

CIVIL SOCIETY ORGANIZATIONS AS ANTI-CORRUPTION ACTOR IN NIGERIA: ROLES AND CHALLENGES

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ABSTRACT

In the wake of democratic transition in the late-1980s, civil society organizations (CSOs) have emerged as critical actor in promoting democracy, human rights and rule of law. After the transition from military rule to civil rule in May 1999, CSOs have become dominant force in anti-corruption struggle following the ineffectiveness of the state anti-corruption initiatives. This article, based on secondary data, examines the roles and challenges of CSOs as anti-corruption actor. It argues that CSOs have contributed immensely in anticorruption struggle, they are however constrained by various challenges such as overhanging laws, general hostile disposition of state actors, limited space for engagement with the state in public policy process, the slow pace of justice delivery by the judiciary, a hollow sense of citizenship, accountability and state engagement. These challenges from the state and within the CSOs need to be tackle if the CSOs would be more effective as anti-corruption actor.

Keywords: the State, Civil Society, Anti-corruption, democratic transition

Introduction

Since the last two decades of the 20th century, Civil Society Organizations (CSOs) have blossomed as important contributor to public debate in many African countries such as Nigeria. In different respects, CSOs have contributed to direct anti-poverty intervention, anti-authoritarian struggle, management of conflicts, advocacy for gender empowerment and respect for human rights (Ikelegbe 2013). The direct involvement of CSOs in the issues of accountability, transparency, fiscal discipline in government, support for anti-corruption efforts and exposure of corruption in the operations of government business has however been

limited and relatively new. The consistent ranking of Nigeria as one of the most corrupt countries of the world by Transparency International, despite the legion of anti-corruption initiatives of successive governments in the country, created opportunity for CSOs to have emerged as anti-corruption actor.

This paper based on secondary data sources such as books, journals and newspapers examines role and challenges of CSOs in the management of corruption in Nigeria. The paper reviews the engagements of anti-corruption inclined CSOs and the limiting factors in their fight against corruption

in the public realm. To the extent that the contributions of CSOs to corruption management are germane, this paper argues that for their greater impact, they need to address the various challenges they encounter in the course of their engagements in anti-corruption struggle.

The rest of this paper is structured into six sections. Section 2 elucidates the conceptual notes on CSOs and effective anti-corruption requirements. Section 3 reviews the Nigerian state anti-corruption initiatives and the factors which undermined their excellent performance. Section 4 identifies and discusses roles of CSOs as emergent anti-corruption actor. Section 5 outlines and discusses the limiting factors on CSOs in the fight against corruption. The sixth section concludes.

Conceptual Issues: CSOs and Anti-Corruption

In the African context, civil society (CS) is imprecise in its meaning, content, boundary, scope, relevance and potency (Ikelegbe 2013). As Bebbington and Riddell (1997) observed, civil society is a notoriously slippery concept. Regardless of the enormous debate about its meaning, relevance and potency, there are certain discernible principles in the conception of CS. CSOs are characterized as self-organized intermediary groups, autonomous from the state, operating in the public realm guided by civility, and public regarding action. According to Diamond (1999) CS is the realm of organized social life that is open, voluntary, self-generating, autonomous from the state, bound by legal order or set of rule.

CS groups in Africa are crucial to citizens in the context of poverty, pervading insecurity, disease, social decay, state irresponsibility, repression, and corruption (Ikelegbe 2013). They sustain political reforms, legitimate state and government, improve governance, and prevent political decay (Diamond 1999).

Indeed, CS is the means and structure by which the citizens influence and engage the state in the struggle over influence and change. It acts as counterbalancing force against the rapacious state and its predatory elite. It does not seek to supplant the state or its institutions. According to Ikelegbe (2013) CS is a network of institutions by which citizens represent themselves, a realm of associational solidarity, activism and engagement, and a site of collective action.

CS comprises array of diverse groups with varied interests, values, orientations and dispositions. These attributes “are at once progressive and retrogressive, conservative, retrogressive, populist and social movement and private groups, civil and uncivil” (Ikelegbe 2013:8).

The nature of CS relations with state, (cooperative or antagonistic), is largely a function of their dispositions and inclinations. Fatton (1995) broadly categorized CS into three; the predatory, quasi bourgeoisie and popular CSOs. The predatory CS is dominated by individuals who profited through their access to and control of state power and resources as well as patron-client network. These privileged individuals were driven by shrinking rents from the state owing to the adoption of neoliberal policy reforms. They strategically aligned with CS in order to play prominent role in the neoliberal reforms and consequently protect their vested interest (Fatton, 1995, Ikelegbe, 2013).

The quasi-bourgeoisie CS is formed and led by the petty-bourgeoisie who were keen about economic and political reforms. Their support for such reforms depends on the extent the reforms suit their interest. Members of the quasi-bourgeoisie were CS willing to identify with the predatory CS when in quest for power, influence and resources. They fraternized with the popular CS when it goes well with their interest (Fatton, 1995).

The popular CS comprised the ordinary citizens who were largely peasants. This CS provides a platform for meeting welfare needs. It is also central to the quest for democracy, and improved governance. The popular CS groups were mobilized to resist reforms which roll back the welfare functions of the state. They provide a platform for demanding accountability from the uncaring state and its predatory elite (Fatton, 1995, Ikelegbe, 2013).

The three broad categories of CS scoped, indexed or summarized attributes of CSOs in relation to their mandate, self-recognition, internal democracy, accountability to constituency, functional boundaries and related matters. The potency and limitations of each of the category derive from their motives for formation. CSO inclined to collective cause or countervailing the state are definite in their functional boundaries and mandate. On the other hand, CSOs driven by the motives to make demands on resource opportunities hoisted by the state and donors are generally fluid and elastic in their functional boundaries and programme priorities (AFREX 2007).

A number of CSOs in Nigeria arguably exist for the purpose of capturing donor funds. Such CSOs falter most on internal democracy and accountability. They undertake any project for which money is available for grab. Because of their huge dependence on external financial supports they regularly fine-tune their programme priorities to the call of resource opportunities at any time. Without external support such CSOs simply go underground or transfigure into new ones. Viewed thus, there are a variety of non-governmental CSOs which are predatory or manipulated by public or private interest or not inclined towards anti-corruption. Such CS groups operate on the basis of patronage from state officials or queue behind corrupt high profile state officials. From this prism, the

extent CSOs contribute to corruption management is a function of the extent to which they constitute arenas for deliberating about and taking collective actions and its members are extricated from the corruption tendencies and exemplify principles of transparency, probity, discipline and accountability in their conducts.

A number of factors have been identified for effective anti-corruption measures. One is the existence of integrity institutions which serves as the hubs of honesty and fair dealing on the one hand, and definite model of behaviour in public life by which the tendency for and actions of corruption could be detected and fought, on the other hand (Dabo, Rogers, Tam-Baryoh and Sesay 2013). The institutions designated as pillars of integrity include the arms of government, watchdog agencies, such as the office of the Auditor-General, the ombudsman, non-governmental organizations, community based organizations, media and CSOs which possess the attributes by which the proclivity for and actions of corruption in government could be uncovered and combated on various fronts.

Anti-corruption strategy also requires effective mechanisms to encourage and strengthen resistance to corrupt actions. This constitutes sufficient political will in the fight against corruption. Efforts in this regards include but not limited to effecting general public service code of conduct, identifying and addressing grey areas that are likely to inspire and conceal corrupt tendencies in public life. In this regard, standard international anti-corruption practice needs to encourage the exposure of corruption. This is achieved through formal recognition of whistle-blowing and protection of those who report corruption or assist in other ways (Szeftel 2000).

In addition, effective anti-corruption requires clear differentiation between petty and grand forms of corruption. Those involved

in grand form of corruption should be visited with severe punishment in terms of sentences and fines (Szeftel 2000).

Furthermore, effective anti-corruption measure requires the establishment and strengthening of the anti-corruption agencies. While the establishment of anti-corruption agencies is laudable, a greater commitment for the realization of meaningful impact in the anti-corruption struggle is represented in the functionality of such agencies. Funding, co-ordination, linkages and collaboration are some ways of strengthening anti-corruption agencies (Dabo, Rogers, Tam-Baryoh and Sesay 2013).

Equally, effective anticorruption measure requires impartiality, justice, fairness and equity in the application of the law to people culpable of corrupt practices. Anti-corruption measure sunders when laws are applied selectively and discriminatorily to witch-hunt, and blackmail political foes. In applying the law, effective anti-corruption measure does not consider any persons culpable of corruption as belonging to the colony of the untouchable (Dabo, Rogers, Tam-Baryoh and Sesay 2013).

Public education to generate popular support and strength to combat corruption has also been identified as a critical factor for effective anti-corruption. This requires the education of the mindsets of public about what constitutes corruption, its causes and negative consequences for the present and future generations and the imperative for them to enlist and support efforts to combating the menace. Public education efforts can be pursued through media campaigns, customized meetings, building coalition, mounting public lectures, symposia, seminars and workshops (Dabo, Rogers, Tam-Baryoh and Sesay 2013).

Theoretical Framework

For the purpose of in-depth understanding of the roles and challenges of CSOs as anti-corruption actor in Nigeria the equilibrium theory which is also referred to as consensus theory is a useful theoretical tool. This theory is rooted in the structural-functionalist conception of society as a holistic social phenomenon. Radcliffe Brow and Talcott Parsons are the leading proponents of the theory. These proponents contend that the society is made up of different institutions and that societal survival is a function of existing norms and institutional practices. To them, every institution in the society interfaces with other institutions in a manner to preserve the life of the society (Igbinovia, *et al*, 2004). In addition, they assert that voluntary co-operation and general consensus are critical for the preservation of society. Furthermore, that every institution must perform certain functions such as developing interpersonal arrangements, fixing social problems, adjusting boundaries and controlling members of the society (Igbinovia, *et al*, 2004).

Situated within the context of this discourse, this theory is useful for the understanding of the broad social context the CSOs operate in Nigeria and certain functional prerequisites they are expected to meet in order to ensure effectiveness of anti-corruption crusade. The theory underscores the use of CSOs as anti-corruption actor in supporting, legitimizing and counterbalancing the anti-corruption agencies. The absence of supportive role of the CSOs will rob off any government agencies of legitimacy and consequently undermine their operations. The counterbalancing role of the CSOs is vital to keeping the anti-corruption agencies on track in their campaigns against corruption.

The Nigerian State Anti-corruption Institutions and Their Limitations

The Nigerian state has deployed various measures to manage corruption in the country. These measures include constitutional provisions, enactment of legislations or promulgation of decrees, establishment of special programmes and signing of international treaties and conventions.

In the Nigerian constitution certain provisions are enshrined as measures to prevent and combat corruption. The 1999 Constitution of the Federal Republic of Nigeria in the Fifth Schedule Part 1 paragraphs 1, 2 and 6 forbid public officers from various acts of corruption such as bribery, theft, conflict of interest and abuse of powers. Also, in the Third Schedule Part 1 of the same Constitution reinforced the establishment of the Code of Conduct Bureau and Code of Conduct Tribunal (CCB&T) Act No.1 of 1989. The CCB&T has the mandate to ensure highest standard of public morality, accountability and transparency in the conduct of government business so as to reduce instances of corruption to the barest minimum (Osumah 2012).

The Constitution also empowers the CCB&T to investigate cases of corruption against public officers and punish any officer found guilty according to laid down rules. The punishment which the CCB&T is empowered to impose include vacation of office or seat in any legislative house, disqualification from holding any office for a period up to 10 years and seizure and forfeiture of property acquired in abuse or corruption of office (Bello-Imam 2005).

Since the return to civil rule in May 1999, the CCB&T has received several cases of alleged contravention of the CCB&T Act. Between 1999 and 2005, a total of 5,976 cases were received by the CCB&T. Of this number, 1,927 were convicted and 125 were discharged or discharged and acquitted (Bello-

Imam 2005). On October 17, 2006, the CCB&T indicted 15 governors (Ughegbe 2011). At present, the CCB&T is trying the current Senate President for false declaration of asset as a governor between 2007 and 2011 (Ezeamalu and Okakwu 2015).

In spite of the laudable activities of the CCB&T, there exist widespread high level of official corruption and flagrant impunity (Bello-Imam 2005). The Bureau has been hamstrung due to lack of resources, capacity and political will to verify the accuracy of declaration made by public officers (Bello-Imam 2005). In addition, allegations have been rife that the Bureau aid political corruption (Naija News 2015)

Apart from the provisions of the constitution, the Nigerian state has enacted various legislations and / or decrees as measures to prevent and combat grand corruption in the public institutions. During the First Phase of military rule, the Aguiyi Ironsi regime promulgated the Public officers (Asset Investigation) Decree No.5 of 1966 which required public officers to declare their asset. Also, under the Murtala Muhammed regime, the Corrupt Practice Decree of 1978 was promulgated but it was later repealed by Olusegun Obasanjo his successor (Oko 2002). Similarly, in the Second Phase of military rule, several decrees were promulgated to tackle the problem of grand corruption. For example, under General Muhammadu Buhari, the Recovery of Public Property (Special Military Tribunal Decree of 1984 was promulgated.

Since the return of civil rule in 1999, several other legislations have been made. They include the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act of 2000, the Economic Financial Crimes Commission (EFCC) Act of 2003, the Money Laundering Act, Public Procurement Act of 2007, the Petroleum Industry Act, and the Nigeria Extractive Industries Transparency Initiative (NEITI) Act

of 2007 (Garuba 2015, Onuigbo and Eme 2015). Some of the Acts led to the creation of Commissions such as ICPC and EFCC. Although these Commissions have been prosecuting corruption cases, it has been contended that they are instrument of whipping political foes (Osumah and Ikelegbe 2009). Besides, the immediate past EFCC chairman is presently under probe by the Federal Ministry of Justice over allegation of diversion of about ₦1 trillion recovered by the Commission from corrupt politicians (Nigeria Daily News 2015). Discernibly, Nigeria is not lacking in anti-corruption legislations, the problem is the application of the laws. It has been observed that the justice system is sluggish in the adjudication of cases involving suspects of high profile individuals (Osumah 2013). The sluggishness in the application of legislation or administration of justice has been ascribed to the use of obsolete legislations inherited from the colonial masters, huge backlog of cases due to delays in proceedings and too many frivolous court injunctions, inadequate logistics, poor remuneration of judicial staff, bribery and perversion of justice. In particular, the EFCC and ICPC have variously blamed the judiciary of frustrating their fight against corruption through unnecessary delays. The undue delay encourages impunity and also increases the cost of prosecution for the Commissions (Osumah 2012).

Another anti-corruption strategy adopted by the Nigerian state to manage corruption is the introduction and adoption of special anti-corruption programmes. Under the Obasanjo administration, there was the Jaji declaration of 1977 condemning corruption, moral decadence, hedonistic pursuit and Naira worship (Osumah 2012). Similarly, the Shagari administration initiated the Ethical Revolution. Also, the Buhari military administration introduced War Against Indiscipline while the Babangida administration had the National Orientation Agency, and Social Justice, Self-

reliance and Economic Recovery (MAMSER). Under the Abacha administration, War Against Indiscipline and Corruption (WAI-C) was introduced. Anti-corruption also constituted sub-theme of the Yar'Adua administration's rebranding, and Seven-Point Agenda as well as the Goodluck Jonathan administration's Transformation Agenda. These special anti-corruption programmes abysmally failed. They existed particularly on paper. Some of the programmes such as WAI-C were regarded as legitimacy bait designed to woo popular support and acceptance or a diversionary measure in response to regime legitimacy crisis (Ehwarieme 1994).

Equally, an anti-corruption strategy deployed by the Nigerian state is the setting up of probe panels of inquiry to investigate cases of grand corruption (Agboroko 2002). For example, the Murtala Muhammed regime set up the Federal Asset Investigation Panel in 1975 to investigate corruption under the General Yakubu Gowon regime. The panel indicted 10 out of the 12 military governors and several principal officers of the regime at the state and federal levels and confiscated their asset (Agboroko 2002). Also, there was the Justice Belgore Panel of Inquiry which was constituted to investigate cement importation scandal under the Gowon regime. The Panel revealed that the order for cement importation was inflated for private profit at great cost to government. However, the report of the Panel was not made public apart from the white paper issued that gave Obasanjo who was the Federal Commissioner for Works throughout the period of the scandal clean bill of no wrong-doing (Osoba 1996).

During the Second Phase of military rule in Nigeria (1983-1999) a number of commissions of inquiry were set up. For example, there was the Special Military Tribunal which tried and sentenced the erstwhile principal officers of the Shagari regime found guilty of corrupt

enrichment to long jail term including life as well as forfeiture of their asset. However, allegations were rife that the trial was selective, which tainted its corrective intent (Osaghae 2002).

Under General Ibrahim Babangida regime, a National Committee on Corruption and Economic Crimes headed by Justice Kayode Esho was appointed. The Committee found unsatisfactory several legal rules dealing with corruption and offered instead a single law to deal comprehensively with corruption and other economic crimes. The Committee also recommended the establishment of an independent agency to tackle corruption. But the recommendations of the committee including the setting of a single national agency for combating corruption were never implemented (Oko 2002:439).

Under the Abacha regime, the Pius Okigbo Committee was set up to probe the utilization of US\$12.2 billion revenue received between 1988 and 1994. The Committee revealed that the money was liquidated in less than six years (Osoba 1996). The report however, has not been implemented. In fact, in the current democratic order reference to the report has become political tool of blackmail or reputational hostage against Babangida by incumbent each time he contemplates running for presidency (Kazeem 2010).

In the wake of the nationwide street protests that trailed fuel subsidy management in January 2012, under the Goodluck Jonathan administration constituted several investigative committees. These committees were the Aig-Imoukhuede-led committee report on fuel subsidy claims and payments; the Kalu Idika Kalu report on refineries; the Dotun Sulaiman Committee report on governance and global best practices in the Nigerian National Petroleum Corporation (NNPC); the report of the Nuhu Ribadu-led Petroleum Revenue Task Force. These committees investigated the operations in the

oil industry parastatals. The reports of committees exposed gaps and procedural infractions resulting in the loss of revenue to government (Garuba 2015). The present Muhammadu Buhari administration has set up a seven-man National Presidential Advisory Committee to advise it on the prosecution of the war against corruption and the implementation of required reforms in the country's criminal justice system (Laccino 2015).

Discernibly, Nigeria has had enough committees, but what seeming lacking is implementation. According to End Impunity Now (EIN) "we have had enough of committees, what is conspicuous by its absence, is any real and concrete action toward implementation of the reports of the committees ..." (Akanimo Reports 2012). Furthermore, it has been contended that reports of some investigative committees were not implemented because of the lack of political will. On account of this, the dramatis personae involved, most investigations of grand corruption cases such as the Halliburton bribery scandal of US\$180 million have remained inconclusive (Mbamalu 2010)

Apart from the myriad of investigative committees constituted by the Federal Executive, since the inauguration of the Fourth Republic, the National Assembly in exercise of its oversight function has instituted several legislative probes to inquire into allegations of grand corruption in Ministries, Department and Agencies. Although the Nigerian state through various probes have made ground breaking revelations of grand corruption, most of the probes were trailed and tainted by allegations of compromise, bribery or political vendetta. Allegations of corruption trailed the House of Representatives probe of fuel subsidy management regime in 2012, the House of Representatives probe of pension administration in 2012, and House of

Representatives probe of Capital Market in 2012 (Osumah 2014)

Another strategy of the Nigerian state in managing corruption is the signing of international treaties and conventions. Nigeria is a party to the Rome Statute and deposited its instrument of ratification on September (Mumuni 2010). Also, Nigeria is signatory to the United Nations Convention Against Corruption (UNCAC), and part of the resolution of the African Union Convention on the preventing and combating corruption (Kabir 2015). However, the conventions are inoperative in Nigeria on account of the legal provision, which requires the National Assembly to enact a law formally incorporating Treaties and Conventions into domestic legal framework or domesticating treaties and conventions (Kabir 2015).

The inadequacies and gaps associated the state anti-corruption initiatives, informed the basis for CSOs involvement in anti-corruption struggle. Thus, for the CSOs to be efficient and effective in the anti-corruption crusade, it should among other be able to legitimate state reforms, ensure exposure of cases of corruption, provide public education about corruption, ensure implementation of reports of investigate committees or panels. In addition, CSOs should ensure that they lead by example in their conducts and operations. The extent of CSOs contributions in these respects is the crux of the next section.

The Roles of CSOs as Anti-Corruption Actor

Since democratization, CSOs have been performing several roles as anticorruption actor. They have been monitoring state anticorruption drive. During the Obasanjo presidency, the media kept in a high scale the anticorruption crusade through supply of information leading to the probe of some high profile political figures. The media (News Magazine) investigation and discoveries on

certificate forgery and age falsification on the first Speaker of the House of Representatives in the wake of Fourth Republic, Honourable Salisu Buhari led to his resignation as speaker (Falana, 2010; Aderonmu, 2011).

Furthermore, in context of Nigeria's democracy, in view of limiting effect of immunity on combating money laundering even though Nigeria is a signatory to a number of anti-money laundering international conventions and treaties which the country hardly comply with, CSOs have variously called on the Nigerian government to honour international conventions, legislations and treaties to which Nigeria is a signatory or voluntarily subscribed (Mumuni 2010). The ZCC is one of the CSOs, which has been most active in working for the implementation of the international convention, legislations and treaties. ZCC has been working with relevant institutions such as the Inter-Agency Task Team that worked in developing a national anti-corruption strategy for Nigeria, the National Advisory Council of Designated Non-Financial Institutions of the Special Control Unit against Money Laundering (SCUML) and other anti-corruption agencies for the implementation of the Self- Assessment Checklist on the implementation of the United Nations Convention against Corruption (UNCAC) developed by the United Nations Office on Drugs and Crime (UNODC) under the direction of the UNCAC Conference of States Parties (Babatude 2013).

The CSOs have been mobilizing support for the fight against high profile corruption cases. Following the widespread high profile corruption under the Goodluck Jonathan administration, the Nigeria Labour Congress (NLC) and the coalition of civil society groups mounted pressure on the state through intermittently questioning of its activities such as the fuel subsidy regime (Osumah and Ikelegbe 2009; Tonwe and Osumah 2015). The pressure of the coalition led to the setting up

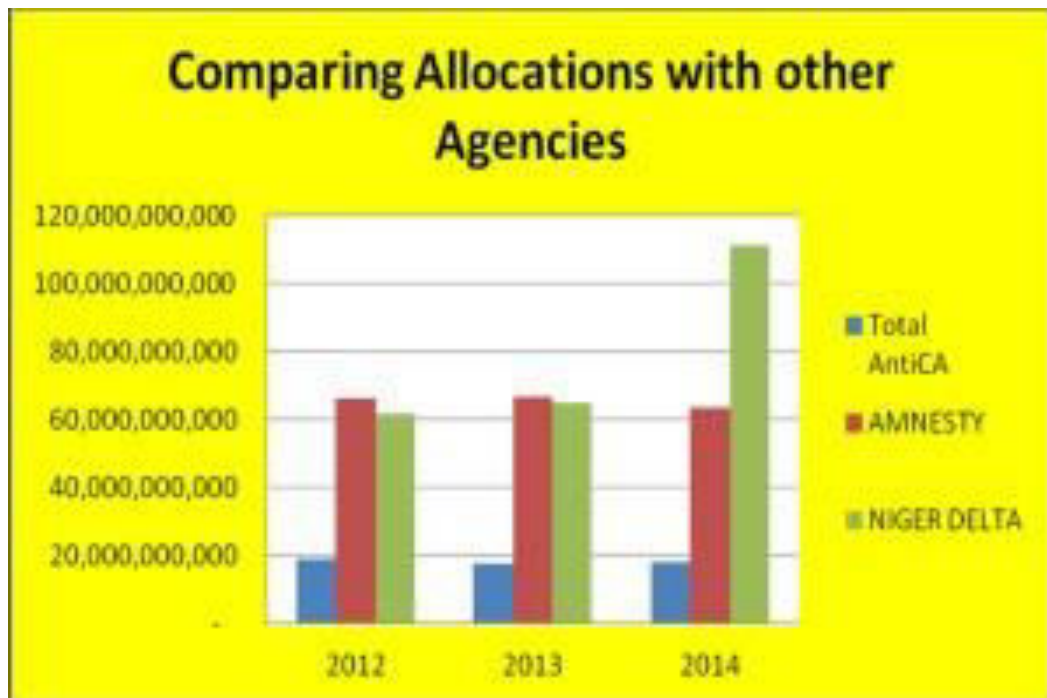
of various probe panels which revealed numerous corrupt practices by cabal in the oil sector.

Also, following the lack of vigour on the part of the Jonathan administration to prosecute and sanction high heeled political figures alleged of corrupt practices, CSOs put pressure on the government to act but without success. In May 2012, End Impunity Now (EIN), a coalition of civil society groups in Nigeria gave the Jonathan administration a 30-day ultimatum to sanction corrupt officials in the oil sector failing which it threatened to organize a wild cat protest against the government. In addition, EIN pressurized but without success the Jonathan administration to implement the reports of various probes committees set up by successive governments that revealed and exposed grand corruption (Ayasina 2013).

Also, Socio-Economic Rights and Accountability Project (SERAP) on account of the lack of political will on the part of the Jonathan administration in the prosecution of prominent political figures allegedly involved in corruption, sought to their prosecution. Reportedly, the group filed a case at the national courts over the diversion of US\$16 billion meant for power project during the

Obasanjo administration. To pressurise the Jonathan administration to act on pending case, SERAP reportedly filed case against the Jonathan federal government at Economic Community of West African States (ECOWAS) court and a petition at the International Criminal Court in Hague over its failure to provide information on pending cases (Akinamo Reports 2012). Besides, in the face of widespread corruption in lead to the 2015 general elections under the Jonathan administration SERAP sought to promote integrity and probity in Nigeria by honouring some distinguished and exemplary Nigerians with its Integrity Awards (Vanguard 2014)

Also, Zero Coalition for Corruption (ZCC) mobilized support for anticorruption through sought for better funding of the anticorruption agencies through call on the National Assembly to ensure adequate budgetary allocation to them. This call was against the background that under Jonathan administration consistent paltry budgetary allocation to the anticorruption agencies compared to some other agencies and programme, Compared to other agencies and programmes anti-corruption agencies were the least funded as indicated in the figure below.



Sources: CLEEN Foundation Analysis of 2014 Appropriation Bill for Anti-corruption Agencies, June 2, <http://cleenfoundation.blogspot.com.ng/2014/06/analysis-of-2014-appropriation-bill-for.html> Accessed 14/11/2015.

Besides, prior to the Jonathan administration, the ICPC and EFCC had partly ascribed their underperformance to underfunding (Ihenacho 2004). Under the Obasanjo administration, precisely in 2004 then ICPC chairman, Justice Mustapha Akanbi lamented that the ₦486 million budgetary allocation was paltry sum to fight the lavishly funded monster of corruption in Nigeria (Ihenacho 2004). Thus, this demand for better funding in the annual national budget was to enable the anticorruption agencies deliver on their mandate.

CSOs have also mobilized support for the Buhari administration's anticorruption crusade. The ZCC and its partners lauded the administration's inauguration of Presidential National Advisory Committee on Anticorruption and called on Nigerians to support the efforts to fight corruption (Pambazuka News 2015). This is against the background of lack of vigour in the fight against corruption on the part of the

administration before the emergence of the Buhari administration. In fact, many Nigerians supported the election of the Buhari presidency following widespread corruption and its haemorrhagic effects on the activities of government under the Jonathan administration.

The Coalition Against Corrupt Leaders (CACOL), a group of CS, community-based and other non-governmental organizations has asked the Buhari's Presidential National Advisory Committee to ensure quick prosecution of high profile political figures alleged of corruption. The demand of CACOL is in view of the numerous pending cases against some political leaders allegedly involved in the Siemens and Halliburton corruption cases in 2010 (Asiwe 2015, (Adewole and Alao 2015). Similarly, in October 2012, Publish What You Pay (PWYP) represented on the National Stakeholders Working Group (NSWG) of the Nigeria Extractive Industries Transparency Initiative

(NEITI) accused the Nigerian government of continued cover-up of former government officials and individuals indicted in high-profile corruption. It identified corruption cases such as mismanagement of over ₦5.42 trillion for petrol subsidy between 2006 and 2013 by Oil Marketing and Trading (OM&T) companies, the corruption in the revocation of the oil prospecting licence granted to Malabu Oil and Gas Company Limited for Oil Prospecting Lease (OPL) 245 as well as Halliburton bribe scandal involving about US\$180 million (Okafor 2012; Eboh 2014)

The CSOs have also been critical of the selective approach of the Buhari administration's anticorruption crusade. This is in view of allegations of the administration's use of the anticorruption against political opponents. It called on the administration to treat everyone petitioned for corruption on the basis of equity without political prejudice (Adewole and Alao 2015). This has not yielded any result as no member of the President Buhari executive alleged of corruption has been prosecuted by any anticorruption agencies.

Challenges of CSOS as Anti-corruption Actor

As anti-corruption actor, CSOs are faced with a number of challenges. One of the fundamental challenges bothers on extant legal, administrative and policies shortcomings. Granted that certain provisions of the 1999 Constitution of the Federal Republic of Nigeria are quite supportive of CSOs, there are yet enormous outcropping laws. Some of these laws and administrative procedures include the Public Order Ordinance or Act, law of sedition, and General Order Rule of the Civil Service. The Public Order Ordinance impinges on freedom of association as any meeting of more than five persons requires police permit, which is often not granted. On January 19, 2012, the Lagos State Police Command

rationalized its violent interruption of peaceful protest by some elderly Nigeria's political class over fuel subsidy fraud citing failure to obtain police permit before embarking on the protest in line with the Police Act (Ndujihe, Akpor, Akoni, Akinrefon and Olowoopejo 2012).

A number of CS activists who participate in street protest to challenge corruption without authorization have been killed by state security agents (Falana, 2010). During the 2012 January fuel subsidy removal protests championed by a coalition of NLC, TUC and CSOs, security agents killed some demonstrators in different parts of the country (Owasonye, Akanle and Samuel 2014). Also, the law of sedition, section 51 of the Criminal Code has impinged on the freedom of speech of CS activists. In fact, the law of sedition has been readily invoked by corrupt government officials to limit the expression and activism of CSOs. A number of CSO leaders have been framed up and incarcerated for allegedly making seditious statements (Osumah and Ikelegbe 2009). Similarly, the official provision in the General Order of the Civil Service not to divulge any information has been a limiting factor to CSOs in gaining easy access to information in public institutions which have been cesspool of corruption.

In addition to these overhang laws, and administrative shortcomings, the struggle of CSOs in the management of corruption has been made difficult by the general hostile disposition of state actors towards them. Nigerian state officials seemingly do not believe that CSOs have rights to question them on public issues. They tended to consider themselves as benefactors and perceive the ordinary citizens and CSOs as beneficiaries (Falana 2010). Thus, to the state officials, demands by CSOs for accountability and probity are unnecessary. During the last phase of military rule in Nigeria, CSOs, which fought corruption and abuse of office, were labelled as subversive elements, harassed, hounded

down, clamped into detention without trial (Ojo 1994). In more recent times, the hostile disposition of state agents to CSOs for demanding for accountability from government was vividly expressed under the Goodluck Jonathan administration in the deployment of soldiers and tanks to the Gani Fawehinmi Freedom Park at Ojota on January 16, 2012 to checkmate the protest of Save Nigeria Group (SNG) and CSOs over fuel subsidy fraud. Pastor Tunde Bakare of SNG reportedly stated that "... soldiers who occupied the venue subjected our people to harassment, corporal punishment and intimidation" (Galaxy TV 2012).

A further challenge of CSOs in contributing effectively to corruption management is limited space for engagement with the state in public policy process. Although, there seems to be an expansion of institutional space granted to CSOs to engage the state on selected public policy processes, government officials still dominate. They largely decide the level at which CSOs can engage. In fact, there is yet no clearly articulated framework for the involvement of CSOs in public policy process. Arguably, CSOs often relate with state actors on the basis of patronage. According to Falana (2010), there are *Owambe* civil society activists. Although such activist profess to be interested or focussed in the struggle to get rid of the society of the menace of corruption they are themselves mired in corruption or queue behind public officeholders who administer the state on the basis of brigandage and corruption.

The contribution of CSOs to the management of corruption has also been frustrated by the formal pillars of integrity of the state. The formal integrity pillars of the state tasked with responsibility of ensuring accountability in public institutions in their reform agenda have been compromised, penetrated, infiltrated, and hijacked by some of the highly placed suspects in their reforms.

For example, it was reported that former Governor of Delta State influenced the appointment of Mrs. Farida Waziri as EFCC chairperson and Michael Aondoaka as Minister of Justice and Attorney-General of the Federation. These persons played a major role in the Pyrrhic victory Ibori secured in the court judgement over allegations of corruption against him before he was tried and sentenced for the same offence in London (Osumah 2013). Instructively, it has been contended that the efforts of CALCOL to frustrate the manipulation of the judicial process by the Federal High Court in the Ibori case were futile as the accused had the support of the court (Falana 2010).

Most legal actions of the CSOs have been pending in courts because of the slow pace of justice delivery by the judiciary. For example, SERAP has noted that apart from the Economic Community of West African States ECOWAS Court which has been partially decided its case, there has been no judicial pronouncement made on the other cases (Mumuni 2010).

An additional challenge of CSOs in the management of corruption is weak level of institutionalization. A number of CSOs lack coherence, autonomy, functional frontiers and reliability procedure. They exist at the pleasure of their funding foreign agencies. Weak financial base constitutes a major challenge to the effectiveness of CSOs in the management of corruption. A good number of the CSO anti-corruption actors largely rely on external agencies for technical, material and financial support. For example, foundations and agencies, such as the National Endowment for Democracy (NED); Macarthur Foundation; Royal Netherlands Government; Open Society Initiative for West Africa (OSIWA); Amnesty International Netherlands; and Amnesty International London provide support for the anti-corruption activities of SERAP (Adetokunbo, 2010).

Such supports are often conditional. The external donors quite often define the goals, missions and line of activities of their recipients. As recipients of donations from external bodies, most of the anti-corruption inclined CSOs have adopted strategies and approaches designed by such donors without considering the peculiarity of the Nigerian society. Added to this they carry on the anti-corruption campaign more of reactive rather than proactive fashion by generating hypes or episodic attention on corruption scandals, which at best treat the surface of the malignant disease (Aderonmu 2011).

CSOs are also largely constrained by a hollow sense of citizenship, accountability and state engagement. As a result of decades of seeming permissiveness of systemic corruption, Nigerians have socialized into accepting corruption as a standard norm or culture. This tended to have bred impunity and seeming general docility in questioning actions of government officials or demanding that they account. According to CACOL's Debo Adeniran (cited in Naija News 2015)

Corruption has so far succeeded in not only ravaging our values and pride, but has also succeeded in bastardizing the psyche of the majority so much so that thieves are openly hailed and celebrated. Ours is gradually becoming a society that encourages opportunism in whatever form. The tendency to exploit every given opportunity to satisfy one's selfish desire no longer rest only with the leaders, the led themselves now encourage the leaders to thrive in self-serving exploits. It's saddening and highly disturbing to see what has now become the norm for the led to constantly remind their newly elected (or appointed) leaders of why they should see their new positions as an opportunity that might come only once and so urge them to corruptly enrich themselves to the maximum at the expense of the less privileged. The

common phrase nowadays is 'it is our turn to chop'. It is now a common sight to see 'men of timber and caliber' turning out in large number to accompany an accused corrupt person to the court or law enforcement or anti-corruption agencies, on a solidarity mission; all aimed at intimidating the institution of justice... We make bold to say that corruption has virtually become the second name of the average Nigerian, therefore, it would not be entirely out of place to insinuate that whoever is fighting corruption should see himself as indirectly fighting the generality of Nigerians; and we all know what that entails.

Conclusion

Anti-corruption struggle in Nigeria has been dominated by the state. The dominant role of the state has been informed by the need to get of grand corruption. To efficiently and effectively prevent and combat grand corruption in Nigeria, the state has adopted a myriad of anti-corruption initiatives such as provisions in the constitution against corrupt acts, enactment of anti-corruption legislations (Acts and Decrees), introduction of special anti-corruption programmes, setting up of Commissions of Inquiry or probe panels, and approval, domestication and ratification of international treaties and conventions. These initiatives which often generate great expectation and hope sooner than later yield only trifling impact. The trifling impact of the various formal or state anti-corruption initiatives led to the involvement of CSOs in the anticorruption struggle. CSOs as anti-corruption actor have contributed to the management of the hydra headed problem of corruption in fundamental respects.

However, as anti-corruption actor, CSOs have encountered several challenges. These challenges issue from the state hostile dispositions and within the CSOs through their conducts. Thus, for the CSOs to be more

meaningful in their contribution to corruption management, they should be able to address the limitations of the state in the management of corruption, the challenges of the state's responses to their engagement and their own shortcomings in the anticorruption struggle. In

other words, CSOs should be able to strengthen the political will of the state, persevere in the face of the hostility of the state and purge themselves of tendencies of corruption.

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