

Anti-Corruption Investigators' Perception of the Role of Records and Records Management in Nigeria

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Abstract

This study aims to explore records' contributions to anti-corruption investigations. The study answers the question: what is the perception of anti-corruption investigators on the role of records and records management in their work? The goal is to produce new knowledge of the role records plays in investigating corruption-related offences. It presents findings from a qualitative explorative case study. Fifteen Nigeria's anti-corruption investigators were interviewed in the year 2020. Interview data collated are analysed using thematic analysis. The study reveals that adequate records alone cannot ensure accountability despite the nexus between proper recordkeeping and corruption. Enhancing the integrity and authenticity of

records as the most acceptable accountability tool will add significant value for ease of use by accountability forums.

Keywords: Accountability Forums, Accountability Tools, Anti-Corruption Investigations, Corruption, Records Management.

Introduction

Corruption is a menace to society. It stands in the way of realising all human rights; civil, political, economic, social, cultural, and even the most critical rights to development (Hough, 2013; Peters, 2018; Rose-Ackerman, 2004; World Bank Group, 2000). Human rights as a product of good governance are at risk, which calls for confrontation. Defining what corruption means has proven difficult due to its varying nature and ever-changing circumstances. Nevertheless, it refers to acts in which the power of the public office is in use for personal gain in a manner that contravenes established operational guidelines. Illegal acts like fraud, money laundering, drug trades and black-market operations are out of the scope of the given definition due to their lack of requiring public power. However, they thrive with public officials and politicians' direct or indirect involvement (Gray and Kaufmann, 1998; Jain, 2001).

Like many countries, corruption in Nigeria developed over time (Dike, 2003; Osoba, 1996). Its prevalence in most developing economies has attributes of a combination of factors that include strong motivation and opportunities to engage in some form of corruption, which could be the likelihood for its steady growth (Gray and Kaufmann, 1998). Common ground among key stakeholders is that corruption is inimical for developing any society

(Olken and Pande, 2012). Thus, the need for a deeper understanding of its peculiar facets towards blocking systemic loopholes that serve as catalysts for its progression. The enormity of the devastating effects of corruption and other related offences on national image, growth, and development necessitates establishing special anti-corruption agencies in countries with endemic presence. The fight against corruption became imperatively inevitable for any meaningful progress. The high level of corruption and its sustained evolution in Nigeria facilitated the establishment of the Independent Corrupt Practices and other related offences Commission (ICPC) in 1999. The mandate of the ICPC, in line with its Act, is to prohibit and prescribe punishment for corruption, fraud, embezzlement, bribery, and forgery perpetrated by Nigerians within and outside the country. Under the purview of the ICPC, are all Nigerians in the private and public sectors, including political office holders, with constitutional immunity (ICPC, n.d.).

The fight against corruption is global, and records are required tools of reference used by anti-corruption professionals for evidentiality. Ideally, records are reliable and complete documents that can convey information used in transactions and reach their production purposes. Its management amounts to systematic control of an organisation's records throughout its life cycle to meet operational business needs, statutory, fiscal requirements, and community expectations (Harries, 2009). For any record of serving its purpose of creation, it must conform to a particular context, form, organisation, structure, and version/copy (Öberg and Borglund, 2012). It is indeed a requirement that records must meet for productive use. Palmer (2000) argues that records management ensures accountability and safeguards against corruption, fraud, and maladministration. Its absence impacts transparency and accountability, which hinders good governance. In the same vein, a well-established records management system in public organisations makes it more likely for civil servants to be accountable, transparent and have high integrity in their decisions and actions. On the other hand, mismanagement of records also supports fraud and corrupt practices prevalent in developing countries (Rodreck, 2017).

The main objective of this study is to increase understanding of the value of records in anti-

corruption investigations in Nigeria. The research question is: what is Nigeria's anti-corruption investigators' perception of the importance of records and records management in their work?

Anti-corruption agencies as accountability forums create, acquire, and use records. Their job lifelines depend solely on recorded evidence (Meijer, 2000). This category of record-intensive professionals fights against corruption and corrupt practices in fairness and strict adherence to the rule of law. However, records management professionals have reiterated the importance of records and their management among professionals (de Boisdeffre, 2006; Dearstyne, 2007; Dikopoulou and Mihiotis, 2012; Duranti and Rogers, 2019; Kautto and Henttonen, 2020; Ryan, 2006; Shepherd, 2006; Sundqvist, 2007). No prior study empirically examines the role of records in the fight against corruption from the investigators' perspective. The present investigation fills the gaps in the domain by exploring the value of records in anti-corruption investigations.

Literature Review

Special accountability forums such as anti-corruption agencies see records and archives management as part of the same continuum. In their quest to secure the rule of law, they use relevant records irrespective of state, medium or stage within its lifecycle to make a case. Records serve as a means of accountability due to their power to provide adequate evidence of rights, entitlements, and obligations that support their efficiency. An essential category that shows the use of records in this regard, according to Sundqvist (2007), is the accountability purpose of proving that organisations meet legal or other regulatory requirements, which portrays a strong relationship between accountability and evidential value. Anti-corruption investigators build case files to reconstruct memory using records (Meijer, 2000). It shows that the record as an accountability tool is central to the agencies' ability to fulfil their crucial obligation of fighting corruption.

Corruption can best be fought indirectly (Casadesús de Mingo and Cerrillo-i-Martínez, 2018). At a time, accounting forums employ blocking loopholes that breeds corruption as an indirect measure because the porousness of a system could

trigger corrupt tendencies of certain public officeholders. According to the World Bank Group (2000), effective records management practices are essential in blocking loopholes in the system. In line with the Council of Australasian Archives and Records Authorities' position in CAARA Policy 04 – Corporate Memory in the Electronic Age (2010), well-managed records and information provide a cost-effective deterrent to fraud and corruption. However, when corruption occurs, authentic and reliable records can serve as evidence to identify abuse, misuse and non-compliance with financial institutions and other laws and regulations (Palmer, 2000a). Fighting corruption in all government sectors depends on proper records management (Okello-Obura, 2013).

Records as carriers of valid information must remain trustworthy to serve both primary and secondary creation purposes. Maintaining the integrity of records ensures that they remain secure, intact, accessible, and intelligible throughout their life span (Cox, 2001; Shepherd and Yeo, 2003). Such are the kinds of records that safeguard against all forms of corruption and corrupt practices. Since corruption provides the enabling environment for fraud, it almost always involves tampering with or falsifying records (Okello-Obura, 2013).

The nexus between proper record keeping and corruption continually proves that fighting corruption might not be possible without accurate and complete records that serve as evidence of transactions (Adu, 2020; Cox and Wallace, 2002; McKemish and Upward and, 1993; Sharman, 1993). Record is a crucial indispensable tool used by accountability forums as evidence of any wrongdoing (McKemish et al., 2005). They gather information from various sources to reconstruct what transpired for analysis and appropriate sanctions (Meijer, 2000). Even though Hurley (2005) portrays that no amount of articulating or theorising about recordkeeping principles will ensure responsible behavior, Meijer (2000) asserts that an agency can adhere to improved recordkeeping practices in anticipating accountability processes preparatory to such exercises, which shows some form of influence in behavior towards better records management as required by the forums. Looking into the experiences of special accountability forums that specifically target corruption and corrupt practices, such as anti-

corruption agencies, regarding the role of records in their work will provide insights into their activities to better position records and records management.

Scholars in records management have touted the importance of records and the need for their proper management to support the global fight against corruption. Their position portrays a barrier to meaningful progress without using valid evidence to prove any wrongdoing. Records and its management, without a doubt, produce the most widely acceptable accountability tool used by accountability forums in the discharge of their duties. Nevertheless, this is the first empirical research investigating those who do the actual work, viewing records and records management from the point of view of anti-corruption investigators.

Methodology

The study centres on the question; what is the perception of anti-corruption investigators on the role of records in their work? It is an explorative-qualitative case study. The research question in focus requires an extensive and “in-depth” description of some social phenomenon. According to Taylor et al. (2015), a case study seeks to preserve the wholeness and integrity of the case. However, a well-defined research problem must be established geared to a specific feature to achieve some focus (Silverman, 2010). This approach is most suitable when investigating cases because it will enable the researcher to describe the elements and impacts of the phenomenon under investigation (Creswell, 2018; Taylor et al., 2015; Yin, 2009).

Africa's largest economy and the most populous country Nigeria has corruption as a single pervasive threat to achieving its potential (Osoba, 1996; Page, 2018). The enormous amount of corruption-related cases in the country and the centrality of corruption as a topic of national and international discourse make it a suitable target for this study. The case in this study is records and records management, where anti-corruption investigations help understand their role in investigation work. The case study organisation was Nigeria's Independent Corrupt Practices and other related offences Commission (ICPC). The ICPC being Nigeria's first anti-corruption agency (established in 1999), has broad experience in fighting corruption at the grassroots,

putting them in the best position to provide the needed research information. The high level of reliance of the operations department of the ICPC on recorded evidence for investigation necessitated their choice. Aside from their core mandates of fighting financial crimes and corrupt practices in government Ministries, Departments and Agencies (MDAs), the ICPC also examines public bodies' practices, systems, and procedures and where such systems aid corruption to direct corruption and supervise their review. Moreover, they are duty-bound to enhance transparency and accountability for good governance in the country.

Investigating the role of records by a unique accountability forum that relies heavily on records as a source of information makes the records lifecycle concept with segmented phases best suited for system vulnerability testing during an investigation. The four stages of the records lifecycle concept, including creation, distribution, maintenance and use, and appraisal and disposition, bring the critical constructs in alignment with this research field's variables (Shepherd and Yeo, 2003). It has the power to simplify diagnosis/troubleshoot and understand records management-related leakages and point to the exact trail that requires urgent attention for prompt guided treatment. The record lifecycle remains one of the valuable and helpful ways to look at records management and interpret it to professionals in other disciplines (Hoke, 2011). The record life cycle model forms the basis for formulating the research questions and the interview guide for the study.

The research data were gathered in 2020 using a semi-structured interview guide through recorded interviews. The interview questions were open-ended and designed to elicit responses that unveil the anti-corruption investigators' perception of the importance of records and records management in their work. Questions such as, what was it like interfacing with a poorly managed record system if experienced, further probed by how it affects their work, were raised, backed by other general questions accordingly. The themes of this study analysis were derived from the records lifecycle model that foregrounds the purposeful creation of records and their maintenance for appropriate use.

Investigation-related units were formally informed about the research data collection by the

Director of Operations (DG OPS). The snowball sampling technique was used to draw the fifteen research participants from the six units of the Operations Department of the ICPC. The snowballing got kick-started with the first Principal Investigator introduced by the DG OPS as a possible interviewee. Saturation was observed on the 15th (interview) (Baker et al., 2012). The sole responsibility of the research participants lies in investigating corruption cases using mainly recorded evidence. Their reliance on records as the exclusive accountability tool during an investigation and in the prosecution process makes them the best source of information for this research the participants for the research range from senior, mid-level, and junior Investigation Officers. Overall, two to three staff participated from each investigation unit. Though the staff perform different tasks in their respective teams, they are united in using records to discharge their assigned duties.

Owing to the sensitive nature of the subject and other privacy concerns that ensure best practice, the researcher had to make a series of detailed explanations of the aims and objectives of the study to secure permission for data collection. Centralised investigations warrant conducting interviews at the commission headquarters in individual participants' respective offices. It took between thirty minutes to an hour, depending on the varying length of individual responses to questions asked. No interviewee has exhibited any restraint to questions asked aside from minor interruptions from visitors and colleagues during the interview.

Interview data were transcribed, theme coded and analysed using thematic analysis. The interview guide results from the research question determined from the identified research gap. It points to the question that is categorically meant to elicit responses that correspond to the theme of the importance, value, advantages and place of records and records management being examined. The initial codes of the study data emerged from patterns and meanings derived from the interview. The analysis was done by comparing similarities and differences in the interviewees' responses. Other emerging themes include the role of investigators in records management, prospects of records management and transparency in recordkeeping practice.

Findings

The findings of this study focussed on the central theme of the perception of anti-corruption investigators on the significance of records and records management in their work. The process of an anti-corruption investigation starts with building a case file. The anti-corruption investigators use accurate and complete records to reconstruct transactions to reduce uncertainties. An anti-corruption investigation is a thorough and careful unveiling process of interpreting evidence to prove any wrongdoing. The use of records is central to any meaningful investigation analysis. When asked about how records feature in their work, an experienced Principal Investigator in the commission gave the following typical representative response.

“You know, of course, right from the time you get petitions, when we investigate petitions, allegations of malfeasance, and so on and so forth, right from the very moment you get petitions, they come in document form. Now it means that from the get-go, you need to begin to keep that record intact, and there is what we call building of the case file. If you do not keep your records properly, you cannot use case files, and if you have failed to build your case file, you will find it difficult to marshal your evidence towards prosecuting cases in court. So, from the beginning, we must keep these documents, but they... like I said earlier, they are physical (manual) documents that we have to keep on our own. We have files, case files and administrative files, and for cases that we are investigating, they are in case files; for administrative matters, they are in admin files. But the onus is on us as investigators, as supervisors to ensure that the records are kept, but how you keep them is down to you, down to you in the sense that if it is secured, it is your duty; if it is not, it is your responsibility.”

(Interviewee I)

As far as anti-corruption investigation work is concerned, nothing else matters more than records and records management. The two are considered inseparable as the availability of complete, accurate and reliable records is determined by proper records management. It determines what makes or mars the entire process of anti-corruption investigation from start to finish. The records used in anti-corruption investigations now are mainly manual. They are carefully managed by individual investigators or teams assigned to a case. This explanation shows that the primary role of investigators, aside from the investigation, is responsible for managing investigation records in their custody. They do so with little or no professional guidance on records management's professional principles and practices as lamented thus.

“If you are robbed, if you are bugled, and everything... sensitive information might be at the disposal of whoever stole it.”

(Interviewee II)

In the same vein, another participant reiterated the use of records by anti-corruption investigators accordingly. He puts it differently, emphasising the value of records and the importance of records management to anti-corruption investigation work.

“Our job is mainly centered on records. You know the art of investigation is finding out the true position of things, most especially when it becomes a financial investigation. Every financial transaction is done basically on records, and in terms of looking at what happened, where it happens and why it happens, the key issue is that you have to look for records. It could be a cheque; it could be a voucher, it could be an authority that is from one department to another department, from one agency to another agency, from the government itself, even the procurement rules are records, your financial regulations if you are going to implement one... the financial rules are also on record, so a record is very germane to our activities in ICPC.”

(Interviewee III)

For special accountability forums such as the ICPC to function effectively, proper records management must be in place in public and private sectors within their area of coverage. Records management facilitates the creation of an accurate record in the first instance for appropriate use. An accurate and complete record is crucial to the function/existence of such accountability forums. To establish the actual position of things in any anti-corruption investigation, reliable backing evidence is always required.

The role played by records in investigations is undeniably critical. Its evidential value provides the scale necessary for making reliable decisions. Records are irreplaceable accountability tools that aid investigations. A participant lamented on the role of records in anti-corruption investigations as follows:

“The record plays a very big role in generating evidence that will strengthen the case, either strengthen the case positively when I say positively in the sense that this man has not done anything, then you see the data, and then you know that truly what he is saying is true. If what he is saying is not correct and then you see the data, you know that this guy is lying, he is the one that did this, so you have enough evidence to establish that he either committed the offence, or he has not committed the offence.”
(Interviewee IV)

Record, in this case, is regarded as the single most acceptable tool of evidence to determine a cause. It holds the requisite information necessary for a decision from investigation to prosecution and sentencing as portrayed by this participant:

“In fact, the bulk of the activities we carry out in investigation is dependent on record without record; it will be difficult for you to arrive at any conclusion, period.”
(Interviewee V)

Anti-corruption watchdogs use records as accountability tools to bring public office holders to account. Records do not prevent corruption from

happening without being acted upon by the powers that be. They, however, provide the necessary trace during an investigation. A research participant affirmed the assertion above when asked about the link between proper recordkeeping and the fight against corruption. He said ...

“For instance, in bureaucratic organisations, proper record keeping is such that you follow the laid down rules and procedures at getting things done, getting work done, and if you keep them, then the chances are that you will. It’s more or less of a trace rather than preventing the action. For example, there is a place where over one billion Naira was misappropriated, and there are records, but it was misappropriated; the advantage of the record is that it enables us as investigators to trace and follow the money and see where it ends, but it does not totally eliminate corruption, but it gives us an advantage. The advantage is that you can follow it, you can see what has happened, you can see who has spent what and so, but it is good, it is important to keep records and it will to some little extent.” **(Interviewee VI)**

The above-given explanation affirms the nexus between proper recordkeeping and a successful fight against corruption. It clearly shows that for corruption to be reduced, it takes a combined effort of adequate creation and appropriate management of the accountability tool to be used in the battle on the one hand and the watchdogs performing their jobs on the other. Knowing that one will not get away with corruption, in the long run, could deter public office holders from the practice that proper records creation and management provide. Good recordkeeping can instill fear of being busted, thereby preventing those who intend to commit such offences due to inevitable awaiting consequences.

However, despite the immense value placed on records and records management in an anti-corruption investigation, what is paramount is safeguarding their integrity to serve the purpose for which they are created. Therefore, only complete,

accurate and adequately managed records become reliable evidence supporting the fight (against corruption), thus emphasised.

“My brother, record management could be very beautiful and records well-managed, but if those records that are ‘well-managed’ are created artificially or fictitiously, will it aid in fighting corruption? The answer is no. You can see a well-arranged and well-managed record system, but the document there are cooked. We used to hear about the cooked financial statement that impacted negatively on the investing public during the period of the shares awarded, and they roll out a financial payment that is fictitious and cooked and people buying in because that’s what they saw.”

(Interviewee VII)

The significance of records in an anti-corruption investigation depends on the integrity of its content. Records and their management tend to lose every bit of their usefulness once altered, doctored, lost, or unlawfully destroyed. It implies that those responsible for records and records management must do so for maximum productivity. It also shows the need for continued capacity building and professional ethics to yield the right workforce if the desired accountability tool is to be produced and managed for the ease of use by accountability forums.

Discussion

To categorically address anti-corruption investigators’ perception of the role of records in their work, the findings of this study build on existing evidence on the nexus between records management and corruption, affirming the role of records and records management as crucial. The data suggests that the success of any fight against corruption and other related offences is undoubtedly dependent on the creation of adequate records and proper records management. The bulk of the anti-corruption investigation work center on access to accurate and complete records. These findings match various scholarly standpoints that acknowledge using records

by accountability forums as a reliable source of credible evidence. (Casadesús de Mingo and Cerrillo-i-Martínez, 2018;McKemmish and Upward, 1993;Meijer,2000;World Bank Group, 2000).

The study views the record as primarily an accountability tool that simplifies bringing public servants to account. The data clarifies that records do not prevent corruption without being acted upon by anti-corruption watchdogs. Instead, they aid anti-corruption work by providing the desired information that serves as deterrents to such practices. They make corruption and corrupt practices difficult to perpetrate since they hardly occur without falsifying existing evidence. They offer accountability forums the advantage of a trace during an investigation and serve as evidence in court during prosecution. The study confirms the said perspectives as shared with (Adu, 2020; Hurley, 2005; Okello-Obura, 2013;Palmer,2000b;Rodreck,2017).

Safeguarding the integrity of records is a prerequisite that must be met at every stage of the record life cycle. Since the record tends to lose its validity once altered, doctored, lost, poorly managed, or unlawfully destroyed, the workforce’s capacity must be determined alongside professional ethics to ensure its safety. Maintaining the integrity of records in its management is paramount to functioning effectively. Records in whatever form must be complete and accurate to become a reliable organisational asset that provides the much-needed evidential backing when the need arises. This position aligns with the various professional definitions of records and their requirements to become a helpful resource. (Shepherd,2006;Shepherd and Yeo,2003).

Nevertheless, the above discussion denotes that proper records management products are invaluable anti-corruption investigation tools if the fight against corruption must succeed. Therefore, it is essential to safeguard their integrity to maintain their validity. It is paramount to ensure that those charged with records management responsibility are trustworthy; otherwise, their actions or inactions will jeopardise the entire effort of producing the desired accountability tool that determines their success. It is evident that falsifications of records hardly occur without public officials’ complicity (Jain, 2001).

It is beyond the scope of this study to cover electronic records because the research case is mainly dependent on manual records. The sampled

participants do not cover all the staff that generates, keeps, uses, and manages records in the ICPC. Only those directly involved with investigations and dealing with investigation-related evidence participated in the research.

Conclusion

The place of records and their management in the global fight against corruption is irreplaceable since the job lifelines of accountability forums rely heavily on reliable recorded evidence. Records management produces the much-needed accountability tool for anti-corruption investigations. When acted upon by anti-corruption watchdogs, accurate and complete records deter corrupt practices. This study presents a records management approach to fighting corruption and other related offences. Further research should examine the processes and social structures necessary to use records in the anti-corruption fight.

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