

## **Bureaucratic and Systemic Impediments to Public Accountability in Nigeria**

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### **Abstract**

Nigeria is not short of legislations to enthrone public accountability, yet it is unable to do so. Several factors are at play in making the task of eradicating corruption and enthroning public accountability in its body-politic a herculean task: these factors include lack of political will on the part of the government, slow judicial process, politicisation of the anticorruption crusade, elite conspiracy, playing the ethnic card and indifference of the masses. Since the present democratic dispensation which commenced in 1999, two major institutions have been set up to clean the Aegean stable of corruption namely, the Independent Corrupt practices and other Related offences commission (ICPC) and the Economic and Financial Crimes Commission (EFCC); in addition to the Code of Conduct Bureau and Tribunal. These institutions suffer two constraints: constraint of retroactive application and constraint of constitutional immunity. The effect is that those who had fleeced the country before the setting up of these institutions were free and also those who are reasonably suspected to be corrupt cannot be investigated until they leave office. Public office holders have continued to exploit the loopholes in the system such that the Economic and Financial Crimes Commission (EFCC) estimated that political officeholders carted away over ₦100 billion through corrupt practices between 1999 and 2006. This paper x-rays the entire architecture of bureaucratic and systemic impediments to public accountability in Nigeria and argues that for the anti-corruption efforts to yield the desired dividends these impediments must be dismantled.

**Key Words:** Corruption; Bureaucracy; Public Accountability; Anti-corruption; National Development

## **Introduction**

A recurring decimal in the exposition of Nigeria's development dilemma is the recognition of corruption as the most imposing albatross. Almost all facets of the Nigerian economy are haunted by the spectre of corruption. Corruption is the single most potent impediment to Nigeria's development. There is discernible trajectory in the mutation of corruption. The intensity of corruption in Nigeria is proportionally correlated to the epochal transmutation of its productive forces: from a bouquet of cash crops to oil economy. The fact that the new nationalist leadership had to rely on political power as the means of creating their economic base is a fact of immense significance. It unfortunately created a tendency to make political power the means of accumulation (Ake 1981:125). It was this use of political power to create wealth by the ruling class in the period following independence that spawned corruption. The intensification and exacerbation of corruption is locatable in the unwholesome struggle amongst the elites to appropriate a larger chunk of state resources for personal aggrandizement. In other words, politics provided the umbrella under which corruption, in all its ramifications, derives its very existence and sustenance. It is not the mere fact that people engage in politics that opens doors of riches to them but the manipulation of the system. And the elites have manipulated the system in several ways to feather their nests.

Corruption possesses high-premium opportunity costs. While it favours those (minority) who have undercut the system, it tightens the noose on the generality of the people (majority) resulting in poverty, political instability, economic stagnation and in some cases retrogression and death. As Okore (2003:x-xi) has asked exasperatingly:

...how can we explain the stark reality that Nigeria is so very richly endowed with abundant human and natural resources and yet, it is classified in the 2001 Global Human Development Report as the 136<sup>th</sup> poorest nation in the world out of 162 nations? ... How can we explain why several strategies that have succeeded in energizing other economies around the world have either failed or have remained impotent in Nigeria?

Corruption is at the root of several policy somersaults that characterize the polity: there is no continuity as every government official is propelled by what the system can yield to him or her. This proclivity for self-empowerment at the expense of the state has mired Nigeria deep in the quagmire of corruption. The deep-seated nature of corruption in Nigeria has led Nwala (1997:168); Thoevothin (2003:101) to describe it as “endemic” and Dike (2005:1) as “pandemic”.

In spite the institutional framework put in place by successive governments to checkmate corruption, it only thrived luxuriantly. Several factors appeared to have undermined these frameworks namely, lack of political will; active connivance of those in authority and unaccountable nature of governance in the political history of Nigeria. This paper x-rays the bureaucratic and systemic hindrances and road blocks set up by the elites to circumvent the anti-corruption dragnets.

## **ii The Changing Character of Corruption and Corrupting Influences**

The trajectory in the mechanisms of rent seeking and corruption in Nigeria is tied to its productive forces. When Nigeria’s economy was powered by a bouquet of cash crops, rent seeking and corruption found base in the marketing boards. During this era corruption was muted, hesitant and cautious. These restraints were discarded with the discovery of oil in commercial quantities and the attendant fabulous foreign exchange it earned.

The ascendance and predominance of oil as the mainstay of the Nigerian economy expanded the frontiers of rent seeking and corruption through contracts, foreign exchange allocation, import licence, tariff concessions, and credit at below market interest rates and so on. Nwankwo (1986:19) avers that large sums were simply used to buy patronages, reward political debts, acquire loyalties or acquiescence, and in many cases blatant bribery. The industrialization drive of the government which was not only uncoordinated but anchored on half-baked understanding of industrialization and development became a veritable source of “capital flight” into private pockets. The local elites collaborated with their foreign partners who paraded themselves as “experts” but who in truth were not experts in the claimed area but indeed comen.

The profound lack of skill in governance by the military oligarchy created a hiatus which the bureaucrats exploited. The bureaucrats benefited as the military superintended over the retreating federal system and the emerging unitary system. With the favourable international oil prices and disincentive to private industrialization efforts, the state became undisputed major player in the economy with its hand in every pie. Ikpeze, Soludo and Elekwa (2004:5) capture it thus:

The staggering expansion of the public sector not only made the bureaucracy more powerful than the private sector but also created opportunities for top government officers to build private fortunes in the private sector. Not least among these opportunities were those for taking bribes, commissions and kickbacks from contractors and suppliers in public sector projects. It is not surprising therefore that the economic interests of the bureaucracy coincided with those of the business community both of which were now involved in “extractive” capitalism rather than production. Policies were either designed to be implemented by these bureaucratic elite to maximize their extractive power or rents.

This extractive capitalism masterminded a pernicious onslaught on the fabric of the Nigerian economy and engendered contradictions of monumental proportions that threatened its continued sustainability. Several factors spawned the “mentality of corruption” amongst the ruling class. One was the prevailing mindset that revenues from oil were a constant phenomenon, indeed inexhaustible. Two events underscored this mindset: the ruling military elite (during General Obasanjo’s regime 1976-1979), in a bid to raise money, posted a unilateral price for Nigerian oil over and above the prevailing price of oil of comparable quality in the international oil market. Again President Shagari unrealistically based the budget of his government on both price and output levels that were in dissonance with both the prevailing trends in the oil market and its oil production capability. Another related factor was lack of political will on the part of the ruling elite to give functionality to the sprawling edifice of anti-corruption provisions in the penal code. The combined effect of these was the revelation by the UNIDO that more than US\$100billion was siphoned and stashed in foreign banks by the ruling elite as at 2004.

As Okore (2003:26) has noted, Nigeria is yet to take off economically. This is attributable to the incongruity between the orientation and ambition of its leaders (both military and democratically elected) and rational economic decision making processes. Ikpeze, Soludo and Elekwa (2004:5) offer an explanation:

Most military interventions have been determined by the allure of power and fortunes that go with it in a rentier system.... The military sought to build an independent power base founded on private fortunes as a hedge against future losses in income when they are out of power. Thus, its choice of specific policies and their implementation was directly related to the need to serve personal and sectional interests.

Nigeria's underdevelopment has been blamed on its structural link with mainstream capitalist system (Nweke 1985:1; Toyo 2002:527; Onimode 1983:61). This explanatory model, by its thrust, tends to exonerate the elite of culpability in deepening the development dilemma of Nigeria. The litany of contradictions in Nigerian economy which necessitated various economic reforms namely, structural imbalances (undiversified, monolithic and monocultural production bases), slow growth arising from low productivity, non-competitiveness of the private sector, infrastructure deficiencies, weak institutions, rent seeking and inconsistent macroeconomic policies, are products of well-orchestrated corruption.

### **iii State Power and Elite Solidarity: Corruption as a Game of Economic Ascendancy**

Ideally state power is an instrument for common good. State power ought to be used for the good of the majority of the people who have graciously surrendered and ceded their individual liberties to the state. But this is not so in reality especially in post-colonial African states. Onimode (1983:63) attributes it to neo-colonialism: beyond the enthronement of backwardness through foreign imposition, neo-colonialism has enabled conscious symbiotic collaboration between imperialism and national reactionary class

forces. State power, therefore, is a tool not for the advancement of the state and its people but the satisfaction of corresponding oligarchic and external interests. The root of this dismal aberration is outlined by Onimode (1983:64):

After flag independence, political power was handed over to these reactionary bureaucratic bourgeoisies who were more anxious to manipulate state power to strengthen their tenuous legitimacy and fragile economic base...by collaborating with foreign exploiters than to liquidate underdevelopment.

Why was this so? Ake (1981:128) contends that “the indigenous bourgeoisie which took over government at independence lacked a secure material base and used its political power for accumulation”. It was this unidirectional and single-minded pursuit of economic well-being by power custodians that watered the ground for the eventual burgeoning of corruption. To the elite therefore, the singular utilitarian value of state power in post-colonial African states is accumulation.

Onimode’s explanation is simplistic and highly deficient. Imperialists might have sought out the most conservative and reactionary group in a country and handed over the reins of power to them as the British did in Nigeria to the Northern People’s Congress (NPC), but the use or misuse of power falls squarely on the domain of the leadership and followership of African states. The culpability of the West is only restricted to their roles in “loot husbandry”: providing safe and secure haven for the loots deposited in their countries and acting as intermediaries and conduit pipes for siphoning state funds. Although these roles could be a strong incentive for corruption to thrive, it can scarcely be said to be the source of corruption in African states especially Nigeria.

Since Nigeria’s first coup in 1966, successive coup d’état had been rationalized on the altar of fighting corruption. This is demonstrated by the accusations of corruption in coup announcements in Nigeria. The manner of ascending to power by the military and ever-present danger of coup d’état effectively hamstrung anti-corruption initiatives. Both the military and non-military elites exploited it maximally and created centres of power which were powered by corruption. Okongwu (1986:368) outlines that the strategies for the sustenance of these centres of power meant the deepening of corruption. As he put it:

... the instrumentality of publicly mediated economic rents promotes a host of other observed social maladies and outright economic sabotage: appointment of unfit persons to high state positions of responsibility, choice of unqualified and inexperienced agents as contractors to execute significant public sector projects, fraudulent execution of public sector projects and apparent official condonation of same, ...overpricing of contracts and over-invoicing of imports, cornering of mineral oil sales, large-scale smuggling... . (Okongwu 1986:368).

The Nigerian economy became the victim of these litanies of anomalies and was predictably engulfed in crisis that eventually entrapped it in debt peonage. There seems a thin line between the military and democratic regimes in terms of perception and condonation of corruption as both of them have demonstrated susceptibility to the same set of forces. This is because of the parallel similarities in the processes of power assumption and the broad concerns of power consolidation. Democratic regimes in Nigeria are mired in succession crises of great proportions. Because of the greater question of elite production and reproduction and the central role of state power in the resolution of this question, political contests are akin to battle. Nothing is spared. As Ake (1981:126) observes, “because winning is all important, the competitors tend to use every means to win”.

Once power is captured in the thick of shenanigans that undergird the electoral process, the president or whoever is at the helms of affairs is held hostage. He did not come to power alone. There were stakeholders in his journey to the presidency and these probably provided the financial muscle as well as masterminded the electoral chicanery. These stakeholders often have leverage over the incumbents as exemplified by pending election cases in the Election Tribunals and loyal majority membership in the legislature who are poised to kick-start the machinery of impeachment with the flimsiest of reasons. This intra-elite squabbles reflecting the disconnect between the power brokers and the incumbents was evident in Anambra State between Chief Chris Uba and Dr Chris Ngige; Oyo State between late Chief Adedibu and former Governor Ladoja and in Ekiti State between former governor Fayose and the Ekiti House of Assembly. In all these cases the bone of contention was the degree of access to state funds.

The hypocrisy in the fight against corruption is manifest, not in the avowals of successive regimes, but in the disjuncture between legislation, preachments and concrete anti-corruption actions. When Obasanjo assumed office on May 29, 1999, he recognized the havoc corruption had done to Nigeria and vowed that “nobody, no matter who and where, will be allowed to get away with the breach of the law or the perpetuation of corruption and evil” (cited in Obianyo 2003:59). Although he set up and strengthened institutions of anti-corruption, there was a discernible pattern of selectivity in exposing and punishing corrupt people. This can be explained within the ambit of elite domination and predation. Elite predation presupposes an attempt to create stability through the process of elimination. Individual elites that fuel volatility and therefore pose danger in the ever-changing elite configuration are sacrificed to strengthen the emerging, dominant power. Obasanjo adopted a two-pronged strategy – sanitization of intransigent members within his group and the destruction of rival elite group. Thus the celebrated exposure and arraignment of Chief Tafa Balogun, the former Inspector General of the Nigerian Police and Professor Fabian Osuji, the erstwhile Minister for Education represented intra-elite sacrifices for higher goals. Although there was a more compelling reason outside intra-elite circle that underscored the need for such a sacrifice – to advertise to the international community especially the international financial institutions (IFIs) – IMF and World Bank – of the inexorable destination of the anti-corruption train since as noted by Tangri and Mwenda (2006:101), the issue of controlling corruption had assumed a topmost priority to them. The other pockets of arrests carried out by the EFCC on allegations of corruption were all part of the strategies of elite domination. In the run-up to the legitimization of the ill-fated third term bid, Obasanjo intensified his attempts to decimate opposition elites especially those that allied with former Vice President Atiku Abubakar, the fountain head of the opposition against tenure elongation.

**iv The Dilemma of Public Accountability: The Redemptive Attempts and Pitfalls**

Anti-corruption mantra has been a constant talisman used by successive regimes in Nigerian to create two forms of illusions: first, pro-people, anti-elite illusion and patriotism illusion (commitment to nation-building). The characterization of anti-corruption as illusion is anchored on the barrenness of these efforts in containing, not to talk of eradicating, corruption. Or put differently, the exacerbation of corruption with the attendant mortgaging of Nigeria's development points to ineffectiveness and in some cases, hypocrisy in previous anti-corruption preoccupation. When the first coup was staged in 1966, Nzeogwu, lamented that:

Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demanded 10 percent, those that have corrupted our society and put the country back by their words and deeds (cited in Achunike 2006:163).

The level of corruption which fired the patriotic zeal of the first coupists is incomparable to the volume of corruption in contemporary Nigeria. And yet the so-called "disciplined" and "modernized" institution of the military superintended over the progressive institutionalization of corruption. Several factors were responsible for the progressive institutionalization of corruption in Nigeria. The first was that the political class was immersed in it. In other words any concerted effort against corruption was synonymous to class suicide. The second which was corollary to the above was the relative security of looted funds as the reports of public commissions of enquiries were rarely made public and prosecution, an exception rather than the rule. The third was piecemeal, ad hoc strategies for combating corruption. The fourth was preoccupation with reactive instead of proactive measures to deal with corruption.

Laws against corruption have always existed in Nigeria's statutes book. But their contemplation is often restricted necessitating the use of probe panels and commissions of inquiry. There is a sense in which the currency of probe panels and commissions of

inquiry is valuable and therefore desirable and preferred by the political class. It gives the leadership the latitude to create the illusion of commitment to tackling corruption and thus attract positive public rating and also an underhand means of exonerating even culpable elites through inaction on reports. It also gives the leadership a veritable weapon to command personal loyalty out of potentially culpable elites.

Apart from sundry laws and deluge of probe panels and commissions of inquiry which governments set up to address specific corruption issues, a real first attempt at fighting corruption headlong was the instrumentality of Corrupt Practices Investigation Bureau (CPIB) established in 1975 (Okeke 2003:256; Agalamanyi 2003:297). This was the legal basis for the great “purge” which Gen Mohammed undertook in order to clean the Aegean stable of corruption and the confiscation of properties looted by public officials during the government of Gen. Yakubu Gowon.

The establishment of Code of Conduct Bureau and Tribunal through the 1979 constitution was informed by the overriding need to institutionalize the fight against corruption. Code of Conduct Bureau and Tribunal have jurisdiction over public officers. The provisions of the Code are detailed and all-embracing and require public officers to declare their assets before and after leaving office. Section 20 of the Code prescribes wide range of punishment to be meted out to offenders which include: Vacation of seat as the case may be; Disqualification from holding any public office for ten years and seizure and forfeiture to the state of looted property. It would appear that the Code of Conduct Bureau and Tribunal is an unqualified failure judging from the number of people it has punished or prosecuted (cited in Ekanem 2003:61). The Code is hamstrung by certain rigidities, chief amongst them being the restriction of its jurisdiction to public office holders.

Apart from the factors which Agalamanyi (2003:304-309) and Ekanem (2003:61) identified as impinging on the performance of Code of Conduct Bureau and Tribunal namely; socio-cultural norms and values (ethnic and group affiliations), political factors (partisan political considerations); religious belief and socio-ideological factors (class and ideological affinity). The greatest challenge to Code of Conduct Bureau and Tribunal and which underscored its ineffectiveness is the lack of contemplation of the Code that public officers could use fronts and cronies outside the tie of consanguinity to undertake corrupt

practices. In addition to the Code of Conduct Bureau and Tribunal and CPIB, the Nigerian state has in its statutes books over eight legislations on various facets of corruption and corrupting tendencies. These motley of legislations recorded great strides in their various areas of specialization. On the drug front, for instance, Nigeria has been certified by the US government since 2000. The gains of certification include the removal of stigma on Nigeria and Nigerians and increased professional assistance from the US Drug Enforcement Agency (USDEA) and other Drug Enforcement Agencies worldwide (This Day 2/11/04:10).

But in spite of these efforts corruption rose to unprecedented levels that Nigeria became a by-word and a synonym for corruption: the scenario was such that whoever said corruption meant Nigeria. On assumption of office in 1999, Obasanjo recognized the enormity of the problem of corruption and its multiplier effect on Nigeria's development dilemma by spearheading the promulgation of:

- (a) Independent Corrupt Practices and Other Related Offices Act 2000;
- (b) Economic and Financial Crimes Commission (EFCC) Acts 2002 and 2004 and;
- (c) The creation of Due Process Office in the presidency.

The inauguration of the anti-corruption outfits in 2000 and 2002 respectively was a watershed and represented a subtle but strong message not only to the elite but also the international community; first, of the commitment of his administration to dethrone corruption. And second, of the readiness of Nigeria to host foreign capital in form of investments. Nigeria needed the support of the international community especially the IMF and World Bank to resolve its economic malaise and therefore did not need any further impetus other than the threat of these institutions to curtail lending to governments.

Close to ten years after the inauguration of ICPC, the expectations which underpinned the mass support for it have exploded into smithereens on account of distinct irreconcilability between expectation and reality. The supposed failure of ICPC is not entirely of its making: there are extraneous institutional and structural constraints that impeded the actualization of its mandate. The first is the tortuously slow judicial system. There are hundreds of cases initiated by the ICPC which are before various courts of competent jurisdiction but the slow dispensation of justice has made this modest effort

unnoticed. Until people are sentenced to various terms of imprisonment, the public are unimpressed. The second factor is undue preoccupation with legalism. Ordinarily, this would not have been a problem; indeed it would have been an asset but the urgency associated with the task of dismantling the corruption edifice required a radical approach. The extreme bureaucratization of its operations created escape routes for corrupt public officials. For example, the ICPC makes it a cardinal requirement that there must be a petition before corruption cases can be investigated. What this implies is that the body would not investigate into any allegation of corruption unless somebody specifically writes to report it officially. The last factor is public office-centredness. ICPC's sphere of influence is basically public offices. This diminished its effectiveness as veritable tool to tackle corruption.

The EFCC has wider latitude as it was created to fill the shortcomings of the ICPC framework. Its mandate is to investigate and prosecute all economic and financial crimes which section 46 of the EFFCC Act 2004 delineates as follows:

The non-violent criminal and illicit activity committed with the objective of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing economic activities of government and its administration and includes any form of fraud, narcotic drugs trafficking, bribery, looting and any form of corrupt malpractices, illegal arms deals, smuggling, human trafficking and child labour, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods etc.

EFCC seemingly started well until its activities were politicized. To its credit were the arrest and prosecution of high profile cases involving high ranking Nigerians. Foremost in the line was the prosecution of the former Inspector General of the Nigeria Police, Mr. Tafa Balogun who was arraigned and imprisoned on several counts of corrupt enrichment totalling ₦85 billion. Another was the prosecution of the former senate president Chief Adolphus Wabara and Former Education Minister Professor Fabian Osuji in what came to be known as “bribe for budget scandal” (underhand dealings between some ministers and the leadership of the senate to inflate their ministries' allocations in

the budget). Another celebrated case was the prosecution of Dr. Diepreye Alamiyeseigha, the former governor of Bayelsa State. And recently, the imprisonment of Obasanjo's alter ego, Chief Bode George and five others (Aminu Dabo, Captain O. Abidoeye, Alhaji Abdulahi Aminu Tafida and Alhaji Zanna Maidaribe and Engr. Sule Aliyu - all former board members of Nigeria Ports Authority) to a total of 28 years in jail for corrupt practices ranging from contract splitting, inflation, abuse of office and disobedience to lawful order and involving ₦85 billion. The court sentenced all the six accused persons to two years each on seven counts of abuse of office and another six months for 28 charges bordering on disobedience of lawful order (Osun Defender 26/10/2009).

A major pitfall of the anti-corruption war (especially the operation of the EFCC) under the Obasanjo administration was the public perception that the institutions of anti-corruption were weapons of intimidation against political opponents of Obasanjo especially after the collapse of his tenure elongation project. Nowhere was this glaringly evident than in the PTDF scandal and purported indictment of certain politicians for corruption by the EFCC before the 2007 elections. One baffling thing was that none of those allegedly indicted by the EFCC for corrupt practices was subsequently prosecuted.

A second pitfall of the anti-corruption war was the accusation of selectivity. There appeared to be a pattern in the execution of the war against corruption which made several analysts to conclude that it was a weapon to selectively cow opposition by the presidency. The EFCC refused to investigate allegations of money laundering which a US investigator levelled against Dr Andy Uba, the erstwhile Special Assistant to former President Obasanjo. Similarly, the government consistently rejected the report from the EFCC indicting Obasanjo's alter ego, Chief Olabode George of corrupt practices when he was the Chairman of Nigeria Ports Authority (NPA). It took the exit of Obasanjo from office to sentence Chief George and his fellow board members to two and half years imprisonment each.

A third pitfall was the issue of negotiated settlement. President Obasanjo started it with the Abacha family when he negotiated with them to return about US\$1 billion of the Abacha loot to the country's treasury in exchange for US\$100 million and freedom for Mohammed Abacha. The EFCC entered into a similar arrangement with Tafa Balogun

and Diepreye Alamieyesiegha to return substantial portion of their loots. Dike (2005:9) has warned that this strategy would have untoward effect on the gains so far recorded in the anti-corruption war as this kind of deal would encourage many economic opportunists to grab whatever government funds they can lay hands on, since the federal govt would allow them to keep a part of the money, if and when, they are apprehended.

A fourth pitfall was the unorthodox means of removing governors. Governor Alamieyesiegha of Bayelsa State and Governor Joshua Dariye of Plateau State were illegally removed under the watchful eyes of the EFCC. The Supreme Court eventually nullified the removal Dariye and reinstated him. This irrational overzealousness could create political instability capable of potentially endangering Nigeria's democracy. The recent revelation by the EFCC that between 1999 and 2006 that over N100 billion of government funds had been looted is a pointer to the enormity of task ahead (Daily Independent 18/09/06).

#### **v Is Corruption-free Nigeria Possible?**

The Nigerian system is characterized by an intricately aberrant overlap of politics and economics: such an overlap creates a perfectly conducive environment for patent recycling of leaders whose economic ascendancy is locatable in their exploitation of the state. Rationally, the proceeds of such primitive accumulation could be injected into productive ventures for value addition into the economy but the pattern of investment is outside the precinct of such economic rationality. As Ake (1981: 126) observes:

The prospects for capitalist appropriation through political power are so attractive that some people who want to be wealthy and who would normally have engaged in productive enterprises have preferred to seek their fortunes by going into politics.

So, instead of investing in the classical capitalist sense to boost the economy, the elites invest in politics which they perceive as the shortest avenue for more accumulation. Therefore state power has a single utility as far as the Nigerian elite is concerned – primitive accumulation. Ake (1981 126) identifies this mindset and disposition towards state power as the basis for both political violence and instability that characterize power

struggle in African states. It does not matter which system of government that is in place, as long as the processes for the acquisition of state power both in democratic and military regimes require “lump” sponsorship, such sponsorship has a price – unfettered access to state resources. The pockets of disagreement amongst the elites in some states in Nigeria stemmed from discrepancy in defining “access” to state funds. Thus, corruption in Nigeria has entrenched itself through series of institutional processes that make it impervious to moral homilies or uncoordinated assault. Its entrenchment is diametrically opposed to the realization of development.

The essence of setting up anti-corruption bodies in Nigeria, like other countries, was to reverse the destructive rampages of corruption. Considering that what motorizes corruption is the usurpation of state power and its deployment to the satiation of selfish needs, and that major players in this game are the elites, can present anti-corruption efforts be more than window-dressing by achieving set objectives of corruption-free Nigeria? There are sets of rational expectations in the grim contest for class survival. Historically, the Nigerian political class is intolerant of political leaders who speak or act with messianic fervour because of the danger of upsetting the status quo. The regimes of late Gen Murtala Mohamed and Generals Buhari and Idiagbon did not last because of their uncompromising stance on corruption and their unalloyed willingness to commit class suicide, if need be, provided corruption was eradicated. Every successive clique of military and political class invoked the mantra of anti-corruption on assumption of office but ended up extending the frontiers of corruption. Nwala (1997: 168) opines that under the regime of General Babangida, corruption reached unprecedented heights and became unofficial policy. The regime’s tolerance of corruption was evident in its rehabilitation of previously indicted politicians through government appointment and contracts. Babangida must have learned from history about elite intolerance to messianism and therefore took a compromising path. This “survival instinct” which Babangida assiduously clung to was the major reason for the deepening of corruption with its corresponding destruction of the economy during his regime.

The imperative of setting up anti-corruption mechanism was informed by the identification of corruption as a major inhibition to development. The World Bank attributed the failure of anti-corruption efforts all over Africa to three factors: lack of

capacity and resources; absence of political will and high-level political support (Tangri and Mwenda 2006:103). Obasanjo has anchored his optimism that Nigeria's anti-corruption initiative would be successful on three reasons: the anti-corruption law was the toughest in Nigeria's history; there would be no double standard in its implementation and no one is enamoured of its investigative and prosecutorial jurisdiction.

In comparison to the implementation of previous anti-graft laws, the duo of ICPC and EFCC made some great strides. But in spite of the spectacular boldness that characterized the prosecution of some high profile cases, the incidence of corruption has deepened. The quantification of the amount of money stolen by leaders since 1999 is breathtaking and gargantuan. A report by Human Right Watch (HRW) revealed that both state and local government officials in Rivers State squandered increased revenues (from favourable world oil price and 13 percent derivative paid to oil producing states) through mismanagement, embezzlement and theft. The report suggested more reforms for greater transparency and accountability at all levels of government (Human Rights Watch 2007).

The emphasis on more reforms is hardly the panacea to tackling corruption in Nigeria. The anti-corruption institutions already in existence are more than adequate to tackle all forms of corrupt practices both proactively and reactively. Apart from legal infrastructure, there are other factors germane to the fight against corruption. As Olanipekun (2007: 32) observes:

... corruption is best fought and nipped in the bud by the actions and behavioural pattern of the leadership who should not only preach probity and put in place laws that discourage graft in every stratum of the society, but also demonstrate in concrete and visible terms that he lives above board.

The active involvement of the country's political leadership in the fight against corruption is central. For one, they are the protagonists in the corruption tragedy; secondly, they are the direct beneficiaries of corruption dividends and thirdly, they are the ring leaders in the perpetration of corruption. Also important are the actions and inactions of the masses in the fight against corruption. The elite manipulation of the masses resulting in nonchalance and, in some instances, active support of corrupt politicians has weakened what potentially could have been a strong weapon to force the

hand of the leaders (who would not ordinarily be in league to superintend a class suicide that might consume them in its infernal rage) to bring to book corrupt public officials. Across the country there have been sundry solidarity rallies and visits to former governors under prosecution for alleged corruption. In such gatherings, rented crowds often insinuated ethnic and political victimization as the reason for the travails of these former leaders. In a particular instance, protesters questioned why HRW should single out Rivers State to demonstrate the problem of corruption which they said was not peculiar to River State but general to Nigeria (Gray 2007).

There are certain impediments which must be removed if a corruption-free Nigeria must be possible. These include:

- i. The removal of constitutional shield from the executive and the “routinization” of investigations into the use or misuse of state funds;
- ii. Dismantling the secrecy that surrounds government business especially the implementation of budgets. Adjunct to this is opening access to the minute details of the budgets;
- iii. Conferring absolute independence on the anti-graft Commissions. The appointment and dismissal of the Chairman of the EFCC is at the pleasure of the president. This presupposes lack of independence and gives room for undue interference by the presidency in corruption investigation;
- iv. Allowing unfettered access to government business through the passage of freedom of information bill (FOI);
- v. Strengthening the tax system. A good tax system enables the system to identify surrogates and fronts of corrupt politicians;
- vi. Dismantling the tribe of untouchables. The masses are relevant here. The resignation of former speaker of the Nigeria’s House of Representatives, Mrs. Patricia Eteh was in surrender to the groundswell of public opinion.

It is unlikely that the political leadership in Nigeria can spearhead the prosecution of former leaders whose signposts of corrupt practices are visible in all facets of the Nigerian society. The political process that brought them to power has the imprimatur of these former leaders as they compromised the system to pave the way for their ascension to power. For instance, the governor of Ogun State, Otunba Gbenga Daniel recently

boasted that he definitely knew those who would not succeed him as governor (Saturday Sun 23/01/2010). The implication of this is that he would go all out to choose his successor whose mandate would include covering his back. Such is the mindset of the political class: everybody chooses an anointed son that must cover their backs. Therefore, under this circumstance, any attempt to destroy the status quo by instituting a probe, as it were, would result in “mutually assured destruction”.

### **Conclusion**

Considering the central role state power plays in whether corruption is eradicated or not, the first step in energizing the fight against corruption is the complete overhauling of the electoral system. If the mechanisms of regime change are properly modelled along the lines of transparency, the emergent leadership would have the moral authority to champion anti-corruption wars. But if they are products of crooked electoral system there would only be flashes of anti-corruption posturing which would be targeted at perceived enemies.

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