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State Capture and Corruption in Government Agencies in Nigeria: A Study of Niger Delta Development Commission in Bayelsa State.

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Abstract

The study examined the effectiveness or otherwise of government agencies in Nigeria with specific reference to the activities of Niger Delta Development Commission (NDDC) in Bayelsa State. Methodologically, the study employed a qualitative approach with semi-structured interviews, focus group discussions and documentary sources as instruments of data collection. The data were analyzed qualitatively. It adopted principal-client agent and state capture as the anchor theories for the analysis. The study found that corruption affects anti-corruption institutions in the region, thus, rendering them ineffective in preventing wastages in NDDC and this has implications on the governance, security and development of Bayelsa state. It found that developmental crises and other types of conflicts are mostly the result of resource-related issues, such as local autonomy over a share of the income from oil and gas, corruption, and institutionalized prejudice that have hampered development achievements in the state. The study recommended reviewing of the conditions that influence corruption in the state and strengthening of the mechanisms that could help in the management of all forms of conflicts in the state which is the driver of corruption.

Keywords: Bayelsa state, Corruption, Development, State Capture, Patronage

Introduction

Corruption is common among public institutions in Nigeria but in NDDC Bayelsa State it is so endemic and pronounced, thus, undermine NDDC performance in the state (Titus, 2021). The stride of the commission does not presuppose that all is well. Unfortunately, like extant public policies in the region, NDDC has not bequeathed significant improvement in the welfare of the people (Titus & Abubakar, 2020). With the exploitative tendencies of some politicians which have partly orchestrated development challenges in Bayelsa and truncated the sustainability of the indigenous environment, this development issue is a strong factor triggering the continuing crisis of youth restiveness and resistance against the Nigerian state.

Since its establishment in 2001, it has been plagued by allegations of poor performance, fraud, misappropriation of funds, and promoting community rivalry through the implementation of unjust development projects (Titus, 2021). The agency exhibit several symptom of corruption ranging from over-invoicing to little or non-performance of the said contract even with full payment of the contract sum. They operate like parasites with inherent right to the treasury, who are ready to frustrate any move to fulfil its core mandate of providing basic infrastructure to inhabitants of the area (Titus, 2021).

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It could be argued that people of Bayelsa have been denied opportunities for necessary infrastructural development i.e. education, and security of life and property. This situation has been masterminded by state capture groups such like the political class, dominant ethno-linguistic groups and individuals including the governors, traditional chiefs, and their cronies who use up NDDC resources at the expense of the masses (Interviews, 2022; FGDs, 2022). Thus, there have been constant threats to security of life and property due to NDDC abandoned development projects including hospitals, roads, and educational institutions in Bayelsa State. The perceptions of the people are that there is a deliberate neglect and abuse of power by those who should care and develop the state.

It is puzzling to note that corruption remains high in Bayelsa State NDDC according the recent statistics at the national scale (NBS, 2022). This is the main reason why all the stakeholders clamoured for forensic audit of the agency in order to ensure transparency and accountability. However, the anti-corruption agencies that were set up to address problem of corruption are the ones yet proffering solutions that could impede corrupt practices. There are several allegations that some of the officials have compromised the statutory responsibilities, which have rendered any investigation invalid and that some of their evidence in the law could not stand immediate scrutiny. Indeed, as a highly respected institution at home and abroad, Nigeria's three main anticorruption agencies the EFCC, ICPC and the Code of Conduct Bureau have at times faced corruption accusations themselves (Ogundiya, 2011). Indeed, Nigeria's anticorruption initiatives have seen a significant setback since their inception. For instance, chairperson of the EFCC appointed from 1999 till 2015 where dismissed due to allegation of corruption (Anita, 2007; Sahara Reporters, 2011; BBC News, 2015).

However, efforts to address corruption and development crisis in Bayelsa, including the enactment of anti-corruption laws and the establishment of anti-corruption agencies failed to produce the desired effect of curbing corruption. These agencies have become part of the political patronage practices and an extension of cronyism in the state. Indeed, the existing anti-corruption of the federal government is ineffective to fight corruption in NDDC (Titus, 2021).

However, apart from the eye-witness accounts usually pieced together by selected media groups, the extant information or records available to the public to assess the performances of the anti-corruption agencies in the region is merely the print, electronic or social media (notably radio commentaries, internet and newspapers), which are themselves riddled ostensibly with inherent subjectivity and wild romanticism of issues. To this extent, the present study has depended largely on pieces of scattered secondary sources unavoidably enriched with covert primordial biases by interacting with the affected beneficiaries of NDDC projects in the selected areas. Therefore, this paper presented and analyzed data on the roles of the anti-corruption agencies in curbing corrupt practices in NDDC. The study also discusses the efficacy or otherwise of the anti-corruption agencies in the fight against corruption in NDDC.

Statement of the Problem

Niger Delta communities most especially in Bayelsa state have remained grossly underdeveloped and pauperized due to systematic corruption and disequilibrium in the production exchange relationship of the state, oil companies and the people. The enormous resources had been derived from oil export for infrastructural development but the state has been subjected to severe land degradation, socio-economic disorganization, increasing poverty, misery, military occupation and violent threats to individuals (Nwogwugwu, Alao & Egwuonwu, 2012; Dudafa, 2017).

Furthermore, it was indicated that of the five (5) Shell companies operating in Nigeria, four have community development offices in collaboration with NDDC (Romourla in Port Harcourt Rivers, Warri in Delta, Yenagoa in Bayelsa and Eket in Akwa Ibom) (Titus, 2021). Each company devotes \$60 million yearly, or 3 percent, of its in-country operating budget, to community development. The

essence of the funds is to address infrastructure deficits mostly in the rural communities (Titus, 2021). In most cases, oil companies construct roads, schools and clinics and provide scholarships, employment opportunities, drugs, electricity and portable water in many host communities (Oyewole, 2018). However, oil corporations do bribe state officials to overlook or downplay the misdeeds in their activities. In this manner, there are allegations that local elites and their relatives are the largest beneficiaries of some of the so called Corporate Social Responsibility by the oil companies (Oyewole, 2018). Again, it was indicated that oil companies as part of their levies remitted ₦5.234 billion Naira to NDDC (Titus, 2021). It is believe that NDDC has received and squandered trillions of naira since its establishment. Although figures are hard to come by, it was alleged that since inception in 2001, NDDC has received at least \$40bn (₦15 trillion) for projects yet failed to achieved the Niger Delta Regional Development Master Plan. Again, it was reported that in seven months in 2019, a total of 1,921 emergency contracts valued at ₦1,070,349,631,757.70 was awarded while the unprocessed budget of the NDDC was ₦350 billion and was still before the National Assembly. While the statutory allocations from the Federal Government to Bayelsa NDDC was ₦4,971,533,203 billion from 2004 to 2019 (Senate Adhoc Committee Report, 2020).

Similarly, given the fact that the mandate of NDDC was also to facilitate development and tackle socio economic problems in the State which would translate into poverty alleviation and reduction of unemployment efforts in Bayelsa. Despite huge amount allocated to NDDC in Bayelsa for infrastructure development projects, Bayelsa state has not achieved the desired results. Instead it has provided rich picking and triggered corruption. For example, in Bayelsa State modern transport infrastructure is inadequate and often hampered by poor road networks and harsh conditions especially in the coastal areas. Rural communities in the state continue to suffer from inadequate and unsafe water supply. There is also hardly electricity supply in many riverine areas, telecommunication facilities are in short supply. Healthcare is less than desirable while schools are ill-equipped (Isidiho & Sabran, 2015; Ebikela, Esther & Angonimi, 2019).

World Bank Survey (2019) and National Bureau of Statistics (2019) showed that Bayelsa state is the least developed state in Nigeria. The poverty rates as at 2019 stands at 62% which is the highest in the region (Titus & Abubakar, 2020). Again, the rate of unemployment in Bayelsa stands at 27%, six points above National average (National Bureau of Statistics, 2020). Per capita income is less than \$280 per annum, with low population indices of development such as education, health, sanitation, job creation, water and other physical infrastructure are far below acceptable standard in the world.

National Bureau of Statistics (2018) indicated that water in the majority of Niger Delta states comes from unsafe supply including rivers, lakes and untreated boreholes. Bayelsa, State water problem is very acute and result in supplies of unsafe water in more than 50% of the cases. Thus, poor access to adequate drinking water has had serious implication for the general health environment, economic activities and sustainable livelihoods in the region. Poverty and lack of access to basic needs move the youths to engage in criminality, vandalization and oil bunkering (Titus & Abubakar, 2020). Monies appropriated for the NDDC for example hardly gets to the Commission in full. It was alleged that the commission is still owed more than 700 billion Naira (about \$3.5 billion) (Internal Crisis Group- ICG, 2015). No significant infrastructural development is achieved partly due to inconsistency in programme implementation and corruption.

Consequently, despite the fact that NDDC have existed for years, there is scarcity of empirical scholarly assessment that provide instances where the NDDC have addressed infrastructural underdevelopment and other capabilities failure that underpin Bayelsa State development crises. One might ask, what then is the extent of its development in the state? Given the fact that the mandate of NDDC was to ensure development and tackle socio economic problems in the State. Thus, a complete picture is necessary to interrogate institutional corruption in NDDC that affects the effective policy

geared towards addressing the crises of infrastructural development in the area. It is against this background that this study examines the implication of state capture and corruption in government agencies in Nigeria with reference to Niger Delta Development Commission in Bayelsa State.

Objectives of the Study

- i. To explain the nature of corruption in NDDC in Bayelsa State.
- ii. To evaluate the effects of the anti-corruption agencies in addressing corruption in NDDC in Bayelsa State

Methodology

Data for this study were gathered from both primary and secondary sources. In this study, semi-structured interviews and FGDs were used to better understand participants' opinions and knowledge about corruption in the NDDC and the roles of anti-corruption in Bayelsa State. A total of twenty (20) respondents were purposively selected for interviewed during the fieldwork. This largely because they have relevant information concerning NDDC activities in Bayelsa state. They include; Traditional Rulers, Government Officials, Youths Council Executives/Leaders, NDDC Projects beneficiaries, NDDC staff and Consultants, Politicians, Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices Commission (ICPC), Court Staff, Activists, Academics and Civil Society Organizations (CSOs). Additionally, two Focus Group Discussions (FGDs) were held in Bayelsa to provide additional primary data for the study. The sample size for FGDs was 10 respondents for each group. On the method of data analysis, this study used thematic analysis. The thematic analysis interpreted responses from the Focus Group Discussions and semi- structured interviews on the major themes and corroborating them with theories that explained variables of the study. It also helped to compare how participants perceived the effectiveness of various anti-corruption measures and how they actually work in the area. Again, data were analyzed using comparative method whereby, sentence and paragraph segment of the transcribed interviews and fieldnotes reviewed to decide what code fits the concepts or theories suggested by the data.

Theoretical Explorations: Principal-Agent-Client (PAC) and State Capture Theory

The Klitgaard (1988) Principal-Agent Client (PAC) theory serves as one of the key theoretical foundations and policy recommendations for the deployment and establishment of any anti-corruption agency. Principal agent models are used by anti-corruption organizations under the implicit and, in some cases, explicit presumptions that corruption is caused by institutional failures and human deviance. One example of an institutional weakness is the corruption of regular law enforcement agencies (EFCC and ICPC in Nigeria) and the people who work for them (judges, police officers, prosecutors, and other law-enforcement professionals), which taints the whole law enforcement sector of the government. As a result, having an independent anti-corruption body increases the risk of being exposed as corrupt and limits the discretionary powers by removing parts of the delivery of public services from officials. It is presumed that the principle in both situations has assigned duties to the agent because it is not always possible for the principal to closely monitor the agent's conduct. In this model, the principal is usually the leader of the government or heads of agencies.

In several other models, the principal is the state itself. The agents are either low-level bureaucrats or dishonest politicians with insider knowledge. The agents are sort of the principal's delegates, receiving from him some or all of his discretionary power. The theory presupposes a conflict of interest between the agents and the principal, with the latter having access to more information and discretion than the principal. According to mainstream PAC theory, there is collusion between the agents and the clients or outsiders. Corruption is made possible by asymmetric information (agents with more knowledge and experience than the principal), transparency, and conflicting interests. Therefore, bridging the gaps caused by conflicting interests is the goal.

On the other hand, according to the state capture thesis, administrative corruption and state capture has connection because the latter is the most blatant and difficult form of corruption (Hellman & Kauffmann, 2000). Administrative corruption, which can range from minor to major corruption, is defined by Hellman, Jones, and Kaufmann (2000) as private rewards to public officials to distort the required implementation of official rules and policies. As a result, practically all countries have some level of administrative corruption. It focuses on the extent to which the bribe payer can tip the chances in his favour by abusing the existing legislation, guidelines, and procedures. At the implementation level of the bureaucracy, administrative corruption mostly involves day-to-day administrative issues. Hence, state capture has come to be recognized as the region's most toxic and harmful, organized, organized, and predatory form of corruption. State capture is referred to as shaping the construction of the basic rules of the game (laws, rules, decrees, and regulations) (Hellman, Jones, & Kaufmann (2000). This is done through making illegal and indirect private payments to public officials. A process known as state capture occurs when influential individuals use their corrupt and unjustified power to manipulate the institutions, rules, and regulations of the state such that they benefit instead of the general welfare. State capture is a highly institutionalized and systemic kind of corruption, in contrast to administrative corruption. Institutions in a captured state are therefore unable to act in the best interests of the country and the general populace.

In some other cases, perpetrators deliberately undermine the nation's judicial and political structure to make them more vulnerable to capture and exploitation. It shows up in the looting of public assets by some influential people or organized groups who use the privatization process to their own advantage as well as the obstruction of economic reforms. State capture can occasionally be seen when organized groups or clans covertly establish a state within a state or a Shadow State. Therefore, under state capture, a nation's laws, rules, legal procedures, and ultimately its institutions are involved in corrupt business dealings. The military, strong companies, ethnically organized organizations, powerful people, or any combination of them may strive to exercise undue influence or capture the rules of the game.

Background to the measures in addressing Corruption in Nigeria

In Nigeria, several strategies and tactics have been used since the 1960s to prevent corruption (Ogundiya, 2009). Among them are institutional approaches, legal or constitutional design approaches, the employment of propaganda, and political education approaches. The development of institutions tasked by the law with apprehending and prosecuting corrupt officials, the enactment of Decrees during the military era, Acts of Parliament during the civil rule era, and the use of legal or constitutional institutional techniques are only a few examples. There are several of similar decrees, including the Corrupt Practices Decree of 1975, The Public Officer (Investigation of Assets Decree No 5 of 1976), Forfeiture of Assets, and Decree No 53 of 1999 (Ogundiya, 2009). In addition, was the establishment of tribunals, such like the Failed Bank Tribunal established by the Abacha military regime, was another method used during the military rule. The Code of Conduct Bureau and the Code of Conduct Tribunals, which are outlined in the Constitutions of 1979 and 1999, are examples of constitutional measures. Political education or propaganda has also been used, such as during the ethical revolution (1979–1983), the War Against Indiscipline (WAI) program introduced by Generals Muhammad Buhari and Tunde Idiagbon (1983–1985), the War Against Indiscipline and Corruption (1993–1998), and the National Orientation Agency during the Olusegun Obasanjo administration (Ogundiya, 2009).

Related to the aforementioned, additional steps taken to tackle corruption since the nation's return to electoral democracy in 1999 include the creation of the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crime Commission (EFCC), two agencies with the legal authority to look into, detain, and bring charges against suspected corrupt public officials and political appointees; the implementation of "Due Process" in all federal ministries and parastatals. However, all these including the various socio-economic and political reforms designed to curb the menace of corruption in the country would also be discussed.

The National Assembly, the apex law making organ of government, also considered and passed laws to ensure accountability and transparency in every government sphere. According to Bello-Imam (2005), “the National Assembly has made some attempts to fight corruption” through a number of Legislations, these include:

- i. Enactment of the Corrupt Practices and Other Related Offences (ICPC) Act 2000;
- ii. Establishment of Economic and Financial Crime Commission (EFCC) in 2003 through the enactment of EFCC Act 2002, which was amended in 2004;
- iii. The Fiscal Responsibility Act was also passed in 2007 to enable the establishment of a peer review process, bringing together executive heads of state to discuss how well their counterparts are performing; and Public Procurement Act passed in 2007 to ensure sanity into Contract Processes and Procedures.

The legislature having the power to create legal frameworks needed to prevent and curb corruption through reinforcing integrity in governance, fostering transparency and accountability, could minimize areas of discretion and address such issues as conflicts of interest, nepotism and statutes of limitation, through the provision of necessary punitive measures and promoting administrative and social environments hostile to corruption (Usman, 2015). This oversight was institutionalized in Section 88 of the 1999 Constitution of the Federal Republic of Nigeria, which confers the National Assembly the necessary power to gather information on proposed bills, prevent or expose corruption, inefficiency, or waste in the implementation of laws within its legislative competence, as well as in the disbursement and administration of funds appropriated by it. Other measures at the National level include:

The ICPC and EFCC

Act No.5 of 2000 established the Independent Corrupt Practices and other Related Offences Commission (ICPC). The mission of the ICPC is “to rid Nigeria of corruption through lawful enforcement and preventive measures” (ICPC Acts, 2001). The establishing Act empowers the agency to investigate, arrest, and prosecute any individual(s) and organization(s) that violates any or all parts of the Nigerian Constitution relating to corrupt practices (Act 5 of 2000:1-63).

The second agency established to fight corruption especially in the financial sector is the Economic and other related Financial Crimes Commission (EFCC). Established under the Economic and Financial Crimes Commission Establishment Act 2004, the mission of EFCC is to prevent, investigate, prosecute, and penalize economic and financial crimes as well as enforcing the provisions of other laws and regulations relating to economic and financial crimes, including: Economic and Financial Crimes Commission Act (2004), The Money Laundering Act 1995, The Money Laundering (Prohibition) Act 2004, The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, The Banks and other Financial Institutions Act 1991; and Miscellaneous Offence Act (EFCC, 2015).

The Legislative Oversight Functions on NDDC Activities

Legislative oversight in any democracy is essential to limiting the excesses of government officials and ensuring the accountability of government. Oversight function is an important role of modern legislature. Oversight functions include scrutinizing and authorizing revenues and expenditures of the government and ensuring that the national budget is properly implemented (Edet & Amadu, 2014). In Nigeria, the National Assembly (NASS) is also charged with oversight as anti-corruption framework. The legislature, through its oversight activities could hold the Ministries, Departments and Agencies (MDAs) such like the NDDC of the government accountable to the public.

Since the institution (NASS) has constitutional responsibility to appropriate and allocate funds to the various government institutions for their operations, it is having oversight functions to monitor the

activities of every government agency. For instance, the 1999 Constitution Sections 88 and 89, the National Assembly has the power to investigate (a) any matter in respect of which it has the power to make laws; and (b) the conduct of any parastatal or official responsible for administering any Act of the National Assembly or in charge of disbursing funds. The section then says that the power to investigate is only exercisable for the purpose of enabling it (i.e. the Senate or the Reps) to (a) make laws on any matter within its legislative competence and correct defects in existing laws; and (b) expose corruption, inefficiency or waste in the execution or administration of laws. Section 89 says, as it relates to the power to investigate, that lawmakers also have the power to procure evidence, require the evidence to be given on oath, summon anyone to give evidence or produce documents and issue a warrant to compel the attendance of any such witness (Federal Republic of Nigeria, 1999).

Against corruption in the executive branch, Nigeria's National Assembly is meant to be the first line of defense. The legislative branch of government in Nigeria has the right to ratify important appointments, act as a rigorous check on executive power, approve and amend budgetary spending, and monitor government agencies closely. Legislators, financial auditors, procurement monitors, and anticorruption agents play an important oversight role but could also abuse their authority by demanding bribes in exchange for issuing approvals or turning a blind eye to misconduct. Senators and representatives who are dishonest often violate their fundamental oversight role by threatening to withhold budget/appropriation approvals in exchange for bribes or contracts for their cronies, especially those who are assigned to lucrative committees that supervise high-budget ministries (Mathew, 2018).

It could be argued that the legislature by law is the first institution to oversee the activities of government agencies such as the NDDC. Despite the well-defined mandate of the agency, it is the belief of many stakeholders that the commission has deviated from the implementation of its core mandates. There have been several reports of looting alleged by successive management and their cohorts who siphon and divert funds meant for the development of the region and engage in the execution of projects that are not beneficial or of positive impacts to the people. Instead of functioning as anti-corruption watchdogs, however, legislators often monetize their constitutional roles, enriching themselves and building up their campaign war chests (Bushari, 2018). The author further indicated that a senior executive branch official complained that federal legislators were leveraging their oversight role to solicit kickbacks, with the director general of one agency. Indeed, many of them need money for re-election, and they see this budget approval process as a way of finding the resources (Bushari, 2018)

Beyond requests for payments and the unusual quid pro quo offer from ministries and agencies, legislative corruption exists. Many Nigerians consider the high salaries, allowances, and other advantages received by federal legislators, which totaled \$540,000 per lawmaker in 2017, to be corruption even if they are theoretically lawful (Kazeem, 2017). Representatives and senators also use legislation to create new, often unnecessary or duplicate, government agencies while padding the federal budget with projects for their home towns. These startups frequently turn into vassals of their political patrons, who demand that they give their supporters contracts and appointments (Mathew, 2018). It was argued that there has being NDDC audit reports by the Senate and House of Representatives which often confirmed that majority of projects handling in the region were uncompleted reasons attributed to lack of funds, failure on the contractors and corruption of NDDC officials. The perpetual allegations of corruption and mismanagement against NDDC prompted the decision of President Muhammadu Buhari to order a forensic audit of the commission while constituting an Interim Management Committee (IMC) to oversee the conduct of the audit. This was in conjunction with Adhoc Committee members.

Consequently, this Committee where mandated to conduct all-inclusive and wider investigation through other stakeholders which include Federal Ministry of Niger Delta Affairs, Federal Ministry of Finance,

Budget and National Planning, Office of the Accountant General of Federation (OAGF), Office of the Auditor General of the Federation, Central Bank of Nigeria (CBN), Bureau of Public Procurement (BPP), Governors of the nine (9) states in Niger Delta, Nigerian Financial Intelligence Unit (NFIU), Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) etc. These stakeholders were to produce the needed information ranging of financial details of contracts awarded and other financial details of the commission mostly from 2018 to 2020.

It was reported that all the payments and remittances from the statutory allocations of federal government and oil companies levies were paid promptly to the commission from the report. This report however contradicts the usual complains from NDDC in Bayelsa of underfunding of the commission which affects its performance in the state. The table 1.1 below shows the amount remitted into Bayelsa State NDDC account from 2004 to 2021.

Table 1.1: Amount remitted into Bayelsa State NDDC account from 2004 to 2021

Year	No of payments	AGF	NDDC	CBN (In Naira)
2004	1	57,826,389		57,826,389
2005	2	59,292,043	59,292,043	59,292,043
2006	2	43,901,750	43,901,750	
2011	4	131,487,309	131,487,309	22,971,395
2012	2	35,079,736	35,079,736	35,079,736
2013	1	22,980,550	22,980,550	22,980,550
2014	1	16,083,010	16,083,010	
2015	4	53,337,070	53,337,070	7,548,920
2016	1	175,240,267	175,240,267	
2017	1	98,370,360	98,370,360	98,370,360
2018	3	576,600,465	148,746,153	148,746,153
2019	8	2,825,773,264	2,516,609,960	2,825,773,264
2021	11	875,560,989	856,443,175	1,402,418,255
	41	4,971,533,203	4,157,571,383	4,681,007,066

Source: Researcher's Compilation from the Adhoc Senate Committee Reports (2022)

The committee reported that after various presentations of evidence from both contractors and the officials of the commission, it was indicated that NDDC mismanaged funds meant for development interventions. Its spending was not in line with the commission's core mandate. The committee noted that NDDC did not comply with the public procurement act. This is largely because the commission embarked on several projects without the approval of BPP.

Consequently, one could argue here that events surrounding the NDDC recently have clearly, more than ever brought to the fore, the existential rot in the commission and institutions (NASS, EFCC, ICPC etc) that are supposed to oversee its activities. It appears that the ongoing investigation is not meant to expose corruption in the commission, rather a means to settle scores with the interim managers of NDDC by lawmakers who are already complicit of NDDC corruption as was alleged that large number of contracts were awarded to the legislators at the commission (Interviews, 2022). Indeed, it was alleged that the House of Representative committee was chaired by a member whom the NDDC has severally accused of different things (Interviews, 2022). For instance, Ojougboh (then IMC) alleged financial interference, contracts grabbing and splitting against the Chairman of the Senate Committee on Niger Delta Affairs, Senator Peter Nwaoboshi, and his counterpart in the House of Representatives. Senator Nwaoboshi remarked that:

The two chairmen requested for 1,000 projects out of the 2,900 emergency projects the commission planned to use to change the face of the Niger Delta communities. Aside projects grabbing, the two chairmen are holding the commission to ransom on its 2020 budget, which had been submitted since November last year but yet to see the light in July 2020 (Thisday Newspaper, 2020).

It could argue that recent events at NDDC, and similarly past antecedents of unprecedented and monumental corruption manifesting in extensive contract frauds, Procurement law infractions, non-budgetary and extra-budgetary spending, audit violations, cronyism, fiscal recklessness and flagrant disregard to procedural rule. The NDDC has undoubtedly become a conduit of corruption for which many of its past and present leaders have not only been complicit in, but have been indicted (in both past and present probes and investigations), but were never prosecuted in a court of law, nor made to refunds misappropriated. While some inhabitants of the area are worried over multi-million Naira fraud allegation against the NDDC, most people are asking pertinent questions. What does the law say about the relationship between an agency of government (NDDC) and a legislative committee, which oversights the former?

After the various allegations against the interim managers of the Niger Delta Development Commission, NDDC, and the Ministry of Niger Delta Affairs on one hand and the counter-allegations against members of the National Assembly on the other hand, at present there is no serious evidence to proof that the affected corrupt officials are prosecuted. For example, Prof. Daniel Pondei-led Interim Management Committee, IMC, of NDDC has appeared before Senator Peter Nwaoboshi-led Senate Committee on Niger Delta Affairs on different occasions. The same IMC was having a running battle with the Hon. Olubunmi Tunji-Ojo-led House of Representatives Committee on Niger Delta Affairs, seeking to open the same books already scrutinized by the other chamber of the National Assembly.

It could be recall that Senate Committee on Ethics, Privileges and Public Petitions on 21st February 2021, issued a warrant of arrest for the management of Niger Delta Development Commission to be brought before it to account for how ₦6.25 billion palliative fund given to it by the Federal Government was spent (The Cable, 2020). Nigeria Senate insisted that its warrant of arrest issued against the management of Niger Delta Development Commission (NDDC) subsists, saying their move was in line with the legislative process of making public servants to account for their actions. However, at present some the accused public officials indicted have not been taken to court for final prosecution.

To this end, it could be argued that the National Assembly has failed in its oversight function of conducting regular assessment of the activities of the commission, to prevent the monumental infractions which have occurred already. It was reported that there are no internal or external controls in place to effectively monitor the operations of the NDDC and checkmate the unlawful diversion of

funds, contract frauds and other corrupt practices being perpetrated in the Commission. The problems facing external oversight institutions include capacity constraints and the failure of follow-up, either due to insufficient political will or a lack of enforcement power. It could be argued that anti-corruption agencies in Nigeria do not report to the legislature and neither do they exercise independence over budgeting and staffing. Moreover, the control mechanisms to ensure accountability and transparency by the NDDC and other government entities are nonexistent as illustrated by the current events.

Discussion of Findings

Anti-Corruption Agencies (EFCC, ICPC) and Curbing NDDC Corruption in NDDC in Bayelsa

From the data gathered during fieldwork, it was reported that in Bayelsa State some politicians, NDDC officials, Chiefs, Community leaders, NDDC contractors, etc. were all involved in corrupt practices by deviating from acceptable ways of performing their duties (Interviews, 2022). Such deviations, includes bribery, stealing of public funds and acts of patronage and cronyism which contributed to infrastructural development deficits that plagued the State. In the face of these development crises, Federal, State, Local and other International Organizations used various alternatives as a form of intervention and relying on laws and institutions in the country to curb the menace.

In addition, corruption is associated with costs such as creating and sustaining divisions among groups, violent conflicts, and weakening the ability of nation's institutions to perform effectively. To avoid the negative costs of corruption, Nigeria puts in place laws and institutions to reduce corruption and its associated consequences. The establishments of agencies and institutions such as the Independent Corrupt and other Related Practices Commission (ICPC), Economic and other Financial Crimes Commission (EFCC), the Law Courts, and Prison Services have been assisting in the investigation, arrest, prosecution, and enforcement of any breaches of the constitutional prohibitions on corruption. Confirming the above position, a participant boldly captured that:

Our communities used many forms of 'jungle justice' especially public shaming of local corrupt officials like community leaders who embezzled community NDDC contract funds, chasing away contractors who were executing substandard jobs, publicly denouncing and forcing traditional rulers to abdicate for abusing traditional offices, and seizing properties of corrupt officials as measures against acts of corruption (FGDs, 2022).

It was argued that the existing anti-corruption laws and institutions in the State are ineffective. According to the participants of FGDs, it is because, like many other things in Nigeria, corrupt officials in the justice agencies, for fear of losing their jobs. According to some of the participants, agencies such like the ICPC and EFCC only political opponents of the ruling class or members who have fallen out of favour with the kingmakers within the political elites. The unwritten rule is that any member of the ruling elites that has not lost favour of the kingmakers could get away with any corrupt acts (FGDs, 2022).

Some respondents were of the view that due to job security and fear of favour from the Presidency and other stakeholders, anti-corruption agencies in the region use extreme measures, such as selective prosecution of political opponents, pressuring subordinates to muddle up investigation of cases involving close associates of an incumbent, and keeping blind eyes at wrong doings by the president, in order to keep his/her job. For example, a discussant of the FGDs said in one case, a complaint was made against two PDP chieftains in the state (as NDDC contractors) where the incumbent governor (Dickson) was interested in protecting their interest since it is the same political party and as such the case alleged against them was not investigated by the anti-corruption agencies (EFCC).

Another respondent lamented that justice system (anti-corruption agencies) in the State are object of mockery; they do not investigate cases concerning NDDC embezzlement. This confirms the position from the lens of New Institutional theory in this study. Corruption in public affairs is not only contrary to legal and moral norms, it undermines the capacity of the State and its institutions to secure the welfare of all its citizens.

In responding to this institutional capacity failure, the staff of ICPC argued that ICPC has not been effective in tracking corruption in the State. The Commissioner in charge of Port Harcourt ICPC remarked that, the narrative have not changed, worst even with the emergence of President Buhari, the agency is weak in prosecuting corrupt cases, in every case, they have no power to go into the society and look for cases for investigation. For example, the restrictions imposed by the establishment Acts make the agencies handicapped (Interview, 2022).

Section 6A-F of the ICPC establishment Act provides narrow definition of corruption and requires the agency to act only on complaints from the public and organizations. The message here is that the agency could not initiate any corruption investigation when it did not receive any complaints. Also, it has to seek advice from the Attorney General's office before starting to investigate as well as prosecuting a suspect. One could imagine how serious an agency and law that are so restrictive could function in a country with large uninformed population and divisive political practices.

Probing this incapacitation of the agencies further, the EFCC Zonal Head, was of the opinion that EFCC is actually doing its best to tackle corruption in the region though some corrupt practices remain unreported but the agency usually go out to track any illegal activities in the State under investigation. He further argued that at present there is a committee of investigation in conjunction with EFCC operative inaugurated by President Muhammadu Buhari to investigate for instance, how NDDC money was shared among the identified groups of officials and contractors in the region and Bayelsa in particular (Interview, 2021). The EFCC is currently investigating the allegations and more reports are coming in from the deal although not yet prosecuted which their names could be published to the general public (Interview, 2022).

The Zonal Head further lamented that, for example, the exposure of phantom contracts and consultancies which have shortchanged the people of the Niger Delta justifies the current forensic audit of NDDC in which EFCC would be fully involved to trace culprit of corruption in the region. Those who have engaged in the wanton looting of NDDC over the years are the ones sponsoring smear campaigns and wild allegations against Senator Akpabio because of the forensic audit ordered by President Buhari. They are scared that the forensic audit would expose those who have collected multiple contracts from NDDC, collect full payment without executing the contracts. But the forensic audit is not about Senator Akpabio. It is about the resolution of President Buhari to get things right and fast track the development of the Niger Delta region. So it could not be business as usual. He noted that the current administration is determined to change the narrative of the region through fundamental reforms aimed at repositioning to ensure resources allocated to the region are well utilized (Interview, 2022).

The Zonal Head also admitted that the agency sometimes is hampered by the large amount of money corrupt individuals steal. He further stated that such amount is used in undermining the investigation of suspects and prosecutions (Interview, 2022). The EFCC Annual Report (2016) observed that, "The amount of money stolen hinders the agency from effectively prosecuting corrupt officials. These persons who stole public funds use it to hire the best lawyers. The lawyer use various tactics including 'asking courts to adjourn cases for a long period, not requesting for and ensuring that defense witnesses appear in court during trials.

Consequently, it could be argued that lack of monitoring mechanism by the NDDC and even the anti-corruption agencies, non-prosecution of defaulting contractors, as well as officials' culpability have been blamed for the agency's poor performance in Bayelsa since its inception. It is evidence that no fewer than 5, 000 developmental projects worth billions of naira, initiated by the agency have been abandoned across the entire region, with the highest number being in Bayelsa State.

In addition, apart from NDDC officials' corruption, the community leaders, traditional rulers, ex-militants and youth leaders who are also in the act of corruption which leads to abandoned projects should also share in the blame. A participant made reference to the compromised contract award process, which is allegedly the order of the day in the commission, he said:

When you take your own percentage from behind after mobilizing the contractor, you have emboldened the contractor not to perform. And because you have collected from the same contract fund, you will not have the moral standing to put pressure on the contractor to execute the project (Interview, 2022).

Bayelsa state is littered with abandoned projects which is the fault of community leaders who make unnecessary demands from contractors. Inability to execute the projects due to kickbacks and those who deliberately refuse to execute contracts run away with mobilization fees which is the perspective of the Nigerian factor. Indeed, some Bayelsans, including traditional rulers and youth leaders, plus ex-militant leaders who secure contracts from NDDC and fail to execute the contracts should share in the nonperformance of the agency in the area.

One could argue that in the last decade anti-corruption agencies in the region has been complicit of NDDC corrupt practices. For example, there are hundreds of abandoned projects in Bayelsa; no names of corrupt contractors have been published for prosecution. There is high secrecy on the financial engagements of the Commission which was a bid to cover up the corruption and misappropriations going on there, the anti-corruption agency did not intervene on this reckless management in NDDC. It could be argued here that assuming the Commission was transparent; they would have made their financial records of received and spent funds open for interested parties and researchers. However, looking at the high number of abandoned projects and the low development and lack of the basic infrastructural facilities in Bayelsa State; one does not need a soothsaying to say that there are corrupt practices in the Commission.

More evidently, it could be argued that all the efforts made by the Federal Government through the National Assembly and the Office of the Accountant General in the past to monitored the Commissions' financial spending proof abortive. The Office of the Auditor-General said it took serious exception to attempts by the NDDC to not only deny the allegations, but also casting aspirations on the integrity of the special periodic audit submitted to the National Assembly. For example, recently it was indicated that the reaction was compelled by the negative sentiments occasioned by the NDDC's condemnation of the Special report calculated to demean the efficacy of the Constitutional mandate carried out by the Office of the Auditor-General for the Federation.

It is noteworthy to state that it took NDDC 16 months to grant the Office permission to commence the periodic checks beginning from 9th December, 2011 to 6th May, 2013," the statement said. Similarly, it took another 16 months and several reminders to the NDDC with effect from the 24th of April, 2014 to 12th August, 2015 before the final report was submitted to the National Assembly. This was in line with the constitutional mandate of the Office of the Auditor General of the Federation to submit its reports to the National Assembly periodically.

In the three special audit reports submitted to the Clerk of the National Assembly, Salisu Maikasuwa, Mr. Ukura had noted that the ₦183.7 billion was discovered to be missing during the periodic checks carried out by his office on the activities and programmes of the Commission between 2008 and 2012. While about ₦70.4 billion was paid as mobilization to various contractors that never showed up at site to do the job, he said another ₦90.4 billion was discovered to be extra-budgetary expenditure “for Head and Sub-heads without approval by the legal authorities (Ukpong, 2020; Thisday Newspaper, 2020).

Equally, the sum of ₦10 billion was recorded in the books as tax deductions without evidence of remittance to the Federal Inland Revenue Service (FIRS), while about ₦5.8 billion was said to have been paid to contractors for projects not executed, stalled or abandoned, in addition to ₦1.2 billion as taxes not deducted from contractors. Again, the report said about ₦3.1 billion consisted of transfers to some unauthorized accounts, while ₦1.7 billion was outstanding staff advances never accounted for. Also, there was no evidence that about ₦785million out of ₦1.1 billion budgeted for the supply of furniture to various schools in Bayelsa and Delta State was spent on the project, despite being certified as paid (Ukpong, 2020). However, the above financial reckless of NDDC is enough for anti-corruption agencies to carry out serious investigation and bring the culprit to book but since there is a either compromise or ineffectiveness of the agency as they could achieved that not until the recent intervention of the EFCC on NDDC forensic audit which there are still politicization of the process.

What is trending in the region at present is the allegation of awarding contracts to some powerful political elites of the region. For example, Senator God’swill Akpabio the current Minister of Niger Delta Affairs who was accused of awarding NDDC contract to himself amounting to ₦500 billion which he did not execute. Also, Senator Peter Nwaoboshi (Chairman of Senate Committee on NDDC between February 2021) was alleged to have involved in NDDC contracts scam traceable to his companies. It was reported that the Senator secured contracts of ₦3.6 billion in September 2016, in what is perhaps seen as one of the biggest single case of looting of the Commission’s resources. The said company names are:

- i. Noan Integrated Services;
- ii. De Tower Construction and Allied Service LTD;
- iii. Franstine Nigeria Enterprises;
- iv. Edrihide Company;
- v. Isumabe U.K Global;
- vi. Benchmark Construction and Allied Services LTD;
- vii. Nelgat Nigeria Company;
- viii. Agh-Rown Ventures;
- ix. Edendoma Stars International and;
- x. Antlers Construction and Allied Works LTD.

The report also indicated that some of the items supplied to the Senators’ company warehouse through his cronies were later resold to the Bayelsa and Delta State Government through contracts awarded to him (Ukpong, 2020). The EFCC recently (on media) also expose another scam in NDDC contract that involved Barr. Alabh George Turnah from Ogbia local government area of Bayelsa who was alleged to have involved in looting NDDC contract funds amounting to billions of Naira traceable to his Bank Account and company’s account, although the case is still ongoing with EFCC. His companies that involved in the contracts are as follows:

- i. Kolo Creek Petroleum Development Company LTD;
- ii. Geoham Telecoms Nig. LTD;
- iii. Turnah Global Services LTD;

- iv. El-Godams Global Service LTD;
- v. Yenagoa MALL LTD;
- vi. Surgaland Integrated Farms LTD;
- vii. Celtic Pride Engineering and Construction LTD;
- viii. Celtic Pride Institute of Agriculture Studies;
- ix. Building Associates LTD.

It was reported that Turnah collected contracts amounting billions of Naira from NDDC for construction of Ogbia Local Government Brotherhood Village Building, which was awarded to one his companies and the contract sum was fully paid but he end up converting the contract to mere renovation of the hall. A source from EFCC indicated that Turnah was also involved in another NDDC contract scam which he collected huge amount of ₦6000 billion in the name of human capital development programme for Niger Delta Youths which he did not held any training or skill acquisition programmes for the youths. The same Turnah was also alleged to have involved in looting NDDC contract funds meant for electrification projects from Kolo to Ogbia Town, which was awarded to one of his companies and the projects was abandoned even when full payment was made (Niger Delta Today, 2019).

In an attempt to maintain this kind of lifestyle and for other people wanting to measure up to those living a livelihood above their income, a new greedy class, according to 40% of the participants, the class of people is rampant in Bayelsa State. Greediness is exhibited in behaviours like lack of concern for the welfare of others and insatiable desire to grab every available resource at expense of others. It is greediness that Collier & Hoeffler (2004) noted that resulted from excessive gain politicians and leaders made from resources located in territories they controlled that motivated them to reject efforts to end corruption and underdevelopment.

Furthermore, it is considered a common knowledge among Political Scientists that the presence of oil in a State is often correlated with poor governance, insurgencies, and low levels of social and economic development. According to the typical narrative of a resource cursed state (Resource Curse Thesis), corrupt leaders vie for power and the corresponding share of national oil revenue. Oil revenues in turn allow the leaders to forego taxation, eliminating their accountability to the general population, while frequent civil and interstate war undermines the establishment of strong political and economic institutions. At this point, the oil curse thesis is not merely the superstition of social scientists but rather an empirically corroborated maxim.

Given the foregoing, one could see that, in theory, the indigenes of the Bayelsa State, through the government, own the resources but in practice, ownership of natural resources such as oil, land, forestry, and fish are vested in a few privileged groups. The privileged groups usually go to any length to retain their position in power so as to retain ownership of the state's resources as it is the only way to satisfy their personal interests (greed). In articulating the theory state capture thesis in this study further, the elites of the region have capitalized on the misuse of public power for private gains even where there are check and balances. Government contracts are extremely lucrative, day paddling contracts, taking mobilization payments and not doing the work, substandard performance, arranging for kickbacks, hiring relatives or giving gifts are ways of obtaining contracts and money in the area.

Conclusion

This paper attempted to show why anti-corruption agencies failed to curb the level of corruption in Bayelsa state. The anti-corruption agencies failed because of a host of reasons that accounted for why many anti-corruption initiatives have fallen apart. Lack of sufficient information to their personnel etc.

Furthermore, laws put in place to control the acts of corruption were ineffective if not nonexistence (internal mechanism in the commission). For many people in Bayelsa State, years of neglect, decay infrastructure and poor governance have built a sense of disillusionment concerning accountability and transparency. The disenchantment is usually informed by poor anti-corruption culture in the State. They see corruption and failure of leaders as business as usual and the few people that criticize against any perceived act of corruption are labeled as political enemies. Indeed, the value system in the state is actually very weak and this is reason why efforts of the anti-corruption agencies are truncated by the inhabitants of the area. Therefore, the anti-corruption agencies left much to desire in curbing or minimizing corruption in NDDC.

Recommendations

- i. There is need for NASS, EFCC and ICPC to investigate abandoned projects by Niger Delta Development Commission (NDDC) in Bayelsa State and to prosecute those responsible and recover the public funds embezzled in the process.
- ii. There is need to make information on budgetary allocation to NDDC available to the public through official websites of both NASS and the NDDC. This should be made mandatory for the commission. From the stage of conception, planning and subsequent stages, all actors, should have information and other relevant documents. Again, awarded contracts including names, nature, value and transaction should be publicized to ensure greater accountability.
- iii. The oversight functions of NASS on NDDC should be strengthened in order to ensure that corruption does not continue to endanger development in the region.
- iv. The process of contract awarded by NDDC which is literally abused as exemplified by Senator Peter Nwaoboshi led Senate Committee on Niger Delta Affairs - the bidding process needs to be open and transparent. Again, awarding contracts to qualified and competent contractors should be ensure in the Commission.
- v. There is need for the establishment of strong and viable Civil Society Organizations (CSOs) as credible watchdog against the excesses of traditional rulers, community leaders and local politicians, who are accused of being accomplices in the network of corruption in NDDC and the region at large.

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