



Challenges and prospects of anti-corruption crusade in Nigeria, 2015-2020

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Abstract

The paper examined the challenges and prospects of anti-corruption crusade in Nigeria in the period 2015-2020. The efforts to rid the nation of corrupt practices has historically been challenged by systemic forces that do not want an end to it. The administration of President Muhammadu Buhari embarked on fulfilling campaign promise of tackling corruption, but in spite of some gains, the government's zeal is waning in the anti-corruption war due to the resolute nature of corruption perpetrators. The paper utilized secondary data and content analysis as its methodology. The paper is anchored on Ostrom (1998) Collective Action Theory of Corruption. The theory emphasizes that the entrenched level of corruption makes it a normal way of life in the society, and which makes it difficult for anti-corruption agencies to eradicate the menace. The paper found out that top civil servants and political office holders defy anti-corruption laws to amass wealth for aggrandizement. The paper recommends stiff penalties such as death by hanging and life imprisonment for offenders as measures to rid the nation of corrupt practices.

Keywords: Challenges, prospects, corruption. anti-corruption, crusade.

1. Introduction

The Nigerian state is endowed with enormous natural resources and rich human capital. These resources at the disposal of the nation have not been adequately harnessed for improving the living standard of the people. Primitive accumulation and tendency to get rich quick through embezzlement of state funds has created a wide chasm in realizing the dream of a prosperous and developed Nigeria. The civil servants, politicians, contractors and some private sector outfits rely heavily on government funds to make fortune illegally at the detriment of the toiling masses who are also stakeholders in the use and management of state resources. The siphoning of government funds for personal and group use is the banditry of

modern time that has accentuated poverty and penury in Nigeria. Historically, efforts by past and present administrations to stop or minimize corruption in all its ramifications particularly in public sector has not yielded results, because powerful forces within and outside the government that are supposed to be part of the war on corruption sabotage the process (Azu, 2016).

Successive civilian and military regimes in Nigeria encountered allegations of corrupt practices by top government officials. One of the major reasons adduced by each military regime for overthrowing the other is allegation of corruption and mismanagement of state funds. The Murtala Mohammed administration accused Yakubu Gowon's regime of



financial mismanagement, while the Muhammadu Buhari led military government branded Shehu Shagari's administration as inept with fraud record levelled against top politicians. The use of state funds for personal ends has far-reaching implications for economic and social wellbeing of a growing population. The resources to be deployed in addressing pressing infrastructure deficit, education, healthcare, housing, food production and employment generation among others are diverted by few people, leaving the majority to wallow in abject poverty. This situation generates flammable consequences for the country, because more unemployed graduates are added and substantial percentage of the population have no access to good meal per day. This scenario breeds crime and lawlessness (Fabamise, 2017).

The establishment of EFCC and ICPC by the Olusegun Obasanjo led civilian administration rekindled hope for a renewed battle to rid the nation of corruption related issues that have blocked the nation's march to prosperity. The anti-graft agencies made giant strides within the period 2000 to date, but more needs to be done in checking the excesses of sacred cows in the system that frustrate government efforts at fighting corruption to its logical conclusion. There are issues of selective treatment in the investigation and prosecution of alleged corrupt offenders due to political considerations, which does not augur well for the success of the policy. Some top politicians utilize their control over the anti-corruption agencies to settle scores with opponents within and outside their parties. They surreptitiously use EFCC and ICPC to block the political ambition of other aspirants that are not part of the camp they belong (Samuel, 2015).

Since assumption of office in 2015, the Muhammadu Buhari led civilian

administration made anti-corruption crusade one of the government's campaign promises that it is determine to fulfill. The government strengthened the operations of the anti-graft agencies to ensure result-oriented outcome in the efforts to rid the system of corrupt practices. The arrest, prosecution and imprisonment of some politicians gave hope to Nigerians that the government is indeed committed to stop the scourge of corruption that is ravaging the country. As events unfold the confidence of Nigerians on corruption war by the government has gone low ebb due to the perceived selective treatment of alleged offenders and the accusations levelled against the EFCC Chairman Ibrahim Magu of financial impropriety (Oyelere, 2019).

2. Methodology

The paper uses qualitative method to generate data and for analysis. Books, journals, government publications, newspapers and magazines were consulted in support of achieving the mandate of this paper. The materials were obtained from the library and internet. The paper is limited to 2015-2020 period, that is, the beginning of the first tenure of Muhammadu Buhari led civilian administration to the beginning of its second term. The essence is to gauge the challenges and prospects of the government's anti-corruption policy.

3. Theoretical Framework

The paper is anchored on Ostrom (1998) Collective Action Theory of Corruption. The theory emphasizes that the continuous and intractable persistence of systemic corruption in a state in spite of legal and constitutional provisions is due to lack of principled-principals that are mandated to vigorously implement or enforce legal mechanisms against corruption. The theory further stated that systemic corruption transforms to collective malady, because

the general public feel that corruption is a way of life without which good standard of living cannot be attained. The spread of corruption is seen as normal and it does not make sense for a person to detach from corruption just because you want to be honest while others are benefitting from it (Ostrom, 1998).

The institutionalization of corruption in the society results to normalization of embezzlement, fraud, and bribery among others which makes the fight against corruption very difficult by anti-graft agencies. It is a case in which corruption fights back to win the war. The theory recommends collective and coordinated action to be undertaken by the government and all stakeholders to rid the system of institutionalized corruption. A well-organized synergy comprising of civil society groups and patriotic government officials is the veritable outlet that can work towards eradicating corruption in the society. The theory explains the situation of anti-corruption crusade in Nigeria in the period 2015-2020. The government has made significant gains, but corruption forces are fighting back, and the spate of anti-corruption zeal of the government is fading away.

4. Conceptual Clarification

Corruption

There is no single universally accepted definition of corruption, because scholars grapple with defining corruption in different ways. Etymologically, corruption is derived from the Latin term *corruptio*, which expressed a moral degeneration, terrific behavior, putridity, or decay (Milovanovic, 2001). According to the World Bank (1997, p.8-9):

Corruption means the abuse of public office for private gain. Public office is abused for private gain when an official accepts, solicits or extort a bribe. It is also abused

when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit, even if no bribery occurs, through patronage and nepotism.

So also, Myint (2000) defined corruption as the use of public office for private gain, or in other words, use of official position, rank or status by an office bearer for his own personal benefit. From these definitions, it can be deduced that corrupt behavior would include; bribery, extortion, fraud, embezzlement, nepotism, cronyism, appropriation of public assets and property for private use, and influence peddling among others. Corruption is an unethical act that is perpetrated in both public and private sectors. Corruption could also be seen from economic and financial angles. Economic and financial crime is defined as: “those criminal and illicit activities committed either by individuals or groups in a non-violent but organized manner, with the objective of illegally acquiring wealth thereby violating existing laws regulating the economic activities of governments, individuals and corporate organizations” (Hassan and Musa, 2011, p.107). Economic and Financial crimes may constitute any action which intrude upon the economic and, or, financial guidelines of a state or which encroach upon international economic and financial regulations. Political or grand corruption is connected to high level bureaucrats or political office holders who engage in primitive accumulation and prebendal politics for aggrandizement and fortifying patron-client relations. The use of government funds and state resources for self-enrichment is a means of depleting state treasury thereby reducing the capacity of the government in providing welfare services to the people (Hassan and Musa, 2011).



Ant-Corruption Crusade

Crusade etymologically is derived from Latin word *crux*, meaning “cross”. It literally means a military expedition under the banner of the cross. Technically, it means to lead or take part in a vigorous campaign for social, political, or religious change (<https://www.etymonline.com/word/crusade>). Anti-corruption crusade is a systematic or organized strategy designed by government to end, combat and curtail the menace of corruption. According to the Centre for Integrity in the Defence Sector (2014), anti-Corruption measures include preventive actions that reduce the incentives and opportunities for corruption and other unethical behaviour to occur. They can also include pro-active enforcement of rules and regulations, that is, controlling, overseeing, and investigating suspected corrupt activities and individuals as well as take drastic legal action against alleged offenders.

The Evolution and Magnitude of Corruption in Nigeria

Corruption in Nigeria is as old as the colonial incorporation of the country. According to Austine, Charles and Raymond (2013, p.19):

...the colonial authorities and their collaborators presided over a fraudulent and corruption accumulation system, which surpluses for shipment to the metropolis from Nigeria peasant farmers and other petty producers via unequal terms of trade, Nigerian workers via meager, often below subsistence wages, all adults via primitive and exorbitant taxation and the entire population (including unborn generations) via exclusive

monopoly rights of exploitation granted to British and other European firms over Nigeria's mineral and other natural resources.

The statement above indicates that corruption is a colonial legacy in Nigeria. The pervasiveness of corruption in Nigeria was during the oil boom period of the 1970's. The country obtained huge amount of revenue from oil, which exhilarated the government to embark on massive infrastructural development. The process gave rise to the idea of ‘kickback’ and ‘ten percent’ as part of contract award by government officials who were beneficiaries of such a corrupt practice (Usman & Rufa'i, 2010). The oil boom period coincided with Gowon's era which was regarded as the period of misplacement of priorities for enrichment purposes by government officials (Orngu 2006; Okorie, 2003). Under General Murtala Ramat Mohammed regime, corruption was tamed until the emergence of General Olusegun Obasanjo. According to Hassan and Musa (2011, p.110):

It was during Obasanjo's military regime that billions of Naira from Nigeria was seized at the Entebbe Airport in Uganda by Idi Amin's Government; an event which coincided with the 'missing' of 2.5 billion dollar from the account of Nigerian National Petroleum Corporation (NNPC) which attracted the attention of National Dailies.

In the Second Republic, there was allegation of illegal diversion of Nigerian crude oil that cost the country more than \$17b in the four years of Shagari administration. Similarly, Dr. Umaru Dikko, the Transportation Minister under President Shagari's watch was ostensibly



reported to have amassed 1bn dollar stashed in foreign bank account (Hassan and Musa, 2011). In his submission, Orngu (2006, p.39) stated that:

Political watchers concluded that the Second Republic had become dangerously corrupted in its philosophy and practice, and further degenerated into a system of absurd misrule and callously designed exploitation of the disenchanting Nigerian people. In general, therefore, Shagari's government...left corruption to flow like a "sea eater" without stoppage.

The military administration of General Muhammadu Buhari implemented the War Against Indiscipline (WAI) in 1984 to restore sanity to the decay in social and economic dealings of Nigerians. War on graft and ineptitude were part of the cardinal objectives of WAI. The regime was reputed for its honesty to match words with actions and its capacity to end corruption (Orngu 2006). The General Ibrahim Badamasi Babangida military regime did not pursue a programme of tackling corruption in the country. The government was accused of diverting \$12.4 billion windfall in revenue from the 1990 Gulf war oil sales (Chigbo, 2020). According to Nwokeji (2007, p.48):

The Pius Okigbo panel appointed by Abacha to probe the management of revenues from Nigeria's oil export during the Babangida years reported that \$12b Gulf War oil windfall disappeared through special accounts Babangida reportedly created as sole approving authority. The proceeds did not reflect in oil receipts and their expenditure did not reflect in budgeted expenditure.

The Sani Abacha regime surprised Nigerians when it was discovered that he had millions of dollars kept in Swiss bank account. The funds are being repatriated back to the government (Orngu 2006). The General Abdulsalami Abubakar's government approach to corruption according to Okorie (2003, p.81) is that:

General Abdulsami amassed wealth which like others shifted out to foreign bank accounts. His hands were not clean in the sense that Abiola died mysteriously during his tenure. The climax of his corruption was the manipulation of 1999 elections which saw the emergence of one of their persons. He also belonged to the class of Nigeria's richest men with no trace of hand for his hurriedly assembled wealth.

Chief Olusegun Obasanjo emerged as the President in 1999. The Obasanjo civilian administration established ICPC and EFCC anti-corruption agencies to deal with the menace of corruption ravaging the country. Obasanjo's anti-corruption crusade in spite of its intended focus was viewed as an international eye-service in order to boost Nigeria's image abroad. There were allegations of corruption through 'Ghana Must Go' bags filled with money for distribution to co-opted legislators as enticement for election and impeachment of several Senate Presidents and Speakers of the House of Representatives during Obasanjo's administration (Hassan and Musa, 2011). Among them was the election and later impeachment of former Senate President Evans Ewerem, the impeachment of Senate President Chuba Okadigbo as well as the impeachment attempt of Senate President Anyim Pius Anyim, which like a drama was re-enacted on the floor of the



Senate by Senator Mamman Ali (Yobe State) who presented the sum of three million Naira cash as evidence of gratification allegedly given to him by Senator Arthur Nzeribe as inducement to impeach Senate President Anyim Pius Anyim (Sheriff, 2003; Nda-Isaiah, 2003). The chairman of the EFCC Alhaji Nuhu Ribadu once disclosed that 20 serving governors under the Obasanjo administration owned houses in various parts of London. Nuhu Ribadu further stated that:

A situation where you see governors and other public office holders turning their respective positions into their private treasures, treating them the way they like and nobody is doing anything about it is very unfortunate. And we cannot do anything about it because of the immunity clause in the Constitution (cited in Daily Trust, 2003a, p.1).

The magnitude of corruption and other corrupt practices in Nigeria is internationally admitted. In 2002, the Transparency International (TI) rated Nigeria as the second most corrupt nation in the World (Daily Trust, 2003b). The Transparency International and other Global Civil Society Organizations have singled out corruption as one of the discernible malady affecting the country's social, political and economic development (Mohammed, 2020). According to the Transparency International (2020), by definition, "the Corruption Perceptions Index is a cursor of perceptions of public sector corruption, namely administrative and political corruption. The indicator values are determined by using information from surveys and assessments of corruption, collected by a variety of reputable institutions". Below is the TI assessment of corruption in Nigeria:

Table 1.1: Summary of Global Ranking of Corruption in Nigeria, 1998-2020

Date	No. of Rankings	Nigeria's Position
1998	85	81 st
1999	99	98 th
2000	90	90 th
2001	91	90 th
2002	102	10 th
2003	133	132 nd
2004	145	144 th
2005	158	152 nd
2006	163	142 nd
2007	147	132 th
2008	150	121 st
2009	150	130 th
2010	178	134 th
2011	183	143 th
2012	176	139 th
2013	177	144 th
2014	175	136 th
2015	167	136 th
2016	176	136 th
2017	180	148 th
2018	148	144 th
2019	180	146 th

Source: (Mohammed, 2020); (Annual Reports on Corruption by Transparency International cited in Usman, and Rufa'i, 2010); (Transparency International cited in Oyelere, (2019); (<https://tradingeconomics.com/nigeria/corruption-rank>, 2020); (Olawoyin, 2018); (The Nation, 2017).



Historical Review of Anti-Corruption Programmes in Nigeria

Since independence to date, successive administrations have made efforts to curb the menace of corruption through

instituting various formal measures, legal mechanisms, instruments, policies and programmes. The chronology of these is shown in Table 1.2.

Table 1.2: Chronology of Anti-Corruption Crusade by Successive Administrations in Nigeria, 1967-2020

	Anti-corruption Crusade measures	Administration	Date
1	GBA Coker Commission of Inquiry	Prime Minister Sir Tafawa Balewa Administration	1960-1966
2	Public Offices (Investigation of Assets) Decree No. 5	General Gowon's Administration	1967-1975
3	Introduction of Anti-Corruption Practices Decree; Code of Conduct Bureau was created to take the responsibility of enforcement of prescribed behaviours, and the Code of Conduct Tribunal for the regulation of explicit rules of conduct and adjudication.	General Murtala/General Obasanjo administration	1975-1979
4	Code of Conduct for public officers spelt out in the fifth schedule of the 1979 Constitution; Tribunal and the Ethical Revolution.	Shehu Shagari's Administration	1979-1983
5	Establishment of War Against Indiscipline (WAI); some politicians were banned from holding public office under Decree No.3 on recovery of public property; In order to deal with financial and economic saboteurs, Buhari's regime changed the Nigerian currency.	General Buhari/Idiagbon Administration	1983-1985
6	Establishment of a National Anti-Corruption Committee; set up a new National Committee on corruption and other Economic Crimes in Nigeria; created corrupt practices and economic crimes Decree (Draft) 1990; created the Independent Commission against Corruption and made provision for private investigations and the corrupt practices court; Establishment of Banks and other Financial Institutions Act 1991; Establishment of Mass Mobilization for Social and Economic Recovery (MAMSER) and the National Drug Law and Enforcement Agency; Banks and other financial institutions Decree No. 24 of 1989.	General Babangida's Administration	1985-1993
7	Establishment of War Against Indiscipline and Corruption (WAI-C), National Orientation Agency; produced a draft on Indiscipline Corrupt Practices and Economic Crime (prohibition) Decree 1994 as well as the Advance Fee Fraud and other Related Offences Act 1995; the Failed Bank Decree and Tribunal; The failed Banks (Recovery of Debts) and financial malpractices Act 1994; Advance Fee Fraud and Related Offences Decree; set up the Pius Okigbo Panel to investigate the Gulf War wind fall.	General Sani Abacha's Administration	1993-1998
8	Establishment of The Economic and Financial Crimes Commission (EFCC); The Independent Corrupt Practices and other Related Offences Commission (ICPC).	President Obasanjo's Civilian Administration	1999-date
9	Introduction of E-Payment System; introduction without implantation of Single Treasury Account (TSA).	Yar'adua/GoodLuck Administration	2007-2015
10	Full Implementation of Treasury Single Account (TSA).	President Buhari Civilian Administration	2015-date

Source: Orngu, 2006; Hassan & Musa, 2011 ; Ternenge, 2014.



In spite of the series of anti-corruption measures put in place by successive administrations in Nigeria, the magnitude of corruption is still high. According to Justice Chukwudifu Oputa “Corruption in Nigeria has been legitimized and everybody is doing it, those in government steal from public treasury, while those outsiders are deep in robbery, 419 and what have you” (Cited in Daily Trust, 2003c, p.26).

Establishment of EFCC and ICPC

The Economic and Financial Crimes Commission (EFCC) was established through an Act of the National Assembly in December, 2002. It began operation in April, 2003 when its Board was inaugurated. The pioneer Chairman of the Commission was Nuhu Ribadu, then an Assistant Commissioner of Police (EFCC Handbook, 2004). It was designed to coordinate the various institutions involved in the fight against money laundering and the enforcement of all laws dealing with economic and financial crimes in Nigeria. The EFCC’s broad statutory duties and responsibilities cover aspects of economic and financial Crimes as well as terrorism. Other special powers given to EFCC to enable it carry out specific duties relating to economic and financial crimes include the following:

The money laundering Act 1995; The Advance Fee Fraud (419) and other related offences Act 1995; The failed Banks (Recovery of Debts), and Financial Malpractices in Banks Act 1994, as amended; The Bank and other financial institutions Act 1991 as amended. The Miscellaneous Offences Act; and any other law or regulation relating to economic and financial crimes in Nigeria (EFCC Handbook, 2004, p .11).

The Independent Corrupt Practices and other Related Offences Commission (ICPC) was inaugurated on the 29th September, 2000. It derives its authority from the Corrupt Practices and other Related Offences Act. The Commission was first presided over by Justice Mustapha Akambi (rtd) in 2000 (ICPC Annual Report, 2006). The major aim was to enforce anti-corruption laws, enthrone corruption – free practices and procedures, and to educate and mobilize the populace against corruption (ICPC Annual Report, 2006).

The notable offences covered by the Act establishing the ICPC include gratification by public official, corrupt offers to public officers, corrupt demands by persons in public offices, fraudulent acquisition of property and receipt of property, counseling offenders relating to corrupt practices, power to investigate reports of bribery transactions etc.

Challenges to Anti-Corruption Crusade in Nigeria, 2015 - 2020

In spite of the powers given to EFCC and ICPC to carry out their duties, numerous challenges are rendering them ‘toothless bulldogs’. One of the major challenges is the immunity clause in the constitution of Nigeria which weakens the fight against corruption by the EFCC and ICPC (Hassan and Musa, 2011). It restricts the anti-corruption institutions from acting against some class of public office holders, such as President and Governors. Section 308 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), widely known as the Immunity Clause, protect certain political office holders, namely, a person holding the office of President or Vice-President, and Governor or Deputy Governor from investigation and prosecution while in office (Fabamise, 2017). Far from intent and purpose, the immunity clause permits an incumbent to

have freedom in the diversion of public funds.

Similarly, some of those that head the anti-graft agencies particularly the EFCC are most times accused of engaging in corruption. The case of Ibrahim Magu who is under investigation is a recent example. The anti-graft agencies are also accused of protecting the interest of some government officials, which serve as institutional obstacle to any candid exertion to prosecute high profile corruption cases in Nigeria. For instance, there is public outcry that the Muhammadu Buhari administration is sparing some top corrupt politicians from being investigated among them are Ministers, Senators and Members of the House of Representatives (Isiaku, 2020).

Another major challenge to anti-corruption crusade is the delay in prosecuting cases in courts. There are several cases that are piled up due to lack of prompt and expeditious court sittings, which is further compounded by unnecessary adjournments (Onya & Elemanya, 2016). So also, transparency in the procurement of arms and ammunitions for fighting insurgency has not received the desired search light by the anti-graft agencies. Onuoha, Nwangwu and Ugwueze (2020) observed that despite the rise in security sector budget from about US\$1.44 billion in 2009 to US\$2.81 billion in 2018, military-led counterinsurgency operation in Nigeria faces some notable challenges. The anti-graft agencies do not have the power to investigate security and military expenditure which is a veritable obstacle to anti-corruption crusade in Nigeria.

Prospects of Anti-Corruption Crusade in Nigeria, 2015 - 2020

The administration of President Muhammadu Buhari made the fight against corruption one of the cardinal policies of his government. The administration uncovered the defense loot

referred to as the 'Dasukigate' in which funds meant for eradicating insurgency was diverted and shared for attaining victory by the Goodluck Jonathan's government during the 2015 elections. So also, the former Minister of Petroleum Resources Diezani Allison Madueke was found wanting of colossal financial infraction during her tenure. The former Governors Joshua Dariye and Jolly Nyame were found guilty of financial misappropriation and sentenced to prison terms (Abba, 2020). EFCC was able to make significant achievements that includes posting a record of 865 convictions from a total of 1,305 cases filed in courts. It also received a total of 10,152 petitions, with 7,340 cases under investigation. This is aside from cash recoveries and the seizure of significant number of assets from persons indicted of corruption related issues (Abba, 2020).

The attainment of a relatively corrupt free Nigeria depends on an unwavering commitment of the government and stakeholders in the fight against corruption. The anti-graft agencies independence must be sustained to accord them the capacity to frantically deal with corruption cases without fear or favour. Systemic forces that tend to sabotage the anti-corruption crusade must be diluted promptly and dislodged to disallow them from serving as menace to the socio-economic development of the country (Isiaku, 2020).

5. Conclusion and Recommendations

Conclusion

The paper examined the challenges and prospects of anti-corruption crusade, and the measures taken by present and past administrations to curb the menace of corruption in the country. The Nigerian government in the period 2015-2020 doggedly focused on anti-corruption campaign with far reaching outcomes. At the same time, the crusade is beset with



obstacles such as institutional bottleneck, sabotage, delay in court proceedings among others. The challenges to anti-corruption crusade are deep rooted and the prospects are bleak which is demoralizing to all patriotic citizens who wish to work towards curbing corruption in the country.

Recommendations

The following recommendations are put forward to strengthen anti-corruption crusade in Nigeria:

- i. The government should institute stiff penalties such as life sentence and death by hanging for corruption offences.
- ii. Government should establish special courts to facilitate and expedite proceedings of corruption cases to reduce delays.
- iii. It is also recommended that the organs of government and stakeholders should endeavour to work towards expunging the immunity clause from the constitution.

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