

ANALYSIS OF PRESIDENT BUHARI'S ANTI-CORRUPTION POLICY: A REALITY OR AN ILLUSION?

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ABSTRACT

Nigeria corruption has emanated from historical, economic, political, geographical, cultural and social factors. In all of these, corruption, and in particular official corruption remains a controversial issue in all typologies of governments since her amalgamation in 1914. Therefore, there exist unresolved approach in the policies of past governments to fight and minimize corruption both in the public and private sectors. The fact that section 15(5) of the extant constitution of 1960 mandated the Head of State to abolish all corrupt practices and abuse of powers while the 1999 constitution, in section 23, itemized “national ethics” that are antithetical to corruption and section 88 and 89, empowered the national assembly to expose corruption, inefficiency and waste in government through probe and investigations while Buhari’s party-APC constitution in item No.4 takes clear position on strict enforcement of anti-corruption laws. It is disheartening to note that corruption hasn’t been killed or minimized. Thus, this paper attempts to analyze “Buhari’s anti-corruption policy” and his vow to combat corruption in Nigeria no matter whose ox is gored-if it’s a reality or an illusion. The theoretical framework that underpins this study is Moral development, which states that morality refers to the goodness of people as it is reflected in their behavior and beliefs. The major finding among others is that Buhari’s fight against corruption should be holistic and transparent while the recommendation including others is that the Nigerian populace and indeed the electorates that voted for change of Buhari’s government must assist the government and challenge it if need be, to fight corruption as promised during his electioneering campaign and his inaugural speech.

Keywords: *Buhari’s Anti-Corruption Policy; National Ethics; Reality or Illusion.*

INTRODUCTION

The massive corruption allegations that characterized President Goodluck Jonathan's administration in Nigeria from 2010-2015 prompted President Muhammadu Buhari to declare in his inaugural speech that "he belongs to no body and he belongs to everybody". The President has vowed to combat corruption in Nigeria no matter whose ox is gored. Indeed, his perceived stand by Nigerians as a strong character made his victory and that of his party possible in the 2015 general election as the then President, Dr. Goodluck Jonathan was accused of timidity and lack of will to solve Nigeria's problems especially corruption. Thus, Nigerians believe that the "national ethics" as itemized in section 23 of the Federation of Nigeria, 1999 constitution that deals with discipline, integrity, dignity of labour, characteristics that are antithetical to corruption and which, if imbibed and practiced by Nigerians, high and low, will check corruption and restore the nation to path of greatness could have been one of the legal frameworks among others-like, The Nigerian Constitution of 1999, section 88 and 89 that empowered the National Assembly to expose corruption, inefficiency and waste in government through probe and investigations; The Nigerian extant Constitution of 1960 section 15(5) that deals with abolishment of all corrupt practices that was assumed to have influenced Buhari's formation age, are indeed the legal frameworks that made President Buhari to declare war on corruption as vowed. In addition, the constitution of his ruling party - All Progressives Congress (APC), in item No.4 takes a clear position to fight corruption if voted into power as it is now. Albeit, after a year of President Buhari's administration; war against corruption and corrupt practices, Nigerians are beginning to ask questions if the policy is a reality or an illusion?

Corruption has eaten deep into the fabrics of the Nigerian society and no economy thrives in it. It involves the violation of established norms and rules for personal gains and profit. According to President Buhari, "corruption is the greatest form of human right violation" while to Oxford Learners Dictionary, corruption means "dishonest or illegal behaviour, especially of people in authority". It connotes a behaviour which deviates from the formal duties of a public role, because of personal or private gains. This behaviour includes bribery, use of a reward to prevent the judgment of a person in a position of trust, nepotism and misappropriation or illegal appropriation of public resources for private uses. It implies any act of wrong doing, act of violating public norms or deviation from honesty to dishonesty. For example, examination malpractice committed by invigilators, parents or students is regarded as corruption, irrespective of the level of involvement. Before the Buhari administration, preceding administrations have instituted various legal instruments, measures and policies designed to combat corruption in the country. Some of these include the criminal code: The Penal Code (applicable in the North); The criminal justice (Miscellaneous Provisions) Decree 1996; The Corruption Practices, Decree 1975, which established the Corrupt Practice Investigation Bureau; The ethical Revolution of President Shehu Shagari; The War Against Indiscipline (W.A.I) of Buhari/Idiagbon; Mass Mobilization for Social Justice, Self-Reliance and Economic Review (MAMSER) by General Babangida; The code of conduct Bureau and Tribunal Act (Cap 56, Law of the Federation of Nigeria, 1990); The Recovery of Public property (Special Military Tribunal Act (Cap. 387, Law of the Federation of Nigeria) as amended in 1991; The War Against indiscipline and Corruption of Late Gen. Sani Abacha; The Failed Banks Recovery of Debts and Financial Malpractices in Banks, Decree 1994 as amended in 1999; The Recovery of Public Property Special Military Tribunal Act, Cap. 389, laws of the Federation of Nigeria 1990, as amended in 1999 by Gen. Abdulsalami Abubakar, and many others.

Paradoxically, all these remedial measures merely rendered the issue of corruption in Nigeria, virulent. The reasons for this are varied. First, the compromised sincerity of the policy makers and those entrusted with its enforcement. Second, the penal codes apart from their complex wordings which created technical problems of interpretation and application, restricted the offence of corruption to members of the public service, which gave the impression that non-public servant could get away with active collaboration in and commission of acts of corruption. Thus, it was not surprising that despite the plethora of laws, decrees and strategies, corruption still remains the bane of the Nigerian society which graduated from being an aberration into a national norm. This is to the extent that public officers who have enriched themselves in corrupt practices are celebrated through the award of national honours and red-carpet receptions in some cases.

The question, therefore, is whether the fight against corruption and corrupt practices in Nigeria by President Buhari is a reality or mere rhetoric, a gimmick to deceive the populace again like his predecessors. And, what would be the impact of this war on the masses who have been impoverished by the political leaders through the act and science of corruption that made him, President Buhari to state that "if Nigeria does not kill corruption, this number one enemy may eventually kill Nigeria" Buhari (2015).

THEORETICAL FRAMEWORK OF ANALYSIS

The problem of corruption in Nigeria is a complex and sad one: it can be analyzed from diverse perspective of morality, values and conscience. Theories of moral development have been well postulated by such notable scholars as Jean Piaget (1968) and expanded by Lawrence Kohlberg in 1971 and Kohlberg L, & Candee, D. (1984). These scholars' position shall be used for the analysis of this work.

Morality simply refers to the relative goodness of people as it is reflected in their behaviour and beliefs. Piaget (1968), maintains that children progress from an initial pre-moral stage to a stage where morality is defined by outside authority (heteronomy). The final stage is one of moral autonomy where morality is defined in terms of the personal individual's judgment of right and wrong. Thus, a time comes when an individual matures to decide whether to do what is right or what is wrong.

Kohlberg L, & Candee, D. (1984) speaks of three different aspects of morality: the ability to resist temptation; the amount of guilt that accompanies moral transgression; and the standards by which the individuals judge or discern what is right or wrong.

These different aspects culminate into three progressive levels of moral development. The first is labeled pre-moral which characterized an authority-oriented definition of good and bad as well as the belief that behaviour that lead to immediate gratifications and pleasurable outcomes are good, while those that lead to less pleasant outcomes are bad. The second level is the period of conformity to family and peer standards, motivated in part by a desire to maintain good social relations. At the highest level of moral development, children re-examine the rules that have previously governed their behaviour and theoretically arrived at a set of self-accepted principles of moral conduct to them.

From Piaget (1968) and Kohlberg L, & Candee, D. (1984), it implies that individuals redefine their behaviour towards good and bad, as they grow. It therefore means that societal conditions and influences affect people's behaviour and perception of corruption. For instance the Nigerian society's perception of success has changed from what it used to be in the past when people worked hard to earn it. Today honour is given to those who can make it by all

means (usually dubious means) and red-carpet receptions are given to undesirable men with questionable characters in society. This has adversely affected the citizen's perception of life. Indeed, the decline of morality at the expense of hard-work, honest and integrity can be adduced to be facilitator of corruption in Nigeria. This is why Oyebode (2006) concludes that corruption connotes impropriety and therefore encompasses all forms of reprehensive, indecorous and in famous conduct of some officials and performance of judicial responsibility while Adekunle, F. (1991) concludes that a society's social and moral values reflect are firmly anchored on specific material conditions.

CAUSES OF CORRUPTION IN NIGERIA

According to Bagshaw (2004), a number of factors can be identified as causes of corruption in Nigeria. These include:

1. **Low Public Sector Remunerations:** The salaries of public servants in Nigeria are so low that they cannot afford to live above board. This makes them to look for any opportunity to enrich themselves as they believe that "where you work is where you chop".
2. **Secrecy in Government Offices:** Lack of information to the public on activities of public offices leads to financial misappropriation as most of the government transactions are done in secrecy.
3. **Bad Procurement Practices:** This creates room for inflated contracts and diversion of funds meant for capital expenditure.
4. **Immunity of Public Officials:** Some government officials are immune from prosecution while in office. For example most governors divert monies meant for public expenditure.
5. **Inherent Flaws in the Structure of the Nigerian Economy:** Due to the federal government browbeat fiscal centralization policy, loopholes are often created to effect misappropriation of funds.
6. **Absence of Functional Governmental System:** Supervising agencies and periodic auditing of government accounts are usually circumvented and falsified.
7. **Over concentration of resources:** The over centralization of resources at the centre and the culture of unregulated informal economy are also among the causes of corruption in Nigeria.

It has also been discovered that institutional factors are the root causes of all corruption in Nigeria. For instance, economic corruption has been traced to poverty and pressure on the office holder, human failure or weakness. Greed and the syndrome of get-rich-quick due to the fear of the unknown, anxiety and the insecurity of work are also possible causes of corruption. This is so because of the perception that government is not interested in the welfare of public office holders after retirement and so the available solution is to engage in corrupt practices in order to provide for the rainy day and put a shelter over their head.

ANTI-CORRUPTION COMMISSIONS IN NIGERIA

Notable among the anti-corruption agencies are the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). Other agencies previously instituted to fight corruption included the Judicial Commissions of Enquiry, The Code of Conduct Bureau, The Public Complaints Commission, Mass Mobilization for Social Justice and Economic Recovery (MAMSER), War Against Indiscipline Council (WAIC) and the

Independent Advocacy Project (IAP) known as the Good Governance Group (G), Akambi (2001).

ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)

The Economic and Financial Crimes Commission (EFCC) was established through an Act of the National Assembly in December, 2002, but began operation in April, 2003 when its Board was inaugurated. Its responsibility specifically included the investigation of all financial crimes such as Advance Fee Fraud known as 419; Money Fraud; Counterfeiting Illegal Cash Transfer; Fraudulent Diversion of Funds; Contract Scam; Forgery of Financial Instrument and Insurance of Dud Cheques. Other responsibilities of the EFCC were coordination and enforcement of all economic and financial crimes laws; adoption of measures to identify, freeze, confiscate and seize proceeds derived from terrorist activities, economic and financial crimes related offences or the properties and values corresponding to such proceeds, determination of the extent of financial loss and such other losses by government, private individuals or organizations collaboration with government bodies within and outside Nigeria which carry out its functions wholly or in part analogues with those of the commission.

It is also empowered to effect the following laws:

- (i) Money Laundering Acts 1995;
- (ii) The Advance Fee Fraud and other related offences Act 1995;
- (iii) The Failed Bank Recovery of Debts and Financial Malpractices in Banks Act 1994 as amended.
- (iv) The Bank and other Financial Institutions Act as amended; and any other law or regulation related to economic and financial crimes. (EFCC Act, 2002).

INDEPENDENT CORRUPTION PRACTICES COMMISSION (ICPC)

The ICPC was instituted to combat the crime of corruption and presided over by Justice Mustapha Akambi (rtd) in 2000 (ICPC Act, 2000). Its main objective was to enforce policies that would be geared towards controlling corrupt behaviour. The notable offences covered by the Acts establishing the ICPC include gratification by an official, corrupt offers to public officers and corrupt demands by persons in public offices, fraudulent acquisition of property and receipt of property, counseling offences relating to the corruption, power to investigate reports of bribery transactions and information etc.

It is disheartening to note here that finance is the stumbling block to execute these strategies of combating corruption in Nigeria. While lamenting over the inability of his commission (ICPC) to meet the expectation of the public, Akambi, its chairman states that his organization has only been able to investigate 608 out of the 1,270 petitions it had received over the past four years, due to lack of funds. Out of the 608, only 34 cases had been brought to court. He wondered why the government had set up the commission and appointed competent people to run it, only to frustrate it from performing by starving it of funds, Akambi (2001).

This position leaves us with the question whether the anti-corruption crusade, especially under President Buhari is a reality or mere illusion?

ANALYSIS OF PRESIDENT BUHARI'S ANTI CORRUPTION POLICY: A REALITY OR AN ILLUSION?

When President Buhari took over the mantle of leadership on May 29, 2015, he vowed to combat corruption in Nigeria no matter whose ox is gored. This was clearly indicated in his

inaugural speech when he said, “I belong to everybody and I belong to no body”, Buhari (2015). Immediately, according to Campuswaka (2015), he started by arresting Col Dasuki (rtd) the then National Security Adviser of President Jonathan who was as at 1983 a young Nigeria Army Colonel that arrested the then General Buhari when Buhari’s government as Military Head of State was overthrown on Dec 1983 by General Babaginda. Dasuki’s accomplices that are of the opposition party, People’s Democratic Party (PDP) and those in the military were arrested and charged to court by Economic and Financial Crimes Commission (EFCC) over the massive scam in weapons and defence procurements that led to the misuse of three trillion naira defence budget since 2011 under the guise of fighting the notorious Boko Haram menace.

The NNPC investigation where the former minister of petroleum Mrs Diezani Alison-Madueke was asked to give holistic account of her stewardship while in office could have been one of the reasons why President Buhari vowed to combat corruption in Nigeria no matter whose ox is gored. The investigation exposed several oil deals committed in the NNPC. Among these are: (1) The \$2.2 billion USD illegal withdrawal from Excess Crude Oil Account according to (www.punchng.com) of which \$1 billion USD supposedly approved by the then President Jonathan to fund his re-election campaign without the knowledge of National Economic Council. (2) The investigation of the discovered \$11.6 billion USD (NLNG) dividend payments that is missing according to NEITI, Izeze (2015). (3) The non-remittance of \$11.63 billion USD paid to NNPC on crude swaps due to subsidy and domestic crude allocation that was not remitted to the federation account from 2005 to 2012, Izeze (2015). (4) The stealing of sixty million barrels of oil valued at \$13.7 billion USD under the watch of NNPC from 2009 to 2012, Izeze (2014). (5) The invasions of tax by Oil Prospecting Licenses (OPL) and Oil Mining Licenses (OML), Daily Sun (2016).

Other cases investigated outside NNPC were: (6) Diversion of 60% of \$1 billion USD foreign loan obtained by the Federal Ministry of Finance from the Chinese, Izeze (2015). (7) Diversion and mismanagement of \$2.2 million USD meant for vaccination of children, Siteadmin (2014). (8) Diversion of N1.9 billion Nigeria naira being payment for Ebola fight, Abiodun (2015). Federal Ministry of Finance hurried payment of \$2.2 million USD to Federal Ministry of Health contractor in disputed invoices, Punch (2015). (8) NIMASA fraud that the investigation is ongoing (www.punch.com). (9) The NDDC scam of N27 billion Nigeria naira contract award, Premium Times (8th August 2015). (10) The Police Service Commission scam investigation of N150million Nigerian Naira, Premium Times (2015). (11) The security contracts of the militants on oil and gas pipeline, Africa Oil and Gas Report (2016). (12) The alleged down payment of ₦50 billion Nigeria naira for the ₦1 trillion fine slammed on MTN by the Nigerian Communications Commission (NCC) for a breach of the nations laws on Subscriber Identification Module (SIM) registration which was allegedly diverted by government agencies involved, Daily Sun (2016).

Broadly speaking, there have been attempts by the administration of President Buhari to investigate several cases of corruption during President Goodluck Jonathan’s administration. However, some critics of Buhari’s anti-corruption war have accused him of not being sincere and holistic in the fight against corruption as virtually all the people and corporate organizations investigated are all of the opposition party – PDP, and his perceived enemies. Worse off, to them, none of the cases so far investigated and charged to court has been clinically concluded. This school of thought is also of the opinion that President Buhari has no moral pedigree to fight corruption because he, Buhari is corrupt. Cases such as the following were cited to drag home their points: (1) Buhari as Minister of Petroleum: Two Hundred and Eighty Billion United States

of America Dollar (\$2.8b) Oil Money was unaccounted for in 1977 under the watch of Buhari as the Petroleum Minister that led to the then Military Head of State Lt. Gen Obasanjo to set up a “crude oil sales tribunal” to investigate the operations of the then Nigeria National Oil Company (NNOC) now known as Nigeria National Petroleum Corporation (NNPC). The tribunal found out that in three years, the then NNOC has failed to collect its equity share of oil produced by Shell, Mobil and Gulf, which amount to \$2.8b USD (www.thecable.nigerianmonitor.com). (2) Buhari as Military Head of State: The story of the fifty three (53) suitcases “filled with cash” that his Aide-de-Camp (ADC) then Major Mustapha Jokolo and his soldiers forcefully passed through Muritala Mohammed Airport (MMA) Lagos without security check after Gen Buhari as the Military Head of State announced a change of Nigeria currency and gave an order that all luggage entering or leaving the country borders, seaports and airports should be searched to ensure no currency was being smuggled. However, there seemed to be one rule for all and another for a privileged few as the 53 suitcases forcefully passed through without security checking. According to Atiku Abubakar, Nigeria’s Fourth Republic Vice President and the Controller of Customs as at the time of this incident at MMA Lagos, “he was pressurized by Buhari’s government to deny that the smuggling didn’t take place, but he refused and told the truth” (therainbowonline.net). (3) Buhari as Petroleum Trust Fund Chairman (PTF): Mismanagement of Twenty Five Billion Seven Hundred and Fifty Eight Million Five Hundred and Thirty two Thousand Four Hundred and Forty Eight Naira (N25,758,532.448). On July 7th 1999, the then President Obasanjo instituted Petroleum (Special) Trust Fund Interim Report and the report revealed that the committee had advised President Obasanjo to set up a high powered judicial panel to recover the huge public fund and to take necessary action against any officer, consultant or contractor such as the Afri-Project Consortium (APC), a company contracted by the Petroleum Trust Fund (PTF) as management and project consultant that the report indicted that the sum of N25,758,532.448 was mismanaged when Buhari was the Chairman (www.naij.com). (4) Buhari’s Certificate Forgery: Nwokocha-Ahaaiwe, an Abuja legal practitioner has charged President Buhari to court for an alleged certificate forgery. He alleged that President Buhari is unqualified to aspire to the office of the President of Federal Republic of Nigeria because President Buhari did not sit for Cambridge West African School Certificate (WASC) in 1961 as claimed. However, President Buhari’s hiring of the services of twenty three best Senior Advocates of Nigeria (SAN) on this certificate forgery allegation is a proof according to his critics on this subject that indeed, President Buhari has no Cambridge West African School Certificate (WASC) as he claimed thus, has no morality to fight corruption (www.post-nigeria.com). (5) President Buhari Harboring Corrupt Ministers in His Cabinet: The Lagos State chapter of People’s Democratic Party (PDP) has faulted the claims by President Buhari that his Ministers are not corrupt. According to the party, President Buhari was obviously shielding some of his corrupt Ministers because of their financial contributions to his election. They accused President Buhari of pretending to be corruption-free, stating that he should make himself available for live question and answer if indeed he was very confident none of his Ministers are corrupt (www.informationng.com). The corruption crisis rocking Buhari’s ruling party, All Progressives Congress (APC) in recent time seems to be proving Buhari’s anti-corruption war critics right. Cases like (6) The Party’s National Leader, Senator Bola Ahmed Tinibu’s accusation that the National Party Chairman, Chief John Oyegun is corrupt and Oyegun’s hitting back at Tinubu, describing his allegation of corruption as personally insulting, reckless and baseless according to This Day (2016) points to the illusion concept of this subject as none has been invited or interrogated as at the time of writing this paper. (7) The confessional statement

made by Hon Abdulmumin (Ph.D) of APC, Former Chairman of Appropriation Committee representing the people of Kiru-Bebeji Federal Constituency of Kano State in a press conference after being relieved of his position by his colleagues, stated categorically how the “House of Representative is a den of systemic corruption”, Punch (2016). To further proof this, Hon Abdulmumin listed in the first release how they shared Nigeria money. He confessed in the following order starting with him: (1) Hon Abdulmumini Jubrin got N650 million (2) Speaker Yakubu Dogara got N1.5 billion (3) His Deputy Yusuf Lasun got N800 million (4) House Majority Leader Femi Gbajabiamila got N1.2 billion (5) Deputy Majority Leader Buba Jubrin got N1.2 billion (6) House Whip Alhassan Ado Doguwa got N1.2 billion (7) Deputy House Whip got N700 million (8) House Minority Leader Leo Ogor got N1.2 billion (9) Deputy Minority Leader Onyema got N800 million (10) Minority Whip got N700 million (11) Deputy Minority Whip N700 million, and he concluded by saying that he has documents to back up all these. This neo overt concept of President Buhari’s ruling party-APC bigwigs accusations of each other on corruption in recent time and yet no invitation or arrest has been made by the anti-graft agencies, indeed, shows that Buhari’s anti-corruption war is one rule for all and another for the privileged few. However, it is apt at this time to note the Ekpeye ethnic nationality’s saying of the Niger Delta Region that “if it smells like a fish and looks like a fish, it is possibly a fish”. Thus, this brings us to the questions being asked covertly and overtly by Nigerians, if President Buhari is sincere in his fight against corruption or if the fight against corruption is a vendetta, a reality or an illusion?

CONCLUSION

President Buhari’s fight against corruption in Nigeria should not be a mere rhetoric as corruption is a cankerworm that has eating deep into the fabrics of the Nigerian society and endemic, ravaging the nation’s economy. The causes of corruption are from various institutional and political factors stemming from the flawed structure and monopoly of the economy by the federal government. Its effects on the nations socio-political and economic development are numerous and devastating. It has damaged the image of the country abroad to the extent that Nigeria is tagged as one of the most corrupt countries in the world. This has discouraged foreign investors and caused inflation and the depreciation of our currency. On a final note, the fight against corruption in Nigeria by the Buhari administration is being encouraging indeed; but it should be holistic and transparent, not targeting only a section of the country, a particular political party members and or his passive enemies if he wants Nigerians to believe and have faith in his war against corruption.

RECOMMENDATIONS

1. The war against corruption should be holistic and transparent. Nigeria requires good and virtuous leaders who are men of proven integrity. Leaders who are disciplined, honest and trustworthy.
2. The agencies of the anti-graft should ensure the immediate prosecution of people who are involved in corrupt practices. There should be no sacred cows and prosecution should not be on “one rule for all and another for the privileged few”.
3. The government should fund the agencies adequately so that they can carry out the processes of prosecuting culprits without hindrances.
4. The income of every public official should be thoroughly scrutinized by the code of conduct Bureau before and after office to avoid falsification of claims.

5. There should be a special court for prosecuting people involved in corruption charges. This will reduce the cumbersome and delayed processes of the conventional court.
6. Capital punishment should be clearly spelt out for offenders as it is obtained in other developed countries. Possibly death or life imprisonment should be meted as in the case of China and most Asian countries.
7. The anti-graft staffs and the Nigerian police officers should be trained and equipped to carry out investigations without compromise.
8. The public servants should be well remunerated and motivated with improved staff welfare packages to have job satisfaction.
9. The Federal Government should endeavour to create employment opportunities to reduce the rate of unemployment and crime in the society.
10. The Federal Government should jail past corrupt leaders to serve as deterrence to others. This will infuse fear in the system and reduce the act and science of corruption in Nigerian government and politics.

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