

RESEARCH ARTICLE

# The “other side” of whistleblowing practice: Experiences from Nigeria

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## ABSTRACT

Whistleblowing, the act of reporting or disclosing wrongdoing, is widely proven to have a practically useful mechanism in fighting corruption in public and private sectors. Within the ambit of the whistleblowing framework, the disclosure of corrupt practices is primarily justifiable only on the ground that the action is genuinely directed towards protecting the interest of the public. The usual benefit of financial reward to whistleblowers is secondary, as it basically aims at encouraging individual employees to expose unethical misconducts in their organizations. Regardless of this, whistleblowing intrinsically benefits the public as well as the individual(s) who raises the alarm against any dishonest acts. However, despite its benefits to the public and the individual informant, whistleblowing attracts certain heavy costs, mainly on the part of the whistleblower, mostly in the form of victimization or witch hunting, retaliation, denial of work-related benefits, recrimination, suspension from work and even dismissal, for their involvement in disclosure wrongdoing. Impliedly, besides its valuable attributes as an important anti-corruption weapon and mechanism for incentivizing the citizens, there is the “other side” of the whistleblowing practice. Using some practical examples and experiences from Nigeria, this paper demonstrates that there is the “other side” of whistleblowing, and concludes that the practice, indeed, has distinct dual sides, especially in the absence of a well-articulated legal framework for protection of whistleblowers, as in the case of Nigeria. Thus, in this paper, we basically argue that the Nigerian government should take immediate actions to enact a comprehensive whistleblowers’ protection law, so as to guarantee adequate protection of informants, who risk their lives to expose corruption acts in the interest of the public, from likely abuses. As this study is a qualitative and theoretical research, we adopt the documentary methods of data collection and analysis. These approaches were preferred as they will allow for the objective interrogation of the subject matter under consideration and the achievement of the study’s objective.

**Keywords:** Anti-corruption, Nigeria, whistleblowing practice, corruption, development, good governance, whistleblowing risks.

## ملخص:

لقد ثبت أن كشف الفساد، أي الإبلاغ عن المخالفات أو الكشف عنها، يعد آلية مفيدة عملياً في مكافحة الفساد في القطاعين العام والخاص. وفي إطار

كشف الفساد، يكون الإفصاح عن الممارسات الفاسدة مبرزاً في المقام الأول فقط على أساس أن الإجراء موجه في الأساس نحو حماية مصلحة الجمهور. وتعد الفائدة المعتادة للمكافأة المالية للمبلغين عن المخالفات أمراً ثانوياً، حيث أنها تهدف بشكل أساسي إلى تشجيع الأفراد العاملين على فضح سوء السلوك غير الأخلاقي في مؤسساتهم. وبغض النظر عن هذا، يفيد كشف الفساد الجمهور بشكل عام وكذلك الأفراد الذين يبلغون عن أي أعمال غير شريفة. ومع ذلك، وبالرغم من فوائد ذلك للجمهور والمبلغين الأفراد، يفرض كشف الفساد تكاليف معينة باهظة، خاصة من جانب الكاشفين عن الفساد، ومعظمهم في شكل الإيذاء أو التعقب والانتقام والحرمان من المنافع المرتبطة بالعمل والتهامات والإيقاف عن العمل بل حتى الفصل من العمل، لمشاركتهم في الكشف عن مخالفات. وبالتالي، هناك "جانب آخر" لممارسة الكشف عن الفساد، بالإضافة إلى صفاتها القيمة كسلاح هام لمكافحة الفساد وألية لتحفيز المواطنين، حيث أنه باستخدام بعض الأمثلة/الخبرات العملية من نيجيريا، يوضح هذا البحث أن هناك "جانب آخر" للكشف عن الفساد، ويخلص إلى أن هذه الممارسة، في الواقع، لها جانبان مزدوجان متميزان، خاصة في غياب إطار قانوني واضح لحماية الكاشفين عن الفساد، كما هو الحال في نيجيريا، وذلك لكونها دراسة حالة. وبالتالي، يناقش البحث في الأساس أن على الحكومة النيجيرية أن تعجل في اتخاذ إجراءات لسن قانون شامل لحماية الكاشفين عن الفساد، وذلك لضمان الحماية الكافية للكاشفين عن الفساد، الذين يخاطرون بحياتهم من أجل فضح أعمال الفساد لمصلحة الجمهور، من التعسفات المحتملة. الدراسة عبارة عن بحث نوعي ونظري، ومن ثم، يتبنى البحث الأساليب المستندية لجمع البيانات وتحليل البيانات. وكان هذا النهج هو المفضل لأنه ساعد على التحقيق الموضوعي في الموضوع قيد النظر وتحقيق هدف الدراسة.

**الكلمات المفتاحية:** مكافحة الفساد، نيجيريا، ممارسة كشف الفساد، الفساد، التنمية، الإدارة الرشيدة، مخاطر كشف الفساد.

## I. INTRODUCTION

Corruption in public and private sectors is undoubtedly an albatross to social, economic and political development throughout the world. This is true, as the ubiquitous nature of the phenomenon (corruption) makes it undesirably present in all societies. Indeed, corruption constitutes a major obstacle to transformative changes in all countries in the Southern and Northern Hemispheres, although at varying degrees and forms. By its very nature, corruption creates unequal distribution of socio-economic resources, undermines efforts at reducing poverty incidence and denies the vulnerable groups in society access to public opportunities and privileges. Corroborating this assertion, the former Secretary General of the United Nations (UN), Ban Ki-moon unequivocally posits that:

Corruption is a global phenomenon that impedes growth and development, which is also a threat to the important efforts being made in reducing poverty and achieving the MDGs. Because of corruption, many poor and vulnerable people are being denied education and other essential services they need to maintain a normal day-to-day living<sup>1</sup>.

In appreciation of the devastating effects of corruption on societies, he expresses the need for concerted efforts at combating the menace, noting that:

Corruption distorts the market and increases costs for companies, so building partnership between public and private sectors is very crucial to combat the threat of corruption against global economy, and calls on cooperations between civil society organizations (CSOs) across the world<sup>2</sup>.

Furthermore, Ban Ki-moon emphasizes proactive urgent actions against the menace, particularly arguing that "the fight against corruption is and should remain at the centre of rule of law" and that "the fight against corruption requires more urgency now than before to promote human rights and all the Millennium Development Goals (MDGs) are achieved"<sup>3</sup>.

This advocacy by the former UN Secretary General is presumably expected to ignite a renewed interest and increased momentum in the war against corruption globally, most importantly in developing countries, where the menace has virtually destroyed the fabrics of the society and eaten so deep into its marrow. Corruption is the arch cog in the wheels of progress of developing countries. A report by Transparency International (TI) demonstrates that corruption is the major factor in explaining why developing countries are experiencing difficulties in reaching the Millennium Development Goals (MDGs). The MDGs are eight development targets set by the United Nations Millennium Declaration, to be achieved by 2015, which was signed in September 2000 with the aim of facilitating improvements in the social and economic conditions in the poorest countries of the world. The Transparency International report, which is called "The Anticorruption Catalyst: Realizing the MDGs by 2015" clearly shows the statistical links between corruption and development statistics in strategic areas such as illiteracy, death rate and availability of drinking water<sup>4</sup>.

The report asserts that:

In many developing countries corruption has become a "regressive tax", particularly affecting poorer households", and "calls on governments to integrate anticorruption measures into their MDG policies, claiming that strengthening transparency, accountability and integrity, will help developing countries achieve the MDGs<sup>5</sup>.

The report recommends increased access levels to public information relating to efforts undertaken towards achieving the MDGs in developing countries, as a means of attaining improved transparency, whereas accountability can be achieved by ensuring more meaningful and greater involvement of members of the community, coupled with the support of civil society organizations (CSOs)<sup>6</sup>. Ban Ki-moon also rightly observes that "all people have the responsibility to speak against corruption because combating it starts with every individual, which makes it important to focus on anti-corruption education in order to tackle the issue head on"<sup>7</sup>. From this perspective, it becomes evident that the international community duly recognizes the essential role of members of the community in fighting corruption and achieving the established Millennium Development Goals (MDGs) at all

1 Government Investigation & White Collar Litigation Group, *The Rule of Law and Anti-Corruption Centre Launched in Qatar*, SUBJECT TO INQUIRY (Dec. 12, 2011), <https://www.subjecttoinquiry.com/corruption-2/the-rule-of-law-and-anti-corruption-centre-launched-in-qatar/>.

2 *Id.*

3 *Id.*

4 *Anti-Corruption Policies Key to Helping Developing Countries Reach Millennium Development Goals*, LEXOLOGY (Oct. 6, 2010), <https://www.lexology.com/library/detail.aspx?g=3ca879c3-f739-46fb-8871-082ef89dc3cc>.

5 *Id.*

6 *Id.*

7 GIWCLG, *supra* note 1.

levels of societies. Whistleblowing provides one of the most useful mechanisms and ample opportunity for all the citizens to supplement governments' efforts in fight against corruption in public and private settings in any country. By acting as informants or blowing the whistle to disclose "in public interest" and "in good faith", any acts of wrongdoing in their workplaces or organizations, community members serve as anti-corruption agents, strengthening governments' determination and will to fight formidably against the menace of corruption.

The involvement of community members in the war against corruption through the whistleblower mechanism is generally known to have produced worthwhile results in many climes: first, in protecting public interest; second, in incentivizing citizens who see it as a voluntary moral obligation to expose unethical practices in their organizations. Despite its intrinsic goodness to the society and individual informants, the whistleblowing culture also attracts certain heavy costs, mainly in relation to anyone who blows the whistle or raises the "red flag" against dishonest acts in public and private sector organizations. It is upon this premise that this paper, based on some practical experiences from Nigeria, attempts to demonstrate that there is an "other side" of the whistleblowing practice. This paper is organized into eight sections with Introduction as the first section. The second section explains the meaning of the concept of whistleblowing. The third section presents the theoretical framework adopted by the study. The fourth section is a review of the scholarly literature on the "other side" of whistleblowing. The fifth section demonstrates the "other side" of whistleblowing by considering some experiences from Nigeria. The sixth section examines the implications of the "other side" of whistleblowing for the anti-corruption campaign in Nigeria. The seventh section recommends effective measures by which Nigeria can address the undesirable development. Finally, the eighth section provides conclusions drawn from the study.

## II. THE CONCEPT OF WHISTLEBLOWING EXPLAINED

Scholars and researchers in the field of anti-corruption have defined the term "whistleblowing" in various ways. For instance, the Nolan Committee on Standards in Public Life defines whistleblowing as "raising concerns about misconduct within an organization or within an independent structure associated with it"<sup>8</sup>. Similarly, Near, Rehg, Van Scotter and Miceli refer to whistleblowing as "an act of disclosure by members of an organization of illegal and immoral acts perpetrated by the organization and organization members to persons or organizations that may bring about a change"<sup>9</sup>. In another related sense, the International Labour Organization (ILO) sees whistleblowing as "reporting by employees or former employees of illegal, irregular, dangerous or unethical practices by employers"<sup>10</sup>. The definition offered by the Chambers Dictionary is also closely related to the foregoing definitions. According to the

Chambers Dictionary, as cited by Audit Scotland et al., whistleblowing involves "giving information (usually to the authorities) about illegal or underhand practices"<sup>11</sup>. The South African Public Service Commission posits that "whistleblowing is not about informing in negative, anonymous sense but rather about raising a concern about malpractice in an organization"<sup>12</sup>.

Furthermore, as cited by Audit Scotland et al., the Public Concern and Work (PCaW) conceives whistleblowing in a slightly broader way, referring to it as "a worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally and/or externally" (i.e. regulators, media and MPs)<sup>13</sup>. Eaton and Akers also define whistleblowing in the same sense, asserting that the practice "involves the act of reporting wrongdoing within an organization to internal or external parties"<sup>14</sup>. According to them, internal whistleblowing involves the disclosure of information to a source within an organization, while external whistleblowing implies reporting information outside an organization, such as to the media or regulators<sup>15</sup>. Regardless of their slight differences, these definitions are simple and they clearly convey the same meaning regarding the concept or practice. Thus, on the basis of the concern and scope of this study, all the above definitions offered in an attempt to explain the meaning of whistleblowing can rightly be said to be quite tenable and apt in understanding the subject matter being examined in this study. As an upshot, the working definition employed in this study summarizes the definitions given above as "the act of raising the "red flag" or exposing corruption acts in public and private sector organizations in public interest". On the contrary, according to Babajide, "a whistleblower is defined in the Longman Dictionary of Contemporary English (5th Edition) as "someone who tells people in authority or the public about dishonest or illegal practices at the place where they work"<sup>16</sup>. Similarly, as it pertains to this study, a whistleblower is "the person who reports wrongdoing or inappropriate activities to appropriate authorities".

## III. THEORETICAL FRAMEWORK

It is a tradition in social sciences that investigations into any phenomena or issues are conducted within the fulcrum of appropriate theories, in order to provide adequate guidance and direction, as well as to enhance proper understanding of the subject matter under consideration. In accordance with the practice, this study deploys the "role theory" as a basic analytical framework of explanation. In this paper, we recognize the fact that there are other theories that can as well be adopted in engaging the problematique of the study. However, the study finds the role theory most suitable and appropriate in advancing its argument.

The role theory is one of the most important and dominant theories in sociology for understanding social behaviours. The theory "is a perspective in sociology and social psychology that considers most of everyday activity to be the acting out of socially

8 AUDIT SCOTLAND ET AL., WHISTLEBLOWING IN THE PUBLIC SECTOR: A GOOD PRACTICE GUIDE FOR WORKERS AND EMPLOYERS 7 (2014), available at [http://www.audit-scotland.gov.uk/docs/corp/2014/as\\_141125\\_whistleblowing\\_public\\_sector.pdf](http://www.audit-scotland.gov.uk/docs/corp/2014/as_141125_whistleblowing_public_sector.pdf) (last visited Sept. 24, 2015).

9 J.P. Near et al., Developing a Model of the Whistleblowing Process: How Does Type of Wrongdoing Affect the Process?, 14 BUS. ETHICS Q. 219 (2004) (as cited in B. Ogunbamila, *Whistleblowing and Anti-Corruption Crusade: Evidence from Nigeria*, 10(4) CANADIAN SOC. SCI. 145, 146 (2014).

10 OECD, G20 ANTI-CORRUPTION ACTION PLAN: PROTECTION OF WHISTLEBLOWERS. STUDY ON WHISTLEBLOWERS PROTECTION FRAMEWORKS, COMPENDIUM OF BEST PRACTICES AND GUIDING PRINCIPLES FOR LEGISLATION 7 (2010), <https://www.oecd.org/corruption/48972967.pdf>.

11 AUDIT SCOTLAND ET AL., *supra* note 8, at 7.

12 SOUTH AFRICAN PUBLIC SERVICE COMMISSION, WHISTLE-BLOWING: A GUIDE FOR PUBLIC SECTOR MANAGERS, PROMOTING PUBLIC SECTOR ACCOUNTABILITY, IMPLEMENTING THE PROTECTED DISCLOSURE ACT, [http://www.psc.gov.za/documents/docs/guidelines/PSC\\_odac\\_update.pdf](http://www.psc.gov.za/documents/docs/guidelines/PSC_odac_update.pdf) (last visited April 25, 2018).

13 AUDIT SCOTLAND ET AL., *supra* note 8, at 7.

14 T.V. Eaton & M.D. Aker, *Whistleblowing and Good Governance*, THE CPA JOURNAL, 77(6), 2007, at 66, 67.

15 *Id.*

16 I. Babajide, *Opinion: The Role of the Whistle-blower in Nigeria—To Be or Not to Be?*, NAIJA.COM (Nov. 30, 2013), <http://naija.com/opinion-the-role-of-the-whistle-blower-in-nigeria-to-be-or-not-to-be/>.

defined categories (e.g. mother, manger and teacher)<sup>17</sup>. In other words, role theory's general assumption or major argument is that "human beings behave in ways that are different and predictable depending on their respective social identities and the situation"<sup>18</sup>. The earliest proponents, whose theoretical works popularized the role theory within the discipline of sociology, were George Simmel, George Herbert Mead, Ralph Linton, Jacob Moreno and Talcott Parson<sup>19</sup>. In particular, however, George Herbert Mead is generally considered the earliest contributor to the development of the theory, through his two concepts of "the mind and the self"<sup>20</sup>. Biddle observes that:

As the term role suggests, the theory began life as a theatrical metaphor. If performances in the theater were differentiated and predictable because actors were constrained to perform "parts" for which "scripts" were written, then it seemed reasonable to believe that social behaviours in other context were also associated with parts and scripts understood by social actors. Thus, role theory may be said to concern itself with a triad of concepts: patterned and characteristic social behaviours, parts or identities that are assumed by social participants, and scripts or expectations for behavior that are understood by all and adhered to by performers<sup>21</sup>.

The term "role" became popular in sociological discourse in the 1920s and the 1930s, but even prior to these periods, the concept had existed in European societies for many centuries<sup>22</sup>. Generally, "roles may be defined as a collection of everyday activities of the people"<sup>23</sup>. A social role consists of a set of rights, duties, expectations, norms and behaviours that a person has to endeavour to accomplish<sup>24</sup>. The role theorists do not agree with each other on the meaning of the word "role". Although a role can be perceived in terms of a social position, behaviour related to a social position or a typical behaviour, some role theorists believe that roles are basically expectations about how a person should behave in a particular situation. To others, a role refers to how an individual can behave in a given social position. There are also others who favour the idea that a role is a characteristic or expected behaviour, a part to be played or a script for social conduct<sup>25</sup>. Roles guide individual's behaviour, and they are dictated partly by social structure and partly by social interactions. To this end, "many of role theorists see role theory as one of the most compelling theories bridging individual behavior and social structure"<sup>26</sup>.

Importantly, while other conceptions of the term "role" by role theorists are plausible, the conception of the term by the functionalist approach within the role theory vividly captures the very substance of argument being advanced by the paper and the justification for the deployment of the theory in this study. The functionalist approach "sees a role as the set of expectations that society places on an individual"<sup>27</sup>. In line with this position, it becomes tenable that the

desire for a corruption-free society places important demand on employees not to hesitate to raise alarm or report in the interest of the general public, any acts of corruption or unethical behaviour in their organizations found to be against the well-being of the society. Given the overarching adverse threats of corruption to the society and public welfare, employees in public and private sectors have a voluntary civic responsibility to expose wrongdoing by their organizations or members of their organizations, provided that the disclosure is aimed at saving the public from certain detrimental effects. This responsibility is not without benefit; anyone who reports or exposes wrongdoing in good faith is entitled to financial reward as incentive. Informants are also entitled to legal protection from associated risks such as reprisal, intimidation, victimization, suspension from work and even outright dismissal. This is based on the understanding that whistleblowing is like a coin with two opposite sides. Regardless of its laudable benefits, informants often suffer various forms of maltreatments for performing their voluntary civic responsibility, that is, disclosure of wrongdoing in public spirit.

#### IV. LITERATURE REVIEW: THE "OTHER SIDE" OF WHISTLEBLOWING

Views and opinions by scholars and researchers in the field of anti-corruption generally support the main argument of this paper, that is, the point that there is the "other side" of whistleblowing. For instance, the position has been advanced that:

Around the world, whistleblowers have been hailed as heroes for revealing corruption and fraud in organizations and for preventing potentially harmful mistakes from leading to disasters. The disclosures range from revealing the theft of millions of money in the public and private businesses and other dangerous transactions that threaten businesses and help save wealth. However, many who bring these issues to light face also severe repercussions for their actions. They lose their jobs or are ostracized for their actions. Some are charged with crimes for violating laws or employment agreements. In extreme cases, they face physical danger<sup>28</sup>.

Consequently, as Sule opines, "it is to be noted that, two things are indisputably true about whistleblowing"<sup>29</sup>: The first is that it "is a risky business"<sup>30</sup> and the second is that it "is a helpful practice"<sup>31</sup>. Arguably, "it is a risky business because of the dangers, the detriment and threats awaiting an employee who courageously decides to say "enough is enough" to the wrongdoing of either his coworkers or his employers"<sup>32</sup>. Supporting Sule's stance, Vickers states that whistleblowers usually "face discipline or dismissal"<sup>33</sup>. The reason for this is that they are commonly wrongly perceived.

17 E. Sesen, *Role Theory and Its Usefulness in Public Relations*, 4(1) EUR. J. BUS. & SOC. SCI. 136, 139 (2015).

18 B.J. Biddle, *Recent Developments in Role Theory*, 12 ANN. REV. SOCIOL. 67, 68 (1986).

19 *Id.*; Sesen, *supra* note 17.

20 M.J. Hindin, *Role Theory*, in THE BLACKWELL ENCYCLOPEDIA OF SOCIOLOGY 3959–62 (George Ritzer ed., 2007).

21 Biddle, *supra* note 18, at 68.

22 HINDIN, *supra* note 20.

23 D. LATTIMORE, O. BASKIN & S. HEIMAN, *PUBLIC RELATIONS: THE PROFESSION AND THE PRACTICE* 61 (2004).

24 H.A. Michener & J.D. Delamater, *SOCIAL PSYCHOLOGY* (1979).

25 R.L. Coser, *The Complexity of Roles as a Seedbed of Individual Autonomy*, in THE IDEA OF SOCIAL STRUCTURE: PAPERS IN HONOR OF ROBERT K. MERTON 252–277 (Lewis Coser ed., 1975).

26 Sesen, *supra* note 17, at 139.

27 *Id.*

28 *What is Whistleblowing?*, NEWS HERALD (Sept. 24, 2015), <https://newsherald.com.ng/2015/09/24/what-is-whistle-blowing/>.

29 I. Sule, *Whistleblowers' Protection Legislation: In Search for Model for Nigeria*, IPPA (2009), at 5, <http://www.ippa.org/IPPC4/Proceedings/18TransparencyAccountabilityinProcurement/Paper18-8.pdf>.

30 L. Vickers, *Whistleblowing in the Public Sector and the ECHR*, 94 PUB. L. 594 (1997).

31 Sule, *supra* note 29.

32 *Id.*

33 Vickers, *supra* note 30.

Whistleblowers, according to Bowers and Lewis, are mostly seen as “particular threat to, and thorn in the side of, an employing organization”<sup>34</sup>. They also attract to themselves “more negative labels such as informants, snitches, rats, squabbles, sneaks, or stoolies”<sup>35</sup>, “which could have impact on them or their families”<sup>36</sup>. For these and many other reasons, most employees choose to remain silent even in the face of obvious corruption acts and unethical behaviours by their employers or co-workers.

Unveiling why whistleblowing is a helpful practice, the Committee on Standard in Public Life asserts that “it is both an instrument in support of good governance and a manifestation of a more open organisational culture”<sup>37</sup>. Also, Sule believes that:

Through whistle-blowing accidents and disasters could be prevented, lives of innocent people could be saved and huge financial loss could also be barred. It could also deter other potential wrongdoers. All these benefits and more others are the results of making one employee a “sacrificial lamb”<sup>38</sup>.

Moreover, in their own words, Thompson Okpoko and Partners further buttress that whistleblowing is a helpful practice in that it helps the government in fighting corruption and recovering looted public resources. On the other hand, it is a risky business due to the dangers involved in it, that is, the detrimental effects and threats that the whistleblower has to bear<sup>39</sup>. According to Auwal Ibrahim Musa:

Whistleblowers are hitherto perceived as disloyal employees and trouble makers, who are out to unveil all manners of corruption practiced in secrecy. Reporting misconduct has caused some employees to be victimized by their employers as well as fellow employees, thus employees generally do not feel protected enough to come forward with information on misconduct and corrupt practices<sup>40</sup>.

Unsurprisingly, “even in countries with strong rule of law, low unemployment, reasonable security of life and property, people are still not likely to blow the whistle to the detriment of their sources of livelihood”<sup>41</sup>. It therefore follows that the disclosure of wrongdoing in the absence of a protective law, as in the case of a country like Nigeria, is even much more risky. Of course, as Babalola holds, “reporting questionable practices or abuses of power without protection is simply risky”<sup>42</sup>. Corroboratively, Babajide contends that “the risks that go with being a whistleblower cannot be over emphasized, hence the need to have a law that protects them”<sup>43</sup>.

In its definition of “whistleblowing”, the popular global corruption monitoring institution Transparency International (TI) also vividly recognizes the “other side” of the whistleblowing culture. In its quite unique conception, the Transparency International describes whistleblowing as a four-stage process:

1. A triggering event occurs, involving questionable, unethical or illegal activities, which leads an employee to consider “blowing the whistle”.
2. The employee engages in decision-making, assessing the activity and whether it involves wrongdoing, gathering additional information and discussing the situation with others.
3. The employee exercises voice by blowing the whistle; alternatively, the employee could exit the organization or remain silent out of loyalty or neglect.
4. Organization members react to and possibly retaliate against the whistleblower<sup>44</sup>.

Consolidating the point in the fourth stage of TI’s definition, undeniably, “there have been reports of people who have blown the whistle on their employers and consequently have faced hardship even as far as unfair dismissal, purposeful deterred progress, legal action, and even emotional and physical torture”<sup>45</sup>. Onyejianya distinguishes between internal and external whistleblowing, asserting that it is the internal whistleblowers who are exposed to higher risks. According to him:

Essentially there are two types of whistleblowers: internal and external. Internal whistleblowers come from within an organisation, for example when an employee reports misconduct or illegal activity stemming from parts of the organisation or key individuals. The external whistleblowers may not necessarily have a connection with the organization but report their observations to regulatory authorities such as law enforcement agencies or special protective agencies. It is quite clear that of the two types, it is the internal whistleblower who takes more of a risk when making a disclosure because of the perceived high risk of loss of job, victimization and other issues which may ensue following a disclosure<sup>46</sup>.

This is the right explanation for why there are only a few whistleblowers<sup>47</sup> as deserved everywhere. As concerning jeopardizing their means of livelihood, whistleblowers do not only run the risk of losing their present jobs, but also most of the times the employers put the whistleblowers’ name on a blacklist, thereby making it difficult for them to find a new job in the same field. “This

34 J. Bowers & J. Lewis, *Whistle-blowing: Freedom of Expression in the Workplace*, 6 EHRLR 637 (1996).

35 G. Gilan, *Whistleblowing Initiatives—Are They Merely Secrecy Games and/or Blowing in the Wind?*, COMPANY LAW., 24(2), 2003, at 38.

36 Sule, *supra* note 29, at 6.

37 COMMITTEE ON STANDARD IN PUBLIC LIFE, GETTING THE BALANCE RIGHT: IMPLEMENTING STANDARDS OF CONDUCTS IN PUBLIC LIFE 89 (2005), available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/336897/10thFullReport.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336897/10thFullReport.pdf) (last visited May 17, 2018).

38 Sule, *supra* note 29, at 7.

39 Thompson Okpoko & Partners, *The Federal Ministry of Finance’s Whistleblowing Programme: The Need for a Law to Protect Whistleblowers*, THOMPSON OKPOKO (Apr. 24, 2017), <http://www.thompsonokpoko.com/news/2017/04/24/the-federal-ministry-of-finances-whistleblowing-programme-the-need-for-a-law-to-protect-whistleblowers/>.

40 CSOs Demand Passage of Whistle-Blowers Protection Bill, NEWSDIARYONLINE (Aug. 25, 2015), <http://newsdiaryonline.com/csos-demand-passage-of-whistle-blowers-protection-bill/>.

41 How “Whistleblowing” Can Save Nigeria, THE LEADER NEWS ONLINE, (May 31, 2013), <http://theleaderassumpta.com/2013/05/31/how-whistleblowing-can-save-nigeria/>.

42 A.A. Babalola, *Government 5% Reward Policy on Whistleblowers: Need for Statutory Framework for Protection (2)*, AFE BABALOLA UNIVERSITY NEWS (Jan. 25, 2017), <http://abuad.edu.ng/government-5-reward-policy-on-whistleblowers-need-for-statutory-framework-for-protection-2/>.

43 Babajide, *supra* note 16.

44 *Whistleblowing under Turkish Law*, THE LEGAL 500 (2010), <http://www.legal500.com/c/nigeria/developments/10817>.

45 CIA Admin., *The Probe and the Whistleblower*, CSR IN ACTION (Jul. 31, 2015), <http://www.csr-in-action.org/index.php/resources/featured-articles/item/659-the-probe-and-the-whistleblower>.

46 B.A. Onyejianya, *The Whistleblower as a Gatekeeper of Good Governance*, BUSINESSDAY ONLINE (Nov. 14, 2013), <http://businessdayonline.com/2013/11/the-whistleblower-as-a-gatekeeper-of-good-governance/>.

47 *Id.*

will terrify the employees and force them not to expose any wrongdoing and prevent themselves by not hitting the blacklist<sup>48</sup>.

As an upshot, Sule thinks that “ a potential whistleblower will be moved to engage in balancing and weighing between the effect and impact of what he is going to reveal and the dangers to his life and livelihood and to his family, refutation and profession”<sup>49</sup>. It is also noteworthy that “ regardless of jurisdiction, the risk for informants remain the same”<sup>50</sup>. Apparently, whistleblowers in all societies, both in developed and developing nations, suffer virtually similar fates. As revealed by Irish Times of 29 May 2000:

A study of whistleblowers in the US in the year 2000 found out that 100% of those who blew whistle were fired and most of them were unable to find new jobs. 17% lost their homes; 54% were harassed by peers at workplaces; 15% were subsequently divorced; 80% suffered physical deterioration; 90% reported emotional stress, depression and anxiety and sadly, 10% of them attempted suicide<sup>51</sup>.

Pointing at other forms of ill fates that usually befall informants, Onyejiana recalls that:

High profile whistleblowing cases of the past decade e.g. Enron, Halliburton and Edward Snowden cases, involved informants who had to overcome a series of obstacles before their credibility could be established. In some cases it took years before legal action was taken against the organization involved. In reality only a small proportion of whistleblowing cases are taken seriously and an even smaller proportion make the media headlines<sup>52</sup>.

Also, internally, “ it can be quite a task for whistleblowers to be taken seriously by senior management of their organizations”<sup>53</sup>. This is because employers and co-workers commonly regard whistleblowers more as organizational deviants than as faithful employees and patriotic citizens, who understand that the society depends partly on their role as community members to make life better for fellow patriots. To the extent that individuals who in “good faith” and in “public spirit” seek to protect the society from imminent harms are in most cases branded “trouble makers” and made to bear unwarranted consequences for their actions, the subject matter of whistleblowing can therefore be rightly described as an inherently controversial issue.

## V THE “OTHER SIDE” OF WHISTLEBLOWING: EXPERIENCES FROM NIGERIA

Whistleblowing practice has gained immense popularity and widespread relevance in the fight against corruption globally, due to its pivotal role in protecting public interest and incentivizing citizens who “in good faith” uncover wrongdoing at their workplaces. Despite its virtues, in most countries, informants globally encounter unprecedented adversities for exposing

corruption acts and/or corrupt people in private and public sector organizations. Experiences abound virtually everywhere, including in developed and developing countries, related to the adverse consequence suffered by whistleblowers, which manifest in diverse forms including retaliation, victimization, intimidation, recrimination by supervisors or co-workers, denial of work-related benefits, suspension from work and sometimes outright dismissal. In this study, the focus is precisely on Nigeria. Numerous practical experiences in the Nigerian context validate the claim that there is the “other side” of whistleblowing as an anti-corruption mechanism.

According to Shaibu, one of Nigeria’s key anti-corruption agencies, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) has before it volumes of petitions filed by civil servants who claim to have been victimized and denied their due entitlements for reporting corrupt practices perpetrated in their offices<sup>54</sup>. To lend credence, the travail of a particular undisclosed Nigerian civil servant is captured as follows:

recently, a staff of the Federal Ministry of Defence sought the assistance of ICPC against alleged victimization for exposing corrupt acts perpetrated by an officer of the Federal Civil Service Commission (FCSC). The staff who also alleged that his service file with FCSC was missing said that his travails began in 2013 when he took his file to the Commission for regularization and promotion. He alleged that the file was unattended to and had even disappeared from records office of FCSC, adding that he had been named an “enemy of the civil service” and disqualified from the 2015 promotion exercise because ICPC was prosecuting the indicted staff of FCSC in an Abuja High Court<sup>55</sup>.

In another instance, the Ministry of Foreign Affairs unlawfully suspended a director from work for exposing a financial fraud of N70.6 million in the Directorate of Technical Cooperation in Africa (DTCA). Succinctly narrating the ordeal, the amount mentioned was withdrawn and mismanaged by some officials of the top echelon of the Directorate for Technical Cooperation in Africa. The money was drawn from the Nigerian Technical Cooperation Fund domiciled with the African Development Bank (AfDB) and jointly managed for the Nigerian Federal Government by the AfDB and DTCA. The officials withdrew the money under the guise of celebrating the 10th anniversary of the Nigerian Technical Cooperation Fund (NTCF), which was allocated \$36,852.00, and supervision of various projects being executed from the Trust Fund across Africa. Another sum totalling N800,000.00 was also allocated for the sensitization seminar to be organized by SERVICOM in the Directorate and the sales of board government vehicles. When the whistleblower, Mr. Ntia Thompson, an Assistant Director in DTCA got clues about the diversion of the fund, he immediately reported the matter to the Economic and Financial Crimes Commission (EFCC) and the Inspector General of Police, seeking for necessary protection<sup>56</sup>.

48 Whistleblowing—Origin, Meaning, Problems Involved In It, LAYMAN BLOG, <http://layman-blog.blogspot.com.ng/2011/05/whistleblowing-origin-meaning-problems.html> (last visited May 17, 2018).

49 Sule, *supra* note 29, at 6.

50 Onyejiana, *supra* note 46.

51 Sule, *supra* note 29, at 7.

52 Onyejiana, *supra* note 46.

53 *Id.*

54 I. Shaibu, *ICPC to Prosecute Heads of MDAs over Whistle-Blower Victimization*, *ICPC News*, Vol. 10(3), Sept. 3, 2015 at 13.

55 *Id.* at 13.

56 *How Foreign Affairs Ministry Suspended Whistle-blower for Exposing N70.6m Fraud at DTCA*, *VANGUARD NEWS*, (Jan. 21, 2017), <http://www.vanguardngr.com/2017/01/foreign-affairs-ministry-suspended-whistle-blower-exposing-n70-6-m-fraud-dtca/>.

In the long run:

Findings showed that although the EFCC waded into the matter and compelled the affected officials to refund the sum of N800,000, no further action was taken against the officials to refund the \$229,000 which they had already taken. But a few days after the EFCC had begun investigation into the scam, the whistleblower was summoned by the DTCA and queried on why he leaked official documents to the anti-graft agency and the media thereby exposing the agency to embarrassment<sup>57</sup>.

More worrisomely:

Apart from that, the IGP to whom the man whistleblower had sought protection reported to the DTCA that the man was not under any serious threat and should not be afforded any protection. Arising from the police report, the DTCA on December 19, 2016 formally suspended Mr. Thompson from work and asked him to surrender all property in his disposal to the agency with immediate effect. The suspension letter with ref. No. DTCA/P.082 Vol. 1 was entitled, "Letter of suspension from duty" and signed by Sanda Isah, Head, Department of Administration/Secretary SSAPDC<sup>58</sup>.

In August 2011, a staff of the National Women Development Centre, Abuja, who exposed the alleged embezzlement by some top members at the centre, of a whopping N300 million meant for poverty alleviation programme, was unlawfully dismissed from service. It was through the heart-felt intervention of some civil society organizations that he was reinstated to office. This was before the period when Mrs. Fatima Bamidele, the Permanent Secretary of Ministry of Niger Delta, came under serious unwarranted threats for exposing corruption and mismanagement of public funds at the disposal of the Ministry. The life of Mrs. Bamidele was vehemently threatened for uncovering the fraud involving the sum of N803,000,000:00 by staff of the Ministry, which the EFCC since arraigned before a competent court of jurisdiction<sup>59</sup>.

Perhaps another popular whistleblowing case that has become part of Nigeria's history is the one involving the former governor of the Central Bank of Nigeria (CBN). When the illegally and unsystematically suspended former governor of the Central Bank of Nigeria (CBN), Sanusi Lamido Sausi, popularly dubbed the "best CBN governor" blew the whistle over an alleged monumental scandal that resulted in the disappearance of the sum of \$20,000,000,000.00 from the public treasury, it was already expected that Sanusi would be sacked, fired, removed or suspended. Nigerians partly agreed that some kind of unimaginable consequences must befall the former CBN governor, as he had stepped on toes by disclosing the scandal. As analysed, \$20b, in literal terms, is equivalent to N3,200,000,000,000.00

(three trillion, two hundred billion) if \$1 is N160. Then, every Nigerian will get about N17,778.00 (seventeen thousand, seven hundred and seventy-eight) if Nigeria has a total population of 180,000,000. If the money was to be shared among the states, every state, including the Federal Capital Territory, Abuja, could get as much as N86,486,486,486.50 (eighty-six billion, four hundred and eighty-six million, four hundred and eighty-six thousand, four hundred and eighty-six naira, fifty kobo)<sup>60</sup>. With this landmark disclosure by the former CBN governor, the public came to know about such a colossal case of corruption, but Sanusi was eventually suspended unconstitutionally<sup>61</sup>. The suspension is now a history, but nobody sought to protect Sanusi or to ensure his reinstatement in office.

In another development, Onyejianya recalls that:

there has been a media frenzy following the leak of the acquisition of the two armoured security vehicles by the Nigerian Civil Aviation Authority (NCAA) on behalf of the Ministry of Aviation by a public officer of the agency. Whilst little attention has been paid to the whistleblower involved, it is somewhat discouraging to find his name banded about by the press rather than preserving his anonymity<sup>62</sup>.

In a similar vein:

It could be recalled that one Mr. Aaron Akase, a staff of Police Service Commission blew the whistle to reveal serious allegations of possible fraud in the Commission involving the Management Mr. Akase was not only humiliated, he was also placed under indefinite suspension from work without salaries. He also faces threats to his life and family daily<sup>63</sup>.

Moreover, "in October 2006 a prominent case of whistleblowing in Nigeria involving Cadbury's Nigeria led to the discovery of deliberate financial overstatements which has gone undetected for several years following an audit ordered by the parent company"<sup>64</sup>. Consequently, "Mr. Bunmi Oni, the Managing Director, and Mr. Ayo Akadiri, the Finance Director, were relieved of their duties following the scandal, and the Nigerian Stock Exchange Board also banned the two from running any public quoted company for life"<sup>65</sup>.

Furthermore, *Nigerian Tribune* (online) observes that "a foremost causality is the suspension of former House of Representatives Appropriations Committee chairman who made shocking revelations on budget padding in the lower National legislative chambers"<sup>66</sup>.

These few cases accurately depict the ugly face of the whistleblowing culture, and the accurate picture of the whistleblowing environment in Nigerian. At a time like this, when the international community has recognized whistleblowing as an indispensable tool in the global effort to exterminate the scourge of corruption and to curb its overwhelming effects on the

57 *Id.*

58 *Id.*

59 NEWSDIARYONLINE, *supra* note 40.

60 I. Sule, *Sanusi the Whistleblower and the Nigerian Laws*, SAHARA REPORTERS (Mar. 10, 2014), <http://saharareporters.com/2014/03/10/sanusi-whistleblower-and-nigerian-laws-ibrahim-sule>.

61 *Id.*

62 Onyejianya, *supra* note 46.

63 *Whistle-blowers Protection Bill Passes Second Reading*, DAILY POST NIGERIA (Oct. 20, 2016), <http://dailypost.ng/2016/10/20/whistle-blowers-protection-bill-passes-second-reading/>.

64 Onyejianya, *supra* note 46.

65 O. Bamgbose, *Whistle Blowing; The Whistle Blower; The Whistle Blowing Act: A Simple Expose/An Easy to Read Discourse on the Concept of Whistle Blowing*, 20(3) AFRICAN J. FOR THE PSYCH. STUD. OF SOCIAL ISSUES 316, 320 (2017).

66 *The Limits of Whistle-Blowing*, NIGERIAN TRIBUNE, (June 7, 2017), <http://www.tribuneonline.ng/limits-whistle-blowing/>.

realization of the Millennium Development Goals (MDGs), whistleblowers in Nigerian private and public sectors have forcibly virtually gone silent. This is resultant from the shabby ways informants, who in “good faith” and “public interest” reveal that unethical practices in private and public spheres in Nigeria are being treated.

## VI. IMPLICATION OF THE “OTHER SIDE” OF WHISTLEBLOWING FOR ANTI-CORRUPTION CAMPAIGN IN NIGERIA

The consequences of the current unsatisfactory state of affairs, that is, the unwarranted abuses and maltreatments of whistleblowers, for the war against corruption in Nigeria are huge and not far-fetched. Notably, the following implications are quite noticeable:

### A. *Absence of comprehensive whistleblowers’ protection law*

The demonstrable ugly fate suffered by whistleblowers in Nigeria basically sends signals within and outside the country about the share absence or lack of a comprehensive and effective legislation, enacted by the National Assembly of the country for ensuring the protection of patriots who act in public spirit to expose unethical misconducts at their workplaces. This can be taken to mean that Africa’s largest country Nigeria is merely paying lip service with regard to her signatory and ratification of many of the international conventions and instruments in the field of anti-corruption. These include but are not limited to the United Nations Convention against Corruption (UNCAC), which Nigeria ratified on 14 December 2004, and the African Union Convention on Prevention and Combating Corruption (AUCPCC). Article 33 of the UNCAC encourages countries signatory to incorporate provisions for protection of whistleblowers and their families from any unwarranted treatment, in their domestic legislations. Similarly, in view of the Article 5(5) of the AUCPCC, State Parties undertake to adopt legislative and other measures to protect informants and witnesses, as well as their identities in corruption and related offences. However, Nigeria is still struggling with the problem of promulgating a known whistleblower protection law<sup>67</sup>. By implication, Nigeria seems to be reluctant in embracing holistically, globally accepted international best practices and legal instruments for fighting corruption and illegal practices. Yet, Nigerian Federal Government hopes to win the war against corruption in the country.

### B. *Discouragement to whistleblowers*

The nonexistence of effective and known whistleblower protection legislation, coupled with the already “hostile” whistleblowing atmosphere in Nigeria discourages employees in both private and public sectors from coming forward to report genuine instances of corruption and unethical misconducts in their organizations. This, by extension, undermines the expected role of the citizens in the ongoing anti-graft war in the country.

### C. *Loss of confidence in governments’ inability to protect*

Given the level of insecurity and threats to life and loss of means of livelihood by sincere whistleblowers, who regard it a voluntary civil obligation to expose corrupt acts in the interest of the public, it becomes clear that Nigerian government currently lacks the

capacity, legally and otherwise, to protect citizens who risk their lives for the good of the country. This state of affairs in turn creates loss of confidence and faith in government and further leaves adverse consequences for the relationship between the government and the citizens.

### D. *Lack of political will to combat corruption*

Although Nigeria, especially under the present Buhari administration, can be said to be observably working assiduously to win the fight against corruption, not having a functional whistleblowers’ protection law, shows a lack of sincerity and genuine will to address the issue of corruption in the country. Whistleblowing has recently become an integral part of anti-corruption frameworks in most countries. This is due to realization that the masses of the citizenry have important role to play in national anti-corruption campaigns, precisely as informants. Therefore, not considering the protection of whistleblowers a critical factor in winning the anti-graft war in Nigeria shows lack of seriousness on the part of the government, and this could make the situation worse off.

### E. *Nigerian government’s indifference to good governance*

The fight against corruption is directly located at the heart of the popular “good governance for development strategy” advocated by the international community. Without a model law to regulate whistleblowing activities and associated issues, it can be rightly affirmed that Nigeria is yet to show any serious sign of preparedness to allow the culture of good governance to take root within the polity.

## VII. MEASURES FOR ADDRESSING THE SITUATION

In a bid to address the prevailing circumstance, enhance the potentials of whistleblowing and motivate employees in private and public sectors to perform their expected role in the society, in line with the argument of the functionalist tradition within the role theory, and to impact positively on the war against corruption in Nigeria, this paper recommends the following measures:

The Nigerian Federal Government should, first and foremost, enact the proposed Whistleblower Protection Bill that has been on the floor of the Senate for some years now, so as to evolve a legal framework for ensuring adequate protection of informants from possible retaliation and victimization in public and private sectors. This would serve as the foundation upon which any functional whistleblowing framework or programme in the country will be erected. The pieces of provisions, as found variously in Sections 28 and 64 of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, 2000; Section 39(1) of the Economic and Financial Crimes Commission (EFCC) Act, 2004; and Section 27(2) of Freedom of Information (FOI) Act, 2011, among others, regarding whistleblowers protection, are not adequately sufficient to guarantee informants the needed protection. There is therefore the need for a dedicated and comprehensive legislation to properly protect whistleblowers. This would boost the confidence and courage of Nigerian employees to raise alarm, whenever the need genuinely arises, to disclose unethical acts in



public interest. South Africa, Ghana and Jamaica have laws similar to that of the UK, that is, the UK's Data Protection Act of 1998. Nigeria could develop her whistleblower protection legislation along the UK model. With the right legal framework in place, whistleblowing would sooner become a valuable tool for promoting government's anti-corruption drives and good governance in Nigeria.

The enacted legislation should be robustly enriched with special provisions regarding the contexts, conditions, meanings, forms and acts that constitute retaliation against whistleblowers, as well as the remedies and sanctions to be borne by culpable organizations and/or individuals. As a matter of deterrence, severe sanctions and penalties should be clearly spelled out to be meted out to any organizations or their officials, as the case may be, who involved in victimization or retaliation against any employee for exposing any wrongdoing. To borrow the views expressed in *The Leader News Online* of 31 May 2013, "such a law must carry has, uncompromising and unsympathetic punishment for offenders especially in the public sector"<sup>68</sup>. In the long run, this would help to drastically curtail the level of victimization suffered by genuine informants, who take risk to protect the country from possible dangers or loss of assets.

In a developing country such as Nigeria, where the culture of respect for the rule of law has not yet been firmly entrenched, depending solely on the law to provide security for whistleblowers is unarguably not sufficient. Nigerian government should also cultivate the practice of deploying the security apparatuses to ensure the protection of informants from possible physical dangers, such as attacks on their lives and family members, as well as property. Such a practice, if adopted, would help to build higher-level trust and confidence in government's ability to protect whistleblowers, which would further encourage patriotic individuals to be eager to raise the alarm against any corruption acts and illegal activities done in their organizations.

The risk undertaken by informants in Nigeria undoubtedly far exceeds the usual 5 percent financial reward accruable to them under the existing Federal Government whistleblowing programme. Without going too far, one of Nigeria's closest neighbouring countries, Ghana, offers as much as 10 percent to any whistleblower who discloses any information that eventually leads to the recovery of looted assets. Nigeria should take a cue from Ghana in this regard, as it would go a long way to motivate employees not to hesitate to report any acts of corruption by their organizations, especially with the understanding that might lead to positive changes in their economic status. Moreover, some countries, such as the United States, have set the precedent, in terms of instituting a whistleblower award scheme, all in a bid to ensure that individual employees are motivated to come forward and report corrupt practices in their organizations. To concretize this claim, Onyejiana confirms that:

In the US, a whistleblower award program has recently been implemented to incentivise whistleblowers whilst preserving their anonymity at the same time. Setting a precedent, the US SEC paid out a watershed sum of \$1 m on October 1, 2013 to an unidentified informant for providing information which led to a successful enforcement action and the recovery of large investor funds. The incentivisation scheme adopted in the US could

set a new global standard for whistleblowing leading to enhanced protection as well as financial incentives for informants. Although there are ethical issues associated with incentivisation, if it is properly managed, the advantages could outweigh the disadvantages as it could still do more to encourage individuals to come forward. Good news for individuals who want to highlight internal corruption and bad practices but bad news for culpable organizations<sup>69</sup>.

Nigeria could equally copy the US practice as that would go a long way in motivating the citizens to complement government's effort in the fight against corruption in the country.

The two major Nigerian anti-graft agencies, EFCC and ICPC, jointly with the Federal Ministry of Finance (FMF), which currently houses the existing Nigerian Federal Government's Whistleblowing Policy, have important roles to play in this regard. There is a need for a stronger and closer synergy between the three institutions and relevant Civil Society Organizations (CSOs). There is apparently somewhat a high-level lack of awareness among Nigerians regarding whistleblowing and its related matters. Many Nigerians do not know the available government policies, legal structures, procedures and the appropriate channels to report corruption cases, as well as how to make disclosures safely, in such a way that their identities are not disclosed. As a matter of fact, many are not even aware of the financial reward accruable to them, should they disclose any information that successfully leads to the recovery of any stolen government assets, which is supposed to be a source of motivation. Against this backdrop, the EFCC, ICPC and FMF need to work in closer collaboration with relevant CSOs, to promote whistleblowing culture among Nigerians, by sensitizing and enlightening the masses on the subject matter "whistleblowing", especially with regard to the existing Federal Government Whistleblowing Policy, since Nigeria is yet to promulgate a comprehensive whistleblower protection law. If undertaken, the awareness-raising exercise would help to equip and reposition Nigerians psychologically and otherwise to voluntarily speak out "in good faith" and "in public interest", in case of any observed corrupt practices in their organizations. With well-articulated advocacy and awareness programs, whistleblowing can serve as an important instrument for mobilizing citizens' support for government's anti-graft campaign in Nigeria.

Notwithstanding the existence of EFCC and ICPC, being Nigeria's two major anti-corruption agencies, the establishment of a Federal Bureau of Whistleblowing (FBWB) is of utmost important. This is in view of the wave of monumental corruption sweeping across all spheres of Nigeria's national life under the prevailing Fourth Republic and the present Buhari administration's unfettered drive and determination to rid the country of the twin evil of corruption and bad governance. The Bureau of Whistleblowing, if established, should be responsible for coordinating all whistleblowing programmes of the Federal Government and for handling all cases related to whistleblowing and associated matters in Nigeria. If implemented, this would be a watershed development in the history of whistleblowing practice in Nigeria.

## VIII. CONCLUSION

In this paper, we have examined the "other side" of the whistleblowing culture. Whistleblowing has undoubtedly, a

68 THE LEADER NEWS ONLINE, *supra* note 41.

69 Onyejiana, *supra* note 46.

tremendous impact on the fight against corruption and unethical behaviours in most societies in the world. Hence, it has become widely accepted as an important part of any well-articulated, functional and result-driven anti-graft framework globally. This is to the extent that many extant international anti-corruption conventions, treaties and legal instruments, for example the UNCAC and AUCPCC, consist of provisions on whistleblowing, as evident in the study. Whistleblowing has thus come to be recognized as a very useful tool to all modern societies, owing to its intrinsic role and values. On the basis of its natural configuration as an anti-corruption mechanism, the whistleblowing mechanism is useful for protecting the public interest and saving the society from dangers and losses. It also serves as a means of incentivizing citizens who perform their expected role in the society (disclosure of wrongdoing in good faith and in public interest), in accordance with the role theory adopted in this study. Despite these facts, experiences show that while whistleblowing does much good to the public and individuals who leverage on the framework to report wrongdoing in their immediate environment, the practice is not without a huge cost, mainly on the part of the informants.

In virtually all societies, whistleblowers suffer great misfortune or ill fate for disclosing corrupt acts in their organizations, as a way

of discharging their supposed duty as faithful community members. These include but are not limited to victimization, retaliation and recrimination by co-workers, witch-hunting, denial of work benefits, suspension from duty and even absolute dismissal. In this study, this is technically referred to as the “other side” of whistleblowing. The Nigerian experiences as reviewed in this study clearly supports this. Essentially, the “other side” of whistleblowing is not without some consequences for the war against corruption in Nigeria. As found in this study, it is a manifestation of the absence of virile and comprehensive whistleblowers’ protection law; it discourages reporting of wrongdoing by employees; it creates loss of confidence and faith in Nigerian government’s ability to protect its faithful citizens; it is a display of the lack of political will to combat corruption in the Nigerian state; and it also exposes Nigerian government’s indifference to good governance. Despite the present circumstances, this study is optimistic that a proper adoption of the measures recommended in this paper would remedy the situation and bring about significant improvement in the usefulness of the whistleblowing mechanism in Nigeria’s anti-graft war.