

## Civil Society and the Anti-Corruption Struggle in Nigeria

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### Abstract

*This paper focuses on civil society's roles in anti-corruption crusades in general and in the Good luck Jonathan's Administration in particular. It is incontrovertible to point out that the government of Jonathan is perceived to be corrupt given the avalanche of corrupt cases identified with his administration. Relying on qualitative data, the paper argues that the civil society groups in Nigeria are critical in the fight against corruption for good governance to thrive as they have helped to expose and condemn corrupt practices, assisted in passing some anti-corruption legislation and protested against public policies considered inimical to public interest. However, as demonstrated in the paper, they are found to be very restricted, very reactive, lacking in organisation and tactics as far as their involvement in the fight against corruption is concerned. It is opined that they have not done enough given the national and international legal frameworks that provide for participation of civil society and media in the anti-corruption initiatives. It is observed that the space for civic participation in Nigeria is highly restricted by government which makes it difficult for civil society that is considered as anti – government to enjoy the benefits of involvement in the fight against corruption. For effective participation of civil society groups in the fight against corruption it is imperative for Federal Government to make it a point of duty to respect international treaties on anti – corruption and guarantee adequate enforcement of anti –graft laws as well as provide conducive atmosphere for this participation.*

### Introduction

The paper is an attempt to examine the essence of civil society as the third sector of the Nigerian society under the former President Good luck Jonathan. Specifically, it ex-rays the theoretical and empirical significance of the civil society and focuses on its roles in the anti –corruption crusade under the administration of Jonathan. The analysis is premised on the assumptions of the two distinct theoretical paradigms; the first is the 'new social movement theory' and resource mobilization theory. According to Eduardo Canel both "seek to explain the emergence and the significance of contemporary social movements in (post-) industrial societies" (Canel, 2007).

The paper begins with examination of the concept of civil society, then its significance. This is followed by the categorical imperatives of good governance, then the role of Civil Society in the Fight against Corruption for Good Governance in general, before x-raying the Nigerian case before and more especially during Jonathan's presidency. A short conclusion rounds up the discussion.

### The Concept of Civil Society

In recent times, the concept of civil society has come to occupy a central position in the contemporary discourse on African development in particular. Most scholars perceive civil society as a "space" whose function is to mediate between the individual and the State. In the words of Idumange:

*Civil society has been widely recognized as an essential 'third' sector. Its strength can have a positive influence on the state and the market. Civil society is therefore seen as an increasingly important agent for promoting good governance like transparency, effectiveness, openness, responsiveness and accountability. (Idumange, 2006)*

Over the last two decades, the idea of civil society and building stronger, wider participation in governance has been, like good governance, a foremost component of global political and development fora. In Africa, it has been observed that individual does not stand alone in his/her relationship to the state. In his attempt to illustrate this, Osaghae argues:

*As a student he presses his demands on, performs his duties through, student bodies and other organized groups; as a worker, he uses trade unions, worker or professional groups as instruments; as an artisan, he relates through the guild; as a market woman, through the formal or informal market associations and groups; as a farmer, through several formal and informal groups and so on. Sometimes, several groups combine to make demands on government, especially at those times when the levels of immiserating and deprivation have become unbearable (Osaghae, 2006:3).*

To him, what this adds up to constitutes the basis for which civil society becomes significant, especially in democratic governance. This is because civil society suitably summarizes the intervening groups between the individual and the state. Although the role of civil society was not clearly articulated or emphasised in the initial packages of good governance, it was later endorsed in the re-conceptualised definitions of the concept. In practice, the concept of civil society has various origins, forms and denominations, notwithstanding the various definitions. It is basically understood as:

*The realm of organised social life that is voluntary, self-generating, self-supporting, and autonomous from the State, and bound by a legal order or set of shared rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the State and hold State officials accountable (Falana, 2010).*

Some other understandings take the notion of civil society from a developmental perspective. The United Nations Development Programme (UNDP) for example, advocates that, "a viable, strong and informed civil society is central to good governance... and should be [an] effective partner in the process of development" (OSSREA, 2010).

Civil society is considered as a "space" whose function is to mediate between the individual and the State. While there may not be a clear cut definition of civil society, it is widely agreed that it comprises institutions such as religious organizations, labour unions, charities, community groups, non-profits, and the media. In advanced and matured democratic systems these institutions supplement formal processes such as voting and help citizens shape the culture, politics, and economies of their nation. Practical experiences have shown that civil society is not synonymous with Non-Governmental Organizations (NGOs). Generally speaking and for this paper, civil society refers to the sum total of those organizations and networks which lie outside the formal state apparatus. It includes, but is not limited to, the following:

- (1) Social organizations including those representing the children, the women, the youth, the elderly or aged and people with disability and special needs;
- (2) Professional organisations for example, association of artists, engineers, health practitioners, social workers, media, teachers, sports associations, legal practitioners, academia, business organizations, national chamber of commerce, workers, employers, industry and agriculture, as well as other private sector groups;
- (3) Non-governmental organizations (NGOs), community-based organizations (CBOs), religious or faith organizations and other faith based organizations;
- (4) Others including cultural, student, sports and other informal organizations.

It should be noted that before the advent of NGOs, the traditional watchdog civil society organizations in Nigeria include trade unions, student unions, parents/teachers associations and professional associations. It has been pointed out that in spite of Western specificities that civil society has attracted to itself, it is "identified with that section of society that engages the state for the purpose of constructing, defining and institutionalizing values, norms, rules and principles by which society is governed as well as the terms of such governance" (Agbaje, 1997: 363). It should be pointed out that civil society organizations mostly formed by people who have common needs, interests and values like tolerance, inclusion, cooperation and equality; and development through a fundamentally endogenous and autonomous process which cannot easily be controlled from outside (Idumange, 2006).

In most African countries, it is agreed that the State preceded and had influenced the constitution of contemporary civil society (Agbaje, 1997: 365). Nonetheless, in Africa, there is a legacy of widespread, weak civil society given the fact that throughout the 1960s and 1970s, most governments in the continent progressively narrowed the economic and political space for independent societal action outside the control of the state. However, since the early 1990s, the situation has been slowly changing. For instance, the role of civil society was obvious and critical during and after apartheid system in South Africa.

While a few governments that restrict the proliferation and vibrancy of civil society organisations are still in existence, political systems that encourage pluralism are now the norm rather than the exception (Idumange, 2006). Together with this changing scenario, civil society is observed to be waxing stronger and applying continual pressure for better governance. The last two decades alone have seen competitive and democratic elections taking place in an unprecedented number of countries with the supportive roles of the civil society.

### ***The Significance of Civil Society***

The significance of civil society is more pronounced in the literature. It is not surprising that in some quarters, it is referred to as an essential 'third' sector or the fourth organ of government. Aristotle equated civil society to the polis (the State). John Keene cited in Mamdani referred civil society in general to "a type of political association which placed its members under the influence of laws and ensured peaceful order and good government" (Mamdani, 1992: 15). In contemporary democratic societies, the process of democratisation is considered as synonymous with the coming to life of civil society.

The strength of civil society can have a positive influence on the state and the market. Civil society is therefore seen as an increasingly important mediator for promoting good governance like transparency, effectiveness, openness, responsiveness and accountability. Civil society can help further and improve good governance through its policy analysis and advocacy. More importantly, it can help promote good governance by performing the following functions:

- by regulation and monitoring of state performance and the action and behaviour of public officials;
- by building social capital and enabling citizens to identify and articulate their values, beliefs, civic norms and democratic practices;
- by mobilizing particular constituencies, particularly the vulnerable and marginalized sections of masses, to participate more fully in politics and public affairs;
- by development work to improve the wellbeing of their own and other communities. (Idumange, 2006).

Gyimah-Boadi using Larry Diamond's checklist gave details on the various contributions of civil society. These include helping to pry open authoritarian systems, limiting the power of the state and challenging abuses of authority, monitoring elections and enhancing the credibility of the democratic process, and educating citizens and building a culture of tolerance and civic engagement. Others are; incorporating marginal groups and enhancing responsiveness, providing alternative means for material development, opening and pluralizing the flow of information, and building a constituency for economic and political reforms (Gyimah-Boadi, 2006: 100-111).

There have been very credible arguments about the importance or otherwise of civil society. Civil society is important in creating what is increasingly referred to as 'social capital'. Social capital has been defined as the web of associations, networks and norms including trust and tolerance that enable people to cooperate with one another for the common good. Most of the institutional arrangements and values which make up social capital had been observed as what constitute the foundation for good governance, economic prosperity and healthy societies (Idumange, 2006).

Besides the above direct development contributions, civil society has a very important advocacy role to play in promoting effective governance. It could potentially contribute to local economic development and respond to the growing challenge of poverty in a number of ways. It could improve the local business investment climate; encourage new enterprises and livelihood programmes. Some committed and well-funded civil society organizations are involved in social services provisioning. They do help in providing training and capacity building programmes; and also contribute to relief and rehabilitation in times of disaster and emergencies.

### ***Categorical Imperatives of Good Governance***

Since 1990s, the concepts of good governance and civil society participation have been assuming increasing priority in international discourse on politics and development across the world. To Ogunjobi, the former Vice-President, operations of the African Development Bank Group 'governance' not only refers to the quality of leadership and the capacity to govern but includes the effectiveness and consistency of policy and the development of institutions that deliver public goods and social services in a stable environment (Ogunjobi, 2004).

In its broadest context, good governance according to the Organization of Economic Corporation and Development (OECD) as cited in Ogunjobi “seeks to create capable and effective states, as well as an enabling environment in which the public and private sectors play their respective roles in a mutually reinforcing manner towards poverty reduction, sustainable growth and development.”(Ogunjobi, 2004). However, it is important to mention that there seems to be a consensus among most governments of developed countries/donors with the World Bank conception of good governance as “predictable, open and enlightened ethos, the rule of law, transparent processes, and strong civil society”(World Bank Report, 1989).And according to Kim et al “Transparent governance implies an openness of the governance system through clear process and procedures and easy access to public information for citizens” (2005: 649).

In essence, good governance should be concerned with an effective process of management of public affairs, which embraces the normal basis of political authority and the essential demand for peace, order and stability. It demands that government be responsive and responsible to its citizens. In this sense, public organizations or institutions and political leadership are the trustees of the nation’s political authority with which to serve in the interest of all with a view to enhancing the standard of living of the people in the society. Most fundamental to the various definitions of good governance are three key terms: accountability, which denotes the efficiency with which the electorates or the governed can exercise influence on their elected representatives or governors; the legitimacy which is concerned with the right of the state to exercise power and authority over its citizens and the extent to which the power and authority is perceived to be rightly exercised by the citizens; and transparency which is grounded on the existence of mechanisms of ensuring public access to decision-making.

Good governance as a minimum requirement in the global community must embrace accountability of those in government to the people they governed, transparency, rule of law (or due process), in addition to political system that allow for popular participation of citizens in decision-making process. The opposite of these good governance principles are: arbitrary policy making by those in government; unaccountable bureaucracies; unjust legal system; corruption in high and low places; mismanagement of public resources; and civil strife in the society. According to Nasir El Rufai; the former Chairman of Economic and Financial Crime Commission (EFCC), good governance “means competent management of a country’s resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people’s needs” (El Rufai, 2014). He identified the following imperatives of good governance:

- (i) Participation – by both men and women either through direct or through legitimate intermediate institutions or representatives;
- (ii) Rule of Law – fair legal frameworks that are enforced impartially;
- (iii) Transparency – decisions taken and their enforcement are done in a manner that follows laid down rules and regulations;
- (iv) Responsiveness – serving all stakeholders within a reasonable timeframe;
- (v) Consensus oriented – mediation of the different interests in a society to reach a broad consensus in the overall interest of the whole community;
- (vi) Equity and inclusiveness – all members of the society are availed the opportunity of sense of belonging;
- (vii) Effectiveness and Efficiency – processes and institutions produce results that meet the needs of the society while making the best use of available resources; and
- (viii) Accountability – governmental institutions, private sector and civil society organisations are accountable to their institutional stakeholders.

In essence therefore, good governance must meet certain minimum requirements. Good governance must be participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It guarantees that corruption is minimized, the views of minorities must count and that the voices of the most vulnerable in society are heard in decision-making. It is also significant for good governance to be responsive to the present and future needs of society (El Rufai, 2014).

### ***Civil Society, Corruption and Good Governance***

Corruption is ubiquitous, pervasive and generally acknowledged to be difficult to tackle across the world particularly in multi-ethnic, post war and fragile states. Its consequences badly affect socio-economic development, stability and normalcy in most of the post-war and under-developed countries in Africa.

It is of the challenging challenges of good governance in Africa in general and Nigeria in particular. Corruption has been described as the bane of legitimacy, democratic stability and socio-economic and political development in Nigeria (Ogundiya, 2009: 281-292).

It is indubitable to adduce that civil society has a key role to play in fighting corruption, with the aim of promoting good governance. It has been observed that from monitoring public services, denouncing bribery to raising awareness of all economic and political actors, civil society is critical in the fight against corruption (Clean GovBiz, 2013:3). Since most cases of corruption involve public officials and private companies, civil society as an independent actor representing the interests of the general public is uniquely positioned to denounce and expose corruption cases and put pressure for reform. That is why it is important for civil society to strengthen its capacity in anti-corruption crusades. Also, civil society has to be aware of its role and make use of its potential leverage if its efforts at tackling corruption would yield desirable effects.

Civil society as a wide range of association and other organized collectives are also capable of articulating the interest of their members, regulating and constraining state power. Demands from civil society group are expected to provide inputs for the democratic political process which at times are aggregated by political parties. Through their approval or disapproval of what goes on in government they are capable of promoting accountability. It is assumed that if these roles are effectively performed by civil society, democracy and good governance would be guaranteed.

It has been argued that since civil society organizations incorporate expertise and networks required to address issues of common concerns; not excluding corruption, they have important roles to play in tackling corruption. More importantly, as most corruption involves the government and the public sector, civil society is considered as the major victim (Ogbu, 2015). This is not to say that civil society cannot be part of corruption. As Ogbu asserts "(T) he attitude of civil society to corruption may also influence the attitude of government officials and the private sector to it. The converse is also true" (Ogbu, 2015). It is important to point out that the major role of any civil society group is to claim and defend its own main values. Moreover, the average education qualities of members of civil society are mostly better than the national average and this place them in vantage position to champion corruption eradication.

Regarding awareness generation, civil society organizations are to educate the public to demand good governance, quality goods, service delivery, transparency and accountability. The required levels of transparency and accountability can be easily achievable only when civil society is engaged in oversight programs. They can also organize regular town hall meetings to bridge communication gap between the public and private sectors.

However, it should be pointed out that an effective involvement of the civil society in the fight against corruption depends on three key issues. These are:

- (a) the existence of a legal framework that enables civil society organizations' participation without political and legal restrictions
- (b) the willingness of the state to engage constructively with the civil society and
- (c) The effective engagement of civil society groups in the fight against corruption.

(Clean GovBiz, 2013: 7)

Also, the credibility of the message conveyed by these organizations depends on two major factors including their independence from the state and their capacity to fight corruption and promote common interests (Clean GovBiz, 2013:7). Civil society groups' ability to be vocal and to expose corruption cases is clearly linked to their independence from government. If they rely heavily on public financing and civil servants for their operations, the tendency is high that they can be subject to pressures from the state. Thus, they should be encouraged to become structurally and financially independent from the state.

More importantly, it has been observed that the potential of civil society in contributing to development and fighting against corruption has often been challenged by capacity constraints in terms of human resources and finances. It is well known that these constraints would have a direct impact on the aptitude of civil society organizations to mobilize resources and to become independent. It is expected of each Civil Society group to encourage the participation of its members in training programs and seminars that would strengthen not only their knowledge on corruption fighting and their interaction with other key stakeholders (notably government and donors) but also their management and financial skills.

The sustainability of the activities engage in by civil society organizations and the effectiveness of their anti-corruption efforts will also depend on their ability to put in place solid internal mechanisms.

### ***Civil Society and the Fight against Corruption for Good Governance in Nigeria***

Civil society in developing countries like Nigeria is a relatively new concept. As at present, there are many civil society organizations growing very fast and playing a major role in development and governance processes of Nigeria particularly, after the transition to civil rule in 1999. This section assesses the involvement of civil society in the fight against corruption especially from 1999 to 2011. This is done on the basis of the three key issues for effective participation of civil society as highlighted above.

The paper considers corruption as one of the major challenges in Nigeria because of its devastating effects on the socio-economic and political life of the country, which cannot be over emphasised. Between 1985 and 1999, corruption was rife; Nigeria was blacklisted by the international community. Prior to the readmission of the country to the global financial system; the Independent Corrupt Practices and Other Related Offences Commission Act 2000 and the Economic and Financial Crimes Commission Act 2002 were enacted while the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) were established.

In spite of the establishment of these anti-corruption institutions, it seemed that the Olusegun Obasanjo civilian administration (between 1999 and 2007) lacked the political will to fight corruption. Nigeria was ranked 98 out of 99 countries assessed in 1999 and 132 out of 133 in 2003. Cameroon that was ranked last in 1999 came 124<sup>th</sup> after four years of Obasanjo's civilian government. Although, it was obvious within this period that the EFCC under Mr. Nuhu Ribadu waged a determined battle against economic and financial crimes, the limited success recorded by the EFCC was made possible with the support of a section of the civil society. As noted by Falana (2010), "the take-over of the Federal Government in 2007 by a gang of ex-convicts, smugglers, drug addicts and their cohorts turned Nigeria into a laughing stock". Even with the re-organization of the EFCC, Nigeria slipped into 148<sup>th</sup> position out of 179 countries assessed by Transparency International in. It was pointed out in the USAID Report on Nigeria for 2007 that Nigeria has not yet overcome a legacy of military rule. The challenges now, according to the Report, are "to struggle to consolidate democratic institutions and the rule of law, reduce rampant corruption; and boost public confidence in the democratic transition (IRI, 2007). Even President Good luck Jonathan's predecessor; late Umaru Yar'Adua confirmed corruption as one of the main challenges of Nigeria's nascent democracy. To him:

*As a nation, one of our greatest challenges has been the evolvement of a culture of disrespect for the rule of law... unbridled corruption, endemic crime, violence, infrastructural deficit and a general malaise in the polity. All these constituted a direct manifestation of disrespect for law and order (Kasse, 2007)*

According to the 2007 Human Rights Watch Report, the endemic nature of corruption in Nigeria has led to the loss of US \$380 billion between independence and 1999. In spite of the slight improvement in the Transparency International Corruption Perception Index in 2011 (Nigeria ranks 143 out of 180 countries), the 2011 Global Financial Integrity Initiative Report estimated that US \$130 billion worth of illicit financial flows occurred between 2000 and 2008. This is in addition to the loss of nearly \$7 billion to the fuel subsidy racket alone plus the persistent leakages from the Federation Account that the CBN had shown without any doubt brings our national loss due to corruption to something in the region of US \$600 billion from independence to end of 2013 (El Rufai, 2014). It is on record that Nigeria ranks 136 out of 176 countries with a score of just 27 out of 100 on the 2014 Corruption Perception Index. According to Transparency International, "85 per cent of Nigerians surveyed believe corruption has increased from 2011 to 2013" (Transparency International, 2015: 1). More importantly, El Rufairevealed that in recent time, "a reputable global investment bank estimated that the monthly leakage (theft) of official oil revenues in Nigeria averaged \$1.2 billion monthly throughout 2014. That is why it is demonstrated earlier on "that governance and corruption are therefore related though somewhat in reverse"(El Rufai, 2014). This is to bring to the fore the severity of corruption and its attendant consequences.

Given the above, it is not surprising that the 2013 Country Report on Human Rights Practices in Nigeria prepared by the United States Department of State also observed that "the anti-corruption efforts of the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) remained largely ineffectual"(US Department of State, 2013: 1-55).

The report also added that “although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials frequently engage in corrupt practices with impunity” (see EIRufai, 2014). Though the focus of the paper is on the role of civil society in anti-corruption crusade, it should be noted in recent times that some civil society organizations including Non-governmental organizations were involved in electoral and constitutional review programmes and played vital roles in protesting hike in petroleum products prices in Nigeria. They also play important roles in election monitoring and evaluation.

With regards to the legal framework for effective participation of civil society in the fight against corruption in Nigeria, the United Nations Convention against Corruption (UNCAC) and the African Union Convention against Corruption are very explicit. These international legal frameworks ratified by Nigeria impose obligation on her to ensure the participation of civil society in the fight against corruption.

The participation of civil society is provided for in Article 13 of UNCAC which states thus:

*Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.*(United Nations: 2004)

In Chapter 12 (subsections 1 and 2) of African Union Convention on Combating Corruption, the state is mandated to undertake to:

*Be fully engaged in the fight against corruption and related offences and the popularisation of this Convention with the full participation of the Media and Civil Society at large; Create an enabling environment that will enable civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs; Ensure and provide for the participation of Civil Society in the monitoring process and consult Civil Society in the implementation of this Convention.* (United Nations, 2004)

In terms of the willingness of the state to engage constructively with the civil society, it is important to understand the nature of relationship between the state and the civil society. Obadare concludes that in the pre and post-independence Nigeria, historically speaking, the attitude of the Nigerian state towards civil associations in the country has always verged on jealousy. (Obadare, 2004: 140) The hegemonic control of civil society by the state was obvious during the military regimes that preceded the transition to democracy in 1999. This relationship was demonstrated by various clampdowns on most civil society groups and imposition of the will of the state on them considered by and large to be helpless by succeeding military governments. After 1999, the attitude of the state to civil society varies from active support or peaceful coexistence to ignoring of some and attempt to control or constrain them. On the issue of anti -corruption, it is very hard for the occupants of the state institutions to willingly engage civil society groups as some of these groups are seen as agents of state opposition.

Regarding the effective engagement of civil society in the fight against corruption, there are examples to demonstrate the extent of involvement of civil society group. For example, it is public knowledge that all efforts by Coalition against Corrupt Leaders (CACOL) to frustrate the manipulation of the judicial process by the Federal High Court in the James Ibori (former governor of Delta state) case were unsuccessful until he was tried and jailed in Britain. Before the 2011 general elections, some civil society groups joined issues with the State over the cover-up of some former rulers who engaged in grand corruption. A coalition of civil rights groups sent a petition to the Justice Minister to cause the former military dictator, General Ibrahim Babangida to account for the \$12.4 billion in the dedicated accounts while he was in power. The coalition through the pressure exerted on General Babangida forced him to speak on the matter. While denying any indictment by the Okigbo Panel, General Babangida claimed that the funds were expended on the infrastructural development of the Federal Capital Territory. There was no indication that further action was taken by any civil society group to get to the root of the matter. However, it is important to point out that civil society group’s involvement in the fight against corruption through protests, demonstrations, litigations and active lobbying helped in the drafting and passage of the Appropriation Acts, Public Procurement Act, Money Laundering Act, the Freedom of Information Act and the Whistle-blower Act. With the monthly publication of the statutory allocations to governments, some civil society organizations are supporting Nigerians to monitor the implementation of the budgets and demand for accountability.

Public procurement and affairs of private sector are new areas that they are venturing into which has something to do with corruption. Public procurement takes major share of the budget every year and proper dispensation of this function will really affect the economy. However, it has to be mentioned that fighting corruption goes beyond advocacy, passage of bills and monitoring of budgets. Effective implementation of principles and other guiding policies as well as enforcement of enabling laws relating to anti – corruption are very vital. In Nigeria, it is useful to point out that, civil society emerged as early as 1914 to engage the colonial state on issues that bordered on style of governance and welfare of the Nigerian people. Agbaje concludes:

*Since the amalgamation of 1914, Nigeria's party systems and civil society have been invented by, and in the interest of, the state and its governing regime which, unfortunately, have reflected elements more of autocratic than democratic, more uncivic than civic, more unstable than stable, more corrupt and self –seeking than patriotic, and more predatory than developmental (Agbaje, 1997: 378).*

It is obvious that most civil society organizations today are in the main struggle to reinvent the Nigerian state in their quest to consolidate democracy and promote good governance. This often manifests in their various activities that mostly challenged the authoritarian nature and ineffectiveness of the Nigerian state as well as bad governance at all levels of governments. Although, civil society groups through protests and demonstrations have made certain inroads into the political scene and had recorded some successes (particularly in the areas of consciousness formation and social mobilization) , the overall picture remains that Nigeria still needs to go further in promoting good governance and wider civil society participation. This need is particularly felt in Nigeria because the broader policy environment does not favour the development of thriving civil society groups. In fact, the search for a civil society that can reinvent the state and promote good governance is often hampered “by the historical fact that Nigeria has since 1914 been in a more or less permanent transition...”(Agbaje: 1997: 379). Political instability in the country has had adverse effects on the operation and performance of civil society groups. These groups have been robbed of the opportunities to develop their capacities and enthusiasm for their traditional contribution of helping to deepen civic activities in an unbiased manner. It is imperative to add that some civil society groups today have been reduced to political platforms for partisan, religious and ethnic contestations.

The challenge of civic engagement may be attributed to the infiltration of genuine “civil” struggle by other associations with humdrum intentions operating in the name of civil society. These other associations often utilized predominantly “uncivil” approaches often to selfish ends. Another challenge to effective civil society engagement in the anti-corruption fight is the lack of access to information law in Nigeria. There is culture of undue secrecy in the running of government business. Transparency and access to information are necessary ingredients of any effort to reduce corruption in the country. Even with the passage of Freedom of Information Act in 2011, some information relating to government are still classified as highly confidential.

There are also internal challenges to effective civil society organization engagement in anti-corruption efforts. One of them is lack of transparency and accountability and internal democracy in some of these organizations. The fact remains that some civil society organizations are established as a business for the purpose of making a living. There is no internal democracy in most of them. The form of corruption that exists at the governmental and private sector levels also exists in some civil society organizations. It should be pointed out that any organization which does not operate in a transparent manner lacks the moral authority to demand transparency from others. The reactionary approach that most civil society often adopts in the fight against corruption poses a challenge. Although the approach may serve a useful purpose under certain circumstances, a double - barrelled approach which is both proactive and reactionary is required. For examples, effort should not only be concentrated on detecting and punishing corruption. It is important that a system which will prevent corruption is emphasized equally, since existence or prevalence of corruption shows a failure in the system or society.

### ***Civil Society and the Fight against Corruption under Jonathan's Administration***

This section discusses the performance of civil society in the fight against corruption under the immediate past President of Nigeria, Good luck Ebele Jonathan. This is significant given the democratic experiment and the attendant expansion of democratic space for more than one decade as well as the recent inclusion of civil society in the fight against corruption by international bodies, most especially, United Nations and Africa Union through their legal frameworks in recent time.



Also, of all the challenges facing democratic governance particularly, under Jonathan's administration; corruption was considered the biggest. According to the Speaker of House of Representatives, Rt. Honourable Aminu Tambuwal:

*For us in Nigeria, the reality that no greater challenge than corruption confronts us as a people is not in controversy. Indeed if the roots of the overwhelming majority of our woes were traced, they are sure to terminate at the doorsteps of corruption.* (Tambuwal, 2014)

In fact, a year after President Jonathan was elected, the Transparency International in its Global Corruption Perception Index (CPI) ranks Nigeria as the 36th most corrupt country globally. Nigeria was placed in 139th position out of the 176 countries assessed with a score of 27%. As at present, any attempt to list various forms or manifestation of corruption particularly in the public sector in Nigeria may be problematic. The manifestations are many and of diverse form. They range from direct diversion of public funds to private pockets, contract overpricing, bribery, impunity, nepotism, financial recklessness, duplicitous borrowing and debt management, public assets stripping, electoral fraud, shielding of corrupt public officers to mention just a few.

Given the scenario above, the paper attempts to discuss the engagement of civil society organizations in anti-corruption crusade under Jonathan's administration. The most prevalent and visible engagement of civil society organizations with the public policy making system was their resistance to policy reform. Highly publicised cases of protest and demonstration against deregulation and privatization policy in Nigeria underscore this point. The protests led by Save Nigeria Group (SNG) that greeted Jonathan's removal of fuel subsidy (as a result of which the pump price of a litre of petrol was increased from ₦65 to ₦140) were unprecedented and devastating. The protests apart from taking violence dimension witnessed a massive opposition by Nigerian citizens. Direct field action through popular mobilization and innovative means of protests on the street were the dominant forms of engagement with the Nigerian government. The government later reduced the pump price of petrol to ₦97 per litre. However, the civil society was unable to sustain the protest and pressurize the government to further decrease the price as demanded by Nigerian citizens.

The second type of engagement was less frequent and less visible. This type of engagement involves inclusion of certain civil society groups or coalitions or constituencies and perspectives in policy making. For example, a number of civil society groups were nominated by the Federal government in the National Political Conference convoked by President Jonathan in 2014 to discuss national issues. Notable among the civil society groups from which conference members were drawn are Nigerian Bar Association (NBA), Nigerian Union of Journalists (NUJ), Nigerian Labour Congress (NLC), Women and Youth associations among others. In fact, this policy inclusion as a mode of engagement by civil society produced little gains for the marginalised groups in Nigeria. The involvement of these groups in national political conference is yet to produce the desired effects since the recommendations are yet to be implemented. Majority of Nigerians did not expect much from the conference as the number of representatives from the civil society was negligible compared to government representatives. It is obvious that Jonathan administration did not provide adequate opportunity for this group as stipulated in the UNCAC document and thus incapacitating the civil society in anti-corruption crusade. Even in most anti-corruption agencies established by government, the role of civil society was less visible and marginal. Least visible and rarely participated in is the third form of civil society engagement which implies implementation of already existing progressive public policies. This is not unrelated to the fact that many government officials and political leaders are part of the problem in the implementation of such policies favourable to the interests of the marginalised. Under the present civilian administration, there are cases of collaboration of federal and state governments to implement certain policies related to health of women and children, education of the marginalized and provision of relief materials to victims of environmental disasters and insurgencies. The administration of President Jonathan since assumption of office as president-elect till 2015, had witnessed various instances of civil society engagement especially with the regard to the fight against corruption. Some notable ones are identified below.

1. In June 2014, labour and civil society delegates at the national conference expressed their displeasure to the recommendation by the Committee on Public Finance, calling for the total removal of fuel subsidy. Those that sponsored the bill included the President of the Nigeria Labour Congress, Mr. Omar Abdul waheed; President of the Trade Union Congress, Mr. Boboi Kaigama; Civil Society Delegation Leader, Mr. Femi Falana(SAN);NLC Acting General Secretary, Chris Ufot; TUC Gen. Sec. Musa Lawal; and a civil society delegation, Jaye Gaskia.

According to the group, “more than 70 per cent of productive activity in the economy relies almost exclusively on PMS power generators for their electricity generation.”(Fabiya, 2014).This implies that total removal of fuel subsidy would be devastating for most Nigerians. It is expected of the civil society to have started lobbying the National Assembly members to initiate a bill that will hinder the present or future government from removing the subsidy. It is obvious that civil society is not putting pressure on the present government to probe and probably prosecute those involved in the fuel subsidy scandal. This, to some extent demonstrates the weakness of this group in the fight against corruption. They should be more proactive in addressing issues of public concerns.

2. On 12 March 2013, some civil society organizations under the aegis of Civil Society Groups working on Anti-Corruption and Good Governance in Nigeria issued a press statement to condemn and express their shock over the presidential pardon granted to the impeached and convicted former Governor of Bayelsa State, Mr. DSP Alamieyeseigha along with other persons. Worried that the action raises doubt about the Jonathan administration’s acclaimed commitments and fight against corruption, the groups described the development as “a naked dance in the public” given that the president has told Nigerians in an arrogant and contemptuous manner that he has no apology for the State pardon. According to the statement,

*“while the civil society appreciates the constitutionality of prerogative of mercy as provided for in Section 175 of the 1999 Constitution (As Amended), the decision by the Jonathan administration is immoral, as much as it puts a question mark on the sincerity of the administration in battling corruption. This is more so because Mr. Alamieyeseigha’s case about corrupt enrichment and money laundering on which he skipped bail in the United Kingdom is still pending”*<sup>41</sup>.(Press Statement 2013)

The concern of the civil society according to the statement, are that besides the national embarrassment that President Jonathan’s action depicts, it also shakes the moral foundation of the presidency as well as portends grave implications for the myriads of corruption cases in the country. The groups reiterated that the action is capable of allowing perpetrators of such crimes to get away free and further re-entrench corruption that can totally stunt national development and improvement on the lives of citizens. The question is: besides expression of displeasure, what has the civil society to correct the anomaly? Ideally, it is expected that litigation should have been instituted against the Nigerian government demanding explanation on the issue. This again raises a pertinent concern about the reactionary posture and lack of overbearing influence on the government and its officials.

3.The Civil Society Groups working on anti-corruption and good governance in Nigeria also condemned the statement credited to the Attorney General of the Federation (AGF) and Minister of Justice, Mr. Mohammed Bello Adoke (SAN), in 2014 that the Federal Government withdrew the corruption charges filed against Mohammed Abacha, son of late General Sani Abacha. The government had accused Mohammed Abacha of receiving stolen property worth N100.38 billion. The money is believed to have been stolen by the late Head of State during his tenure from 1993 to 1998. This is also reactionary in nature as the groups have not gone to court to challenge this in court. Be that as it may, one needs to exercise caution in blaming the civil society for its ineffectiveness and non-proactive posture towards issues of public concerns. The Nigerian political climate is so capricious for any informal groups to challenge the decision of government in court of law.

4. In 2014, before the former Chief Justice of Nigeria, Aloma Mukhtar retired, a revelation was made by El-Rufaii his published memoir, *The Accidental Public Servant* that his administration decided to budget an annual grant to help the FCT judicial system to make some procurement. Following that revelation, a coalition of over a hundred and fifty anti-corruption organisations, under the aegis of the Civil Society Network Against Corruption, CSNAC, demanded that the Chief Justice to probe the use of the said budget and its legality. As at present there is no record that the probe has been initiated and that any public official has been brought to justice for mismanagement of public funds.

It is pertinent to identify some civil society organizations that are still engaging the Nigerian state and citizens on the issue of corruption. These include:

*Zero Corruption Coalition (ZCC):* This is a network of over 100 civil society organizations campaigning against corruption in Nigeria. The ZCC is a partner in the 'Accountability Nigeria' coalition of public and private organisations working for transparency and accountability in Nigeria. The ZCC does advocacy work with legislators and government anti-corruption agencies on the need to domesticate and implement both the United Nations Convention on Anti- Corruption and the African Union Convention on Preventing and Combating Corruption.

*Integrity*: It is a Nigerian non-profit, anti-corruption Non- Governmental Organization. ‘Integrity’ is working to empower and inform civil society in order to tackle corruption in Nigeria and to coordinate efforts between public and private institutions in a national fight against corruption. Integrity has published several reports on good governance and is running programmes and projects aimed at promoting transparency and integrity. For example, it has been awarded a European Community grant to run a budget-monitoring project in Nigeria aimed at promoting good governance, transparency and respect for the rule of law in budget-related matters.

*Convention on Business Integrity (CBI)*: This consists of Nigerian and foreign companies operating in Nigeria who have signed the Code of Business Integrity, originally adopted in 1998. Members have to go through an accreditation process and adhere to values of corporate integrity and transparency.

*Independent Advocacy Project (IAP)*: This is an NGO working to promote transparency, accountability, and good governance in Nigeria by building partnerships between individuals and organisations through information sharing. The IAP issues a monthly electronic newsletter, an in-depth quarterly report and specialised reports. It also produces the Nigerian Corruption Index (NCI) in order to empirically determine the degree of corruption in Nigeria.

*African Parliamentarians Network Against Corruption (APNAC)*: This is a leading all-party parliamentary anti-corruption network in Africa. Its main work is to promote good governance and to strengthen parliamentary capacity to fight corruption. It has a local office in Abuja, Nigeria.

It is obvious from the examples cited above that civil society groups in Nigeria so far achieved only modest changes in government policies and practices. The performance is not all that impressive; given the significance of civil society in a democracy and the established domestic and international legal frameworks and supports for its participation in anti –corruption crusade. They are more reactive than being proactive in their operations. It is significant to mention that there are changes that have occurred on a narrow front – within one government department, on a single issue, or in some states within the country.

Meanwhile some of the gains appeared temporary as government adopted some changes only for a time to ease popular pressure, and then revert to their bad habits. For examples the trial and sack of Stella Oduah (former minister for Aviation) for misappropriation of public fund as a result of the pressure from the civil society groups have not stopped corruption or deter other public servants from stealing. The bribery scandal that rocked the National Assembly involving some members of the Senate, some members of House of Representatives especially Farouk Lawan and Mr Femi Otedola provided opportunity for civil society’ active involvement in the probe and prosecutions of offenders. Most civil society groups operate as resistant initiatives and movements seeking justice without adequately utilizing the strategy of mass mobilization and mass support from across the country. Often the diverse coalitions that develop within civil society to address a burning issue disintegrate once a government makes minor concessions as in the case of fuel subsidy earlier mentioned. It is not surprising that the Transformation Index of 2014 confirms:

*Traditions of civil society are still weak. Despite the fact that the number of active NGOs is increasing, the landscape of voluntary organizations is still meagre and plagued by scarce organizational resources. This also applies to most labour unions. While there is a positive general trend in the development of civic interest groups, they do not yet arouse broad citizen participation...* (Stiftung, 2014: 11)

Strictly put, the civil society in Nigeria was limited in terms of capacity (legal and financial most especially) to tackle corruption under the administration of President Jonathan. The enabling environment that international conventions against corruption stipulated is yet to be provided; for effective participation of civil society groups in the fight against corruption under the Jonathan administration. The repressive activities (including clampdowns on anti – government groups) of the Nigerian state hinder a lot, the performance of civil society in the fight against corruption. The space for civic participation in Nigeria’s democracy was highly restricted by Jonathan’s government. Thus, it is difficult for civil society that is considered as anti – government or opposition group to enjoy the benefits of involvement in the fight against corruption provided by the national and international legal frameworks. Meanwhile the same political space was widely opened to pro – government civil society groups like Transformation Agenda Network (TAN) to canvass for supports for Jonathan’s administration.

## Conclusion

From the foregoing, it could be argued that the civil society groups in Nigeria are critical in the fight against corruption for good governance to thrive. They are better positioned in a democracy to fight for effective management of public resources and against abuse of office. As explained in the paper, at one point or the other they have helped to expose and condemn corrupt practices, assisted in passing some anti-corruption legislation and protested against public policies considered inimical to public interest. However, as demonstrated in the paper, they are found to be very restricted, very reactive, lacking in continuous organisation and tactics as far as their involvement in the fight against corruption is concerned. It is opined that they have not done enough, particularly under Jonathan's administration; given the national and international legal frameworks that provide for participation of civil society and media in the anti-corruption initiatives. It is observed that they had not effectively acted as a check on public officials as far as the issue of corruption is concerned. Corruption became object of campaign against former President Jonathan in the last presidential election.

It is not surprising that the Transformation Index 2014 reports that civil society in Nigeria is weak and is usually despised by the political leadership and that they possess very weak capacity for mobilisation and cannot sustain long period of protest. In Nigeria, today, majority of the citizens doubt the representative capacity of the civil society, making them wonder on whether or not the civil society can represent the society, against the state. Factors partly responsible for this scenario are explained in paper.

For effective participation of civil society groups in the fight against corruption it is imperative for the newly constituted Federal Government to make it a point of duty to respect international treaties on anti – corruption and guarantee adequate enforcement of anti – graft laws as well as provide conducive atmosphere for this participation. Also, it is important to point out that Nigeria can achieve accountability, transparency, and participatory governance, rule of law and quality service delivery quickly if the civil society is made vibrant and well informed. Countries with successful processes of anti-corruption mechanism have explored civil society's roles especially in three aspects of awareness raising, policy formation/feedback and implementation/status monitoring.

There is palpable need for a well-structured institutional arrangement for partnership between civil society organizations, government, government Ministries, Department and Agencies. Such arrangements should make it easy for civil society groups and other citizens-based associations to partner with government in policy formulation, implementation and monitoring with the vital goal of promoting transparency and accountability. Collaboration of civil society with the media should be encouraged and promoted vigorously.

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