

# ANALYZING THE IMPACT OF POLITICAL INTERFERENCE ON ANTI CORRUPTION EFFORTS: STRATEGIES FOR REFORM

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“Corruption will continue to thrive until justice systems can punish wrongdoing and keep governments in check. When justice is bought or politically interfered with, it is the people that suffer. Leaders should fully invest in and guarantee the independence of institutions that uphold the law and tackle corruption. It is time to end impunity for corruption.”

-----François Valérian, *Chair of Transparency International*

“No matter the magnitude, the monetary cost of corruption is slight compared with its enormous social cost. It is indeed difficult to quantify the social costs of corruption, including deteriorating value systems, the declining moral fibre of society, and the displacement of ethical conduct by sheer greed ...the impact of corruption is far-reaching, impacting not only political and economic development but also administrative effectiveness and efficiency. It undermines the legitimacy of political leaders and political institutions, and thus the government is less able to rely on the cooperation of and support of the public.”

-----African Peer Review Mechanism, Republic of Uganda: APRM Country Review Report No. 7, January 2009, pp. 96-97.

“At a general level, the anti-corruption landscape in Nigeria over the years has been characterised by poor funding and weak capacity of ACAs[Anti-Corruption Agencies], alongside political interference. Delving deeper, the reason for the ICPC’s poor performance early on is connected to attempts by some top politicians to thwart anti-corruption efforts. Indeed, during the first two years of its establishment, the constitutionality of the ICPC was challenged in court and the Commission could not conduct any meaningful business. There were also attempts from some quarters within the Senate to water down the powers of the Commission .... Consequently, the rate of prosecutions of corrupt public officers drastically reduced between 2007 and May 2015 compared to that recorded between 2003 and 2007, and serious concerns were raised about the government’s failure to prosecute and convict offenders...”

-----Idayat Hassan, the EFCC and ICPC in Nigeria: overlapping mandates and duplication of effort in the fight against corruption, ACE Working Paper 038, November 2021

I

## **Introduction: Corruption and the Problem of the Enforcement of Morality**

My point of departure is the following. Corruption has a general unethical connotation. It connotes the perversion of what is good and the diminution of civic virtue and ethical

values. For this reason, it is viewed as an undesirable prescription or guide for social and political behaviour. It cannot be generalized or universalized, because it will weaken trust as a social capital necessary to hold the fabric of society and governance together. Yet the problem of corruption connects with wider contentious issues in ethics, for example such as those raised in the debate over rule-utilitarianism and act-utilitarianism. For example, is a course of action morally right or morally bad, if, and only if, it is driven by considerations of the greatest good of the society and, should, for that reason, constitute the standard for evaluating specific or particular behaviour [Rule-utilitarianism]. Or is a course of action morally right or morally wrong, if, and only if, it brings or results in as good a consequence as any other course of action that could have been brought about under the specific circumstances that brought it about.? Is there, in other words a threshold of corruption beyond which it becomes intolerable and punishable?

I begin in this way because the problem of corruption in politics has generally been framed in terms of some higher moral purpose or values, in other words the public interest which public policy, should promote and protect, if society is not to revert to the hypothetical state of nature. But what is this higher moral purpose or public interest? Who defines it? Whose interests does it serve? Are there levels or types of corruption, as in the difference between grand larceny typically committed by public officers holding high elective political and bureaucratic offices and their non-state proxies in the private sector and civil society; and petty larceny, typically committed by public servants in the middle and lower rungs of the public services? In the case of grand larceny, what are its economic and social benefits, set against the debate over rule- and act-utilitarianism? In other words, is there some redeeming feature and, therefore, some good, in grand larceny, to the extent to which some have argued that it can contribute to economic and social development, if its proceeds are recirculated to provide jobs, social amenities, and public utilities for communities and not stacked abroad or not put to productive use within the country.

My purpose here is briefly to point to the complex and sometimes paradoxical nature of the role of morality as a guide to public policy reform and, intertwined with it, the limits of law in enforcing morality and as an agent of social change. It is the combination of the complex and paradoxical nature of prescribing and enforcing morality as public policy that explains why corruption in public life remains a problem and a cause of concern globally, despite the global condemnation of corruption, and particularly of grand larceny.

## II

### **Democratic Transitions and The Problem of Corruption in Nigeria**

The tidal wave of democratic transitions that swept through Africa between the mid-1970s and mid-1990s gave rise to new modes of thinking about democracy and development in Africa, other than the received liberal democratic ones inherited at independence. The new thinking arose out of the democratic struggles within Africa against the military, single party and dominant single party regimes that defined Africa's

political landscape during the first-and-a-half-decade (1960-1975) after Africa's independence. For example in Nigeria, even before the country achieved independence in 1960, there were troubling indications and official investigations of political corruption and abuse of political power for partisan party and electoral advantage by political parties in power in the regions, between 1954 and 1959, when greater autonomy, followed by self-government, with Nigerian ministers appointed to lead regional governments, was progressively granted to the regions.<sup>1</sup>

The development portended a growing trend towards political interference with, in other words, the politicization of the public services, including the judiciary in the country, in violation of the separation of politics and administration, a core convention of the Westminster parliamentary model, for which the colonial inheritance elite was supposedly being prepared. The new modes of thinking were formulated to arrest, counter, discourage and punish the corrupt use and abuse of political power that characterized the Nigerian and general African political landscape in the immediate post-independence period.

The core elements of this new thinking were woven around concepts that envision the creation of a fourth branch of government, designed as independent democracy and development-promoting public institutions of ethics, accountability and transparency with oversight powers and functions over the three other branches of government—the executive, legislature and judiciary. These democracy-promoting institutions have notably included (a) human rights commissions; (b) electoral commissions; (c) anti-corruption commissions; and (d) public complaints commissions. But the redesign of the democratic and development constitutional and political architecture also provided for an external African layer of ethics, accountability and transparency mechanisms not only to complement but also to reinforce domestic ones. These African external mechanisms of accountability include the African Peer Review Mechanism and regional and continental jurisdictions, such as the ECOWAS Court.

The major African governance instruments and standards, which lay out the theoretical foundations for the design of these ethics, accountability and transparency institutions, are listed in Box I

Box I: Some African Governance Instruments and Standards

1. Lagos Plan of Action for the Economic Development of Africa (1980)
2. African Charter on Human and Peoples' Rights (1981/1986)
3. Africa's Priority Programme for Economic Recovery (1985)
4. African Charter for Popular Participation in Development and Transformation (1990)
5. African Charter on the Rights and Welfare of the Child (1990)
6. Treaty Establishing the African Economic Community (Abuja Treaty) (1991)
7. Grand Bay (Mauritius) Declaration and Plan of Action (1999)

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<sup>11</sup> R.L. Tignor, "Political Corruption in Nigeria before Independence," *The Journal of Modern African Studies*, Vol31, 1993, pp.175-202

8. African Platform on the Right to Education (1999)
9. Conference on Security, Stability, Development and Cooperation in Africa Solemn Declaration (2000)
10. Lomé Declaration of July 2000 on the framework for an OAU response to unconstitutional changes of government (2000)
11. Constitutive Act of the African Union (2000/2001)
12. NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2001)
13. NEPAD framework documents
14. Declaration on Democracy, Political, Economic and Corporate Governance (2002)
15. Declaration on Principles Governing Democratic Elections in Africa (2002)
16. African Union Convention on Preventing and Combating Corruption (2003)
17. Maputo Declaration on Gender Mainstreaming and the Effective Participation of Women in the African Union (2003)
18. Solemn Declaration on Gender Equality in Africa (2004)
19. African Charter on Democracy, Elections and Governance (2007)

Source: Christof Heyns and Magnus Killander (eds), *Compendium of Key Human Rights Documents of the African Union* (Third Edition), Pretoria: Pretoria University Law Press, 2007

The democracy and development governance architecture that emerged from the new thinking rested on the seven pillars listed in Box II

Box II: Pillars of the Redesigned African Democratic Governance Architecture

- a) Democratic political succession with fixed presidential term limits within the framework of competitive party and electoral politics and free, fair and credible elections managed and conducted by independent electoral management bodies (EMBs);
- b) Recognition, promotion and protection of positive rights such as cultural, economic and social rights, in addition to customary civil and political rights;
- c) Affirmative action to promote and protect cultural, ethno-regional, gender, political party, religious and other identity-based diversities;
- d) Separation of powers to enable the judiciary and legislature to be more effective in their investigation and oversight roles, respectively;
- e) Political devolution, with fiscal powers, to multiple centres of power within the State based on the principle of home rule, informed by considerations of subsidiarity. On a political spectrum in which the unitary state is at one end and the federal state at the other, political devolution is close to the federal State. Political devolution is designed to address the question of who owns the State by creating an uneasy combination of shared and decentralized citizenship rights to assuage the fears of domination expressed or perceived by historically marginalized groups such as women and ethnic and religious minorities, who felt they were treated as second class citizens, despite constitutional guarantees and reassurances of common citizenship rights;

- f) Reforms to the system of political parties so that it promotes democracy and diversity;
- g) The establishment of horizontal, democracy-promoting governance institutions (e.g. EMBs, anti-corruption agencies, ombudsmen) as an additional branch of government to ensure accountability and transparency in public life by insulating them from partisan political interference.

### III

#### **The 2023 Corruption Perceptions Index and The Corruption Ranking of Nigeria**

It is within the context of the post-immediate independence political economy of the typical African state, driven by a political culture of impunity, that encouraged and in turn fed on corruption on the scale of grand larceny that post-1999 efforts, including current ones in Nigeria to introduce and enforce anti-corruption measures as part of a broader set of constitutional and political reform should be understood.

However, as Idayat Hassan has argued, the anti-democratic culture driving the country's policy-framework and environment, notably in the form of political interference, primarily to shield high-profile persons from criminal prosecution or to frustrate their prosecution for grand larceny, has impacted negatively on the country's anti-corruption agenda, despite the establishment of the National Anti-Corruption Strategy (NACS), in July 2027.<sup>2</sup> Examples of the form the political interference has taken include the following itemised in Box III.

#### **Box III: Forms of Interference with the Work of Nigeria's Anti-Corruption Agencies**

- (i) Challenges to the constitutionality of the law creating some of the Anti-Corruption Agencies.
- (ii) Attempts to water down some of the powers of the ACAs.
- (iii) Use of the nolle prosequi powers of the Attorney-General of the Federation to withdraw some of the criminal cases against high-profile persons.
- (iv) Use of legal due process to delay and prolong some of the cases.
- (v) Immunity provisions of Nigeria's Constitution shielding the country's President and state Governors from prosecution, while in office, although the Supreme Court held in case Fawehinmi that they could be investigated by the Police while in office.
- (vi) The power vested in the Attorney-General of the Federation under the Assets Tracing Recovery and Management Regulations, 2019 to take-over high-profile corruption cases from the ACAS and to transfer such cases to the newly-created National; Prosecution Coordination Committee.

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<sup>2</sup> Idayat Hassan, *The EFCC and ICPC in Nigeria: overlapping mandates and duplication of effort in the fight against corruption*, ACE Working Paper 038, November 2021, .

The result is that the country’s national anti-corruption strategies and policy measures have neither significantly dented nor prevented the deepening of grand larceny in the country. As a Nigerian Bureau of Statistics study concludes, “While the prevalence of administrative, mainly low-value, bribery has decreased, the survey results suggest that the Government’s anti-corruption agenda, which tends to be focused on large-scale corruption, has so far only marginally affected this type of bribe seeking behaviour.”<sup>3</sup>

The 2023 Corruption Perceptions Index (CPI) provides some basis for putting the deepening corruption in Nigeria on a global comparative stage. The general picture that emerges from the 2023 CPI leaves no doubt that corruption is “thriving globally,” with over two-thirds of the countries scoring below 50 out of 100. The global average for 2023 is 43, with most countries making no progress or in decline over the last decade (2013-2023). This dismal and worsening state of the global corruption situation is well-captured in the extract of the summary of the findings of the 2023 Corruption Perceptions Index in Box III.

**Box III: Summary of Findings 2023 Corruption Perceptions Index-**

Over two-thirds of countries score below 50 out of 100, which strongly indicates that they have serious corruption problems. The global average is stuck at only 43, while the vast majority of countries have made no progress or declined in the last decade. What is more, 23 countries fell to their lowest scores to date this year.

**Injustice and trouble at the top**

The global trend of weakening justice systems is reducing accountability for public officials, which allows corruption to thrive.

Both authoritarian and democratic leaders are undermining justice. This is increasing impunity for corruption, and even encouraging it by eliminating consequences for criminals. Corrupt acts like bribery and abuse of power are also infiltrating many courts and other justice institutions across the globe. Where corruption is the norm, vulnerable people have restricted access to justice while the rich and powerful capture whole justice systems, at the expense of the common good.

Source

Table I contains extract of the disturbing overview of the 2023 CPI, for each of the six regions covered under the perceptions survey.

**Table I: Conclusions by Region in 2023 Corruption Perceptions Index**

Region	Conclusion
The Americas	Lack of independence of the judiciary in the region undermines the rule of law and promotes impunity by powerful criminals.

<sup>3</sup> Nigerian Bureau of Statistics, *Corruption in Nigeria: Patterns and Trends, second survey on corruption as experienced by the population*, December 2019, p. 83

Asia Pacific	For five years in a row, the Asia Pacific Region has shown little to no progress in the fight against corruption due to failure to deliver on anti-corruption agendas.
Eastern Europe & Central Asia	The region is struggling with dysfunctional rule of law, rising authoritarianism and systemic corruption.
Middle East & North Africa	Loss of momentum in anti-corruption efforts is diminishing public trust, while a largely reactive approach to fighting corruption is impairing good governance.
Sub-Saharan Africa	Progress in a few countries is not reflected throughout the largely stagnant region, while governments fail to act.
Western Europe & European Union	Leaders are losing public trust as they undermine limits to their power and act without integrity

Source: Transparency International, *2023 Corruption Perceptions Index*.

Table II, excerpted from the 2023 CPI, provides the scores of African countries (including North African countries, all of which were included in one region Middle East and North Africa), that were surveyed. Nigeria ranked 38<sup>th</sup>, alongside Liberia, Madagascar and Mozambique with each of them scoring 25 out of 100.

Table II: Scores by African Countries in the 2023 Corruption Perceptions Index

Country	CPI	Country	CPI	Country	CPI
Seychelles	71	Algeria	36	Nigeria	25
Cabo Verde	64	Egypt	35	Central Africa Republic	24
Botswana	59	Sierra Leone	35	Zimbabwe	24
Rwanda	53	Malawi	34	Congo (Brazzaville)	22
Mauritius	51	Angola	33	Guinea-Bissau	22
Sao Tome & Principe	45	Niger	32	Eritrea	21
Benin	43	Kenya	31	Burundi	20
Ghana	43	Togo	31	Chad	20
Senegal	43	Djibouti	30	Democratic Republic of Congo	20
Burkina Faso	41	Eswatini (Swaziland)	30	Comoros	20
South Africa	41	Mauretania	30	Sudan	20
Cote d'Ivoire	40	Gabon	28	Libya	18
Tanzania	40	Mali	28	Equatorial	17

				Guinea	
Tunisia	40	Cameroon	27	Southern Sudan	13
Lesotho	39	Guinea	26	Somalia	11
Morocco	38	Uganda	26		
Ethiopia	37	Liberia	25		
Gambia	37	Madagascar	25		
Zambia	37	Mozambique	25		

Source: Transparency International, *2023 Corruption Perceptions Index*.

Table II shows that sub-Saharan African countries performed poorly, with the region recording an average score of 33 out of 100. Table II also shows that ninety per cent of the countries scored under 50, and that with a score of 25, a statistically insignificant improvement from the country's 24 score in 2022, Nigeria fell short of the African average score of 33.

The 2023 CPI for the region highlighted the following troubling trends illustrating the insalubrious impact of corruption on democracy and development in the region [Box IV]

Box IV: Impact of Corruption on Democracy and Development in the Africa Region

“Cases of corruption and related challenges in justice systems in the region range from reports of bribery to extortion and political interference in justice systems of countries like **Nigeria** (25), to the dismissal and imprisonment of magistrates accused of corruption in **Burundi** (20), and all the way to the denial of justice for victims of human rights violations in the **Democratic Republic of Congo** (20). These examples underscore the justice system's crucial role in safeguarding basic human rights and social equity.

Democracy across **Africa** is also under pressure with a rise in the number of unconstitutional changes in some of the lowest-scoring countries, including **Mali** (28), **Guinea** (26), **Niger** (32) and **Gabon** (28), with insecurity and corruption cited as the main underlying reasons. Since 2020, there have been nine coups in the Sahel region and Central Africa.

Source: Source: Transparency International, *2023 Corruption Perceptions Index*.

Table III shows Nigeria's comparative CPI score between 2013 and 2023. The country's average annual score for the period was 25.72 per cent.

Table III: Nigeria's CPI Score and Ranking, 2013-2023

Year	Score	Ranking
2013	25	144
2014	26	136
2015	26	136
2016	28	136



2017	27	148
2018	27	144
2019	26	146
2020	25	149
2021	24	154
2022	24	150
2023	25	

Source:

Nothing reflects better the unwholesome effect of political interference, particularly by the executive branch and, to some extent the legislature, on the anti-corruption war than chequered tenure of past chairpersons of the country EFCC, many of whom were forced to leave, were either suspended or removed before the end of their tenure, or whose confirmation was held up or turned down by the Legislature, as illustrated in Table III

Table III: EFCC Chairpersons, 2003-2013

Chairperson	Tenure
Nuhu Ribadu	2003-2007
Ibrahim Lamorde (Acting)	December 2007-June 2008
Farida Waziri	June 2008-November 2011
Ibrahim Lamorde (Acting)	November 2011-November 2015
Ibrahim Magu	November 2020-January 2020
Mohammed Abba	2020-2021
Bawa	February 2021-June 2023
Abdukarim Chukkol	June 2023-

#### IV

#### **What should be done about corruption?**

.Nigeria's consistent combination of poor score and ranking on the yearly CPI between 2013 and 2023 [See Table III] points to the need to rethink the approach to the prosecution of the anti-corruption agenda in the country. This is because the country's problem of grand larceny is symptomatic of deep-rooted fundamental problems stultifying good governance in the country. Therefore the rethinking will require a more diligent, integrated and vigorous applied policy research-based dissemination and advocacy activities focused on the challenges posed by country's toxic political environment and the consequential huge deficits of ethics, accountability and transparency that flow from it for nurturing and sustainably consolidating democracy and development in the country.

This is why rethinking the country's anti-corruption agenda must look beyond the episodic reform of the legal and political framework for prosecuting the anti-corruption agenda, desirable and unavoidable as it may be, to link it symbiotically with a broader

framework of political reform agenda anchored on mandate protection. This broad-based and integrated mandate protection approach should focus and be targeted on encouraging and conscientizing citizens to become good citizens who have internalized civic virtue and responsibility as a categorical moral imperative, as expressed by the aphorism, “eternal vigilance is the price of liberty. Let the sentinels on the watch-tower sleep not, and slumber not.”<sup>4</sup> Nurturing such nightwatchman civic virtue is an indispensable and durable guardrail against the political culture of impunity regnant among the country’s public political office-holders.<sup>5</sup>

How is this to be done, beyond focus on episodic reform of the legal and political framework of the country’s anti-corruption agenda? A possible way forward is to reinvent and galvanize a national governance reform network similar to the hugely successful one put together by the hugely successful pro-democracy civil society organizations, such as the network spawned by the Citizens’ Forum for Constitutional Reform, in the aftermath of the annulment of the June 12, 1993 presidential elections through the Abacha years, the return to democratic civilian rule in 1999 and the establishment of the Uwais Electoral Reform Committee in 2007.

The objective of the reinvented network should be two-fold in a mutually-reinforcing manner: (a) to go beyond the narrow, piecemeal view of reform of the legal framework to curb corruption in public life, important and critical as it is in the short-term; and b) map out medium- to long-term pathways for strengthening the cultural, political and socioeconomic human development environment of democratic governance (as clearly stipulated under Chapter II of the country’s 1999 Constitution), without which episodic legal reform and the anti-corruption agenda, both narrowly conceived, can neither sustain democracy and development in the country, nor enable “citizens to become truly good citizens,” as a categorical public interest imperative.

To do something different, there is need to address (a) the toxic anti-democratic diabolic politics and its facilitative toxic economic, political and socio-cultural environment that both continue to diminish the feasibility of democracy in the country; and to that end (b) establish a National Network for dissemination and advocacy work for democracy and development, anchored on a Night watchman approach to political reform. The aim should to interpose a civil society-led public interest agenda to seize the initiative for political reform from the mainstream political elite and the combination of executive and legislative officeholders, who have a conflict of interest in conspiring to prevent meaningful political reform.

The diagrammatic representation of this integrated Night watchman approach (Diagram I, is framed around the following four interlocked policy reform issues:

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<sup>4</sup> Article in Virginia Free Press and Farmers’ Repository, May 2, 1883, quoted in [www.thisdayinquotes.com/2011/01/eternal-vigilance-is-price-of-liberty/html](http://www.thisdayinquotes.com/2011/01/eternal-vigilance-is-price-of-liberty/html)

<sup>5</sup> Much of this section draws on Centre for Democracy and Development, *Towards Post-2019 Election Reform in Nigeria, Concept Note*, 2020

a) Rights of Citizens: Cultural and socio-economic rights, provided under Chapter II of the Constitution of Nigeria, in addition to the customary civil and political rights under Chapter 1V.

b) Limits to State Power (or separation of administration from politics): Rule of Law and mechanisms for oversight of abuse of state power through constitutionally provided and guaranteed countervailing forces and institutions in state and society, including the private sector, and other guardrails of democracy to check abuse of state power and impunity by public authorities. [Chapters IV, V, VI, VII of Nigeria’s Constitution]

c) People’s Agency: people’s agency, as provided under Chapter II, Section 14(1), and Section 14(2)(a)(b)(c) of Nigeria’s Constitution, notably: Presidential, Gubernatorial, National Assembly and State Houses of Assembly Elections; also under Chapter IV, enumerated right to: a) freedom of thought; freedom of expression; freedom of peaceful assembly and association; c) freedom of movement; freedom of discrimination, subject to provisions of Chapter IV, Section 45; and

d) Political Accountability: The “duty and responsibility all organs of government, and of all authorities and persons exercising legislative, executive or judicial powers,” to citizens as provided under Nigeria’s Constitution; and the role of the following independent democracy-promoting commissions enshrined in Nigeria’s Constitution to monitor and ensure compliance with political and related accountability provisions of the country’s Constitution in governance: EFCC, Human Rights Commission, ICPC, INEC; Code of Conduct Bureau; and the Public Complaints Commission

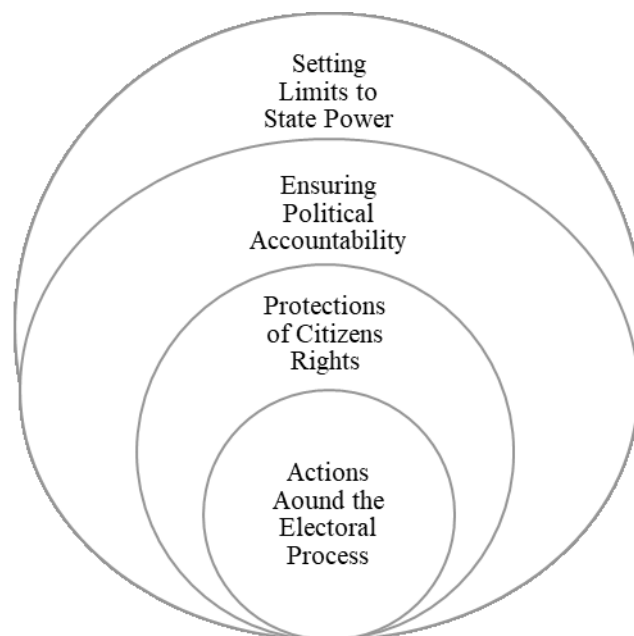


Diagram I

Table IV provides a summary of the recommended action to be pursued in respect of the policy areas sketched in Diagram I

Table II: Democratic Governance Reform Issues

Issue/Stipulative characteristics	Action
<p><u>Rights of Citizens :</u> Rights of citizens to human development and security, as defined under Chapter II and Chapter IV of Nigeria’s 1999 <i>Constitution</i>; and in the <i>African Charter on Human and Peoples’ Rights</i>, and the <i>African Charter on Democracy, Elections and Governance</i></p>	<ol style="list-style-type: none"> <li>1 Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around rights of citizens and how to enforce them.</li> <li>2. Entrench and establish a National Commission for Civic Education, as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions]</li> <li>3. Make socioeconomic rights justiciable. Already they are justiciable under African codes and standards and the SDGs, in line with some judgements of ECOWAS Court of Justice. In India and Kenya they are justiciable, under certain conditions; and in India the enforcement of socioeconomic rights take precedence over civil and political rights where there is conflict between the enjoyment of both rights.<sup>6</sup></li> <li>4. Strengthen the Human Rights Commission with administrative and financial independence.</li> <li>5. Resuscitate the Public Complaints Commission from its moribund state, strengthen and grant it administrative and financial independence as a democracy-promoting institution</li> </ol>
<p><u>Limits to State Power</u> Democratic governance as limits to state power, under a system of rule of law, including separation of power, and countervailing powers and institutions in state and society, including the private sector, as guardrails of democracy.</p>	<ol style="list-style-type: none"> <li>1 Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around rights of citizens and how to enforce them.</li> <li>2. Entrench and establish a National Commission for Civic Education as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions]</li> <li>3. Enact legislation to vest the power to deploy state resources and public servants, including the military, police and other security personnel in INEC, six months before the country’s general elections as in India</li> <li>4. Enforce and strengthen provisions of Electoral Act prohibiting the abuse of the powers of incumbency, including the misuse of official powers and resources,</li> </ol>

<sup>6</sup> P.M. Bakshi, *Constitution of India: Selected Comments*, Updated Edition, Delhi: Taj Press, 2003, p.84; *Constitution of Kenya 2010*, Article 21(2), and Article 43.

	<p>especially through the use of public procurements to serve as war-chest for electoral purposes .</p> <p>5. Remove power of the President to appoint members of INEC and make their appointment subject to the process outlined and recommended in the <i>Report of the Electoral Reform Committee 2008</i>, and vest appointment of REC in INEC .</p> <p>6. Prohibit, under penalty public agencies, including the police and security agencies under the Executive that are involved in elections from being used for partisan political purposes to undermine free and fair elections. Such agencies include the security bodies and the public service.</p> <p>7. Consolidate all the Anti-Corruption Agencies into one Anti-Corruption Agency</p> <p>8. Vest power to appoint Chairperson and members of the new ACA in the Council of State, with tenure similar to that of Justices of the Court of Appeal and removal subject to cause.</p> <p>9 Provide that in discharging its functions, including power of recruitment/ appointment, promotion, and discipline under its enabling law, the ACA shall not be subject to the direction or control of any other person or authority</p> <p>10. The funding of the ACA, including capital and recurrent expenditure for its activities as well as the salaries and allowances of its Chairman and members should be a first charge on the Consolidated Revenue Fund of the Federation salaries and other emoluments of the Chairman and members</p>
<p><u>Actions Around the Electoral Process/People’s Agency</u> Chapter II, Section 14(2a) and 14(2)(c) of the Nigerian Constitution: a) “Sovereignty belongs to the people of Nigeria from whom government...derives its authority”; c) “The participation of the</p>	<p>1. Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around limits to state power and how to enforce them.</p> <p>2 Entrench and establish a National Commission for Civic Education as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions]</p> <p>3. Provide legislation for independent candidates in</p>

<p>people in their government shall be ensured ....”</p> <p>Similar provisions in African Charter on Human and Peoples’ Rights, and the African Charter on Democracy, Elections and Governance.</p>	<p>general elections.</p> <ol style="list-style-type: none"> <li>4. Popularize provisions for recall of legislators.</li> <li>5. Create professional networks to undertake pro bono services to the poor for enforcement of their rights, access to the courts and provision of social facilitates to enjoy the rights</li> <li>6. Private sector to undertake pro-poor corporate social responsibility</li> </ol>
<p><u>Political Accountability</u></p> <p>Chapter II Section 13 of Nigeria’s Constitution:</p> <p>“It shall be the duty and responsibility of all organs of , and of all authorities and persons exercising legislative, executive and judicial powers, to conform to observe and apply the provisions of this Chapter of this Constitution.”</p> <p>Similar provisions in African Charter on Human and Peoples’ Rights, and the African Charter on Democracy, Elections and Governance</p>	<ol style="list-style-type: none"> <li>1 Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around rights of citizens and how to enforce them.</li> <li>2 Entrench and stablish a National Commission for Civic Education as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions)</li> <li>3. Provide legislation for independent candidates in general elections.</li> <li>4. Strengthen and restructure horizontal institutions of accountability, Code of Conduct Bureau, INEC, EFCC, ICPC Public Complaints Commission, to make them independent of the deployment of party political influence by removing the power of appointing their members and supervising the institutions from political office holders in the executive and legislature.</li> <li>5. Entrench the right to information for greater accountability and transparency in public political life and institutionalize a wider process of popular participation in the political process, as in India.</li> </ol>