

## WHISTLE-BLOWING AND FIGHT AGAINST CORRUPTION IN NIGERIA. A FOCUS ON THE SUSTAINABILITY IN NIGERIA DEMOCRACY

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### Abstract

*This study examined whistle-blowing policy and the fight against corruption in Nigeria. The study becomes imperative in order to unveil the chances of sustainability of the policy in Nigeria democracy. The study evaluated the objectives and challenges posed by the whistle-blowing policy as it relates to fight against corruption in Nigeria. The study employed qualitative method to collect data such as published materials, documentaries, textbooks, library, journals and internet materials etc. Theory of two publics (primordial and the civic public) was adopted. The explanatory design was also adopted for the study. The study applied content analysis as a method of data analysis. The study discovered that whistleblowing policy is affected negatively by weak institutions caused by ethnic inclinations in Nigeria. The study recommended a new narrative policy option of sanity from top to bottom approach and government at all levels to encourage good governance to promote the ethics of whistle-blowing approach to fight corruption rooted in sound economic reform templates in the country.*

**Keywords:** Whistle-Blowing, Corruption, Nigeria, Sustainability and Democracy

### Introduction

The policy of whistle blowing and protection of whistleblowers is a global issue. The crucial nature of the policy made the United Nations Convention against Corruption to encourage states to develop legal framework for whistle blowing and the protection of whistleblowers in their various countries (UNCC, 2003). Countries such as India, Victoria Island, Trinidad and Tobago etc. have whistleblowers policy in their constitutional frameworks (Trinidad & Tobago Gazette, 2015). It is also in line with the UN Charter on Human and Peoples Rights Charter of the UN and Statute of the International Court of Justice (UNHRC, 1945).

African Charter on Human Rights is not different as it guarantees the right to freedom of expression and encourages domestication of whistleblowing policy (Banjul Charter, 1981). In Nigeria, Chapter 4 of the 1999 Constitution (as amended) supports the establishment of the legal framework for the policy (Constitution, 1999). The Nigerian legislators made several attempts to make the whistleblowing policy to have a legal framework but to no avail, such efforts include: The bill was for the first time introduced to the 6<sup>th</sup> and later to 7<sup>th</sup> Assemblies to both chambers of the National Assembly but could not pass the hurdles to become a law (Itodo, 2018). For example, Whistleblower Protection SB 233 bill 2008 (Ganiyu, 2008, No. C 4794):

presented a bill on the policy that reads thus; an act to provide for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; to provide for related matters.

In furtherance to the pursuance to legalise the policy, Senator Biodun Olujimi, from Ekiti South re-introduced the bill seeking to protect persons making disclosure for the public interest (Whistle-blowers)

to be protected from the knowledge or aggression of the accuse reached the floor of the house of 8<sup>th</sup> assembly (senate) for the first time on 15<sup>th</sup> March, 2016 for discussion. It was re-presented for second reading at its plenary sitting of the senate on Wednesday 19<sup>th</sup> October, 2016 (Itodo, 2018). The first and second reading of the bill passed the hurdles in the senate. The bill was titled Whistle Blowers Protection Bill 2016. A similar bill for Witness Protection Bill 2016 sponsored by Sen. Isiaka Adeleke from Osun state was combined with the former (Itodo, 2018).

In 2017, the senate because of the key importance of the policy passed the bill entitled Witness Protection Programme (Establishment etc), SB 157, on June 2017 into law. It was submitted by the committee on human rights, legal matters and judiciary chaired by David Umaru ([Ugwuanyi](#), 2017). In a similar development, the House of Representatives through the Chairman of Committee on Financial Crimes presented the bill for an Act to protect whistleblowers from all forms of attack and reprisal, in 2017 (Bona, 2018 ). The bill jointly sponsored by Senator Femi Gbajabiamila, the majority leader from Lagos and Kayode Oladele, from Ogun, seeks to provide an act to encourage and facilitate whistleblowing in the country. It has now passed the second reading in the House of Representatives (Bona, 2018).

However, whistleblower Act, is not yet a law in Nigeria as it is still domiciled with the National Assembly, these efforts were geared towards giving the policy a legal framework. The high level of corruption in Nigeria necessitated these efforts that even warranted for introduction of compensation by federal government to the whistleblowers. The crime at the watch of the policy includes: fraudulent and illegal activities, bribery and corruption, gross misuse of assets, conflict of interest, abuse of office, activities likely to endanger life or property, insider dealings and fake/forged certificates. Others are theft/leakage of information assets, purchase of goods at inflated prices, purchase of inferior goods, concealment of any malpractice, override of controls resulting in deficient administration, abuse of authority and sexual harassment. It also include, failing to act in accordance to regulations, guidelines and rules issued by the commission or institution, and other unethical activities (TIB, 2016)

The compensation for the policy reads that if there is a voluntary return of stolen or concealed public funds or assets on the account of the information provided, the whistleblower will be entitled 3to 2.5% to 5% of the total amount recovered. It was introduced by the federal government through ministry of finance on 21<sup>st</sup> December, 2016 as compliment to anti-graft agencies (*Isah & Ayado, 2018*).

The objectives of the policy are as follow: to provide a means for discreet and confidential channel for escalation of concerns without fear of reprisal; to ensure consistent and timely institutional response to reported improprieties and awareness by whistleblowers of their options/rights; to ensure appropriate oversight by the Board of Directors / Regulators; to serve as a means of formal deterrent against malpractices, irregularities or misconduct; to protect the rights of the Bank and that of its shareholders; and finally, to promote the development of a culture of openness, accountability and integrity (Okwe, Daka & Nelson, 2018).

The proponents of whistleblowers policy argue that the coming of the policy is timely. According to former, Minister of Finance, Kemi Adeosun, the policy has at 22 March, 2018, retuned stolen money to the tune of N9.12 billion into government coffers. The breakdown is as follows: N7.8 billion, \$378 million and 27,800 pound. The minister added that savings on personnel costs since 2007 to date has reached to the tune of N288 billion (Okwe& Nelson, 2018). The ministry for information hails whistleblower policy for immeasurable support received from Nigerians, Okwe & Nelson (2018, p.2), "Thanks to whistle blowers, it is now clear that a rapacious few have pillaged the nation's wealth through a vicious orgy of corrupt practices." The sum of N375.8 million was paid to 20 whistleblowers who provided

information that led to the recovery of N11.6 billion (Okwe & Nelson, 2018). Enejeta (2017) supporting this assertion notes that the policy is saving 5.7 billion monthly and about 120 billion, purging from 50,000 ghost workers is also saved. Other achievements include: Nigerian Custom Service making a remittance of over one trillion naira, the first of its kind in the history of this country

The second school of thought (antagonist) sees it as an unserious policy and a way to further strengthen systemic corruption and its resurgence in a higher magnitude, since the anti-corruption institutions use it as political tools to hunt political adversaries and hold office beyond 2019 in the country (Ogbeidi, 2012). The anti-corruption posture of the administration is an obvious paradox. The school argues that the policy was launched due to frustration on the side of the government. The policy was an instrument to fight opponents and is doomed to fail like such previous anti-graft agency, commission of inquiries, reports, probe of other previous administrations. The anti-corruption posture of the administration is an obvious paradox and sees it as motion without movement. The rating or otherwise called the annual verdict of Nigeria by Transparency International Corruption Perception Index is a living evidence and shocking to the present administration. The verdict for 2014 was 136 out of 176 countries with a score of 27% out of 100 (Transparency Corruption Perceptions Index, 2014); for 2015 it was 136 out of 26% (Transparency Corruption Perceptions Index, 2015); 2016 scores 27% to clinch 136 position, but in 2017 28% to 148 position of 180 countries (Transparency International Corruption, 2018). The score is the second worst for the people of 18 nations of West Africa sub-region. They further argue that current rating of transparency international with 12 point backward is living testimony from 136 to 148; that is 28% to 27% and bagging the second worst country among the 18 nations in the West African Sub-region is a big shame to the giant of Africa. National Bureau of statistics in its report also shows that 83 million bribes valued 403 billion were given and taken within the first year of Buhari's Administration (NBS, 2017). They are of the view that corruption is on increase, more systematic and institutionalised despite the policy.

It is on the platform of this debate, that the study is set to evaluate some of the whistle blowing policy objectives of the federal government launched through the ministry of finance to tackling corrupt, fraudulent and unethical practices in the Nigerian polity. The researcher therefore; raises the following questions:

1. To what extent is whistle blowing policy contributing to the fight against corruption in Nigeria?
2. What are the threats to implementation of whistleblowing policy as an anti-corruption strategy? The broad objective of this study is to evaluate the challenges of whistleblowing policy and its sustainability in Nigeria democracy as an anti-corruption strategy in Nigeria.

To examine how whistleblowing policy is contributing to the fight against corruption in Nigeria.

To discuss the threats to implementation of whistleblowing policy as an anti-corruption strategy..

1. Whistleblowing policy has significantly contributed to the fight against corruption in Nigeria.
2. There is a significant relationship between the threats to implementation of whistle blowing policy and future of the commoners in Nigeria..

This study has two dimension significances. There are theoretical and practical significance. The theoretical significance will add to the pool of extant literatures concerning whistleblowing policy. This study will assist to update studies carried by other researchers and provide information that will make it become law in Nigeria. It will assist to strengthen the frontier of knowledge on the area of protection of human right in the polity. The findings and conclusion of the study will also stimulate further research

inquiry and scholarly investigation then, contributing immensely to the growth of already existing theories in the social sciences, particularly Political Science.

The practical significance of the study will be the benefits to corporate governance of companies, institutions by promoting good governance, trust, accountability and transparency. It will serve as a guide to stop looting of Nigeria resources and encourage service delivery to both public and private sectors in the country.

The strategies recommended will guide for further reduction of corruption in the country as policy makers, non-governmental agencies and other organizations will foster the recommendations to respect labour dignity. This research will also serve as reference human rights materials for scholars and students who may carry out similar study in future in the field of Political Science and faculty of social sciences.

The study covers Buhari administration from 2015-2018. This period is important in the annals of the history of corruption in Nigeria. The reports of probe or audits during colonial administration show that corruption is as old as Nigeria.

## **Conceptual Clarifications**

### **Whistle-blowing**

Whistleblowing is one of the concepts in social sciences that defy a universally accepted definition. The reason is because of the controversial nature, condition, uncertainties, circumstances under which scholars analyse the concept. Collins English Dictionary (2016, p. 12) defines, “whistle-blowing as the practice of informing someone or putting a stop to something”. It elaborates further by stating that it is a disclosure by a person, often than not an employee working in a government agency or private sector, to the general public or to those in authority of governance of case of corruption, mismanagement, illegality, unethical activities or some other types of wrongdoing for proper investigation and punishment. Asian Institute of Management (2006, p. 15) explains whistle-blowing as the process of reporting of a wrongdoing which needs to be corrected or terminated to avert further occurrence and protect public interest.

Other scholars such as Onakoya & Moses, (2016), Sule (2010), Gillan (2003), Sehgal, (2014), Johnson (2003), Oakley and White (2006) etc in their various definitions and explanations concur to the fact that whistle-blowing policy is raising concern over the exposure of wrongdoing within institutions, organizations, companies, government ministries or agencies, non-governmental agencies and other related corporate bodies. The general aim of the report is to prevent liquidation, bad image and total collapse of these institutions, organizations and agencies. Therefore, whistleblowing policy is a principle predicated on the premise that institutions, organizations and government agencies cleansing or policing the working system through, checking, detecting and then, correcting illegal, unethical activities and inappropriate behavior from fraud, corrupt practices and other forms of illegality or kick back of certain elements in the society that are bent for the failure of the polity.

Whistleblowing can be of internal or external. It is internal when the person reporting the misconducts comes from the institutions, organizations but external when the reports come from outsiders for example law enforcement agencies, regulators and media etc. (Sehgal, 2014). The policy is made to expose crime, criminal offences, miscarriage of justice, and dangers to health and safety and of the environment and/or the cover-up (Onakoya & Moses, 2016). It includes financial scandal or cheat,

corruption or mismanagement to health and safety issues (Sule, 2010). Gillan (2003, p. 37) asserts that there are “persons who at their own risk, having been motivated by a sense of personal, and/or public duty, may expose what they perceive as specific instances of wrongdoing, which may be within the private and/or public sector.” Adding his voice, Johnson (2003) affirms that, “ individuals act to make information public which has to do with some non-trivial wrongdoings within that sphere in which such society or institution fails to take an action upon or involves chains of command that is corrupt”.

Oakley & White (2006) commenting on whistleblowing is a technique which institutions, organizations and agencies try to curb the excesses in the political system and tactically expose and correct illegality. He further cautions that any anti-corruption campaigns may find it difficult to succeed without efficient and effective whistleblowing in the polity and concludes that the policy has its own consequences on the whistleblower, organisation, institution and corrupt persons in general. Transparency International (2013, p.30) defines Whistleblowing as: the disclosure of information related to corrupt, illegal, fraudulent or hazardous activities being committed in or by public- or private-sector organisations which are of concern to or threaten the public interest to individuals or entities believed to be able to effect action. Broad definition of whistleblowing, whistleblowing is the disclosure or reporting of wrongdoing, including but not limited to corruption; criminal offences; breaches of legal obligation; miscarriages of justice; specific dangers to public health, safety or the environment; abuse of authority; unauthorised use of public funds or property; gross waste or mismanagement; conflict of interest; and acts to cover up of any of these. Federal Ministry of Finance, the whistle-blowing programme is designed to encourage anyone with information about a violation of financial regulations, mismanagement of public funds and assets, financial malpractice, fraud and theft to report it.

Adeyemo (2015) stated that, the act of whistle-blowing is the disclosure of the behaviour of a company, or those who are placed in a position of responsibility, that is illegal, immoral or could be categorized as a serious wrongdoing.

First Bank of Nigeria (FBN) (2016) opined that, whistle-blowing is the act of reporting an observed/perceived unethical misconduct of employees, management, directors and other stakeholders of an institution by an employee or other person to appropriate authority. It is an early warning system that enables an organization to find out when something is going wrong in time to take necessary corrective action.

### **Whistleblower**

Whistleblower is a key factor in whistleblowing policy in any-where in the globe. The process of disclosing or reporting of wrongdoing must be done by a human being, hence the importance of the protection of the whistleblower for the relevance of the policy. Legislators, organisations or scholars also have not agreed on one accepted definition of whistleblower but there are various definitions as there are many authors' in their different perceptions.

Explaining further (Transparency International 2013, p.31) defines whistleblower as:

whistleblower is any public-or private-sector employee or worker who discloses information covered in Principle 3 (above) and who is at risk of retribution. This includes individuals who are outside the traditional employee employer relationship, such as consultants, contractors, trainees/interns, volunteers, student workers, temporary workers and former employees. Threshold for whistleblower protection: “reasonable belief of wrongdoing” – protection shall be granted for disclosures made with a reasonable

belief that the information is true at the time it is disclosed. 50 Protection extends to those who make inaccurate disclosures made in honest error, and should be in effect while the accuracy of a disclosure is being assessed.

#### Protection of whistleblower

Transparency International (2013,p.31) listed the processes of whistleblower protection to include the followings:

1. Protection from retribution– individuals shall be protected from all forms of retaliation, disadvantage or discrimination at the workplace linked to or resulting from whistleblowing. This includes all types of harm, including dismissal, probation and other job sanctions; punitive transfers; harassment; reduced duties or hours; withholding of promotions or training; loss of status and benefits; and threats of such actions.
2. Preservation of confidentiality – the identity of the whistleblower may not be disclosed without the individual's explicit consent.
3. Burden of proof on the employer – in order to avoid sanctions or penalties, an employer must clearly and convincingly demonstrate that any measures taken against an employee were in no sense connected with, or motivated by, a whistleblower's disclosure.
4. Knowingly false disclosures not protected – an individual who makes a disclosure demonstrated to be knowingly false is subject to possible employment/professional sanctions and civil liabilities.
5. Those wrongly accused shall be compensated through all appropriate measures.
6. Waiver of liability – any disclosure made within the scope of whistleblower legislation shall be immune from disciplinary proceedings and liability under criminal, civil and administrative laws, including those related to libel, slander, copyright and data protection. The burden shall fall on the subject of the disclosure to prove any intent on the part of the whistleblower to violate the law.

#### **Objectives of whistleblowing policy**

Martin (2010, p. 40), international, continental and regional laws recognise and prescribe the following value to the objectives of whistle blowing:

- i. Whistle blowing is a key instrument in the fight against corruption and other unlawful conduct in both the private and public arena as it promotes a culture of openness and transparency.
- ii. It is fundamentally linked to ensuring transparency and political accountability in relation to the use and management of public and private resources and property.
- iii. By promoting responsible and accountable use of public resources and property, whistleblowing is causally linked to socio-economic development, especially in developing countries.
- iv. It is of great public value as it reduces the risk of harm to others. Whistle blowing often reveals information that is critically important for public life, such as the disclosures about the SARS virus in China.
- v. Whistle blowing is of intrinsic value to organizations themselves. It promotes good organizational governance and is an effective internal risk management tool. It is not only in the public interest, but

also an efficient tool for risk management within organizations...whistleblowing is “both an instrument in support of good governance and a manifestation of a more open organizational culture.

### Elements of whistleblowing

According to De George (1986), cited in Hoffman and McNulty (2010, p.5), the criteria for *permissible* whistle blowing are as follows.

- i. The firm, through its product or policy, will do serious and considerable harm to the public, whether in the person of the user of its product, an innocent bystander, or the general public.
- ii. Once an employee identifies a serious threat to the user of a product or to the general public, he or she should report it to his immediate supervisor and make his or her moral concern known unless he or she does so, the act of whistle blowing is not clearly justifiable.
- iii. If one's immediate supervisor does nothing effective about the concern or complaint, the employee should exhaust the internal procedures and possibilities within the firm. This usually will involve taking the matter up the managerial ladder, and, if necessary and possible to the board of directors.
- iv. The whistleblower must have, or have accessible, documented evidence that would convince a reasonable, impartial observer that one's view of the situation is correct, and that the company's product or practice poses a serious and likely danger to the public or to the user of the products.
- v. The employee must have good reason to believe that by going public the necessary changes will be brought about. The chance of being successful must be worth the risk one takes and the danger to which one is exposed.

### Whistleblowing ethical conditions

The conditions proposed for ethical whistle blowing according to Hoffman & McNulty (2010, p. 22) UDTW are as follows:

1. Compelling evidence of nontrivial illegal or unethical actions done by an organization or its employees that are deemed to violate the dignity of one or more of its stakeholders.
2. A lack of knowledge within the organization of the wrongdoing or failure by the organization to take corrective measures. If the above justifiable conditions were met, whistle blowing would be ethically called for unless the following *exempting conditions* from whistle blowing prevailed.
3. One would be conditionally exempted from the duty to blow the whistle if one had credible grounds for believing that by doing so one would be putting oneself or others at risk of serious retaliation.

Supporting the ethical and moral framing conditions scholar such as: Zhou and Moy, (2007); Scheufele (1999); Goffman (1974); De Maria (2005); (Taiwo, 2015); FMF-Whistle Blowing FAQs, (2016); Public Service Anti-Corruption Strategy (2002) in the same direction argue that Nigerians are still skeptical about the sincerity of the government to take the bull by the horn in tackling the scourge of corruption in the country. They insist that the moral justification for blowing the whistle as well as the administrative and implementation processes is weak and has affected the entire policy.

Oluwaseun (2016, pp.398-399) enumerated the challenges of whistleblowing policy as follows:

### Challenges of whistleblowing

- i. Character of the Nigerian State: Corruption itself has become a policy and the character of the Nigerian state. This menace has predominantly combined with other forces to undermine effective implementation of good policies in Nigeria. The bureaucracy that is a major implementer of policies in collaboration with appointed ministers is enmeshed in corruption. Both the appointed and elected public officials as well as the general public see corrupt practices as a way of life. This often engenders fear and frustration on any policy initiated by the government, no matter how good it may be.
- ii. Influence of Powerful Elites: Whistleblowing policy may be manipulated as usual by powerful corrupt elites who wield political, economic and ethno religious influence or other power in Nigeria especially when they know this policy is likely to limit their powers and affect their resources. As a result, they will seek to do everything within their capacity to ensure its failure. This dominant class or powerful *cabal* or ruling elites, as argued by Therbon (cited in Melendez, 2016) necessarily does not only install particular regime, but also influences state policies for their own benefits.
- iii. Lack of Effective Legislation on Whistleblower's protection: There is no specific legislation in Nigeria that directly deals with whistleblowing at present (Adeyemo, 2015). The 2008 Whistleblower's Protection Bill is still lying at the National Assembly floor without attended to. This heart-hearted attitude by our legislators continues to undermine the credibility of whistleblowers making them prone to prosecution. The reigning members of the political parties are treated as sacred cows while the opposition party members are treated with scorn.
- vii. Corrupt Leadership of the Anti-graft Agencies: The fight against corruption through the policy may be thwarted by corruption in the anti-graft agencies. There have been instances where the heads of EFCC were alleged to have diverted recovered funds in the EFCC coffers, e.g. the immediate past EFCC Chairman, Ibrahim Lamorde was accused of under remittance and non-disclosure of proceeds of corruption, recovered from some convicted public officials (Umoru, 2015) and was subsequently sacked by the incumbent government. Report also has it that the embattled Acting EFCC boss, Ibrahim Magu, is allegedly corrupt, hence the renege by the Senate this long to confirm him as the substantive Chairman of EFCC (Ogunmade, 2016). Oluwaseun (2016, pp.400-401) proffers solution to the challenges of whistleblowing policy thus:

### Crime to be reported by Whistleblower

Violation of Government's financial regulations: e.g. failure to comply with the Financial Regulations Act, Public Procurement Act and other extant laws.

1. Mismanagement or misappropriation of public funds and assets (e.g. properties and -vehicles).
2. Information on stolen public funds.
3. Information on concealed public funds.
4. Financial malpractice or fraud.
5. Theft.
6. Collecting/soliciting bribes.



7. Corruption.
8. Diversion of revenues.
9. Underreporting of revenues.
10. Conversion of funds for personal use.
11. Fraudulent and unapproved payments.
12. Splitting of contracts.
13. Procurement fraud (kickbacks and over-invoicing etc.)
14. Violation of public procurement procedures Whistleblowing policy and threats to implementation of anti-corruption strategy

### **Corruption**

The problem posed by corruption is very significant and now a challenge to the contemporary world. For 3 decades, it attracted global attention. The international community a result of its harmful impact recently included it as a specific target to fight corruption in the '2030 Agenda' for Sustainable Development. Corruption is a curse to any progressive society in the world. It dwindles and suffocates professionalism, stifles entrepreneurship and above all erodes the values of dedication, hard work and honesty is second to none. Scholars after critical researches and survey, discover that it is one of the most root causes of underdevelopment in the society, as its corrosive effect can never be overstressed.

The devastating effect of corruption is noticeable across all sectors of Nigerian economy. It toils to both public to private sectors, sports institutions, organizations, different agencies, and civil society in our nation. Corruption is the bane of Nigerian society and its effects is being witnessed for a long time. As the quest to tackle the menace becomes inevitable, many organizations, institutions, authors or scholars have conceptualised it in different dimensions. Pricewaterhouse Coopers (2016) says that corruption is a pressing issue in Nigeria and defined Corruption as perceived across a spectrum of illegal payments and transactions such as bribes, embezzlement, and money laundering among others.

Transparency International's Corruption Perceptions Index (CPI) as a proxy for corruption defines it as the 'abuse of public office or entrusted power for private gain'. In similar vein, The International Monetary Fund (IMF) and World Bank define corruption as "the abuse of public office". According to the World Bank, corruption is "...the abuse of public office through the instrumentality of private agents, who actively offer bribes to circumvent public policies and processes for competitive advantage and profit". Beyond bribery, public office can also be abused for personal benefit through patronage and nepotism, for example the theft of state assets or the diversion of state revenues. United Nation General Assembly resolution (2003) was seriously concern on the threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law.

Nye, (1967) affirms that corruption is a non-conformity from the formal duties of a public role because of private interest or gain such as personal, close family, private clique pecuniary exercise of certain influence like bribery to pervert the truth, eg judgment of a person in position of trust, nepotism that is appointment as a result of relationship rather than merit and misappropriation, illegal appropriation of

public resources for private gain. This definition looks at corruption as a deviant behaviour. The implication is that normal behaviour is anti-corruption. This assertion is not conforming to the recent belief by people that the wide spread of corruption has promoted it to the rank of norm in the society.

In the same direction, Samuel P. Huntington (2010) defined corruption as behaviour of public officials, which deviates from accepted norms in order to serve private interest. Otite defines corruption as the perversion of integrity or state of affairs through bribery, favour or moral depravity. It looks at the moral aspect as well as the distortion or twisting of procedures. The Transparency International (2001, p. 54):

defines corruption as behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by the misuse of public power entrusted to them. Although the definition of the Transparency International is very descriptive, it focuses only on the public sector.

But there is corruption in private sector with negative consequences for the whole of society. The Encyclopedia of Social Sciences defines corruption as the misuse of public power for private profit. Like the definition by Transparency International, this one also focuses on the public sector. The Corrupt Practices and other related offences Act, (2000) defines corruption to include bribery, fraud and other related offences like gratification. The Act gave a very wide definition of gratification to mean among other things the offer or promise or receipt or demand of money, donation, gift, loan, fee, reward, valuable security, property or interest in property with the intent to influence such a person in the performance or non-performance of his/her duties.

### **Classifications of Corruption**

According to Transparency International's Corruption Perceptions Index (2016) Corruption has three parts: The index categorises corruption into three parts:

1. Grand corruption: 'Acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good'.
2. Petty corruption: 'Everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens... often trying to access basic public goods and services'.
3. Political corruption: 'Manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth'.

### **Elements of Corruption**

Over the years, scholars, activists and international organizations have identified elements of corruption (Igbuzor, 2008, pp. 21-22).

- a. Legislative Framework for transparent and accountable government and for fighting corruption including Freedom of Information Act (FOI Act), Budget law, Fiscal responsibility law, Whistle blowers' Act etc.
- b. Political will and commitment to fight corruption
- c. Comprehensive strategy that is systematic, comprehensive, consistent, focused, publicized, non-

- selective and non-partisan
- d. Protection of Whistle blowers
  - e. Political Reform to curb political corruption
  - f. Reform of substantive programmes and administrative procedures
  - g. Mobilisation for social re-orientation with participation of civil society and faith based organisations
  - h. Effective parliamentary oversight through the Public Accounts Committee
  - i. independent media
  - j. Adequate remuneration for workers to reflect the responsibilities of their post and a living wage
  - k. Code of ethics for Political office holders, business people and CSOs
1. Independent institutions  
Movement for Anti-corruption

### **Factors of poverty and corruption**

Unstable political history Lack of accountability Mismanagement and Corruption Poor administration of justice Poor policy formulation, implementation and evaluation Lack of involvement of the poor Dependence of the economy on oil Poor economic policies and management Poor revenue allocation and distribution Ethnic and religious conflicts Poor infrastructures

### **Theoretical Framework**

Theory of two publics (primordial and the civic public) is adopted for the analysis of whistleblowing policy in Nigeria. This theory, as propounded by Ekeh 1975 identifies two publics in Nigeria which are the primordial and the civic public. The core argument of the theory is that primordial public is associated with blood and kinship ties, tribe/ethnic group, region, and religion. The civic public relates to the affinities based on socio-economic grouping such as class, status, role and professional group either in the public sector or in the private sector. This relates to the individual working place, (Ayamba, 2019).

In Nigeria, those in civic public looks at his or her roles and duties as moral obligations mainly to benefit and sustain a primordial public of which he or she belongs. As a result many Nigerians, therefore, tend to show more loyalty or interest to kinship ties than civic ties by promoting kinship, community or regional consciousness.

In situations of conflict of interest between the primordial public and the civic public, Nigerians tend to protect primordial interest at the expense of the civic or national interest (Azelama, 2002). Nigerians within the civic public engage in unscrupulous acts that promoting groups interest and ethnic affiliations to satisfy their primordial public. The rampant violation of financial regulations, mismanagement of public funds and assets, financial malpractice, fraud and theft in the country is associated with class grouping such politicians that are mostly loyal to their places of origin and tribe. The policy of whistle blowing introduced is to checkmate the unscrupulous acts and sustain standard of living that will promote economic growth and usher in good standard of living in the country.

## **Methodology**

Explanatory approach was adopted to investigate the problem. Since, the explanatory method is also referred to as analytical study, historical facts are necessary for the study. The justification for the adoption of the historical research is to enable the researchers to collect, verify and also synthesize some evidences from the past and in detail establish facts that either defend or refute a hypothesis of the study. It will assist the researchers to collect data from secondary sources including a variety of documentary evidence, such as, diaries, official records, reports, archives and non-textual information for example, maps, pictures, etc. for the study.

This is in line with the view of Patton (2002) that most common source of qualitative data is documentary. The design suited with the trend analysis and the act that does not affect the results of the study. The design also created opportunity to add conceptual background needed to fully understand and interpret the research problems which is in line with the research questions and objectives of the study.

The area of this study is Nigeria. Nigeria is one of the countries in West Africa of sub-Saharan Region. It has a [population](#) of 188,500,000 ([Human Development Report Statistical Annex, 2015](#)). The present capital of Nigeria is [Abuja](#), the country is the richest and has the largest population more than any other country in the entire African continent. [United Kingdom](#) ruled Nigeria from 1901 to 1960 and granted independence to Nigeria in 1960. The political conflict (war) that took place between 6<sup>th</sup> July 1967, to 15th January, 1970, was an attempt to disintegrate the country through secession by the South-Eastern provinces for self-proclamation “Republic of Biafra” which failed. Nigeria's total area is 923,768 km<sup>2</sup> (356,669 sq. mi); ([Central Intelligence Agency, 2011](#)). Nigeria is the 32nd-largest country in the globe.

It has boundary with [Benin](#) (773 km), [Niger](#) (1497 km), [Chad](#) (87 km) and [Cameroon](#) (1690 km). It has a coastline of at least 853 km. The main rivers in the country are the [Niger](#) and the [Benue River](#). They come together and empty into the [Niger Delta](#). The country has the location of the largest area of Central African Mangroves. Nigeria produces a large amount of oil and gas as a mono- economy after the era of agricultural boom. It has grasslands and rainforests, and can get very hot, because it is close to the [Equator](#).

The country is currently having a challenge of the menace of corruption and bad leadership. The recent ranking of international transparency perception put the country at 148 positions out of 180 countries surveyed (International transparency perception index, 2018). The choice of Nigeria for the study is informed by prolonged period of existence of corruption and the attempts by different levels of governments to proffer a lasting solution to the scourge failed woefully, hence the study to evaluate the controversial whistleblowing policy by Burhari's first tenure Administration. The central language of the country is English, with major regional dialect of Igbo, Hausa and Yoruba and other minorities' dialect.

The study adopted secondary sources of data collection and applied documentary method as a method of data collection. The researcher sourced data from secondary sources from numerous documentaries such as historical events, journals, archives, textbooks, library materials, magazines, Whistleblowing Policy Acts, National Assembly legal documents, government official documents, security official reports, petitions, statistics from ministry of finance and internet materials etc. The internet browsing and downloading of other information also assisted in the collection of relevant data for the study. The relevant materials collected by the researcher assisted to expose the level of whistle blowing policy in fighting corruption in Nigeria.

This study applied content analysis as a method of data analysis. The researcher also applied the

technique of data reduction from the data collected from secondary sources mainly from documentaries reports and other relevant information for easy interpretation and understanding by drawing final conclusion.

The information and data collected from documentaries were quoted during data analysis to support or disprove hypotheses/objectives of the study.

## **Findings**

1. The whistleblowing policy is confronted by bad governance and phobia of victimisation
2. Ethnic inclination and weak institutions, as a tool for political opponents.

## **Conclusion**

The policy has a global colouration with needed legal frameworks. The Nigerian government should follow suit and enjoy the benefits inherent in the whistleblowing policy. The statutory backing will give the policy the needed support to operate and do the needful and reposition it by reducing corrupt practices and people involved should face the wrath of the law. The whistleblowing policy current status means playing unnecessary politics with the reality and future of Nigerians. Therefore, time is now to do the debate and necessary conversation to strengthen the quality of the whistleblowing policy and its implementation.

## **Recommendations**

1. Legislation of the bill into law. The Nigerian national assembly should revisits the bill to pass it into law to have statutory backing to address the unnecessary delay which will stimulate the day to day reporting of misappropriation of public fund, asserts, and hate speeches by stating method of investigation and reporting. The legal framework will be a robust way of providing and safeguarding whistleblowers from victimisation and retaliation from preys.
2. Good Governance and Enlightenment Campaigns. The ethnic sentiment drives the policy of whistleblowing in some quarters as bias people use it to champion threats to opposition. Therefore, governments should be transparent and solidly solve the teething socio-economic and political challenges to cushion the effects of inflation and hardship to give credence to ethnic woes by being responsible, responsive and equitable with people oriented policies and reforms.

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