



UNIVERSITY OF IBADAN JOURNAL OF PUBLIC AND INTERNATIONAL LAW

VOL. 7

ISSN 1595-7047

2017

Patient's Freedom and Informed Consent in Nigeria: A Symbiotic Relationship - Ibitoye, T. R.	1
De-Criminalising Libel in Nigeria: A Cue from Ghana and the United Kingdom - Oluwafunmilayo Adesina-Babalogbon	25
Legal Appraisal of the National Industrial Court of Nigeria - Marcus Ayodeji Araromi	43
Beyond the EU-ACP EPA: How African Countries can Attain Development through Trade - Daniel Philemon Saredau	69
Jurisprudence and the Conundrum of the Benue State Anti-Open Grazing Law and the Implications for the Administration of Justice in Nigeria - Adebayo Williams Adewumi	97
Acknowledging Birth Registration as a Child's Fundamental Human Right in Nigeria - Osifunke Ekundayo	120
Terrorism and Hate Speech: Distant Relatives or Close Cousins? - Hassan Adebowale I.	139
The Legal Regime of Electronic Commerce in Nigeria: Problems and Prospects - Ibrahim Shehu	157
Exploring the Threat of Child Recruitment and Exploitation by Terrorists and Religious Extremists in Africa: A Reflection on International Legal Standards - Oluwakemi Odeyinde	174
Environmental Degradation in the Niger Delta Region: A Quest for Justice - Kingsley Osinachi N. Onu and Ebihor Deborah	194
Body Type Theories and Crime Causation: A Crimino-Legal Discourse of the Offences of Robbery, Stealing and Obtaining Credit by Fraud in Nigeria - Akingbehin Emmanuel Ologbenga	223
The Right of Aliens to Hold Interest in Land: Demystifying the Conundrum of "All Nigerians" and "Any Person" As Used in the Land Use Act - Oluchi Nwafor-Maduka	246
Multinational Enterprises and Transfer Pricing in Nigeria: Tailoring the Arm's Length Principle for Development - Derek Adetokunbo Obadina	267
Reparation as a Veritable Tool for Redressing Women's Reproductive Rights Violations in Armed Conflicts in Nigeria - Folake O. Ajagunna	295
The Phenomenon of Child Marriage: A Violation of Human Rights - Ayoola Abuloye	317
Corruption in the Defence Sector and Armed Conflicts in Nigeria: Defining the Nexus - Deborah D. Adeyemo	332
FIFA and Mandatory Football Arbitration Challenges of Arbitrability and Constitutionality - Emmanuel Oluwafemi Olowonoi	356
Analysis of the Legal Frameworks for Combating Human Trafficking in Nigeria - Chinenye Joy Mgbeokwere	380
Private Good Versus Public Interest: Conflict of Interests in Intellectual Property Rights in Health and Biotechnology - Jadesola O Lokulo-Sodipe	409
Appraisal of Nigeria's Microfinance Policy, Regulatory and Supervisory Framework A. A. Oluwabiyi and B. Posu	429



UNIVERSITY OF IBADAN

JOURNAL OF PUBLIC AND INTERNATIONAL LAW (UIJPIL),
PUBLISHED BY THE DEPARTMENT OF PUBLIC LAW AND
DEPARTMENT OF JURISPRUDENCE AND
INTERNATIONAL LAW

UIJPIL., Vol.7, 2017

ISSN 1595-7047

© Department of Public Law and Department of
Jurisprudence and International Law
Faculty of Law, University of Ibadan, Ibadan, Nigeria.

Except for quotation of brief passages in criticism and research, no part of this publication may be reproduced, stored in retrieval system or transmitted in any form or by any means, electronics, mechanical, photocopying, recording or otherwise without the prior permission of the copyright owner.

Views expressed in this Journal are those of the authors and do not necessarily represent the views of the Department of Public Law and Department of Jurisprudence and International Law, University of Ibadan.

Corruption in the Defence Sector and Armed Conflicts in Nigeria: Defining the Nexus

Deborah D. Adeyemo

Abstract

Ordinarily, armed conflicts and corruption appear disparate, but studies have shown that the two concepts are not unconnected. While a comprehensive definition of corruption seems elusive, it is clear that it plays an overarching role before, during and after armed conflicts. In the last decade, Nigeria has suffered immensely from the ills of internal armed conflicts which are easily traced to poor governance, ethnic/religious crises, political and economic inequality, insurgency and so on without any direct link to the role of corruption. This paper attempts a theoretical explanation for the link between armed conflicts in Nigeria and corruption in the Defence sector with specific focus on Boko Haram insurgency in the north-eastern part of Nigeria. The paper examines the capacity of a state to offer good governance and provide security within and around its borders and its direct impacts on the incidence and dynamics of internal armed conflicts. The greed and grievance theory may have proffered the possible nexus between internal armed conflicts and corruption but the exact role of corruption in armed conflicts is situation-specific. While corruption may not necessarily initiate internal armed conflicts, it may be an underlining factor in shaping the incidence, duration and character of armed conflicts.

In about a decade since the insurgency started, Nigeria has suffered immensely from and is still grappling with the ills of internal armed conflict. The susceptibility of the Nigerian defence system to corruption and manipulative activities of politicians reveals the ills of corruption before, during and after armed conflict. Corruption in arms and military equipment procurement, lack of transparency in military expenditure and contracts, laundering of proceeds of such corrupt deals by corrupt military officials have far-reaching consequences in exacerbating armed conflicts. This paper focuses on the Armsgate scandal of 2014 and the subsequent report by Transparency International (TI).

Keywords: Armed conflict, Corruption, Nigeria, Insecurity, Boko Haram

* Lecturer, Department of Public Law, Faculty of Law, University of Ibadan, Ibadan.

Introduction

Armed conflicts and corruption are two distinct concepts which may not be unconnected. While armed conflicts are characterised as undesirable situations of protracted violence which usually have an end, corruption may be systemic and pervasive. Globally, armed conflicts in recent times have been characterised in terms of internal armed conflicts in form of civil wars, terrorism, rebel movements involving both state and non-state armed actors etc. Both armed conflicts and corruption have negative impacts on the security, growth and development of a state. Even though corruption is often criticised as the arch enemy and the progenitor of all the evils and ills of a society, to what extent can corruption be held responsible for armed conflicts? While there are several explanations for the cause, initiation, intensity and duration of armed conflicts, the extent to which these narratives acknowledge the role of corruption is largely unclear.

With particular focus on the Nigerian experience in the fight against *Boko Haram* insurgency, this article examines the role of corruption in armed conflicts more than the role of armed conflicts in engendering corruption. While it is acknowledged in this paper that corruption often plays out in other forms and dimensions in situations of armed conflict, the specific focus in this paper is corruption within the Nigerian security sector. This paper looks specifically at corruption in the defence sector and how this contributes significantly to situations of armed conflicts in Nigeria. It highlights the report of the *ad hoc* committees on the defence sector investigation covering the period 2007-2015 in relation to corruption and its effects on the fight against *Boko Haram* insurgency.

This paper is divided into six parts. Part one gives a brief introduction to the paper. Part two discusses the concept of corruption while briefly highlighting its effects. Part three examines the concept of armed conflict with specific emphasis on internal armed conflicts and the *Boko Haram* insurgency in Nigeria. Part four presents the main thrust of this paper which establishes that there is a symbiotic relationship between corruption in the defence sector in Nigeria and the unending insurgency in the north-eastern part of Nigeria. Part five outlines possible ways of combating corruption in armed conflicts while part six concludes the paper.

The Concept of Corruption

Defining Corruption

Corruption is a widely known and used word especially in political parlance, which has no single universally-acceptable definition in the legal context. Various attempts at defining corruption have only ended in describing the forms of corruption¹. The definitions of corruption are varied, usually contextualised and widely contested. In the words of Transparency International (TI), corruption is "the misuse of entrusted power for private gain". Other organisations such as the World Bank (WB), United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP) have defined corruption along the same lines as Transparency International². The major problem with these definitions is that it is largely non-legal in nature, in that they tend to restrict corruption to the public sector while ignoring the existence of corruption in the private sector.

Realising the difficulty with absolutely defining corruption, many international and regional legal instruments on corruption such as the United Nations Convention Against Corruption (UNCAC)³, African Union Convention on Preventing and Combating Corruption (AU Convention)⁴, Economic Community of West African States Protocol on the Fight against Corruption (ECOWAS Protocol)⁵, Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions⁶ describe and criminalise certain acts as corruption rather than define it. These legal instruments criminalise acts such as bribery⁷, embezzlement, misappropriation or diversion of public property⁸, trading in

¹ The United Nations Office on Drugs and Crime in Global Programme Against Corruption – UN Anti-Corruption Toolkit states that attempts to formulate a single and acceptable definition, encounter legal, criminological and political problems.

² Transparency International 'How do You Define Corruption' Available at <<https://www.transparency.org/what-is-corruption#define>> Retrieved (25 May 2018). The definition by World Bank and United States Agency for International Development (USAID) is along the same line with TI'S definition corruption as the abuse of public office or entrusted authority for private gain. The United Nations Development Programme (UNDP)'s Anti-Corruption Practice note definition is largely similar to this definition.

³ Adopted 31 October 2003 and entered into force in 14 December 2005.

⁴ Adopted on 11 July 2003 and entered into force 5 August 2006.

⁵ Adopted 21 December 2001.

⁶ Adopted 17 December 1997 and entered into force 15 February 1999.

⁷ Articles 15-16 UNCAC. Private Sector bribery criminalised in Article 21 of UNCAC. Article 4 of the AU Convention.

⁸ Article 17 UNCAC.

influence,⁹ abuse of public function,¹⁰ illicit enrichment,¹¹ money laundering,¹² obstruction of justice. Similarly, academic attempts at defining corruption have only succeeded in describing various forms of corruption rather than produce a single comprehensive definition. Chinhamo and Shumba defined corruption as "the abuse or complicity in the abuse of private or public power, office or resources for personal gain"¹³.

Clearly evident from the various definitions is the typologies of corruption. Thus, there are various types of corruption which include political or grand corruption/petty corruption, active/passive corruption, systemic /sporadic corruption, clientelism, patrimonialism, kleptocracy, state capture, and rent-seeking¹⁴. The general problem with the various definitions is that they are usually contextualised in the perspective of the author or institution defining them. Consequently, there are legal, political, economic definitions of corruption as much as there are narrow and restricted or wide and fluid definitions. Conclusively, these definitions may be viewed from two main perspectives; the universalist approach which attempts to define corruption regardless of the cultural context and the relativist approach which is not universal and strongly linked to a cultural context. Conversely, the idea which runs across all the various definitions is the notion of "undue advantage". For the purpose of this paper, corruption is construed to define a wide range of abuse or manipulation of power, whether private or public to gain undue advantage.

Corruption connotes a negative concept which damages, disrupt and destroys various aspect of the life of any society and, thus, is very true to its etymological roots and its linguistic origin. The word corruption comes from the Latin term "*corruptus*" or "*corrumpere*" which mean "spoiled" or "break into pieces"¹⁵. Transparency

⁹ Article 18 UNCAC.

¹⁰ Article 19 UNCAC.

¹¹ Article 20 UNCAC.

¹² Article 23 UNCAC.

¹³ Chunhamo O. and Shumba G., "Institutional Working Definition of Corruption" Working Paper 1 ACT Southern Africa Working Paper Series ACT/1/2007/WPS 2007.

¹⁴ Guoping J., *Corruption Control in Post-Reform China*, Singapore: Springer, (2017), p. 12-13. Johnston M., "Fighting Systemic Corruption: Social Foundations for Institutional Reform" 10:1, (1988) *European Journal of Development Research* p.87.

¹⁵ Online Etymology Dictionary Available at <<https://www.etymonline.com/word/corrupt>> Retrieved (21 May, 2018).

International reckons that corruption has political,¹⁶ economic,¹⁷ social¹⁸ and environmental consequences. In the political sense, corruption is a major obstacle to democracy and the rule of law. Economically, it depletes national wealth socially, it corrodes the social fabric of the society and it is a major cause of environmental degradation¹⁹. While there are arguments and established schools of thoughts against condemning corruption in its entirety²⁰, the consequences of corruption run deep into the fabrics of any society and are usually negative in the long run²¹. There are several theories which try to explain the causes of corruption. Such theories include the rational choice theory, administrative discretion theory, the Adam and Eve theory and the bad apple theory²². These theories, though valid and plausible, attribute the incidence of corruption to different and varying factors, affirming that it is impossible to attribute corruption to a single all-encompassing cause.

Armed Conflict

Armed conflict is reportedly as old as mankind²³. While there is no general definition of armed conflict in international legal instruments, especially those on international

¹⁶ Gonzáles, A., "Governance for the 21st Century: The Fight Against Corruption in Latin America", 6, (2007), *LIT Verlag Münster* p. 71-72.

¹⁷ *Ibid* pp.81-82.

¹⁸ *ibid* pp. 86-87. Klitgaard R., "'International Co-operation against Corruption' 35:1, (1998) *Finance and Development* p.3.

¹⁹ Transparency International 'What are the Cost of Corruptions' Available at <<https://www.transparency.org/what-is-corruption#define>> Retrieved (25 May, 2018). Gonzalez identifies crime as one of the social consequences of corruption. Gonzáles (2007) *op. cit.* p. 92.

²⁰ There are arguments that corruption is not entirely negative and not generally as bad as popularly perceived. Corruption is viewed as a symptom of other ills in the society and not necessarily a cause of societal woes. This school of thought takes a revisionist approach to the issue of corruption which believes that corruption is the "grease" of political machinery and could assist a weak and dysfunctional state in 'getting things done'. Corruption may actually be a cause of progress as it could speed up business. This school of thought however, agree that corruption is only good in a short term and constitute a menace to the society in the long run. Proponents of this arguments include Huntington S., "Modernisation and Corruption" p.64. Leif N., 'Economic Development through Bureaucratic Corruption' p.8. Joseph Nye and Colin Leys are also proponents of this argument.

Gonzáles (2007) *op. cit.* p. 92.

²¹ De Graff G., "Causes of Corruption: Towards a Contextual Theory of Corruption", 31:1/2, (2007) *Public Administration Quarterly*, p. 45-47.

²² International Committee of the Red Cross (ICRC) War and International

²³ Humanitarian Law 29 October, 2010. Available at <<https://www.icrc.org/eng/war-and-law/overview-war-and-law.htm>> Retrieved (16 May, 2018).

humanitarian law (IHL), the International Tribunal for Former Yugoslavia (ICTY)'s definition is commonly adopted. ICTY defines armed conflict as a situation which "exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State"²⁴. Armed conflict, described this way, is clearly distinguished from other situations of armed violence which have no direct correlation or meaning within the definition in international humanitarian law and, as such, would not require the application of the rules of international humanitarian law.

In international humanitarian law, armed conflict is mainly classified into International Armed Conflict (IAC) and Non-International Armed Conflicts (NIAC)/ internal armed conflict. International armed conflict is defined as "any difference arising between two States and leading to the intervention of armed forces ... even if one of the Parties denies the existence of a state of war. It makes no difference how long it lasts or how much slaughter takes place"²⁵. This definition extends the meaning of armed conflict to include fight against colonial domination, alien occupation or racist regimes in the exercise of their right to self-determination²⁶.

Non-international armed conflict, as the name suggests, is any armed conflict that does not fall within the definition of international armed conflict. Common Article 3 of the Geneva Convention and Additional Protocol II distinguishes non-international armed conflict from international armed conflict as "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties"²⁷. Non-international armed conflict in this sense includes such armed conflict in which one or more non-governmental armed groups are involved which may occur between governmental armed forces and non-governmental armed groups or between such groups only.

Internal armed conflict is further distinguished from other situations of internal armed violence, such as internal disturbances, civil unrest, isolated acts of terrorism or sporadic acts of violence under two conditions laid out by the Additional Protocol II²⁸.

²⁴ *The Prosecutor v. Dusko Tadić* ICTY Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction IT-94-1-A 2 October, 1995 Para. 70. Available at <<https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic>> Retrieved (25 May, 2018).

²⁵ Pictet J., *Commentary on the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, Geneva: ICRC 1953 p.32.

²⁶ Article 1 para. 4 Additional Protocol I.

²⁷ Common Article 3 of the Geneva Conventions 1949.

²⁸ Article 1 (2) Additional Protocol II.

The two conditions relate to the intensity of the violence and the organisation of the parties. First, the hostilities must reach a minimum level of intensity; that is, necessitate the involvement of the State's armed forces. Second, non-governmental groups involved in the conflict must show a minimum level of organisation. Such non-governmental armed group must be considered parties to the conflict as organised armed forces with a certain command structure and capacity to sustain military operations²⁹. The ICTY construed internal armed conflict as "protracted armed violence between governmental authorities and organised armed groups or between such groups within a State"³⁰. Such armed conflict must occur within the territory of the State³¹.

Thus, in the context of this paper, the definition of non-international armed conflict as offered by the ICTY is adopted to mean a protracted armed violence between governmental armed forces and one or more forces of armed groups or between such groups arising within the territory of a State. In reality, there are no strictly and clearly defined classifications of armed conflict into legal categories³². Other concepts which capture other situations of internal armed conflict have also been identified within the context of international humanitarian law. Such other concepts include "transnational armed conflict" or "extra-state armed conflict" which involve non-international armed conflict taking place in the territory of several states³³, situations of foreign intervention in internal armed conflict such as a third state in support of one or more parties to the armed conflict or intervention of multinational forces in the course of peace-keeping operation³⁴, internationalised internal armed conflicts and so on. Internal armed conflict

²⁹ Schindler D., 'The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols', 163 II, (1979), *RCADI*, p. 147. *The Prosecutor v. Dusko Tadić op. cit.*

³⁰ Common Article 3 of the Geneva Conventions 1949. The definition already suggests that such conflicts must occur within the territory of a State. The fact that the conflict spreads beyond the borders of a State, with victims in other State does not necessarily change the nature of an armed conflict form being Internal.

³¹ Vite S., "Typology of Armed Conflicts in International Humanitarian Law: Legal Concepts and Actual Situations", 873, (2009), *ICRC Review*, p. 91. Corn Hamdan G. S., "The Regulation of Armed Conflict: The Need to Recognise a Hybrid Category of Armed Conflict", 40:2, (2007), *Vanderblit Journal of Transnational Law*. Corn argues that the provisions of international humanitarian law as reflected in Common Article 3 should be applicable to such conflicts. Vite S., *ICRC Review* [2009] *Ibid.*

³⁴ For instance, in the conflict in the Democratic Republic of Congo (DRC) in 1998, armed forces from Rwanda, Uganda, Angola and Zimbabwe intervened to support various groups in the DRC.

could take the form of insurgency, civil war, armed militancy, and rebel movements among others³⁵.

Globally, the wave of internal armed conflicts swept across various countries in the period after World War II and consequently became heightened during the period of the Cold War and even afterwards³⁶. The bulk of these armed conflicts were on the African continent and they were characterised more in the form of rebel movements, insurgency and civil war in various countries such as Sudan, South Sudan, Somalia, Uganda, Democratic Republic of Congo (DRC), Chad, Nigeria, Liberia, Sierra Leone, Cote d'Ivoire and Central African Republic (CAR). Internal armed conflicts witnessed in these countries have grand corruption as one of the identifiable root causes. Issues such as embezzlement, misappropriation of public funds and illicit enrichment by public officers, political inequality were adduced as some of the grievances of rebel groups which toppled government in the Republic of Chad, the civil war in Liberia and Sierra Leone³⁷.

Armed conflicts impose huge cost of various magnitudes on the state and individuals within the state. Cost of armed conflicts may be viewed from different perspectives, national, regional and international costs. First, the direct cost of war in terms of military expenditure and economic implications is huge. Africa suffers an estimated loss of 18 billion dollars annually³⁸ and between 1990 and 2005 about 140 billion dollars as a result of war or insurgency³⁹. Secondly, the physical and psychological costs on individuals in terms of injury, death, displacement, economic and social disruption among others are devastating. Suffice it to state that for the purpose of

³⁵ Cullen A., "Key developments Affecting the Scope of Internal Armed Conflict in International Humanitarian Law", 183, (2005), *Military Law Review* p.74, 77. Draper G.I., "Humanitarian Law and Internal Armed Conflicts" 13:253, (1983), *Georgia Journal of International and Comparative Law* p.254, 261.

³⁶ Enuca C., 'Post-Cold War Conflicts: Imperative for Armed Humanitarian Intervention', 12:9, (2012), *Global Journal of Human Social Sciences Interdisciplinary* p.19, 21 Available at <https://globaljournals.org/GJHSS_Volume12/3-Post-Cold-War-Conflicts-Imperative.pdf> Retrieved (12 August, 2018). Urdah H., "The Devil in the Demographics: The Effect of Youth Bulges on Domestic Armed Conflict, 1950-200", 14, (2004), *Social Development Papers*, p.1. Gleditsch N. P., Wallensteen P., Eriksson M., et al., "Armed Conflict 1946-2001: A New Dataset" 39:5 (2002), *Journal of Peace Research*, p.616, 621.

³⁷ Le Billon P., "The Political Ecology of War: Natural Resources and Armed Conflicts", 20:5, (2001), *Political Geography*, p.563-566.

³⁸ Oxfam International Available at <<https://www.oxfam.org/sites/www.oxfam.org/files/africas%20missing%20bils.pdf>> Retrieved (18 May 2018).

³⁹ The Telegraph 'Cost of Wars in African equal to All Aids Money' Available at <<http://www.telegraph.co.uk/news/worldnews/1565974/Cost-of-wars-in-Africa-equal-to-all-aid-money.html>> Retrieved (18 May 2018):

this paper the focus is strictly on internal/ non-international armed conflicts and, in particular, *Boko Haram* insurgency in north-eastern Nigeria.

Greed and Grievance Theory

Armed conflicts may be attributed to several factors and causes. The conventional proposition entrenched in political science is that internal armed conflicts are motivated by some form of repression or grievance⁴⁰. Armed conflicts are attributed to political, social and ethnic grievances such as inequality or marginalisation, political repression, ethnic/religious divisions, and injustice⁴¹. The grievance theory is rooted in the concept of relative deprivation⁴². The concept of relative deprivation describes the significant discrepancy between the expectation of people and what they are actually likely to get⁴³. Such discrepancies which are usually defined in terms of inequality, socio-economic conditions, access to power and protection of collective rights are likely to cause internal armed conflicts⁴⁴.

The more contemporary view is embedded in the greed argument⁴⁵. This theory reckons that internal armed conflicts are caused by greed and not necessarily grievance. It advances the view that, while it is undeniable that there may be political motivations behind armed conflicts, the nature and character of internal armed conflicts also suggest underlying ill-motivated economic and personal gains beyond the political dynamics of

⁴⁰ Collier P., Hoeffler A., Rohner D., "Beyond Greed and Grievance: feasibility and Civil War", 61:1, (2009), *Oxford Economic Papers*, p.5. Ballentine K., and Sherman J., (eds.), *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, UK: Lynne Rienner Publishers Inc., 2003, p.5.

⁴¹ Smith D., "Trends and Causes of Armed Conflicts", in *Transforming Ethnopolitical Conflict v. Verlag für Sozialwissenschaften, Wiesbaden* (2004), p.116. Available at <http://edoc.vifapol.de/opus/volltexte/2011/2576/pdf/smith_handbook.pdf> Retrieved (22 May, 2018). Ballentine K., and Sherman J., (eds.), 2003, *op. cit.*, p. 6-8. Collier P., 'Economic Causes of Civil Conflict and Their Implications for Policy' (2000) p.1. Available at <<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.460.9440&rep=rep1&type=pdf>> Retrieved (22 May, 2018).

⁴² Mangus Theisen O., "Blood and Soil? Resource Scarcity and Internal Armed Conflict Revisited", 45:6, (2008), *Journal of Peace Research* p.803-804. Urdah H., (2004), *op. cit.* p.3-5. Smith D., (2004), *ibid.* p.115.

⁴³ Gurr T. R., "Sources of Rebellion in Western Societies: Some Quantitative Evidence", 391, (1970), *Annals of American Academy of Political and Social Sciences* 128-144.

⁴⁴ Stewart F., "The Root Causes of Humanitarian Emergencies" in Nafziger W. E., Stewart F., and Väyrynen R., (eds.) *War, Hunger and Displacement: The Origins of Humanitarian Emergencies* Oxford University Press 2000, p. 23.

⁴⁵ Collier P., and Hoeffler A., "Greed and Grievance in Civil War", 56, (2004), *Oxford Economic Papers*, p.566.

armed conflicts⁴⁶. This theory shows that countries with abundant natural resources and high poverty level are prone to armed conflicts⁴⁷. The theory argues further that internal armed conflict is considered as an "opportunity for booty-hunting by other means"⁴⁸. Non-state armed groups such as rebel groups, armed insurgents and other armed combatants are motivated by the opportunity to exploit State's natural resources and often conceal this motivation in a grievance narrative which could be political, social or ethnic in nature. Armed conflict is perceived as a means of generating income from internal sources through the plunder of populations and resources and from external sources such as international humanitarian organisations in form of international humanitarian aid and relief materials. There are also proponents of both arguments who advance the idea that internal armed conflicts could be attributed to both greed and grievance and both are complementary rather than exclusive cause of armed conflicts⁴⁹.

The economics of armed conflict present a complex yet simple network of criminal activities which are deeply rooted in various forms of corruption. On the other hand, organised crimes are an inevitable feature of armed conflicts which entail a highly-syndicated and coordinated criminal enterprise that cannot be devoid of economic interest and motivations. Organised crimes such as arms, human and drug trafficking are major drivers of armed conflicts. Armed conflicts are sustained by proceeds of organised crimes as much as the crimes themselves. Non-state armed forces make use of arms and weapons which are made available through cross-border smuggling and internal trafficking. These arms are not purchased from recognised dealers and brokers and usually not from the open market. Such arms are purchased from black markets at relatively cheaper prices and usually with proceeds of crime. Beyond the greed and grievance theory, some other theories have been advanced with respect to the causes of armed conflicts. However, the focus of this paper is on the

⁴⁶ Armed conflicts could be driven by both economic, political, and other strategic factors. Ballentine K., and Sherman J., (eds.), 2003, *op. cit.*, p.10.

⁴⁷ Collier P., and Hoeffler A., (2004), *op. cit.*, p.568.

⁴⁸ Munkler M., *The New Wars* (2005) Cambridge as quoted in Farrell T., and Schmitt O., "The Causes, Character and Conduct of Armed Conflicts and the Effects on Civilian Populations 1990-2010" (2012) Legal and Protection Policy Research Series United Nations High Commissioner for Refugees p.4.

⁴⁹ Querido C. M., "State Sponsored Mass Killing in African Wars – Greed or Grievance?", 15 3, (2009) *International Advances in Economic Research*: 351-361. Murshed S. M., and Tadjoeiddin M. Z., "Revisiting the Greed and Grievance Explanations for Violent Internal Conflict" 21 1, (2009), *Journal of International Development*, p.102.

economic theory of armed conflicts which associates the causes of armed conflicts with greed and economic gain.

Armed conflicts have devastating effects on the countries and parties involved and negative impacts globally. The impacts of armed conflict could be measured in terms of the direct and indirect cost on individuals, states, region and the international community. In economic terms, armed conflict has a huge cost in terms of military funding and expenditure, the cost of post-conflict rebuilding and rehabilitation and so on. The impact of armed conflicts could also be measured in terms of the physical and psychological impact on individuals and the state in terms of injury, death, displacement, economic and social disruption, and disintegration of a state among others⁵⁰. In some cases, a single incident of conflict may lead to an unending cycle of conflicts as the end of one gives rise to another. Armed conflict situations in African countries such as Sudan, South Sudan Libya and Democratic Republic of Congo exemplify the unending cycle of armed conflicts⁵¹.

Even though the greed theory has been criticised as promoting bias against non-state actors in armed conflicts without focusing on the role of the state, it appears plausible⁵². It seems to give validity to selfish motivations for initiating conflicts leaving out factors which protract and exacerbate war conditions and overlook genuine political undertones. While these two theories seem to be built round the specific country case studies of several internal armed conflicts, they are largely valid and verifiable.

Armed Conflicts in Nigeria

Nigeria has had its fair share of armed conflicts since independence in 1960. While Nigeria has not been involved in any international armed conflict since its independence, it has had a number of internal violence, disturbances, riots and even military coups. Notably, within the meaning of armed conflicts as construed in this paper, Nigeria has had two major armed conflicts since independence. The first prominent armed conflict was the civil war of 1967 which lasted till 1970 between the Nigerian Army and the

⁵⁰ Lacina B., and Gleditsch N. P., "Monitoring Trends in Global Combat: A New Dataset of Battle Deaths", 21, (2005), *European Journal of Population* p.154. Available at <[https://www.prio.org/Global/upload/CSCW/Data/Battle Death/Monitoring%20trends%20in%20global%20combat%20EJP.pdf](https://www.prio.org/Global/upload/CSCW/Data/Battle%20Death/Monitoring%20trends%20in%20global%20combat%20EJP.pdf)> Retrieved (22 May, 2018).

⁵¹ Smith D., (2004), *op. cit.*, p.114-116.

⁵² Ballentine K., and Sherman J., (eds.), 2003, *op. cit.*, p.12. Murshed S. M., and Tadjoeeddin M. Z., (2009) *op. cit.* p.105. Collier P., (2000), *op. cit.* p.1-2.

Biafran secessionist army. Before then, there had been various forms of armed violence in the form of political crises in the mid-western region in 1963 and violent military coups. Even after the civil war, there were several bouts of armed violence which did not come within the definition of armed conflicts in IHL. Since 2009 when the *Boko Haram* insurgency started gaining prominence in the north-eastern part of the country, Nigeria has been plunged into an armed conflict of non-international character. The focus of this paper is on armed conflicts as experienced in the north-eastern part of Nigeria in the form of *Boko Haram* insurgency. *Boko Haram* insurgency is widely-believed to have gained prominence in 2009⁵³, even though some narratives trace its existence as far back as the 1960s⁵⁴. There is, however, a consensus that *Boko Haram*'s official name is *Jama'atu Ahlis Sunna Lidda'awaiti wal Jihad* which is an Arabic expression meaning people who are committed to the *hadith* of prophet Muhammed's teaching and Islamic jihad⁵⁵.

There is no consensus as to the true nature of the group, as the group initially presented itself as an Islamic sect whose mission was religious in nature. Its mission has, however, undergone several changes since it gained prominence in 2009. Alozieuwa argues that the group's mission from the outset was to impose sharia⁵⁶ on Nigeria⁵⁷. In July 2009, the group carried out its first massive violent attack⁵⁸. Since 2009, *Boko Haram* has carried out several terror attacks on religious places of worship, police

⁵³ Adetoro A. R., "Boko Haram Insurgency in Nigeria As A Symptom of Poverty and Political Alienation" 3:5, (2012), *IOSR Journal of Humanities and Social Sciences*, p. 21. Available at <https://www.researchgate.net/profile/Adetoro_Rasheed/publication/271293888_Boko_Haram_insurgency_in_Nigeria_as_a_symptom_of_poverty_and_political_alienation/links/57e19d7d08ae1f0b4d93ed85.pdf> Retrieved (21 May, 2018).

⁵⁴ Aro O. I., "Boko Haram Insurgency in Nigeria: Its Implication and Way Forward Towards Avoidance of Future Insurgency", 3:11, (2013), *International Journal of Scientific and Research Publications*, p.1. Aro quotes Ekanem S.A. et al., (2012) to have traced the existence of *Boko Haram* group to the 1960s but only started to draw attention in 2002. According to Aro the group operated under the name "Shabaab Muslim Youth Organisation" since 1995. Alozieuwa also records that there are narratives which trace the existence of *Boko Haram* group to 1995. Alozieuwa S.H "Contending Theories on Nigeria's Security Challenge in the Era of *Boko Haram* Insurgency", 7:1, (2012), *Peace and Conflict Review* p.1. Okoli et al. also argue that *Boko Haram* group became a security threat to Nigeria since 2002. Okoli A. C. and Iortyer P., "Terrorism and Humanitarian Crises in Nigeria: Insights from *Boko Haram* Insurgency", 14:1, (2014), p.43.

⁵⁵ Aro O. I., (2013), *Ibid*. Adetoro A. R. (2013) *op. cit.* p.21. Okoli A. C. and Iortyer P., (2014), *ibid*. p.43.

⁵⁶ Meaning Islamic law.

⁵⁷ Alozieuwa (2012) *op. cit.* p.1.

⁵⁸ Okoli et al. (2014) p.44, Alozieuwa (2012), p.1 and Adetoro (2012), p.1 *op. cit.* state that the arrest and death of Ustaz Yusuf Muhammed, an acclaimed leader of the *Boko Haram* group, following a violent confrontation between the group members and the police force in Borno State marked the beginning of insurgency by the group.

stations, secondary schools and universities, government-owned properties, and public places in various villages and towns in Adamawa, Bauchi, Borno, Kano, Yobe and other states in the north-eastern part of Nigeria. *Boko Haram* terror activities became heightened between 2011 and 2014 when it carried out vicious terror attacks on the Nigerian Police Headquarters and the United Nations House in Abuja, abduction of civilians including women and school children, pillaging and several forms of crimes against humanity⁵⁹. Among other physical, socio-economic and political impacts, *Boko Haram* insurgency has had devastating impacts on the security of the states of the north-eastern region as well as the entire country⁶⁰. In response to *Boko Haram* insurgency, Nigerian government declared the *Boko Haram* group a terrorist group and declared anti-terror war against it. At various points, the Nigerian government mobilised and deployed the Nigerian army and other *ad hoc* security apparatus in form of the Joint Task Force (JTF) into the affected states. It is widely reported that *Boko Haram* group has strong affiliations with notorious international terrorist groups such as the Al-Qaeda Islamic Maghreb and Al-Shabaab in Somalia⁶¹.

Corruption in Nigeria

Corruption and armed conflicts are separate and distinct concepts which have symbiotic relationship. Corruption, in itself, is endemic and pervasive during peace time as much as during armed conflicts. While corrupt activities can be both clandestine and overt, armed conflicts are never hidden, disastrous and not easily curtailed. Both have consequences which outlast the immediate period of occurrence and run up to decades. It is, therefore, difficult to establish or trace accurately the history or extent of corruption within a society, especially where it is entrenched and pervasive.

⁵⁹ Forest J. J., *Confronting the Terrorism of Boko Haram in Nigeria*, Joint Special Operations University Report 12:5, MACDILL AFB FL, (2012), p.65-68. Available at <<http://www.dtic.mil/dtic/tr/fulltext/u2/a591800.pdf>> (22 May, 2018).

⁶⁰ Nigeria has experienced the worst humanitarian crises, internal displacement, emigration and the height of human rights abuses following the onslaught of the *Boko Haram* insurgency. Okolie *et al.* *op. cit.*, p.43. Aro O. I., (2013), *op. cit.*, p.2.

⁶¹ Connell S., "To Be or Not To Be: Is Boko Haram a Foreign Terrorist Organisation?", 3:3, (2012), *Global Security Studies*, p. 89. Available at <<http://globalsecuritystudies.com/Connell%20Boko%20Haram.pdf>> Retrieved (25 May, 2018). Blanchard L. P., "Nigeria's Boko Haram: frequently Asked Questions", 6, (2014), p.7-8. Available at <<http://www.goodtimesweb.org/diplomacy/2014/R43558.pdf>> (Retrieved 22 May, 2018).

According to Transparency international (TI), Nigeria ranks 148th out of 180 countries in the 2017 Corruption Perception Index (CPI). In 2016, Nigeria scored 27 out of 100, ranking 136th out of 176 countries. Even though it is not the aim of this paper to examine the general prevalence of corruption in Nigeria, it is apposite to state that Nigeria has consistently maintained a position as one of the most corrupt countries on the Corruption Perception Index. Many African countries which ranked tops in the index are either presently going through one form of internal armed conflict or the other or just recovering from armed conflicts. This raises such questions as to the possible connection between armed conflicts and corruption within a society. This becomes significant in examining whether corruption in situations of armed conflict plays any role in either fuelling or quelling armed conflict, or as a causal, exacerbating or ameliorating factor. Conversely, it is also important to examine whether armed conflicts engender or encourage corruption.

The Connection between Corruption and Armed Conflicts: Theoretical Explanations

First, corruption entails a systemic violation of a people's humanity which can trigger enraged response from the people resulting in internal armed conflicts. There is an established interconnection between governance, mismanagement of State resources and internal armed conflicts⁶². Corruption may fuel political and social grievances against such conditions as inequality, inadequate resources, and poor living conditions. Such grievances motivate uprisings and rebel movements against government which culminate in armed conflicts⁶³. The natural resources of a State such as oil, precious stones, diamond, gold, timber, and cash crops should ordinarily contribute to a State's economic and social development. Based on the grievance theory, the misuse of national revenues generated from these resources engenders a rapid decline in the economy and general development of a State and promotes violent conflicts. Rent-seeking associated with corruption in these States that are rich in natural resources may also fuel internal armed conflicts as those who are excluded from rent may resort to violence to gain

⁶² Ballentine K., and Sherman J., (eds.), 2003, *op. cit.* p.6, 10. Querido C. M., (2009), *op. cit.* p.354.

⁶³ For instance, the 'Arab Springs' uprisings is largely attributed to corruption which may have been blown over by other grievances which facilitated various movement against governments in the Middle East.

control over the resources for private gain⁶⁴. Resource exploitation and plunder is identified as a major driver of the armed conflict in the Democratic Republic of Congo⁶⁵.

While this study does not intend to focus on other forms of violent struggles resulting from mismanagement of state resources, it is pertinent to state that the spate of armed militancy in the Niger Delta (south-south) region of Nigeria is not unconnected with several years of corrupt and repressive regimes in the oil-rich region. There is little evidence that *Boko Haram* insurgency in Nigeria is directly caused by the exploitation and mismanagement of its natural resources but the nature of the insurgency suggests that the *Boko Haram* insurgents are interested in the natural resources available in the country. The reported occupation of several towns and villages in Adamawa, Bauchi and Borno states may not be unconnected to selfish and exploitative economic interest of the insurgents⁶⁶.

Political or grand corruption may engender armed conflicts. The systemic embezzlement and misappropriation of state funds by corrupt regimes can provoke discontent among citizens and public rage especially in a resource-rich country like Nigeria. Some of the state funds which have been corruptly embezzled and misappropriated are often used for selfish political gains. It is common knowledge that politicians procure the services of political sycophants and rouses who are often provided with arms illegally-procured in order to realise selfish political aims especially during elections. These arms remain in circulation within the polity even after such aims might have been either realised or aborted. The availability of arms within the society engenders violence and exposes unemployed youths to violent activities which may promote armed conflicts. For instance, communal clashes which could ordinarily be peacefully resolved escalate into armed violence between two or more rebel groups. This destructive structure is sustained by petty corruption as much as it is by grand corruption.

⁶⁴ Transparency International reports that in Sierra-Leone for instance, corruption in relation to mining and trade in diamonds deprived the State of revenues which consequently resulted in poor public services and decline in the country's economy. This sprouted rebellion from youths, who felt marginalised and raised support for the Revolutionary United Front in the early days of the civil war in Sierra-Leone. Pyman M., Bock T., Vidal de la Blache E., Mustafa S., & Zaum S., "Corruption as A Threat to Stability and Peace" [Transparency International, Deutschland, 2014] p.29. Available at <http://ti-defence.org/wp-content/uploads/2016/03/2014-01_CorruptionThreatStabilityPeace.pdf> Retrieved (25 May, 2018).

⁶⁵ Pyman M. *et al.* Ibid. Le Billon P., (2001) *op. cit.* p.365.

⁶⁶ Aro O. I., (2013), *op. cit.* p.4-5.

Armed groups such as rebels, insurgents, armed militias thrive in their activities through the instrumentality of corruption. Corruption undoubtedly facilitates smuggling and flow of resources to further the violent aims of such groups. These non-state actors, through money laundering processes, use proceeds of crime such as drug trafficking, human trafficking to procure arms and sponsor armed violence which may take different forms of armed conflicts. This does not only involve a syndicate of criminals involved in a highly-organised crime of smuggling and trafficking in arms. Some officers of the Nigerian Army are reportedly involved in stealing and selling arms to insurgent groups. There were report that a syndicate of army officers were involved in the sale of arms such as Ak-47, assault rifles and other ammunitions from the army's central ordnance Depot in Kaduna⁶⁷.

Corruption in the Defence Sector and Boko Haram Insurgency in Nigeria

Corruption undermines state security and poses serious security threats to a state⁶⁸. State security in this sense refers to protection of a country, its citizens, territory and property from external threats and risk. Such threats and risks may be military or non-military in nature and may arise from different actors and sectors⁶⁹. While the concept of state security recognises social, political, economic, technological and environmental factors which pose security risks, armament and armed conflicts are the main concerns in this study.

Insecurity, undoubtedly, is a major cause and perhaps the noticeable effect of armed conflicts. It is not unusual to find at the root of a State's insecurity, corruption of different forms and, at different levels, weakening the social, political, economic and environmental structures which ought to sustain State security. Generally, State security activities in terms of funding and expenditure are held secret. Such features as double book keeping⁷⁰, extra-budgetary accounts,⁷¹ aggregated allocation for security budget

⁶⁷ The *Nigerian Tribune* reported in 2008 how ammunitions from the army's central ordnance Depot in Kaduna were sold to militants in the Niger Delta "How the Nigerian Army Sold Weapons to Militants" 15 January 2008. Adetoro A. R., (2014), *op. cit.* p.23 highlighted newspaper reports explosives and weapons used by *Boko Haram* insurgents were stolen from the Nigerian Army weaponry in Sokoto, Borno and Bauchi states.

⁶⁸ Holmes L., *Corruption: A Very Short Introduction* UK: Oxford Press, 2015 p.16.

⁶⁹ NATO Glossary of Terms and Definition (2010). Available at <<https://static.lexicoool.com/dictionary/GR2PJ13289.pdf>> Retrieved (18 May 2018).

⁷⁰ Double book keeping involves keeping two different accounts in respect of state security, i.e. the real account and the published account. Egbo O., Nwakoby I., Onwumere J., & Uche C., "Legitimizing Corruption in Government: Security Votes in Nigeria", (African Studies Centre, Leiden, The Netherlands) ASC Working

and foreign exchange manipulation⁷² have been identified as some of the ways a country may design its budget to ensure secrecy. Transparency International reports that extra-budgetary spending on the fight against terrorism in Nigeria increased between 2014 and 2015 and so did the scale and scope of corruption in the defence sector⁷³.

Corruption within the State's defence and security institution promotes insecurity. Adequate funding is one of the important factors which may ensure and promote efficiency in the defence system of a state. Corruption, with respect to funding of the security/defence system of a state, has grave effects on the overall security of such state⁷⁴. It is the practice in some countries to maintain income sources separate from their state revenue. Such streams could be in the form of military-owned businesses or civilian businesses or such other related business. Even in situations where there is foreign funding from donor military allies, a corrupt recipient government compromises the effectiveness of such funding, thus jeopardising the country's security⁷⁵. In effect, corruption reduces the operational effectiveness of the military in the long run and this reduces public trust in the armed forces and security services. There are reports that the field soldiers and members of the Nigerian armed forces deployed against *Boko Haram* insurgents are ill-equipped, poorly-funded and inadequately-remunerated⁷⁶.

Corruption encourages lack of accountability on the part of government. As such, this may be reflected in a state's defence and security system. Lack of transparency in

Paper 91/2010. Available at <<https://openaccess.leidenuniv.nl/bitstream/handle/1887/16186/ASC-075287668-2788-01.pdf?sequence=2>> Retrieved (27 May, 2018).

71 This involves establishing revenue sources for the funding of security of a State which are not included in the national budget. *Ibid* p.17.

72 *Ibid* p.18.

73 Anderson E., and Matthew T. "Weaponising Corruption: Defence Procurement Reform As a Counterterrorism Strategy in Nigeria" (Transparency International, 2017) p.6.

74 Holmes L. (2015) *op. cit.* p.31.

75 Anderson E., and Matthew T., (2017), *op. cit.* p.11.

76 BBC News: "Boko Haram Crisis: Nigerian Soldiers 'Mutiny Over Weapons'"

19 August 2014. Available at <<https://www.bbc.com/news/world-africa-28855292>> Retrieved (25 May 2018). This Day Nigeria: "Soldiers Rebel over

Lack of Weapons to Fight Boko Haram" 20 August 2014. Available at

<<https://allafrica.com/stories/201408201489.html>> Retrieved (25 May 2018). BBC News Jos, Will Ross, "The Soldiers Without Enough Weapons to

Fight Jihadist", 22 January 2015 Available at <<https://www.bbc.com/news/magazine-30930767>> Retrieved (25 May 2018). Vanguard: "Nigerian

Troops Denied Guns to Fight Boko Haram" 18 November 2015 Available at

<<https://www.vanguardngr.com/2015/11/nigerian-troops-were-denied-guns-to-fight-boko-haram-buhari/>> Retrieved (25 May 2018). Vanguard:

"Lack of Adequate Funds, Frustrating Fight Against Boko Haram-Buratai, 2

February 2018. Available at <<https://www.vanguardngr.com/2018/02/lack-adequate-funds-frustrating-fight-boko-haram-buratai/>> Retrieved (26 May

2018).

government's military decisions and actions disparage accountability and limits public access to information. In the first instance, defence budgets, due to their secrecy are easy targets for corrupt government to divert and misappropriate funds. Military spending or expenditure is usually not subject to financial practices such as external auditing on the grounds of national security. The Nigerian defence is not subject to thorough scrutiny and in-depth oversight activities of bodies such as the Bureau of Public Procurement (BPP),⁷⁷ the Auditor General of the Federation and civil society groups.⁷⁸ Even though the National Assembly has sub-committees on defence and defence-related issues which perform oversight functions among other things in relation to defence expenditure, such committees are limited in their oversight functions because of the confidential nature of the defence budgets⁷⁹.

In relation to procurement processes in the defence sector, certain form of classified security information may not be available to the public. For instance, issues relating to awarding of defence contracts for instance are not disclosed under the notion of national security. In addition, single sourcing in the request for tenders or bids, bidder collusion, award of contracts to shell companies are some of the practices that characterise corruption in the defence system. This impinges on the integrity of the nation's defence and public trust in the defence system⁸⁰. In Nigeria, almost all the defence contracts and budgets are classified as confidential⁸¹. The Nigerian Ministry of Defence and the office of the National Security Adviser are listed as being ill-disposed to disclosure and their activities are mainly shrouded in secrecy⁸². Western corporations are also reported to be complicit in bribery of government officials to secure contracts for the purchase of military equipment⁸³. Transparency International reports that international contractors in military hardware are complicit in defence sector corruption in Nigeria through uncompetitive and unorthodox contracts⁸⁴. In 2014, it was reported

⁷⁷ The BPP is established by the provisions of s.3 of the Public Procurement Act 2007 to perform oversight functions in relation to procurement processes by government agencies in Nigeria.

⁷⁸ S. 15 (2) of the Public Procurement Act exempt the Nigerian defence sector from the oversight functions of the BPP except by the approval of the president. Anderson E., and Matthew T., (2017), *op. cit.* p.11.

⁷⁹ *Ibid*, p.11.

⁸⁰ *Ibid*, p.12.

⁸¹ *Ibid*, p. 10.

⁸² *Ibid*, p.10

⁸³ *Ibid*, p.12.

that Colonel Sambo Dasuki, who was the National Security Adviser, then reportedly awarded 500 million US dollars' worth contract to purchase refurbished helicopters from one Triax Company which was later discovered to be of no use in combat activity and was never deployed⁸⁵.

By the provision of section 14 (2) of the Constitution of the Federal Republic of Nigeria 1999, "the security and welfare of the people shall be the primary purpose of the government". The Federal Government is exclusively responsible for the security of the country and the Nigerian Armed Forces, Police and border control are solely within the federal executive powers⁸⁶. Thus, national security is the exclusive business of the federal government and in carrying out its responsibility in this regard, it allocates funding to the various security agencies as well as what is referred to as security vote in the annual budget.

Security votes are usually large sums of money which are set aside for the purpose of enhancing state security and featured in the executive budget annually⁸⁷. While there is no express provision for the term "security vote" in the Nigerian Constitution, the practice of security votes is not peculiar to Nigeria. Security votes are easily subject to abuse and misappropriation for selfish political and economic gains since they are largely unaccounted for, neither are they subject to audit. During the military regime of General Ibrahim Babangida, security votes became notorious as a subject of gross abuse and as a means of legitimising corruption in the Nigerian defence in the form of arms procurement⁸⁸ and this continued through the years of military regimes⁸⁹ at varying degrees and during democratic dispensations afterward. Security votes are not subject to any oversight activity of the legislature, neither are they subject of external scrutiny; hence, they provide leeway to embezzle funds or divert them for private and selfish gains which are totally unconnected with the security of Nigeria.

⁸⁵ Anderson E., and Matthew T., (2017), *op. cit.* p.15.

⁸⁶ Second Schedule to the Constitution of the Federal Republic of Nigeria 1999.

⁸⁷ Egbo O., & Ors (2010) *op. cit.*

⁸⁸ *Ibid* p.20. Egbo O., et. al. report that during Babangida's regime, arms procurement worth millions of dollars were supposedly executed in the personal name of General Sani Abacha who was the chief of army staff of Gen. Babangida. The authors gave an example of a 75 million dollars cheque issued in the personal name of General Abacha meant for the procurement of arms for the Nigerian troops in Liberia then, which was never delivered.

⁸⁹ There were reports that General Sani Abacha allegedly corruptly diverted over 1.1 billion dollars under the guise of security votes which consequently left the Nigerian military poorly-equipped.

Arms procurement in the military is shrouded in secrecy. The prevalence of public sector corruption in Nigeria suggests that the price of the military equipment or materials may be inflated in the procurement of weapons. The equipment purchased may turn out to be outdated and useless for the combat activity for which it was procured or even have limited combat ability or totally non-existent⁹⁰. Despite the provisions of the Public Procurement Act of 2007⁹¹ which seems to significantly provide for issues governing public procurement process from the point of invitation to treat to the completion of contracts. In addition, the Act also criminalises certain acts in relation to procurement processes in section 58. However, the Bureau of Public Procurement is excluded from carrying out oversight functions over defence and security procurement which are exempted from the provisions of the Act⁹². Hence, procurement by the defence and security sector is vulnerable to corrupt manipulations. This aptly explains the reason the bulk of defence procurement is subject to such large-scale abuse and corrupt practices as was reported in the *Armsgate Scandal*⁹³.

Arms exports, though representing less than 1% of international trade flows, are estimated to account for 50% of all corrupt transactions globally⁹⁴. Illegal trade in arms poses grave security threats. Arms which are exported legally to arms brokers and suppliers may be illegally diverted into the hands of non-state actors such as rebel groups and insurgents. One of the recurring questions in relation to the *Boko Haram* insurgency revolves round where and how the insurgents get arms to perpetuate the insurgency in the north. There are speculations that some of the arms are in fact sophisticated and highly lethal such that they must have passed through channels known to top security and defence personnel in the country. Also, while countries are required to publicly report on government expenditures, with respect to the security/defence sectors, international financial organisations such as the International Monetary Fund and the World Bank do not require countries to report on defence spending as part of public finance rules. Transparency in relation to country's defence is not only reflected in disclosure, especially in relation to such vital issues as the security of a country. What

⁹⁰ Weaponising Corruption (2017) *op. cit.* p.16.

⁹¹ No. 14.

⁹² S. 15 (2) of the Public Procurement Act 2007 expressly exempts the procurements of goods and services involving national defence and security from the provisions of the Act except with the express with the approval of the president.

⁹³ The *Armsgate* scandal refers to large-scale corruption alleged in the procurement of arms by the National security adviser, Colonel Sambo Dasuki referred to later in this study.

⁹⁴ Transparency International 'Corruption and Insecurity' (2008) Working paper 042008 Insecurity p.4.

is more important is to ensure that the claim and budget in respect of defence and security matter must actually be complied with.

In order to address defence sector corruption, two *ad hoc* committees were established in 2015 by the Buhari administration to investigate expenditure by the office of the National Security Adviser and investigate defence arms and equipment procurement between 2007 and 2015⁹⁵. The committees recommended that former and serving military chiefs and officers be investigated for their roles in the allegations which trailed the procurement. The report of the committees revealed that former military chiefs and companies were involved in a 15 billion US dollars fraudulent arms procurement deal. The Audit Committee reported that the procurement processes during the specified period were characterised by non-specification of procurement cost, absence of contract agreements, award of contracts beyond authorised thresholds and transfer of public funds for unspecified purpose and a general non-adherence to the Public Procurement Act⁹⁷.

The Committee reported that, out of the 513 contracts which were reviewed and awarded, there was no evidence of delivery of 53 of these contracts⁹⁸. The report also shows that 2 billion US dollars was allegedly diverted from the national security budget under Colonel Sambc Dasuki. Dasuki was allegedly reported to have mismanaged funds which were meant for the procurement of arms to prosecute the war against *Boko Haram* insurgency in the north-eastern part of the country⁹⁹. This is widely referred to as the *Armssgate* scandal. Based on the recommendation of the committees and investigations by the Economic and Financial Crimes Commission (EFFC), Dasuki and other indicted

⁹⁵ *Premium Times* "Buhari Raises 13-member Panel to Probe Weapon Procurement Since 2007" 24 August 2015 Available at <<https://www.premiumtimesng.com/news/188893-breaking-buhari-raises-13-member-panel-to-probe-weapon-procurement-since-2007.html>> Retrieved (24 May, 2018).

⁹⁶ Samuel Perlo-Freeman "Nigeria's Armssgate Scandal" 5 May 2017. Available at <<https://sites.tufts.edu/corruptarmsdeals/2017/05/05/nigerias-armssgate-scandal/>> Retrieved (24 May, 2018). The total value of the funds diverted remains large unknown.

⁹⁷ *Premium Times* "Dasukigate: Buhari Orders Probe of Badeh. Other Ex-Generals" 15 January 2016 Available at <<https://www.premiumtimesng.com/news/headlines/196809-dasukigate-buhari-orders-probe-of-badeh-other-ex-generals.html>> Retrieved (24 May, 2018).

⁹⁸ Press Release, State House, Abuja, "President Buhari Receives Interim Report of Investigative Committee on Arms Procurement, orders arrest of indicted persons", 17 November 2015.

⁹⁹ *Premium Times* "Buhari Raises 13-member Panel to Probe Weapon Procurement Since 2007" 24 August, 2015 *op. cit.*

top military officers¹⁰⁰ are presently standing trial for various charges ranging from fraud, money laundering to stealing¹⁰¹. It is, however, not unusual to find that just as it is the trend with cases of this nature, after the initiation, prosecution takes such a length of time that the cases lose their worth and essence and are rendered ineffective.

Corruption in the defence sector has both direct and indirect impact on armed conflict. From the Nigerian example, it is not clear whether corruption is actively and directly responsible for the initiation of *Boko Haram* insurgency, but it is evident that the war against insurgency in the north-eastern part of the country has been greatly hampered by corruption in the country. The ripple effect of this coupled with the poor welfare conditions available to the frontline military personnel who are exposed to unnecessary hardship have influenced and extended the duration of the war against insurgency in Nigeria.

Usually top military and government officials such as customs and military officers are complicit in such highly-organised crime. Illegal diversion or embezzlement of funds allocated to defence and security sectors is largely enabled through money laundering. Transparency International reports that funds diverted from the defence sector pass through multiple accounts before they are moved offshore where they are inaccessible to the national authorities¹⁰². Both Nigerian and international financial institutions are also complicit in laundering funds corruptly diverted from the defence sector. A classic example is the indictment and trial of former Air Force top officials in a 22.8-billion-naira money laundering charge¹⁰³.

Recommendations

Combating corruption in conflict situation may require as much effort and devotion as during peace time. It is, however, important to channel specific efforts towards certain areas which have significant impact on state security and defence. Combating corruption

¹⁰⁰ Former Minister of State for finance, Bashir Yuguda, on counts of fraud and money laundering, Former chief of Defence Staff, Alex Badeh, former chief of air staff, Air Marshal Adesola Amosu, Air Marshal Dikko Umar and others on separate counts charges.

¹⁰¹ *New Telegraph* "Generals on Trial Over N102 Billion Fraud" 30 June 2017. Available at <<https://newtelegraphonline.com/2017/06/generals-trial-n102bn-fraud/>> Retrieved (23 May, 2018).

¹⁰² *Weaponising Corruption* (2017) *op. cit.* p. 12.

¹⁰³ Pulse ng "Ex Military Chief Back in Court Over Alleged N22.8 Billion Naira Fraud" 21 October 2016. Available at <<http://www.pulse.ng/news/local/corruption-ex-military-chiefs-back-in-court-over-alleged-n22-8bn-fraud-id5636409.html>> Retrieved (24 May, 2018).

in conflicts situations requires a holistic approach in addition to a well-established anti-corruption strategy that governs the whole state.

Flowing from the observations from the way Nigeria has thus far pursued fight against *Boko Haram* insurgency, first, the defence sector should be properly investigated so as to expose all corrupt practices associated with its activities. Transparency International has suggested an anti-corruption strategy with the aim of exposing corrupt officers and practices within the military and the government. In developing a viable anti-corruption strategy within the defence sector, two main themes which must be maintained are: transparency and accountability in its dealings, funding and expenditure.

While it may not be in the interest of the country's security to disclose classified and vital information, the budgets and funding of the defence sector should be subject to minimal audit regulated within the legislative committee on defence and security. Procurement of military materials and equipment should not be entirely shrouded in secrecy such as it is hitherto the practice. Corruption thrives in secrecy and in as much as the defence sector is held in its secrecy code, it may remain susceptible to corrupt manipulations from within and without the sector. While the defence sector maintains confidentiality in classified issues, all issues relating to defence contract and procurement should not be classified. The Office of the Auditor General of the Federation should have access to the financial account and expenditure of the various agencies or arms of the defence sector to ensure accountability and promote transparency.

Security votes, though not clearly provided for in the Constitution, may still be retained but should be strictly monitored to ensure that the executive indeed expends such sums largely allocated to security; otherwise, security votes should be declared unconstitutional and the practice dispensed with.

Prosecution of corrupt officers should not be limited to ordinary offences and charges such as is the case in the trial of Dasuki. Corrupt military officers should be made to face appropriate corruption charges. In addition, prosecution of corruption cases in the defence sector should be timely and speedy especially in the light of the provisions of the Administration of Criminal Justice Act 2015 (ACJA). First, section 396 (3) enjoins daily trial of cases until conclusion of trial even though subject to the provisions on adjournments where daily trial is impracticable. The provisions set a limit of five adjournments to each party in every case. Secondly, section 306 restricts delays occasioned by interlocutory applications such as stay of proceedings in criminal trials. Thus, by the provisions of section 306, a trial court may still continue the trial of a case

on its merit irrespective of an appeal in respect of an interlocutory application. Through adherence to these provisions of the ACJA in corruption cases, there is a higher probability of speedy trial.

Conclusion

Corruption and armed conflicts are two ills in a society which should be averted or reduced to the barest minimum possible. There is clear evidence that corruption is as prevalent in armed conflicts as much as it is in peacetimes. Considerably, corruption may significantly influence the initiation, nature and duration of internal armed conflicts. It is also probable that armed conflicts may also drive and encourage the culture of corruption. It is, therefore, important to understand the roles that the two concepts play in relation to each other in order to combat corruption while curtailing the incidence and duration of armed conflicts. Corruption and armed conflict significantly affect the security and development of any state. From the Nigerian experience with *Boko Haram* insurgency, the relationship between corruption and internal armed conflicts is manifest in the defence and security sector. The nature and the duration of the insurgency have been significantly and negatively impacted by corrupt deals in arms procurement and pretentious attitude of the Nigerian government in addressing the issue. This paper concludes that, if Nigeria refuses to employ concerted efforts to genuinely combat corruption within the defence sector as suggested above, the imminent dangers are only a time bomb waiting to explode at the slightest prod.