

ANTI CORRUPTION CRUSADE AND PERSISTENCE OF CORRUPTION IN NIGERIA: A REFLECTION ON ROADBLOCK TO ANTI CORRUPTION WAR

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Abstract

Corruption has become an impediment to the enjoyment of dividend of democracy in Nigeria. Upon realization of the implication of corruption, government initiate measures range from enactment of laws to establishment of the institutions to fight corruption in Nigeria. All these measures to certain extent did not bring corruption to its knee. It is on this note that this paper examines the reasons behind persistent cases of corruption in Nigeria. The paper, among other things, observes that lack of political will to enforce anti corruption law, citizens moral decadence as well as commercialization of religions as factors sustain corruption in Nigeria. The paper concludes that corruption should tackle from the roots.

Introduction

Corruption has become an impediment to the enjoyment of dividend of democracy in Nigeria. The returned of democratic rule after several years was marked by much suffering and wanton corruption and infrastructural decay. It is a cankerworm that has eaten deep into the fabric of the Nigerian political and socio-economic system to the extent that institutional capacities of government are disregarded, resources are siphoned off and public offices are bought and sold. Similarly, Agbu (2003) highlights four serious implications of corruption as follow; one, corruption affects adversely the quality of governance and social structure in Nigeria; two, corruption has eroded government's ability to provide the needed social amenities like water, sanitation, healthcare, education et cetera; three, it retards economic development and precipitates deterioration of public infrastructure and amenities (roads, refineries, dams, plants, telecommunication networks); four, at the political level, untamed corruption in the polity entrenches bad governance in Nigeria despite the various legislations promulgated to check this despicable phenomenon. The summation these implications contributed substantially to the under realization of national and individual potential as well as bringing needed development.

Upon the realization of the implications of corruption on nation, the democratic government at its inception in 1999 came up with measures to fight corruption in the country. These measures range from the setting up of Independent Corrupt Practices and other Related Offences Commission (ICPC) and the Economic and Financial Crime Commission (EFCC) with constitutional power to arrest and prosecute. Despite this step, corruption has continued to grow like flamed of fire (Yusuf, 2013). The Transparency International rates Nigeria to be one of the

most corrupt countries in the world. For more than a decade, Nigeria consistently maintains lower point in the CPI scale. It is as a result of this, Onayiekan (2007) posits that “whether one agrees with their criteria or not, the fact remains that we really have little to be proud about as a nation in terms of honesty and integrity in our land”. But what is important is that all these measures seem incapable of addressing the incidence of corruption in the country. It is against this background that this paper wishes to examine the reasons behind persistence of corruption in Nigeria. To achieve this objective, the paper is divided into the following sub-headings: theoretical framework, conceptual clarification of corruption, Anti corruption crusades in Nigeria: the journey so far, why corruption is persistence issue in Nigeria and conclusion is drawn from the argument.

Theoretical Framework

For better understanding of corruption in a state like Nigeria, political economy approach can serve as a theoretical framework to analyze the way and manner in which corruption is perpetrated and sustained which invariably deprived Nigerian citizens the dividend of democracy. The relevance of political economy theory is that it gives primacy to material conditions, particularly economic factors in the explanation of social life (Ake, 1981:1). The main argument of this theory as Marx explained is that in the social production which men carry on, they enter into definite relations that are indispensable and independent of their will, these relations of production correspond to a definite stage of development of their material powers of production. The totality of these relations constitutes the economic structure of the society.

Application of the theory to analyze corruption and anti-corruption crusade in Nigeria under democratic government can be understood as a reflection of economic system that exists in Nigeria. The Nigerian economy, for instance, is characterized by a dependence on a mono-product (oil), rent seeking by the rulers, wide inequality and mass poverty, low capacity utilization, high external and domestic debit portfolios among others. In a situation like this, the state become key factor in determining the direction of production and distribution of resources through laws, regulations, subsidies, taxes, tariffs, import quotas or by awarding contracts in public procurement (Oshewolo and Durowaiye, 2013). The struggle over available resources has taken a debilitating dimension permitting all forms of corruption. The idea that the national resources is meant to be shared rather than baked, by the political leaders from various ethnic groups that constitute Nigerian federation provides a fertile ground for the kleptomaniac elites who are obsessed to siphoning the public fund. It also makes all attempts to stem the tide of corruption difficult if not impossible. This position cannot be established without a proper understanding of the theoretical discourses and the linkage between the nature and character of the Nigerian state and political corruption. This invariably explains how governance becomes the fastest and cheapest means of making quick money and unaccountable on the part of political elites. Soludo (2005) has placed this into a proper perspective when he asserted that majority of Nigerian political elite do nothing for living other than government patronage and this has led to distortion of the value system.

Corruption

There is no acceptable definition of corruption. There is divergence of opinion on what really constitute corruption. This position was buttressed by UN Anti Corruption tool Kit

Conventional wisdom is that there is no single, comprehensive, universally accepted definition of corruption... Attempts to develop a definition of corruption invariably encounter legal, criminological and, in many countries, political problems. It was reported that when the negotiations of the United Nations Convention against corruption began early in 2002, one option under consideration was not to define corruption at all but to test specific types of acts of corruption” (UN Anti Corruption Tool Kit P. 111)

Corruption is defined as abuse of official powers for personal interests. It would include actions to favour one’s outlook, dictates or actions taken to twist the intent of law as against public or societal interest (Stahl, 1983). The widely used definition of corruption given by the World Bank (2008) is “The abuse of public office for private gain”. Transparency International (TI, 2007), the global anti-corruption watchdog, has defined corruption as “The misuse of entrusted power for private gain”. However, these two definitions are too simple to encompass the complexity of the phenomenon. Sen (1999) advances that corruption or corrupt behavior is the violation of established rules for personal gains and profit. Therefore, corruption is a symptom of deep institutional weakness which leads to inefficient economic, social and political outcomes.

Corruption is anti-social behavior conferring improper benefit contrary to legal and moral norms, and which undermines the authority’s capacity to serve the welfare of all citizens (Osoba, 2000). It involves the violation of established rules for personal gain and profit. Such an abuse of power may not necessary be for one’s private benefit. It may be for the benefit of one’s party, class, tribe, friends and family. On this note, El Rufai (2003) posited that corruption covering a wide range of social misconducts that includes among others, bribery, extortion, influence peddling, fraud, embezzlement, the leaking of government secret and nepotism. It further incorporates criminal activities like drug trafficking, money laundering and criminal prostitution.

In view of this, Agbu (2003:3) observed that public office can be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or diversion of state resources. Given the above development, corruption means theft of public trust whether the person concerned is elected, selected, nominated or appointed and it does not matter whether the person affected holds office or not since anybody can be corrupt. Corruption reduces economic growth, retards long term foreign and domestic investments, enhances inflation, depreciates national currency, reduces expenditures for education and health, increases military expenditures, and misallocates talent to rent seeking activities.

Anti Corruption Crusades

Upon realization of the consequences of corruption in Nigeria, government at different times come up with relevant measures to be put in place in order to curb the menace. These measures range from enactment of laws to establishment of the institutions to fight corruption in

Nigeria. For instance Muritala administration established the Code of Conduct Bureau for Public Officers of 1976. The Jaji Declaration in 1977 by Olusegun Obasanjo, the Ethical Revolution of Shehu Shagari administration (1981-83), War Against Indiscipline (WAI) of Buhari/Idiagbon regime (1984-1985) to War Against Indiscipline and Corruption (WAIC) by Abacha regime in 1996. Other efforts include setting up of probe panels, commission of enquiry and tribunals to try corrupt individuals (Haruna et al, 2014). All these measures to certain extent did not bring corruption to its knee.

Failure of the previous measures to end the menace of corruption prompted democratic government to intensify their effort to address the problem of corruption and bad governance in the country. These measures include establishment of anti-corruption enforcement agencies such as Independent Corrupt Practices and other Related Offences Commission (ICPC) and the Economic and Financial Crime Commission (EFCC). ICPC was inaugurated on September 29th, 2000 by President Olusegun Obasanjo with the power to fight against corruption. The commission was charge with responsibility to perform the functions of preventive, enforcement (investigation and prosecution), and education, public awareness and enlighten.

The Economic and Financial Crimes Commission (EFCC), on the other hand, was set up by the President Obasanjo government with the power to combat financial and economic crimes. The EFCC, according to Law establishing it, was empowered to prevent, investigate, and prosecute offenders who engage in “Money laundering, embezzlement, bribery, looting and any form of corrupt practices, illegal arms deal, smuggling, human trafficking, and child labour, illegal oil bunkering, illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes, and prohibited goods” (Section 46, EFCC Establishment Act, 2004).

Similarly, the democratic government enacting the statutes such as Money Laundering Amendment Act 2002, Money Laundering Prohibition Act 2003, Advanced Free Fraud and other Related Offence (Amendment) Act 2006 the Fiscal Responsibility Act 2007 and the Public Procurement Act 2007 as well as the Nigerian Extractive Industries Transparency initiative Act 2007 (Haruna et al, 2014). Despite all these are efforts to inject transparency and accountability in the management of the resources of the nation, the situation remains unacceptable as corruption continues to permeate and pervade every facet of national life in Nigeria.

Persistence and Roadblocks to Anti-Corruption Crusade in Nigeria

The above sub heading first required an assessment of Nigerian leader’s commitment to halt corruption. The reason is that no society can rise above its leadership. The failure or success of any society depends solely on the wiliness and quality of its leadership. It is, thus, the leadership who will dictate the direction upon which the society will go (Ogoh et al, 2014). Therefore, persistence of corruption in Nigeria is as a result of lack of the political will on the part of Nigerian leaders to tackle it. Since inception of democracy in 1999 various measures have been put in place to fight corruption, but lacked the will and commitment to implement them because of the lack of political leadership that will go after the corrupt people. From all indications there is a shortage of appropriate role models, as Nigeria’s leaders have not set good examples. They paid lips service to corruption; the reason is that they saw governance as an avenue to enrich themselves and their close associates. As they assumed office, what usually

preoccupied their mind is how to compensate their political associates and kinsmen as well as tribesmen. In the process of compensation, the law and institutions put in place to fight corruption are compromised or relaxed to accommodate sentiments which end up breeding corruption. To demonstrate attitudinal leadership towards corruption, National Council of States under the President Jonathan administration granted pardon to a former Governor of the President's home state of Bayelsa, Diepreiye Alamiyeseigha, former head of the Bank of the North, Shettima Bulama and some others. With this decision, Transparency International urged the president to rescind the pardon if the government is serious about uprooting public corruption, sanctions against those who betray the public trust (TI, 2013). Another instance is the subsidy scam and the process of apprehending those who have defrauded the country, despite the evidences against all culprits they are yet too brought to book after three (3) years. In describing the type of leadership we have in Nigeria, Maitaman Sule is of opinion that:

What we have today in Nigeria are job seekers. They are businessmen who come to look for their daily bread; they are not politicians. They did not come to give but to take away. They did not come to lead but to loot. And they are looting us blind. Things were not like this. Things have gone so wrong that the country is in a pitiable condition (Sule, 2010)

Since transparency and accountability are missing from Nigerian leaders dictionary couple with weak institutional legal framework to fight corruption. These provide well fertilized ground for corruption to thrive and boom (Adenugba and Omolawal, 2014). The law that gave birth to institutions like the ICPC and EFCC right from day one had been compromised to the extent that the moral cost and the legal cost of corruption in Nigeria equals zero (Omilusi, 2013:318). Morality in the Nigerian state is at its lowest ebb, and this constitutes an impediment to the fight against corruption. Corrupt individuals are celebrated and given titles instead of being rejected in the society, in the end they give out handouts from the proceeds of their corruption to those who are ready to celebrate and defend them. The level of moral decadence cut across all strata in the society. This was further made clear by the Nigerian Vice-President "the government is receiving pressures from Nigerian elites to slow down the ongoing fight against graft" (Osinbajo, 2016). And this elites cut across religious and tribal divides. Maduagwu (1996) is of opinion that "No Nigerian will be ashamed, let alone condemned by his people, because he or she is accused of being corrupt". The punishment prescribed by law for a common man that stole a goat that cost less than a thousand naira, for instance, is stiffer than the punishment meted to public officer that stole Billions of naira.

Giving this scenario where these offenders are allowed to go free in what is presently referred to in Nigeria as 'plea bargain', corruption, therefore is a lucrative business in the country (Usman, 2013). This invariably explains why people's confidence on the sincerity of the leaders and government anti corruption agencies to deal with the corruption keeps diminishing. The summary of the matter is that the few privileged individuals who have access to the commonwealth are looting to fill their pockets while the country is left to drown in penury and under development (Omotunde in Omilusi, 2013). This development turned the citizens not to only sing praised corrupt public office holders but to equally encourage it. Nigerian societies

today encourage corruption by worshipping corrupt public office holders. Once you occupied any position in Nigeria, it becomes an obligation to give something.

The judiciary and the judicial process is a roadblock in the fight against corruption in this country. The problem with the Nigerian judiciary is that some dishonorable people not cut out to be judges got into the system and after that made it to the highest level of their judicial careers (Salami, 2015). Most corruption cases are knocked down on grounds of technically not the substantive issue. On this note President Buhari said “on the fight against corruption vis-à-vis the judiciary, Nigerians will be right to say that is my main headache” (Punch, 2016).

The anti-corruption agencies have blamed due to lack of proper investigation and poor presentation of cases in the courts. The EFCC, for instance, has not been good at securing convictions owing to this. Therefore, the anti-corruption agencies lack the necessary tools and resources to deliver on their constitutionally set objectives which constitute a roadblock. On this note, the institutions fighting corruption need to be given the required independence and autonomy to carry out their duties. President Buhari alone cannot fight the corruption war, what the Nigerian state needs are institutions who can outlive his administration. The enabling acts of the anti-corruption agencies needs to be revised. To this end, the legislature with some of their colleagues standing for corruption allegation charges serves as a roadblock in the fight against corruption.

Another factor that retained corruption in Nigeria is the commercialization of religion. The functions of religion according to Henslin (cited in Adenugba and Omolawal, 2014) is to provides answers to perplexing questions about ultimate meaning such as the purpose of life, why people suffer, existence of afterlife etc., provide emotional comfort especially during the time of illness, death, suffering and so on, provide social solidarity. One can say with some measure of certainty that most of those who profess faith among the Christian and Muslim worshippers are actually faithless. Both the Bible and Qur’an say, the fear of God is the begging of wisdom. Donations are taken from followers without caring how the monies were gotten. Religious titles are awarded to the highest bidder’s without questioning the moral credentials of the beneficiaries.

For corruption to thrive there is also the receiving side of it. Foreign countries and companies who have over these years continue to enjoy the proceeds of corruption can serve as a roadblock because of the economic benefit they are deriving from the loot. International financial rules and regulations and their insistence on the law in returning recovered loot is an impediment, this is because in most cases agreements needs to be entered into and these are time consuming. President Buhari echoed this sentiment in Britain “the legal process in this country is slow, sometimes little too slow for my liking, but we still respect the system because we know it is thorough and fair” (quoted in the Telegraph, 2016).

In order to win the fight against corruption in Nigeria and overcome the roadblocks, the following recommendations are put forward:

- i.) The institutions fighting corruption in Nigeria needs to be strengthened and given all the tools necessary to prosecute the anti-corruption war devoid of any interference.
- ii.) Sensitization and a national re-orientation drive on the ills of corruption and why the society must reject looters instead of celebrating them, should be put in place.

- iii.) All public office holders and civil servants should key into the administration drive to root corruption out. The President should not be seen to be the only one fighting the battle.
- iv.) International treaties and conventions against corruption and other economic crimes should be explored by the government to quickly recover the stolen loot.

Conclusion

Corruption thrive in Nigeria as a result of lack of commitment on part of the leadership, the level of moral decadence in the society which condone corruption, the judiciary and the judicial process, the lack of technical know-how and required expertise of the anti-corruption agencies, and the receiving side of corruption. In summary, Salami is of the view that “corruption is the product of a failed system—educational, social, political and economic and the earlier it is tackled from the roots rather than engaging in a game of responsibility shifting , the better it would be for all of us” (Salami, 2015).

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