INSIGHTS ON WHISTLE BLOWING POLICY AS A TOOL FOR FIGHTING CORRUPTION IN NIGERIA

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Abstract: The Nigerian state is grappling with several forms of corruption which turned ubiquitous and perhaps a national malady yet to be contained. Corruption is believed to be the biggest metaphor for Nigeria’s underdevelopment because it impedes good governance and development in almost every sector of human endeavors. Nevertheless, successive military and civilian regimes including the administration of President Muhammadu Buhari and his party the All Progressive Congress (APC) who took over power in 2015, introduced some specific policy measures such as the Presidential Advisory Committee on Corruption (PACC), Whistle Blowing Policy (WBP) among others in order to strengthen and reinvigorate the fight against corruption in line with the promises he made to Nigerians during his presidential inauguration. With the emergence of whistle blowing policy as an additional tool for fighting corruption in Nigeria, the paper seeks to explore from public policy perspectives the merits and demerits of whistle blowing policy under the administration of President Buhari. The paper therefore argued that, from public policy perspectives whistle blowing policy is portrayed as a unitary approach within a federal system because it has failed to sufficiently carry alone the sub-nation government (states and local governments) in the processes of policy formulation and implementation. Hence, despite successes achieved in the recovery of looted funds, the policy was greeted with absence of enabling laws that provided for the security and safety of whistle blowers. In undertaking this research, the paper utilizes secondary data through meticulous content analysis of the existing literature and reported episodes of corruption by whistle-blowers.

Keywords: Corruption, Policy, Whistle-blowing, Whistle-blower

INTRODUCTION

Corruption and the fight against corruption is not limited or peculiar to Nigeria or Africa but is a global social pandemic creeping across almost every nation state. Even the most developed democracies such as the United Kingdom, United State, France, Germany, among other countries have domesticated whistle blowing policy to strengthen their anti-corruption laws. Considering the veracity of the problem, the United Nation Convention Against Corruption (UNCAC) unequivocally admonishes all member countries to internally domesticate and strengthen measures that will encourage revelation of proceeds and episodes of corruption and ensure the protection of genuine and patriotic whistle blowers (UNCAC Article 33 cited in Anya and Iwanger, 2019). In the same vein, African Union Convention on Preventing and Combating Corruption (AUCPCC) also re-echoed the same issue by urging its members to unite against all forms of corruption (Article 5:5 cited in Anya and Iwanger, 2019). In Nigeria the problem of corruption has become pervasive and systemic in the mist of abundant human and material resources. Revenues accruing from state resources are skewed in favor of few individuals in power who are in perpetual breach of public trust through fraudulent and corrupt practices. Reports on the global corruption index by Transparency International and similar institutions have further revealed the gravity of the problem particularly among state actors in Nigeria. While acknowledging the socio-economic and political implications of corruption, the administration of President Muhammadu Buhari, which came into power on May 29, 2015 vow to fight corruption as their key priority agenda. The decision to sustain and passionately deal with corruption was clearly emphasized by President Buhari in his first inauguration speech in 2015. In his words, “If we don’t kill corruption, corruption will kill Nigeria”. In view of that, his administration roll-out several reforms and measures to serve as a watchdog. Among these policies includes, Treasury Single Account (TSA), Appointment of Presidential Advisory Committee on Anti-corruption (PACAC), Whistle Blowing Policy (WBP) among others, to complement existing institutions such as the Economic and Financial Crimes Commission
The essence and quintessence of whistle blowing policy according to the Federal Minister of Finance Mrs Kemi Adeosun, is to encourage Nigerian citizens particularly those who are privileged with information and intelligence regarding misappropriation of public funds and assets, fraud, abuse of financial procedures and any other form of financial irregularities to raise alarm and report (FMF, 2016). However, despite efforts to tame corruption by successive military and civilian administrations in Nigeria seems a challenging and difficult task. Nigeria has a long way to go in terms fighting corruption even with the increased vigor under President Muhammadu Buhari’s government and his party the All Progressive Congress (APC). For two consecutive years Transparency International Corruption Perception Index ranked Nigeria low in 2019 and 2020. These reports seems demoralizing the current enthusiasm in the fight against corruption. Though, Buhari’s government has consistently rejected the validity of the reports.

By and large, academic and intellectual discourse on whistle blowing policy from the Nigerian context is scanty due to paucity of scholarly research. However, the few intellectual analysis that exist are focused on understanding the legal and economic challenges of the policy as well as its implications on the safety and security of whistle blowers regarding victimization and reprisals (for instance, see Anya and Iwanger, 2019; Edith, 2020). While some few studies analyzed the changing perception of people towards whistle blowing policy in Nigeria (Lanrewaju & Dare, 2018; Ibrahim, 2019). No doubt, the existence of whistle blowing policy since 2016 has achieved some tremendous successes leading to several financial recoveries alleged to have been proceeded of corruption by public officials. Considering the pervasive nature of corruption in Nigeria, the need to have a broader public policy on the concurrent responsibility cannot be over emphasized.

In view of that, the paper seeks to analyze some fundamental defects of the policy from public policy perspectives. First, it is discernibly clear from formulation to implementation of whistle blowing policy by the Federal Ministry of Finance since 2016, has been narrowed to unraveling corruption and other financial misappropriation in the public sector particularly at federal center which to some extent negates the enormity of the problem in the private sector of the society. Secondly, the policy scope focused on the federal government which often turned a federal affair and consequently failed to sufficiently provide the necessary support for the sub-national government to domesticate the policy in their various jurisdictions in order to have holistic and all inclusive intergovernmental synergy in combating corruption at all levels of government.

THE ORIGIN AND MEANING OF THE CONCEPT WHISTLE BLOWING

Whistle blowing is neither new or a bizarre phenomenon. What is probably trending is the increasing efforts and renaissance of passion to utilize whistle blowing policy as a citizen-role centered mechanism for fighting corruption globally. Perhaps, the historical evolution of whistle blowing is attributed to have originated from different but socially interrelated institutions of the society. The first thought traces its roots from the Nigerian Police Force who often use whistle since colonial period in operational duties such as arrest of criminal suspects (Edith, 2020; Anya and Iwanger, 2019). The second thought traces the origin of whistle-blowing from the practice of referees during sports which they often use to blow in order to kick-start, control or stop an action (Ogbru, 2017). The third explanation traces its roots from the religious admonishments. For instance, the Bible admonishes to shun worthless deeds of evil and darkness, but instead expose them (NLT, cited in Anya and Iwanger, 2019). Similarly, in Islam though whistle blowing is not explicit but generally the Quran enjoins right conduct and forbid indecency (Samad and Khalid, 2015). However, the fourth explanation attributed the historical evolution of the concept of whistle blowing as early as 7th Century England, precisely to the declaration of King Wihtred of Kent and later popularized by Ralph Nader, a renowned American scholar who coined the phrase in the early 1970s to avoid the use of other negative connotations such as informers and snitches. (Ogbru, 2017 cited in Anya and Iwanger, 2019).

Based on the divergence of thoughts on the origin of whistle-blowing above, it is plausible to argue that the act of raising alarm against threats is as old as human beings. But the contemporary usage of the term whistle-blowing to represent the act of informers or snitches is a product of modernity. From time immemorial, alarm-raising has been practiced in traditional societies to attract people’s attention over threats and important information concerning the community. For instance, traditional societies in Nigeria, have their own primordial way of raising alarm such as ‘Shine’ in Hausa language, ‘Ole’ in Yoruba among others using local trumpets, talking-drums and
blowing of animal horns in cases of theft, cattle rustling, banditry and other emergencies. In recent times modern state actors consistently use the term in galvanizing citizens’ role in the fight against corruption. Citizens are obliged to assist by exposing corrupt practices and other financial irregularities. Because of widespread usage of the term ‘whistle-blowing’ among nation-states, it has attracted several definitions and interpretations in the last few years. For instance, International Labour Organization defines whistle blowing as reporting by employees or former employees of illegal, irregular, dangerous and unethical practice by employers (OECD, 2010 cited in Ifejika, 2018).

UNDERSTANDING WHO IS A WHISTLE BLOWER

To become a whistle blower is not by appointment or election but rather is earned through voluntary and patriotic endeavors born out of the desire to exercise moral obligations to the state. In recent time the concept whistle blower has been subjected to several definitions and interpretations, yet no acceptable definition has been achieved. According to the Cambridge Advanced Learners Dictionary, (2010) cited in Ibrahim, (2019) “— something bad that someone is doing to stop mainly by bringing it to the attention of other people”. Similarly, the Oxford Advanced Learners Dictionary, (2005) cited in Ibrahim, (2019) also defined the concept as “a person who informs people in authority or the public that the company they work for is doing [something] wrong or illegal—”. On the wider perspective, whistle-blower is an individual or group of individuals who voluntarily decide to report, inform, and reveal wrong-doing, illegalities, misappropriation to concerned agencies of government for appropriate action (Ifejika, 2018). A whistle blower is a person working within an organization who reports that organization's misconduct (Dugger, 2019). He went further to identify two categories of whistle blowers. First is the internal blower who belongs to the organization but reports misconduct or misappropriation by another person in the same organization. The second category is the external blower, who blows the whistle by reporting to other authorities outside his organization (Dugger, 2019). However, what seem significant are not the ordinary interpretations and definitions of a whistle blower but the commitment, patriotism and motivation of the whistle blower is dependent on the secured and safe when revealing corruption episodes.

THEORETICAL FOUNDATION

As the concept of whistle blowing is becoming popular across the globe due to increasing demand for accountability and transparency in governance. This heralded multi-faceted approach including the current wave of whistle blowing to combat the menace of corruption. Critical to whistle blowing policy is the role of citizens in providing useful information, regarding funds or property acquired through corrupt practices and other irregularities to assist in exposing such to appropriate government agencies. While the citizens blow the whistle out of moral responsibility, comes with severe repercussions from the perpetrators. As rightly noted by Ifejika, (2018) the act of whistle blowing is regarded as a ‘double edged sword’ because of the other side effects on the whistle blower. In view of the above, the Role theory has been adopted because of its intrinsic relevance to the main subject of this paper. The role theory is increasingly becoming popular and dominant in sociology and social sciences in general due to its exhaustive and powerful dispositions on complex and unpredictable nature of human behaviors in a socially, politically, economically and culturally diverse society like Nigeria. The scholarly works of social scientists like Jacob Moreno and Talcott Parson, Ralph Linton, George Simmel among others has immensely contributed in popularizing the role theory. Despite its contemporary application in social sciences research, scholars try to find a plausible interpretation of the concept of role. For instance, Simmel, et al (2004) cited in Ifejika, (2018) describe role as a compendium of everyday activities of the people. Michener Delamater, (1979) cited in Ifejika, (2018) has earlier pointed out that roles are a combination of duties, rights, expectations, behaviors, norms and values which a person undertakes to accomplish. From the sociological point of view the role theorists like Sen, (2015) see the Role theory as link bridges between individual behaviors with social structure which interact according to cultural norms and values, expectations, self esteem and satisfaction which are the foundations of social structure and social interactions in the society. This argument was further anchored on the functionalists’ school of thought who believed that role is basically the function individual performs in the family, group and society as well as the expectations that the society invariably places on them (Sesen, 2018).

As corruption bites harder, well syndicated and globalized, the fight against corruption is also becoming cumbersome. Therefore individuals are expected to exercise their moral obligation by blowing the whistle in order to expose corruption episode to the appropriate agencies of government. It is for this reason the administration of President Buhari introduced and adopted whistle blowing policy to strengthen the fight against corruption
THE TRAJECTORY OF FIGHT AGAINST CORRUPTION IN NIGERIA

Corruption is a global malady that is bedeviling both developed and developing democracies. Corruption is borderless and there is no one single country that is totally immune to corruption. The scourge of corruption is multi-faceted, mostly well syndicated internally and across nation states with varying degrees and intensity. Therefore its destructive tendencies are also not limited to one single country because it has turned ubiquitous. Africa in particular, corruption has assumed a systemic and endemic phenomenon impeding all manner of development. Corruption as a phenomenon has been defined by several scholars and other international organizations with a view to providing a better explanation. For instance, corruption is seen as the abuse of power or public office for private gains (World Bank, 2013; United Nations, 2012; IMF, 2005). Transparency International also defined corruption as abuse of entrusted public position for personal gain (TI, 2009). Corruption is seen as a pervasion or change from the generally accepted rules or laws for selfish gain (Folarin, 2012; Farida, 2010; Caiden, 2001 cited in Salihu, 2019).

In totality corruption is an embodiment of several anomalies such as breach of public trust, bribery, fraud, misappropriation, embezzlement, abuse of laid down procedure, financial malpractices, cronyism, injustice, indiscipline, lack of fairness, nepotism among others. While its negative impacts on the society cannot be easily quantified because it impedes development of every sector of the society (Salihu, 2019; Ejukonemu, 2018; Amadi amd Ene, 2014; Mohammed, Aluagha and Kabir, 2012; Lumumba, 2011). Historically, corruption has been the greatest problem confronting the Nigerian state since 1960s. Successive military and civilian administrations have attempted to fight the menace of corruption through several institutional reforms and policies. For instance, the military junta that took over power in 1966 from then Prime Minister Late Alhaji Abubakar Tafawa Balewa accused them of corruption as one of their major reason for taking over power. Unfortunately when General Yakubu Gowon took over power not much was achieved in the fight against corruption because the government was preoccupied with stabilization and reconstruction during and after the Nigerian civil war. The regime of General Murtala/Obasanjo era which spanned up to 1979, though General Murtala’s regime was cavalierly short-lived by military coup of 1976 which ushered General Obasanjo, introduced several economic policies in Agriculture and the oil sector such as construction of refineries, Operation Back to Land, Operation Feed the Nation among others. However, there were less or no mechanisms introduced to fight corruption in the critical sectors of the economy and the public service. Hence, the oil sector in particular is accused of pervasive corruption.

In 1979 Alhaji Shehu Shagari was elected and sworn-in as a democratically elected President of Nigeria, which ends the first wave of military dictatorship and ushered-in Second Republic 1979-1983. The government of President Shagari was adamant on fighting corruption, rather the government itself was accused of worsening corruption such as capital flight and abuse of import licenses which created a congenial pathway to military comeback to governance (The Gloe and Mail, 1985 cited in Momoh, 2020). It was on the basis of widespread corruption alleged by the Buhari/Idiagbon military junta precipitated their overthrow of power from the legitimate government of President Shagari. One of the major mechanisms put in place by the Buhari/Idiagbon regime (1983/84) in fighting corruption was the massive arrest of suspected corrupt political office holders and the introduction of the popular War Against Indiscipline (WAI) in order to bring accountability, transparency and discipline in governance. General Ibrahim Babangida took over power from General Buhari through a counter-coup. His military regime (1985-1993) introduced Mass Mobilization for Social Justice and Economic Recovery (MAMSER) in 1987 which currently metamorphosed into National Orientation Agency (NOA) as an enlightenment tool for combating corruption (Nwankwo, 2014; Folarin, 2012 cited in Salihu, 2019). Moreso, Late General Sani Abacha (1993-1998) also continued with similar program bequeathed by his predecessors but with modification code-named War Against Indiscipline and Corruption (WAIC) as a tool for fighting corruption in Nigeria. However, the Abacha Military Junta is often adjudged as the most corrupt regime because Nigeria is still on the process of recovering the so-called ‘Abacha loot’ (Igbikiwuburo, 2004; Pallister, 2000 in Momoh, 2020). For General Abdulrasalam Abubakar military regime was an appendage of the Abacha regime. Due to time constraints they couldn’t advance specific program for fighting corruption because their major task was to ensure a smooth transition and hand over power to democratic government in 1999. Prior to 1999, it has become the usual culture and norm of every military junta accusing their predecessors of corruption whenever they stage coup d’état.
The return to democratic rule in 1999 came at a time when exigencies of globalization led to the internationalization of fight against corruption among nation states. When Chief Olusegun Obasanjo came to power in 1999, during his eight years in office, fight against corruption institutionalized by establishing two major agencies backed by acts of Parliament. These agencies are the Independent Corrupt Practices Commission (ICPC) established in the year 2000 and Economic and Financial Crimes Commission (EFCC) established in 2003. For President Umaru Musa Yar’adua who ruled from May 2007 to May 2009, though was short but he has built on the legacies of his predecessors by strict adherence to rule of law and his vociferous acceptance of corruption in the electoral process that brought him to power (Momoh, 2020). However, the reign of President Goodluck Ebele Jonathan from 2009-2015 was accused of massive corruption rather than fighting corruption. According to Momoh, (2020) the two billion naira arms deal involving his National Security Advisor, revelation by former Central Bank Governor Sanusi Lamido of twenty billion non-remitted oil revenue by the Nigerian National Petroleum Corporation among others are some of the corruption spree that characterized the government of President Jonathan.

When President Buhari came to power in 2015, fight against corruption witnessed a boost in line with his campaign promises to Nigerians. From 2015-2020 his administration introduced some institutional frameworks to strengthen the fight against corruption such as the establishment of Presidential Advisory Committee on Anti-corruption (PACAC), Treasury Single Account (TSA), Integrated Public Personnel Information System (IPPIS), Whistle Blowing Policy (WBP) among others. Several financial recoveries were achieved through whistle blowers. Despite these recoveries, Transparency International corruption perception index ranked Nigeria 146th position out of 180 in 2019 and 149 position in 2020 (Sani, 2021). These reports underscore the commitment and enthusiasm in the fight against corruption under the Buhari administration.

WHISTLE BLOWING AS A PUBLIC POLICY IN NIGERIA

Successive administrations in Nigeria, like other nation-states has placed a fundamental role to public policy development in order to take decisions for the progress and development of the society in general. What distinguishes public policy decisions from other decisions is the process of formulation or design and implementation. These functions are usually undertaken by governmental institutions and those in position of authority to make decisions that are acceptable and binding provided it is within the confines of the law. However, most societal enterprises are reminiscent of policy painstakingly undertaken through which a political system handles public problem (Plank, et al 2009 cited in Bolaji, et al 2015; Bolaji, 2014). As public policy is increasingly becoming inextricable part of government business, the term “policy” has been subjected to several definitions and interpretations by policy analyst. According to Dye, (1972) defined public policy as ‘whatever government chooses to do or not to do’. While Anifowose and Enemuo, (2005) defined policy as a “purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern”. They further emphasized on the relationship of government institutions to their environment as most critical at the broader level. Historically, public policy has been the practice in government operations for about 4000 years back particularly to the Babylon city and it is seen as a “course of action adopted and pursued by government towards accomplishment of objectives” (Henri, 2006 cited in Ahmed and Dantata, 2016). Notwithstanding the definitions of public policy that flourished over the years, the hallmark of any policy is the ability to achieve desired results in line with the policy objectives.

In Nigeria like most developing societies the problem of public policy is the widening gap between policy intentions and results. Therefore, the problem of Nigeria is not lack of policy but policy implementation as aptly summarized by Goerge Honadle and Rudi Lauss “Implementation is the nemesis of designers, it conjures up images of plans gone awry and of social carpenters and masons who failed to build to specifications and thereby distort the beautiful blue prints for progress which were handled to them….”. (Cited in Ahmed and Dantata, 2016:60).

The problem with public policy implementation in Nigeria including the current whistle blowing policy may likely be susceptible to the same challenges that bedeviled most policies in the past. Policy implementation and sustainability are often marred by policy discontinuity due to regime change and systemic corruption. Several laudable anti-corruption policies were hitherto jettison by both civilian and military administrations not because its implementation is impossible but there is unwillingness to continue with their predecessors policies for political reasons. In view of that implementation and sustenance of policies across regimes becomes a major challenge in Nigeria. It is therefore plausible to conclude that, the implementation of whistle blowing policy after President
Buhari’s tenure of office is not obvious.

WHISTLE BLOWING AND THE RECOVERY OF LOOTED FUNDS

Before the introduction of whistle blowing as a public policy document in 2016, the Central Bank of Nigeria (CBN) in 2012 had hitherto issued whistle blowing guidelines for all banks and other financial institutions as an internal mechanism for combating financial irregularities within the sector (Anya and Iwanger, 2019). However, beside the whistle blown by the former CBN Governor Sanusi Lamido who alleged that the sum of Twenty Billion United State Dollars was missing from the Nigerian National Petroleum Corporation (NNPC), whistle blowers in the banking sector couldn’t achieve much compared to the alleged massive corruption in the sector (Anya and Iwanger, 2016). Therefore, advocates of whistle blowing policy as an instrument of combating corruption may be skeptical about its efficacy involving the larger public service and other private sectors. Nevertheless, the introduction and adoption of whistle blowing policy as a public policy particularly the incentives provided for whistle blowers amounting to 10 percent of the total amount discovered serves as a financial motivation on one, and on the other hand it also serves as a leeway for other people indulge in frivolous whistle blowing allegations because of the incentives involved. By and large, several successes have been achieved in the recovery of looted funds through whistle blowing policy in Nigeria since 2016. These recoveries have been publicly confirmed by President Buhari during his nationwide speech to commemorate democracy day for the year 2020. According to the President whistle blowing policy led to the recovery of the total sum of 800 billion United State dollars looted as proceeds of corruption (The Nation, June 12, 2020). Some of the looted funds recovered through the policy include:

1. The sum of 9.8 million dollars cash was discovered through a whistle blower stashed in a slum residential apartment in Sabon-Tsaha, Kaduna belonging to the former Managing Director of NNPC, Mr. Andrew Yakubu (Wasiu, 2018).
2. In the same year the sum 30 million dollars cash was discovered through whistle blowing in an estate apartment in Ikoyi alleged to have links with the former Director General of Nigeria Intelligence Agency.
3. Another whooping sum of 136,626.51 was also recovered from an account in a commercial bank bearing a fake name (Wasiu, 2018; Ejukonemu, 2017).
4. News Agency of Nigeria reported another recovery of 8 billion Naira and including 15 million dollars from an undisclosed sources (Wasiu, 2018).

MERITS OF WHISTLE BLOWING POLICY

Whistle blowing policy has contributed in raising awareness and consciousness of citizens regarding their vital role in the fight against corruption. The emergence of courageous and patriotic individuals who are today referred to as whistle blowers are ambassadors or agent of change, some describe them as heroes (Anya and Iwanger, 2019). This has also change the common perception that the fight against corruption is the business of the state, while in real sense is a collective responsibility. The conspiracy of silence in reporting corrupt episodes and other irregularities as obtained in traditional societies may no longer prosper in contemporary fight against corruption in Nigeria. Incentivization of whistle blowing has been motivation factor and means of generating income for individuals who expose corruption and all forms illegalities because the incentive is worth blowing the whistle when privilege to have information about corrupt practices. For instance, the whistle blowers who expose the money stashed in Ikoyi were paid the sum of 421,000,000 Naira as incentive. Similarly, the sum of 439,276,000 was paid to fourteen whistle blowers for providing information on tax evaders (Anya and Iwanger, 2019). Huge amount of incentive paid to whistle blowers in the past has raised the confidence and determinations of many Nigerians who may want to expose corruption in the future because it pays.

DEMERITS OF WHISTLE BLOWING POLICY

Whistle blowing policy has over the years suffered fundamental problems of lack of legislative framework that will safeguard, protect and guarantee the safety and security of whistle blowers. Absence of legislative backing means that the whistle blowers raise alarm over corruption episodes at their own peril. In the last few years several whistle blowers were subjected to victimization, harassment, suspension, threats, dismissal and other forms of annihilation and humiliation. Several reports of corruption fighting back against whistle blowers have been recorded particularly within the public service. For instance, Mr Aaron Kaase a staff of the Police Service
Whistle blowing policy is gradually becoming an international best practice in the fight against corruption globally. Therefore its introduction and implementation in Nigeria is one of the best measures particularly in the exposure and recovery of looted funds and assets. However, as a nascent anti-corruption policy in Nigeria, is bound to face some challenges and problems which are not insurmountable. The most common problem which continued to resonate in the Nigeria’s anti-corruption policies and programs is lack of sustainability due to regime change. Successive regimes upon ascension to power they quickly jettison most policies put in place by their predecessors like the case with anti-corruption policies in past. Anti-corruption policies such as War Against Indiscipline (WAI), War Against Indiscipline and Corruption (WAIC) among others are now in limbo due to regime change resulting to lack of policy continuity and sustainability. In order to have sustainability in the current whistle blowing policy, it must be accommodated within the citizens by taking ownership of the policy rather than government taking the ownership of the policy. The practical successes achieved by whistle blowing policy in exposure and recovery of looted funds and assets should be consolidated by successive administrations in order to rid Nigeria from the shackles of corruption.

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