

## **RESTRAINING THE MONSTER: PRACTICAL WAYS OF FIGHTING CORRUPTION IN NIGERIA**

***Keynote Address Delivered by Yusuf Ali\* at the Interactive Session with Stakeholders on Corruption Issues in Nigeria Organised by the Nigerian Bar Association Anti-Corruption Commission on 24<sup>th</sup> May, 2016: Held at the Hilton Hotel ABUJA.***

*“Corruption is thus a malignant tumour, a cancer that eats its hosts to death. In Nigeria it has brought about too much blood and tears. The struggle against corruption in our national landscape is one for the survival of the nation itself. The choice before Nigerians is very clear: We either go to war against corruption in all its ramifications, or we shall be consumed by this hydra-headed dragon.”<sup>1</sup>*

### **Introduction**

Let me begin this address by thanking the Chairman and Members of the anti corruption Commission of our great Association for the privilege and honour given to me to address this August assemblage on the all-important topic, “***Restraining the Monster: Practical Ways of Fighting Corruption in Nigeria***”. You will undoubtedly agree with me, that the chosen theme is one that is very apt, particularly at this period, when corruption has become a monster that threatens the survival of this great country. We are all still basking in the now famous jive of David Cameron that 'Nigeria is fantastically corrupt' . If you ask me for my reaction to the undiplomatic faux pas, I will retort that the truth doesn't change on account of the person that said it. That our country has unending saga with corruption is an obvious fact.

Corruption is a global malaise which is not peculiar to Nigeria alone, but one which is deeply rooted in many societies. Although, in the case of some mature western democracies, corruption is usually more of a mere aberration rather than the norm and it is usually confined to the fringes of the system. In most African and third world countries, of which Nigeria is one notorious example, corruption has its incidence as all pervading. This means that it runs right through the entire body politic, from the managers of government, the heads of ministries or departments down to the clerks and it has permeated virtually every activity of the general public. What makes it worse is the buccaneering effect and impunity with which its carried out.

Corruption is a relative concept, being a function of specific normative, social, historical, cultural, economic and political circumstances as well as legal. Corruption covers a broad range of wrongdoings or corrupt practices that are basically unethical and morally reprehensible, ranging from the giving and taking of bribe, to the use of public office for the advancement of purely private interests, and from the misapplication or misappropriation of public funds, to outright fraud and

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<sup>1</sup> ‘Sustaining the War against Corruption in Nigeria’, <<http://www.georgeehusani.org/home/index.php/papers-and-essays/107-sustaining-the-war-against-corruption-in-nigeria>> accessed on 4th November, 2013.

embezzlement. These are universal tendencies that have always existed in every land and clime, but the cause for worry is the degree to which they are practiced by Nigerians and our openness and cavalier way of doing so.<sup>2</sup>

In addition to the above, corruption is a canker -worm that manifests or rear its ugly head in so many other practices in Nigeria, like the various forms of election rigging, falsification of census figures, examination malpractices, “sorting,” certificate racketeering, visa racketeering, extortion by public officials, nepotism, Advance Fee Fraud (“419”), the forging of, or issuance of fake medical certificates ,driver’s license without driving tests, false affidavits, false age declarations, multiple international passports, inflation of contracts, over-invoicing, under-invoicing, purchasing things on behalf of government at seriously inflated and alarming prices, exertion of undue influence on subordinates by superiors to do wrong things, just to mention but a few of such cases.

What is common to all forms of corruption is that they threaten and, if not checked, destroy the social order and the common good. Corruption has aggravated poverty, fuelled conflict, brought about misery, sustained injustice, and promoted bad governance and underdevelopment. For this reason, corruption is to be seen as a deadly cancer which must be reduced to the barest minimum, if it cannot be completely eliminated in the society.<sup>3</sup>

Corruption has broken loose of all legal barriers and restraints to become simply a buccaneering plunder, brazenly perpetrated. The magnitude of its cancerous effect in monetary terms, is simply colossal, running into billions, extending as it does, over the entire area of public expenditure, representing revenue that would otherwise have been used for the benefit of the nation.<sup>4</sup> Nigeria and Nigerians have no doubt, suffered and are still suffering from embarrassment and economic ruins that corruption has caused nationally and internationally.<sup>5</sup>

The main concern of this keynote address, as shown by the topic of discussion is therefore, to evolve a holistic and pragmatic approach to the fight against corruption in Nigeria. In order to achieve its objective, this discourse first provides a brief historical background of corruption in Nigeria. It then highlights the facets of corruption in the Nigerian society and what has been done to tackle the menace so far. It went further to enumerate the challenges of the fight against corruption in Nigeria and propose practical ways of fighting corruption in Nigeria. The conclusion is a recap of the essential areas of the discourse.

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<sup>2</sup> Mekowulu Izuchukwu ‘Corruption has long history in Nigeria – Prof Jibril’, <<http://www.vanguardngr.com/2010/10/corruption-has-long-history-in-nigeria-prof-jibril/>> accessed on 15<sup>th</sup> November, 2013.

<sup>3</sup> ‘Sustaining the War against Corruption in Nigeria’

<sup>4</sup> Yusuf Ali, ‘The Anti-Corruption Crusade In Nigeria: Myth or Reality?’ Lecture Delivered at the Public lecture Organised by Equity Chambers, Faculty of Law University of Ilorin on 8th September, 2005 p. 2.

<sup>5</sup> ‘Sustaining the War against Corruption in Nigeria’.

### **Historical Background of Corruption in Nigeria**

According to some writers, corruption became deeply embedded and became a norm in the Nigerian society because of the historical accident of colonialism.<sup>6</sup> The right of the European colonizers to rule in Nigeria had no moral basis in our tradition, convention or myth. It was grounded purely on conquest by force of arms, or cession obtained by undue influence and corruption. This is why it is strongly believed that one of the greatest legacies the imperialists transferred to Nigeria at Independence was corruption, since the imperialists could not have transferred a better title than they themselves possessed.<sup>7</sup>

It has been asserted, and rightly so, that most Nigerians are so unused to waiting in line to do or attain things by merit because colonialism thought them all about usurpation of advantage and opportunities, independent of personal merit, and that this was how the seed of corruption had been germinating and taking root. The white man that they respected so much, was an illegitimately privileged person and was able to benefit from plentiful undemanding labour and servants and could easily obtain administrative positions. So it is this system of inequity, injustice arising from domination, exploitation and unfair discrimination which Nigerians inherited at Independence that baptized the issue of corruption and/or official corruption in Nigeria.<sup>8</sup>

The elites who took over the mantle of "rulership" after the departure of the colonial overlords conceived themselves as inheritors not only of the Whiteman's arbitrary powers, but also of his relation to the state and the people. They therefore, regarded the state as their personal estate to which they can dip hands at will to satisfy their whims and desires. Hence, the unbridled corruption rampant amongst public office-holders in Nigeria and indeed, most of the other African Countries so much so that **Karl Maier** commented thus: "the state in Africa is the bastard child of imperialism."<sup>9</sup>

This historical conundrum was exacerbated by successive military rule from 1966 to 1999. Whatever was left of our value system were effectually buried during this period. The history of the period is still very fresh to be recounted.

Today, corruption in Nigeria almost passes for state policy. A situation where corruption in its varied forms, shapes and sizes is so institutionalized that the socio-economic and political system can almost not function without it is lamentable. On the whole, corruption has bred gross inefficiency in public institutions. It has diminished productivity in both public and private sectors of the economy. It has discouraged investment. It has fuelled capital flight, increased unemployment and inflation, creating an acute degree of poverty, and bringing about a severe decline in the quality

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<sup>6</sup> Chika Ezeanya, 'Origin of Corruption in Africa and the Way Forward' <<http://nigeriavillagesquare.com/chika-ezeanya/origin-of-corruption-in-africa-and-the-way-forward.html>> accessed on 15 November, 2013 and Mekowulu Izuchukwu 'Corruption has long history in Nigeria – Prof Jibril'.

<sup>7</sup> Yusuf Ali, 'The Anti-Corruption Crusade In Nigeria: Myth or Reality?' p. 4.

<sup>8</sup> Ibid.

<sup>9</sup> Karl Maier, 'This House Has Fallen: Midnight in Nigeria' (2000) Vol. 3. p. 33 cited in Ben Nwabueze, 'Constitutional Democracy in Africa', p. 33.

of life and life expectancy in Nigeria. And in addition, corruption has given Nigeria and Nigerians a terribly bad image in the eyes of the international community.<sup>10</sup>

Corruption is an affront on human dignity, an assault on the human conscience, and a negation of the fundamental human orientation towards truth, justice and fair play. Corruption is responsible in large measure for the broken promises, the dashed hopes and the shallow dreams that have characterised the existence of the multitude of Nigerians in the last few years. Corruption is the most commonly cited reason for the country's status of a crippled giant. Corruption is thus, a malignant tumour, a cancer that eats its hosts to death. In Nigeria, it has brought about too much blood and tears. The struggle against corruption in our national landscape is one for the survival of the nation itself. Yet, no serious concerted effort was made to deal with the 'evil' until the 21<sup>st</sup> Century.<sup>11</sup>

### **Facets of Corruption In the Nigerian Society**

Corruption in Nigeria comes in different sizes and shapes, wearing all kinds of unattractive and dirty clothes. The level of corruption in the country is excruciatingly high and it is found in every sector of society, be it small or big sector. It is difficult to critically examine any sector in Nigeria without observing one corrupt practice or the other.<sup>12</sup>

### ***Corruption in the Nigerian Political System***

Political corruption is persistent and rife in the Nigerian political sphere. In fact, corruption in its highest form is found in the political system, such as: acceptance of gratification; succumbing to inducement and undue influence; embezzlement; conflict of interests, for example, the award of contracts by public office holders to cronies, family members, and personally held companies; bribery; fraud; nepotism and tribalism in recruitment/appointment, promotion; kickback on contract; rigging of elections; misappropriation and conversion of public funds for personal gains; procurement scam; leaking tender information to friends and relations; diversion and misappropriation of funds through manipulation or falsification of financial records; payment for favorable judicial decisions, and so on.<sup>13</sup>

Since the creation of modern public administration in the country, there have been cases of official misuse of resources for personal enrichment. Many leaders have helped boost the economies of other nations by depositing embezzled money in foreign banks.<sup>14</sup> According to the former Economic and Financial Crime Commission

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<sup>10</sup> Yusuf Ali, 'The Role of Civil Society in the Fight Against Corruption in Nigeria' a Lecture Delivered at the 9th Edition of the Annual Adekunle Kukoyi Memorial Lecture, Organized by the Institution of Nigeria Surveyors, Lagos State Branch held at the Lagos Chambers of Commerce and Industry Conference Centre, on 22nd January, 2014 <<http://www.yusufali.net/papers.htm>> accessed on 10 May, 2016

<sup>11</sup> 'Sustaining the War against Corruption in Nigeria'.

<sup>12</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions' <<http://hubpages.com/education/Corruption-in-Nigeria>> accessed on 09 May, 2016

<sup>13</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations' <<http://sgo.sagepub.com/content/5/2/2158244015581188#page>> accessed on 06 May, 2016

<sup>14</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

(EFCC) Chairman, Nuhu Ribadu, the over US\$400 billion that had been looted from Nigeria by the leaders is “six times the total value of resources committed to rebuilding Western Europe after the Second World War”.<sup>15</sup>

Books have been written, people have talked, and the press have been writing on the high level of corruption in Nigerian politics, yet the political perpetrators are recalcitrant. They feel they are above the law. It is because of the “wicked level” of corruption that both the youths and the old struggle to find themselves in one political party or the other. They believe that once they occupy any position in politics, even the smallest, they will use corrupt tricks to fill their pockets with public funds.<sup>16</sup>

Political corruption has derailed meaningful developmental goals, resulting in high level of unemployment and disconnection of the people from the leaders with attendant insecurity such as youth restiveness, armed robbery, and kidnapping for ransom.<sup>17</sup>

### ***Corruption in the Nigerian Judiciary***

Judicial Corruption” or Corruption in the “Judicial Process” may involve bribes, theft of public funds or property, favouritism for friends or family, political interference, criminal extortion, or hierarchical pressures within the judiciary. It may be petty or grand in its magnitude. Allegations are severally made as regards the Court Clerks, who hide or take away from the case files, processes for consideration, knowing fully well that the case cannot proceed without the documents. In criminal cases, the Registry sometimes demand bribe before perfection of bail conditions, and/or presenting the bail papers to the Judge. They may demand money for the Judge, portraying the impression that the Judge would not sign the bail bonds. They may also poach the title deeds of a landed property deposited with the Registry of the Court in satisfaction of a bail condition imposed by the Court<sup>18</sup>

Another frequent cause of corruption is the lack of control over official files that constitute the record of the case. Where clerks of individual Judges maintain case files in unsecure environments, there is a substantial risk that documents, exhibits or even entire files, might disappear. There is also the probability of leakage of decisions when typed by Secretaries or Legal Advisers. The Registry may delay the production of Rulings and Judgments and even Record of Proceedings or Enrolment of Orders. There are also instances of illicit demand for payments when a case is being filed, or an affidavit is to be deposed to, money may be demanded, and in fact actions needed

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<sup>15</sup> Ogbewere B. I., ‘Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations’

<sup>16</sup> Uzochukwu Mike ‘Corruption in Nigeria: Review, Causes, Effects and Solutions’

<sup>17</sup> Ogbewere B. I., ‘Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations’

<sup>18</sup> Banjoko A.A.I. ‘Corruption in the Judicial Process: Myth or Reality’ Paper Delivered at the National Workshop for Judicial Officers on Judicial Ethics, Anti-Corruption and Performance Evaluation held on 25th to 26th May 2015 <[http://nji.gov.ng/images/Workshop\\_Papers/2015\\_National\\_Workshop\\_for\\_Judicial\\_Officers\\_on\\_Judicial\\_Ethics/CORRUPTION\\_IN\\_THE\\_JUDICIAL\\_PROCESS\\_MYTH\\_OR\\_REALITY.pdf](http://nji.gov.ng/images/Workshop_Papers/2015_National_Workshop_for_Judicial_Officers_on_Judicial_Ethics/CORRUPTION_IN_THE_JUDICIAL_PROCESS_MYTH_OR_REALITY.pdf)> accessed on 09 May, 2016

to be officially carried out by the Registry needs some form of incentive of monetary persuasion to achieve results, such as filing of cases, the assessment of costs etc.<sup>19</sup>

Judicial impropriety has been noticeable among Judges, particularly in cases involving high-profile past political figures. The reputation of Nigeria's court system was bartered when a former President of the Court of appeal, publicly alleged that the then Chief Justice of the Federation tried to pressurise him to decide a key electoral petition in favour of the then ruling party. The most astonishing and bizarre aspect was the revelation by a former Speaker of Nigeria's House of Representative, who claimed to U.S. diplomats that he had proof that Supreme Court justices took bribes to validate Umaru Yar' Adua's election as president in November 2008.<sup>20</sup> The question is, if the judiciary becomes corrupt, where is the hope for the Nation? Justice no doubt will go to the highest bidder.<sup>21</sup>

It is instructive to note at this juncture, that for the Judges, an effective disciplinary procedure has been put in place to call erring judicial officers to order through the National Judicial Council (NJC). Unfortunately, it appears that over 80% of the allegations against judges are never substantiated upon investigation by the NJC. Most of these Petitioners are fictitious, giving fake addresses and sometimes act maliciously when cases are lost or the Judge appears to be unpersuasive to their whims and caprices. Nevertheless, the NJC swiftly deals with the substantiated Petitions by penalizing such erring Judicial Officers.<sup>22</sup> Certainty in the mind of erring Judges or Justices that they risk prompt and effective sanctions by the NJC is one sure forthright step forward in the war against indiscipline and corruption in the judiciary.<sup>23</sup>

### ***Corruption in the Nigerian Civil/Public Service***

The civil service, an integral component of societal development in the developed countries of the world, has been converted to an engine of corruption in our darling Nigeria. Civil servants in sincere and/or developed countries are people of knowledge, integrity, discipline, justice, experience, dedication, honesty, commitment and trust. They are the engine of industrialisation and development, while the reverse is the case in Nigeria.<sup>24</sup> Experience shows that civil servants do not see anything wrong in using their offices to enrich themselves and they are corruptly acquiring wealth on daily basis. Most civil servants demand for bribe before rendering services to their clients (members of the public). They involve in job racketeering, whereby some top public servants sell vacant jobs to highest bidders and throw merit to the winds.<sup>25</sup>

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<sup>19</sup> Ibid.

<sup>20</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

<sup>21</sup> See Obasanjo's comment in The Punch, May 23, 2012

<sup>22</sup> Banjoko A.A.I. 'Corruption in the Judicial Process: Myth or Reality'

<sup>23</sup> Okpokoro T.J. Onomigbo, 'Re: Invigorating the National Judicial Council for Stronger Judiciary in Nigeria' paper presented at the 2 Day Seminar organised by the Anti – Corruption Commission of the Nigerian Bar Association on 1st July, 2013.

<sup>24</sup> Ali Pantami, 'Nigeria's Civil Service: An Engine of Corruption' <<http://www.premiumtimesng.com/opinion/4355-nigeria-s-civil-service-an-engine-of-corruption-by-isa-ali-panta.html>> accessed on 06 May, 2016

<sup>25</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

The worrisome level of corruption in the civil/public service was properly captured by Ali Pantami, when he stated thus:

*“Civil servants in Nigeria are the architects of corruption; they design for political appointees and executive officers how to loot resources. Civil servants are the quantity surveyors of corruption; they quantify the amount to be looted. They are also the software engineers of corruption; they use Java programming language, write a source code and develop an algorithm for any corrupt practice. They are self-appointed special advisers of corrupters, they advise any incumbent officer on the need and necessity of looting, on the basis of regaining what he spent during campaign or lobbying. They are the forensic accountants of corrupters; they illegally, but professionally guide them on how to save their ill-gotten money without being traced or intercepted by the EFCC, ICPC or any other commission locally and/or internationally. They are the lawyers of corrupters, they directly or indirectly protect and represent any corrupter before any Court or Commission of enquiry. They are the medical doctors of corrupters; they diagnose their monetary allocations/budget and prescribe the actual time of looting and amount to be looted. And they are the engineers of corruption, because no any successful looting and corrupt practice will be achieved without their “unofficial official intervention” in the process. They are indeed experts and professionals in this disaster of corruption, and this legally, but shamefully promoted them to the position of “engine” in the mechanical structure of corruption.”<sup>26</sup>*

The highest form of corruption in the public service is found within the law enforcement wing of the executive. Where do we start when it comes to the nature of corruption observed in this wing? Do we start with the bribery, intimidation, sexual harassment of the young inmates in the prisons, or turning truths upside down? Because of the encounter many Nigerians have had with law enforcement agents, even the good ones among them are generalized as being bad.<sup>27</sup>

### ***Corruption in Nigerian Universities and Colleges***

It is nothing new to any Nigerian that corruption parades itself in universities, polytechnics and colleges. Lecturers use their position to take advantage of others. Harassment of women by lecturers and pressure to sleep with them is common. After some of the female undergraduates submit to the lecturers' request, they are rewarded with good grades. Another evident form of corruption is how some students find their ways into the universities, not by merit, but through a kind of bribery called sorting. Some rich men in the country bribe vice-chancellors and heads of departments to secure admission for their children.<sup>28</sup>

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<sup>26</sup> Ali Pantami, 'Nigeria's Civil Service: An Engine of Corruption'

<sup>27</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

<sup>28</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

The most worrisome aspect is that most of our government universities, particularly federal universities, frequently get involve in nepotism, tribalism, favouritism in recruitment, selection, and appointment of staff. They anoint prospective academic staff before putting up recruitment advert. In many cases, those applicants with intimidating credentials and academic publications are deliberately not shortlisted for interview; not to impair the chances of already anointed candidates. The interview for academic staff becomes a charade, that is, it is stage managed, a candidate with least credentials and the least performer in the interview turns out as the successful and selected candidate.<sup>29</sup>

Mismanagement of funds is also a common form of corruption. Universities have been crying about the amount of funds allocated to them, whereas, these funds are being mismanaged by the university management. A lecturer in a university located in Anambra State on the nature of the poor standard of the foundry in the department of Metallurgical and Materials Engineering had this to say: "What makes our foundry to be of low standard is .corruption. An organization gave the department some money that would have been more than enough to upgrade and standardize the foundry, but I do not know what the management of the department did with the money."<sup>30</sup>

### ***The Battle against Corruption in Nigeria; the Journey So Far***

The battle against corruption in this country did not start with the present administration. Hitherto, successive regimes, both civilian and military, had in their own peculiar ways shown discordant but uncoordinated hatred for corruption. However, it is clear to every citizen that the level of corruption in the country is still very high. It permeates every sector of society. In the light of the above we shall take a look at the level of corruption and efforts made to curb the menace over the years.

During the time of General Gowon 1967-1975, there appeared to be no official position publicly taken against corruption, even though it was evident that it was very prevalent in the country. However, individual crusading efforts were embarked upon. Of note in this strain was the Daboh/Tarka issue in which Mr. Godwin Daboh swore to an affidavit in which he alleged that late J.S. Tarka, a commissioner in the Federal Executive was corrupt. Tarka eventually left the government on account of the controversy that the accusation generated. Late Dr. Tai Solarin at the time also mounted a vociferous one man campaign against corruption, which culminated in his acerbic article in the Nigerian Tribune titled: "The beginning of the End".<sup>31</sup>

The General Murtala Muhammad regime did real battle with corruption. The word "indiscipline" wore a new definition in Nigeria's lexicon. The mass purge, summary dismissal and sack with immediate effect were carried out to sanitize the public service and the various sacred cows and demigods of the Gowon era were

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<sup>29</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

<sup>30</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

<sup>31</sup> Yusuf Ali, 'The Role of Lawyers in the Fight Against Corruption in Nigeria' <<http://www.yusufali.net/papers.htm>> accessed on 10 May, 2016

swept away. In the annals of the public service, Nigerians became wary before accepting even ordinary gifts in the performance of official duties. However, the battle became half-hearted after the assassination of General Murtala and same was not pursued with stoic determination as before by his successor.<sup>32</sup>

In the second republic, the civilian government launched the Ethical Revolution. The effectiveness or lack of same was apparent to all and sundry because the main plank of the 31<sup>st</sup> December, 1983 coup was the allegation of massive corruption levelled against that regime. Most Nigerians seemed to agree with the assertion then.<sup>33</sup>

The Buhari/Idiagbon regime launched the War Against Indiscipline (WAI). This regime claimed to be an offshoot of the Murtala/Obasanjo regime. To their eternal credit, like it was during the time of General Murtala Muhammed, Nigerians took the matter seriously. Unlike before, corruption was not put on display. It must however, be pointed out that the malady of the abuse of import licences and selective application of laws by that regime stood out as albatross against the regime's effective battle against corruption.<sup>34</sup>

During the successive regime of General Babangida, the War Against Indiscipline was supplanted by MAMSER. But this programme would be remembered more for its numerous nebulous slogans and empty exhortations. The best way to demonstrate the Babangida administration and its ineffectual corruption crusade is to refer to the setting aside of all the findings of the panel that indicted 10 of the 12 Military Governors of General Gowon era and restoration of all their seized assets and ranks in the Military.<sup>35</sup>

The contribution of the Abacha regime to the battle against corruption was the War Against Indiscipline and Corruption (WAIC). However, the effectiveness of the battle was epitomized by the collar of shame thrown on the neck of the country by the Transparency International vote for three years, 1995 to 1997 in which Nigeria came first as the most corrupt country in the world. The revelations of in-depth loot of the treasury by Abacha after his death in 1998 have now shown to all and sundry, that the General was sitting atop the most corrupt regime in the whole of Africa. The amount he looted has set new records in the annals of corruption in government. Unlike the days of old, corrupt practices left the confines of the dark alleys to the openness of the market places in Nigeria, during the dark days of Abacha.<sup>36</sup>

The Obasanjo administration appreciated the gargantuan nature of the problem of corruption. It took the bulls by the horns by promulgating the Corrupt Practices and Other Related Offences Act 2000, which established the Independent Corrupt Practices (and other Related Offences) Commission (ICPC). And the Economic and

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<sup>32</sup> Yusuf Ali, 'The Anti-Corruption Crusade In Nigeria: Myth or Reality?'

<sup>33</sup> Yusuf Ali, 'The Role of Civil Society in the Fight Against Corruption in Nigeria'

<sup>34</sup> Ibid.

<sup>35</sup> Yusuf Ali, 'The Anti-Corruption Crusade In Nigeria: Myth or Reality?'

<sup>36</sup> Ibid.

Financial Crimes Commission (Establishment) Act in year 2002 (EFCC Act).<sup>37</sup> Soon after their inauguration, the ICPC and EFCC moved swiftly to track down corrupt politicians and public officials who have looted the treasury and enriched themselves to the detriment of other citizens. A searchlight was beamed on serving governors, ministers, National Assembly, boards and parastatals, civil service and private sectors, which were previously insulated from public scrutiny.<sup>38</sup>

The institutionalization of these anti-graft agencies, at the inception of Obasanjo's administration, raised the hope of Nigerians with the expectation that the changes will bring to book corrupt public officials and also act as a deterrent on others.<sup>39</sup> But more than 15 years after, corruption has not only proved difficult to fight, it has continued to thrive. From electoral crimes, civil service pension fund scam, police pension controversy to fuel subsidy fraud, the list is endless. Critics have argued that it is relatively easier to prosecute and jail people who stole N2 million than to invite for questioning those who allegedly made away with billions.<sup>40</sup>

It has been observed, that public confidence has been eroded by the way the anti-corruption battle is being fought. While many private sector employees are cooling off in EFCC net for plundering their organisations, politicians often hide under constitutional technicalities to escape justice. It is widely believed that the anti-corruption bodies had not achieved because it was alleged that Chief Obasanjo manipulated the process and turned them into agents of intimidation and victimisation of perceived political opponents.<sup>41</sup>

It has also been observed, that in spite of the anti-graft/anti-corruption laws in Nigeria, corruption persisted because the perpetrators do not fear any consequences. Nigeria continued to be ranked high in corruption by Transparency International and other notable organizations that monitor corrupt practices around the world. In the year 2000, Nigeria was ranked the most corrupt country in the world. In 2001, 2002 and 2003 respectively, Nigeria was ranked the second-most corrupt nation in the world. The 2004's ranking showed a little improvement, with Nigeria being ranked the third most corrupt country in the world.<sup>42</sup>

The record on corruption in Nigeria improved in 2005, when Nigeria was ranked eighth most corrupt. The results showed some improvement in 2006 and 2007, and Nigeria was ranked the 21st and 33rd most corrupt country in the world respectively. The high corruption rankings affect almost all Nigerians who migrate to foreign

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<sup>37</sup> Yusuf Ali, 'The Role of Lawyers in the Fight Against Corruption in Nigeria'

<sup>38</sup> Yusuf Ali, 'The Role of Civil Society in the Fight Against Corruption in Nigeria'

<sup>39</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

<sup>40</sup> Yusuf Ali, 'The Role of Civil Society in the Fight Against Corruption in Nigeria'.

<sup>41</sup> Emmanuel Oladesu, 'Is Anti-Corruption War on Course?' The Nation Newspaper (Nigeria July 17<sup>th</sup>, 2012); <<http://www.thenationonline.net/2011/index.php/mobile/politics/54102-is-anti-corruption-war-on-course.html>> accessed on 15 November, 2013.

<sup>42</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

countries, as foreigners have the perception that since Nigeria is corrupt, so are all Nigerians.<sup>43</sup>

Although, the two succeeding administrations of President Umaru Musa Yar'Adua and Dr. Goodluck Ebele Jonathan also declared openly, their determination to continue with the war against corruption, but the fight against corruption was still widely criticised as being abortive.<sup>44</sup> In 2012, Transparency International again deemed Nigeria the 37th most corrupt nations in the world. In 2013, Nigeria ranked the 33rd most corrupt country in the world and in 2014 ranking, Nigeria took 38th position. The result shows that there is improvement, though things are still bad.<sup>45</sup>

At a lecture organised by the Save Nigeria Group (SNG),<sup>46</sup> speakers lamented that the anti-corruption war had gone awry. Prof. Itsey Sagay (SAN), expressed worry about how corruption is destroying the country's chance of development. He stated thus: "Is there any hope for the future? Something must be done before it is too late".<sup>47</sup> Foremost poet, Prof. Niyi Osundare, described corruption as the most viable industry and greatest employer of labour in Nigeria, warning that the cankerworm could kill the country if the dangerous trend is not halted by committed stakeholders.<sup>48</sup>

With the emergence of a new government in the year 2015, when power shifted from the hands of People's Democratic Party (PDP) to All Progressive Congress (APC), many Nigerians were optimistic that corruption in the country will be minimized. In fact, one of the campaign promises made by President Muhammed Buhari was massive eradication of corruption in the country. Irrespective of the campaign promises, Nigeria ranked low in transparency and high in corruption in that year. In the year 2015, out of the 168 countries surveyed, Nigeria was seen at the bottom of the table in the category of number 136. This implies that Nigeria was the 32nd most corrupt country in the world in 2015. In the other words, Nigeria has remain highly corrupt.<sup>49</sup>

There appears to be some light at the end of the tunnel in the battle against corruption in the land, the acclaimed personal disdain of the president against corruption is a positive but whether this is enough in the war is yet to be seen. A tree cannot make a forest.

### **The Challenges of Fight against Corruption in Nigeria**

One of the major challenges of effective fight against corruption in Nigeria is greed and obsession to share the national cake by the component units without concern on how the cake would be baked. This attitude is further attributed to the fact that citizenship exists at federating unit/tribal or ethnic level. Therefore, every ethnic group of political and bureaucratic elite is interested in what they can grab with a deception

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<sup>43</sup> Ibid

<sup>44</sup> Yusuf Ali, 'The Role of Civil Society in the Fight Against Corruption in Nigeria'

<sup>45</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

<sup>46</sup> Held in Lagos, in 2012.

<sup>47</sup> Emmanuel Oladesu, 'Is Anti-Corruption War on Course?'

<sup>48</sup> Niyi Osundare, "Why We No Longer Blush: Corruption as Grand Commander of the Order of Niger", Lecture Delivered at the Public Lecture organised by the Save Nigeria Group (SNG) Held in Lagos, in 2012.

<sup>49</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

of the need to develop their ethnic region/state rather mainly for selfish aggrandizements and building of personal estates.<sup>50</sup>

Another challenge to effective anti-corruption fight is the lack of access to information in Nigeria. Corruption thrives in obscurity. Transparency and access to information are essential ingredients of any effort to reduce corruption in the society. Wherever a government has neither a dynamic pro-active information policy nor a proper access to information law that is actually implemented and operational, the lack of information about government activity and decision making can easily hide corrupt manipulation of such decisions. The media which is one of the institutional pillars of the National Integrity System cannot operate effectively or discharge their constitutional responsibilities without proper, absolute and unhindered access to information.

In addition, the fight against corruption in Nigeria has been more reactive than proactive. Although, the reactionary approach may serve a useful purpose under certain circumstances, it has its own short-coming, because citing what does not work does not automatically tell us what will work. To ensure progress in anti-corruption efforts, a double-barrelled approach, which is both proactive and reactionary, is required. Effort should not only be concentrated on punishing corruption. It is important that a system which will prevent corruption is emphasized equally. This is because the existence or prevalence of corruption shows a failure in the system.

The state of insecurity in the land is one more serious challenge. The state is no longer able to protect lives and property. Kidnappings, targeted and reprisal killings, armed robbery and other violent crimes have become rampant in the country. The high crime rate in the Nigerian society makes fighting corruption a very risky undertaking. It requires a lot of courage to engage in the anti-corruption struggle in Nigeria. The environment must be created where members of the public can engage in the anti-corruption fight at little or no risk to their lives.

Another challenge is that the institutions set up to fight corruption are also ridden with corruption. For instance, the EFCC which should be fighting corruption was mentioned as beneficiary of the fraud in the pension scam.<sup>51</sup> In a similar vein, Rabe Nasir, the former head of the House of Representative committee that oversees the EFCC, revealed that he received numerous petitions from fraud victims who explained how they had approached the EFCC for help only to have its operatives demand a large cut of any assets ultimately recovered.<sup>52</sup> According to, Prof. Itsey Sagay (SAN), “we are in a situation where we have to find a policeman to police the police.”<sup>53</sup>

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<sup>50</sup> Ogbewere B. I., ‘Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations’

<sup>51</sup> See the comments of Ezugwu, a chieftain of the All Progressive People Party (APGA), the National Mirror of Wednesday May 16, 2012 on this issue.

<sup>52</sup> Ogbewere B. I., ‘Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations’

<sup>53</sup> Emmanuel Oladesu, ‘Is Anti-Corruption War on Course?’

Closely related to the above problem is the lack of political will to fight corruption on the part of successive Nigerian governments. Successful anti-corruption efforts depend on political will, both the political will to initiate fight against corruption in the first place and subsequently the will to sustain the battle over time, until results are achieved. A number of factors are responsible for poor political will in Nigeria. In the first place, corruption is used to acquire political position and sustain it.<sup>54</sup> As rightly observed by Prof. Niyi Osundare, the federal government lacked the will and capacity to fight corruption because it is immersed in theft and graft. He said that a corruption-compliant ruler cannot rule a corrupt-free country.<sup>55</sup>

Poverty and Unemployment equally constitute key challenges to the fight against corruption in Nigeria. People are pushed into corrupt practices because of the high poverty rate and unemployment. According to international standards of poverty, a person is said to be poor when he lives under \$1.25 (₦210, though it varies) per day. There are many poor people in Nigeria, and poverty pushes them into corruption. According to World Bank Group, in 2004, 63.1% of Nigerians were poor. The poverty level increased in 2010. In 2010, 68% of the Nigerian population were estimated to be poor. A person can take bribes to commit crime because he is poor. An unemployed citizen can also indulge in corruption to make money and live better. That is why the poor youths in the country collect money to work as thugs for Nigerian politicians.<sup>56</sup>

Furthermore, because the punishment for unethical and corrupt practices is light, mostly premised on plea-bargaining, people are not deterred from involving in corruption. Corruption flourishes and grows best in an environment like Nigeria where people believe that the risk of engaging in corrupt practices is low —as it is quite easy to bribe the law enforcement agents and thus escape prosecution, while the gain is high because corrupt people make a lot of monetary proceeds from corruption, enjoyed unfettered privileges in the society. In other words, corruption tends to be higher in public sector where public office holders can dupe the state and use their influence to cover up. But when the punishment is severe, public servants may be scared in engaging in corruption and unethical practices<sup>57</sup>

Nigerian society institutes value system and attitudes, which dictate expectation from its citizens and employees without considering income differential. This pressure could lead to the sufferers enacting corrupt and unethical behaviour in an attempt to meet the expectations of the society. In Nigeria, the society does not accept any reason as good enough for an employed graduate not to have a good car and a good visiting home. Likewise, political leaders, contractors, managers in the public sector, and so on have no acceptable reason for not living in affluence, donating much money at launchings. People hail you when you have accumulated wealth, material acquisition

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<sup>54</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

<sup>55</sup> Niyi Osundare, "Why We No Longer Blush: Corruption as Grand Commander of the Order of Niger", Lecture Delivered at the Public Lecture organised by the Save Nigeria Group (SNG) Held in Lagos, in 2012.

<sup>56</sup> Uzochukwu Mike 'Corruption in Nigeria: Review, Causes, Effects and Solutions'

<sup>57</sup> Ogbewere B. I., 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations'

has virtually become the ultimate goal and the society does not appear to be concerned with how one “makes” it.<sup>58</sup>

It is imperative that these challenges be addressed for any meaningful and impactful engagement in the fight against corruption to be achieved in Nigeria.<sup>59</sup>

### **Practical Ways of Fighting Corruption in Nigeria**

You will undoubtedly agree with me that we need a multi-pronged, multi-faceted, multi-sectorial and multi-dimensional approach to the fight against corruption in Nigeria, since the disease itself comes in many shapes and forms. I therefore, propose the following strategies:

1. The law enforcement agencies must be thoroughly cleansed, re-structured, re-orientated and highly motivated, the judicial system must be strengthened and the rule of law must be entrenched. We cannot make progress with the fight against corruption as long as there is so much impunity in the land, with many seemingly operating above the law. We must mount a vigorous campaign against impunity in all its ramifications.
2. The government and private employers of labour should pay adequate salaries and wages to workers, and make provision for their retirement benefits. Workers should not be paid such slave wage as to make them easily susceptible to temptation. Furthermore, the government and corporate organisations should do more towards making Nigeria a welfare state where basic infrastructures are in place that will make life tolerable for even the least paid worker and his family.
3. The Electoral Act should be amended to make it a requirement to thoroughly investigate the antecedents of those who present themselves for public office, even to the third and fourth generations. Thus, even if a young man has never held public office and never been known to steal or misappropriate public fund, he should still be disqualified from public office if his parents or grandparents are discovered to have amassed wealth illegally, or if he is discovered to have evaded legitimate tax, forged any documents, or done anything dishonourable at some point in his life.
4. We must make corruption a major issue in national and local elections and transform the electoral system into a veritable facility for throwing out corrupt public officials and motivating elected officials to keep to an anti-corruption agenda.
5. The Constitution should be amended to make the declaration of assets by public officers a public thing. The present practice of secret declaration of assets is of no use in our fight against corruption.
6. Though I don't subscribe to the call for special courts for corruption cases, but judges working on high-profile corruption cases should be provided with adequate security and financial incentive. In addition the courts should be equipped with modern IT gadget and recording equipment to ease proceedings.

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<sup>58</sup> Ibid.

<sup>59</sup> Osita Ninamani Ogbu, ‘Effectively Engaging Civil Society Organisations (CSOs) in the fight against corruption in Nigeria’ <<http://www.opentrial.org/just-opinion/item/147-effectively-engaging-civil-society-to-fight-corruption-in-nigeria>> accessed on 4th November, 2013.

7. It has now become apparent that we cannot leave the struggle against corruption to government bodies alone, because by its history as the primary site of corruption, the state is often unable to sustain any meaningful crusade against corruption. Various non-governmental constituencies, including NGOs, professional associations and private individuals, must join the crusade.
8. Nigerians should get familiar with the provisions of the law against the various shades of corruption, especially those involving public servants and ensure that these provisions are rigorously applied to all and sundry without fear or favour.
9. Nigerians in general should devise the means of rewarding hard work, honesty and probity and desist from conferring honours to people whose wealth is questionable. The country does not lack good people, but the system we are operating today is such that it throws up rogues, 419ers and fugitives for public office, chieftaincy titles and national honours. We should try as much as possible, to seek out men and women of character with good track records, and encourage them to go into politics, or even sponsor them.
10. The independence and proper regulation of the media must be guaranteed to ensure that our elected representatives operate with the highest standards of accountability and stewardship. Even those who rig their way into power, those who find their way to the presidency, the state house or the parliament, by corrupt means, can be forced to be accountable by a morally sensitive nation. It is indeed the responsibility of the media to constantly drag the feet of those in the corridors of power to the fire of democracy.
11. Unexamined ethnic loyalty is an obstacle on our way to a truly transparent society with accountable leadership. Right thinking Nigerians, individuals and groups must work hard against that form of ethnic bigotry by which acts of corruption are condoned or tolerated if committed by an individual from one's ethnic group. Corrupt officials have often used the ethnic card when their atrocities are exposed, and in many instances their kith and kin have rallied round to defend them.
12. Religious bodies should see it as their principal role to inculcate the fear of God and the values of honesty, probity, hard work, accountability and concern for the common good in their members. Nigerians are notorious for their religiosity, and no religion encourages corruption, so religious leaders must demonstrate to their members that vibrant religiosity and rampant corruption cannot exist side by side.
13. Professional associations should enforce professional ethics and codes of conduct within their members. Enhanced development and enforcement of professional ethics and codes of conduct will enhance the credibility of professionals and make the anti-corruption war easier. More directly, it will help individual members of the professional associations to perform their respective public service duties with integrity.
14. Anti-corruption work is often a lonely project. It is important for the sector to learn to cooperate and collaborate with each other on projects in which they have a common interest. There is security in numbers. And that should be a helpful strategy in the often, perilous endeavour of combating corruption. Unnecessary

bickering, divisionism and one-manship will only detract us from the serious work of coalescing to fight corruption.

15. There is the urgent need to promulgate a strong legislation to aid whistle blowing and the protection of those patriots that lift the lid on unwholesome corrupt practices.

It is strongly believed that the foregoing pragmatic strategies will be of great help in evolving a holistic and pragmatic approach to the fight against corruption in the Nigerian society.

### **Conclusion**

Corruption has no doubt, become of great concern to the world . It has become a phenomenon, with great negative impact globally. All around the world, corruption has been identified as the bane to development. Corruption brings a nation and people no good. Rather, it kills innovation and creativity, compromises public morality, contaminates individual and collective dignity, distorts national plans and erodes commitment to hard work and the dignity of labour.<sup>60</sup> Corruption is an obstacle to good governance, democracy and wholesome development and it must be fully tackled.<sup>61</sup> Nigeria require an all-out war by all stakeholders against this number one enemy of our nation.

Over the years, successive governments in Nigeria have evolved various measures, policies, and programs to combat the menace of corruption, the most important of these measures are: Murtala/Obasanjo's Jaji Declaration/confiscation of assets illegally acquired by public officials of the 1970s; Shagari's Ethical Revolution to fight corruption through the introduction of code of conduct for public servants of 1980s, and the War Against Indiscipline (WAI) by the Buhari/Idiagbon administration in 1984; the ethical and social mobilization crusade by the Babangida regime in 1986; WAI and Corruption (WAI-C) by Abacha's administration in 1994; and the institutionalization of two anti-graft agencies, ICPC and EFCC by Obasanjo's administration.

Unfortunately, these programs and strategies have made little impact in the war against corruption in the face of enormous political corruption in the Nigerian society. Accordingly, the next generation of Nigerian leaders must make the war against corruption a number one priority if it is to carve an enviable place for itself in the history of this nation. Public officers and politicians in Nigeria must begin to reject the politics of the belly, and be prepared to make the necessary sacrifices towards building a new Nigeria.

Once again, I thank the organisers for the honour done me, by extending this invitation to me to share my views and perspective, with this important audience on the most topical issue of our time.

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<sup>60</sup> President Olusegun Obasanjo 'Democracy Day Broadcast' delivered on 29<sup>th</sup> May, 2005, <<http://www.utexas.edu/conferences/africa/ads/740.html>> accessed on 15 November, 2013.

<sup>61</sup> 'Sustaining the War against Corruption in Nigeria'.

Thanks for your attention.