



Corruption Crackdown

**A Call to Action for Anti-Corruption Agencies and
Other Law Enforcement Agencies**

**Policy Brief Series Four
Addressed to the Anti-Corruption Agencies (ACAs)
and other Law Enforcement Agencies (LEAs)**

September 2023

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Other Law Enforcement Agencies**

**A publication of
HEDA Resource Centre &
Centre for Fiscal Transparency and Integrity Watch
(Addressed to the Anti-Corruption Agencies (ACAs) and
other Law Enforcement Agencies (LEAs))**

**Policy Brief Series Four
September 2023**

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ACKNOWLEDGEMENTS

HEDA Resource Centre wishes to thank Messrs Francis Abayomi and Danmole Abdulhameed, and Barrister Barakat Danmole for extracting the key highlights of the conference leading to this policy brief. HEDA also thanks the researchers who compiled and designed the brief from the highlights of the conference, Dr Rasheed Olawale Azeez and Mr Ridwan Adigun Sulaimon. HEDA also thanks all its staff who worked tirelessly to convene a remarkable conference leading to the materials laying the foundation for this brief. HEDA is grateful to its Chairman, Mr Olanrewaju Suraju for reviewing and commenting on the drafts and for providing the overall broad guidance and coordination for the publication.

HEDA is immensely grateful to Dr. Kole Shettima and the entire members of staff of the John D. and Catherine T. MacArthur Foundation for providing the bedrock support and guidance for the conference and this publication.



#1

INTRODUCTION

Aim of this policy brief

This policy brief was informed by the discussions and recommendations from experts and other stakeholders at the 30th Anti-Corruption Situation Room (ACSR), a two-day premier National Conference on Anti-Corruption which was held on Tuesday 11, and Wednesday 12, July 2023 in Abuja, Nigeria's Federal Capital Territory; with the theme: "Nigeria and the Fight Against Corruption – Reviewing the Buhari Regime and Setting Agenda for the Tinubu Administration." Hence, drawing from the discussions and recommendations of the conference, this policy brief seeks to provide strategic recommendations to the Anti-Corruption Agencies (ACAs) and other Law Enforcement Agencies (LEAs) who are responsible for enforcing the anti-corruption laws, rules and regulations.

The Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and other related Offences Commission (ICPC), the Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (CCT); Nigeria Financial Intelligence Unit (NFIU) are some of the leading ACAs. The Nigeria Police, the Nigeria Customs Service (NCS), National Agency for the Prohibition of Traffic In Persons (NAPTIF), Nigeria Drug Law Enforcement Agency (NDLEA), the Nigeria Immigration Service (NIS), the Department of State Services (DSS), just to mention a few are some of the key LEAs with broad mandates. However, this policy brief focuses on the anti-corruption aspect of their work and the LEAs who work on financial corruption, abuse of office and related matter.

Summary

This policy brief sets the tone by contextualising corruption and highlighting its implications in the Nigerian context, chief of which is the increasing millions of Nigerians who are extremely poor. It maintains that the Anti-Corruption Agencies (ACAs) and Law Enforcement Agencies (LEAs) play pivotal roles in the crackdown on corruption within a country. Their combined efforts are essential in combating corrupt practices effectively because ACAs and LEAs are responsible for investigating allegations of corruption, gathering evidence, and prosecuting individuals or organizations involved in corrupt activities. The brief notes that Anti-Corruption Agencies (ACAs) and Law Enforcement Agencies (LEAs) are confronted with a plethora of challenges and obstacles in the quest to achieve their mandates. Challenges such as political interference have continued to pose a significant challenge to the independence and effectiveness of ACAs and LEAs. The policy therefore recommends interagency cooperation and unified crime database, transparency and operational improvement within the ACAs, citizen and CSOs engagement, staff welfare and institutional support for the institutions, promoting enactment of the whistle-blower protection bill, and taking leadership role in the implementation of the National Anti-Corruption Strategy (NACS)

#2

CONTEXT

The implications of grand corruption are devastating, far-reaching and cross-cutting. Corruption remains a major barrier to meeting the UN Sustainable Development Goals (SDGs); fighting climate change; promoting democracy and human rights; establishing international peace and security as well as securing a just society.

In Nigeria, corruption has remained the biggest problem that has inhibited the development and growth of the country since independence with pervasive and deep-rooted consequences. As a result, anti-corruption slogans and mantras are often exploited by political office seekers to garner votes from the citizens, who obviously are fed up with the festering state of corruption and impunity in the country.

Every year, Nigeria loses between \$15 billion and \$18 billion to Illicit Financial Flow (IFF), an amount far above what the country needs to address climate change annually. Diezani Madueke, former Petroleum Minister alone allegedly superintended over the stealing of \$20 billion; Sambo Dasuki, former National Security Adviser is standing trial for over \$2 billion; Former Attorney General, Muhammad Bello Adoke's OPL 245 supervised deal short-changed Nigeria by over \$1 billion; and it's doubtful if the country will ever finish recovering the Abacha loot. When all of these are added to the P&ID case which former President Buhari in 2019 referred to as an "international conspiracy to defraud Nigeria of over \$9.6 billion," then it is safe to conclude that there is danger ahead unless an aggressive action is taken.

According to Chatham House, between 1960, when Nigeria gained her independence, and 2014, up to \$582 billion has been stolen from the country. The HEDA report independently researched and published by HEDA Resource Centre in 2022, titled: "Impunity Galore: A chronicle of some unresolved high profile corruption cases in Nigeria, 1999 – 2022," is not any less revealing. Shockingly, the report states that over \$825 billion and another N1.6 trillion are involved in the unresolved corruption cases within a 23-year period.

In yet another report, specifically the fifth Edition of "A Compendium of 100 High Profile Corruption Cases in Nigeria", also released by HEDA Resource Centre, in May 2022, over 17 trillion Naira (about 35.4 billion US Dollars) is involved in pending (non-exhaustive) high profile corruption cases. This is the equivalent amount of Nigeria's 2022 budget. Nigeria's 2022 budget is 17.1 trillion Naira with a deficit of 6.4 trillion Naira.

The implication of this is that, the amount of money pending in some high profile corruption cases alone can conveniently finance Nigeria's budget without any deficit or loan. Hence, assuming the 100 cases captured in our publication is exhaustive, save for corruption, in 2022 alone, Nigeria can TWICE complete over 6,000 old projects and over 11,000 new projects cutting across water, health, education, road, power and electricity, etc.

Corruption undermines the effectiveness and efficiency of public institutions, including government agencies, ministries, and local authorities. Bureaucratic processes are often marred by corrupt practices, such as bribery, embezzlement and nepotism. This results in a lack of public trust in these institutions and a decline in their capacity to deliver essential services such as healthcare, education, and infrastructure development.

Correspondingly, corruption erodes the trust citizens have in their government and public officials. This is evidenced by another report released by HEDA Resource Centre in 2023, titled: “Botched hope: a report of people's assessment of President Muhammadu Buhari Administration 2015 – 2023,” where most of the respondents across all states of the federation gave a low rating to the Federal Government in key indices such as health and education.

When citizens perceive that those in power are corrupt, they become disillusioned and cynical about the state's ability to serve their interests. This erosion of trust can lead to social unrest, political instability, and a loss of confidence in democratic processes.

The negative impact of corruption is often felt most acutely by the vulnerable populations – women, young people and Persons With Disabilities (PWDs). Resources intended for poverty alleviation programs, healthcare, education, and social welfare are siphoned through corrupt practices. This diversion of funds exacerbates poverty and inequality, as it prevents these resources from reaching those who need them the most. It is therefore not surprising that in 2018, Nigeria took over from India to become the poverty capital of the world with over 80million extremely poor people despite its globally acknowledged oil fortunes spanning decades.



#3

WHY THE ACAs AND LEAs MUST TAKE RADICAL ACTIONS AGAINST CORRUPTION

The Anti-Corruption Agencies (ACAs) and other Law Enforcement Agencies (LEAs) play pivotal roles in the crackdown on corruption within a country. Their combined efforts are essential in combating corrupt practices effectively because ACAs and LEAs are responsible for investigating allegations of corruption, gathering evidence, and prosecuting individuals or organizations involved in corrupt activities. They ensure that those responsible for corrupt acts are held accountable under the law.

The ACAs and LEAs work to prevent corruption by implementing proactive measures such as monitoring financial transactions, conducting audits, and assessing the vulnerability of institutions to corrupt practices as well as ensuring compliance with the law generally. Additionally, these agencies engage in public awareness campaigns to educate citizens about the negative consequences of corruption and encourage reporting of corrupt activities. Educating the public is a key component of prevention.

ACAs and LEAs are tasked with tracing and recovering assets acquired through corrupt means. This process involves confiscating ill-gotten gains and returning them to the state or victims of corruption. These agencies collaborate with international counterparts and organizations to combat cross-border corruption, share information, and facilitate the extradition of individuals involved in corruption cases.

Illicit networks are increasingly becoming sophisticated that engaging them requires specialisation. The combined efforts and inter-agency cooperation between and among the LEAs and ACAs can go a long way in minimising Illicit Financial Flows (IFF). This is why there is need for rededicated efforts, harmonised strategies and increased trust to be able to successfully combat new threats of illicit networks of corruption.



#4

CHALLENGES OF THE FIGHT AGAINST CORRUPTION: THE ANTI-CORRUPTION AGENCIES (ACAs) IN CONTEXT

The imperativeness of LEAs and ACAs in the fight against corruption and corrupt practices in Nigeria cannot be over-emphasised. These imperatives are confronted with a plethora of challenges and obstacles in the quest to achieve their mandates. First is that political interference has continued to pose a significant challenge to the independence and effectiveness of ACAs and LEAs. Some corrupt politicians use their positions to shield themselves and their allies from prosecution, often pressuring law enforcement agencies to drop cases or go easy on offenders. Thus, ACAs and LEAs may face pressure to prioritize cases based on political affiliations rather than the merit of the allegations. This undermines the impartiality of anti-corruption efforts and erodes public trust.

Second, multiple ACAs and LEAs operate concurrently, often with overlapping jurisdictions. This has continued to lead to confusion, duplication of efforts, and even competition among agencies, hampering overall progress in fighting corruption. The inadequate communication and information sharing among ACAs and LEAs has also hindered the exchange of critical data and intelligence. This lack of collaboration is resulting in missed opportunities to uncover and prosecute corruption.

Third, witnesses in corruption cases are vulnerable to tampering and intimidation, which can compromise the integrity of investigations and trials. Corrupt individuals and their networks use threats or inducements to deter witnesses from cooperating with law enforcement. Whereas, there is no whistle-blowers protection law and there is rarely a well-defined cover or insurance for witnesses.

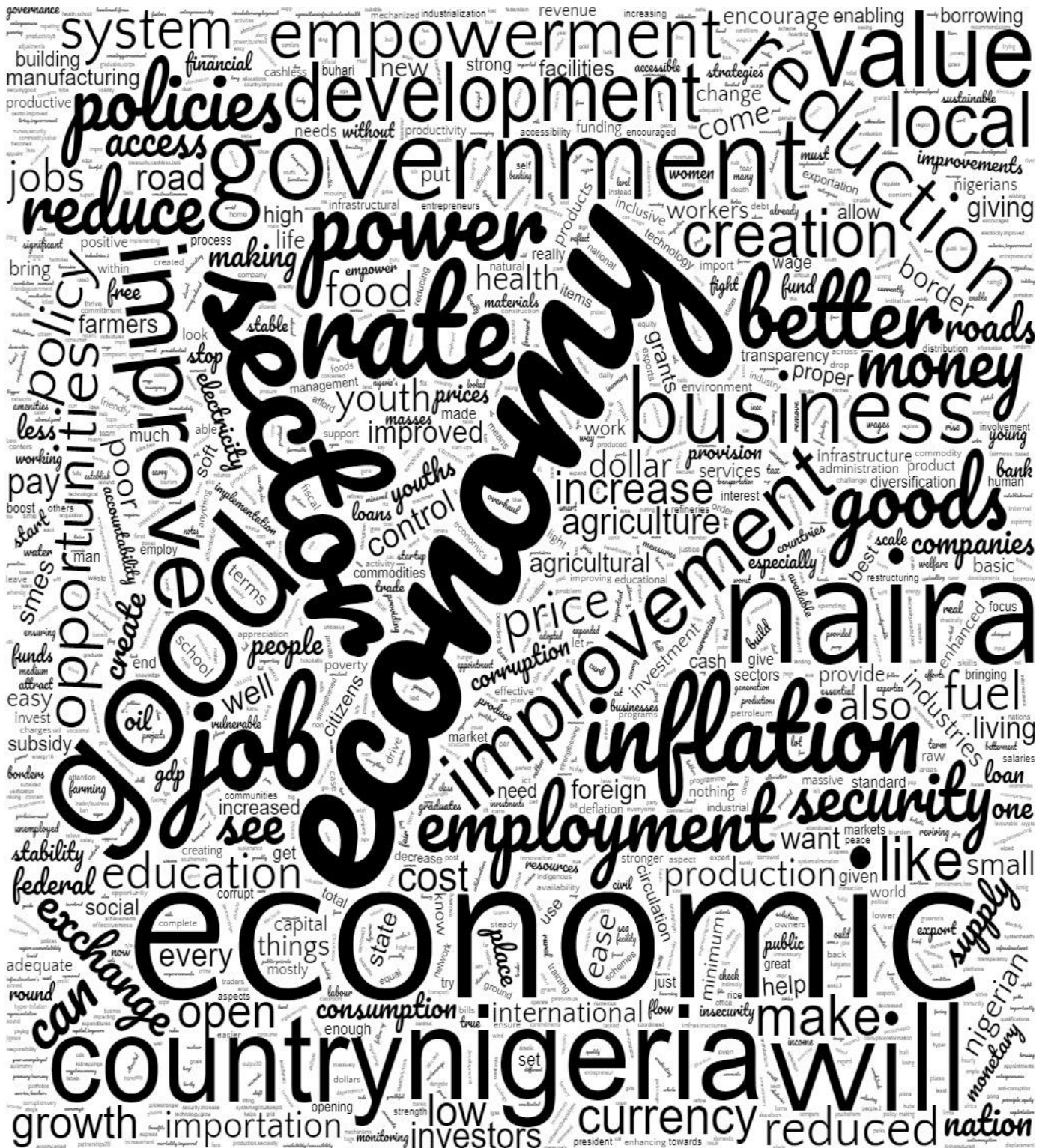
The public perceptions of bias within ACAs and LEAs which has eroded trust in these institutions is also a social problem hampering success. Allegations of selective prosecution or favouritism in targeting political opponents are undermining the credibility of anti-corruption efforts.

While there are genuine civil society efforts writing petitions, leading protests etc on various issues to engage the ACAs, there are also evil businessmen parading as civil society, usually protesting against activities of ACAs to protect some interests or even calling for the removal of head of the agencies at the expense of the genuine fight against corruption. This causes various levels of distractions from time to time to the ACAs as the corruption sometimes succeeds when it fights back as such.

There is also a bigger challenge of corruption in the ACAs and LEAs themselves owing to lack of patriotism and poor welfare that dampen the morale and motivation of agents causing them to contradict laws and good practices. There is evidently funding gaps for the ACAs, LEAs and inadequate staff welfare.

The National Anti-Corruption Strategy (NACS) ought to have its own budget and funding according to the framework, however, this has been lacking. There is also the absence of performance and evaluation mechanism which caused the strategy not to have its desired effect. There is also a gap and need to make the NACS all-encompassing towards inclusive fight against corruption in Nigeria. The strategy needs to additionally focus on the anti-corruption actions and actors at the sub national level.

There is no doubt that the work of the ACAs is overwhelming but the lack of cooperation to ensure credible statistics of anti-corruption shared between agencies complicates this fact. The lack of effective ACAs at state levels also aggravate this. No doubt, thousands of convictions are recorded annually, however, the country continues to miss out on another tens of thousands, thanks to these challenges.



#5

ACTION POINTS

Interagency Cooperation and Unified Crime Database

A coordinated engagement between and among the LEAs and ACAs is essential to effectively combat corruption. There should be a creation of specialized task forces composed of members from various ACAs and LEAs. These task forces can focus on specific sectors or types of corruption, ensuring a collaborative approach. Also, there should be regular meetings and forums where leadership from different agencies can come together to share information, strategies, and best practices in the fight against corruption. Also, protocols for the secure sharing of information and intelligence among ACAs and LEAs should be established using appropriate tools and modern digital technologies. This will encourage a culture of openness and cooperation in sharing data related to corruption cases. The leadership of these agencies should encourage joint investigations involving multiple agencies when dealing with complex corruption cases that span different sectors or jurisdictions and they should promote cross-training opportunities for staff from ACAs and LEAs to enhance their understanding of each other's roles, legal frameworks, and investigative techniques.

Transparency and Operational Improvement

ACAs and LEAs must lead by example. They must reflect their mandate within themselves. While there are reasons to conceal certain information, ACAs and LEAs should take advantage of a renewed hope in the new administration to improve on internal transparency and professionalism. The ACAs and LEAs should be the first to implement code of conduct to ensure that their officials are not caught in the same web of corruption that they are mandated to fight.

Citizen and CSOs Engagement

No doubt, there is deficit in the social rating of the ACAs and LEAs. Many Nigerians believe that they are partial and themselves corrupt. This is a huge setback and can trigger the people against the agencies, thereby leading to failures as we have seen in the past. The ACAs and LEAs must now invest in people engagement and media partnerships. Rhetoric is countered with more rhetoric. The institutions should invest in strategic engagement of the media, town halls, radio programmes and civil society partnership to get the buy-in of the common people in the fight against corruption. The CSOs, if properly engaged, can help in advocating various issues that the ACAs may not be able to engage effectively themselves, for instance, the issue of staff welfare. This will not only restore trust and confidence in Nigerians, but also in the international community.

Staff Welfare and Institutional Support

To ensure its own independence, the ACAs and LEAs should strategically engage the legislature to advocate for better packages to avoid its agents being compromised and its tools being outsmarted. Many of the high profile Politically Exposed Persons (PEPs) are so powerful that they can buy a whole institution. A better welfare package for staff and improved resources can help minimise this threat.

Promoting Enactment of the Whistle-blower Protection Law

The enactment of a comprehensive Whistle-blower Protection Law by NASS is a critical action point in the fight against corruption. Such a law would provide legal safeguards for individuals who report corrupt practices or misconduct within government, public institutions, or private sector organizations. It is important to note that, a well-crafted Whistle-blower Protection Law would encourage individuals with knowledge of corrupt activities to come forward and report them without fear of retaliation. This can lead to the discovery and prosecution of corrupt practices that might otherwise go unnoticed. Also, knowing that there are legal protections in place for whistle-blowers can act as a deterrent to potential wrongdoers. The fear of exposure and legal consequences can discourage individuals from engaging in corrupt activities. Additionally, whistle-blowers play a crucial role in promoting transparency and accountability within government agencies and private organizations, and their reports can lead to investigations, prosecutions, and reforms that enhance the integrity of public and private sectors. Therefore, the ACAs and LEAs have a role in supporting such advocacy in whatever capacity that they can. A whistle-blower law in place can improve the results of their work significantly.

Commitments to the Implementation of NACS

The ACAs must take leadership role in ensuring an effective implementation of the National Anti-Corruption Strategy (NACS). The NACS brings all sectors in view in the anti-corruption drive. Therefore, it provides a readily available template for the ACAs to engage across all sectors.



ABOUT HEDA RESOURCE CENTRE

The Human and Environmental Development Agenda (HEDA Resource Centre) is a prominent Nigerian organization committed to promoting good governance, combating corruption, and advocating for environmental justice. Founded in 2001 and officially incorporated as a non-governmental organization in 2004, HEDA conducts research, policy advocacy, training, and citizens' awareness campaigns in various areas such as anti-corruption, food security, climate change, human rights, public sector accountability, and electoral reform.

VISION & MISSION

HEDA's vision is an Africa where all persons regardless of locations and situation have the freedom and ability to enjoy the benefits of good governance, and respect for human dignity in a sustainable environment. Its mission is serve as a policy and campaign centre for research, training and advocacy on the environment, good governance, and human rights.

PARTNERSHIPS AND RECOGNITION

HEDA is a member of the United Nations Convention Against Corruption (UNCAC) Coalition, a global network of over 350 CSOs and 100 individual members in more than 100 countries. HEDA has observer status with the UN Economic and Social Council (ECOSOC), the UN Framework Convention on Climate Change (UNFCCC), and the Green Climate Fund.

CONTRIBUTION TO TRANSPARENCY AND ACCOUNTABILITY

HEDA has made significant contributions to transparency and accountability in Nigeria through extensive research and advocacy efforts.

The organisation's "A Compendium of 100 High Profile Corruption Cases in Nigeria" has garnered attention from local and international partners, including the UK's National Crimes Agency (NCA). This publication has served as a basis for investigations on illicit asset tracing and recovery.

HEDA's transparency and anti-corruption campaigns, along with its media engagement, have exposed scandals such as the Malabu Oil Deal (OPL245), leading to the suspension of the mining lease. The Organization also published: "Corrupt Practices in Nigeria's Oil Industry: OPL245 Case Study" and this has attracted a refund of \$85 million to Nigeria from the United Kingdom. The organisation and its partners blew the whistle on a private jet belonging to former Petroleum Minister, Dan Etete, believed to be a proceed of the OPL245 deal and the Nigerian Government had it seized when it was moved out of Dubai to Canada.

In a continual effort to promote transparency and accountability, also published a collection of corruption cases not investigated by the EFCC, ICPC, Senate and House Committees of the Nigerian law-making body- The National assembly between year 1999 till 2022 in a published article titled; 'Impunity Galore: A Chronicle of Some Unresolved High Profile Corruption Cases in Nigeria (1999-2022)'. HEDA's activism in the judiciary also earned it recognition, as it became part of the National Judicial Council's Committee on the Monitoring of Trials of Financial Crimes and Corruption Cases in Nigeria.

LEADERSHIP AND COLLABORATION

HEDA has played leadership roles in various civil society collaborations, both locally and internationally. It hosts the secretariat of the Civil Society Network Against Corruption (CSNAC), a network of over 150 anti-corruption organizations and individuals in Nigeria. HEDA is also an active member of the Procurement Monitoring Working Group (PPMWG) and the Anti-corruption thematic working group of the Open Government Partnership (OGP) Nigeria. The organization continues to collaborate with critical stakeholders, such as Integrity International Institute (III), to advocate for the establishment of an International Anti-Corruption Court (IACC).

WHISTLE-BLOWERS AND ANTI-CORRUPTION TOLL FREE LINE

HEDA has a whistle-blowers toll free line: 08004332277, which has received hundreds of phone calls from members of the public on sundry issues of corruption, human rights abuses, transparency and accountability. Some of the cases have been taken forward through petitions, Freedom of Information (FOI) requests and public interest litigation.

ABOUT CEFTIW

The Centre for Fiscal Transparency and Integrity Watch (CEFTIW) is an NGO established in 2016 with the aim of promoting accountability, transparency within the public sector, and ensuring good governance at all levels. While it promotes open governance at national and sub-national levels, it also serves as a credible hub for resources related to criminal justice such as crime, compliance, asset recovery and illicit financial flows.

The Center has over time worked with both government and CSOs to implement programs and interventions aimed at strengthening democracy and improving governance in Nigeria.





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