers

A public officer shall not, after his retirement from public service and while receiving pension from public funds, accept more than one remunerative position as chairman, director or employee of a company owned or controlled by any Government or public authority or receive any other remuneration from public funds in addition to his pension and the emolument of one such remunerative position.

9. Certain retired public officers

- (1) Retired public officers who have held offices to which this section applies are prohibited from service or employment in foreign companies or foreign enterprises.
- (2) This section applies to the office of President, Vice-President, Chief Justice of Nigeria, Governor and Deputy Governor of a State

10. Gifts or benefits in kind

- (18) A public officer shall not ask for or accept any property or benefits of any kind for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties.
- (19) For the purposes of subsection (1) of this section, the receipt by a public officer of any gifts or benefits from commercial firms, business enterprises or persons who have contracts with the Government, shall be presumed to have been received in contravention of subsection (1) of this section, unless the contrary is proved.
- (20) A public officer shall only accept personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognized by custom.

Provided that any gift or benefit to a public officer on any public or ceremonial occasion shall be treated as gifts or benefits to the appropriate institution represented by the public officer, and accordingly, the mere acceptance or receipt of any such gift or benefit shall not be treated as a contravention of this provision.

11. Restriction on loans, gifts or benefits to certain public officers

The President or Vice-President, Governor or Deputy Governor, Minister of the Government of the Federation or Commissioner of the Government of a State or any other public officer who holds office of a Director-General or head of any public corporation, university, or other parastatal organization shall not accept

- a) a loan, except from government or any of its agencies or a bank, building society or other financial institution recognized by law; or
- b) any benefit of whatever nature from any company, contractor, businessman or the nominee or agent' of such person.

Provided that the head of a public corporation or of a university or other parastatal organization may, subject to the rules and regulations of any such body, accept a loan from any such body.

12. Bribery of public officers

No person shall offer a public officer any property, gift or benefit of any kind as an inducement or bribe for the granting of any favour or the discharge in his favour of the public officer's duties.

13. Abuse of powers

A public officer shall not do or direct to be done. in abuse of his office, any act prejudicial to the rights of any other person, knowing that such act is unlawful or contrary to any government policy,

14. Membership of societies

A public officer shall not be a member of or belong to or take part in any society the membership of which is incompatible with the functions or dignity of his office..

15. Declaration of assets

(1) Every public officer shall, within fifteen months after the coming into force of this Act or immediately after taking office and thereafter

- a. at the end of every four years;
- b. at the end of his term of office; and in the case of a serving officer, within thirty days of the receipt of the form from the Bureau or at such other intervals as the Bureau may specify,

Submit to the Bureau a written declaration in the Form prescribed in the First Schedule to this Act or, in such form as the Bureau may, from time to time, specify, of all his properties, assets and liabilities and those of his spouse or unmarried children under the age of twenty-one years.

[First Schedule.]

(2) Any statement in any declaration that is found to be false by any authority or person authorized in that behalf to verify it, shall be deemed to be a breach of this Act.

(3) Any property or assets acquired by a public officer after any declaration required by subsection (1) of this section and which is not fairly attributable to income, gifts or loan approved by this Act, shall be deemed to have been acquired in breach of this Act unless the contrary is proved.

16. Allegation of Breach of provisions of this Act

Any complaint that a public officer has committed a breach of or has not complied with the provisions of this Act shall be made to the Bureau.

17. Agents and nominees

A public officer who does any act prohibited by this Act through a nominee, trustee or other agent shall be deemed *ipso facto* to have committed a breach of this Act.

18. Exemption

- 1) The President may by order exempt any cadre of public officers from the provisions of this Act if it appears to him that their position in the public. Servant is below the rank which it considers appropriate for the application of those provisions.
- 2) The President may by order confer on the Bureau such additional powers as may appear to it to be necessary to enable it to discharge more effectively the functions conferred upon it under

19. Indemnity of members of the Bureau

The chairman and other members of the Bureau shall not be liable, and shall be indemnified, in any action or litigation for any acts or omissions done or purported to be done in the course of the discharge of their duties under this Act.

Part II

Code of Conduct Tribunal

- (1) There is hereby established a tribunal to be known as the Code of Conduct Tribunal (in this Act referred to as "the Tribunal")
- (2) The Tribunal shall consist of a chairman and two other members.

(3) The chairman shall be a person who has held or is qualified to hold office as a Judge of a superior court of record in Nigeria and shall receive such remuneration as may be prescribed by law.

The chairman and other members of the Tribunal shall be appointed by the President on the seventy years, be entitled to pension for life at a rate equivalent to his last annual salary in addition to other retirement benefits to which he may be entitled.

3) A person holding the office of chairman or member of the Tribunal shall not be removed from his office or appointment by the President except upon an address supported by two-thirds majority of each House of the National Assembly praying that he be so removed for inability to discharge the functions of the office in question (whether arising from infirmity of mind or body) or for misconduct or for contravention of this Act.

4) A person holding the office of chairman or member of the Tribunal shall not be removed from office before retiring age, save in accordance with the provisions of this section.

23. Powers of the Tribunal to impose punishment

1) Where the Tribunal finds a public officer guilty of contravening any of the provisions of this Act, it shall impose upon that officer any of the punishments specified under subsection (2) of this section.

2) The punishment which the Tribunal may impose Shall include any of the following-

(a) vacation of office or any elective or nominated office, as the case may be;

- b) disqualification from holding any public office
(whether elective or not) for a period not exceeding ten years; and
 - c) Seizure and forfeiture to the State of any property acquired in abuse or corruption of office.
- (3) The punishments mentioned in subsection (2) of this section shall be without prejudice to the penalties that may be imposed by any law where the breach of conduct is also a criminal offence under the Criminal Code or any other enactment or law.
- (4) Where the Tribunal gives a decision as to whether or not a person is guilty of a contravention of any of the provisions of this Act, an appeal shall lie as of right from such decision or from any punishment imposed on such person to the Court of Appeal at the instance of any party to the proceedings.
- (5) Any right of appeal to the Court of Appeal from the decision of the Tribunal conferred by subsection (4) of this section shall be exercised in accordance with the provisions of the rules of court for the time being in force regulating the powers, practice and procedure of the Court of Appeal.
- (6) Nothing in this section shall prejudice the prosecution of a public officer punished under this section, or preclude such officer from being prosecuted or punished for an offence in a court of law.
- (7) The provisions of the Constitution of the Federal Republic of Nigeria 1999, relating to prerogative of mercy, shall not apply to any punishment imposed in accordance with the provisions of this section.

[Cap. C23]

24. Rules of procedure and institution of proceeding

- (1) The rules of procedure to be adopted in any prosecution for the offences under this Act before the Tribunal, and the forms to be used in such prosecutions shall be as set out in the Third Schedule to this Act

[Third Schedule]

- (2) Prosecutions for all offences, referred to in this Act shall be instituted in the name of the Federal Republic of Nigeria, filled by Attorney-General of the Federation or such officers in the Federal Ministry of Justice as the Attorney-General of the Federation may authorize so to do,.

- (3) For the purpose of subsection (2) of this section. The Attorney-General of the Federation may- State in the Federation, authorize any officer of the Ministry of Justice or the State concerned, to undertake any such prosecutions directly or assist therein; or

- If the Tribunal so requests, or if contingencies dictate, authorize any other legal practitioner in Nigeria to undertake any such prosecution to assist therein:

Provided that the question whether any authority has been given in pursuance of this subsection shall not be inquired into by any person.

- (4) Any person accused of any offence referred to; in this Act shall be entitled to defend himself in person or by a person of his own choice, who is a legal practitioner resident in Nigeria.

25. Power to issue search warrant

Notwithstanding the provisions of any other enactment conferring power to search, if the chairman of the Tribunal is satisfied that there is a reasonable

ground to suspect that there may be found in any building or other place whatsoever, any books, records, statements or information in any form whatsoever, which, in just opinion, are or may be material to the charge or any trial under this Act, he may issue a warrant under his hands authorizing any police officer or any member of the security agencies to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such material as aforesaid, found therein.