

ANTI-CORRUPTION IN PUBLIC PROCUREMENT IN NIGERIA: CHALLENGES AND COMPETENCY STRATEGIES

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ABSTRACT. Public procurement provides a fertile ground for corruption in the Nigerian public sector. Reforms to create an effective public procurement system, which have been almost exclusively the government's affair, seem to be yielding insignificant results. Effective reforms to control corruption in public procurement systems must be sustainably participative and inclusive of all essential stakeholders in the society. Most importantly, the preconditions for achieving a sound public procurement system are integrity and commitment to good governance practices through the provision of well-designed legislation and supporting regulations and review processes.

INTRODUCTION

Corruption has become a leviathan of the Nigerian culture in public administration, and it is the single most important cause of waste and inefficiency in Nigeria's public sector (Heilbrunn, 2004). Even with an improved performance in 2008, Nigeria was scored 2.7 of a maximum of 10 points and was ranked 121 of 180 in order of corruption by Transparency International (TI, 2008). There is an inverse relationship between corruption and economic growth (Gonzalez de Asis, 2000) because it is a costly diversion of scarce resources and an impediment to development effectiveness (Oyejide, 2008). Resources and funds that could go into infrastructure, education, and other essentials integral to development end up lining someone's pocket due to the effects of corruption. This negative behaviour causes lost jobs and income, and scares away investment that could bring new prosperity to the country (Sullivan, 2000).

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Corruption is also a symptom of deeper political leadership problems at the state level (Heilbrunn, 2004) because it is a failure of social, judicial, political and economic institutions in the society (Hart, 2009).

Though government activities create a fertile ground for corruption (Tanzi, 1998), public procurement has increasingly become a fertile ground for this “monster” of corruption (Basheka, 2009). It has been noted that 70 percent of Nigerian enterprises pay graft to secure government contracts which are usually worth about 1 to 15 percent of the contract value (National Integrity Systems, 2004). The Auditor-General’s Report for 2001 financial year-end revealed irregularities in most audited institutions and federal bodies because of

over-invoicing, non-retirement of cash advances, lack of audit inspection, payment for jobs not done, double-debiting, contract inflation, lack of receipts to back up purchases made, brazen violation of financial regulations, release of money without the approving authority’s involvement ... within the reporting period (National Integrity Systems, 2004 p.32).

About 69 Ministries, Departments and Agencies (MDAs), including the Presidency and the National Assembly, were indicted by the report. Subsequent Auditor-General’s Reports up to 2006 have not been any better. In 2003 some government officials were charged in court for inflating for the National Identity Card Scheme in just a single contract by as much as \$2.5 million.

These crimes continue to happen in spite of ongoing government reform efforts of using due process “to reduce the scope of corruption in public procurement and so improve the efficiency in the management of Nigeria’s public expenditures.” (Ekpenkhio, 2003, p. 1). It was thought that the sanitization of procurement in Nigeria would entrench a new culture of re-engineering to pave the way for changes in the processes of procurement and contracting in the public sector. However, in view of Nigeria’s poor history of effective implementation of statutes and economic policies (Achua, 2009a), and with the benefit of hindsight, there are concerns that the reforms to ensure anti-corruption in public procurement may not yield the expected results. Given this apprehension, this paper reviews the public procurement system reform in view of the endemic corruption in Nigeria, stresses the inherent challenges and projects strategies to make the reform effective, efficient and sustainable.

HISTORICAL PERSPECTIVE OF PUBLIC SECTOR PROCUREMENT IN NIGERIA

Evidence of public procurement dates from the period between 2400 and 2800 B.C. in Syria and 800 B.C. in China and Greece (Thai, 2001). In Nigeria, the practice of public sector procurement dates back to the colonial days between 1885 and 1914 (Kolawole, 2005). Then, the function was specifically located in the Ministry of Works which was largely responsible for provision of infrastructure in other ministries and public places such as roads, housing, transport, office furniture and fittings, and so on. This department operated under the Stores Section. The Stores was an exclusive reserve for public officers of proven integrity who worked under conditions of strict probity and accountability. This restriction was to ensure efficiency, cost-effectiveness and focus on public value-for-money and satisfaction. By the time Nigerians took over from the colonial powers at independence in 1960, the policies, rules and procedures of public procurement were so stringent that a staff member posted to Stores saw the transfer as a punishment (Adegbola, et al., 2006). Until independence, Stores' function was not regarded as a specialized career function. While the Stores function was professionalized later in the public sector in the UK in 1967, it was almost ten years later that the structure, job grading and responsibilities to the Store class were specified in Nigeria via Federal Establishment Circular No. 8/1466/VII/79 of 19th February 1976. The Stores class was further given a boost in the Revised Financial Regulations of 1979 (chapter 40, section 4002(a)) by including Heads of Stores in the membership of Departmental/Divisional Tenders Boards. Following much agitation thereafter, Decree 43 of 1988 established Supplies cadre up to the post of Deputy Director (Supplies) with the materials management concept, putting Purchasing and Stores under one umbrella. However, when accountants, pharmacists and engineers were graded under Professionalization of the Public Service, the purchasing and supplies function was ironically reversed while other professionals maintained their status. Thus, Stores' function was deprofessionalized in the Nigerian public sector at a time other countries were making it a professional career. The British government, for example, issued a White Paper in 1995 stating that the Chartered Institute of Purchasing and Supply's (CIPS) professional qualification was to be the standard of attainment for staff making procurement their main career (Adegbola, et al., 2006).

Global acceptance of the Japanese model of just-in-time (JIT), which aims at eliminating waste and preventing the tying up of huge amount of money in stock and the associated storage costs, in the early 1990s had its impact on public sector procurement reforms at that time. The philosophy emphasized the importance of establishing “just-in-time” purchasing and supplies in order to reduce inventory levels, reduce inspection and produce better products. Sequel to this development and with the oil boom in Nigeria, the culture of external contracting in the public sector developed. The public procurement function was eventually decentralized and procurement was ceded to external contractors who bid for the contracts by way of tender. This led to the establishment of departmental and public tender boards. In principle, these boards were meant to act as checks on abuse of the procurement process. Over time, however, the tender boards allegedly promoted corruption, instead of checking it (National Integrity Systems, 2004). This was no longer in line with the principles of JIT which “has to be seen as an organizational philosophy which requires changes in attitude within firms and systems of firms.” (Linge, 1991, p. 316). Obinna (1997) notes that the use of contract awards for execution of national projects from 1970, arguably for expediency, helped in breeding the culture of excessive costs, corrupt management and ill-considered contracts.

There are also institutional and structural problems with the public procurement reforms. Until 2007, the reforms were not supported with specific Acts of the National Assembly in Nigeria. Traditionally, the Federal Ministry of Finance issued Financial Regulations (FRs) which regulated and delegated the responsibilities of public procurement and financial management at the federal level. Since the FR is not a law or an Act of similar authority, but an administrative document, it could be amended without regard to fundamentals and even be used as a political tool by the Ministry of Finance. With time, the power of the Federal Ministry of Finance in regulating public procurement was eventually undermined. Circulars and guidelines regarding procurement were issued by many administrative bodies both at federal and state levels. This led to a proliferation of circulars that were issued at federal and state levels by different public bodies with the purpose of clarifying elements of the FRs on public procurement matters. For example, the Presidency issued circular (SGF/OP/I/S.3/T.1/172) of 11th October, 2000, spelling out the “policy guidelines” for the federal administration

which included an update of thresholds for different tender boards and a policy of open competitive tender. Consequently, public contracts award criteria were only protected by the goodwill of the government in power at any given time. The multiplicity of circulars and guidelines from diverse sources pertaining to public procurement was a clear symptom of the major shortcomings in the FRs which created confusion and loopholes that were readily exploited. There was therefore an urgent need for procurement reforms to establish “due process” in the Nigerian public sector. In response, the federal government issued New Policy Guidelines for Procurement and Award of Contracts in Government Ministries/Parastatals (Circular F. 15775 of 27th June, 2001).

In furtherance to public procurement reform efforts, the federal government commissioned the World Bank to collaborate with some private sector specialists to study financial systems and general procurement-related activities in the country, and assist with a process of attaining efficiency, accountability, integrity and transparency in government procurement and financial management systems (Ekpenkhio, 2003). Subsequently, the government accepted the Country Procurement Assessment Report (CPAR) with some exceptions (Oguonu, 2005). The exceptions included clauses to exclude registration of contractors and involvement of political office holders in the award of certain contracts. The objective of the original report was “to reduce the scope of corruption in public procurement and so improve the efficiency in the management of Nigeria’s public expenditures” (Ekpenkhio, 2003, p. 1). Rather than curtail, the tampering with this aspect of the CPAR’s recommendations reinforced the fear that “all the elements that enhance efficiency, reliability and continuity of the system have been tampered with resulting in major and severe setbacks for the conduct of government business” (Ekpenkhio, 2003 p. 1). Consequently, the resulting reforms have been apparently captured by the politicians whose seeming apathy for probity and transparency is suspicious in Nigeria. For instance, three Senate Presidents and one Speaker of the House of Representatives were removed from office between 1999 and 2007 for corruption usually garbed in public procurement (Achua, 2009b).

CORRUPTION AND THE NIGERIAN ENVIRONMENT

Corruption is the misuse of public office for private gain (Sandholtz & Koetzle, 2000). It is perpetrated through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement (UNDP, 1999). Speed money implies a fast and cheap way for making quick money illegally. These seven major forms of corruption apply to both the public and private sectors (Quah, 2009). In its various dimensions and a wide range of unethical conduct, corruption also includes misappropriation, indiscipline, abuse of office and moral tepidity, among other unethical behaviour. For corruption to take place, the action must be intentional, in conflict with the public service performance objectivity principle, and recognizable benefits derived from the act (Søreide, 2002). Hart (2009) devises a simple equation which identifies the causes of corruption as follows:

$$\text{Corruption} = (\text{Monopoly} + \text{Discretion}) - (\text{Accountability} + \text{Integrity} + \text{Transparency})$$

Thus, corruption manifests where government's influence and discretion of public officials is preponderant, and accountability, integrity and transparency are absent. Several other factors are responsible for corruption. Quah (1999) finds that corruption thrives when workers (i) are paid meager salaries (ii) have ample opportunities for corruption; and (iii) are unlikely to be caught and are not severely punished even if they are caught. In addition to confirming these hypotheses, Sandholtz and Koetzle (2000) find other factors of corruption to include (i) a high degree of state control of the economy, (ii) weak democratic norms and institutions, and (iii) a low degree of integration in the world economy. Greed has also been identified as a motive for corruption in resource abundant economies, especially where the political leadership has opportunities to insulate itself from predatory elements within the society (Heilbrunn, 2004). Conflict and post-conflict conditions also breed grounds and opportunities for corrupt behavior as public officials take advantage of the confusion to divert resources (Senior, 2006). All these factors appear to be dominant components of bureaucratic culture in Nigeria. Table 1 contains some specifically identified causes of corruption in Nigeria.

TABLE 1
Causes of Corruption in Nigeria

1	Prolonged military rule and the culture of impunity, which became institutionalized.
2	Absence of commitment on the part of government to fight corruption as evidenced by the “sacred cow syndrome”, as well as failure to investigate and prosecute glaring cases of corruption.
3	Weak anti-corruption and watchdog agencies and other enforcement mechanisms.
4	Inadequate legal framework with the absence of freedom of information and whistle blowers’ legislation.
5	The role of tribalism\ethnicity and religion in national politics. Ethnicity and religion breed divisive tendencies, making it difficult to nurture true cohesion and to build resistance to corruption within the polity.
6	Elastic tolerance for corruption fostered by socio-cultural norms and attitudes towards public property that were nourished under colonialism.
7	Distortion of the African principle of hospitality and exchange of gifts.
8	Poverty and the dearth of basic public services, infrastructure and utilities, leading to the denial of a platform for self-actualization due to the corrupt diversion of the nation’s resources.
9	Mismanagement of oil resources as evidenced by the ostentatious life styles and flaunting of wealth by the political elite and their apologists.

Source: Adapted from National Integrity Systems (2004 p. 12).

Osioma (2001) observes that corruption is capable of changing its colour, shape, size and modus operandi to achieve its parochial interest. Corruption is, indeed, an ethical problem.

The bane of Nigerian economy has been the work ethic of the Nigerian worker. His corrupt and fraudulent propensity, his lack of zeal in discharging organisational functions, his basic unreliability, do not stem from lack of skills, abilities, or competence. His attitude to work has coloured everything he does. The average Nigerian worker is exploited by both government and entrepreneur: that is very true. But more

importantly, the average Nigerian worker wants more for less work. He lacks commitment to organisational goals and objectives. He is only at his best when he is working for himself. Neither productivity nor excellence means anything to him; his creed is simply, "I, me and my" (Osisioma, 2001, p. 4).

"Perhaps a self-serving explanation or escape valve is to blame the faceless legendary hydra-headed monster called the 'Nigerian Factor'." (Osisioma, 2001, p. 7). Corruption and misrule hardly get punished, but rather seem to be rewarded in Nigeria. For instance, Tafa Balogun, the former Inspector-General of Police in Nigeria was jailed for only 12 months for corruption involving over ₦11 billion (Okoye, 2006)! Apparently, the high level of corruption has been accentuated by the way the state treats those evidently found to be involved in corrupt practices. As noted in the case of Bangladesh, which almost exactly replicates the Nigerian situation today:

First, bureaucrats involved in corrupt practices in most cases do not lose their jobs. Very rarely they are dismissed from service on charges pertaining to corruption. Still rarely they are sent to prison for misusing public funds. They have never been compelled to return to the state their ill-gotten wealth. Second, the law-enforcing officials including police personnel are extremely corrupt. They are happy to share the booty with other corrupt bureaucrats. Third, the people have a tendency not only to tolerate corruption but to show respect to those bureaucrats who made fortune through dubious means. ... Fourth, it is easier for a citizen to get quick service because he has already "paid" the bureaucrat rather than wait for his turn (Khan, 1998, p. 36).

Akpa (2006, p. 7) rightly observes that the "pervasive incentive structure for corruption in Nigeria" is such that "everyone condemns it and yet it persists and flourishes." For example, Oguonu (2005, p. 2) quotes former President Olusegun Obasanjo as saying that until 1999:

Nigeria ... had practically institutionalized corruption as the foundation of governance. Hence institutions of society easily decayed to unprecedented proportions as opportunities were privatized by the powerful. This process was accompanied, as to be expected, by the intimidation of the judiciary, the

subversion of due process, the manipulation of existing laws and regulations, the suffocation of civil society, and the containment of democratic values and institutions. Power became nothing but a means of accumulation and subversion as productive initiatives were abandoned for purely administrative and transactional activities. The legitimacy and stability of the state became compromised as citizens began to devise extra-legal and informal ways of survival. All this made room for corruption.

In spite of the rhetoric, the situation was hardly any better, if not worse, when the same Obasanjo handed over the mantle of leadership to President Yar'Adua in a manner that was flawed with political corruption (Omonijo, 2008).

“Similar to other systems, the public procurement system's ability to accomplish procurement policies' goals is influenced by its environment, and in turn, influences its environment” (Thai, 2001, p. 32). The present disposition of the Nigerian government towards corruption remains a stumbling block to the success of anti-corruption crusade. Like the lamentation of the Philippines' corrupt condition in the mid 1990s:

We have all the laws, rules and regulations and especially institutions not only to curb, but to eliminate corruption. The problem is that these laws, rules and regulations are not being faithfully implemented. ... I am afraid that many people are accepting (corruption) as another part of our way of life. Big-time grafters are lionized in society. They are invited to all sorts of social events, elected and re-elected to government offices. It is considered an honor—in fact a social distinction—to have them as guests in family and community affairs (Balgos, 1998, pp. 267-268).

Thus, the corrupt Nigerian environment makes effective anti-corruption in public procurement a herculean task.

CORRUPTION IN PUBLIC PROCUREMENT IN NIGERIA

Corruption remains one of the key factors that distorts the effective delivery of public services in developing countries and at no time can it be described as a “gift” to development (Basheka, 2009). Generally, as much as 20-25 percent of public spending on

procurement is lost due to leakages and malpractices in developing countries (Falvey et al., 2007). Consequently, over 70 percent of developing countries have embarked on procurement reforms to meet international best practices in procurement and award of contracts (Adegbola et al., 2006). Particularly in Africa, corruption continues to be an important obstacle to political and economic development (Basheka, 2009). Therefore, African countries are increasingly embracing international best practices in procurement as a fillip to anti-corruption reforms (Bryane, 2004).

In Nigeria, in spite of the huge government budgets over the years for the provision of goods and services, there has been a discernibly wide expectation gap (Achua, 2009b). The CPAR about Nigeria (World Bank, 2000) revealed that the greatest amount of financial corruption resides in the nation's procurement system. The report confirmed the suspicion that there were operational problems in the management and administration of the nation's procurement and contract system. The outcome was the establishment of "due process" to ensure that public procurement is competitive and transparent. This appeared to have produced an encouraging initial result as ₦102 billion (about \$700 million at the 2009 average exchange rate), about one third of the 2004 annual capital budget provision, and not less than five times the capital budget for health in any given year was saved in a single year (Oguonu, 2005). As a follow-up, the government circular dated 28th January in 2005 directed all MDAs to establish procurement departments to handle their purchases. This eventually resulted to the enactment of the Public Procurement Act of 2007. The demand for tighter control over public spending and more efficient acquisition processes has made procurement a key public function (Piga & Thai, 2006).

Public procurement connotes all kinds of acquisitions of public goods and services (Søreide, 2002). Hence, public procurement is all-encompassing such that it affects every naira and kobo spent by the government. All governmental activities entail the procurement of a category of goods or services of some sort. The acquisition may be under formal contract or not, of works, supplies and services by public bodies. It ranges from the purchase of routine supplies or services to formal tendering and placing contracts for large infrastructural projects by a wide and diverse range of contracting authorities. Essentially, therefore, the execution of the government's annual budget involves the procurement and contract system to the

extent of the budget's accomplishment. Hence, vast amounts of money are expended and the system is supposed to ensure that the public funds are used in the most efficient and economic way and that the system delivers the best value for money. However, the problem of corruption varies with categories of public procurement. The extent of vulnerability of procurement to corruption depends on the category involved. Procurement categorization could be based on nature, size and complexity of the goods and services involved.

Empirically, application of procurement rules appears to reduce prices by around 30 percent because effective public sector procurement contract system hinges on a desired degree of transparency, integrity, competence, competition, and value for money (Adegbola et al., 2006). Considering the magnitude of public procurement and the tight budgets usually experienced in Nigeria, a saving of 30 percent on government purchases can be extremely beneficial. The nation can, therefore, make reasonable savings to attend to her social and economic development programmes which include employment generation, wealth creation and poverty alleviation through prudent procurement and contract system. However, the procurement and contract system reforms seem to have recorded a limited success in Nigeria because the process is so pervasively vulnerable to fraud and corruption that it is not restricted to procurement staff but is experienced in virtually all segments of government administration. For example, the Apex Bank contracted the minting of ₦5 notes at the cost of ₦8 each (Komolafe, 2005) and ended up spending about \$100 million a year on importation of currency notes (Uwah, 2002) between 2002 and 2007. Not only that the high cost of currency notes importation was the main reason given by the CBN for introducing ₦500 and ₦1000 currency notes, and reducing ₦1 denomination to coins, the exercise has become the subject of the "Polymer Scandal" involving a ₦750 million (about \$5.2 million at 2009 average exchange rate) bribe (Alli, 2009).

Typically, public procurement corruption takes place during the planning (budgeting) and execution stages which Tanzi (1998) refers to as political or high level and administrative or bureaucratic corruption respectively. Governments' budgets may not be transparent enough to enable accountability in management of public funds. Nigeria's Open Budget Index (OBI) score is 19 points out of a maximum of 100 points score, and is ranked 61 out of 85 countries

surveyed for 2009 in order of openness (Ramkumar, 2009), a situation that exacerbates procurement corruption at the policy level.

Even with the procurement rules and regulations, there is spotty evidence that contracts are made and paid surreptitiously and clandestinely to satisfy vested interests at the administrative level. For example, Halliburton paid a whopping \$579 million fine in a US court for paying about \$182 million in bribes to Nigerian government officials to win a six-billion dollar contract in Nigeria (Butty, 2009). Given the prevalence of inflated contracts in Nigerian public procurement (Adegbola et al., 2006), this amount could probably have been eventually built into the contract sum, thereby depleting the public treasury.

It is obvious that the processes, procedures, and guiding rules for the award and executions of public contracts for the procurement of materials, goods, works and services are grossly abused to the detriment of the nation's development efforts. It is evident that there is over-invoicing for procurement, inflation of contract costs, proliferation of white elephant projects and mass diversion of public funds through all forms of manipulations of procurement and contract processes leading to acquisition of substandard goods and low quality services. Considerable portion of the public treasury is lost due to poor contracting system which accommodates opaqueness, influence peddling, inefficiency, inflated costs and other incidences of corruption (Adegbola et al., 2006, p. 7).

The handling of the Petroleum Trust Fund (PTF) established by the Abacha administration provides a typical example. "Dr. Haruna Adamu's interim report says that ₦135 billion out of the ₦146 billion was squandered, possibly through over-invoicing, over supplies, supplying expired materials, wrong priorities, settling troubled spots, like the army and the police, and blatant thievery" (Maduagwu, 2004, p. 6). The dishonest attitude of public sector accountants and their fraudulent practices worsen the situation. "Public sector accountants by their sloppy attitude to standard professional ethics and practice have provided a cover for dishonest public officers to loot government treasuries at all levels" (Onochie, 2006, p. 27).

Another important stage of corruption in the procurement system is the contract monitoring and evaluation stage. A corruption-free

procurement process envisages effective monitoring and auditing. Unfortunately, as shown in Table 2, audit reports are delayed unconstitutionally in Nigeria and hardly receive the desired attention even when eventually presented to the legislature (Achua, 2009c), thereby vitiating the potency of the Office of Auditor-general and reducing it to a toothless bulldog. This reduces the opportunities available to civil society and the public to use the audit information to advocate for improvements (Ramkumar, 2009). Consequently, the absence of public accountability from the administrative principles and “a reduced capacity of the Auditor-General” all contribute to the situation which has vitiated the efficacy of monitoring and evaluation in the public sector (SLGP, 2003 p.9). The age-long maxim that “without audit, no accountability; without accountability, no control; ... great issues often come to light only because of scrupulous verification on issues.” (Machenzie, 1966 p. iv) is relevant here. Thus, budget formulation, execution and audit phases are typically characterized by a low level of transparency in Nigeria (Ramkumar, 2009), making the entire procurement process vulnerable to corruption.

TABLE 2
Status of Annual Statements of Public Accounts

Financial Year	Date AFS submitted by OAGF to OAuGF	Date Vol. I Report sent to NASS by OAuGF	Date Vol. II Report sent to NASS by OAuGF	PAC Report Issued
2002	Reports received at various dates from MDAs	January 28, 2004	March 3, 2008	Not yet
2003	“	August 31, 2005	April 17, 2008	Not yet
2004	“	March 16, 2008	April 17, 2008	Not yet
2005	“	March 6, 2007	May 8, 2008	Not yet
2006	September 2007	July 9, 2008	July 4, 2008	Not yet
2007	Not yet	Not yet	Not yet	Not yet
2008	Not yet	Not yet	Not yet	Not yet

Sources: Auditor-General’s Annual Accounts of the Government of the Federation (various years).

The problems of a procurement and contract system in the Nigerian public sector are associated with the nature of the Nigerian environment, the culture, the nature of politics and attitudes of politicians, the structure of procurement functions in the MDAs, and the level of professional competence of those in charge of the function (Adegbola et al., 2006). Events may be pointing to the fact that the Public Procurement Act has become a mere policy tool for achieving political objectives. There is an urgent need to protect the commonwealth from poor performance and fraud, and to protect individuals from lawless, arbitrary, and capricious actions by the state's surrogate administrators. Reinvention of governmental mechanisms to herald the desired governmental accountability in the public service is imperative in this regard (Achua, 2009c).

STRATEGIES FOR SUSTAINABLE ANTI-CORRUPTION COMPETENCIES

Like other developing countries, Nigeria embraced anti-corruption reforms which culminated in the establishment of comprehensive legal frameworks with the enactment of Corrupt Practices and Other Related Offences Act No. 5 of 2000, Economic and Financial Crime Commission (Establishment) Act No. 5 of 2002, Fiscal Responsibility Act of 2007 and Public Procurement Act of 2007. The Acts respectively established the Independent Corrupt Practices Commission (ICPC), Economic and Financial Crimes Commission (EFCC), Fiscal Responsibility Commission (FRC) and Public Procurement Commission (PPC). However, the report cards of these anti-corruption agencies in curbing corruption in public procurement have not been impressive, thus, raising questions as to whether expressed commitments have been genuine.

Even when a procurement regulation is able to close off a number of loopholes, it cannot address the wider causes or prevalence of corruption (Trepte, 2005). Corruption is a complex phenomenon that is almost never explained by a single cause such that the fight against it must be pursued on many fronts (Tanzi, 1998). For this reason, ensuring a successful anti-corruption in public procurement entails a systematic approach to curb the systemic corruption in the system. It is, therefore, especially important that a practicable, effective and sustainable means is available to deal with corruption from preventative, investigative and reform perspectives (Doig, 2006). The following have been outlined as imperatives for

addressing the problem of corruption in public procurement in Nigeria.

Political Commitment to Anti-corruption

Corruption is principally a failure of governance (Lederman, Loayza & Soares, 2005). For anti-corruption efforts to defy institutional failure, the political leaders must be sincerely committed to minimizing corruption. As the principal agents of corruption, politicians can change a culture of corruption if they wish to do so (Senior, 2006). Indeed, political will is “the most important prerequisite as a comprehensive anti-corruption strategy will fail if it is not supported by the political leadership in a country” (Quah, 2003a, p. 181). Therefore, the tone of anti-corruption at the top must be both genuine and credible (Iyer & Samociuk, 2006), and should be seen to be aspiring to reach the national values as enshrined in the constitution.

Good governance should start from the top, with the political leadership setting the best example by clearly demonstrating a firm commitment to responsible policies and practices. At the same time, this example should permeate all branches of the administration, the judiciary, and society at large to ensure that public sector and corporate operations are conducted in an irreproachable manner and forms of corruption are shunned (Calamitsis, 2001, p. 13).

As a prerequisite for defying institutional failure of an anti-corruption agency, the political leaders must be sincerely committed to minimizing corruption and not just pay lip-service to it (Quah, 2003b). According to Chua (2002, p. 3), “it is far easier to have a good, clean government administering a good, clean system than it is for a good anti-corruption agency to clean up a corrupt government and a crooked system.”

Motives for establishing such agencies include a leader’s genuine concern with the adverse developmental impact of corruption and a perception that any effort to reduce corruption succeeds only through the creation of a special agency to expand customary police powers. However, as Nigerian President Obasanjo’s experience demonstrates, few political leaders are able to bind themselves effectively to

anti-corruption reforms over an extended period of time. Before too long, strong entrenched interests militate against the commission rendering it impotent or a tool to repress political opponents. In other circumstances, commissions represent little more than a perverse effort to signal commitment to international investors and donors (Quah, 2008, p. 3).

An anti-corruption agency in a country can only be effective if it is supported by a government that is sincerely committed to eradicating corruption and permitting the investigation of corruption cases without political interference in the country. An anti-corruption agency is not a magic bullet that can eradicate corruption. In fact, an anti-corruption agency is a double-edged sword that can be used by a government for both good and evil. The anti-corruption agency can be an asset and a powerful weapon against corrupt politicians, civil servants and business persons. It is imperative to evolve a credible electoral system that allows citizens to hold politicians accountable at the polls, and a governance system that permits the flourishing of opposing political parties which act as checks and alternative governments.

The Importance of the Third Sector in Sustaining Anti-corruption

Reforms are made in organizations and procedures because the people involved in or affected by those organizations and procedures decide that changes are needed. This realization has prompted many civil society organizations (CSOs) to press for change. Civil society has a crucial role to play in the anti-corruption crusade because corruption is a failure of systems that should be serving the public and safeguarding public assets. Corruption is a violation of citizens' trust. CSOs and non-governmental organizations (NGOs) constitute the main components of the third sector (see Table 3).

Each sector has an indispensable role to play in public procurement reforms. The market produces goods and services, and provides the mechanism for free competition. The state establishes the framework, rules and regulations, and enforces same. The third sector is characterized by voluntary collective actions around shared interests, purposes and values. "In theory, its institutional forms are distinct from those of the State, family and market, though in

TABLE 3
Composition of Sectors

Sector	Composition
Private	The Market
Public	The State
Third	Civil Society Organizations (CSOs), Non-governmental Organizations (NGOs), Community-Based Organizations (CBOs), Charities, and so on.

Adapted from Framjee (2009, p. 3).

practice, the boundaries between State, civil society, family and market are often complex, blurred and negotiated.” (Framjee, 2009 p. 8). It has shaped reforms in several countries and broken the vicious cycle of corruption. The legendry Gani Fawehinmi is fondly remembered for his dogged social crusade and the landmark achievements he made in reforming the Nigerian society, even as an individual.

Community-Based Organizations (CBOs) are also important, as a veritable component of the civil society, in strengthening transparency and accountability. CBOs are emerging progressive, participatory, indigenous or community-based development alternatives of social emancipation through social regulation. “Community mobilization” is premised on existing cultural-political logics and historical experience of African socialism (Lewis & Mosse, 2006). The huge investment in the amnesty for militant CBOs in the Niger Delta underscores their importance in Nigerian polity and reforms.

According to Framjee (2009), the main weaknesses of the third sector in Nigeria include (i) competition among CSOs for resources, (ii) diversity of representation, (iii) a need for capacity-building, (iv) low levels of awareness, (v) illiteracy, (vi) a low level of public policy impact, and (vii) corruption in governance. These constraints have to be tackled to make the crusade of public procurement anti-corruption effective.

Developing and Sustaining Coalition-Building Mechanisms

In addition, anti-corruption crusades need to be complemented by coalition and consensus-building efforts to generate public concern for public reforms, and public support for specific initiatives taken by politicians and special interest groups with a stake in their outcomes. Coalition building is forging a commitment to public procurement reform among society's leaders from various sectors (Asselin, 1996). It is reflective of all stakeholders at the national, state and local levels including governments, CSOs, NGOs, CBOs, and is essential in sustaining anti-corruption strategies. It enhances the sustainability of reforms and increases the propensity of citizens' participation in government as well as demonstrates a strong partnership with the civil society in the drive to enhance efficiency, equity and transparency (Gonzalez de Asis, 2000). This is part of constituency building which is the process of mobilizing support from non-governmental interest groups and concerned government officials for specific reforms (Asselin, 1996). Greater civic engagement may lead to closer monitoring and hence conditions that do not allow for public scrutiny often provide more opportunities for corruption. All obstacles must be removed for the third sector to play its supplementary role in shaping public procurement reforms. In democracies, many individuals, groups, and organizations in the private sector including trade associations, professional associations, and business organizations are actively involved in all aspects of the public procurement system (Thai, 2001). In Nigeria, however, anti-corruption efforts in public procurement so far have been almost exclusively a government's affair without much involvement from other stakeholders.

The Media

Political stability and freedom of press are all associated with lower corruption (Lederman, Loayza & Soares, 2005). Freedom of information (FoI) engenders civil society, public interest groups, investigative journalists and others with a mission and the right to expose abuses. FoI implies the right to gather, transmit and publish news anywhere and everywhere without fetters. Disablement of citizens from inquisition into and participation in the governance process of Nigeria by the extant legal structure is a serious impediment to public procurement accountability. Efforts to rectify these deficiencies in the legal structure were always thwarted by the

ruling class on the claim that it would undermine secrecy in governance. Now that FoI has become part of the nation's statute, the citizenry is expected to be empowered to probe into the way which their leaders, past and present, conducted the public's business. No meaningful war can be waged against corruption where the citizens are denied access to information. Governments which shackle the media do so to encourage corruption (Palmier, 1985). It is expected that the FoI will make coalition building much more effective in the fight against public procurement corruption in the country.

Whistleblowing Protection

Fundamental mechanisms, such as the use of voice, for accountability are either not available or not functioning well in Nigeria. The public's use of voice can be viewed as complementing and reinforcing the government's mission as there are limits to the latter's ability to achieve public accountability on its own. Paul (1994) presented detailed empirical evidence on the influence of the public's use of "voice" on service provider accountability. There is a wider range of voice mechanism that can be used by citizens to improve accountability in public governance. This includes effective whistleblowing. Unfortunately, whistleblowers are punished, blackmailed, go broke and their lives are ruined for challenging betrayals of the public trust (Robinson, 1998). A whistleblowing protection law should be legislated to shield government workers who make disclosures regarding illegality, abuse of authority, gross waste and gross financial mismanagement in Nigeria. Whistleblowing is an essential apparatus for maintaining the integrity of public accountability. This would complement the proposed FoI Act and strengthen the public procurement anti-corruption fight. The civil society needs to be supported and protected in their quest to promote accountability and transparency.

Punishment and Asset Recovery

Corruption is immoral as well as illegal. It is a crime of calculation. Individuals weigh the benefits and the costs of giving and taking bribes, making it difficult to combat when the benefits are perceivably higher (Klitgaard, 1999). Lack of accountability as it relates to answerability and enforcement in Nigeria has contributed to

the high level of corruption in Nigeria. Governmental accountability is the duty of public officials to report their actions to the citizens, and the right of the citizens to take action against those officials whose conduct the citizens consider unsatisfactory (Barker, 2000). Punishments for criminal malfeasance are obviously a relevant determinant to curtail corrupt behaviour. It is important to note Alatas' (1991) argument that an important cause of the pervasive corruption in the collapse of the Soviet Union was the lack of fear of punishment among the corrupt officials when he states the following:

Cases of high-level corruption are rarely truly punished. The regime has always been permissive towards its ruling elite. Corruption has developed to the extent that offices can be bought, as newspaper accounts reveal. Involvement of the highest leadership in turn causes permissiveness towards corruption. This is the greatest cause of its perpetuation (p. 121).

Nigerians should no longer shy away from a critical reform of habits, practices, values, traditions and institutions which have for long kept the nation at the rear of the development ladder (Adeyemo, Salami & Olu-Adeyemi, 2008). Corruption may even adapt itself to efforts to defeat the reforms if there is no change in attitudes (Klitgaard, 1999). Anyone found guilty of corruption must be punished, regardless of his or her position or status in society. If the "big fish" (rich and famous) are protected from prosecution for corruption, and only the "small fry" (ordinary people) are caught, the anti-corruption agencies lack credibility and will fail (Quah, 1999). The Office of Auditor-General (at the federal and state levels) has an indispensable role to play in fishing out the culprits as a way of ensuring anti-corruption in public procurement.

In addition to the need for appropriate punishment for convicted fraudsters, the return of assets is a fundamental principle of anti-corruption. Unfortunately, the process for returning stolen assets has been characterized by high costs, lengthy delays, non-cooperative jurisdictions and in many cases political impediments. The judiciary should cooperate with anti-corruption agencies in ensuring that stolen property is returned to its rightful owner and in curbing the wanton plunder of billions of naira of national wealth. As a necessity, therefore, priorities in effective anti-corruption efforts must include entrenched rules of law (Huther & Shah, 2000).

Entrenching a Competitive Procurement System

Corruption enhances inefficiencies and reduces competitiveness. It may limit the number of bidders, favour those with inside connections rather than the most efficient candidates, limit the information available to participants and introduce added transaction costs. Competitive public procurement policy is a set of measures employed by government to ensure a fair competitive market environment for acquiring goods and services. There is some evidence that lack of competition in the public procurement system promotes costly inefficiencies in public performance, and that measures to support competition policy enhance the efficiency of public procurement (Falvey et al., 2007). Competitive sourcing in public procurement is expected to encourage innovation as well as improve efficiency and performance (U.S. Government Accountability Office, 2005). An effective public sector procurement contract system hinges on a desired degree of transparency, integrity, competence, competition, and value for money. Therefore, market conditions have a great influence over the public procurement system's effort to maximize competition, and the market determines whether or not socio-economic objectives of procurement are accomplished. However, due to different levels of economic growth among countries in the world, market conditions impact differently on public procurement in industrialized countries and in developing countries (Thai, 2001).

Increased Research in Public Procurement

There have been calls to support CSOs to carry out research and advocacy on corruption in research areas that need attention, including public procurement and contract awards in Nigeria for sustainable reforms (National Integrity Systems, 2004). Empirical investigations into the causes, consequences and cures of corruption provide new insights that inform and influence policy. Research plays a critical role in developing the consensus on policy advice that influences economy-wide reforms throughout the world (Kaufmann, 1998). Moreover, it was often the academic researchers who played a pivotal role in promoting public procurement reforms, among others. In the United Kingdom, for instance, a 275-page book on *Principles of Government Purchasing* was published as far back as 1919 (Thai, 2001). Thus, a more explicit linkage between empirical

research and practical and implementable policy actions in the field is called for. This may include research on operational principles for effective public procurement on specificities such as pharmaceuticals, internet transactions, fertilizers, and so on.

Enhanced Working Condition of Public Servants

It may be necessary to reduce the incentive for corruption among public officials by ensuring that their salaries and fringe benefits are competitive with the private sector (Quah, 1999). Other things being equal, a civil servant or political leader will be more vulnerable to corruption if his or her legitimate income is low, or not commensurate with his or her position and responsibilities. It has always been argued, for instance, that members of the Nigerian police are corrupt because of their meager salaries, especially for the rank and file (National Integrity Systems, 2004). However, governments might not be able to raise salaries unless there are economic growth and adequate financial resources.

Professionalization of Procurement Function and Career Development

Presently, the dearth of procurement professionals to effectively staff procurement institutions and departments is a major setback for the reform. It was observed in the CPAR that the execution of procurement function is carried out by non-professionals who are ill-trained for the job (World Bank, 2000). The modern approach is that procurement is an end rather than a means, hence “the importance of promoting and maintaining public procurement’s institutional integrity” by equipping “procurement professionals to adopt leadership roles in strategic organizational decision making” (Snider, 2006 p. 276). There is a need to professionalize this function within the public service to ensure competence and integrity in the country. This entails appropriate recognition of procurement as a career in the public service, and training and retraining of the procurement staff to acquire and apply modern techniques. There is also the need to make professional qualification a hallmark of the career. This may enhance integrity and efficiency in service delivery and job security for the practitioners. In UK, for instance, procurement has been professionalized in the public sector since as far back as 1967 (Adegbola et al., 2006).

Adoption of the Public Procurement Legislation at all Levels of Governance

The type of federalism practiced in the country limits the application of the Public Procurement Act at the federal level. However, there are indications that corruption in procurement has extended to the state and local government levels following the findings of National Integrity Systems (2004) that corruption is endemic and pervasive in every strata of the Nigerian society. This may not be peculiar to Nigeria. Gould and Amaro-Reyes (1983) argued that corruption is pervasive throughout all levels of public bureaucracies and government. Similarly, Bardhan (1997) maintained that corruption pervades different ministries, agencies, and levels of local government. Empirical evidence from Treisman (2002) with data from 166 countries which include Nigeria, concludes that countries with more tiers of government tend to have higher perceived corruption and to provide public. This is in consonance with empirical evidence across countries by Fisman and Gatti (2002) which suggests that fiscal decentralization in government expenditure is strongly and significantly associated with corruption at lower tiers of government, especially when decentralization originates from a country's legal system. There is need to broaden the public procurement legislation to include the states and local governments which control about 48 percent of the country's financial resources. A holistic approach to anti-corruption in public procurement is more likely to yield a significant result.

CONCLUSION

Corruption has become endemic in Nigeria and the greatest amount of financial corruption resides in the nation's procurement system. So far, efforts to curb the menace through reforms establishing a plethora of relevant laws, rules, policies and institutions to ensure effective anti-corruption in public procurement seem to be yielding insignificant results (Achua, 2009a). In strengthening anti-corruption competencies, political support is particularly important. Effective control of corruption in public procurement will require an extraordinary concerted renaissance (complete change of substance) rather than rebranding (mere change of form), and the enthronement of servant leaders who do not

consider their “personal” interests above the group interest and use social power over position or authority to influence the change of attitude to the desired direction (Ayegbusi, 2008). However, anti-corruption strategies are most effective when they are participative and inclusive of all essential stakeholders in society, including government, civil society, non-governmental organizations, the private sector, the media, and other key players in society, whose input is essential in the development and implementation of an action plan that is inclusive of the views of the citizens. Such inclusiveness requires sustained cooperation among the stakeholders. Also, it is important to target the professionals working within the Bureau of Public Procurement itself and the readiness of the Office of the Auditor-General of the Federation, and that of the States, to ensure compliance with extant rules, regulations and policies.

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