

The Effectiveness and Ineffectiveness of Combating Corruption in Nigeria

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Abstract

Corruption is a great disaster that destroys the socio-economic development and political prosperity of any nation. The menace has caused developing countries to fall behind in terms of national and international development. This prompted both state actors and international organisations to wage war against corruption through multiple strategies. The Nigerian fourth republic follows the race in combating corruption and enhancing national development through anti-corruption institutions such as EFCC and ICPC to sanitise the political economy of the state. This paper elucidates the challenges in combating corruption with aim of offering solutions. Despite the existence of antigraft institutions, corruption is still going on due to the lack of political will by the government, political interference, lack of autonomy, paucity of funds among others. Descriptive analysis was duly adopted for this study. Secondary data collection methods were used to collect necessary data for the study. In this regard, secondary data were gathered from textbooks, journals and internet facilities. The study recommended, among other things, that only competent, experienced and morally upright persons should be appointed to leadership positions in anti-corruption agencies in the country. It was also recommended that sufficient funds should be voted for anti-corruption agencies to enable them to acquire necessary security equipment.

Key words: corruption, effectiveness, ineffectiveness, strategies, anti-corruption agencies

1. Introduction

Over the years, the economy of Nigeria has suffered badly at the hand of a monstrous virus called corruption. Wabba (2020a) commented that this virus has drawn Nigeria backward for some decades. He went further to say that if the issue of corruption in the country was not properly addressed, Nigerian youths will not have a future.

Obasanjo (2003), in his inaugural presidential speech on May 29, said that no society can

achieve its growth objectives if it allows corruption to grow to maturity as it has become in Nigeria. Also, Akinniyi (2008:137) opined that “One major reason why the numerous economic reforms in the country have assumed the gab of a toothless bulldog is that corruption is eating up the process and gains of such reforms”. All the foregoing opinions point to the fact that corruption is an agent of destruction.

Magu (2020) threw some light on the perpetrators of corruption in Nigeria. He

identified public office holders as the major culprits. According to him, public office holders are in the habit of constantly siphoning public resources. Akinniyi (2009:147) observed in the same manner that our leaders do “misuse available resources and blindly embezzle public funds”.

That is not to say that corruption is practised in only public establishments. Of course, it exists also among school administrators, traditional rulers, trade union officials, private sector managers, judiciary officials, security officers et cetera. Two common features of corrupt individuals are selfishness and greed. Sadly, corrupt people are in the habit of harvesting fortunes illegitimately at the expense of others' comfort.

Some efforts have been made to curb corruption in Nigeria. Unfortunately, despite the huge financial, material and human resources expended, so far, on fighting the menace, a very minimal result has been achieved. The result has not been tangible because some factors are hindering the fight.

The justification for this paper is anchored on two major objectives. These are stated below.

- (i) To identify the obstacles hindering the war against corruption.
- (ii) To suggest ways of overcoming observed hindrances.

In order to achieve the objectives of this study, secondary data collection methods were used to gather the necessary data for the study. In this regard, secondary data were gathered from textbooks, journals and internet facilities. The descriptive analysis method was adopted in presenting the collected data and the findings of the study.

2. Definition of Corruption

Some factors or situations are responsible for the existence of corruption, especially in Nigeria. Some of the factors are mentioned and described below.

(i) Bad governance: Many leaders are weak and corrupt and therefore, lack the political will to wage war against corruption (Wabba, 2020b). Such leaders are fond of misappropriating resources, making wrong decisions and lacking the capacity to plan and control. Corroborating this view, Obadan (2008) claimed that “When these symbols emerge together they create an environment that is inimical to development. Bad governance necessitates corruption, absence of polity and transparency and as well, creates room for well-connected groups of elites to siphon a huge amount of public wealth to the detriment of the general populace.

(ii) Lack of Visionary Leadership: Achebe (2018) observed that the trouble with Nigeria is largely and squarely the problem of leadership. When a leader lacks vision and thus, cannot think beyond the present happening in his environment, avoidable problems would occur. This trend could pave way for prodigality and corruption in the society.

In Nigeria, policies are being implemented to fulfil the desire of the ruling elites. This has accelerated what some policy analysts describe as elites beneficial policies. Policies and projects which enrich the elites can be a disadvantage for national development (Ubeku, 2011). These are among the challenges faced by all Nigerian public institutions, including the anticorruption establishments.

[iii] Poverty: Akinniyi (2006) described poverty as a situation of insufficiency of means relative to human needs. There is a high magnitude of poverty in Nigeria, especially in the rural areas

(Aigbokhan, 2000). The Nigerian political class has taken advantage of this high rate of poverty to plant the seed of corruption. They do this by buying the conscience of the poor electorate through the distribution of money, bags of rice and beans and other food items before or during the election.

[iv] Moral degeneration: Otite (2000), while trying to describe the concept of corruption, stated that the monster called corruption relates to the pervasion of integrity or state of affairs through bribery, favour or moral depravity. The fact remains that many of the culprits of corruption are people of low moral value, people with dead consciences and people who feel that corruption is a normal way of life.

3. Effectiveness of Combating Corruption

A lot of strategies have been introduced or adopted to curb corruption activities in Nigeria. The institutional model started in 1977 with the Jaji declaration by President Olusegun Obasanjo and then followed by the Ethical Revolution of Shehu Shagari in 1981; War Against Indiscipline by Muhammadu Buhari in 1984; National Orientation Movement by Ibrahim

Babangida in 1986; Mass Mobilization for Social Justice by Babangida in 1987; War Against Indiscipline and Corruption in 1996 by Sanni Abacha to the Independent Corrupt Practices (and Other Related Offences) Commission by Obasanjo in 2000 and the Economic and Financial Crime Commission 2002 also by Obasanjo. The institutional strategic model for anti-corruption is, therefore, fathomed on the wisdom that anti-corruption institutions/agencies were established in Nigeria to administer the following policy prescriptions: "deterrence, prevention, and public sector reforms". They are:

a. To establish and maintain a high standard of public morality in the conduct of government business and to ensure that the actions and behaviours of public officers conform to the

highest standard of public morality and accountability. The Code of Conduct Bureau and Code of Conduct Tribunal was established. The Bureau, therefore, prescribes standard codes of conduct and appropriate penalties for violation of such conduct(s). Public officers are regarded as elected or appointed public office-holders.

b. To address public sector corruption through education and prevention by examining, reviewing and enforcing correction of corruption-prone systems and procedures of public bodies, with a view of eliminating or minimizing corruption in public life. Thus, the major focus of the Independent Corrupt Practices Commission (ICPC) were structures of government, public institutions and public corporations. It has powers to investigate and prosecute all public officials including the police, except those officers that have immunity as prescribed in the constitution. It remains the most powerful anti-corruption legislation ever passed in Nigeria to deter public officials from massive looting and plundering of public funds. The ICPC, therefore, is Nigeria's last hope to deliver public service from corruption.

c. To ensure that government contracts are awarded following the best practices and universal standards for tendering and procurement of contracts around the world. The Due Process Office was established in 2003 under the Office of the President. Specifically, it was targeted to curb or minimize the reckless abuse inherent in the Government's tendering procedures and the procurement process.

Although the first separate law that prescribes offences and penalties is the Miscellaneous Offences Act of 1985, essentially anti-corruption legislation has not changed substantially. In most cases, the old laws are slightly modified and a new agency will be empowered to handle it. The following legislations are either wholly exclusive or partly related to anti-corruption in Nigeria, they are:

- i. Miscellaneous Offences, Act 1985
- ii. The National Drug Law Enforcement Agency Act (NDLEA) of 1988.
- iii. Code of Conduct Bureau and Tribunal Act, 1990
- iv. Banks and other Financial Institutions Act of 1991 (amended in 2002)
- v. Money laundering Act of 1995 (amended in 2002 & 2004)
- vi. Foreign Exchange Act of 1995.
- vii. Failed Bank (Recovery of Debts) and Financial Malpractices in Banks Act of 1994 (amended in 1999)
- viii. Advance Fee Fraud (otherwise known as 419) and Related Offences Act of 1995.

Two special anti-corruption legislations were enacted to handle corruption with a view of addressing the entire anti-corruption strategy and framework in Nigeria. They are;

1. Independent Corrupt Practices (and other related offences) Commission (ICPC) Act 2000. The ICPC is vested with the powers to educate, prevent, detect, investigate and prosecute all offences under the Act. Sections 8-26 of the ICPC Act spell out offences and penalties covered by the Act if committed after 13th June 2000, the effective day of the law. These offences equally attracted severe penalties ranging from 1 to 7 years, imprisonment with hard labour, imprisonment and fine depending on the gravity of the offence. Offences under this category include giving or accepting gratification by an official in person or through his agent, fraudulent acquisition of property, deliberate frustration or hindrance or obstruction of investigation activities, transferring money from one vote to another, false statement and fraudulent disclosures, electoral fraud such as bribery of electoral officials. The Commission also has powers to tap telephone lines and freeze bank accounts of suspects. Indeed, the ICPC Act criminalizes virtually all loopholes and lacunas

public officials exploited before the law was enacted.

2. Economic and Financial Crimes Commission (EFCC) (Establishment) Act 2002: The EFCC is an inter-agency commission; it is the co-coordinating agency for the enforcement of all economic and financial crimes laws in Nigeria.

The Economic and Financial Crime Commission (EFCC) was a major departure from the past enabling laws for fighting corruption or economic and financial crimes in Nigeria, in terms of powers, functions and responsibilities. It was borne out of international pressure as a precondition for the removal of Nigeria from the list of Non-Cooperative Countries and Territories (NCCTs) of the Financial Action Task Force (FATF) on Money Laundering. The EFCC is the designated Nigeria Financial Intelligence Unit

(NFIU). The NFIU is expected to receive and analyze financial information - Currency Transaction Reports (CTRs) and Suspicious Transaction Reports (STRs) -from Financial Institutions and Designated Non-Financial Institutions to disseminate intelligence information arising thereof. Besides, the Commission is charged with the following responsibilities among others;

- i. Enforcement and administration of the Act in the overall context of preventing, detecting, investigating and prosecuting all cases of economic and financial crimes in Nigeria.
- ii. Charged with the responsibility of enforcing other laws and regulations relating to economic and financial crimes;
- iii. In addition, the Commission is the coordinating agency for fighting economic and financial crimes in Nigeria, including fighting terrorism and terrorist financing. Anti-corruption legislation has been codified in relevant sections of the criminal code and penal code ordinance.

Apart from the administration of the EFCC Act, the Commission is vested with powers of enforcement of all other laws relating to economic and financial crimes in Nigeria, including;

- i. Relevant sections of the criminal code and penal code.
- ii. Banks and other Financial Institutions Act of 1991 (amended in 2002)
- iii. Money laundering Act of 1995 (amended in 2002 and 2004)
- iv. Failed Bank (Recovery of Debts) and Financial Malpractices in Banks Act of 1994 (amended in 1999)

Under the EFCC (Establishment) Act 2004, the Commission has powers to investigate and prosecute offences such as advance fee fraud, money laundering, counterfeiting, illegal funds transfers, market fraud, fraudulent encashment of negotiable instrument, fraudulent diversion of funds, computer credit fraud, contract scam, forgery of financial instruments, issuance of dud cheques. Others are powers to freeze an account, tap telephone lines, identify, trace and seize proceeds of terrorists among others.

Today, we have mechanisms, such as the UN Convention against Corruption and an array of regional anti-corruption agreements that together form a new global anti-corruption regime. We have a vibrant, energetic and vocal civil society movement that operates on a global level to keep the spotlight on the corruption issue and holds governments accountable. Many new initiatives, like the Extractive Industries Transparency Initiative, are aimed at bringing together governments, the private sector and civil society to solve difficult problems. The G-8 and cooperating governments are fighting kleptocracy and the misuse of financial systems by high officials to plunder the national treasury for their private gain.

The pieces of machinery with which the different governments in Nigeria have been fighting corruption have been effective to some extent. The

EFCC, especially, is very active, it has successfully arrested and prosecuted a large number of corrupt leaders and politicians. Presently, some past state governors, national and state legislators, as well as managers of private organizations, are languishing in jail. The ICPC is also trying.

4. Ineffectiveness of combating corruption in Nigeria

Many studies revealed that anti-corruption campaigns have not been motivated by public interest alone. Very often they have been motivated by the personal political interests of political leaders, who, for instance, instrumentalise the struggle to legitimize their regime, gain access to power, eliminate their political rivals and reconstruct a crumbling political hegemony. For example, despite being credited with exceptional personal political will during the early days of his government – a fact which was largely informed by his long-standing opposition to corrupt military regimes, involvement in some international anticorruption NGOs, and adoption of a comprehensive anti-corruption strategy on the assumption of office – Olusegun Obasanjo's anti-corruption fight became a vital instrument for targeting political rivals.

Lumumba (2013) pointed out that the greatest challenge for anti-corruption commissions in Africa is centred on political interference due to the lack of competent political leaders and officers to fight corruption. The challenges which plague anti-corruption institutions in Nigeria include lack of adequate funding, political interference and judicial bottlenecks.

Waziri (2010) postulated that anti-graft agencies are also ill-equipped to combat corruption in the

country due to the absence of autonomy, unequal treatment, institutional factors, lack of judicial power, inadequate database and lack of political will towards the fight against corruption. The fact is that corruption fighting agencies are good at publicising the names of corrupt individuals instead of punishing them. Many of anti-corruption institutions are simply inefficient in carrying out their responsibilities.

These anti-graft agencies were unable to prosecute a large number of top public officials. This is the main deterrence to campaign against corrupt practices in Nigeria. It demonstrates that there are exceptions or untouchables among Nigerian citizens that the long hands of the law cannot get to or capture (Justine & Okoye, 2014). Little wonder then that the country has consistently occupied the most corrupt position among all countries in the global arena. This is also due to inadequate institutional approach, socio-economic reforms as well as the poor political will to implement anti-corruption laws (Ogundiya, 2009).

The general challenges for the anti-corruption strategies encompass the lack of institutional framework and autonomy for anti-graft institutions to prosecute the culprits following the extant regulations. A weak judicial system, absence of severe or soft punishment, and government interference in the activities of anti-graft institutions are among the other challenges which exist today. Moreover, other contributing factors include bad leadership, paucity of funds, absence of a comprehensive database, lack of autonomy and need to reform the public sector (Waziri, 2010; Justine and Okoye, 2014). These hurdles are the great ailments that interfere with the strategies set out by anti-graft institutions in fighting against corruption in Nigeria.

5. Conclusion

As earlier indicated, the level of corruption in Nigeria is high. The menace rears its ugly head in

nearly all the sectors of the country. In other words, the economy, politics, education, religions, public service and private businesses have tasted the bitter pill of corruption.

Consequent to the persistent prevalence of corruption in the country, the Nigerian governments have been setting up some anti-corruption agencies. Some of them are the Economic and Financial Crimes Commission (EFCC), the

Code of Conduct Bureau and the Independent Corrupt Practices and other Related Offences Commission (ICPC). A small number of anti-graft agencies is effective while the majority of them are ineffective. Some of the identified factors responsible for the ineffectiveness of the agencies include shortage of funds, lack of autonomy, incompetent leadership as well as lack of a comprehensive database.

Notwithstanding the ineffectiveness of most of the anti-corruption agencies, there is hope that they can be revived and reactivated if the recommendations below are fully implemented.

6. Recommendations

Based on the observations in this study, the following recommendations were made

- i. The appointment of people to leadership positions in anti-corruption agencies should be based on merit. Only competent, experienced and trustworthy people should be appointed.
- ii. The hitherto unnecessary poking of the government into the affairs of anti-corruption agencies must stop. The agencies should be allowed to operate independently.
- iii. Judges in Nigerian courts should be more alive to their judicial responsibilities. Unnecessarily prolonged adjournment of anti-corruption cases should stop.

- iv. The infrastructural facilities of Nigerian law courts should be upgraded.
- v. The Nigerian judicial council (NJC) should monitor dispensation of justice in law courts with a view of sanctioning judges who habitually adjourn cases arbitrarily as a result of the receipt of bribes from litigants.
- vi. Security should be beefed up within and outside the premises of law courts and anti-graft organizations.
- vii. The social and financial profile of leaders of anti-corruption agencies should be closely monitored. Any of such leaders found acquiring stupendous wealth should be investigated and, if need be, prosecuted.
- viii. Sufficient funds should be voted for anti-corruption organisations in the nation's annual budgets. This is to enable the organisations to procure modern security equipment for their employees.

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