

A Review of Anti-Corruption Wars In Nigeria

ARTICLE

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Abstract

Corruption still subsists as one of the greatest challenges facing Nigeria. The existence of this phenomenon in virtually all aspects of the nation's socio-economic life is said to be one reason why poverty level remains high irrespective of her position as the six highest suppliers of oil to the whole wide world, and a possessor of numerous other human and natural resources. A recent attempt by the Federal Government of Nigeria to curb this societal ill led to the establishment of Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices & Related Offences Commission (ICPC) among others bodies. This paper historically explores the anti-corruption war in Nigeria and specifically zeros itself to review EFCC's role in this war. The methodology adopted in this paper is the narrative-textual case study

(NTCS), a research method that sources the required quantitative and qualitative secondary data on the phenomenon of study from secondary sources like the internet, World Wide Web, online databases, e-libraries *et cetera*. On the strength of the qualitative data sourced, it was discovered that the agency has made some successes but is being hindered by political, administrative and judicial bureaucracy from efficient performance. The paper therefore boldly recommends that transparency be enshrined into all aspect Nigerian political and administrative life and extant anti-graft laws be reviewed, harmonized and strengthened to enhance the effectiveness of fight against corruption and breach of corporate governance ethics by those holding political and non-political positions in Nigeria.

Keywords: Corruption, Corporate Governance, Accountability, EFCC, ICPC.

Introduction

The corrosive effects of corruption on development and development process have always instigated governments to mount anti-corruption programmes and agencies for eliminating or at least abating the existence of the phenomenon in their societies. Such fights at times record some measures of success. For example, nearly two decades ago, Daniel Kaufmann observed that the anticorruption watchdog bodies, such as the Independent Commission against Corruption in Hong Kong and smaller corruption-fighting institutions in Botswana, Chile, Malaysia, and Singapore, were often credited with much of progress (Kaufmann, 1997:18). On the contrary, he also identified that the contrast was the case in the broader economic and institutional reforms that had taken place in some other countries. It was noted that back in Uganda in 1986, the government that came to power implemented a strategy encompassing economic reforms and deregulation, civil service reform, a strengthened Auditor-General's office, the appointment of a reputable inspector-General empowered to investigate and prosecute corruption, and implementation of a public information campaign against corruption. In Botswana, the institution of sound economic and public sector management policies led to honest governance earlier on; and its success principally outweighed that derived from the more recent advent of its anticorruption department (Nwaodu, 2012:76).

The anti-Corruption war in Nigeria has spanned several decades across variant regimes and governments. In other words, from the military to civilian governments, one form of mechanism or the other has been devised in the prosecution of this fight against this social menace. The elite-mass theory is put forward as the underpinning theory of corruption in Nigeria; however, structural-functionalism which origin can be traced to Comte better explains the Anti-Corruption war in Nigeria. According to Nwagwu (2012) the prominent theorists of structural-functionalism are Herbert Spencer (1874-96) Almond (1966); Parsons (1937, 1961); Merton (1957); Davis (1959); Evans-Pritchard (1940); Meyer Fortes (1945), *etc.* Almond (1966), one of the principal proponents of structural functionalism, argues that every political system performs certain functions having adopted Easton's systems analysis and stressed the functions which could be included among the input and output functions of all political systems. It was developed for political analysis by Gabriel Almond (Haralambos, Holborn, and Heald,

2006. The basic assumption of the structural functional framework is that all systems have structures which can be identified; and those structures perform specific set of tasks if they are to remain in existence and maintain their relevance to the system. All political systems are therefore perceived to perform two basic functions – input and output functions. Input functions are political socialization and recruitment; interest articulation; interest aggregation; and political communication; while output functions are rule making; rule application; and rule adjudication. In an x-ray of this theory Varma notes that structural functionalism revolves around two main concepts, namely, functions and structures, on the basis of which three basic questions can be raised:

- what basic functions are fulfilled in any given political system?
- by what structures? And
- under what conditions?

He stresses that while functions deal with the consequence (*i.e.* involving objectives as well as processes) of patterns of actions, structure refers to the arrangements within the system, which performs the functions (Okolie, 2003).

Structural functional analysis enabled the researcher to establish the relevance of the structures created by government to eradicate corruption in the whole system. The structural functionalism as a broad perspective in the social sciences which addresses social structure in terms of the function of its constituent elements (*i.e.* norms, customs, traditions and institutions), as applied, assisted the researcher to x-ray the operations of the EFCC in the light of effectiveness and/or ineffectiveness; constraints of the Act that established the anti-graft agency; and its application of double standard in its fight against corruption in Nigeria since its establishment in 2004. Therefore, this paper is analyzed based on the structural functional theory, research design, tables and the logical data framework (LDF) as relevant tools used to generate appropriate data as illustrated below (Nwagwu (2012).

The main objective of this study is to unveil the history of anti-corruption in Nigeria but critically review the EFCC activities in this regard and proffer solution as to how to improve in this fight to eliminate or reduce corruption in Nigeria as to advance the course of the nation's development. It is hoped that the findings of this work will greatly benefit the different tiers of government, various anti-corruption agencies, and non-governmental organizations among others agencies that are generally committed to fighting corruption and advancing the nation towards her noble development goals.

Evolution of Anti-Corruption Wars in Nigeria

In Nigeria, historically, the war against corruption could be traced back to the pre-colonial era. The various pre-colonial societies had had in place institutions or policies that were pre-set to fight corrupt practices. The Yoruba Alaafin stood to commit suicide or be banished on any event of gross abuse of his office (Ezenwaji 2000:3). This act essentially checked the Alaafin (the head traditional political Yoruba Society) from corrupt practices and he himself was to ensure that his officials were not corrupt. In the Igbo societies, uprightness was the watchword of all the people. Even at this, for fear of any possible abuse of office, the Igbo political system did not repose authority on a single individual.

In the North, the Emir was checked by the collective efforts of his officials against corrupt practices (Nwaodu, 2012:76) The Sharia Laws were the standard for all the faithful including the emir and its punishments abound for corrupt acts. In the early years of the British rule, there were complaints that emirs and chiefs were difficult to trust with money among other corrupt acts and very quickly the administration issued a proclamation on how to deal with it, which was essentially that corrupt officers would have their appointments terminated and go to jail. Detailed accounting and auditing guidelines were also circulated to assist and warn all officers (Falola cited in Mbaku 1998). They were also traditional anti-corruption bodies like the police, and the courts.

However, the weaknesses of these institutions following their infection with the same vice they were to fight made it necessary for the colonial government to devise other means of fighting corruption. The level of awareness of the need to combat corruption by the colonial administration was awoken by the motion moved on February 26th, 1952, by the Emir of Gwandu at the floor of the Northern House of Chiefs: That this House, agreeing that bribery and corruption are widely prevalent in all walks of life, recommends that Native Authorities should make every effort to trace and punish offenders with strict impartiality and to educate public opinion against bribery and corruption (Adebayo 1986). By 1950s the colonial administration had moved away from just the use of the traditional anti-corruption machineries to the use of commissions of enquiry. On July 24, 1956 the Justice Strafford Forster-Sulton Commission of enquiry was set up to investigate the allegations that Dr. Nnamdi Azikiwe had abused his office as premier of Eastern Region by allowing public funds to be invested in business

establishment where he had an interest. The Commission's Report indicted Dr Azikiwe, and in January 6 1957 he transferred all his rights in the bank to the Eastern Nigeria Government (Nwankwo 1999 cited in Chukwudum 2004).

The post-independence Federal Government also adopted the use of Commission of Inquiry in fighting Corruption in the Country. On June 20 1962, it appointed a Commission headed by Justice G.B. Coker to investigate the allegations that Chief Obafemi Awolowo had also abused his office as premier of the Western Region in his relationship with a private enterprise, the National Investment and Property Company (NIPC). The Commission's report indicted Chief Awolowo; consequently the Western regional government acquired all the property owned by the National Investment and Property Company (Chukwudum, 2004). In 1967, another commission of enquiry was instituted to investigate assets of fifteen public officers in the defunct mid-Western region. The panel, indicted all the public officers of corruptly enriching themselves. The political leadership of Nigeria's First Republic, led by Prime Minister Alhaji Tafawa Balewa, was aware of the high level of corruption in the country but appeared handicapped or unwilling to confront it. Most actions the government could take against corruption (outside the commission of enquiry that probed Chief Awolowo in 1962) was limited to condemning the emerging scourge and promised to abate it with time (Mbaku 1998). This was the situation until the military captured government in 1966.

Anti-Corruption Efforts of Government-Military/Civilian 1966

The 1966 coup d'état brought hope to many Nigerians that the end had come to corrupt practices in Nigeria government. This hope was raised further by the promises of Major Kaduna Nzeogwu, the leader of the military rebellion, who told Nigerians that the military did not plan to retain political power and proceed to rule. The intention of the military elites who overthrow the government was to remove from office, irresponsible and opportunistic politicians and incompetent and corrupt civil servants, restore respectability, professionalism, transparency and accountability to Nigeria's public service, and return to the barracks (in Mbaku 1998:21).

Major Nzeogwu never ruled but the military remained. But from General Ironsi to Gowon there were no pronounced anti-corruption policies of the government. In 1967 a commission of enquiry was instituted to investigate assets of fifteen public officers in the defunct Mid-Western Region. The commission, indicted all the public officers in question

of corruptly enriching themselves, and recommended that the public officers should forfeit such ill-gotten gains to the government. The early military governments/regimes did not live up to the people's expectation in combating corruption. The military government under Gowon had become more corrupt than the civilian government of the First Republic. In response to the continued agitation for change, the military government under General Murtala Mohammed who had overthrown Gen. Gowon launched the first military-sponsored anti-corruption campaigns – Operation Purge the Nation – which he said would rid the nation of political/administrative incompetence, corrupt and morally delinquent civil servants and politicians and bring back respectability and professionalism to the country's public service (Nwaodu, 2012:80).

The impact of the new anti-corruption programme, which forcefully purged over 11,000 people from the national civil service of corruption, was not only temporary but partial. Several civil servants were sacked to settle personal scores and punish suspected enemies and opponents. The programme rather endangered professionalism since the bases for the retrenchment were arbitrary and designed to eliminate primarily Nigerians who did not have proper connections to those in power. The individuals who took over the recently evacuated civil service positions continued to engage in opportunism since the incentive structure had not been altered. Alhaji Shehu Shagari who led the Second Republican Nigeria (1979--1983) had expressed worries at the scale of bribery, corruption, dishonesty and all vices were assuming in Nigeria. Early in his administration, Shagari had responded to controversy, which was associated with the Obasanjo's Regime which he had succeeded. He instituted a probe panel headed by Justice Ayo Irekefe to get to the root of the scandal (Chukwudun, 2004:24). His regime however tried to combat corruption. He later proclaimed an ethical revolution, which he felt would be effective in fighting corruption. The 1979, 1989 and the 1999 constitutions had also provided a code of conduct for public servants with a Code of Conduct Bureau to enforce the prescribed behaviours. The Government also appointed a cabinet minister of National Guidance to provide moral leadership against corruption. Yet the measures were ineffective in combating corruption, for Nigeria had grown even more corrupt than ever before. It was in this state that the civilian government was toppled in a military coup, which the coup plotters justified as being necessary to combat corruption (Inegbedion, 2001).

After the 1983 coup, one of the leaders, Major General Tunde Idiagbon introduced another anti-corruption programme called, *“War Against Indiscipline,”* (WAI). The idea was to promote and emphasize discipline and professionalism among civil servants as a way of improving political and administrative efficiency. Unfortunately, the programme eventually degenerated into policing against disorderly behaviours. Like its predecessors, the new programme failed to engage the Nigerian people in proper state reconstruction to establish more effective structures for corruption control. The consequence was continued increase in the level of corruption in the country (Mbaku 1998).

As part of the Buhari/Idiagbon led anti-corruption crusade, a special military tribunal was set up to recover public properties from the politicians of the past government and those found guilty were handed stiff prison terms longer than the normal life-span. The programme was however criticized on the ground that the military rulers subverted national laws in their efforts to imprison or deal with public servants suspected of engaging in corrupt activities. No effort was made to develop a consistent, predictable legal framework for dealing with corruption and individuals accused of engaging in corruption practices.

The administration of General Ibrahim Babangida, which overthrew Buhari/Idiagbon's regime, gradually dismantled the anticorruption and disciplinary institution put in place by its predecessor on the grounds that they were too rigid, uncompromising and highhanded. The new anti-corruption programme also failed. Therefore, during this regime the very high incidence of corruption was recorded. In the words of Lewis (1994:330):

Corruption has long been endemic to Nigerian politics, but the levels of malfeasance in the waning years of the Babangida's regime eclipsed those preceding governments. The regime even facilitated corruption in the private sector. For instance, it was during this regime that various decrees (NO. 49 of 1991: NO 70 of 1992: and No. 24 of 1993) were promulgated which directed that various properties earlier seized from past government officials be returned (Hope, 1998).

The obvious reason for his benevolence was to lure the beneficiaries into supporting him to extend his tenure in office. The Interim National Government, which succeeded Babangida's regime had a very short tenure and did not settle down to combat

corruption. However Shonekan has to his credit as contributions to fighting corruption his proposals to the National Assembly, which never saw the light of the day. The administration of General Sani Abacha who pushed Shonekan out and came into power made efforts, to curb corruption. The most popular programme credited to the General is the War Against Indiscipline and Corruption (WAIC). He had also reconstituted the National Orientation Agency (NOA) and many probe panels were set up to investigate several government agencies and parastatals, for example, Customs, NITEL and Nigerian Airways. The activities of the Failed Bank Tribunal were also credited to the Abacha's Administration. Nevertheless, the administration's crusade against corruption was not seen as credible because some members of the cabinet had been indicted by some probe panels in the past. Again, top government functionaries did not declare their assets as required by the Code of Conduct Bureau (CCB). All of these lapses tend to cast doubt on the integrity of the government and its bid to control corruption.

Obasanjo's Government Anti-Corruption War (1999-2004)

On assumption of office in 1999, President Olusegun Obasanjo declared his intention to fight corruption and began putting in place many organs in that direction. More than any of his predecessors he put in place anti-corruption institutions. Some of the agencies his administration had put in place in the fight against corruption are discussed below:

In the first instance, he sent his anti-corruption Bill to the National Assembly for endorsement. The bill was entitled, "A bill for a law to prohibit and punish bribery and corruption of or by public officers and other persons (presented by the President, Commander-in-Chief, Federal Republic of Nigeria) – 7th July, 1999 (Chukwudum 2004:30).

The next step by the President was his ignition of what would have been the fire of his anti-corruption campaign via the constitution of a panel to review various contract awards and appointments made during the administration of his predecessor. The panel among other things pruned down from over 500 to mere 13 the national awards bestowed indiscriminately on some Nigerian citizens.

The Alhaji Iguda Inuwa Commission of Enquiry was also set up to examine the performance of major projects in Abuja. The Idris Kuta panel was to determine the number of contracts awarded by the Senate in one year from June 11 1999 to July 17,

2000 and to identify the officers of the Senate and other Senators that participated in the exercise of contract award. The panel was also to identify to whom the contracts were awarded for what and the amounts involved, to determine whether the laid down rules and procedure were complied with in the award of contracts among other terms of references.

The popular Oputa panel was also used by this administration to investigate human right abuses since 1966, Oluwole Rotimi panel on Federal Government Assets was also among the myriad of panels. Obasanjo's administration did not stop at the use of panels of enquiry in the fight against corruption, some other instruments he adopted included budget transparency, removal of extra budgetary expenditures, procurement reforms under the due process unit, and such institutions as the Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and other related offences Commission (ICPC), the Code of Conduct Tribunal among others.

The Conventional anti-corruption agencies like the police and the Courts were re-invigorated and sensitized to more effective action in combating corruption.

The tarnished national image abroad especially using the Transparency International: Corruption Perception Index (CPI), which alternated Nigeria from the most corrupt nation to second and third most corrupt nation among the nations surveyed by the institution. The negative economic effect of all these are contributory to spurring the Obasanjo's administration into the anti-corruption war. Let us at this point examine some of the Economic and Financial Crime Commission (EFCC);

Operational Analysis of the Economic and Financial Crime Commission (EFCC) in the Anti-Corruption War in Nigeria

The establishment of the Economic and Financial Crimes Commission (EFCC) in 2002 and its subsequently take off in 2004 under the Chairmanship of Nuhu Ribadu was a demonstration of the fervour with which the Obasanjo Administration wanted to stamp out corruption. The Commission is charged with enforcement and administration of the provisions of the Economic and Financial Crimes Commission Act – investigating all financial crimes, including advanced free fraud, money laundering, counterfeiting, illegal cash transfer, credit card fraud contract scams, *etc.* The Agency immediately took corruption head-on in its fight against the social menace and has recorded some degree of successes in this respect.

As Adesugba (2004) observes, the Government, through the EFCC has been actively cooperating with Interpol and the City of London Police in an international crackdown targeting alleged king-pins behind a host of fraudulent e-mails sent en masse to gullible victims across the world. The cooperation has led to the arrest of numerous suspected fraudsters in Nigeria and the seizure of millions of dollars stashed away by fraudsters. She further reveals that not long from its take-off, it announced the development of software that could identify key words used in 'advance fee' e-mails and distributed the software to Internet service providers in a bid to wipe out the scourge of advance fee fraud.

From its inception to the early 2004, government has recovered over several billions naira from swindlers. The Commission arrested over 200 people including the high standing in society in a few years of its existence. EFCC has set up a unit in the Ministry of Finance to help fight corruption. Other good cases which the agency wielded into with some level of successful recoveries included that of Alhaji Tafa Balogun former Inspector-General of Police who was forced to resign as soon as his corrupt practices became public and was ultimately convicted after being investigated. In the bribery scandal involving the former Minister of Education Professor Fabian Osuji and the former Senate President Chief Adolf Wagbara, other Senators who were involved in the N55m bribery scandal; the case of the then Governor of Plateau State Joshua Dariye who had many allegations on his neck, the agency forced accused to make refunds. Other strides also included the case of Chief Bode George who was arraigned by EFCC alongside five other suspects (Aminu Dabo, Olusegun Abidoye, Adullahi Tafida, Zanna Maidaribe, and Sule Aliyu) on a 163-count charge (truncated to 68-count charge) surrounding an alleged misappropriation of Nigeria Ports Authority (NPA) funds to the tune of N85 billion, and inflation of contract costs contrary to Section 22(3) of the Corrupt Practices and Other Related Offences Act, 2000. Chief Bode George was however convicted and sentenced to concurrent term of two years imprisonment. For this singular conviction, EFCC has recorded yet another impressive success in its fight against corruption (see <http://www.punchng.com/Articl.aspx?theartic=Art2009102703418530>).

One major improvement in this Agency in the fight against corruption is that a number of those accused of corrupt practices had to refund the money involved. For example the case of Dariye, PDP had to refund N90m, and Senators led by Wagbara refunded N55m among others.

In the later years, the agency pounced on alleged corrupt commercial banks' chief executives among who were Mrs. Cecilia Ibru, the Managing Director and Chief Executive Officer of the Oceanic Bank Plc. She was investigated and the report revealed that she corruptly amassed wealth and recklessly granted credit facilities to many questionable organizations and fronts without sufficient security against due process as illustrated in tables 2 and 3 below. Prior to this disclosure, the EFCC had thoroughly delved into the secret and shabby deals of not only Mrs Ibru but also the associated Ibrus and subsequently exposed stinking record of ill-gotten wealth from the highly respected, esteemed and successful business dynasty. This exposure obviously marvelled the world and added one more negative 'vulture feather' on the nation's ranking position in the Transparency International Corruption Index as the ill-gotten wealth are shown hereunder:

Table 1: Credit Facilities Granted to Companies without Security

| Date | Names of Companies that benefited from the illegal deals | Amount Granted |
|-------------|---|-----------------------|
| Undisclosed | Cloudy Heights Limited | N16 billion |
| - | Petosan Oil and Gas Company | N75 billion |
| - | Petosan Oil Development Company Limited | N6,500,000,000 |
| - | Petosan Farms Limited | N2 billion |
| March 2009 | Bliss-Bloss Integrated Limited | N15 billion |
| Undisclosed | Midwestern Oil and Gas Plc | N8.1 billion |
| - | Circular Global International Limited | N15 billion |
| March 2008 | Ibru Edesiri Onatejiroghene | N36 million |
| March 2008 | Ibru Edesiri Onatejiroghene | N8,757,947.26 |
| April 2009 | Petosan Oil and Gas Company Limited | N5 billion |
| Undisclosed | Petosan Property and Development Co. Limited | N6,500,000,000 |

Source: The Source, Vol. 26(15), February 01, 2010, p.21

The anti-graft agency arraigned Cecilia Ibru to the court of law for the illicit deals enumerated above and another charge on allegation that borders on illegal acquisition of properties and shares of different companies termed "monumental corruption of the century" as illustrated below. The EFCC charge sheet disclosed that loans were granted without adequate security against accepted practice and thereby committed an offence contrary to Section 15(1)(a) of the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, Laws of the Federation of Nigeria. The anti-graft agency allegedly placed embargo on the shares worth N5.5 billion shares in 77 companies cutting across multinational blue chips, hotels and the banking industry and properties enumerated in table 3. The Anti-sleaze Agency also was alleged to have applied for Court order to confiscate these properties illegally acquired (in tables 2 and 3) and the public was warned to refrain from buying any of the Cecilia Ibru's properties enumerated in this article.

Table 2: Illegal Acquisition of Property

| DATE | PROPERTY AND LOCATION | VALUE |
|--------------------------------------|---|----------------------------------|
| 19/04/2009 | 4141 Chariot Way, Upper Marlboro, Maryland | \$441,790 |
| 19/04/2009 | 4143 Chariot Way, Upper Marlboro, Maryland | \$439,362 |
| 12/03/2009 | 4155 Chariot Way, Upper Marlboro, Maryland | \$452,508 |
| 14/04/2009 | 4145 Chariot Way, Upper Marlboro, Maryland | \$440,105 |
| 21/04/2009 | 4139 Chariot Way, Upper Marlboro, Maryland | \$451,629 |
| 22/07/2008 | 14605 Hawley lane, Upper Maryland | \$399,999 |
| 17/05/2008 | 14630 Hawley Lane, Upper Marlboro, Maryland | \$460,703 |
| 28/10/2008 | 14721 Argos Place, Upper Marlboro, Maryland | \$457,950 |
| 26/11/2008 | 14719 Argos Place, Upper Marlboro, Maryland | \$451,840 |
| ILLEGAL ACQUISITION OF SHARES | | |
| NAME OF COMPANIES | | NUMBER OF SHARES IN EACH COMPANY |
| First Bank of Nigeria Plc | | 275,795,139 |
| Union Bank Plc | | 64,218,000 |

| | |
|--------------------------------------|---------------|
| United Bank for Africa Plc | 93,750,000 |
| Oceanic Bank Plc | 1,076,220,421 |
| Zenith Bank Plc | 10,280,000 |
| Access Bank Plc | 352,500 |
| Fidelity Bank Plc | 12,500 |
| Guarantee Trust Bank Plc (GTB), etc. | 110,000 |

Source: The Source, Vol. 26(15), February 01, 2010, p.23

The Economic and Financial Crimes Commission arraigned former Governor of Nasarawa State, Alhaji Abdullahi Adamu along with 18 other suspects before a Federal High Court, Lafia, Nasarawa State on a 149 count charge surrounding alleged looting of the state treasury to the tune of about N15 billion during Adamu's eight-year-tenure as Governor of the State. There is also the prosecution of Honourable Godwin Ndudi Elumelu, Senator Nicolas Ugbane, Hon. Jibo Mohammed and six others by the EFCC on a 130-count-charge that bothered on defrauding the government to the tune of N5.2 billion from the Rural Electrification Agency (REA) fund, but no further legal action had been taken. The ex-governor of Sokoto State, Alhaji Attahiru Bafarawa is currently standing trial in High Court of Justice, Sokoko, over an alleged N15 billion corruption charge brought against him by the Economic and Financial Crimes Commission. The court has ordered the re-arrest of the ex-governor as a result of his non-appearance in court to face trial as mandated by law. The Chairman of the EFCC similarly directed that the former governor be declared wanted with a view to seeking the assistance of other security agencies across the world to arrest him. However, it was alleged the anti-graft agency did not pursue with vigour the corrupt charges brought against other ex-governors who are "political sons" of Obasanjo. Most of the corrupt charges brought against the ex-governors in the "good book" of Olusegun Obasanjo were said to have been dropped or ignored to die natural death (Nwagwu, 2012:3).

In April 2008, the EFCC began the investigation of Senator Iyabo Obasanjo-Bello for receiving N10 million (\$100,000) stolen from the Ministry of Health. The former Minister of Health and the deputy were also on trial for stealing over N30, 000,000 (\$300,000) from the Ministry's unspent funds from the 2007 budget. Although the Minister and his

deputy lost their jobs, Senator Iyabo Obasanjo-Bello dramatized her case out of the court and eventually went scot-free. The court has maintained silence on the case (The Source, Vol. 26(15), February 01, 2010:23).

The Economic and Financial Crimes Commission, on 10 August, 2009, sealed off the premises of Cosmo FM Radio Station, Rainbownet Nigeria Limited and other companies believed to be owned by the ex-governor of Enugu State, Senator Chimaroke Nnamani. The properties were seized by the EFCC through a Lagos Federal High Court order in May 2007 following the indictment of Nnamani over alleged corruption and embezzlement of state funds to the tune of N5.3 billion (The Source, Vol. 26(15), February 01, 2010:23).

After arraigning the ex-governor in court for prosecution, it appears the case had been stepped down because as at 25th September, 2010 there was neither conviction nor acquittal. The case suffered prolonged adjournments. Justice delayed is justice denied.

The Economic and Financial Crimes Commission, on 14th August, 2009 arraigned the immediate past Comptroller-General of the Nigeria Customs Services, Hamman Bello Hammed and five others, namely, Tajudeen Olalere (General Manager), Vaswani Group Lukman Hussain (a clearing agent), Hannatu Sulaiman (a Custom Comptroller in charge of Apapa Wharf, Lagos), Popular Foods Limited and Silver Maritime (Shipping) Company Limited, at a Federal High Court, Ikoyi, Lagos on a 46-count charge surrounding alleged N2.5 billion custom duty scam (see: <http://www.efccnigeria.org/>). The EFCC, on May 27, 2009, arraigned Mr Mike Okoli (Company Secretary of Transnational Corporation (TRANSCORP) Plc, alongside Thomas Iseghohi (Group Managing Director), and Muhammed Buba (Deputy General Manager) at a Federal High Court, Maitama, Abuja on a 32-count charge of criminal conspiracy, criminal breach of trust, money laundering and misappropriation of public funds to the tune of N15 billion. The suspects were said to have been remanded in Kuje Prison.

Similarly, Isa (2007:4) reports that the EFCC had charged the former People's Democratic Party (PDP) governorship candidate for Abia State in the April 2007 general elections, and former Chairman of the Niger Delta Development Commission (NDDC), Chief Onyema Ugochukwu before a Federal High Court in Abuja for corrupt practices. According to Isa, Chief Ugochukwu was accused of corrupt handling of about N10.2 billion while serving as the Chairman of the NDDC. The report reveals that the charges were prepared by the Office of the Attorney-General of the Federation. The

charges accused Chief Ugochukwu of inflating contract value and making false statement in respect of N9.3 billion allegedly trapped in the distressed Societe Generale Bank of Nigeria; inflating of a contract value for the construction of a 15 kilometre road in Obehi-Mkpologwu from N250, 260 million to N880, 000 million; while the second count accused him of inflating contracts value for the construction of a road in Umuahia from N180 million to N462 million. In the third count, Chief Ugochukwu was accused of furnishing of false statement in respect of N9.3 billion claimed to have been trapped in Societe Generale Bank of Nigeria, but which sum was said to have been disbursed by the former Chairman of NDDC while in office. The EFCC seems to be handicapped to prosecute these criminal cases that have been investigated. There is seemingly an expression of reluctance in prosecuting the cases cited above. This strengthens the speculation that the anti-graft agency is selective in its operations.

The immediate past Chairman of the Economic and Financial Crimes Commission, Mrs. Farida Waziri, had contended that the Commission recovered more than N250 billion from various suspects; and also secured 75 convictions in eighteen (18) months of her tenure; and this represents about a third of all convictions secured since the inception of the Commission in 2004.

Secondly, with the development and deployment of "Eagle Claw" – the software that had changed the face of fighting cyber crimes in Nigeria, about 1,200 scam e-mail addresses and websites have been shut down, while eighteen syndicate leaders have been arrested and the suspects are being tried.

(See <http://www.thenationonline.ng.net/web2/articles/33343/1/EFCC.../Page1.html>).

On his part, Barrister Joseph Daudu (SAN), current President of Nigerian Bar Association, believes that the body is yet to achieve much, adding that it is pointless to have an expensively set up body like the EFCC with only a five per cent success rate usually at the trial stage. Most importantly, majority of their convictions are whittled down on appeals and this is against the background that they lack nothing in terms of resource allocation from government. He stresses that EFCC operatives, till date, are amongst the best trained in the world; they are more than adequately equipped for the battle against corruption; but in truth, there is absolutely little to exhibit as encouraging signposts in the battle against corruption; and their records do not reflect or justify the exorbitant expenditure burnt up on them (Nwagwu, 2012:3).

Mrs Farida Waziri publicly acknowledged that weak administrative structure and the absence of a career path for the officers are some of the challenges confronting the Commission. She argues that there is the problem of haphazard administration and investigations, as well as poorly motivated workforce and unnecessary political interference from government which creates administrative constraints in course of strategizing operations (Nwagwu, 2012:5).

The incident of the N628.8 million contract scandal which involved the former Speaker of the House of Representatives, Hon. Patricia Etteh and her Deputy Speaker, Hon. Babangida Nguroje; the National Integrated Power Project \$16 billion scam which involved top government functionaries, including the former President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo, are cases of corruption EFCC has not made any effort to investigate and these are the indices that weigh down socio-economic growth in Nigeria. The puzzle is not merely that the huge expenditure failed to translate to more electric energy, but that for most times, it actually translated to less electric power supply for the people with its attendant negative consequences. Oby Ezekwesili, former Director-General of Due Process stated in a public function in Abuja that only three billion dollars was actually spent on the sector within the period under consideration. Mrs. Fatima Ibrahim, former Minister of State for Energy (Power) gave a breakdown of the expenditure on the power project over a period of eight years as follows:

Table 3: Detailed Expenditure on Power Sector (1999 -2007)

| YEAR | TOTAL AMOUNT |
|-------------|---------------------|
| 1999 | N6.7 billion |
| 2000 | N49.8 billion |
| 2001 | N71.0billion |
| 2002 | N41.2billion |
| 2003 | N5.2billion |
| 2004 | N54.4 billion |
| 2005 | N70.13 billion |
| 2006 | N72.4billion |
| 2007 | N61.1billion |

Source: Nigerian Newsworld, March 31, 2008; the Business Eye, Vol. 2:11, 24-30 March, 2008

Mrs. Fatima Ibrahim further disclosed that the sum of N235 billion which is equivalent to \$6.5 billion was used to finance the National Integrated Power Project (NIPP) during the same period (1999 to 2007). She described the NIPP as a mind boggling project on which a lot of money had been invested, yet the work had not proceeded on schedule. Former Attorney-General and Minister of Justice, Chief Richard Akinjide (SAN) (cited in Obogo, 2007) argues that taking a look at what is going on in the country today and the bare-faced corruption and thievery that the present day politicians have institutionalized, he will advise that never put a hungry man in charge of the kitchen. The acquisitive instinct has become obscene, it has become a scandal. Akinjide described the ex-president Obasanjo as a monumental failure and wished that Nigeria never experiences characters like Obasanjo as leaders again. To buttress this argument of a hungry man being in charge of the kitchen, Uwodi (2007:1-2) argues that there are more revelations to the Hon. Ndudi Elumelu led House of Representatives Committee investigating the \$16 billion sleaze in the power sector. Former President Olusegun Obasanjo was alleged to have dubiously favoured some unscrupulous elements through fictitious awards of contracts as shown below:

Table 4: \$16 Billion Scam in the Power Sector

| Name of Company | Nature of Contract and/or Owner of Company | Amount \$ |
|-------------------------------|---|------------------|
| Tasolk and Associates | Ibogun Temidire Olaogun and power plant in Ogun State | 27,096,148 |
| Mak and Mak (Nigeria) Limited | Okpitim, Amachi power project in Ebonyi State | 45,558,237 |

Conclusion

Corruption is an aged national phenomenon which grossly hampers the country's development. It frustrates the planning processes, distorts the socio-psychological disposition of the nation's political leadership and instigates all manner of crisis and instability in the nation's political life. It destroys the nation's development fabrics such as the bureaucracy and the political leadership through pervasion of their psychological

disposition; thwarts the development priorities of the government, causes incredible loss of public resources, accounts for the spectre of abandoned public projects and low standard of living of majority of Nigerians. It has crippled the nation's education industry, the power sector, the telecommunication industry among others. It is one main reason why the public corporations in Nigeria generally failed, and a major reason why the government has been hell-bent privatizing her originally cherished public enterprises.

Despite the multifaceted approach in combating corruption not much has been achieved in this direction and the much desired development has eluded the country mainly because of lack of good governance (which must be shrouded in transparency, accountability and rule of law). Corrupt leaders cannot wage any effective war against corruption. Therefore, if corruption is to be given a short shrift in Nigeria, then the following recommendations are thus made:

That transparency should be enshrined into all the activities of the government from the political class down the bureaucratic echelon. Again, as already noted by Ejike Okoye (2013), to make the social, business, and bureaucratic environments corruption-hostile rather than friendly; this means that there must be well funded comprehensive public education and enlightenment programs on the nature of corruption as well as the negative effects of corruption in the Nigerian polity. This is a job that the National Orientation Agency (NOA) as well as the Federal and State Ministries of Information must undertake. This could take the form of well tested public enlightenment techniques such as the use of hand bills, public posters, print media adverts and Radio and TV jingles. At the same time, the citizenry must be made aware of the stiff penalties that await those who engage in corrupt practices. To this end, certain legal instruments must be put in place to enable unfettered corruption detection, arraignment and conviction to be facilitated. In this regard, appropriate legislation should be enacted along the following lines:

- A law compelling all banks to report to both the appropriate Federal and State Boards of Inland Revenue/Tax Authorities, as well as the law enforcement agencies any deposits, transfers or withdrawals of funds in excess of a specified amount (e.g. N5 million) by any individual. Such a law should provide for the automatic State confiscation if it turns out that the sources of such funds are

proved in a court of law to be illegitimate or are connected with illicit money laundering.

- A law requiring tax in the form of "capital gains tax" to be levied against people who appear to have come into large sums of money illegitimately or even legitimately, other than as a result of a legitimate business transaction (for example, accruals to registered businessmen who have declared taxable business profits), or otherwise sums received by a salaried person as part of an emolument package (for which normal income taxes would have been paid).
- A law requiring the Federal and State Ministries responsible for Lands and Housing to make it a condition for the granting of Certificates of Occupancy, as well as for approval of building plans on registered plots of land, to require applicants to indicate legal sources of funds for the development or purchase of a landed property, as well as evidence of income taxes being paid that are commensurate with the acquisition or possession of such valued property in question.
- A law enabling the Federal and State Tax Assessment and Collection Agencies as well as the Anti-Corruption Intelligence Agency (discussed below) and the Police to demand explanations for large acquisitions and expenditures (for any purpose including donations and pledges at "public launching" and other events) of large sums of money beyond the legitimate incomes whether of public servants or private entrepreneurs, and to impound same when sources for such funds cannot be justified in a court of law.
- A law requiring the mandatory public declaration of the assets of the "immediate family" (meaning husband, wife and children) of all specified senior public officers on appointment or assumption of duty as well as after disengagement. In addition such assets (which must be covered by the Freedom of Information Act) must be verified and monitored routinely by the Anti-Corruption Intelligence Agency and the EFCC. (In this regard, it is relevant to observe that Nigerians can be very creative over asset declaration. Hence an elected or appointed official who targets stealing 100 million naira during his/her term in office could, for example, declare 105 million naira upon

assumption of office. Usually, the declaration is taken on its face value; no further attempt is made to ascertain that the official is actually worth the declared amount. He/She subsequently would steal 100 million and when he/she is about to leave office, he/she declares 100 million plus whatever little money he/she might have made legitimately. No one can query the loot because it was declared when the official came into office. Hence what the government should do is to demand physical evidence of the declared assets and at the same time establish their legitimacy).

- A law should be enacted, declaring all crimes of corruption "federal crimes" justiciable in federal courts or tribunals.
- Finally, a law should be enacted creating Federal Tribunals for Corruption Offences (FTCO). The powers of such courts, sitting in Abuja and State capitals, and the form of sentences within their scope must be carefully spelt out, and the court or courts of final appeal.

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