

Committee: Special Political and Decolonization Committee (GA4)

Issue: Tackling the on-going political corruption in Nigeria

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Position: Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Marina-Anastasia Drosou and I am currently attending the 12th grade, at Platon School. It is a huge honor of mine to be serving in this year's ACG Model United Nations conference, as a Co-Chair, in the Special Political and Decolonization Committee.

Looking back to my previous conferences, I can say with certainty that the MUN world is an extremely compelling one. Through which, one has the opportunity to cultivate skills of major importance, while socializing and having a great time as well.

This year's agenda of the Special Political and Decolonization Committee provides delegates with the chance to debate on extremely serious topics that are in need of our attention. As an expert chair on the topic of "Tackling the on-going political corruption in Nigeria", it is my responsibility to introduce you to the topic, guide you through your research and reinforce your knowledge with this study guide. That being said, the current events and general situation in Nigeria make for a complicated issue with contradicting aspects. Thus, it is essential that you conduct an extensive research and not just rely on this study guide. Make sure that you primarily focus on the political aspect of the topic, produce and provide viable and relevant solutions to tackle the issue. Should you have any inquiries relating to this issue, do not hesitate to contact me at my email address marinadrosou13@gmail.com.

I am looking forward to meeting you all at the 4th ACGMUN annual session!

Kind regards,

Marina-Anastasia Drosou

TOPIC INTRODUCTION

Located on the western coast of Africa, Nigeria is the continent's most populous country, with abundance in natural resources, diversity in cultures and notably large deposits of petroleum and natural gas.

Unfortunately, despite its promising aspects, the security situation throughout Nigeria the past decade, has deteriorated crucially. The Islamic terror militia Boko Haram and the splinter faction Islamic State in the West Africa Province have been destabilizing the northeast for the last ten years. In central Nigeria, deadly clashes are escalating between ethnically mixed but predominantly Christian farmers and Muslim Fulani herders. Organized banditry in the northwest and the oil-rich south, along with daily kidnappings and robberies throughout the country, are all aggravating the security situation. The conflicts claim thousands of lives every year and have driven more than two million people away from their homes.

The current situation in Nigeria is largely due to the scale of corruption that has deprived the country of vital development capital for decades. Corruption pervades the whole of society, is systematically practiced by the ruling elite and comes in many guises. As it can be understood, it is pervasive and permeates every level of society, from high-level politicians and civil servants to the security forces, businesspeople and the country's poorest citizens. Nigeria notably placed in the lower quarter of Transparency International's "Corruption Perceptions Index" for many years. In 2018, the country was ranked 144 out of 180, alongside countries such as the Comoros, Kenya and Mauritania.

During Muhammadu Buhari President's time in the office, (appointed in the 29th of May 2015), significant accusations were made in regards to his integrity and involvement with concealed corruption practices. Nevertheless, the current president proclaims to be in favor of the rectification of corruption in all the sectors it plagues, recognizing himself that its manifold implications have dismantled Nigeria, and need to be addressed urgently.

DEFINITION OF KEY TERMS

Political Corruption

The abuse of entrusted power for private gain. The term is both narrowly used to designate the manipulation of policies, institutions and rules in the financing of political parties and in electoral campaigns, and also more broadly as a synonym for "grand corruption", or corruption taking place at the highest levels of government where policies and rules are formulated and executive decisions are made.

Whistleblower

Whistleblowers are people who inform the public or the authorities about corrupt transactions and/or other unlawful or immoral behaviour they have witnessed or uncovered. These individuals often require protection from those they expose.

Integrity Pact

An agreement intended to prevent corruption in public contracting. One party represents a central, local or municipal government, government subdivision or state-owned enterprise and the other party is usually a private company interested in obtaining or implementing the contract.

Security Votes

Security vote may be defined as the budgetary or extra-budgetary allocation ostensibly for security, received by the President, Governors and Local Government Chairmen which they spend without legal obligation to account for how it is spent.

Rent-Seeking

Rent-seeking is to lobby the government for protection, subsidies, and preferential policies for a business. The aim is to avoid competition in the free market and to achieve monopoly-like situations and super-profits (rents).

White Collar Crime

White-collar crime is a non-violent crime where the primary motive is typically financial in nature. White-collar criminals usually occupy a professional position of power and/or prestige, and one that commands well above average compensation.

Illicit Financial Flows (IFFs)

Illicit financial flows (IFFs) are illegal movements of money or capital from one country to another. Global Financial Integrity (GFI) classifies this movement as an illicit flow, when funds are illegally earned, transferred, and/or utilized across an international border.

Boko-Haram

Boko Haram, from 2015 also called Islamic State in West Africa (ISWA) or Islamic State's West African Province (ISWAP), is an Islamic sectarian movement, founded in 2002 by Muhammed Yusuf in northeastern Nigeria. Since 2009 it has carried out assassinations and large-scale acts of violence in Nigeria.

Clientelism

A political or social system based on the relation of client to patron with the client giving political or financial support to a patron (as in the form of votes) in exchange for some special privilege or benefit.

Nepotism

The act of using and manipulating one's power or influence to get good jobs or unfair advantages for members of their own family.

Impeachment

The act of making a formal statement that a public official might be guilty of a serious offence in connection with his/her professional environment.

BACKGROUND INFORMATION

First Traces of Corruption in Nigeria

Corruption is certainly not a newfound phenomenon in Nigeria, rather it has long been an intrinsic element that plagued Nigerian society. It is argued that corruption in Nigeria is culturally sanctioned. Many experts believe this cultural acceptance of corrupt practices has its roots in the country's pre-colonial period. They refer to the ancient Nigerian custom of giving gifts to ruling elites, often associated with the expectation of special consideration or favor. This transactional relationship is described as a patron-client relationship that, to this day, continues to shape the country's politics and economy.

However, initial incidents of extreme corruption emerged among the first military dictators to rule the country after it declared its independence. In the late 1980s, this new form of corruption was described as prebendalism¹. This specific term describes a widespread sense of entitlement and refers to the behavior of leading politicians and civil servants who believe they have the right to claim their share of government revenues and use them to benefit themselves and their inner circle. This behavior was particularly encouraged by the fact that the modernization of the state was left unfinished under British hegemony. An incident which led to the emergence of weak institutions and inadequate control and defense mechanisms in Nigeria.

¹ A system of political patronage employment. (Joseph, Richard. "Prebendalism and Dysfunctionality in Nigeria." *Brookings*, Brookings, 28 July 2016, www.brookings.edu/opinions/prebendalism-and-dysfunctionality-in-nigeria/.)

The Peak of Political Corruption in Nigeria

Corruption in Nigeria only assumed its extreme and rampant form under General Ibrahim Babangida and General Sani Abacha, whose military regimes followed each other almost harmoniously between 1985 and 1998. This period in Nigeria's history was characterized by clientelism, nepotism and unscrupulous self-enrichment at the expense of the state and its people. When he took office, Babangida immediately pardoned and relinquished a number of people who had previously been convicted of corruption and awaiting impeachment by the first Buhari government. When Abacha took power, he continued the reforms of the oil trade, telecommunications and media industries that began under Babangida. Abacha's loyal followers were rewarded with licenses that cleared them to earn money from public and private enterprise (the term Rent-Seeking aligns with this notion). Abacha himself, whose power was underpinned by a violent regime from 1993 until his death in 1998, obtained an opulent lifestyle and used state-owned goods and money without reserve. It is estimated that he and his close contacts illegally and illicitly drew three to five billion US dollars from the country in just five years of governing.

The Return to Democracy

Plagued by dictatorship for approximately 20 years, Nigeria returned to democracy in 1999. The first presidential and parliamentary elections took place, electing Olusegun Obasanjo, a former general who had ruled the country as junta leader in the 1970s. Obasanjo, who was imprisoned under Abacha, went on and founded the People's Democratic Party (PDP). Atiku Abubakar, a former senior Nigerian customs official who had made his fortune in the logistics and oil sectors, was appointed vice president.

Political Corruption Presumes under President Obasanjo

Obasanjo and Abubakar allowed for the continuation of many corrupt practices, including the clientelism and nepotism that had been so rife in previous years. Yet under their jurisdiction, these practices, cronyism, nepotism and pecuniary advantage were disguised and translated into democratic legitimacy. The democratic practices of politics were transformed into a business model. Today, this model provides members of the military and security forces, appointed officials, senior civil servants and elected representatives of the people with the opportunity to personally enrich themselves from the state's property and revenues, which should essentially be subject to parliamentary control. The high salaries and allowances received by officials rumored to be some of the highest in the world, do not present a moral obstacle. Therefore, political offices are financially attractive as they offer economic opportunity unlike any other, in the seventh-most populous country in the world, highly vulnerable to global economic disruption.

End SARS Movement

Essentially the call to dismantle the country's Special Anti-Robbery Squad (SARS) unit, which has brutally assaulted protestors on various occasions. What began as a protest against the hated police Special Anti-Robbery Squad (SARS) has become a conduit for the youth to express its dismay for the people who have been in charge of Nigeria for decades making them suffer the manifold implications of corruption. The Nigerian state's excessive use of force and the continued perpetration of violence against peaceful protesters, have been condemned by Transparency International, while the protests pertaining to police brutality and essential reforms, have since transformed into wider calls for an end to corruption and the looting of public funds. The End SARS campaign has drawn worldwide attention to Nigeria with support from both international corporations and celebrities. It has become the latest protest movement to attract solidarity on a global scale – especially after security forces opened fire on unarmed protesters in Lekki, Lagos on 20 October, 2020 reportedly killing 12 people. At least 56 people have died in Nigeria since the protest began. The government is called to respond to its people with serious evidence-based anti-corruption reforms, including in the security sector, in dialogue with civil society.

The Political Dimension of Corruption and its Consequences

As seen, in Nigeria, corruption has an important political dimension. Defined as the private annexation of state resources, it arguably keeps Nigeria from breaking apart. The country's multi-ethnic elites require the state to access its oil wealth. An uneasy alliance among elites has therefore kept the country together and averted a repeat of the 1967–70 civil war. From pre independence era to date, political corruption and the problems it entails, in forms of vote buying, election rigging and manipulation, outright embezzlement by politicians have negatively affected the lives of Nigerians, made the electoral process unredeemable and generally prohibited Nigeria's security and prosperity. Unfortunately, corruption in Nigeria is not always clear-cut or limited in focus, but rather it is interconnected, involving a range of behaviors that cleave across the Nation's sectors. This has led to increased political apathy and distrust in the country's fledgling democratic ideals. There are however many aspects of this issue that need to be addressed, so as to ensure the eradication of corruption to the maximum extent.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United Kingdom (UK)

As a member of the commonwealth, Nigeria has been granted funds by the UK, to be allocated in a number of sectors, promoting growth and sustainability. However, these funds seem to be exposed to said corruption in Nigeria, thus enabling the UK Department for International Development (DFID) to produce anti-corruption strategies for each of its partner countries. These strategies set out how the DFID will

safeguard UK taxpayers' money and support efforts in Nigeria to reduce corruption and its impact on development over the years.

African Union (AU)

The African Union (AU) has entrusted the Nigerian president, Muhammadu Buhari, with the responsibility to spearhead a year-long effort to raise awareness of corruption on the continent. This comes fifteen years after Member States adopted the African Union Convention on Preventing and Combating Corruption (AUCPCC). The AU believes Mr. Buhari has earned a reputation of a strong advocate of good governance, making him an ideal figure to lead a continent-wide campaign against corruption. Each year, Africa loses at least \$50 billion through corrupt practices, the AU noted.

Transparency International (TI)

Transparency International (TI), is a German-based non-governmental organization, which found that Nigerian military officers, politicians and other elites have enriched themselves by diverting money that was meant to fight terror. (i.e. Boko Haram insurgents, present since 2009). Its mission is to stop corruption and promote transparency, accountability and integrity, at all levels, and across all sectors of society. TI's Corruption Perceptions Index (CPI) ranks countries and territories based on how corrupt their public sector is perceived to be. It is a composite index – a combination of polls – drawing on corruption-related data collected by a variety of reputable institutions. The CPI reflects the views of observers from around the world. In 2019, Nigeria ranked 146th out of a total of 180 countries.

Independent Corrupt Practices Commission (ICPC)

The aim of this commission is to prohibit and prescribe punishment for corrupt practices and related offences. Objectives include the investigation of reports of corruption – in particular, reports regarding government and public officials. The investigation of government establishments and the public's susceptibility to corruption. And the education and enlightenment of the public on corruption, with a view to enlisting and fostering public support for its anti-corruption campaign.

However, ICPC has been thoroughly criticized and characterized as “ineffective”. Majority of offenders are charged in court but they are never brought to justice or receive any punishment. Other objectives of the Commission are also not carried out effectively, though it is presumed to have been as a result of underfunding by the government. The commission's underperformance is known, and that makes for people to advocate its merger with the Economic and Financial Crimes Commission (EFCC).

TIMELINE OF EVENTS

Date	Description of event
October 1st 1960	Nigeria gained Independence, with Prime Minister Sir Abubakar Tafawa Balewa leading a coalition government.
1990	Creation of a Code of Conduct Bureau.
1999	Parliamentary and Presidential elections are held.
2000	Two years after his death, a Swiss banking commission report indicted Swiss banks for failing to follow the compliance process when they allowed Abacha's family and friends' access to his accounts and to deposit amounts totaling \$600 million US dollars into them.
2009	Insurgents form muslim militia group Boko Haram.
2012	Nigeria was estimated to have lost over \$400 billion to corruption since independence.
April 2015	President Muhammadu Buhari wins the elections, wages war against corruption and assures that anti-graft war will remain one of his topmost priorities.
August 2016	The UK Immigration Minister signs agreement with Nigeria on returning stolen criminal assets.
May 2018	Nigerian Economic and Financial Crimes Commission (EFCC) announces that 603 Nigerian figures have been convicted on corruption charges since Buhari took office in 2015.
September 2019	Nigeria ranked 146th out of a total of 180 countries in the Transparency International Corruption Index.
October 20th 2020	Security forces opened fire on unarmed protesters in Lekki, Lagos reportedly killing 12 people.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The United Nations Convention against Corruption

It is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. It covers many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. A highlight of the Convention is the inclusion of a specific chapter on asset recovery, aimed at returning assets to their rightful owners, including

countries from which they had been taken illicitly. The vast majority of United Nations Member States are parties to the Convention along with Nigeria.

The Stolen Asset Recovery Initiative (StAR)

It is a partnership between the World Bank Group and the United Nations Office on Drugs and Crime that supports international efforts to end safe havens for corrupt funds. StAR works with developing countries and financial centers to prevent the laundering of the proceeds of corruption and to facilitate more systematic and timely return of stolen assets. StAR is financed by the World Bank and UNODC.

The United Nations Declaration against Corruption and Bribery in International Commercial Transactions

It does not have the force of law but is a political commitment, The United Nations Convention against Corruption Origins and Negotiation Process has a concise review of how this declaration fits into the broader context of the fight against corruption.

Right to Information

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make democracy work for the people in real sense. An informed citizenry will be better equipped to keep necessary vigil on the instruments of government and make the government more accountable to the governed. Right to Information empowers every citizen to seek any information from the Government, inspect any Government documents and seek certified photocopies thereof. Right to Information also empowers citizens to officially inspect any Government work or to take the sample of material used in governmental practices.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Nigerian Institutions

The aforementioned institutions established to combat corruption, namely the Independent Corrupt Practices Commission (ICPC) and Economic and Financial Crimes Commission (EFCC), have proven to be ineffective in curbing and ceasing corruption, owing to incompetent leadership, insufficient funds, a lack of capacity, and no political support. The EFCC has proved itself to be incapable of diligent prosecution, often by not providing substantial evidence for charges or making mistakes allowing the defendants to be acquitted on technicalities. Penalties apply both to individuals and companies and include fines and/or up to seven years' imprisonment. Accepting or giving gifts or facilitation payments has been made illegal, although scarcely avoided. Nigeria's Constitution specifies requirements for asset disclosure and regulations governing the offering and receiving of gifts for members of the executive, parliament and legislature and has made them apparent by "legalizing corruption"; Many forms

of self-enrichment that Nigerians readily identify as corruption are not necessarily illegal—and some are even protected by law.

Whistleblowing Policy

Nigeria however, has established a whistleblowing policy under which individuals can anonymously provide tips online; if these lead to the successful recovery of funds, the whistleblower is entitled to 2.5%-5% of proceeds, thus enabling its own citizens to enhance efforts made against corruption. In the first two months since the policy took place, over USD 180 million were recovered.

Acts and Prohibitions to Tackle Corruption

Nigeria has ratified the Convention on Mutual Administrative Assistance in Tax Matters, the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption.

Moreover, the Advance Fee Fraud and Other Fraud Offences Related Act (2006) states that it is an offence for anyone – by false pretense and with the intent to defraud – to: obtain property from any other person for him/herself or for any other person; or induce another person to deliver property to a third party. This stands regardless of whether the property was obtained or its delivery was induced through a contract which was made under false pretense.

Furthermore, the Money Laundering Prohibition Act of 2012 (with further amendments made) prohibits the laundering of the proceeds of a crime or any criminal or illegal activity, and provides for appropriate penalties for money laundering infringements. Concluding, the Miscellaneous Offences Act suggests that a number of offences are dealt with strict penalties in the event of a breach by any individual or corporate entity.

Right to Information to tackle corruption - Model and Protocol of India

The right to information (RTI) campaign in India, transpired when with the Mazdoor Kisan Shakti Sangathan (MKSS) movement, promoted transparency in village accounts via the demand for minimum wages in rural India. The rampant form of corruption in the Indian system, led the MKSS to demand official information recorded in government files. In 1993, a draft RTI law was proposed by the Consumer Education and Research Council, Ahmedabad (CERC). In 1996, the Press Council of India headed by Justice P B Sawant presented a draft model law on the right to information to the Government of India. The draft model law was later updated and renamed the PCI-NIRD Freedom of Information Bill 1997. Unfortunately, none of the draft laws were seriously considered by the Government. As it is realized, it took India more than a decade to implement the RTI and bring it into force. However, as it has already paved the way and is unique in its composition and structure, the difficulties in Nigeria would be lesser indeed.

The Official Secrets Act of 1923, a legacy of British rule in India, contained several provisions prohibiting the flow of information from the Government to ordinary people. In former days, it was enacted to protect against spying, but its provisions are far-reaching. They serve not only to restrict access to information, but also to punish the disclosure of certain kinds of information, by any person. Relevant Acts, or even the same one as Nigeria is a part of the commonwealth, should be carefully taken into consideration. As they pose an obstacle, and prohibit the RTI from functioning properly, in its true sense and nature.

With presidential assent, the Central Government and State Governments were given 120 days to implement the provisions of the Bill in its entirety. This was proven particularly useful, as the idea of the act traced back to 1990, and any further delay would allow for corruption practices to blossom and evolve, in a way that they would eventually become untraceable and incorrigible. The Act formally came into force on 12 October 2005. The Act covered all Central Government, State Government and local bodies, as well as some private bodies, making it extensive and able to counteract corruption in every aspect.

POSSIBLE SOLUTIONS

General Initiatives to Counteract Corruption

There is no shortage of proposals on how to counteract the ever evolving corruption in Nigeria, such as calls for the introduction of transparent procurement rules for public contracts, and the establishment of an independent commission to monitor compliance with the aforementioned rules.

Promoting Transparency and Reinforcing Institutions

For many years there have also been calls to abolish and relinquish budgets with no accountability, pertaining to illicit funds manipulated by politicians for personal gain. (i.e. security votes). There has also been long-standing criticism of the inadequate numbers of people who are investigated or convicted of corruption. This figure would have to be massively raised via more systematic action on the part of authorities. However, many of those who are accused and presumably guilty seem to stand above the law. This is also due to the fact that the authorities and courts are open to bribery, or simply follow the instructions of the political elites, which is also an aspect that needs to be addressed. Majority of lawmakers are powerful businessmen. These institutions would also have to undergo a “cleansing process” of its functioning corrupted employees and establish internal control mechanisms, therefore judicial and legislative reforms could be considered, drafted and assigned to a relevant body or commission.

Integrity Pacts

Furthermore, the introduction of Integrity pacts could minimize the influence that corporate and powerful businesses have in political parties, along with the electoral process and the influence in decision making when the said party takes office. In that sense, White-Collar crime would also be rendered weaker, as fairness in electoral processes can potentially ensure the meritocracy of elected government officials. They could be implemented by a new independent body which would essentially promote them, in accordance with the European Union's guidelines on Integrity Pacts.²

International Cooperation and Whistleblowing Policies

Undoubtedly the ratification of the aforementioned Conventions combined with International Cooperation would be an adequate approach to an issue as complex and severe as Political Corruption. One could also bear in mind the importance of the help and contribution of the community, specifically the citizens. Whistleblowers have already been helpful, when identifying corruption incidents. Perhaps one of the most powerful ways of controlling corruption, is by ensuring that citizens are aware of most of the same information as their governments.

Right to Information

The need for transparency in all aspects of decision-making, public spending and contracting is apparent, so that both bodies and officials can be held accountable. By establishing the Right to Information, the secret and mysterious allocation of national funds could come to light. There are some tested models to follow, including that of India, which has proven to be one of the most progressive acts in the developing world. However, establishing the Right To Information (RTI), is not isn't about establishing it legislatively. For it to be deemed successful and useful in anti-corruption practices, it needs to be fostered by honest leaders, who are absent in Nigeria as of now. Moreover, engaged, truthful public officials, whose job it will be to promote RTI to the general public, while maintaining its context and using its systems responsibly will be of paramount importance. In this way avoiding its manipulation that could result in a negative outcome.

² "What Are Integrity Pacts." *Regional Policy*, European Union, ec.europa.eu/regional_policy/sources/conferences/integrity_pacts/what_are_integrity_pacts.pdf.

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