

# Code of Conduct Bureau and the Fight against Corruption in Public Service

By

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## Abstract

*This paper examines the Code of Conduct Bureau (CCB) as a distinct institution designed to curb the menace of corruption in the Nigerian public service. The objective of the paper is to trace and outline the history of CCB as well as its functions as provided by the extant laws of the land. It is also the objective of the paper to highlight the pressing challenges facing the CCB and to proffer recommendations that will help it function effectively in its effort to minimise and/or eliminate corruption in the Nigerian public institutions. In achieving the stated objectives, the paper adopts a doctrinal research methodology whereby relevant statutes and judicial authorities are used and analysed. Other sources of legal research such as journal articles, textbooks, and internet materials are equally used and analysed as well. Consequently, the paper observes that CCB is not only concerned about corrupt public officers. The CCB's powers and jurisdiction cover all political office holders especially in the aspect of asset declaration. The paper also observes that CCB is facing series of challenges ranging from funding, corruption within and outside, and lack of independence as well lack of capacity building among staff to mention but a few. This paper, therefore, recommends inter alia that the highlighted challenges facing the CCB need to be looked into and solutions provided immediately for there to be an efficient and effective fight against corruption in public service in Nigeria.*

**Keywords:** Corruption, Code of Conduct, Public Service, and Nigeria

## 1.1 Introduction

The Code of Conduct Bureau (CCB) is a creation of the Constitution of the Federal Republic of Nigeria 1999. It was established to among other things fight corruption in public service. The establishment of CCB is apt given the increasing number of corrupt practices among public servants in Nigeria. Countries suffering from corruption cannot make the best use of their human and natural resources and are likely to remain vulnerable to and dependent upon outside interests and markets.<sup>1</sup> To

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minimise and ensure a corrupt-free public service, the CCB is mandated to maintain a high standard of morality in the conduct of government business and to ensure that all actions and, the behaviour of public officers conform to the highest standard of public morality and accountability.<sup>2</sup>

It is against this background, this paper seeks to examine the effectiveness of the CCB in the fight against corruption in Nigeria. The paper will make a modest attempt to x-ray the history, establishment, powers, and mandates of the CCB as an anti-corruption institution in Nigeria. It is, however, imperative to begin with the concept of corruption being the central theme of the paper.

## 1.2 Conceptual Definition of Corruption

There is no generally and universally accepted definition of corruption. Though, there have been different attempts to define it. Simply put: there is no precise, clear definition of the term that can be applied to all forms, types, and degrees of corruption. For instance, according to Black's Law Dictionary "corruption" is defined as depravity, perversion, taint, an impairment of integrity, virtue, or moral principle. Especially the impairment of a public official's duties by bribery.<sup>3</sup> In another perspective, "corruption" is described as the act of doing something with an intent to give self some advantage inconsistent with official duty and the rights of others. It is considered as an abuse of one's fiduciary or official duty to procure some benefit either personally or for someone else, contrary to the rights and interest of the general public.<sup>4</sup>

Consequently, corruption covers a wide variety of acts and not just simply an act of giving and receiving bribes.<sup>5</sup> It covers such acts as the use of one's office for his advantages, gratification, influence peddling, and insincerity, to gain an advantage.<sup>6</sup> Corruption also consists of offers, promises, gifts (in cash or kind), presents, or other forms of advantages as considerations for pervasion of courses of justice.<sup>7</sup>

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<sup>1</sup>Johnston, M. (1982). *Political Corruption and Public Policy in America*, Monterey, CA: Brooks-Cole.

<sup>2</sup>Section 2 of the Code of Conduct Bureau and Tribunal Act, Cap C15, Laws of the Federation of Nigeria (LFN), 2004.

<sup>3</sup> Garner, B. A., *et al*, (2009). *Black's Law Dictionary*, 9<sup>th</sup> Edition, West Publishing Co. Minneapolis, U.S.A, p.371.

<sup>4</sup>Akande, I. F., Madaki, A. M. *et al*, (2013). *The Fight Against Corruption in Nigeria: The Imperative of Criminal Justice System Reform*, in I.A. Abdulqadir, *et al* (eds.), *Corruption and National Development*, 46th Annual Conference of the Nigerian Association of Law Teachers, p.34.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid

<sup>7</sup>Ibid.

Corruption is also a behaviour that deviates from the formal rules of conduct governing the actions of someone in a position of public authority.<sup>8</sup>

The Penal Code Act<sup>9</sup> and the Criminal Code Act<sup>10</sup> do not provide a direct definition for corruption. But the Corrupt Practices and other Related Offences Act<sup>11</sup> defines corrupt acts to include bribery, fraud, and other related offences.<sup>12</sup> The Judicial definition of corruption has also been given in the case of *Biobaku v. Police*,<sup>13</sup> as the receiving or offering of some benefit as a reward or inducement to sway or deflect the receiver from the honest and impartial discharge of his duties. The Court further states that:

The mischief aimed at by section 98 of the Criminal Code is the receiving or offering of some benefit, reward, or inducement to sway or deflect a person employed in the public service from the honest discharge of his duties...in other words as a bribe for corruption or its price.

When the negotiations of the United Nations Convention against Corruption (UNCAC) began in 2002,<sup>14</sup> one issue under consideration was to avoid the problem of defining corruption by simply listing a whole series of specific types of acts of corruption. The UN adopted a descriptive approach and criminalization of the act to describe what action is corruption. The UN, therefore, highlighted the act of corruption to include embezzlement and misappropriation. Other related acts include diversion of property by a public official, bribery, illicit enrichment, abuse of office, and laundering of proceeds of crime.<sup>15</sup>

From the foregoing, one could easily see the various forms of corrupt practices which institutions like the CCB are established to fight. This includes bribery, extortion, stealing, misappropriation, nepotism, *godfatherism*, etc.

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<sup>8</sup>Aku, A. (2003). *Anti-Corruption Crusade in Nigeria: The Challenge of ICPC in National Cleansing*, Kaduna-Soft Land Associates, p.16.

<sup>9</sup>Penal Code Act, Cap P3, LFN 2004. This law has been domesticated *mutatismutandis* by most states in the Northern Nigeria.

<sup>10</sup> Criminal Code Act, Cap. C. 38, LFN, 2004. This law has been domesticated *mutatismutandis* by most states in the Southern Nigeria.

<sup>11</sup> Economic and Financial Crimes Commission (Establishment) Act, Cap. E1, LFN 2004.

<sup>12</sup>Section 2 of the Corrupt Practices and other Related Offences Act, Cap.C31, LFN2004.

<sup>13</sup>(1951) 20 N.L.R, 1. 19

<sup>14</sup> United Nations Convention against Corruption (UNCAC), UN Doc A/58/422; adopted by the General Assembly of the United Nations on 31 October 2003 at United Nations Head Quarters in New York, available at <http://www.unodc.org>.

<sup>15</sup>Articles 15-42, UNCAC, 2004.

### **1.3 Classes of Corruption in Nigeria**

Corruption can broadly be classified as Political, Bureaucratic, or Abuse of electoral process corruption.

#### **1.3.1 Political Corruption**

The abuse of political power by the government leaders who extract and accumulate for private enrichment. also involves the use of politically corrupt means to remain in power. A classic example is what is obtainable in the African Continent where leaders continue impose themselves by staying in office for decades. Simply to get themselves richer and richer at the expense of the masses. In Nigeria for example, it could be recalled that close to the end of the second tenure of President, Olusegun Obasanjo (1999-2007), he planned for the third term using the National Assembly to perfect his dream. Unfortunately, he got a strong opposition from the then Vice President, Alhaji Atiku Abubakar. As a result, Obasanjo's dream could not be realised.

While lamenting on political corruption especially at the National Assembly level, the former Nigerian President, Olusegun Obasanjo had this to say:

The National Assembly cabal of today is worse than any cabal that anybody may find anywhere in our national governance system at any time. Members of the National Assembly pay themselves allowances for staff and offices they do not have or maintain. Once you are a member, you are co-opted, and your mouth is stuffed with rottenness and corruption that you cannot opt out as you go home with not less than ₦15 million a month for a senator and ₦10 million a month for a member of the House of Representatives. The National Assembly is a den of corruption by a gang of unarmed robbers.<sup>16</sup>

However, it is important to note that abuse of political powers for other purposes, such as repression of political opponents and general police brutality, is not considered as political corruption.

#### **1.3.2 Bureaucratic Corruption**

Is a form of corruption that takes place at the stage of administration of government policies, where the public meets the public officials to transact business. Bureaucratic corruption is linked with the activities of the bureaucrats. Traditionally,

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<sup>16</sup>“Obasanjo: National Assembly Is a Den of Corruption Occupied by Unarmed Robbers | TheCable,” *The Cable*, last modified 2016, accessed March 20, 2021, <https://www.thecable.ng/obasanjo-nasembly-den-corruption-occupied-unarmed-robbers>.

the concept was used to denote the practice of buying favour from bureaucratic which formulate and implement governments' economic and political policies. The concept however transcends to the buying of favour. It refers to the violation of public duty by bureaucrats or public officials. Also, bureaucratic corruption is seen as any form of inducement or gratification 'given and taken' to do some official work or assignment which ought to be done as a normal routine or to jump some protocols or bend some rules and regulations.

### **1.3.3 Electoral Corruption**

Connotes any form of electoral fraud or illegal interference with the process of an election. The definition term varies from country to country. Generally, it covers illegal voter registration, intimidation at the polls, and improper vote count. Even though the term electoral fraud covers only illegal acts, the term is used to describe acts morally unacceptable, outside the spirit of electoral laws, or in violation of the principles of democracy. Electoral fraud is also termed voter fraud. As will be seen shortly, CCB is more concerned with bureaucratic corruption which normally germinates and flourishes in government institutions.

## **1.4 CCB and the Fight against Corruption in Nigeria: An Appraisal**

This section deals with the history, establishment, composition, powers, and mandate of the CCB. The Role of the CCB in the fight against corruption in Nigeria will also be appraised as follows.

### **1.4.1 History and Establishment**

The CCB is the pioneer anti-corruption institution set up by the Federal Government. It has the primary responsibility of preventing, investigating, and possibly prosecuting public officers who engage in corrupt practices. The CCB was first established in 1979, during the Second Republic to check corrupt practices in the Nigerian Public service. The Fifth Schedule to the 1979 Constitution provided a list of Codes of Conduct for public officers. Since then, the Code of Conduct provisions have maintained a permanence of some sort in the Fifth Schedule of all subsequent Constitutions.<sup>17</sup> The incorporation of the Code of Conduct into the 1979 Constitution was the implementation of the Report of the Constitution Drafting Committee,<sup>18</sup> which felt it was imperative to effectively curb the spate of corruption and abuse of Public Office that had eaten deeply into the fabric of Public service.<sup>19</sup> The CCB is now established under Section 153, Third Schedule, Part I of the Constitution of the Federal Republic of Nigeria, 1999.

The brain behind the CCB setup is to implement effective compliance with the provisions of the Code of Conduct for Public Officers, with the view to ensure that those who are entrusted with public authority do not abuse their trust to enrich

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<sup>17</sup> That is the 1989, 1993, 1995, and 1999 Constitutions of the Federal Republic of Nigeria.

<sup>18</sup> Report of the Constitution Drafting Committee, 1975, vol.6, nn.I & II.

<sup>19</sup> Ibid.

themselves or defraud the nation. CCB as an extension of the executive arm of government operates under the presidency.

The Code of Conduct Bureau and Code of Conduct Tribunal Act<sup>20</sup> complements the provisions of the Third and the Fifth Schedules to the Constitution. The Act establishes CCB and CCT as Extra-Ministerial Departments. The CCB and T Act gave the CCB the mandate to establish and maintain a high standard of morality in the conduct of government business and to ensure that all actions and behaviour of public officers conform to the highest standard of public morality and accountability.<sup>21</sup>

It is a public watchdog, empowered by law to raise alarm and fish out individual's involvement wherever its routine report mechanism indicates a person in a position of public sector trust has accumulated unjustifiable wealth.<sup>22</sup> Moreover, CCB has the responsibility of encouraging public officers to cultivate good conduct and ethics in public business and all matters relating to good behaviour.

President Shehu Shagari on the occasion of swearing in the members of the CCB on July, 30th 1980, said:

The purpose of setting up the Bureau is not to provide an opportunity for witch-hunting any public officer but to maintain a high standard of probity in the Conduct of Public Officers. Recent Nigerian history is replete with stories of bribery, corruption, and other improper conduct on the part of the public officers. A few of these stories may be true and many may be false, but it is acknowledged that the regular channels open for detection and punishment of crimes, misdemeanours are not entirely suitable for handling cases of corruption and other improper conduct on the part of public officers. The inauguration of the Code of Conduct Bureau today, therefore, marks a milestone in the Constitutional development of this country.

It is interesting to note that the CCB is not only concerned with public servants, its powers to curb corruption in Nigeria are extended to political officer holders, artificial persons such as public bodies, corporate, and incorporated statutory bodies. In *Asogwavs Chukwu*<sup>23</sup> the court stated that politicians, civil or public servants are

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<sup>20</sup>The Code of Conduct Bureau and Code of Conduct Tribunal Act Cap C15, LFN, 2004

<sup>21</sup> Ibid, Section 2.

<sup>22</sup>Offu, A.K. (2013). *The Nigerian Dependent Management & Leadership Development in Post-World War II Colonial Nigeria*, Author House, p.129.

<sup>23</sup>(2003) 4 NWLR (PT. 811) 540 at 551.

public officers only for the CCB. Similarly, in *Sharika & Sons Ltd vs The Governor of Kaduna State &Ors*,<sup>24</sup> the court held that public officers are not limited to human beings or persons sued in their names but also include artificial persons.

#### **1.4.2 Composition and Powers**

The CCB is comprised of a Chairman and nine other members appointed by the President, each of whom at the time of appointment, shall not be less than fifty years of age. Subject to the provisions of Section 157 of the Constitution shall vacate his office on attaining the age of seventy years.<sup>25</sup>

The CCB operates with the aid of four departments namely: Asset Declaration, Investigation and Monitoring, Education and Advisory Service, and Administration and Finance. It is important to note that the Constitution gives the CCB the power to establish and operate offices in each state of the Federation as it may require for the discharge of its functions under the Constitution.<sup>26</sup>

On the other side of the coin, the powers of the CCB are provided in the Constitution which includes the power to:

- i) Receive declarations by public officers made under paragraph 12 of Part 1 of the Fifth Schedule of the Constitution;
- ii) Examine the declaration in accordance with the Code of Conduct and any law;
- iii) Retain custody of such declaration;
- iv) Ensure compliance and enforce the Code of Conduct provisions and any other law;
- v) Receive complaints about non-compliance, breach of the Code of conduct, investigate the complaint and refer to Code of Conduct Tribunal for prosecution;
- vi) Appoint, promote, discipline, and dismiss its staff; and
- vii) Carry out other functions as may be conferred on it by the National Assembly.

Sequel to the powers given to the National Assembly, there also exists other functions and powers of the CCB as stipulated under the Code of Conduct Bureau and Code of Conduct Tribunal Act.<sup>27</sup>

#### **1.4.3 Acts that Constitute Breach of Code of Conduct**

Discernible from the above is the fact that under the Constitution, persons, both in Federal and state Public Services, are required to conform and observe the Code of

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<sup>24</sup> (2013) LPELR-20379, (CA)

<sup>25</sup> Third Schedule, Part One A of the Constitution of the Federal Republic of Nigeria 1999.

<sup>26</sup> Ibid.

<sup>27</sup> Cap C15, LFN, 2004.

Conduct.<sup>28</sup> The Code requires a public officer to abstain from putting himself in a position where his interest will conflict with his official duties.<sup>29</sup> It also prohibits the President, Vice President, Governor, Deputy Governors, Ministers, Commissioners and members of the National and State Houses of Assembly and such other officers as prescribed in law by the National Assembly to maintain and operate a foreign bank account.<sup>30</sup>

A public officer is also prohibited from accepting property or benefits of any kind or on behalf of any other person as payment for any commission or omission performed by him in the discharge of his duties.<sup>31</sup> Furthermore, every public officer shall, immediately after taking the Oath of office, every four years thereafter, and at the end of his term of office, submit to the CCB a written declaration of all his (and those of his minor children) properties, assets, and liabilities.<sup>32</sup> Any property or assets acquired by a public officer after the asset declaration which is not fairly attributable to his income or gift, or loan approved by the Code shall be deemed to have been acquired in breach of the Code unless the contrary is proved.<sup>33</sup>

Furthermore, it is important to note that assets include any property (moveable or immovable) and incomes owned by a person, while liabilities include responsibilities according to law to satisfy the debt, duty, or obligation quantifiable in monetary value (instant and contingent).<sup>34</sup> The Code of Conduct prohibits a public officer, except where he is employed on a part-time basis, from engaging or participating in the management or running of any private business, profession, or trade except farming.<sup>35</sup>

However, law lecturers are exempted from this provision of the Code of Conduct. In the case of *Ogbuagu v. Ogbuagu*<sup>36</sup> a staff member of the University of Nigeria, Nsukka, a Public Servant by Paragraph 15 to the Fifth Schedule of the Constitution appeared as a Counsel for one of the parties to a divorce suit. An objection was raised to his appearance as constituting a breach of the Code which disallows public officers from engaging in private practice. It was held that the right of the audience in court is governed by the Legal Practitioners Act 1962 and the subsequent amendment thereto, while the Code of Conduct for Public officers applies solely to

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<sup>28</sup>Sections 172 and 209, of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>29</sup>Section 5, Code of Conduct Bureau and Tribunal Act, Cap C15, LFN, 2004.

<sup>30</sup>Schedule 5, Section 3, Constitution of the Federal Republic of Nigeria, 1999.

<sup>31</sup> Ibid, Paragraph 6 (2).

<sup>32</sup>Section 15 (1) and (3), of the Code of Conduct Bureau and Tribunal Act, Cap C15, LFN, 2004.

<sup>33</sup> Ibid.

<sup>34</sup>Paragraph 19 to the Constitution of the Federal Republic of Nigeria, 1999.

<sup>35</sup>Ibid, Fifth Schedule, Part 1 and 2.

<sup>36</sup>(1982)1 ANLR, 22.



public officers and has nothing to do whatsoever with the right of the audience in court.<sup>37</sup>

By the Regulated and Other Professions (Private Practice Prohibition) (Law Lecturers Exemption) (No.2) Order, 1992 made in the exercise of the powers conferred on the President, the Federal Republic of Nigeria under Section 1 (5) of the Regulated and Other Professions (Private Practice Prohibition) Act, 1984, it provides that, with effect from 14th day of September 1992, a Public officer engaged in the practice of law as a full-time Law Lecturer is exempted from the provisions of the Regulated and Other Professions ( Private Practice Prohibition ) Act. It follows, therefore, Public officers who engage in the Practice of Law as full-time Lectures in the Universities, Polytechnics, Nigerian Law School, and other academic and research institutes are exempted from the erstwhile provisions of the Act and Code of Conduct prohibiting them from engaging or continuing to engage in private practice.<sup>38</sup>

However, the plethora of cases on the constitutionality of the Regulated and Other Professions (Private Practice Prohibition) (Law Lecturers Exemption) (No.2) Order, 1992 came up several times in Courts.<sup>39</sup> Nevertheless, all the cases ended up being struck out for want of Jurisdiction. This is because all of them were entertained by High Courts instead of CCT.<sup>40</sup> It is submitted that the Regulated and Other Professions (Private Practice Prohibition) (Law Lecturers Exemption) (No.2) Order,1992, is very good law as it would enable law Lecturers to impart practical knowledge on students as opposed to theories.

Similarly, in the 2019 controversial case of *FRN v. Hon Justice Onnoghen Nkanu Walter Samuel*,<sup>41</sup> the CCT had to distinguish the capacity in which the Chief Justice of Nigeria was charged before it. This is necessary of view of the argument that the CJN being a judicial officer ought to be taken to the National Judicial Council (NJC) for appropriate disciplinary action to be meted out against him.<sup>42</sup> Hence, the CCT stated that the CJN was brought before it in his capacity as an ordinary public officer who is under a duty to disclose and declare his assets and bank accounts in compliance with the provisions of the constitution.<sup>43</sup> Therefore, the CCT stated that it

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<sup>37</sup> See also *Isagba V. Alegba* (1981) 2 NCLR, 474.

<sup>38</sup> Regulated and Other Professions (Private Practice Prohibition) (Law Lecturers Exemption) (No.2) Order, 1992

<sup>39</sup> *Plateau State University, Bokkos v. Joseph* (2018) LPELR-46049.

<sup>40</sup> *Ibid.*

<sup>41</sup> Case No. CCT/ABJ/01/19; See also *Updated: Onnoghen Convicted, Banned from Holding Public Office for 10 Years*. Available at <https://www.channelstv.com/2019/04/18/breaking-onnoghen-convicted-banned-from-holding-office-for-10-years/>

<sup>42</sup> See the *Nganjiwa V. FRN* (2017) LPELR-43391 where the Court of Appeal held that allegations of misconduct against a serving judicial officer must first be referred to and handled by the National Judicial Council.

<sup>43</sup> CCT Convicts Onnoghen of False assets declaration. Premium Times Nigeria of 18<sup>th</sup> April 2019 *Updated: Onnoghen Convicted, Banned from Holding Public Office for 10 Years*. Available at

has jurisdiction to try him and that his prosecution before it is competent.<sup>44</sup> The CCT, thereafter, convicted Justice Onnoghen and removed him from the office of the CJN and NJC Chairmanship.<sup>45</sup> He was also banned from holding public office for the next ten years and ordered to forfeit all the five accounts said not to have been declared by him between 2009 and 2015.<sup>46</sup>

### **1.5 The Mandate of the CCB and the Fight Against Corruption in Nigeria**

The mandate of the CCB is to *inter alia* have public officers declare their assets and ensure transparency in governance and administration. The CCB is empowered by the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to ask all political office holders at the state and the federal levels to declare their assets at the beginning of their tenure.<sup>47</sup> The rationale behind enforcing Codes of Conduct is not unconnected with the fact that measures to curb corruption in the public administration go beyond keeping an eye on public officials at work. It is a scheme meant for screening public officials' assets and liabilities to detect unjustified wealth as an indicator of corrupt behaviour. By the Code of Conduct, public officials are required to regularly disclose information about their assets and liabilities.

The CCB can initiate investigations on its own for a breach of the Code of Conduct by any Public Officer. This is singularly possible after an examination of the Assets Declaration Form(s) of a public officer and the CCB is satisfied that there were reasonable grounds for such investigations. It has been observed, however, that the likelihood of abuse of this power on the part of the CCB has already been short-circuited by its being subject to the supervisory jurisdiction of the High Court and such other courts of co-ordinate jurisdiction or equal legal authority.<sup>48</sup>

However, it appears that lack of Professional expertise and overall capacity to verify asset declarations by public officers all over the country remain daunting challenges for the CCB.<sup>49</sup> It is therefore not surprising that the Attorney General of the Federation at the hearing on the Review of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), by the Senate Committee on Constitutional Review, recommended for the removal of the Code of Conduct from the Constitution.<sup>50</sup>

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<https://www.channelstv.com/2019/04/18/breaking-onnoghen-convicted-banned-from-holding-office-for-10-years/>

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Third Schedule, Part I, Paragraph 3, Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>48</sup> Ibid.

<sup>49</sup> Oko, O. (2002). Subverting the Scourge of Corruption in Nigeria, N.Y.U. Journal of International Law and Politics, vol.34, p 431.

<sup>50</sup> Available at <http://www.nassnig.org/nass/news.php?id=389>. Accessed on 30th January 2018.

It is worthy to note that the mandate of the CCB in the investigation of corrupt practices among public servants ends when it files the matter for prosecution before the CCT. Therefore, the bulk of the responsibility of fighting corruption and corruption official lies with the way and manner cases are handled before the CCT. Just the way CCB was recommended to expend more in the training of its staff so also those that will prosecute code of conduct cases before the CCT must possess the requisite expertise to handle such cases. Otherwise, the whole effort of the government is putting in place bodies like the CCB and CCT will become a sham.

### **1.6 Observations and Recommendations**

The following are some of the major observations and recommendations in respect of how best CCB will function effectively in the discharge of its statutory responsibilities:

- i) There is Lack of professional expertise and overall capacity to verify asset declarations as claimed by public officers.
- ii) Funding: this is not peculiar to CCB. Other anti-corruption agencies in the country are facing similar challenges.
- iii) Corruption from within and outside: officers within the CCB are not angels. They may not resist bribe given to them by other public officers from outside who might need cover from the record of the CCB.
- iv) Lack of independence. The members of the CCB are appointed by the executive or the President. They can be manipulated by the politicians and failure to co-operative with them may render the CCB members or staff to either lose their job or be witch-hunted popularly referred to as “corruption fighting back.”
- v) Lack of power to *soumotou* prosecute cases investigated by the CCB itself: cases that are investigated by CCB and taken to CCT are not prosecuted by CCB. It is the office of the Attorney General of the Federation that does so. The CCB should be given equal power like the Economic and Financial Crimes Commission (EFCC) to prosecute its own cases.

It is therefore, recommended that the above issues need to be addressed squarely for the CCB to function optimally.

### **1.7 Conclusion**

This paper was set out to investigate the role and powers of the CCB in the fight against corruption in the Nigerian public service. In an attempt to achieve this objective, the paper traced the historical emergence of the CCB, its composition, powers, and mandate. The paper discovered that the CCB is an instrument of fighting corruption among public officers by ensuring that they comply with the code of conduct stipulated by law. The recently decided case of CJN, *Hon Justice Onnoghen*

*Nkanu Walter Samueis* is a clear example of the Nigeria's commitment to fighting corruption in public service. This was made possible by the thorough investigation conducted by the CCB against the CJN who was subsequently arraigned, tried and convicted by the CCT for failure to declare his assets and bank accounts *inter alia*. The CCT, thereafter, removed the CJN from office and his position as NJC Chairman.<sup>51</sup> He was also banned from holding public office for the next ten years and ordered to forfeit all the five accounts said not to have been declared by him between 2009 and 2015. This is highly commendable! It was, however, observed that CCB alone cannot fight corruption in Nigeria. This is because its mandate ends at the doorsteps of CCT. Hence, the call for the proper prosecution and conviction of those who are genuinely found guilty of the breach of code of conduct laws in the country. The highlighted challenges facing the CCB need to be looked into and solutions provided immediately for there to be an efficient and effective fight against corruption in public service in Nigeria.

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<sup>51</sup> Ibid.