

The War Against Corruption In Nigeria: The Problems with The Solution

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Abstract

Corruption has become the most popular issue that is subjected to discussion by individuals, organisations and government officials in Nigeria. This is based on the position the cankerworm has occupied in the political system and its nefarious effects on the entire citizenry. The various administrations in Nigeria have put in place certain measures to curb corrupt practices among public officials having noticed the negative implications of the menace on the entire system. This work undertakes the conceptual clarification of corruption and proceeds to showcase the various anti corruption measures that have been put in place by succeeding regimes in Nigeria. These measures which represent the solutions by the government have yielded little or no positive impact on corrupt practices in the nation. This paper therefore discusses the problems with these anti corruption measures and finally submits that while administrative capacity is imperative in the fight against corruption, political will supersedes.

Keywords: corruption, anti-corruption measures, anti corruption war, anti-corruption commission.

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Introduction

Corruption occurs to varying degrees in every country of the world but, it has become a major culprit for the systematic failure of nearly every sphere of Nigeria's political and economic systems. It is no more a rumour that it is fast growing to become a permanent feature of the polity called Nigeria. Unfortunately, no suitable solution has been proffered to this menace.

Nearly all regimes and administrations have developed one anti corruption measure or the other with all turning to be nothing but political gimmicks to gain acceptance among the populace. Each administration has adopted the institutional approach to the fight against corruption in Nigeria. However, this approach has always fallen short of its desired and original intent. Instead of reduction in the rate of corrupt practices, the menace is becoming increasingly alarming on daily basis. Olaleye (2016) noted that over the last couple of years, Nigeria, Africa's largest nation, gained unprecedented global attention on account of its unenviable record in corruption. Following a successful return to democratic rule on May 29, 1999, there was immense domestic and international pressure on the new administration to fight corruption. These pressures explain partly, why a host of new policy and institutional measures are put in place to fight corruption. These measures include public service reform such as monetisation to reduce waste and reduction of over-bloated personnel, reform of public procurement; establishment of anti-corruption enforcement agencies such as the Economic and Financial Crime Commission (EFCC) and Independent Corruption and other Practices Commission (ICPC).

In the light of the above, this paper therefore intends to look at the problems associated with the solutions that have been raised regarding the institutional means of waging war against corruption in Nigeria and the way out. This is with most reference to the Independent Corrupt Practices and other Related Offences Commission (ICPC) and the Economic and Financial Crime Commission (EFCC) as anti-corruption agencies.

Corruption Defined

The definition of corruption varies with time, place and culture but the notion of corruption goes back to Aristotle's distinction between political constitution which are 'right and just' because they are in the common

interest, and those which are ‘wrong or perversions of the right forms,’ because they consider only personal interest of rule (Barker, 1948). According to Girling (1963) corruption is normatively defined as the abuse of a public position of trust for private gain. He observed that corruption negates positive social purpose, that is, the proper means to attain a valued end (the ‘common good’ or the public interest). He therefore posited that corruption narrowly defined, denote illegal behaviour. Hefkens was more elaborate in his perspective on corruption. In his view,

corruption is difficult to pin down, to define. But we all recognise it when we see it, or worse, feel its effects. Hard facts, about corruption are difficult to come by. Is it ten percent? Twenty? Or much more, we don’t know. But all investigators agree that corruption causes massive economic and social harm. Money disappears into wrong pockets, the creditability of the authority is undermined, investment falls away or is misdirected, development grinds to a halt, and the poorest groups end up paying the price (Herfkens, 2000).

Chaturvedi (2006) describes corruption as behaviour which deviates from the formal duties of a public role because of private, regarding pecuniary or status gains; or violates rules against exercise of certain types of private, regarding influence. In the views of Rosenbloom, Krarchuk and Clerkin (2009), corruption is the betrayal of the public trust for reasons of private interest. They argued further that corruption in the form of bribery and the use of personal contacts has become institutionalised.

To Gboyega (1996), corruption deals with any decision, act or conduct that subverts the integrity of people in authority or institutions charged with promoting, defending or sustaining the democratisation process, thereby undermining its effectiveness in performing its assigned role. Corruption can thus evolve in many forms ranging from electoral ones as in purchase of votes with money, promise of office or special favour, interference with electoral process. In offices, it involves sales of legislative votes, payment in form of gift; legal fees, employment favour to relatives; taking of bribe by both private and public officials as seen in the case of the policemen along the major roads and highways, among others.

Anti-Corruption Measures in Nigeria

Although the level of corruption varies from one country to the other, the rate at which it pervades the Nigerian political system could be discerned in the level of havoc it has caused to the socio-political and economic development of the nation. The menace has gone beyond reasonable doubt and has yielded no positive response to nearly all measures that have been established to at least reduce it if not totally wipe it out of the system. Several means have been designed and several institutions constituted to combat corruption and to return integrity to every aspect of the Nigerian political system. Regardless of the measures put in place and irrespective of the resources committed to it, the story has remained the same and even become more pronounced in contemporary Nigeria.

It is noticeable and highly regrettable that nearly all regimes and administrations from independence till date have fought the war against corruption using a similar method or measure– the institutional approach. As Akanbi (2003) explains, successive military (and civilian) regimes therefore found it necessary to introduce *ad hoc* measures to combat the growing incidence of corruption and corrupt practices that had almost become a way of life with our people. According to him, some of these enactments are:

- The public officers (investigation of assets) Degree No. 5 of 1966, which was to address and eradicate corruption as a part of the nine-point programme of General Gowon's regime;
- The corruption practices Decree of 1975 under which public office holders were tried for abuse of office by a 3-man panel headed by Dr. Adegbite;
- The 1979 constitution provided for a code of conduct for public officers – a code of conduct Tribunal;
- Ethical Revolution initiated by the Shagari Administration; • War Against Indiscipline launched by the Buhari and Idiagbon regime;
- National Committee on Corruption and other Economics Crimes in Nigeria, which drafted the Corrupt, Practices and Economic Crime Decree in 1990.
- The Indiscipline, Corrupt and Economic Crime (prohibition) Decree of 1994; the Failed Bank Decree and Tribunal as well as the Advance

Fee Fraud and other Related Offences Act – corruption policy framework of the Abacha regime.

On assumption of office in 1999, President Olusegun Obasanjo at his inauguration noted the importance of combating corrupt practices when he lamented that:

corruption, the greatest single bane of our society, will be tackled head on at all levels. No society can gain anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria. One of the greatest tragedies of military rule in recent times is that corruption was allowed to grow unchallenged and unchecked, even when it was glaring for everybody to see. Under this administration, all rules and regulations designed to help honesty and transparency in dealing with government will be restored and enforced. The rampant corruption in the public service and the cynical contempt for integrity that pervades every level of bureaucracy will be stamped out. The public officer must be encouraged to believe once again that integrity pays (Obasanjo, 1999).

The Obasanjo’s administration thereby inaugurated the Independent Corrupt Practices and other Related Offences Commission (ICPC) otherwise known as the Anti-corruption Commission on 29 September, 2000. Section 3(1) of the ICPC Act 2002 states that “there is hereby established a commission to be known as the Independence Corrupt Practices and other Related Offences Commission” (ICPC, 2000). The administration took a step further in 2003 when another institution was established. This time, the Economic and Financial Crime Commission (EFCC) which was yet another government institution to combat corrupt practices in Nigeria was put in place. The EFCC “came at a time when many, if not most, Nigerians were of the opinion that fighting corruption and corrupt practices is something better printed on paper than actually being practical” (Balarabe, 2004).

The idea of administrative capacity in warring against corrupt practices has therefore taken prominent position in the annals of Nigeria. Despite that, the menace has not been abated.

The Problems with the Solution

The question is no more whether corruption persists in Nigeria but on the act of prevention and reduction. Despite government efforts that put in place various measures, all seem to have made little or no meaningful impact on the effect of corruption. Even the current anti-corruption policies have received total condemnation from people who believed that it would be very difficult for the new initiatives to achieve what similar measures could not achieve in the past. This is the submission of Adogamhe (2001) that even though “the new democratic leadership in Nigeria adopted an anti-corruption legislation in order to correct the perception and incidence of corruption (The Corrupt Practices and Related Offences Act, 2002), but given track record of past administration, it remains to be seen if these decrees and laws will be effective in eliminating economic crimes and corruption in Nigeria.

One of the impediments against the institutional approach is the issue of selective indictment. Even, “if the big wigs are caught, they cannot be prosecuted since Section 308 (1a and b) of the constitution shields the President, Vice-President, Governors and Deputies from being prosecuted for any crime while in office” (Akanbi, 2004). This seems to be a contradiction for the fact that corrupt practices are more pronounced in high places. How many past office holders have been prosecuted to a logical conclusion after leaving office? Are there no such ex-people holding high public offices today in our political system that have been accused of corrupt practices in the past?

Apart from the public officials covered by the immunity clause, highly placed individuals were allowed to go unpunished for their corrupt practices. Analysing the case of the former speaker of the House of Representative, Alhaji Salisu Buhari; on forgery and perjury, Dike (2002) notes that:

through corrupt means, Salisu amassed wealth (he made millions working for NEPA) and bribed his way to the fourth highest position in the land. It is a national shame that a crook was in charge of the body that makes laws of the land. What type of law could he have made for Nigeria? President Olusegun Obasanjo disappointed the world by granting Alhaji Salisu Buhari a state pardon despite his apparent campaign to transform Nigeria into a corrupt-free society.

The issue of selective indictment has tended to whittle down the power of the anti-corruption commission (*The Guardian*, 2003) and “rampant corruption among the Nigerian ruling elites has fostered an attitude of cynicism on the part of ordinary Nigerians so that the anti-corruption campaign is no longer taken seriously by the populace” (Adogamhe, 2001). The nature of the state and the parasitic character of the ruling class more often than not will undermine the work of any anti-graft agency by frustrating the effective implementation of the act especially those aspects which do not conform to their interest (Onuoha, 2003). Coupled with the above is the problem of court injunction. The process of investigation is marred with inability of the court to be in consonance with anti-graft agency. For instance,

each time the ICPC begins to investigate anyone, such person runs to courts. The same courts that are apparently not happy that the law is being watered down, are those which have granted injunctions against ICPC. They are restraining it from going on with its work pending the hearing of whatever complaints the accused person has taken to court. In the old order, the commission does not constitute a court. All it does is to prosecute (Sagay, 2003).

Consequently, the anti-corruption war is impeded and curtailed by frequent court injunctions since the commission is either made not to investigate or do anything about cases fully or partially investigated. The effect of these orders of the court, whether rightly or wrongly made, is that the commission must stay its hands until the order is lifted by the court that made it or till when an appellate court reverses the order.

The problem of funding is another militating factor against the operationalisation of the anti-corruption commissions. Investigation, which is a vital function of this commission, requires traveling and gathering of information from diverse sources. Officials are therefore incapacitated from conducting thorough investigations on cases before them. Qualitative performance demands that funds are adequately supplied. A former member of ICPC once declared that shortage of fund has been responsible for low performance of the commission especially in the areas of public enlightenment, investigation and prosecution since the commission was grossly underfunded, citing that in 2002, the allocation of the commission

was less than 50% of the total budget for it (*Thisday*, 2003).

Apart from this, the commission, argued Omotoso (2008), is expected to have offices in all the states of the federation and perhaps Local Government headquarters. This is to bring this important body closer to the people and to ensure early and easy report of cases of corruption. Not only this, it will make investigation of corruption easy, but because of lack of fund, the commission only maintains an office in Abuja to which everybody all over the country is expected to report cases of corrupt practices. This is cumbersome, expensive and unattractive to people. In addition, the problem of insincerity, on the part of officials of these commissions, may arise most especially if their welfare is not catered for appropriately. Once they are not well paid, they may be compelled to compromise and resort to showing favouritism in the process of discharging their duties. Such was the case when a former Deputy Registrar of the Court of Appeal, Inno Nwufor, accused high ranking judicial officers past and present. Such officers include Muhammad Uwais, Chief Justice of the Federation, Umuru Abdulahi, President, Court of Appeal and Mustapha Akanbi, Chairman ICPC (*Tell*, 2002).

These and others represent the problems working against the various anti-corruption measures that have been put in place in Nigeria. The question is: What can be done to save the country from this monster called corruption?

Tackling Corruption in Nigeria: Some Solutions

Having realised that the current initiatives to curb corruption in Nigeria have not actually helped the system despite huge resources that have been committed to the process, what then needs to be done? While not disputing the fact that administrative capacity is important in waging war against corruption, political will is of utmost importance and much more effective in combating this crime. Political will relates with the courage and determination of the leadership arising from their sources and facts and the ability of the leader to abide by and uphold the rule of law. Henry (2007) submitted that, the anti-corruption power of the standard methods of public management is limited to discouraging and detecting corruption, not in destroying it. The actual destruction of governmental corruption requires political will by public administrators, law enforcers, lawmakers and the people themselves. The deeper the corruption, the more political determination will be required to

eliminate it. Whatever the extent of the corruption, whether it is of the garden variety or it is the garden itself, political will is the key to its curtailment.

Whereas, to Segal (2002), combating corrupt practices demands absolute “overhauling management, eradicating special interests, and aggressively punishing misconduct.” Corruption in Nigeria needs to be addressed aggressively because it harms taxpayers and citizens and taking aggressive steps starts with the leadership. The reason for this is not far-fetched, “however, good and stringent an anti-corruption law is, it would only work if the stakeholders are committed to making it work, particularly those at the helm of affairs of the nation” (Akanbi, 2003).

Political will can be demonstrated by giving the agencies free hand to operate. The fight against corruption must be total, holistic and not selective. The federal government should, more than before, demonstrate that it has enough political will to fight the monster. Appropriate sanctions should be imposed on those found to be corrupt to serve as deterrents to would-be criminals. This is the only way Nigeria can move forward (Omotoso, 2008).

But the issue of political will is not limited to the leadership alone since political will against corrupt practices can emerge from various sources within and even outside the polity. As a matter of fact, “if the partner government lacks the political will, other stakeholders, especially civil society can play a useful, active role. Donors should support these stakeholders in their anti-corruption activity, particularly the media. The private sector can be an ally in combating corrupt practices” (IBRD, 2001).

Indeed, demonstrating political will among the citizens will go a long way in waging war against corruption. To Ihonvbere (2003), if we are to fish out all the corrupt people in Nigeria, one find out that it will remain only 10 percent of people you need to work with. Talking about fighting corruption in the public service, where do you begin? But those who are corrupt in Nigeria do not live in space. They are our uncles, fathers, brothers and sisters. Ihonvbere asked further, “how many sons have gone to report their fathers to the ICPC to say, I think my father is doing something he should not be doing?” The above poser is salient. The contribution of citizens to the problem of corruption is manifested and noticeable in Nigeria. For instance, the trial of the former Nigerian Ports Authority (NPA) boss, Chief

Bode George, in court attracted huge number of his supporters and family members who came to protest against his incarceration and also disrupt court sittings. This portends a bad omen for our system especially the move to work against corrupt practices in the society. When the case of James Ibori, the former Governor of Delta State was on-going, a section of people protested against the move, claiming that, Ibori was not the only corrupt politician in Nigeria. In fact, when Chief Bode George completed his jail term, it was a big celebration among his family and supporters, mostly politicians and the church inclusive. Political will on the part of citizens was demonstrated recently when the Youth Anti-corruption League submitted a petition to the anti-graft agency, EFCC, on the N10bn loan allegedly taken by the speaker of the House of Representatives, Hon. Dimeji Bankole, on behalf of the lower chamber of the legislative arm. The youths specifically wanted the EFCC to investigate Bankole's role in the N2.3bn car scam and the mismanagement of the N9bn capital budget of the House for 2008/2009. The EFCC had launched an investigation into the allegation against the speaker through a special five-man team raised by the EFCC Chairman (*The Punch*, 2011). Few members of the House have echoed and re echoed the Bankole saga at the parliamentary sessions but the move has been subverted. The leader and other members of the group who accused the speaker were suspended by the House and their allowances stopped. The House had earlier looked into the allegation and found the speaker innocent of the allegation. The speaker refused to honour EFCC's invitation claiming he had not been informed of the reasons for his invitation not until he was forcefully arrested.

Meanwhile, the issue of funding is paramount, if the anti-corruption agencies are to perform creditably. The agencies should be allowed to spend the money voted to them in the annual budget of the nation. Investigation and prosecution demand that adequate fund is made available since officials have to travel near and far. Apart from this, officials of the anti-graft agencies should be well remunerated with all their allowance paid as at when due. This will guide them from deviating from, and to perform, their duties with integrity.

The anti-corruption agencies should also be given enough room for independence. Meddling in the affairs of the agencies by the legislative and

executive arms of government is antithetical to the fight against corrupt practices. They should be given free hand to function effectively.

Coupled with the above, the media should also be allowed to function well in this direction. They should be allowed to work with the anti-corruption agencies. This was the opinion of Covenant University in a communiqué released that “once the freedom of Information Bill is signed into law by the President, journalists will be able to effectively take on corrupt public officials (*The Punch*, 2011).

Stiff penalties should be introduced in the Nigerian constitution against corrupt practices. This could range from life imprisonment, death sentence, confiscation of the property of corrupt people, etc. This is because one can trace the root cause of the various social menaces in Nigeria kidnapping, robbery, militancy, thuggery and the likes- to the menace of corruption. All the aforementioned are carried out by the youths who believe that the only way to partake of the national cake is to engage in these nefarious activities by attacking and kidnapping the rich. If, therefore, stiff penalties are considered against the nefarious activities of youths who constitute the poor, the rich and the highly placed who are caught in corrupt practices involving huge amount should not be spared but should be made to face stiffer penalties to curb corruption.

On a final note, declaration of assets by all public officials should be mandated. If public official are made to declare their assets immediately they come to power, to siphon public funds may be difficult since they have to account for whatever they acquire within the period of staying in office.

Conclusion

Corruption poses a great challenge not only to the economic viability of this country but also to Nigeria’s nascent democracy. People now believe that anything is possible because when they see certain cases of corrupt practices unattended to, they develop the habit and the situation continues unabated. This has also culminated in lack of trust for Nigeria’s democratic values and system.

The Nigerian government needs to redeem the image of the country from a negative outlook by the international community. In the last few years, the nation has been adjudged one of the most corrupt nation in the world. It therefore places onus on the nation to rise up to the occasion and

fight the menace. If anti-corruption agencies will succeed, it is the responsibility of all and sundry since corrupt people do not live in space.

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