

A Multidimensional Perspective on Corruption in Africa:

*Wealth, Power, Religion
and Democracy*

Edited by

Sunday Bobai Agang, Pregala Pillay
and Chris Jones

Cambridge
Scholars
Publishing



A Multidimensional Perspective on Corruption in Africa:
Wealth, Power, Religion and Democracy

Edited by Sunday Bobai Agang, Pregala Pillay and Chris Jones

This book first published 2019

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Copyright © 2019 by Sunday Bobai Agang, Pregala Pillay, Chris Jones
and contributors

All rights for this book reserved. No part of this book may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording or otherwise, without
the prior permission of the copyright owner.

ISBN (10): 1-5275-3748-X

ISBN (13): 978-1-5275-3748-4

TABLE OF CONTENTS

Introductory words of welcome.....	ix
<i>Professor Stan du Plessis (acting Rector of the Stellenbosch University and Professor Dion Foster, acting Dean of the Faculty of Theology, Stellenbosch University)</i>	
Acknowledgements	xviii
Preface	xix
PART I: Human Rights and the Citizen's Role	
Chapter One.....	2
Corruption in the Face of Human Rights <i>Danny Titus (Executive Director, Culture at ATKV, South Africa)</i>	
Chapter Two	19
Citizens' Roles in Curbing Corruption in South Africa: Lessons for Africa <i>Pregala Pillay and Evangelos Mantzaris (School for Public Leadership and Anti-Corruption Centre for Education and Research, Stellenbosch University)</i>	
PART 2: Globalisation, Terrorism and Impunity	
Chapter Three	40
Globalisation, Corruption, Terrorism—The Nigerian Experience <i>Sunday Bobai Agang (ECWA Theological Seminary, Kagoro, Nigeria)</i>	
Chapter Four	61
Corruption and Impunity—with focus on the Global Impunity Index— (GII) 2017 <i>Chris Jones (Stellenbosch University, South Africa)</i>	

PART 3: Good Leadership, Trust and the Need for a Holistic Focus

Chapter Five	84
Towards a Model of Good Leadership: An Empirical Study of Effective Leadership Dimensions and Ethics in Selected Ethiopian Public Organisations <i>Lidetu Kefenie (Ethiopian Graduate School of Theology, Addis Ababa, Ethiopia)</i>	
Chapter Six	116
Corruption: The Destroyer of Trust <i>Lionel Louw (Pastor at Community Faith, Formerly Office Head of Premier Rasool and retired Head of Department Social Development—University of Cape Town)</i>	
Chapter Seven.....	138
Persistence of Corruption in Nigeria: Need for a Holistic Focus <i>Badejo Babafeni (CEO, Yintab Strategy Consults, Sudan)</i>	

PART 4: Youth and Social Action

Chapter Eight.....	158
Young People as Social Actors: Empowering Youth to Address Bad Governance and Corruption in Africa <i>Nathan Chiroma (Pan-African Christian University, Nairobi, Kenya)</i>	

PART 5: Justice and International Crime Syndicates

Chapter Nine.....	178
The Role of the Judiciary in Nigerian Democratic Politics <i>Musa Aliyu (Nigeria)</i>	
Chapter Ten	196
Poach, Chuck, Freeze and Launder: South Africa's Criminal Justice Response to Environmental Transnational abalone Poaching Syndicates <i>Ivy X. Q. Chen (Stellenbosch University)</i>	

PART 6: Human Dignity and Value-based Living

Chapter Eleven 224
 Corruption as a Threat to Human Dignity:
 Some Reflections on the Nigerian Situation
Kefas Umaru (Stellenbosch University, South Africa)

Chapter Twelve 241
 Corruption in Kenya: A Call to a Value-Driven Living
*Tom Obengo (Senior Lecturer of Ethics, Apologetics, and Philosophy,
 Moffat Bible College, Kijabe)*

**PART 7: Christianity and the place of Faith-based Institutions
 against Corruption and Impunity**

Chapter Thirteen 258
 Christian Confessional Theology as Paradigm
 for Anti-Corruption in Africa
Hassan Musa (ECWA Theological Seminary, Kagoro, Nigeria)

Chapter Fourteen 276
 Activating a Christian Moral Imagination: 'EXPOSED—Shine a Light
 on Corruption' as a fourth Generation Faith-based Campaign
Nadine Bower-du Toit and Dion Foster (Stellenbosch University).

Chapter Fifteen 296
 Political Corruption and the Place of the Church in the War
 against Corruption and Impunity in Kenya
Evangelos Thiani (Kenya).

Chapter Sixteen 326
 Combating Corruption in Africa:
 The Moral Responsibility of Faith-based Institutions
*Zac Niringiye (Retired Assistant Bishop, Kampala Diocese,
 Church of Uganda)*

PART 8: Theological-Ethical Reflections

Chapter Seventeen	352
“Moses” and “Solomon” on Corruption and the Use and Abuse of Power: Old Testament Laws and Proverbs as a Source of Guidelines for Ethical Behaviour in Both the Private and Public Spheres Today <i>Rowland Van Es Jnr (St. Paul’s University, Limuru, Kenya)</i>	
Chapter Eighteen	382
Corruption: The Monster We Created: A Theological and Ethical Reflection <i>Donald Katts (Stellenbosch University)</i>	
Addendum 1	396
Bribery and Corruption in Islam <i>Thafier Najjaar</i>	
List of Contributors	401

CHAPTER SEVEN

PERSISTENCE OF CORRUPTION IN NIGERIA: NEED FOR A HOLISTIC FOCUS

BABAFEMI BADEJO

Abstract

Over recent decades, several efforts have been made by successive governments to address the problem of corruption in Nigeria. Defying these successive efforts, corruption remains a major challenge. The most recent account from Transparency International (TI) not only attests to the persistence of corruption in Nigeria, but also shows that the country has not shown any improvement in tackling corruption, but has rather remained static among the lowest-scoring countries in spite of the numerous interventions, including that of Muhammadu Buhari. Corruption has become completely endemic in Nigeria. Why has this been the case? This chapter explores some of the attempts that have been made to alleviate corruption in Nigeria and observes that the focus of the prevention efforts have largely emphasized punitive responses as deterrence for corruption. This criminalization and punitive approach to reducing corruption has not helped very much. Relative impunity – a result of the weak rule of law, legal infrastructure and processes - has further fuelled corruption. Individuals will engage in corruption if the incentives to do so outweigh the disincentives. As such, attempts to address corruption in Nigeria should involve going beyond punitive measures to explore a holistic approach that looks at factors that accentuate the desire to be corrupt and address these, though without throwing the punitive orientation overboard.

Keywords: Nigeria; history; corruption conceptualisation; anti-corruption; development; EFCC; criminalization; politicization; political will; holistic anti-corruption; National Anti-Corruption Strategy

7.1 Introduction

Corruption has, to varying degrees, always been a problem throughout human existence. As a result, societies and religions have always overtly condemned this problem. Nigeria has not been an exception. Yet, corruption has persisted. That corruption is endemic in Nigeria is not in doubt. One can hardly open any newspaper in Nigeria without encountering vivid reports of sordid and sensational corruption cases.

That Nigerians are lacking in many basic necessities of life, such as healthcare, food and shelter, as well as basic infrastructure including electricity, roads, etc., is also not in doubt. That an elite few are able to obtain their every desire for themselves and those closest to them is equally a truism that manifests in the coexistence of opulence and abject poverty. That most of the few living in opulence dip their respective hands in the common purse to sustain their lifestyles by abusing their positions of authority (whether in the public or private sector) is also common knowledge.

Aside from failure of leadership, which manifests itself in many essential aspects of society in Nigeria, corruption remains the main challenge faced by the country. The problem is that all, including the rapacious few in positions of authority, have not agreed that the situation before Nigeria is unsustainable. Corruption hampers growth and development, yet it persists and has, in fact, reached endemic proportions in spite of declared persistent attempts by Nigerian leaders to curb the menace. The general public has become part of the problem, through a complacency that accepts clear cases of mega-corruption with a palpable silence and inaction. The feeling of so many Nigerians is that corruption, even on a massive scale, with all its negative effects on the general good of the country, has become too frequent; these days, it barely raises an eyebrow.

The thrust of this chapter is that the conception of corruption as a leadership or governance problem in the public sector, as it is largely held to be by many Nigerians, undermines the enormity and the endemic nature of corruption. Such a faulty conception not only narrows our understanding of the challenge at hand, but also results in flawed approaches to alleviating the problem.

7.2 Conceptualization of Corruption

A major problem in trying to handle corruption in Nigeria has been agreeing on its definition. One of the earliest British Governor-Generals,

Lord Lugard, who amalgamated the Northern and Southern Protectorates and named the resulting administrative area Nigeria, was probably the first person to express concern about corruption in Nigeria (Ellis 2016: 11). Though Lugard was not explicit about what he meant by corruption, Ellis suggests that he was probably referring to “the habit of supplicants bringing gifts to bearers of public office, applying a distinction between the public and private realms that did not exist in Nigeria in the way that it did in his own country, Britain” (ibid. 11). This kind of blurred relationship between the public and private realm can arguably be said to have seeped into governance later in the colonial period and has remained a feature of post-independence Nigeria.

Important for us, however, is Ellis’ own general definition of corruption as the abuse of entrusted power for personal benefit (ibid: 11). This conception of corruption is similar to that proffered by the World Bank, which defines corruption as “the abuse of public office for private gain” (Bhargava 2006: 1). The attention is explicitly on the public realm, failing to focus on analysis of the situation in the private sector. But with so much corruption taking place within the private sector, it is clearly necessary to seek a broader definition that truly highlights the enormity of the problem.

Transparency International (TI) provides a variant, defining corruption as “the abuse of entrusted power for private gain” (Transparency International 2011). Yet even this is a somewhat meagre definition of corruption; it is equally shallow and does not allow a deep analysis that can direct us towards policies capable of tackling the complexities of Nigeria’s endemic corruption, which occurs in all spheres and at all levels of society.

The TI definition, like that of the World Bank focuses on the public sector only, even though the authors suggest, and rightly so, that it can cover the private sector. The public sector bias of TI is evident in the variables it measures to obtain scores from the Corruption Perception Index (CPI). As TI puts it:

The CPI focuses on corruption in the public sector, or corruption which involves public officials, civil servants or politicians. The data sources used to compile the index include questions relating to the abuse of public power and focus on: bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and on questions that probe the strength and effectiveness of anti-corruption efforts in the public sector. (Ibid)

This definition explicitly concerns itself with the use of power relations as the means of realizing private gains. In effect, it does not include

situations in which those endowed with authority, as is the case in the social sector, take advantage of their positions for private gain.

Furthermore, it fails to capture situations in which those entrusted with power and/or authority exploit such situations for the benefit of third parties. This, for instance, is the case with nepotism, in which a person in power bequeaths gains on family members, clients, friends or other persons, sometimes on the basis of primordial attributes like being born into the same ethnicity or village etc.

The inadequacy of the TI definition of corruption is visible when one considers the crime in its many different manifestations in both the private and public spheres. As explored below, many improprieties take place in the private sector, where the goal of profit does not disallow sharp practices to enrich individual corrupt actors and those they choose to reward, at the expense of investors and the unsuspecting public at large.

To correct the inadequacies of the parsimonious definitions of corruption discussed above, we proffer a more comprehensive definition: "The abuse of power and/or authority, including manipulation of rules or opportunities, or extortion from another in the public, private or social realms for self or filial/familial relations or inducement (bribery), by another in furtherance of undue gain to the self or a desired third party" (Badejo 2018).

What constitutes a corrupt act may vary across cultures or countries. For instance, gifts given in the context of customary practices may be viewed differently from place to place. Nonetheless, Farida Waziri, former Chair of Nigeria's anti-corruption agency, the Economic and Financial Crimes Commission (EFCC), elaborated upon Nigeria's situation in a keynote address:

[T]he following behaviours indicate or are red flags for corruption: embezzlement, conflict of interests for example, the award of contracts by public office holders to cronies and personally held companies; bribery; fraud; political corruption, such as nepotism or favouritism, ethnicity,¹ rigging of elections, misappropriation and conversion of public funds for personal gains; bureaucratic corruption; extortion; manipulation of procurement processes, for example, by over-inflation of contracts, leaking tender information to friends and relations et cetera; corporate corruption, for example, diversion and misappropriation of funds through manipulation or falsification of financial records. The stories of Cadbury Plc and the Vaswani Brothers locally, and Enron and Anderson

¹ Ethnicity is, of course, not a behaviour but an integral characteristic of a person. It is probable that Waziri intended to insert the politicization of ethnicity as opposed to ethnicity.

internationally, are all succinct examples [of] payment for favourable judicial decisions (judicial corruption). (Waziri 2010: 2)

These indicative behaviours, with the exception of ethnicity (see footnote), are all useful for our purposes. A perusal of these red flag indicators shows that they can all be found in the private sector. The emphasis, as we earlier noted, has been on the public sector and how it extorts from the private sector, for example, through the demand of bribes for the provision of needed services, or the receipt of them in return for preferential treatment of tender applications, or in the falsification of records to avoid the discharge of obligations to the state.

Equally important, however, to Waziri and Nigeria's situation, is corruption within the private sector. Leaders of corporate entities, just like those in the public sector, embezzle funds and manipulate procurement processes in order to enrich themselves. As Waziri points out, corruption can be found everywhere, including the home and within the banking sector, as reforms in the banking sub-sector have indicated (Waziri 2010: 2). On an institutional scale, the banking sector, whether as a result of regulatory weakness or collusion, gives out huge unsecured loans, shares out the money, and subsequently declare the loans as bad debts. The funds of private depositors disappear as a result (Nwanze 2006; Kanu & Okorafor 2013). This highlights how, while

public sector agents play an important part in corruption, private sector actors often initiate and benefit from such acts. We therefore wish to underscore the importance of promoting transparency in interactions between governments and business in Africa, and suggest the introduction of lifestyle audits as a routine legal requirement when there is evidence of unexplained wealth. (AU/ECA 2015:48)

This report on illicit flows presents evidence that many large companies, including multi-nationals, devote considerable effort increasing their profits through illicit and unethical means, such as tax evasion and avoidance, rather than by making their operations more efficient (ibid. 48).

However, the Goodluck Jonathan Administration signed a law on 9 July 2010 establishing the Asset Management Corporation of Nigeria (AMCON), which has become a modality to transfer bad debts from the banks to a public entity that buys them up and subsequently seeks to recoup them from the assets of the debtors (AMCON: 2010). In effect, public funds are used to keep banks afloat after making corrupt decisions or, at best, bad judgements, leaving AMCON to recoup the debt from the original borrower.

Any definition of corruption should also capture realities in the social sector, where religious (especially some Christian churches) and traditional institutions, among others, extort from poor citizens and/or embezzle publicly collected funds, whilst turning a blind eye to those who loot the treasury, rather than ostracize them as they collect “tithes” (*Premium Times* 2017). Although these are treated as civil problems not involving the state, it is high time that society establishes mechanisms that can address the rot in the social sector.

7.3 The Impact of Corruption

The causes of corruption (Susan Rose-Ackerman 1999 & Bhargava 2006: 1), while important for analytical purposes, are outside the purview of this chapter, given that a considerable amount has been written on them elsewhere. Rather, the present study focuses on the consequences of living with corruption and its overall impact on the polity and society.

Corruption is not just a moral issue. It is a major problem that is undermining the growth and development of Nigeria. Former President Olusegun Obasanjo used his inauguration address to describe corruption as “the greatest single bane of our society today.”² President Muhammadu Buhari went further, noting that: “corruption diverts public resources meant for millions of people into the private pockets of a greedy few, thereby causing a lot of suffering, deprivation and death. In my view, there can be no greater violation of human rights.”³

Reflecting on the international nature of corruption and the problems that it causes across borders, President Jiang Zemin observes:

The history of human development tells us that corruption is a factor obstructing social stability, development and progress. It impairs the normal operation of the social and political system and the implementation of the state policies, disrupts social order and the rational allocation of resources, undermines the principle of social equality and justice, and erodes the social ethics and the spiritual world of the people. It is, therefore, imperative to persist in the struggle against corruption if we are to safeguard social stability and promote social development and progress. (Zemin 1996)

Many academic studies have lent credence to the positions of these statesmen by establishing strong causal relationships between corruption

² <https://nigeriaworld.com/feature/speech/inaugural.html>

³ <http://thenewsnigeria.com.ng/2015/08/buharis-speech-to-lawyers-lets-see-corruption-in-its-true-colours/>

and Nigeria's inability to develop (Odubunmi & Agbelade 2014), for example, by undermining the availability of funds for the provision of the social needs of the poor (Oluwalaiye & Awolaja 2007). Put simply, corruption has a major negative impact on economic growth and development (Nageri, Umar & Abdul 2013). Its negative impacts on development are well known, and include the debasement of values needed for the development process, the misdirection of energies on "rent-seeking" activities, and the misalignment of incentives with blind acceptance of the suggestion that private gains, no matter how they are acquired, are at the core of all economic activity (Report of the High-Level Panel on Illicit Financial Flows from Africa 2015).

Corruption constitutes a major problem for political and socioeconomic development in Nigeria. This menace, which has been with us even before the 1914 amalgamation, needs to be tackled. Meanwhile, it is useful to turn to announced intentions and acts, in some cases meant to obliterate corruption even though it continues to persist.

7.4 Some Attempts at Addressing Corruption in Nigeria

Nigerian leaders cannot be found wanting when it comes to making clear pronouncements on intentions to fight corruption. From Lord Lugard's aforementioned concerns through to the current president of Nigeria, many statements have been made, including the more recent inaugural speeches. For instance, Olusegun Obasanjo, taking the mantle of office as President of the Federal Republic of Nigeria on 29 May 1999, stated:

Corruption, the greatest single bane of our society today, will be tackled head-on at all levels. Corruption is incipient in all human societies and in most human activities. But it must not be condoned. This is why laws are made and enforced to check corruption, so that society would survive and develop in an orderly, reasonable and predictable way. No society can achieve anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria.... There will be no sacred cows. Nobody, no matter who and where, will be allowed to get away with the breach of the law or the perpetration of corruption and evil. Under this administration, therefore, all the rules and regulations designed to help honesty and transparency in dealings with government will be restored and enforced. Specifically, I shall immediately reintroduce "Civil Service Rules", and "Financial Instructions" and enforce compliance. Other regulations will be introduced to ensure transparency. The rampant corruption in the public service and the cynical contempt for integrity that pervades every level of the bureaucracy will be stamped out. The public officer must be encouraged to believe once again that integrity pays. His

self-respect must be restored and his work must be fairly rewarded through better pay and benefits, both while in service and in retirement.

Successors of President Obasanjo, have not been as robustly ambitious on an anti-corruption, their zeal focusing largely on punitive measures. President Yar'Adua, in an unprecedented move, acknowledged publicly in his inaugural address that his election into office had been marred by procedural shortcomings. He promised to undertake electoral reforms to handle mistakes. Going further, he recognized the ills of corruption and swore to fight it in spite of his failing health, which he knew about before the election but had not disclosed. He stated:

We are determined to intensify the war against corruption, more so because corruption is itself central to the spread of poverty. Its corrosive effect is all too visible in all aspects of our national life. This is an area where we have made significant progress in recent years, and we will maintain the momentum.⁴

President Yar'Adua died in office around the middle of his four-year term. To the credit of his administration, however, the seeds of the National Anti-Corruption Strategy (NACS) were planted during this period. In September 2009, the inaugural meeting of the inter-agency Working Group towards realizing NACS was held. (Waziri-Azi 2017). President Yar'Adua was succeeded by his deputy, who promised to continue with the policies of his immediate predecessor.

On 29 May 2011, having won the presidential elections of that year and with two years already in office, a robust declaratory speech on corruption would have been in order from President Jonathan. However, while rightly throwing the fight against corruption to all Nigerians, his tone was somewhat subdued. As he put it:

The bane of corruption shall be met by the overwhelming force of our collective determination, to rid our nation of this scourge. The fight against corruption is a war in which we must all enlist, so that the limited resources of this nation will be used for the growth of our commonwealth.⁵

Obviously, President Goodluck Jonathan, the Commander-in-Chief, called on all Nigerians to fight in the trenches against corruption, but he

⁴ <https://www.inigerian.com/the-challenge-is-great-the-goal-is-clear-umaru-musa-yaraduas-inaugural-speech/>

⁵ <https://www.vanguardngr.com/2011/05/over-40-heads-of-state-witness-jonathans-inauguration-amid-tight-security/>.

was quiet on whether he would lead the onslaught on corruption under his administration.

Over the decades, several actions have been taken by successive governments to go beyond mere statements of intention to address the problem of corruption in Nigeria. Nigeria has a penal code as well as a criminal code. These legal instruments cover many crimes, including those that constitute elements of corruption. The military regimes found it easier to make decrees, rather than reform and expand the criminal law. The various regimes issued decrees defining crimes that border on corruption, as well as establishing institutions that were meant to curb the menace. Farida Waziri, the second Chairman of the Economic and Financial Crimes Commission (having taken over from Nuhu Ribadu), listed a number of these instruments:

The "Corrupt Practices Decree" of 1975, promulgated by the regime of Murtala/Obasanjo.

War against Indiscipline, by the Buhari/Idiagbon regime.

The Code of Conduct Bureau of 1990.

Advance Fee Fraud & Other Related Offences Decree of 1995, promulgated by the Abacha regime, and later embodied in law as the Advance Fee Fraud and Other Related Offences Act of 2006 by Chief Olusegun Obasanjo's administration.

Corrupt Practices: the Money Laundering Act, 2004.

The Economic and Financial Crimes Commission (Establishment) Act, 2004.

The Procurement Act, 2007.

These legal instruments were accompanied by the establishment of various anti-corruption agencies such as:

The Nigerian Extractive Industrial Transparency Initiative (NEIT).

The Independent Corrupt Practices and Other Related Offences Commission (ICPC).

The Technical Unit on Governance and Anti-Corruption Reforms (TUGAR)

The Economic and Financial Crimes Commission (EFCC).

Budget monitoring and price intelligence unit (BMPIU) which later transformed into Bureau for Public Procurement. (Waziri op. cit.: 3-4)

Many other instruments have subsequently come online. Of particular importance are the Whistle-Blowers,⁶ Bank Verification Number (BVN)⁷

⁶ Three different bills on whistle-blowing, dating from 2008, 2009 and 2015, are before the National Assembly and yet to become law. However, the Buhari Administration started implementing a policy in this direction in December 2016.

the Treasury Single Account (TSA)⁸ policies and Executive Order No. 6, 2018.⁹ President Buhari, not long after taking office put in place a Presidential Advisory Committee on Anti-Corruption (PACAC) in August 2015. Finally, important for our purpose is the National Anti-Corruption Strategy.

These mechanisms and instruments especially, the EFCC, have ensured that some politically exposed persons (PEPs) are dragged before the law courts for trial and have led to some convictions and asset recovery (Obasanjo 1999; Human Rights Watch 2011). In a self-assessment of his first term in office, with respect to the fight against corruption, former President Olusegun Obasanjo concluded:

We are aware of the expectation to see rapid results from our anti-corruption crusade. Our leadership regards corruption as the antithesis of development and I would like to assure you that we are determined to fight this evil to a standstill. For starters, we have been able to put in place an anti-corruption commission which, unfortunately, has had to cope with legislative and constitutional hurdles. The commission has brought 39 cases of corruption to court for prosecution; this is in stark contrast with none at all in the preceding 20 years. After the court battle on the anti-corruption law, we will seek to amend the initial law for expeditious handling of corruption cases in the court. (1999)

Under President Obasanjo, the Inspector-General of Police was tried and convicted and assets were recovered (Human Rights Watch 2011). Many Governors who left office with President Obasanjo at the end of their terms in 2003 were brought to court under President Yar'Adua in 2007 (*ibid.*). However, Joshua Dariye and Jolly Nyame were only convicted in the first half of 2018. In addition, the trial of the CEO of Oceanic Bank, who is from a powerful family, resulted in her conviction and assets were subsequently recovered from her (*ibid.*).

⁷ This is a Central Bank of Nigeria policy that was put in place in February 2014 calling for biometric data for all bank customers to be transparently known. It has made it easier for government to follow huge financial transactions.

⁸ The Treasury Single Account policy was put in place in 2012 by the Goodluck Jonathan Administration but has barely been implemented. It was announced that government funds were to be paid into the Central Bank of Nigeria in designated account(s) on 9 August 2015, subsequent to President Buhari's information to the first National Economic Council meeting under his watch in June 2015.

⁹ This Order allows the seizing of assets deemed to have been acquired by politically exposed persons and it is for them to go to court to prove otherwise. See, *Vanguard Newspaper*, 5 July 2018.

The EFCC has continued with the prosecution of many Nigerians who have contravened the articles of the anti-corruption Act. According to Samin Amadin, Head of the EFCC Enlightenment and Reorientation Unit, Department of Public Affairs, the EFCC secured 647 convictions between November 2015 and end of May 2017, and the efforts of the EFCC have resulted in senior military personnel, lawyers, judges and many politicians facing trial in law courts for corrupt practices (*Premium Times* 13 July 2018).

7.5 The Enduring Nature of Corruption in Nigeria

However, in spite of the prosecutorial efforts, corruption remains a major challenge to date. President Muhammadu Buhari's assessment of the situation on assumption of office was fair. At the first World Economic Summit on corruption, organized by the David Cameron Administration in the United Kingdom in January 2016, President Buhari stated:

Indeed, when I came to office, corruption had become endemic and systemic, threatening the very foundation of our national life, security and democracy. As a result, I have demonstrated zero tolerance for corruption for corrupt practices by combating corruption head-on. We are determined to bring integrity to governance through leadership by example.

Nigeria's Corruption Perception Index (CPI), showing the enduring nature of corruption in Nigeria for over two decades

Year	Position/total number of countries accessed	Scores/points
1996	54/54	--
1997	52/52	--
1998	81/85	19 (tie with Tanzania)
1999	98/99	16
2000	90/90	12
2001	90/91	10
2002	101/102	16
2003	132/133	14
2004	144/146	16
2005	152/159	19 (tie with Ivory Coast & Equatorial Guinea)
2006	142/163	22

2007	147/180	22
2008	121/180	27
2009	130/180	25
2010	134/178	24
2011	143/183	24.49
2012	139/176	27
2013	144/177	25
2014	136/175	27
2015	136/168	26
2016	136/176	28
2017	148/180	27
2018	144/180	27 (tie with Guatemala, Kenya, Comoros and Mauritania)

Source: Put together from various reports of Transparency International's CPI ratings

The most recent CPI report from Transparency International supports the position expressed by President Buhari. The data not only attests to the persistence of corruption in Nigeria, it shows that the country has not shown any improvement in her scores on the perception scale, remaining static at the lowest levels in spite of the numerous interventions, including those of President Muhammadu Buhari. From 2006 to 2017, Nigeria has been vacillating within the range of 22-27 points (out of 100), with a brief move to 28 in 2016. This minute increase was probably due to the euphoric expectation that the relatively new government of President Buhari was going to seriously deliver on its announced anti-corruption intentions. But by 2017, the CPI was back to 27.

Ngozi Okonjo-Iweala, former Minister of Finance under both the Obasanjo and Jonathan Administrations, detailed her experiences, a reflection of the durability of corruption in Nigeria. She illustrated corruption in the oil sector through a focus on subsidies that were being paid for products that were not even delivered, as well as the prevalence of over-invoicing (Okonjo-Iweala 2018). When the National Assembly chose to investigate what was happening, sleazy dealings were confirmed across the board. In the words of the ad hoc committee that investigated the corruption, chaired by the Hon. Farouk Lawan from Kano:

We found that the subsidy regime as operated between the periods under review (2009-2011) was fraught with endemic corruption and entrenched inefficiency. Much of the amount claimed to have been paid as subsidy was actually not consumed PMS (Petrol). Government officials made

nonsense of the PSF (Petroleum Subsidy Funds) guidelines due mainly to sleaze and, in some other cases, incompetence. It is therefore apparent that the insistence by top Government officials that the subsidy figures were for products consumed was a clear attempt to mislead the Nigerian people. (2012:3)

However, the investigation, which went on for more than three months, took the back stage when a video emerged of Farouk Lawan, Chairman of the investigation committee, stuffing away money he had extorted from two companies in exchange for excluding them from the investigation (Okonjo-Iweala 2018: 37).

Other cases of sleaze associated with the institutions of governance and individuals such as State Governors of the Nigerian Federation are no longer news. As we noted earlier, two were recently convicted, and a number have been tried successfully (as detailed in Human Rights Watch 2011) for diverting and stealing funds that should have addressed the basic needs of the people (Okonjo-Iweala 2018: 54-64). Farouk Lawan is far from an isolated case: the legislative arms of government in the Federation have been extensively involved in corrupt practices through budget padding and refusal to provide transparency over their incomes and alliances (ibid. 54-64). Legislators extorted bribes from ministers in exchange for support for their ministries during the budget process. In one case, Fabian Osuji, the Minister of Education under President Obasanjo, was fired by the President,

for bribing the leader of the Senate and six other members of parliament to smooth passage of his annual budget. He has also strongly criticized Senate President Adolphus Wabara for accepting the bribe, paving the way for his likely downfall. Obasanjo, who is on a crusade against rampant corruption, went on television to tell the country that the education minister withdrew N55 million (\$417,000) from government coffers, which he shared out between Wabara, five other senators and a member of the House of Representatives—the lower house of parliament. (IRIN March 23, 2005)

The judiciary has not been left out of the corruption frenzy (Human Rights Watch 2011). A coordinated night-time raid at the residences of nine judges exposed the rot in the Nigerian judiciary, with judges as high as the apex court of the land as being involved in corruption.¹⁰

¹⁰ <http://saharareporters.com/2016/10/08/full-details-nigerian-secret-police-raid-federal-judges-revealed>

7.6 What is to be done?

Obviously, dependence on the prosecutorial approach to fighting corruption has not resulted in deterrence in Nigeria.¹¹ In what can be described as selective justice, only few of the big fishes are being touched. For instance, none of the Nigerians mentioned in the Panama or Paradise Papers have been invited for questioning.¹² Nigerian leaders, to date, have lacked the political will to fight corruption. The perception, though constantly denied, is clearly out there that prosecution through the EFCC is only for Nigerians who are either weak or are in opposition parties and/or critical of the government in power.

However, the UN Convention against Corruption (UNCAC) could be the starting point in moving towards a holistic approach to the handling of corruption (UNODC 2004). The UNCAC details a good number of preventive measures in Articles 5 and 6, specifying the need for institutions to execute the detailed preventive measures enumerated in Article 9. The Treaty provides for handling public and private sector corruption, but requires a complimentary effort to deal with the problem of corruption in the social sector (for example, in religious and traditional institutions).

As pointed out above, various governments have, over time, opted for knee-jerk responses that mainly emphasized enforcement. Countries that have been the most successful in tracing, freezing and repatriating stolen assets have legal frameworks that allow asset forfeiture and civil prosecutions, without requiring the criminal prosecution of the offenders (Illicit Financial Flows 2015: 47). Articles 5 and 54-62 of the UNCAC makes a clear case for a holistic approach, including international collaboration to reduce corruption.

Pursuant to UNCAC, many countries have embarked on or provided a national anti-corruption strategy (Waziri-Azi 2017: 2-3). Nigeria's efforts to create such a document started in 2009 under Yar'Adua's government and did not receive much support in the hands of the Attorney-General in the continuation of the Yar'Adua's government under President Goodluck Jonathan; the erstwhile Vice-President became President for six years. So, it is praiseworthy that the Buhari government completed the creation of a National Anti-Corruption Strategy (NACS 2017-2021) and subjected it to

¹¹ <https://guardian.ng/opinion/the-war-or-the-noise-on-corruption/>

¹² See Badejo, <https://medium.com/integrity-online/africa-avoids-accountability-on-panama-papers-e7964069b062>; Badejo, <https://medium.com/integrity-online/from-panama-to-paradise-papers-103ad1d3d343>

an adoption/validation process in Abuja in April 2017 (Waziri-Azi 2017). It was signed at the Federal Executive Council on 15 May 2017. The NACS promises a comprehensive approach to the fight against corruption. In an acknowledgement of the importance of the NACS, the *Premium Times* offers a useful editorial:

Greed, fear, apathy, and ignorance exacerbate the erosion of our value system and standards. When this occurs, formal and social controls against corruption start to break down, and social tolerance for the malaise increases. This leaves many willing to stand by and watch, even admire those acting with impunity, without attempting to put an end to the misbehaviour. As people succeed in taking undue advantage of the system and sanctions prove ineffective, perverse and begin to grow, creating greater demand for corruption and institutionalizing the rampant negative behaviour observed. Where there is no real incentive to do the right thing, combating corruption is a highly challenging endeavour. The National Strategy assumes an environment in which efforts are being made to achieve better alignment between social, private and public interests through the instrumentality of the budget, public recognition and public vigilance among others. (*Premium Times* 15 May 2017)

Waziri-Azi provides a detailed overview of the NACS (2017). Using NACS could allow us to control a wide range of causes and drivers of corruption and point to what could be done to ameliorate the cancer of corruption that is metastasizing throughout Nigerian society. However, after more than a year, full implementation of the strategy remains incomplete.

7.7 Conclusion

Corruption has become an endemic problem in Nigeria. Every government that has come into power has had something to say about its desire to combat the menace. However, with weak political will to combat corruption on the ground, the situation has continued to worsen with time. There is a very powerful sense of hopelessness which has given rise to complacency among the people.

Various largely punitive measures have been put in place over the years. Nevertheless, corruption has grown to such proportions that it constitutes a threat to the existence of Nigeria, in many respects. The decay of values, institutions and infrastructure, as well as general underdevelopment, is rife. It is not unusual to hear discussions that suggest that corruption is actually a cultural thing that arguably commenced with

colonialism and growing in complexity from decolonization through to now (see for instance: Ekeh 1975 & Adeola 2015).

The establishment of the NACS joins a number of earlier piecemeal attempts that were not resolutely implemented. The hope, however, is that the implementation of the NACS will soon begin in earnest, despite the delays since the strategy was launched in May 2017. In the process of implementation, international cooperation, especially in countries where looted national patrimonies are being kept, would be required.

Individuals will engage in corruption if the incentives to do so outweigh the disincentives. As such, any attempts to address corruption in Nigeria must involve a thorough understanding of corruption and its complexities in Nigeria, going beyond punitive approaches to undertake a holistic overhaul that looks at factors that accentuate the desire to perpetuate various forms of corruption and address these, though without throwing the punitive orientation overboard. On this note, the National Anti-Corruption Strategy is very welcome. It is hoped that it can be translated into a holistic approach to the problem of corruption in Nigeria.

References

- Adeola, Gabriel Lanre 2015, "The Deepening Culture of Corruption in Nigerian Society: Implications for Governance, Development and Stability", *American International Journal of Research in Humanities, Arts and Social Sciences*, 9(3) December 2014-February 2015, pp. 221-229.
- Asset Management Corporation of Nigeria Act No. 4, 2010 and its subsequent amendments.
- Badejo, B.A. 2018, Towards the Abhorrence of Corruption in a New Nigeria, PowerPoint Presentation on May 3, 2018, at a Magodo Associates Symposium, titled: Nigeria: Which Way Forward, at the University of Lagos, Lagos, Nigeria.
- . <https://medium.com/integrity-online/africa-avoids-accountability-on-panama-papers-e7964069b062>
- . <https://medium.com/integrity-online/from-panama-to-paradise-papers-103ad1d3d343>
- Bhargava, V. 2006, Curing the Cancer of Corruption, <http://siteresources.worldbank.org/EXTABOUTUS/Resources/Ch18.pdf>
- Buhari, M. <http://thenewsnigeria.com.ng/2015/08/buharis-speech-to-lawyers-lets-see-corruption-in-its-true-colours/>

- . 2016, Speech at the Anti-Corruption Summit, London in venturesafrica.com/president-buharis-speech-at-the-anti-corruption-summit-in-london/
- Ekeh, P.P., 1975, "Colonialism and the Two Publics: A Theoretical Statement", *Comparative Studies, Society and History*, 17(1) pp. 91-112.
- Ellis, S., 2016, *This Present Darkness: A History of Nigerian Organized Crime*, Oxford University Press, Oxford.
- House of Representatives, 2012, Report of the Ad-Hoc Committee to Verify and Determine Actual Subsidy Requirements under Resolution No. HR.1/2012, April 2012, 3, <http://www.nigerianmuse.com>
- Human Rights Watch, 2011, *Corruption on Trial? The Record of Nigeria's Economic and Financial Crimes Commission*, Human Rights Watch, New York.
- Illicit Financial Flows, 2015, Report of the High-Level Panel on Illicit Financial Flows from Africa, Commissioned by the AU/ECA Conference of Ministers of Finance, Planning and Economic Development.
- IRIN, 23 March 2005, "Obasanjo Fires Education Minister for Bribing Senate Leader".
- Jonathan, G. <https://www.vanguardngr.com/2011/05/over-40-heads-of-state-witness-jonathans-inauguration-amid-tight-security/>
- Kanu, I. S., and Okorafor, O.E. 2013, The nature, extent and economic impact of fraud on bank deposits in Nigeria, *Interdisciplinary Journal of Contemporary Research in Business*, 4(9): 253-265.
- Nnoli, O. 1978, *Ethnic Politics in Nigeria*, Fourth Dimension Publishing Co. Ltd, Enugu.
- Nwanze, C. 2006, *Bank fraud expose: With cases and preventive measures*, CBN Press, Lagos.
- Obasanjo, O. 1999, Inaugural speech of President Obasanjo <https://nigeriaworld.com/feature/speech/inaugural.html>.
- . 2003, <http://nigeriavillagesquare.com/forum/threads/the-inaugural-speech-by-president-obasanjo-we-will-heal-nig.999>
- Transparency International
https://www.transparency.org/cpi2011/in_detail.
- Odubunmi, A.S. & Agbelade, L.I. 2014, Corruption and economic growth in Nigeria, *Journal of Economics and Sustainable Development*, 5 (6): 45-56.
- Okonjo-Iweala, N. 2018, *Fighting Corruption is Dangerous: The Stories Behind the Headlines*, MIT Press, Cambridge, Massachusetts.

- Oluwalaiye, O. B. & Awolaja, G. O. The impact of corruption on a national economy: Evidence from Nigeria, in Aina, A.D, (ed.), 2007, *Corruption and the Challenge of Human Development*, Babcock University Press, Ilishan-Remo, pp. 217-228.
- Nageri, K. I., Umar, G., & Abdul, F.A. 2013, Corruption and Economic Development: Evidence from Nigeria, *Kuwait Chapter of Arabian Journal of Business and Management Review*, 3(2): 46-56.
- Rose-Ackerman, S. 1999, *Corruption and Government: Causes, Consequences and Reforms*, Cambridge University Press, Cambridge.
- Sahara Reporters,
<http://saharareporters.com/2016/10/08/full-details-nigerian-secret-police-raid-federal-judges-revealed>
- The Guardian*, Editorial Opinion of 11 June 2018
<https://guardian.ng/opinion/the-war-or-the-noise-on-corruption/>
- UNODC, 2004, *United Nations Convention Against Corruption*, United Nations, New York.
- Waziri, F. 2010, Chairman's Opening Remarks, in CLEEN Foundation Ed., *Corruption and Governance Challenges in Nigeria: Conference Proceedings*, CLEEN FOUNDATION Monograph Series, No. 7, Lagos.
- Waziri-Azi, F. 2017, An Evaluation of the Nigerian National Anti-Corruption Strategy, *European Journal of Research in Social Sciences*, 5(5).
- Zemin, J. 1996, "Speech at the Opening Ceremony of the Seventh International Anti-Corruption Conference", The Academic Office of the Seventh International Anti-Corruption Conference: Anti-Corruption for Social Stability and Development, English Ed, Hong Qi Publishing House, Beijing.