



Leadership Effectiveness and Accountability Dialogue (LEAD)

— A Desk Review on —

FIGHT AGAINST CORRUPTION



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Foundation

PLAC
POLICY AND LEGAL ANALYSIS CENTRE

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**LEAD EFFECTIVENESS AND ACCOUNTABILITY DIALOGUE (LEAD):
A DESK REVIEW on FIGHT AGAINST CORRUPTION**



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Acknowledgement

It has been a huge and exhilarating task for the SCDDD to Desk Review, compile and produce the reviewed selected national documents. The review is designed to Isolate sets of common grounds and recommendations that can be used to engage critical State Actors, especially the Presidency and leadership of the National Assembly, to attain genuine and sustainable national reconciliation, social inclusion, healing, cohesion and open/accountable governance that would subsequently usher-in national development. This Desk Review of selected national documents would not have been materialized without the support of many people to whom we are profoundly grateful.

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Amb. Sani S. Bala (Wamban Katsina)
Executive Director, SCDDD

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Acronyms

CPI	-	Corruption Perceptions Index
SCDDD	-	Savannah Centre for Diplomacy, Democracy and Development
LEAD	-	Leadership Effectiveness and Accountability Dialogue
ICPC	-	Independent Corrupt Practices Commission
EFCC	-	Economic and Financial Crime Commission
NBA	-	Nigerian Bar Association
ICAN	-	Institute of Chartered Accountants
NLC	-	Nigerian Labour Congress
WAIC	-	War against Indiscipline and Corruption
NOA	-	National Orientation Agency
PCC	-	Public Complaints Commission
INEC	-	National Electoral Commission
DSS	-	Department of State Security
NPC	-	Nigerian Press Council
NPAN	-	Newspaper Proprietors Association of Nigeria
I-NGOS	-	International Non-Governmental Organisations
CSO	-	Civil Society Organisations
NBC	-	National Broadcasting Commission
NEEDS	-	Nigerian Economic Empowerment Development Strategy
SEEDS	-	State Economic Empowerment Development Strategy

Executive Summary

The In-depth Desk-Review on selected National Documents is one of the segments under the second edition of the Leadership Effectiveness and Accountability Dialogue (LEAD) project, currently being undertaken by Savannah Centre for Diplomacy, Democracy and Development (SCDDD) with support from MacArthur Foundation, under its **“Enhancing Citizens’ Engagement of Accountability and Social Inclusion Issues around Elections”**. The selected National Documents are (2005 National Political Conference by President Obasanjo, 2014 President Goodluck Jonathan's National Conference, 2007 Justice Mohammed Lawal Uwais Electoral Reform Report, 2002 Human Rights Violations Investigation Commission of Nigeria (Oputa Panel Report) and the All Progressive Congress (APC) 2018 Report on True Federalism.

The second edition of the LEAD Project is tailored to complement the first edition in terms of context, reach and impact. LEAD-2 is fashioned to be action-driven through sets of activities that include; in-depth desk-review on selected national documents, national online forum/policy discussions on the state of the nation, critical stakeholders buy-in engagements, regional consultative forums and weekly radio show on a national frontline radio station in Abuja. The reconstituted Savannah Centre's Council of the Wise are the major drivers of this project for impact

and effectiveness.

The major purpose of the LEAD II in-depth desk review segment is to amongst other things; Isolate sets of common grounds and recommendations that can be used to engage critical state actors, especially the Presidency and leadership of the National Assembly to attain open/accountable governance, genuine and sustainable national reconciliation, social inclusion, healing, cohesion and revival that would subsequently usher-in national development.

FIGHT AGAINST CORRUPTION



INTRODUCTION

Sixty-one years after independence, Nigeria is yet to achieve its potential. The fallen giant is like a rickety vehicle with numerous problems hindering its movement. The wheels continue to be weakened most prominently by corruption.

According to Transparency International, Nigeria ranked 154 out of 180 surveyed countries in the 2021 Corruption Perceptions Index (CPI) ranking has dropped five places in 2021 falling back five places from the rank of 149 in 2020 placing as the second most corrupt country in West Africa.

The war against corruption in Nigeria dates to a very long time. The problem is not new to humankind even though it has reached unprecedented proportions in recent years. In fact, beyond the 5 reports being reviewed under this project, there is a plethora of research and reports on the nature of corruption, its destructive tendencies and how to have it tackled in Nigeria.

The failure of successive Nigerian governments to deliberately and sustainably tackle the legacies of corruption has sunk Nigeria deeper into widespread insecurity, unemployment, poverty and inequality, voter apathy and impunity, extra-judicial killings and high-handedness among law enforcement and security agencies, and a widening distrust for the government among citizens.

Sequel to the above, the Savannah Centre for Diplomacy, Democracy and Development (SCDDD) conducted a Desk

Review of the following documents with a view of merging their recommendations for a workable-strategies for anti-corruption.

1. National Political Reform Conference (NPRC) 2005 Main Report
2. National Conference 2005
3. National Conference 2014 Main Report
4. Report of the APC Committee on True Federalism 2018
5. Report on Electoral Reform Committee 2008

Having looked at these documents and in keeping with the LEAD 2 aims and objectives, (SCDDD) have distilled the recommendations and itemized the areas that these documents have a consensus on, in a concise format that will be relatively easy for a Presidency with the requisite will-power will be able to adopt as a policy document and where there is a need to legislate upon, the Presidency can also ensure that executive Bills can be sent to the National Assembly for legislative action or in the alternative the findings carried herein can be used as advocacy points for engagement with the National Assembly so that on issues that may not easily be adopted as policy issues by the Executive arm of the Federal Government (or where it declines to so do) the National Assembly can either cause the amendment of relevant laws or enact fresh ones that will bring life to the suggestions carried within this document.

CORE ISSUES

1. Constitutional and Legal Reform
2. Public Service
3. Executive Reform
4. Legislature
5. Judiciary
6. Law enforcement agencies
7. Political parties
8. Education and Public enlightenment
9. Religious institutions
10. International Community

CONSTITUTIONAL AND LEGAL REFORMS

1. Legislature/Executive

- a) The Constitutional Provision on the immunity of public office holders as provided in Section 308 should be amended so that public officials would enjoy immunity only in respect of civil matters. Thus, public officers accused of felony should face prosecution and conviction accordingly. Additionally, there should be a clear provision in that section that immunity does not apply to provisions of the 5th schedule of the Constitution and the Code of Conduct Bureau and Tribunal Act.
- b) The President of the Federal Republic of Nigeria should have power to appoint the Chairman of Independent Corrupt Practices Commission or Economic and Financial Crime Commission subject to confirmation by the Senate (the current position), while the other commissioners or members should be nominated from civil society for example; the Nigerian Bar Association, Institute of Chartered Accountants, Nigerian Labour Congress, Academia, Women Groups, Traditional Institutions and Religious Bodies and other professional bodies. The Chairman or members of such Agencies should only be removed by the President acting on an address supported by a two-third majority of the Senate. All appointments/nominations should be published and time

allowed for public feedback.

- c) The conference recommends the strengthening of the mechanisms for sanctioning offenders by imposing penalties from a minimum of 20 years no maximum of life imprisonment.
- d) The office of an Independent Prosecutor should be established to enable that office to take up cases of corruption if the Attorney General is unwilling to pursue such cases for reasons suspected to be protective of wrongdoing.

2. Legislature

- a) Given the high prevalent rate of corruption and the crucial role of ICPC and EFCC in combating corruption it is recommended that both bodies should be entrenched in Section 153 of the 1999 Constitution as amended that established the Code of Conduct Bureau and other Federal Executive Bodies.
- b) All assets found to have been illegally acquired by a corrupt person should be forfeited and confiscated by the government.
- c) For some unknown reason, the provisions in paragraph 11(1) of the Fifth Schedule to the 1979 Constitution requiring the assets of a spouse to be declared along with those of her husband have been omitted in the 1999 Constitution. These provisions should be reinstated.

INSTITUTIONAL MECHANISMS/ REFORMS IN THE EXISTING STRUCTURES

1. Executive

- a) Any person convicted of corrupt practices should be stripped of any national award and barred from receiving any in future and from becoming a director of any public company.
- b) Special Courts should be set up for prosecution of cases emanating from corrupt practices and such cases should not last more than 90 days.
- c) Alternatively, Federal High Court should be given exclusive jurisdiction in corruption cases so that no other Judge of co-ordinate jurisdiction can grant injunctive orders restraining the court on the issue of jurisdiction.
- d) Staff remuneration of all the Anti-Corruption bodies to be distinct and enhanced by the Salaries and Wages Commission.
- e) Government should reintroduce the WAIC (War Against Indiscipline and Corruption). A WAIC unit should be created as part of the National Orientation Agency (NOA), which should be separated from the Ministry of Information. It would be the duty of the unit to enforce discipline in public places, instil the queuing culture and seek to promote a return to healthy social values.

- f) The ICPC should be adequately funded to enable it to establish functional offices in all the 36 States of the Federation and FCT
- g) The functions of EFCC and ICPC should be harmonized, streamlined and properly coordinated.
- h) ICPC should have the power to initiate investigations. A situation where they wait for formal reports to start action cannot have the desired effect in the efforts to eradicate corruption.
- l) Private detectives should be licensed and paid commission for tracking and re-covering persons involved in corrupt practices.
The EFCC and ICPC and the Attorney General as the case may be should pursue all known outstanding allegations and indictments over corruption

2. Executive/Legislature

- a) A special department or the Office of a Special Prosecutor should be created within the EFCC to handle the prosecution of corruption cases, this will avoid delays often caused by referring case files to the Attorney General's office for advice.
- b) Both the Due Process Unit and Audit Department should have the power to report directly to EFCC and ICPC without the knowledge of the Heads of the Government

Unit or Parastatals.

- c) Whistleblowers should be protected by the law to encourage reporting of corrupt practices.

3. Legislature

- a) The activities and salaries of Chairmen and members of the EFCC and ICPC should be funded directly from the Consolidated Revenue Fund of the Federation.
- b) Adequate funding of ICPC, EFCC, Code of Conduct Bureau and Code of Conduct Tribunal.
- c) The EFCC must be made independent of the Presidency and must be encouraged to discharge its duties without fear or favour, not sparing any sacred cows. It should be free to investigate even the Presidency itself.

PUBLIC SERVICE/ BUREAUCRACY REFORMS

1. Executive

- a) Public servants should be made to follow rigorously regulations relating to financial instructions in that sector.
- b) Use of merit and recognition of excellence and rewarding upright public servants should be encouraged.
- c) The Public Complaints Commission should be resuscitated and adequately funded. Its functions should be made

more relevant to the general anti-corruption campaigns.

- d) Job security should be ensured by adequate remuneration and strict adherence to conditions of employment including prompt payment of pensions and gratuities.
- e) Officials in Government who have the responsibility to enforce regulations and who fail to do so should be automatically adjudged of connivance and penalized.
- f) Bring to trial, all current public office holders operating foreign accounts, contrary to the code of conduct for public officers. In doing this, the collaboration between local and necessary foreign security agents should be strengthened. All monies in such accounts should be confiscated.
- g) Investigate the ownership of the prime properties in Abuja and nationwide, and where such properties are owned by past or serving public officers, the officers are made to account for the sources of the funds used in erecting them. Thereafter take appropriate actions.

2. Legislature

- a) The declaration of assets by all public officers be published both on assumption and after leaving office. Such declaration should be verified and offenders prosecuted.
- b) Persons who have been found guilty of corruption should

be banned for life from holding public office (elective or appointive).

- c) Public officers should be barred from acquiring any public property far above their income, directly or through proxies while in office.
- d) Public officers should be banned from receiving Chieftaincy title while in office as that breeds corruption.
- e) There is presently nothing in the Code of Conduct Bureau and Tribunal Act or the Fifth Schedule to the Constitution or the Corrupt Practices and Other Related Offences Act 2000 that addresses the problem of former public officers owning properties and assets and exhibiting lifestyles that are not fairly attributable to their incomes while in office or to their present incomes. Under the law, time does not run against the state in criminal cases. Both paragraph 11(3) of the Fifth Schedule and Section 44(2) of the Corrupt Practices and Other Related Offences Act which deal with cases of lifestyle being disproportionate within coming of public officers should be amended so that they can apply to former public officeholders.

3. Executive/Legislature

- a) The Due Process office should establish branches in all Ministries, Extra- Ministerial departments and Parastatals of government at all levels.

- b) Investigate and confiscate the corruptly acquired wealth of past rulers. Confiscate all their illegally acquired wealth and bring them to justice, If they should refuse to submit themselves to a probe to affirm their innocence of corrupt allegations, they should be deemed guilty under their enormous wealth as compared with their legitimate incomes while in office. Such convicted public officers should be banned from holding public office for life and stripped of their national honours if they have any.

EXECUTIVE REFORMS

1. Executive

- a) Public Servants should be adequately remunerated and promptly too to enable them to meet their basic needs and live a decent life.
- b) Strengthen Public Accounts Committee at all levels- budgeting procurement and public information processes-to improve accountability and transparency.
- c) Leading by example: government officials at all level, should set an example of modesty in office to discourage Nigerians' penchant for flamboyance and conspicuous consumption.
- d) The President and other political office holders should stop public officers/public institutions and discourage private

individuals from taking up any paid adverts to greet or congratulate them whether such adverts are paid from private or public funds.

- e) The culture of indiscipline with impunity by the Chief Executives of Parastatals, Board Chairmen in the running of public institutions that permits flagrant abuse of power and privilege should be outlawed.
- f) The Executives should stop Ministers/Commissioners from interfering with purely administrative decisions that may violate provisions of the public service rules.
- g) Investigate all the local and foreign assets of all the Executives (Public Office Holders) at all levels who have served since 1966, if the government is not already doing so, through existing Anti-Corruption institutions, and bring the corrupt ones to justice speedily

2. Legislature

- a) The security vote is a veritable source of corruption at ALL levels of government; therefore, the Security Vote at all levels of governance should be audited by the Auditors-General at the appropriate levels of government.
- b) The cost of Governance should be sufficiently reduced especially the number of Special Assistants, Senior Special Assistants, Special Advisers, etc, so that more money will be devoted to capital projects.

3. Executive/ Legislature

- a) Persons in government including public officers such as the President, Governor, Chairman of LGAs, etc, should show leadership by example by preventing their wives and family members from using public funds for their activities or creating unconstitutional offices. Furthermore, they should minimize the involvement of their family members in government activities or awards of contracts as this is nepotism and encourages personalization of power.

LEGISLATURE

1. Legislature

- a) Freedom of Access to Information Bill presently before the National Assembly should be urgently enacted into law to enable civil society and the media in particular to have access to vital information. (Review)
- b) Whistleblowers Bill which is also before the National Assembly should be enacted into law to formally protect whistleblowers. A whistleblower is an informant who exposes corrupt practices are persons and is protected by the law and may be paid a fee. Disbursement and expenditure of Committees funds of National and State Assemblies should be strictly subjected to normal public

service accounting procedures. (Review)

- c) It is against the provisions of the Code of Conduct for Legislators at all levels to go around Ministries and governmental agencies soliciting for contracts. Such behaviour compromises their oversight functions over the various agencies as already provided by Paragraph 1, Part 1 of the 5th Schedule of the 1999 Constitution (as Amended).
- d) Award of Contracts by the Legislature at all levels is a negation of due process and compromises the principle of separation of power. Such contracts should be awarded through the appropriate organs of the Executive Conference that supports the current move to establish a central procurement unit. This should be pursued with vigour.

2. Legislature/Executive

- a) The practice of the legislature making provisions, in the budget for constituency projects at their behest should be stopped. It is an intrusion into the Executive functions and breeds corruption. Moreover, the funds are not properly accounted for in the normal public service procedure.

THE JUDICIARY

1. Executive

- a) Judges and Judicial personnel should be adequately remunerated.

2. Legislature

- b) The Jury system should be reintroduced in our criminal justice system to insulate the judge from corruption and expedite trials.

THE LAW ENFORCEMENT AGENCIES

1. Executive

- a) To enhance efficiency and stem corruption, the Police should be adequately remunerated and well equipped to carry out their statutory function of effective policing of the society.
- b) The recruitment process of the police should be made more stringent to enthrone merit and professionalism and avoid the employment of social misfits into the force.
- c) Due process should be enforced in the appointment and discipline of Police officers and other security personnel.
- d) Sensitize communities to support community policing.
- e) The Nigerian Police Force should be repositioned and re-organized to fight corruption in society frontally.

POLITICAL PARTIES/ELECTORAL REFORMS**1. Legislature**

- a) Measures should be put in place to make it impossible to rig elections; for example, the use of national identity cards and the reintroduction of the secret open ballot system.
- b) Instituting strict auditing of the accounts of Political Parties and full disclosure of all monies received.
- c) Previous politicians or leaders should be banned from participation in politics if found guilty and convicted for corruption.
- d) Independent candidacy should be entrenched in our electoral law and the Constitution amended accordingly to accommodate that.
- e) To minimize corruption, electoral commissioners should be nominated by the various political parties.
- f) To prevent corrupt people from occupying political offices and leadership positions, a thorough screening by the Independent National Electoral Commission (INEC) and Department of State Security (DSS) should be conducted and such security report made public.
- g) Conference recommends the passage of an Election Expenses Act similar to the Bi-partisan Campaign Act 2002 in the United States of America, the Election Expenses Act operating in Canada and a similar proposal put forward by the British House of Commons recently.

- h) The provision of the Election Expenses Act to:
 - a. Limit amount that an individual or un-incorporated association can donate to political parties and candidates;
 - b. Set spending limits on the nomination process;
 - c. Provide for periodic disclosure of donations and penalized to hide the identities of donors and source of donations to political parties and candidates;
 - d. Limit amounts that can be spent on an advertisement;
 - e. Establish an effective enforcement Commission or Body separate from INEC to enforce registration and reporting requirements and leave INEC to face the onerous task of organizing elections;
 - f. Refining the process of public funding of political parties to create a level playing field.

ORGANIZED PRIVATE SECTOR

1. Executive

- a) Set up Anti-Corruption bodies in the organized private sector and canvass signing of Integrity Pact and publish names of organizations that have done so.
- b) The private sector is very crucial the campaign against corruption needs to purge itself of corporate corrupt practices,

CIVIL SOCIETY ORGANIZATIONS

1. Executive

- a) Government should work with Civil Society Groups involved in anti-corruption campaigns.
- b) The press being the 4th estate of the realm is expected to be at forefront of the campaign against corruption. Unfortunately, they are under remunerated and depend on patronage to survive and are unable to fight corruption the way they should. SCDDD, therefore, recommends that the Nigerian Press Council (NPC) and Newspaper Proprietors Association of Nigeria (NPAN) should join the campaign against corruption by ensuring their staff are well remunerated.
- c) Indigenous Non-Governmental Organisations (Civil Society Organisations) should reach out for effective networking with International Non-Governmental Organisations (I-NGOs). The first step is the establishment of local chapters of Anti-Corruption Civil Society Organisations (CSOs) focusing on all sectors. Political leaders should be persuaded to work with such NGOs to fight against corruption.
- d) Extensive mass mobilization through the media - electronic and print should be put in place.

EDUCATION AND PUBLIC ENLIGHTENMENT

1. Executive

- a) Political education is very important and should be embarked upon to ensure that people vote wisely and also protect their votes.
- b) Increasing citizens' awareness of the ills of corruption and its impact on national development and empowering them to fight corruption.
- c) The National Broadcasting Commission should ensure that the local media devote more air time to public enlightenment and education against corruption
- d) Civics, Social Studies and Moral instructions should be strengthened in Primary and secondary schools curriculum;
- e) To ensure dedication, commitment and devotion in the profession there must be proper teachers training with adequate and prompt remuneration.
- f) Media should be made to promote good ethical values through broadcasting and airing morally good films. Sanctions should be placed on airing immoral and corrupt programmes and films.

RELIGIOUS BODIES/ FAITH-BASED ORGANIZATIONS**1. Executive**

- a) Religious bodies should initiate moral, spiritual and clerical revival to instill the fear of God in the people, which is crucial in the fight against corruption.
- b) Mobilization by Religious Organizations instilling the fear of God, organising counseling, crusades and family outings.
- c) The teaching of Islamic and Christian Religious education should be made compulsory in primary and secondary schools.
- d) Both Muslims and Christians should not be sponsored by the Government on Pilgrimage. Individuals should be responsible for all the expenditures involved in their pilgrimage as a test of their faith.
- e) Religious and Traditional Institutions should teach members by organizing anti-corruption seminars, sermons, workshops and preaching, to resist corruption.
- f) Also, Religious and Traditional Institutions should reject any contribution made especially in monetary terms by members with questionable character.
- g) To avoid corruption of the traditional institutions, the appointment and deposition of traditional rulers should be guided by the Due Process in the laws guiding institutions.
- h) The award of honorary titles to persons of questionable characters should be discouraged.

RELIGIOUS BODIES/ FAITH-BASED ORGANIZATIONS

1. SHORT AND LONG TERM GOALS/MEASURES

There is an obvious need for an international consensus that recognizes corruption as a crime against humanity, and as a major contributor to human rights abuse. Hence, corruption must be attacked with the same international determination that is attached to terrorism and narcotics trafficking. Nigeria as a signatory to existing anti-corruption conventions should comply with the provisions of such Convention.

RECOMMENDATIONS

2. SHORT TERM (IMMEDIATE) GOALS/MEASURES

Government should embark on massive public enlightenment on Anti-Corruption. This will involve working with all stakeholders, particularly with Religious bodies, Traditional Institutions, Civil Society Organizations and the private sector specifically, the Federal Government, the State Government and all Local Governments nationwide should launch a renewed war against corruption in a countrywide ceremony at an early date to be appointed for the purpose. On the appointed day the President should swear publicly, rejecting and denouncing

corruption and affirm that he be punished and impeached should he be found in breach of the oath.

- a) We should encourage our society to de-emphasize the value placed on money and rather use the power of questioning to demand how the person flaunting his/her wealth came by the money.
- b) To fight corruption, there must be a legal framework, political will and adequate funding. SCDDD therefore strongly recommend that the Institutions involved in Anti-Corruption campaign must be adequately funded to enable them to discharge their statutory functions, recruit and train personnel as well as embark upon capital projects.
- c) There should be effective coordination and cooperation between these Anti-Corruption Agencies namely: Economic and Financial Crime Commission, Independent Corrupt Practices Commission, Code of Conduct Bureau, The Tribunal and the Attorney General's office. Overlapping functions and conflict with National Assembly oversight functions should be delineated.
- d) Penalties; Sanctions particularly of the Code of Conduct Bureau need to be made more stringent to have the sufficient deterrent effects.
- e) A law should be enacted prohibiting serving public officers from receiving honorary degrees and chieftaincy titles.

3. LONG TERM GOALS/MEASURES

- a) Re-introduce the "War Against Corruption. This will frame a sense of national purpose and awareness that will make a new culture of ZERO-TOLERANCE for corruption both in the Public and Private lives. This will ensure that the average Nigerian will develop a "Sense of Shame" for corruption and inculcate the virtue of honesty, accountability and the rule of law.
- b) Parents should be encouraged and religious/traditional organizations instructed to inculcate moral values, societal ethics and discipline among their children and wards.
- c) Political Parties should purge themselves of corruption in the political arena and re-focus election campaigns around issues, programmes and ideologies rather than engage in politics of money, ethnicity and religion.
- d) The environment of high unemployment and poverty exacerbates corruption and indiscipline. The government therefore should refocus our educational system to provide functional and self-reliant education that would equip the youth for self-employment and means of livelihood.
- e) Monitoring and evaluation of all Anti-Corruption Agencies should be an ongoing serious exercise. Both internal and external independent monitors should be engaged for this purpose. Where any of the institutions is found wanting, the

leadership should be changed.

- f) The EFCC and Code of Conduct Bureau should be made members of Screening Committees at all levels of Government to screen all candidates aspiring to political offices before elections.
- g) Guaranteeing Social Security to citizens is an important way of fighting corruption. This should provide a safety net for the poor and vulnerable.
- h) Poverty reduction measures must be aggressively pursued including consistent implementation of Nigerian Economic Empowerment Development Strategy (NEEDS) and State Economic Empowerment Development Strategy (SEEDS) programmes.
- i) Access to basic social infrastructure - water, health, education, housing, and energy must be ensured by the government.

ABOUT SAVANNAH CENTRE

Savannah Centre for Diplomacy, Democracy and Development (SCDDD) is a non-governmental organization committed to research, advocacy training and policy analysis in the areas of conflict prevention, management, democracy and sustainable development in Nigeria and Africa. The SCDDD is leading strategic discussions on inclusive governance for sustainable development, in order to promote human security, sustainable peace, good governance, rule of law and human rights in Nigeria and Africa, shaping public policy through research and knowledge sharing. We are committed to improving the democratic and governance space through advocacy and the provision of context-specific training and solutions to governments, policy makers and some non-state actors.