

# TRANSPARENCY AND THE EFFECTIVENESS OF ANTI-CORRUPTION AGENCIES IN THE FEDERAL PUBLIC SERVICE OF NIGERIA

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## Abstract

*Corruption is one of the major concerns of governments. Concerted efforts have been made by the Federal Government of Nigeria to fight this vice by enacting relevant laws and establishing relevant agencies to promote transparency and accountability in her public service. These include the Code of Conduct Bureau (CCB) and its Tribunal, the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) among others. In spite of these efforts, Nigeria's Corruption Perceptions Index (CPI) according to Transparency International still remains low. The objectives of this paper are to determine the levels of transparency and the effectiveness of the anti-corruption agencies in the Federal Public Service and examine the relationship between the variables. Other objectives were to identify the problems associated with transparency and the effectiveness of the anti-corruption agencies with a view to making suggestions. The research design was mainly survey research and the population consisted of staff of the anti-corruption agencies and other federal ministries, departments and agencies. Representatives of civil society organisations were also interviewed. The data were presented in tables and frequencies using chi-square ( $\chi^2$ ) distribution to test the hypothesis. The study revealed that both the levels of transparency and the effectiveness of the anti-corruption agencies in the Federal Public Service were low and that the level of transparency has affected the effectiveness of the anti-corruption agencies in the Federal Public Service. It has been recommended that the Freedom of Information Bill which was passed into an act be implemented without further delay, compulsory public declaration of assets and liabilities by public servants and societal value re-orientation among others.*

**Key words:** Transparency, effectiveness, anti-corruption agencies, public service

## Introduction

The political, economic, administrative and academic dynamics of the first decade of the twenty first century has more than ever before placed the burning issues of transparency and accountability to fight corruption in the public service on the priority agenda of national, continental, and global governments. In the political front, after a prolonged period of military dictatorship characterised by accountability deficits, the return to democratic governance to Nigeria aroused the citizens' quest for transparency and accountability for an effective fight against corruption. In the economic realm, the current global economic crisis commencing on 5<sup>th</sup> October, 2008 characterised by financial constraints has brought to the front burner the need to fight corruption through transparency and accountability to ensure efficient use of resources. In consonance with International Best Practice, the Federal Government of Nigeria in its reform programmes had as one of the core elements, improvement in transparency and accountability in governance. The growing phenomenon of the New Public Management (NPM) in theory and practice has added an impetus to the fight against corruption.

In response to these streams of demand, the Federal Government of Nigeria enacted enabling laws and established relevant institutions aimed at fighting corruption and instilling transparency and accountability in the public service. These *inter-alia* include the Economic and Financial Crimes Commission (EFCC) Act, 2004 and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act 2000, the Fiscal Responsibility Act (FRA) 2007, the Public Procurement Act (PPA) 2007, and the National Extractive Industry Transparency Initiative (NEITI) Act 2007.

In spite of all these efforts, Transparency International's Corruption Perceptions Index (CPI) for Nigeria staggered from the lowest of 1.0 out of 10 in 2001 to the highest of 2.7 in 2008. This could neither be maintained nor improved upon as the CPI slipped down to 2.5 in 2009 and further to 2.4 in 2010. Why is the rate of transparency still low in the public service in spite of the establishment of anti-corruption agencies to improving transparency and accountability in governance? The research questions asked were; what is level of transparency and accountability in the federal public service? What is the rate of effectiveness of the anti-corruption agencies in fighting corruption in the federal public service? How has the level of transparency and accountability in the federal public service affected the effectiveness of the anti-corruption agencies? What can be done to make the federal public service more transparent and accountable with a view to make the anti-corruption agencies more effective?

The major objective of this study is to determine the level of transparency and the level of effectiveness of the anti-corruption agencies in fighting corruption in the Federal Public Service. Other objectives are to empirically examine how the level of transparency has affected the effectiveness of the agencies. The study identified problems associated with transparency and effectiveness of the agencies and make recommendations for improvement. The hypothesis postulated for the study stated that the level of transparency had not affected the effectiveness of anti-corruption agencies in the Federal Public Service of Nigeria.

This study will be of tremendous importance to researchers, policy makers, practicing administrators, Civil Society Organisations (CSOs) and international assistance agencies. Literature abound on

transparency and accountability. Most of the scholars such as Olowu (2002) and Tukur (1999) did not relate it to the effectiveness of the anti-corruption agencies. This gap is what this study intended to cover. The rich and current literature as well as reliable data will also provide vital information to researchers. The identification of lapses in the policy and application of anti-corruption programmes will enable both policy makers and administrators fine tune their policies and strategies. Both the CSOs and international assistance agencies will find the findings of the study useful in assessing specific country performance for possible intervention.

The time frame for the study was 1999 – 2010. This is significant on the bases of being a period of return to sustainable democracy to Nigeria. Principles of transparency are more expected of democratic than military regimes. The study was also concerned with transparency and accountability in the public sector without undervaluing its need in the private sector. Transparency and accountability in the public sector are of greater concern to government studies. Although many agencies have been established over the years to promote transparency in the public service, this paper focuses specifically on the effectiveness of the CCB, EFCC and the ICPC in order to give it focus.

### **Literature Review and Theoretical Framework**

The twin concepts of transparency and accountability are generally interrelated to an extent that whenever and wherever the former is mentioned the latter naturally appears. It is for this reason that the two concepts are sometimes used interchangeably. These two concepts however differ from each other. The United Nations Economic and Social Commission for

Asia and the Pacific (UNESCAP) (2010) defined transparency in three fold; that, the decisions taken and the enforcement of those decisions are done in a manner that follows rules and regulations. It also means that information is freely available and accessible to those who will be affected by such decisions. Transparency to UNESCAP (2010) also means that enough information is provided in easily understandable forms of media.

For Elaigwu (2005), transparency simple refers to our ability to exhibit clearness in action which put such actions above question. In his contribution, Olowu (2002) asserted that transparency is the validity, regularity, and access of citizens to information about how they are governed. Global Integrity (2004, 2006, 2007 and 2008) identified some conditions necessary for transparency in governmental setting. These *inter-alia* include the existence of civil society organizations; citizens right of access to access information from government records (Freedom of Information Act), information on public procurement, legislative processes and press freedom, as well as access to information on the activities of whistle blowers and anti-corruption agencies. From the definitions advanced by scholars and organisations, transparency can be seen to be openness in the conduct of government business through the provision of accessible, valid and regular information to citizens on how they are governed. It enables the government to get the citizens informed as well as elicits their responses.

Few words are more widely in parlance of modern government than accountability. The word continues to excite a great deal of academic debate and practical application. Accountability is one of those golden concepts that no one can be against. It has become an icon for good governance both in the public

and private sectors. In the New Public Management Ideology, public accountability is both an instrument and a goal (Gregory, 2007). However, accountability is an elusive concept. Scholars and practitioners therefore, advanced different definitions of the term based on their orientation and milieu.

Bovens (2006) describes accountability as the obligation to explain and justify conduct. This implies a relationship between an actor, the accountant, and a forum, the account holder or accountee. It usually involve not just the provision of information about performance, but also the possibility of debate, of questions by the forum and answers by the actor and eventually of judgement of the actor by the forum - which can be in the form of either reward or sanctions. Olowu (2002;) observes that '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.' He identifies three major components of accountability as; a clear definition of responsibility, functional reporting mechanisms, and a system of review, reward and sanction.

Stapendhurst and O'Brien (2010) explain that accountability exist when there is a relationship where an individual or body is subject to another's oversight, directions, or request that they provide information or justification for their actions. To these World Bank specialists, the concept of accountability involves two distinct stages; answerability and enforcement. The former refers to the obligation of the government and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight. The latter suggests that the public or the institution

responsible for accountability can sanction the offending party or remedy the contravening behaviour. The centrality of information for accountability and good governance have been recognised by both Bervens, (2006), O'Brien and Stephenhurst (2010) and Olowu (2002). This is because, there can be no accountability without transparency and transparency without accountability in fruitless.

Corruption is a very common term. However, it defines a precise definition. Scholars, practitioners and concerned organisations therefore advanced different definitions of the concept based on their orientation and milieu. Aduda (2002), Ladipo (2000), Transparency International (1999 and 2000) and the World Bank (1997) defined corruption as the abuse of public office for private gain. Public office is abused when officials accept, solicits or extorts a bribe to circumvent public policies and processes for competitive advantage and profits. Corruption also include patronage and nepotism, theft of state assets or diversion of state revenues among others.

Ekumankama (2002) reiterating the views of Atlas (1980) and Brokes (1990), identifies three common elements in the definition of corruption. These are; abuse of power, violation of official as judicial duty, and intentional design for personal gain against the interest of the public or individuals. The definitions advanced above limits corruption to the public sector as if it does not exist in the private sector. This however, serves the purpose of the paper. Corruption may not necessarily be for self gain but it could be for the benefit of a third party.

Huther and Shah (2010) defined effectiveness as the extend to which a projects or institutions objectives are achieved, or expected to be. This requires corruption

activities on levels of corruption or corruption activities. Of interest is the measurement of changes in levels of corruption as well as the degree to which observed changes can be credibly attributed to the anti-corruption interventions by the agencies. This change could be achieved through prevention, detection, investigation and prosecution for corrupt offences in the Federal Public Service. Transparency in the Federal Public Service is expected to provide vital information to the anti-corruption agencies and the citizens on the conduct of the federal public servant. This will facilitate the detection, investigation and prosecution of alleged public officials.

The public service encompasses the civil service, the police and other security agencies, the armed forces, the national and state assembly services, the judicial service, parastatal and agencies of government in which government owns controlling shares (Bureau for Public Service Reform (BPSR) (2007). As Ademolekun (2002) puts it, the public service is the totality of the administrative institutions and structures within which the work of government is carried out.

The theoretical framework for the study is the Agency Theory using the democratic perspective. Its major proponents were March and Olsen (1995) and Mulgan (2003) (Olaopa, 2008). It was used as a conceptual Framework for Analysing and Assessing Public Accountability by Bovens (2006). The Agency Theory rests on the postulation that social and political life can be understood as a series of contracts. This relationship is between one party, referred to as the principal who enters into the contract with another party, referred to as the agent. In accordance with such contracts, the agent undertakes to perform various tasks on behalf of the principal, and in exchange,

the principal agrees to reward the agent in a mutually acceptable way. The relationship is necessitated by specialisation and division of labour in the society (Olaopa, 2008).

The theory assumes that individuals are rational self-interested utility maximisers. Hence, the interests of agents and principals are bound to conflict. Secondly, the management of many principal - agent relationships is complicated by incomplete information, asymmetrical information, and various uncertainties. In addition, the asymmetrical information is exploited by the agents to their advantage which makes it difficult for principals to observe their behaviour. This leads to frequent uncertainties on how the agents action is translated into the desired output. In relation to this study, transparency in the Federal Public Service will enable the citizens and anti-corruption agencies identify corrupt public servants and call them to account for their actions.

## Methodology

The research design for the study was the survey research using questionnaires and interview complemented by the use of content analysis. The target population for the study were the staff of the CCB, EFCC, and the CPC. Others were the staff of Federal Ministry of Justice, Office of the Auditor-General of the Federation, Academic Staff of Ahmadu Bello University, Zaria and staff the Federal Radio Corruption of Nigeria, Kaduna. The population for study was 7,173 while the sample size was 379 representing 5.28% of the population. This was arrived at using Yamane's (5.28%) formula as expressed by Israel (1992) thus;

$$n = \frac{N}{1 + N(e)^2}$$

Where n = Sample size

N = Total population

e = Level of significance (95%)

$$n = \frac{7173}{1 + \frac{7173(0.05)^2}{1 + 7173(0.0025)}} = \frac{7173}{1 + 17.9325} = \frac{7173}{18.9325} = 378.872 = 379 \text{ (approximat ely)}$$

A total of 379 questionnaire were administered but 322 were returned. Those interviewed were the representatives of CSDs; the centre for democracy and development, human rights monitor, zero corruption coalition, civil society and advocacy centre, and the African centre for leadership and strategy. Discussions were therefore, based on the responses from the questionnaires returned and the interviewees.

The data was presented in tables using frequencies and percentages for analysis and the chi-square distribution ( $X^2$ ) for test of hypothesis.

## Results and Discussion

### Transparency in the Public Service

The independent variable in the hypothesis postulated in section was the level of transparency as used in this paper were citizen right of access to government records, press freedom, access to legislative proceedings, access to public procurement process, and access to the activities of anti corruption agencies. The responses of the respondents are presented in Table 1.

Table 1: The Level of Transparency in the Federal Public Service of Nigeria

Indicators of Transparency	Very High		High		Undecided		Low		Very Low	
	No.	%	No.	%	No.	%	No.	%	No.	%
Citizens right of access to government records	36	11.18	79	24.53	9	2.79	171	53.11	27	8.39
Press freedom	38	25.78	83	25.53	25	7.76	152	47.20	24	7.45
Access to legislative proceedings	13	4.04	70	21.74	37	11.49	181	56.21	21	6.52
Access to public procurement processes	11	3.42	80	24.84	54	16.77	162	50.31	15	4.66
Activities of anti-corruption agencies	53	16.46	151	46.89	39	12.11	65	20.19	14	4.35
Level of transparency in the federal public service	11	3.42	29	9.01	12	3.73	201	62.42	69	21.43

Source; Researcher's Survey, July, 2010

As indicated in Table 1, citizen's rights of access to legislative proceedings and public procurement processes by citizens were all rated low. This view was also shared by CSOs. However, citizens access to information on the activities of the anti-corruption agencies were rated high. The CSOs, however, opened that the anti-corruption agencies were not as

transparent as they should be. The overall level of transparency in the Federal Public Service was rated low. This has been corroborated by Nigeria's scores and rankings by the global anti-corruption watchdog; Transparency International's Corruption Perceptions Index (CPI) for 1999 – 2010 in Table 2.

**Table 2: The Level of Transparency in the Nigerian Public Service according to Transparency International 1999 – 2010**

Year	CPI	Transparency in Percentage (%)	No. of Countries Covered	Ranking	Remark
1999	1.6	16	99	98	Ranked 98 <sup>th</sup> in transparency but 2 <sup>nd</sup> in corruption
2000	1.2	12	90	90	Ranked last in transparency out of the 90 countries covered but 1 <sup>st</sup> in corruption.
2001	1.0	10	91	90	Reduction in transparency from 16% and 12% in 1999 and 2000 respectively to 10% in 2001
2002	1.6	16	102	101	16% score in transparency and ranked 101 out of 102 countries.
2003	1.4	14	133	132	Only 14% score in transparency out of 133 countries covered.
2004	1.6	14	145	144	Reverting to 2002 16% score in transparency and ranked 144 out of 145 countries.
2005	1.9	19	158	152	Slight improvement in transparency with 19% score.
2006	2.2	22	163	142	Further improvement in transparency but still poor score of 22%.
2007	2.2	22	179	147	Poor score of 22% maintained.
2008	2.7	22	180	121	Highest record of 27% score and ranking in transparency.
2009	2.5	25	180	130	Fall in score and ranking from 2008.
2010	2.4	24	?	138	A further slip to 24% and ranking of 138.

Source: Adapted from Transparency International's Corruption Perception Index for 1999 – 2010

As indicated in Table 2, Transparency International's CPI ranges between zero – ten (0 – 10). The CPIs are converted to percentages in this case. The closer a country's CPI is to zero, the less transparent is the public service of that country. Conversely, the closer a country's CPI is to ten, the more transparent is the country's public service. From the data in Table 2, Nigeria's CPI staggered between the lowest of 1.0 in 2001 to the highest of 2.7 in 2008 only to slip back to 2.5 in 2009 and further to 2.4 in 2010. In this case, the country could not earn above 27% in transparency index in spite of the establishment of the anti-corruption agencies. The country's CPI was even lowest (1.0) in 2001 compared to 1.6 and 1.2 in 1999 and

2000, two years before the establishment of the anti-corruption agencies.

#### *The Effectiveness of Anti-Corruption Agencies*

The effectiveness of anti-corruption agencies in combating corruption in the Federal Public Service was the dependent variable in the hypothesis postulated in section one. The indicators of the effectiveness of the agencies were; prevention of corrupt practices in Federal Public Service, detection of corrupt practices, and investigation of alleged corruption cases. Others are prosecution of corruption offenders, reduction in the rate corruption in the public service, and the overall effectiveness of the agencies. The effectiveness rating of each of these indicators by the respondents is presentation in Table 3.

*Table 3: Rate of Effectiveness of Anti-Corruption Agencies*

Effectiveness Criteria	Very Effective		Effective		Undecided		Ineffective		Very ineffective	
	No.	%	No.	%	No.	%	No.	%	No.	%
Prevention of corrupt practices in	2	9.01	124	38.51	27	8.39	115	35.71	27	8.39
Detection of corrupt	46	14.29	110	34.16	22	6.83	130	40.37	14	4.35
Investigation of alleged	62	19.25	130	40.37	12	3.73	115	35.71	3	0.93
Prosecution of offenders	57	17.70	96	29.81	20	6.21	141	43.79	8	2.48
Reduction of the rate of corruption	19	5.90	116	36.02	13	4.04	157	48.76	117	5.28
Overall effectiveness of anti-	20	6.21	135	41.93	7	2.17	146	45.34	14	4.35

Source: Researcher's Survey, July, 2010

From the data in Table 3 it can be inferred that the agencies have been effective in the discharge of their preventive duties. A greater percentage of the agencies' staff agreed with this position when compared with non-agency staff. The majority (40.37%) of the respondents rated the

agencies ineffective and 4.35% very ineffective in detecting the occurrence of corrupt practices in the Federal Public Service. Thus, the anti-corruption corruption agencies have been ineffective in detecting the occurrence of corrupt practices in the Federal Public Service. A greater percentage

(40.17%) of the respondents opined that the anti-corruption agencies have been effective in investigating cases of corruption. The greater percentage of the agency staff shared this view in comparison to

the non-agency staff. However, Tables 4 and 5 presenting the activities of the investigation departments of the ICPC and CCB had fully investigated only 23.44% and 6.97% of the cases respectively.

**Table 4: Analysis of Investigation of Cases by the Investigation Department of ICPC (2001 - 2007)**

Year	Cases Referred	Cases Fully Investigated		Cases under Investigation		Cases Rejected for Lack of Jurisdiction	
		No.	Percentage	No.	Percentage	No.	Percentage
2001	20		55.0	9	45.0	0	0.00
2002	155	11	7.1	117	75.48	27	17.41
2003	308	10	3.25	211	68.51	87	28.24
2004	226	0	0.00	207	91.59	19	8.41
2005	79	0	0.00	74	93.67	5	6.33
2006	234	160	68.38	74	31.32	0	0.00
2007	147	82	55.78	51	34.69	14	9.52
Total	1,169	274	23.44	743	63.56	152	13.00

Source; Adapted from ICPC Annual Reports, 2006 and 2007 respectively pp. 14 and 16

**Table 5: Status of Cases Received by Investigation and Monitoring Department of CCB (2000 - 2007 (March))**

S/N	Status	Number	Percentage
1	Total No. of Cases Discontinued Due to Lack of Merit	234	50.98
2	Total No. of Cases Under Investigation	123	26.79
3	Total No. of Cases referred to other Organisations/ Agencies	18	3.92
4	Total No. of Cases Pending Further Development	52	11.33
5	Total No. of Cases sent to the Tribunal for Prosecution	32	6.97
	Total No. of Petitions Received	459	99.99 =

Source: CCB 2007 Ministerial Briefing

The data in Table 3 also shows that the anti-corruption agencies have been ineffective in the prosecution of suspects for corruption offences. This view is also shared by the civil society organisations. A greater percentage of the respondents rated the agencies ineffective in combating corruption in the Federal Public Service. The CSOs are of the view that even

though, the anti-corruption agencies achieved only a marginal reduction in the rate of corruption in the Federal Public Service, more public servants were now afraid of engaging in corruption than before since it has more than ever before become a matter of public concern.

**Table 6: The most Effective Anti-Corruption Agency in the Nigerian Public Service**

Response	Number of Respondents	Percentage
CCB	22	11.17
EFCC	102	51.78
ICPC	73	37.06
<b>Total</b>	<b>197</b>	<b>100.00 (Approximate)</b>

Source; Researcher's Survey, July, 2010

As presented in Table 6, the data indicates that, the EFCC has been the most effective anti-corruption agency out of the three with 51.78% followed by the ICPC and CCB with 37.06% and 11.17% respectively. The agency staff were deliberately excluded from these question to avoid bias. The CSOs also opined

that the EFCC is performing better than the other agencies.

**Test of Hypothesis**

The instrument used for test of the hypothesis postulated in section one is chi-square distribution ( $\chi^2$ ) using Statistical Package for Social Sciences (SPSS). The computer print-out of the SPSS are presented in tables 7, 8 and 9.

**Table 7: Responses on Transparency in the Federal Public Service (Independent Variable)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very high	11	3.4	3.4	3.4
	High	29	9.0	9.0	12.4
	Undecided	12	3.7	3.7	16.1
	Low	201	62.2	62.4	78.6
	Very Low	69	21.4	21.4	100.0
Total		322	99.7	100.0	
Missing	System	1	.3		
Total		323	100.0		

Source; Computer Print-Out of SPSS

**Table: Responses on Overall Effectiveness of Anti-Corruption Agencies (Dependent Variable)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very effective	20	6.2	6.2	6.2
	Effective	135	41.8	41.9	48.1
	Undecided	7	2.2	2.2	50.3
	Ineffective	146	45.2	45.3	95.7
	Very ineffective	14	4.3	4.3	100.0
Total		322	99.7	100.0	
Missing	System	1	.3		
Total		323	100.0		

Source: Computer Print-Out of SPSS

Table 9: *chi-Square Tests*

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	351.583 <sup>a</sup>	16	.000
Likelihood Ratio	283.723	16	.000
Linear-by-Linear Association	147.737	1	.000
N of Valid Cases	322		

a. 15 cells (60.0%) have expected count less than 5. The minimum expected count is .24.

Source: Computer Print-Out of SPSS

From the SPSS print-out in Table 9, the calculated  $X^2$  value is 351.583 while the  $X^2$  critical value at 16 degree of freedom and 95% level of significance ( $\alpha$ ) was 7.962. The decision rule in using  $X^2$  distribution in testing hypothesis was; accept Null Hypothesis ( $H_0$ ) if calculated value is less than critical value and reject the alternate. Conversely, accept alternate hypothesis ( $H_1$ ) if calculated  $X^2$  value is greater than the critical value and reject the  $H_0$ . In this case, the calculated  $X^2$  value of 351.583 is greater than the critical value of 7.962. Hence,  $H_0$  which states that; the level of transparency has not affected the level of effectiveness of the anti-corruption agencies in the Federal Public Service is rejected and the  $H_1$  accepted. In relation to the theoretical framework, the Federal Public Service has not been transparent enough to enable citizens and the anti-corruption agencies adequately identify corrupt officials and call them to account. This has adversely affected the effectiveness of the agencies.

### Conclusion and Recommendations

From the data analysed in section four, the study concludes that both the levels of transparency in the Federal Public Service

and the effectiveness of the anti-corruption agencies were low for the period 1999-2010. The result of the hypothesis tested also indicates that the level of transparency in the public service has affected the effectiveness of the anti-corruption agencies in the federal public service. An increase in the level of transparency in the public service among others will therefore, increase the level of effectiveness of the anti-corruption agencies in combating corruption in the federal public service.

In view of this, the paper recommends that the anti-corruption agencies should provide valid, adequate and regular information on their activities and mandate to the citizens to get them more acquainted with their activities. The timely passage of the freedom of information bill into an act will enable citizens access information on the activities of the legislature and guarantee greater press freedom.

Compulsory public declaration of assets and liabilities of public officials will reduce corrupt enrichment as it can be more easily detected. Mass mobilisation, integration, and participation of the citizenry will ensure citizens ownership of the crusade and increase the effectiveness of the agencies.

Societal value re-orientation by emphasising and enforcing ethics at all levels of social organisation will also go a long way in increasing the effectiveness of the anti-corruption agencies in the federal public

service. The expressed political will in fighting corruption by the federal government should be equally demonstrated and translated into action for any meaningful result.

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