

THE ROLE OF CIVIL SOCIETY IN THE FIGHT AGAINST CORRUPTION IN NIGERIA’S FOURTH REPUBLIC: PROBLEMS, PROSPECTS AND THE WAY FORWARD

Patrick Ukase, PhD

Department of History and International Studies,
Kogi State University Anyigba, Kogi State-Nigeria

Bem Audu

Department of History and International Studies,
Nigerian Defense Academy, Kaduna State, Nigeria

Abstract

Using a historical perspective, this essay historicizes and analyses the role and contributions of Civil society towards the entrenchment of democracy, good governance, and the rule of law in Nigeria, but much importantly in the eradication of corruption. The paper argues that the country witnessed the collapse of most institutions-especially institutions that are charged with the responsibility of checking corruption during the long years of military adventurism into the nation’s political space. Given the zeal and propensity with which civil society contributed in dismantling the previous military regimes, it was also expected that they would serve as a critical agent in the fight against corruption. The paper contends that even though civil society have been at the centre of the fight against corruption and the enthronement of democracy, good governance, and the rule of law, especially in the face of weak anti-corruption institutions, they have been confronted with a lot of challenges. While examining the various ramifications of the challenges confronting civil society in Nigeria (these include internal and external), the paper stresses the need to strengthen civil society groups in Nigeria if the country is to make any significant breakthrough in its fight against corruption and the enthronement of democracy and good governance in the fourth republic.

Keywords: Civil Society, Corruption, Military Rule, Democracy

Introduction

Nigeria's Fourth Republic commenced on the 29th May, 1999, with great hope and expectations in spite of the fact that the process was initiated and mid-wived by the military that had perpetually held on to political power and so lacked the moral justification to convince the generality of the people of its success. Many people saw the development as a dawn of a new beginning for good governance and democratic dividends. However, the euphoria that greeted the return to civil rule has been replaced by frustration and hopelessness as those elected by the majority to represent the people continue to live in opulence that does not conform to the present economic realities. Campaign against corruption by successive regimes has remained mere rhetoric just as the rule of law is mere pronouncement. Although the country has held four general elections (1999, 2003, 2007 and 2011), so far they have all been marred in controversies, fraudulent practices by both the electoral body and the security agencies with credibility and legitimacy crises as end products. In fact, it has been argued in several fora that corruption remains the worst problem challenging and hindering the country's socio-economic and political development. In recent times, many development scholars and public affairs commentators have concluded that the socio-political and economic woes of Nigeria are rooted in corruption. In an opinion poll conducted by The Guardian Newspaper in 2007, 70 percent of the Nigerian respondents picked corruption as one of the worst problems hindering the nation's advancement.¹

In Nigeria, civil society has been at the centre-stage in exposing corrupt practices since the return of democratic governance in 1999. For instance, the media had exposed the certificate forgery and perjury of the former speaker of the House of Representatives, Alhaji Salisu Buhari. Also, there was the scandalous questionable past of the ousted Senate President Evans Enwerem. The press also exposed the ₦268m contract that necessitated the removal of former Speaker of the House of Representatives, Patricia Etteh and many other members of the National Assembly.² There was also the disappearance of the sum of \$12.4bn from the Dedicated Account and the scandals involving Halliburton, Siemens, Wilbros, Daimler, Pfizer, Kellong Brown and Root, Securrency International Pty Ltd which exposed Nigeria to ridicule before the international community.³ Also, there are cases of incessant kidnappings, militancy in the South-South and South-East, and the relatively recent Boko Haram insurgency in the North all attributed to the high level of corruption and many years of denial and exclusion of the masses.⁴

Since the return to democracy in 1999, civil society has provided a veritable platform for the Nigerians to query government policies, actions and inactions.. Such policies include: privatization and commercialization of

public institutions and services, incessant fuel hikes, retrenchments of workers and implementation of prescribed conditions and unfavourable policies of international finance capitalist institutions, etc.⁵ Although civil society has been at the vanguard of the struggle of enthroning accountability and responsiveness in government since 1999, their work has not yielded the desired result due to certain challenges facing them.

It is against this backdrop that this paper attempts to provide answers to the following questions: In the face of all this ravaging and alarming rate of corruption, what role is the civil society playing? Going by the place of the civil society in the growth and development of a nation, what relevant changes have they effected in Nigeria? What are the challenges militating and confronting the effective performance of the civil society? What can be done to improve the workings of civil society? In order to address these questions; the paper, in addition to the introductory remarks, is presented in seven sections: section two addresses conceptual issues, while section three historicizes civil society in Nigeria. Sections four and five attempts a synopsis of the birth of Nigeria's Fourth Republic and the role of the civil society respectively, while section six threats the challenges confronting civil society in Nigeria. Section seven concludes the paper.

Conceptual Clarifications

We shall make attempt to define the concepts of civil society which is relatively new in Africa and by extension Nigeria and corruption having in mind that there exist a wide range and array of definitions that are well known and widely used. However, it is necessary to focus on these definitions within the context of this paper. This is imperative because the concepts may have both cultural and ideological contextualization. Attempts have been made to use some of the most illuminating of the concepts of civil society and corruption, at least as it relates to this paper.

Civil society

Despite the wide and various uses to which it is put, the concept of civil society has no universally accepted definition. Different writers have explored the complexity of the concept, showing different dimensions of civil society. Bishop Matthew Hassan Kukah posits that a flurry of the definitions of the concept, no matter their impressions, should not be seen as evidence of the weakness of the concept. Rather, it should be seen as evidence of the international interest and the vitality of the concept.⁶ The interest generated is what we should build on since it offers us the best potential for mobilizing our people to popular participation. These minimum levels of understanding, as Kukah argues, are enough to justify our quest both for clarity and the application of these ideals to the project at hand.⁷

Robert Fatton, Jr. in his view says that: “civil society is the private sphere of material, cultural, and political activities resisting the incursions of the state.”⁸ It therefore means that in its general and provisional configuration, civil society represents a counterweight to state power and thus serves as critical agents of transparency and accountability. In relation to that, Larry Diamond defines civil society as the realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, and bound by a legal order or set of shared rules.⁹ He views civil society as distinct from society in that it involves the citizens acting collectively in a public realm.

For Eghosa Osaghae, three key elements are important in the definition or conceptualization of civil society: autonomy from the state, public character (setting a normative order for the state), and furtherance of a common good. Grassroots social movements, which draw their strength from solidarity and the struggle against oppression, are parts and parcels of civil society.¹⁰ It needs to be pointed out that civil society encompasses a vast array of organizations, which are formal and informal in character. These include: economic; cultural; informational and educational; interest based; developmental; civic-seeking in non-partisan fashion to improve political system; and make it more democratic through anti-corruption effort,¹¹ by promoting transparency and accountability. The primary functions and significance of civil society is that it provides a platform for the citizens “to express their interests, passions, preferences and ideas, to exchange information, to achieve collective goals, to make demands on the state, and to hold the state officials accountable.”¹² Arising from this background, in the Nigerian context and for the purpose of the line of argument of this paper, civil society could be said to compose of the labour movement, student’s movement, women associations, professional associations like the Nigerian Bar Association, Nigeria Union of Journalists, Nigeria Medical Association, Academic Staff Union of Universities (ASUU) and human rights organizations, including religious associations and the peasantry. The peasantry is the weakest link in the chain of the civil society in view of the lack of organization of peasants, and this is due to its low level of education and articulations. However, this does not in any way write-off the peasantry as a potential force in the struggle for the enthronement of democratic principles. They also serve as foot-soldiers in some instances, even for the educated and articulate.

Corruption

Corruption exists throughout the world, in developed and developing countries alike. In recent years there have been significant increases in the attention paid to corruption due to some obvious reasons. First, due to series

of high level corruption cases in industrialized countries, second; due to an increasing awareness of the costs of corruption throughout the world, and third due to the political and economic changes which many countries are undergoing. Corruption in Africa is a development issue. African countries cannot bear the costs of corruption, which impedes development and minimizes the ability of governments to reduce poverty. Effectively addressing corruption in African countries has become a development imperative.¹³

In Nigeria, corruption as a concept is familiar and has received scholarly attention at least within the confines and context of Nigeria and has been defined in relation to the culture or prescribed way of people's social life. While some view corruption in terms of illegal acquisition of material things, others tend to stretch it further by bringing in the aspect of social and moral values.¹⁴ Nasir El-Rufai gives a very illuminating perspective of corruption. He views corruption as covering a wide range of social misconducts, including fraud, extortion, embezzlement, bribery, nepotism, influence peddling, bestowing of favor to friends, rigging of elections, abuse of public property, the leaking of a government secret, and sale of expired and defective goods, such as drugs, food, and electronic and spare parts to the public, etc.¹⁵

In the same vein, Higgins sees corruption as stealing public funds, receiving bribes unjustly, seeking gifts, money, or advantages other than the lawful salary for performance of public duties.¹⁶ These definitions bring light to the extent to which corrupt practices are indulged and perpetrated. Also, "Corruption is the perversion of integrity or state of affairs through bribery, favour or moral depravity" ... It takes place when at least two parties have interacted to change the structure or processes of society or the behaviour of functionaries in order to produce dishonest, unfaithful or defiled situations."¹⁷

Civil Society in Nigeria in Historical Perspectives

A critical study of the political history of Nigeria would reveal that the civil society was well developed and organized before the advent of colonialism; hence the right of the nation to self-determination was violently suppressed by the British Colonial regime. In particular the rights to freedom of association and expression were criminalized and prohibited. Before then, most African societies were well structured along the basic principles of a civil society where people spoke against injustices perpetrated.

As early as 1861 when the Lagos colony was formally declared a British colony and the consequent replacement of the trade in slave with the "Legitimate Trade", an urban labour force was created. The new exports of palm produce and imports of manufactured goods and the creation of large-

scale public works in the Lagos colony necessitated a corresponding work force. The increase in the labour force in Lagos in the late 19th century brought with it several disputes between the workers and the colonial government which was the largest employer of labour during this period. One of the fallouts of such labour disputes and what can effectively be referred to as organised civil society was the Lagos strike of 1897.¹⁸ After the amalgamation of Nigeria in 1914 and pursuant to the Public Order Ordinance, the right of assembly was limited as any meeting of more than five people required a police permit.¹⁹ For instance, several people were killed by the police during the Aba Women's protest of 1929.²⁰ The riots led by women in the provinces of Calabar and Owerri in southeastern Nigeria in November and December of 1929, became known as the "Aba Women's Riots of 1929" in British colonial history, or as the "Women's War" in Igbo history. Thousands of Igbo women organized a massive revolt against the policies imposed by British colonial administrators in southeastern Nigeria, touching off the most serious challenge to British rule in the history of the colony. The "Women's War" took months for the government to suppress and became a historic example of feminist and anti-colonial protest.²¹ Of utmost importance and significance for the civil society in Nigeria was when the country secured the membership of the United Kingdom's International Labour Organisation (ILO), and her status in the organisation which necessitated the extension of the ratified conventions of the organisation to her non-metropolitan territories.²²

Following the conditions stipulated in the revised Constitution of 1946, the ILO conventions and recommendations were introduced into colonial Nigeria by the metropolitan state (that is Britain),²³ which through the colonial offices, had been implementing labour conventions in this colonial territory as early as 1929.²⁴ From this period, the formulation of labour policies was influenced by the ILO instrument which was largely for the exploitation of the colonial state of which indigenous labour was to form the bedrock. This gave serious boost to the course of the civil society in the country to fight the ills and injustices of the colonial government. This boost and courage to stand against inhuman practices and policies of the colonial state culminated in to a corollary general strike in 1945 and the colliery workers' strike in 1949. All this were prelude to the independence struggle and had a nationalist flavour which was welcomed by both political movements and the press.²⁵

The First Republic

At independence on October 1, 1960, Nigeria had all the trappings of a democratic state and was indeed regarded as a beacon of hope for democracy. It had a federal constitution that guaranteed a large measure of

autonomy to three (later four) regions; it operated a parliamentary democracy modeled along British lines that emphasized majority rule; the constitution included an elaborate bill of rights; and, unlike other African states that adopted one-party systems immediately after independence, the country had a functional, albeit regionally based, multiparty system. Nigeria became an independent sovereign nation within the British Commonwealth. Immediately after independence, one of the issues that took the contribution of trade unions and Nigerian students to abate was the Anglo-Nigerian Defence Agreement.²⁶ Both the publication and the ratification of the agreement were trailed by severe outbursts of public outrage all over the country, particularly in the South.²⁷ Although the Defence Agreement was viewed by the then Defence Minister, Alhaji Muhammadu Ribadu as a: “reaffirmation of the friendly and cordial ties which already exist and are known to exist between Nigeria and the United Kingdom”, it was in reality a source of discontent in Nigeria until its abrogation in 1962.²⁸ This was traceable to the content of the document which lacked clear and precise definitions and from the emotions which attended its various interpretations. It was generally held that the Defence Pact was a part of a master plan by Britain both to preserve her political and economic influence in Nigeria and to ensure the NPC's hanged on to the control of the country. It was believed that since the articulate pressures against the Northern People's Congress (NPC) -dominated Federal Government existed mainly in the South, that the British armed forces based in Nigeria would be employed by the NPC government to suppress any uprising against the ruling party.²⁹ The students mainly from the University College Ibadan numbering more than a thousand stormed the Parliament building at Race Course (now Tafawa Balewa Square) in Lagos to protest the signing of the Defence Pact ten days earlier. What started with a peaceful protest soon became rough as the students insisted on speaking with Prime Minister, Alhaji Tafawa Balewa.³⁰

In 1964, there was another strike against the interest of the imperialists which climaxed with the joint strike action by the dominant trade and professional unions including students. The thirteen days strike was led by the most vibrant and militant of trade union leaders in Nigeria during this period, which included Michael Imoudu.³¹ Apart from organized industrial actions, there were also pockets of peasant revolts by farmers in some regions of the country. The most prominent of these was the one of 1965 when the Yoruba farmers in the Western Region attacked Kulak chiefs and cocoa buyers with the help of migrant workers.³² The nationwide strike of June 1st-15th, 1964 apart from exposing the Nigerian workers to an unprecedented political prominence, it presented a future embryonic representation of the future Nigerian state. The federal elections of December 1964 were five months away and Nigerian politicians became

aware of the labour movement pressure groups and the civil society and keenly contested for their votes in the aftermath of the strike. The timing and exigency of the strike contributed to this development and this had great implications; unlike the political parties which were based on tribalism and sectarianism during this period, lacking focus and ideologies, the trade and professional unions were the exact representations of a genuine and non-sectarian struggle built on class and ideology, and it also, clearly delineated and foretold the intrinsically important role which the civil society, especially the organized labour was to play in the future Nigerian political landscape, as a platform for powerful alignment and a possibly potent radical political force. It also opened the gate for the inevitability of the emergence of the military in the domestic politics of the country. Over a million Nigerian workers were involved in the two weeks strike that abated only after the government promised higher wages and better working conditions.³³

Military Rule

As the military struck in 1966, they suspended the constitution and made way for the proscription of political parties, and trade unions and other civil societies and a complete ban on all political activities. A preventive detention decree was introduced to justify the arrest and detention of human rights activists. Magazines and newspapers that criticized military dictators were proscribed. However, the adventure of the military into the governance of Nigeria did not abate the wave of radical trade unionism and other pressure groups as the period after the Nigerian Civil War witnessed. By 1969, the Gowon administration enacted the obnoxious decree No. 53 which imposed an outright ban on strikes as well as froze wages. This decree legitimized the employment of state instrument of coercion in crushing strikes thereby advancing towards clamping on dissenting voices or those that spoke out against policies of government and corruption. The immediate reaction of the Nigerian workers was the formation of an alliance to present a formidable opposition to this retrogressive and repressive policy of the Nigerian military government.

Consequently, the United Committee of Central Labour Organisations (UCCLLO) was formed and was headed by Imoudu.³⁴ The aftermath of this crisis increased the interest of the military government in the activities of labour. Several Commissions were established to investigate such issues such as the establishment of a minimum wage, working conditions, salary increases, and grievance procedures.³⁵ It was within this government course of action which was aimed at a greater incorporation of the labour movement that the Nigerian Labour Congress (NLC) was formed in December, 1975.³⁶ In 1975, the new military regime of Generals Murtala Muhammed/ Olusegun Obasanjo set up the Murtala/Obasanjo Jaji

Declaration to fight corruption and drew up a time table to return the country to democracy in 1979; a promise Obasanjo fulfilled even after the demise of his boss, Gen Murtala in 1976. The structures of the presidential system of government which was adopted for the Second Republic was too expensive for the country to bear yet the Obasanjo regime carried on with it.

Second Republic

In spite the training they got in the new presidential system, the newly elected politicians engaged in high level corruption which angered the electorate just as there was complete lack of political and financial accountability. The former President, Shehu Shagari appeared weak in handling all the challenges of his administration. In response to allegations of corruption, Shagari, in 1981, set up the Ethical Revolution,³⁷ to tackle corruption. In the early 1980s, the Shagari government found itself losing control of organized labour and other pressure groups who were speaking out against the corruption of the government. Numerous wildcat strikes occurred in 1980-81, and in May 1981, the NLC mobilized 700,000 out of 1 million unionized Nigerian workers for a two-day strike, despite the opposition of a government-supported faction.³⁸

The Second Republic generally witnessed some hike in the cost of living as a result of government's shabby agricultural, economic and industrial policies. The disenchantment which it created among the Nigerian workers and Nigerians generally led the NLC to issue a twenty- one day ultimatum to the Federal Government to react to their demands, which in particular included the restoration of car loans, review of rent and transport allowances and fixing of a national minimum wage.³⁹ Organized labour was very concerned that labour was not getting a fair share of the nation's oil prosperity. This came on the heels of the flamboyant life style and profligacy of the politicians who turned into importers of essential commodities overnight. Indeed, import licenses were granted only to party supporters and were used as avenues for meting electioneering costs or debts and the accumulation of wealth for the subsequent elections.⁴⁰ The ruling party, as it is becoming the practice, used its incumbency to ensure its return to power. Meanwhile economic recession had set in as one of the turning circles of the international oil market. Thus, the second term of the ruling party in the Second Republic lasted for only three months

Military Regime

From 1983 to 1985, General Muhammed Buhari held sway even as the regime was repressive. Buhari was known for human rights abuses and as he moved to tackle corruption, the economy took a nose dive, worsening and contrasting. Most analysts, however, admit that the regime was the most

determined in its fight against corruption. The Buhari/Idiagbon regime established the War Against Indiscipline (WAI) to fight corruption and other acts of indiscipline. The military coup of General Muhammadu Buhari demolished all existing political and democratic structures and by implication effective political opposition. This was necessary for his regime because several military interventions in the country most of the times were fought by the collective actions of pressure groups. In the course of consolidating and legitimizing its regime, the Buhari regime suffered the loss of support of Nigerians, in particular, organized labour including the student unions and the press. This loss of support came on the heels of the obnoxious Decree 4, which was anti-press and anti-freedom of information. Also, the down-sizing of the workers, especially in the civil service gave pressure groups to stand up against the regime.

The climax of the face-off between government and pressure groups was the sentencing of two members of the *Guardian Newspaper* to one year in prison each for writing a story on the country's diplomatic postings and the award of a 50,000 Naira fine against the newspaper for breaching the obnoxious Decree 4.⁴¹ Buhari openly spoke against press freedom, accusing the media of abusing their freedom to the extent of threatening the stability of the country.⁴² These became a political issue and attracted resistance and protests from labour, students and civil society. The 20-month-old government of Buhari was abruptly overthrown on August 27, 1985 in a bloodless coup led by Gen. Ibrahim Babangida, the Army Chief of Staff.

General Ibrahim Badamosi Babangida organized two political parties to contest elections; the Social Democratic Party (SDP) and the National Republican Convention (NRC) with a promise to return the country to democratic rule in 1992. There were allegations, criticisms and accusations of manipulation and stage-managing of the transition programme. Although in 1989, Babangida had set up committees on corruption and other economic crimes, his government never declared war on corruption. The regime could not hand over to an elected government as it annulled the presidential election of 1993 believed to have been won by the business mogul, Moshood Abiola. Because of the gulf that existed between the public rhetoric of the Babangida regime on human rights and the gross violations of rights by its officials, a group of Lawyers and Journalists led by Olisa Agbakoba and Clement Nwankwo founded the Civil Liberties Organisation (CLO) in October 1987, to challenge the regime's human rights record and other misdeed of the administration. The co-founding editor of *Newswatch magazine*, Dele Giwa, who was investigating the drug scandal that allegedly involved the wife and associate of Babangida, was gruesomely murdered in a mysterious circumstance by a letter bomb.

Beginning with litigating and documenting cases of human rights abuses by the police and military officials, and exposing the conditions in prisons and police jails, the CLO recorded successes and challenges that laid the foundation for the growth of the Nigeria's human rights movement.⁴³ This automatically led to the emergence of more radical pressure groups that challenged the policies and corruption of the regime coupled with allegations that the military president, Gen. Babangida, frittered away \$12bn of the country's revenue through special accounts, which he ran as the sole approving authority. The impact of CLO was so much that, by 1993 when the Babangida government was forced to step aside, over 100 other civil society groups had emerged in different parts of Nigeria. The prominent ones among these groups are Constitutional Rights Project, Committee for the Defence of Human Rights, Campaign for Democracy, Human Rights Africa, and Human Rights Monitor etc.

At the initial stage the focus of most of the groups was on traditional human rights concerns such as Police abuse, prison condition, campaign against torture, long detention without trial, extra judicial killing and general litigation on specific cases of human rights violation. However, as the military government became more vicious in response to exposures of its atrocities and growing public disenchantment with the inability of the government to adhere to its transition time table for a hand-over to an elected civilian government, human rights groups began to make forays into agitation for an end to military rule in Nigeria.⁴⁴ Also, the Babangida regime became very unpopular as it witnessed some austere measures that seriously affected the Nigerian people. The administration's implementation of the International Monetary Fund and World Bank designed blue print on economic recovery through the Structural Adjustment Programmes (SAP) was a policy that was most criticized.⁴⁵ This programme out-lined detailed instructions on what Nigeria had to do to bring the economy under control based on a strategy called neo-liberalism. The strategy was geared toward promoting free markets, including retrenchment of workers and across-the-board reduction in their salaries from November 1985 to September 1986. This policy was initially unpopular with the NLC as well as other civil society groups as they saw the policy as nothing but "Gloom for the Workers."⁴⁶ The NLC responded by giving a 21-day ultimatum to the Federal Government but later reneged as they became sympathetic to the economic measures of the regime, and consequently called off the ultimatum.⁴⁷

The country's economy became paralysed and coupled with several weeks of tension caused by protests and unrests which forced Babangida to 'step aside' as the President on August 26, 1993.⁴⁸ The former NLC President, Mr. Pascal Bafyau, urged the administration to hand over to the

Senate President, Dr. Iyorchia Ayu as a show of its commitment to democracy,⁴⁹ but the regime refused. Rather, the Information Secretary, Mr. Uche Chukwumereije threatened the NLC that it might be restructured in line with international labour standards,⁵⁰ which meant that membership of labour union would be voluntary. The administration, however, handed over to an Interim National Government (ING) led by an industrialist, Chief Ernest Shonekan,⁵¹ who lasted for barely three months as General Sani Abacha overthrew the ING and imposed another reign of terror.

Under his regime, Abacha severed ties with the West and turned towards East Asia. Corruption was high as human rights abuses characterized his reign. However, in 1994 Abacha's administration introduced War Against Indiscipline and Corruption (WAI-C) but its effect was not felt as the regime itself was mired in corruption. The relationship with the civil society simply worsened because the succeeding regime of General Sani Abacha which came into power on November 17, 1993, was worse than the previous one in the area of hostility to dissent and repression of human rights activists and political opposition. The regime dismantled all the structures of transition to civil rule put in place by the preceding government and went to run what was arguably the most brutal regime in the history of independent Nigeria. Many human rights activists and politicians opposed to his administration were detained, driven underground or forced into involuntary exile abroad.⁵² Under this kind of environment, end to military rule campaign was identified as the major plank of the work of civil society rule as it was argued that "unless the military were forced out of power any discussion of respect for human rights in Nigeria would be academic."⁵³ This perception guided the work of human rights groups under the General Abacha regime. Even though the regime unfolded its own transition to civil rule programme in 1995, civil society groups did not have confidence in the process and the government did not do anything to address their concerns, as the five registered political parties went ahead and adopted General Sani Abacha as their sole candidate, a development that the late Bola Ige described as five fingers of a leprous hand.⁵⁴

There was also the National Democratic Coalition (NADECO) which was formed on May 15, 1994 by a broad coalition of Nigerian democrats, who called on the military government of General Sani Abacha to step down in favour of the winner of the June 12, 1993 election, M. K. O. Abiola. The members mostly came from the South-west of the country and quickly became the symbol of mass resistance against military rule. On June 11, 1994, using the groundwork laid by NADECO, Abiola declared himself President and went into hiding. He re-emerged and was promptly arrested on June 23. It was only the death of Gen. Abacha on June 8, 1998, under mysterious circumstances, that saved Nigeria the cost of his impending

transformation to a civilian dictator.⁵⁵ Furthermore, a London based group that effectively opposed the dictatorship of Abacha launched Radio Democrat International, otherwise called Radio Kudirat,. The programmes of the station were well funded by Worldview Rights, a media NGO, and used commercial airtime on South African transmitters. In 1999, after broadcasting for 3 years, it closed down.⁵⁶

The administration of General Abdulsalam Abubakar which took off after the demise of Gen Sani Abacha⁵⁷ offered a new hope in the democratic horizon as there were clear signs of his willingness to return the country to democratic rule. Indeed, the return to civil rule was a priority of his administration. However, civil society groups were skeptical about the sincerity and ability of the military to midwife democracy in Nigeria given the antecedence of their struggle. However, there was a big division among the groups in relation to the appropriate strategy that should be adopted in response to General Abdulsalami's transition to civil rule programme. Some groups, out of experience with past military transition programmes, took a hard-line position against any engagement or participation in the transition programme. Others, while accepting the imperfections of the programme, felt that sufficient goodwill had been demonstrated by the General Abdulsalami government in its short transition programme to warrant an engagement with. The first group was organised under the Joint Action of Nigeria (JACON) led by Chief Gani Fawehinmi, while the second group formed the Transition Monitoring Group (TMG) led at the time by Clement Nwankwo.⁵⁸

The Birth of Nigeria's Fourth Republic and the Role of the Civil Society

Nigeria's Fourth Republic started on May 29, 1999 and was greeted with great hope and expectations; a euphoria that can only be compared with that of the country's Independence on October 1, 1960. Although most Nigerians hardly believed the military to deliver on the promise of returning the country to civilian rule, a large section of the population, including the civil society, saw the move as one that would reposition Nigeria on the path of good governance, democratic dividends and a corrupt-free society. However, many years down the path of democracy, Nigerians are yet to rip the benefits of democracy and the luxury of justice. Good governance has eroded the country just as corruption has assumed the centre stage. By 1999 and with the return to civil rule, events had shown that for Nigeria to be readmitted into the global financial system it needed to deal, decisively, with corruption. This is because corruption was deepening in the fabric of the Nigerian society just as the country was blacklisted by the international community.

To address this precarious state, the government of former president Olusegun Obasanjo had to give assurances that the Fourth Republic was born to restore hope, prosperity and confidence in the Nigeria project. He established and enacted the Independent Corrupt Practices and other Related Offences Commission (ICPC) Act 2000 and the Economic and Financial Crimes Commission (EFCC) Act 2002. Apart from these he also established the Nigeria Extractive Industries Transparency Initiatives (NEITI), the Public Procurement Act, the Fiscal Responsibility Act, and Due Process. He also introduced e-payment to detect and deter embezzlement and other forms of financial fraud, and established anti-corruption department in some of the federal ministries and parastatals. Former President Obasanjo rounded up his anti- corruption initiatives with the establishment of the Technical Unit on Governance and Anti- corruption Reforms (TUGAR). In all of these, the Obasanjo regime lacked the political will to effectively fight corruption. Of course, the EFCC under Nuhu Ribadu waged a determined battle against economic and financial crimes but on a larger scale it was ‘selective justice’ as many argue, it was a tool against his opponents.

In fact, the case of Nigeria under Obasanjo offers a typical model of an organized conception of collective action and attests to the usefulness of the civil society activism in place of a failed party opposition in a democratic state especially in a non-Western state. For example, the former secretary of NADECO, Barrister Ayo Opadokun has accused former President Olusegun Obasanjo of corrupt acts while serving as the country’s president between 1999 and 2007 and contended that he (Obasanjo) almost ruined the nation’s economy through corruption and other vices associated with during his tenure. Also, mention is made of his allocation of N300bn to the Ministry of Works during his first term in office without any road construction to show for the huge amount of money during the period. It is the same awful story with electricity. In spite of the huge petro-dollars his government spent on power supply, the capacity of power supply was below 3,000mw when he left the office in 2007.⁵⁹

The swearing in of President Umaru Musa Yar’Adua on May 29, 2007, after a flawed election,⁶⁰ raised hopes that the war against corruption would be re-energized and strengthened. The President himself promised to take the fight against corruption to a new height, vowing to run a clean government based on the rule of law. According to Yar’Adua:

If the federal Government is totake action against any person for anyact of corruption which has beendetermined, without doubt, thegovernment will act....as it stands. I assure you that the federal Governmenthas zero tolerance for corruption. Butalso in the process, the rule of law anddue process must be followed.⁶¹

With this development, he secured the confidence and support of most Nigerians including the civil society. Obasanjo's successor, President Umaru Yar'Adua came to power promising to reform and continue the anti-corruption policy. But while the anti-graft agencies continued to arrest and arraign more individuals, including highly placed officials, for corruption, the general public expressed the view that the fight against corruption became increasingly inefficient under Yar'Adua. The positive measures taken by the Yar'Adua government were overshadowed by other observed lapses. The first one was that the government was patronizing some ex-public officials accused of corruption by the EFCC, especially former governors, who played key roles in his election. Secondly, Yar'Adua also presided over the purge and persecution of popular anti-corruption crusaders, especially Nuhu Ribadu, the former Chairman of the EFCC. Thirdly, President Yar'Adua was not forceful enough, notably in his speeches, with his anti-corruption programme.⁶² US Secretary of State, Hillary Clinton, on a state visit to Nigeria in August, 2009, gave credence to this assertion when she warned that corruption was eroding the legitimacy of the Yar'Adua administration and contributing to the rise of militant groups in the country.⁶³

President Umaru Yar'Adua died on May 5, 2010. Goodluck Jonathan, his Vice President, was sworn in as Yar'Adua's successor on the following day, becoming Nigeria's 14th Head of State. He cited anti-corruption, power and electoral reforms as focuses of his administration. He stated that he came to office under "very sad and unusual circumstances."⁶⁴ His election as the President in 2011 received acceptance, especially from the South with earlier support from the civil society groups like Save Nigeria Group to succeed Yar' Adua, while he was bed ridden in Saudi Arabia. On January 1, 2012, the Jonathan administration announced the start of a controversial plan to end fuel subsidies. Many prominent Nigerians and civil society groups have spoken out against the removal of fuel subsidy by the Jonathan administration, exposing the corruption of his administration. Apart from those criticizing his administration at the home front, there are also several criticisms from other foreign governments as well. For instance, the United States dismissed Nigeria's anti-corruption efforts as mere talk, describing the Goodluck Jonathan era as one in which the government is not implementing the law, and officials engage in corrupt practices with impunity. According to the US, there is massive, widespread, and pervasive corruption affecting all levels of government and the security forces.⁶⁵ As a result of President Jonathan's lack of will to fight corruption and his aides' blatant display of wealth and opulence, a civil society group, Socio-Economic Rights and Accountability Project (SERAP) has sent a Freedom of Information request to President Goodluck Jonathan asking him to "provide information on your

assets declaration details between May 2007 and May 2012, and to publish widely the information on a dedicated website.”⁶⁶

In as much as the civil society has not lived up to expectations, their effort and contributions as non - state actors cannot be undermined, as they have initiated programmes and policies that are geared towards fighting corruption in Nigeria since May 29, 1999. In fact, investigations of many allegations of corrupt practices by government officials were as a result of pressure mounted by civil society groups that demanded the accountability in the face of scandal. Through investigative and incisive reportage, the media have provided an important counter point to the abuse of an entrusted power for private gains, shedding light on the wrong doings of the public office holders and even in the private sector. The media, alongside other groups, have provided the basic knowledge with which citizens can hold public and private institutions accountable. They have also collaborated with anti-graft and other law enforcement agencies to expose corruption in low and high places. At least, we are witnesses to the removal of former Inspector General of Police Tafa Balogun, former first female Speaker of the House of Representatives Patricia Etteh, former Senate Presidents, former Minister of Education Fabian Osuji and his Health counter- part, Grange and former Governor of Bayelsa State, Dimipreye Alameiyeghsea, just to mention but a few.

We have witnessed the useful contributions of the civil society, especially the Save Nigeria Group, Occupy Nigeria Group, NLC, Trade Union Congress (TUC), and others such groups to the inquiry into the oil subsidy removal and subsequent probe into the corruption in the oil sector by the National Assembly. Also, a legal rights advocacy group, Legal Defence and Assistance Project (LEDAP) took the National Assembly to court, citing the Freedom of Information Act, 2011, to compel the NASS to state their actual salaries,⁶⁷ yet the National Assembly is still foot- dragging. Today, the country is faced with so many security challenges ranging from militant groups in the Niger-Delta as kidnapping rages in the East and the Boko Haram insurgency in the North. All of these have been attributed to the poverty level in the country, which is as a result of corruption.

The judiciary has its own share of the blame for contributing to the corruption challenges being faced in Nigeria today. While the judiciary remains the last hope of the common man and path to a corruption- free society, some judges have employed all kinds of means and terminologies to deny the ordinary man of justice. The judiciary is seen to be highly compromised. Former Chief Justice of Nigeria, Dahiru Musdapher, on assumption of office stated his resolve to extricate the judiciary from what he termed: “prevailing iniquities”, and stressed that “henceforth, there shall be zero tolerance to judicial corruption or misconduct.”⁶⁸ It appears there are

judges who have sworn to frustrate the anti- corruption crusade and they do this by granting orders of perpetual injunction to prevent the investigation and trial of even those whose immunity has expired. This is not in any way an attempt to undermine the progressive role some judges have played in bringing corrupt individuals to book. For instance, former Delta State Governor James Ibori, in spite of all the corruption court charges that were levelled against him came out victorious under the Nigeria judicial system only to be arrested in Dubai and extradited to the United Kingdom where he faced fresh charges of money laundering. Today, he is serving a jail term. Also, the judiciary has not been able to effectively prosecute cases arising from elections as election tribunals, with exception of a few, deny people justice on grounds of technicalities.

In the face of the inability of the state to fight corruption, the people who are the greatest victims of official corruption, must mobilize as victims to ensure transparency and accountability in government. And this is where the civil society has continued to be incapacitated. Should we then conclude that the essence of the civil society in the context of the Nigerian experience had long been bastardized and incapacitated by the twin groups of leadership and followership? This question is informed by the insincerity of purpose of the leadership and to a large extent, followership. What then could be said to be the challenges of the civil society in Nigeria? What factors have necessitated or are militating against their impactful progress?

The Challenges of Civil Society in Nigeria

In dealing with the challenges of the civil society in Nigeria we must understand that civil society, as explained above, is that independent portion of the society which is not part of the ruling class nor does it form any part of the structures of government neither its apparatus. The civil society, in an ideal situation, should be in a position to exercise some independent political action. Therefore, the challenges militating against the effective performance of the civil society in Nigeria may be legion, yet they are surmountable. Some of them are:

Funding

One of the most contentious issues, against this background, that confronts the civil society is that of funding. There is an adage which says: “He who pays the piper dictates the tune.” This portends the danger in seeking government funding, especially by civil society groups. As such the civil society is in a precarious state where they have to go cup- in -hand in search of funding every time. This lack of funds been experienced by civil society groups is due to the fact that some of them lack a strong financial base and after operating for sometimes they have to fall back on the

government, politicians, corporate organizations to fund their programmes.⁶⁹ With this scenario, there is a propensity for them to try to cover up certain corrupt deeds and their watch dog role becomes epileptic in such an eventuality. They instead turn lapdogs falling to the dictates, whims and caprices of the ruling clique.

Inability to access information:

Although, the Freedom of Information Bill was passed into law and assented to, by President Goodluck Jonathan in 2011, access to information is still being denied. In fact, most examples come from the unlikeliest quarters such as the Governor of CBN Mallam Sanusi Lamido Sanusi and President Jonathan. A shareholders' group dragged the CBN Governor to court, alleging that the Governor had ignored their request for specific information on the processes of the recent bank liquidation, especially as it concerns one of the banks. President Jonathan is also alleged to have turned down the request of a media resource body, the International Press Centre (IPC) for information concerning the president's supposedly unredeemed promises. The fundamental question begging for answers is: if the President who signed the FoI Act exhibit such disdain for same; how would others then obey such a law? To a very large extent, activities of government in Nigeria are carried out in secrecy and many documents that would be useful in the investigation and exposure of corrupt practices are usually classified as officially secret. Over the years, this has frustrated the work of the civil society.

Corruption

Although most civil society organizations claim to be fighting corruption, the way and manner they expend funds and monies given them by donor agencies within and outside the country leaves much to be desired. In fact, this has made a significant population of the country to conclude that some of the organizations are set up mainly to siphon funds or embezzle grants given them by foreign organizations. In some cases the members go out in search of bribes.⁷⁰

Lack of coordination

Another challenge facing the civil society in its quest for a corrupt-free Nigeria is the lack of coordination and inability to harmonize their anti-graft programmes. Although there are quite a number of coalitions of civil society organizations, such as the Movement Against Corruption, Transparency in Nigeria, Zero Corruption Coalition, Integrity Group, Procurement Watch, Transition Monitoring Groups, Budget transparency Network, Save Nigeria Group and Occupy Nigeria Group, among others,

who engage in anti-corruption activities, however, there is evidence of programme duplication and poor research work on the level and situation of corruption in Nigeria. Hence, many of them operate in a vacuum. Furthermore, most of the strategies and approaches adopted by the civil society in its anti-graft crusades are donor-driven, which do not take into consideration the peculiarity of the Nigerian society. In most cases the approaches are biased against the government. In addition, the anti-graft efforts of civil society have typically been reactive rather than pro-active and lack sustainability and, most times, are ignored by the authority. Its roles have been limited largely to; exhortations, episodic focus on corruption scandals, and condemnation of official corruptions.⁷¹ These strategies can only eradicate corruption at the surface level.

Ethno-religious cleavages

Most civil society groups have failed to transcend ethno-religious and regional cleavages even though some have undermined their struggle to eradicate corruption in the country. Attempts by some section of the civil society to check the activities of state officials from particular ethnic, religion, or region are usually interpreted by other sections of the civil society based on ethnic and religious bias. A typical example was the case of former Speaker of the Federal House of Representatives, Salisu Buhari, who was removed from office for falsifying his age and educational qualifications. The immediate response of Buhari's constituency in northern Nigeria to the allegation was to describe it as a fabrication aimed at destroying the political career of a notable northern politician.⁷²

Proximity

The anti-graft crusade of the civil society is weak at the grass root level. Most of their campaigns through seminars, conferences, and workshops are carried out in foreign languages and holds mainly in townships and cities. It thus appears from their activities that they are more elitist inclined while majority of the people that require sensitization are in the rural areas.

Recommendations

First, the government should make a definite resolution to create an enabling environment for the civil society to operate and deliver their mandate to the people. And one way of doing this is by legislature. By this, government should be compelled, by law, to domesticate most of the international treaties and conventions that the Nigeria government had signed years ago but are yet to be domesticated.

Secondly, the civil society should also focus more on capacity building, technical assistance and information, to enable them empower themselves to serve their communities better.

Thirdly, the various civil society groups must be effectively honest, transparent and accountable. It is only by imbibing these very important values that their war against corruption will be effective. In addition, it is only when are transparent that they would have the moral right to carry on with their anti-corruption crusade.

Fourthly, civil society should link the battle against corruption with the struggle for the consolidation of democracy, rule of law and human rights, and they should strive to network better along specific issues and themes to be more effective and visible in their interventions.

Conclusion

This paper has made attempts historicize and interrogate the role of the civil society in fight against corruption in Nigeria. The paper has also tried to analyze the invaluable roles civil society has played towards the fight against corruption and the enthronement of democracy. The forces that have undermined and shaped the performance of the civil society over time are also explored. While examining the various ramifications of the challenges confronting civil society in Nigeria, the paper stresses the need to strengthen civil society groups in Nigeria if the country is to make any significant breakthrough in its fight against corruption and the enthronement of democracy and good governance in the fourth republic.

General comments

This is a well thought out piece that has been able to show the role civil society have played and have continued to play in the fight against corruption in Nigeria.

The author is however required to note the corrections made in the body of the work and effect same.

This work is publishable.

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