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In the cesspool of corruption: The challenges of national development and the dilemma of anti-graft agencies in Nigeria

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In the Cesspool of Corruption: The Challenges of National Development and the Dilemma of Anti-Graft Agencies in Nigeria

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Abstract: *Most theoretical and analytical discourse on national development identified the virulent nature of corruption as development curse. In Nigeria, as in many other soft states, the epidemic nature of corruption and its destructive impacts on the national development has received wider attention in both national and international mass media. Similarly, scholarly literature on the culture of sleaze in many of these countries revealed the depth of the disease. Nigeria, undoubtedly remain at the front page of countries under the siege of sleaze. Its profile as one of the most corrupt nations feeds largely into the crisis of its national development. Conceptually and theoretically, corruption encompassed very distinct social problems of mismanagement of public resources, weak and dysfunctional government institutions, complex relationships between political actors and public moral and economic assets. Indeed, the curse of corruption has assumed more than tantalizingly simple act of sleaze but a clear, complex and contested reality of national underdevelopment. It explains to a large extent the abuse of public power and misuse of entrusted power for private gain in the context of attaining national development. In this paper therefore, a continuation of the literature on corruption that espouses the interplay between the culture of greedy sleaze and national development is given bolder attention. The paper analyses a broad understandings of corruption from the analytical usefulness of an effective national development imperative. It further explains the interventionist roles of the ambitious anti-graft agencies and their contemporary challenges.*

Keywords: Corruption, national development, anti-graft agencies, Nigeria

Introduction

"No nation is going to create wealth if its political leaders exploit its economy to enrich themselves. Thoughts and expose on corruption in Nigeria will continue to generate passionate debate and attention in Nigeria's public space. As the thought and debate rages, the central argument of many public policy analysts is that the entrenched culture of sleaze in the public sphere is not only inimical to national development agenda but may lead to possible collapse of the Nigerian project. In contemporary Nigerian state, governance is gradually reducing to a veritable mechanism for economic saboteurs in the positions of power to illicitly boost and consolidate their economic strength and fortune to the detriment of the nation's national

economic growth and development. In many cases, the financial appropriation in Nigeria is designed to accommodate the narrow interest of the few ruling cabals or act as buffets for the rulers. Corruption has become a trademark in the businesses of governance. The magnitude of corruption taking place in the corridors of power and other public institutions justified the criminal castration of some of the anti-graft agencies like the EFCC and ICPC by the economic vulture in the society. The culture of corrupt enrichment, the kleptomaniac tendencies and orchestrated thievery among public office holders have made the national development agenda unrealistic. Positions of authority have become a veritable means of siphoning, sharing and manipulating the commonwealth to cater for the parchment of the few privileged in the positions of political power (Babalola and Osoba, 2011).

In recent years, the extent of resources mismanagement coupled with regimes of stealing of public fund has posed as a serious challenge to the efficiency and effectiveness of developmental transformation plans. Perhaps more worryingly is the absence of a coordinated agency of restraint or strategy for control to put corruption at its barest level. In fact, as it appears, the previous and present anti-graft agencies are at best ineffective, dysfunctional and impotent. Suffice is therefore to say the cure has been damaging than the disease. Institutional checks or agencies of restraint like judicial process has rarely resulted in any visible and lasting results, mostly because these institutions are equally undermined by the disease it intended to cure. Many are of them are also overwhelmed by the rampaging sleaze or at worst suffered from soft cursed syndrome and low level human capacity.

The establishment of anti-corruption agencies like the Economic and Financial Crime Commission (EFCC) and Independent Corrupt Practice Commission (ICPC) that are seen as probably the most ambitious anti-corruption approach in contemporary developmental transformation contexts has at best underperformed considering the rampart cases of graft. In Nigeria, the ICPC and EFCC could not solve Nigeria's massive corruption problem. During the Obasanjo administration, some high profile convictions were recorded such as the cases of Mr. Tafa Balogun (IGP), Mr. DSP Alamieyeseigha, Bode George and Chimaroke Nnamani. Despite this landmark effort, the judgment and conviction were laughable. In some extreme cases, anti-graft agencies are nothing more than another layer of corrupt bureaucracy (Aluko, 2002) and in the context of the seemingly failure to convict the 'big fishes' the public see them seen as toothless bulldogs incapable of fighting the endemic corruption that has undermined the national development agenda in Nigeria.

This paper acknowledges that there is no contestation that corruption in Nigeria's is so intractable and damaging to broader public interests because so many who are responsible for these problems also hold high positions in the Nigerian state. Nigeria's situation illustrates the 'criminalization of the state', where government officials divert public resources for private benefit, using existing moral and political codes of behavior, especially those of ethnicity, kinship and even religion, and of cultural representations, notably of the invisible, of trickery as a social value, or prestigious styles of life, an aesthetic, whose capacity to legitimize certain types of behavior is considerable (Babalola, 1995). Corruption becomes an increasingly salient issue in development agenda in Nigeria. Both federal and state institutions in Nigeria offer an ideal environment for pervasive corruption; with their weak administrative institutions and often broken legal and judicial systems, they lack the capacity to effectively investigate and enforce

prohibitions of corrupt behavior.

Moreover, the social norms that are expected to contain corruption tend to be weak or non-existent and divisions within societies affected by political and economic instability weaken shared conceptions of the public good (Akindele, 1990). Thus, since the inauguration of EFCC and ICPC as anti-graft agencies by the Act 2000. It has ever been saddled with the responsibility of preventing and fighting corruption. However, when compared to cases of corruption and the number of prosecution, these agencies are yet to score better. While they are sometimes perceived as tools of oppression by the ruling political party leaders little is known about various money and other recoveries made by the EFCC and ICPC. This paper therefore intends to situate the concept of corruption with the national development agenda. It specifically focuses on political corruption among political office holders and public administrators and examines the intervening roles, and obstacles of anti-graft agencies for national development. Conclusively, the paper contributes to the debate on endemic corruption by examining the specific conceptual and political challenges that corruption poses to Nigerian national development and transformation agenda.

Explaining the Concept of Corruption

Corruption has become one of the key lens through which reformers observe the political, institutional and social dynamics of governance in many developing countries. The growing awareness of corruption as a challenge in Nigerian national development project has resulted in the concept becoming a catch-all term. Invocations of corruption have encompassed very distinct social problems including the mismanagement of public assets, weak and dysfunctional government institutions, complex relationships between political actors and public economic assets. Some of the most popular and widely used definitions of corruption can appear tantalizingly simple and clear; it sometimes masked a more complex and contested reality. Thus, both the World Bank's (2006) classic definition of corruption as "the abuse of public power for private gain", or Transparency International's conception as "the misuse of entrusted power for private gain", have been popular with many scholars not only because they are relatively broad definitions that capture a wide range of corrupt practices, but possibly also because they suggest that corrupt behavior can be easily identified, classified and addressed through neat institutional solutions. The analyses, however, suggest that such broad understandings of corruption not only undermine the analytical usefulness of the term, but they also make the development of effective national development policies more difficult. While the many different social problems often subsumed under the label 'corruption' could challenge a peaceful and prosperous order, each one requires a distinct response and cannot be understood through the same conceptual lens and addressed using the same instrument.

Defining corruption is also complicated by the fact that as a social and political concept, its content changes across different social, political and cultural contexts. Practices that are considered corrupt in some countries might be considered as proper and legitimate in others. For example, in some countries, there are special expectations of a public office holder which arise from family and kinship ties; and some actions, even if they are popularly described and regarded as 'corrupt', constitute an essential part of social and political life (Osoba, 1996). As Ogundiya (2009) has argued, most contemporary understandings of corruption require a clear

and established distinction between private and public spheres with public authority organized and legitimized along the lines of Weberian legal-rational authority. Where alternative sources of political authority, in particular authority based on traditions of kinship, are competing with state institutions, and the distinction between public and private are blurred, corruption is more difficult to identify, as public and private duties often overlap. The difficulty of comparing cases and developing policy prescriptions becomes plain when there is not even agreement on the content of the basic concept under discussion.

Despite this recognition of the cultural specificity of the content of corruption, a range of scholars have identified what Mike (2002) has called an 'objective core' of corruption that can help to capture the essence of the concept across different social and political contexts. Mike suggests that common to all understandings of corruption is its subversion of rules governing public office. Similarly, Lawal and Oladunjoye (2010) identify three key elements of corruption: Corruption relies on the existence of a well-developed distinction between the public and private sphere, which breaks down in phases of corruption; Corruption involves administrative or political favors in exchange for inducements, which can be financial but can also take other forms, not least the form of refraining from violence against the official or politician providing the favor; and Corruption involves a violation of shared norms of public office. While such an approach to defining corruption does not get around the problem that different scholars can have different perceptions of whether the act is corrupt or not based on varying societal and cultural norms, this approach does suggest that a qualified systematic and comparative analysis of corruption is possible.

An alternative path to defining corruption focuses not on a structure, but argues that what distinguishes corruption from other forms of malfeasance is that it is a moral concept. Mauro (1998), for example, claims that what is missing from most definitions of corruption is that it 'is an explicitly moral notion: corruption describes, in general parlance, a powerful, all-consuming evil'. There are several problems with such an approach first, it suggests the existence of a set of universal norms that corruption violates the existence of such a strong normative consensus on the content of corruption, however, is doubtful. Second, and equally important, such a moral approach deprives us of analytical focus and precision. It excludes a priory the possibility that different forms of corruption might be harmful in different ways and to different degrees; or that corruption might even be beneficial, if only in the short term, and at a certain cost, for example by sustaining a relatively stable order that might be unequal and unjust, but which minimizes violence (Onyeoziri, 2004).

It also ignores the possibility that corruption might be a very rational response to the situation within which the individuals find themselves, and be a central part of their coping and survival strategies (Obadan, 2002). Third, such a conceptualization of corruption brings with it major problems for national development policy. While developing environments appear to be especially prone to corruption, and while corruption can compromise national development efforts, fighting corruption is not the only objective of development actors-nor is it necessarily the most important one. Enabling corruption might be a price economy developers have to pay to ensure the participation of different factions in a holistic agreement and to end large scale fraud. If corruption were to be seen as an 'all destructive evil', it is difficult to see how such trade-offs could ever be morally justified. National development involves difficult political and moral

choices, and by turning corruption into an absolute moral question, it effectively becomes impossible to prioritize amongst different economic development objectives. In the light of complexity of the concept of corruption, one way to improve the understanding of its consequences for national development efforts is to distinguish between different forms of corruption. Three possible ways of refining the concept standout: first, by contrasting grand and petty corruption; second, by differentiating corruption across sectors; and third, by examining different practices classed as being corrupt.

One of the most common distinctions that is made in the literature and by policy makers is between 'grand' and 'petty' corruption, at times also referred to as political and administrative corruption, or as state capture and administrative corruption(World Bank 2006). Despite the misleading terminology, the grand-petty distinction is not concerned with the scale of corrupt activity, but rather the level at which it takes place- either in political leadership, or the bureaucracy that implements and administers policy. While the former has undoubtedly had a greater impact on the practices and functioning of the political system because it sustains networks of patronage and distorts the laws and procedures of the government (rather than just their implementation), it is petty corruption that is experienced more directly by public office holders in its daily interactions with the state, for example through favors granted and bribes paid regularly to the public and private officials (Ogundiya, 2012). While the impact of these individuals' acts of corruption on the overall peace building process may be minimal, it undermines citizens' trust in the state. Additionally, petty corruption can become a vehicle for targeting ethnic and political groups; in this way, the routine nature of petty corruption can destroy the perception of state neutrality.

The second way to refine the analysis of corruption is to distinguish between corruptions in different sectors (Justice, security, procurement) as they defer in importance between different developing countries. In jurisdictions with substantial natural resources such as oil or diamond, corruption in the regulation of this sectors and the trade in these commodities is likely to be central challenge to development efforts (Epele, 2006). In countries with substantial natural resources such as Nigeria, government procurement and control of publically owned enterprises is key site of corruption (Ibrahim, 2003).

In Nigerian state, it is generally believed that the police and justice system are weak and often perceived to be among the most corrupt institutions. Corruption in these sectors is practically problematic as they create the (often justified) perception that some group or individuals can act with impunity. This limiting trust in some of these institutions creates a sense of insecurity, thereby undermining and feeding into a large scale national development effort. In the aftermath of the military rule in Nigeria, for example, Nigerian judges and prosecutors display a strong bias in favor of few rich political elites against common or less privilege citizens, while the less privilege citizens could barely get a fair trial (sometimes facing the detention without charges). (Onuogu, 2002)

Finally, one can distinguish between different practices classified as corruption. Babatope distinguishes between eight different forms of corruption: fraud, illegal political bargains, embezzlement, bribery, favoritism, extortion, the abuse of discretion and conflict of interest (Babatope, 2008). Ochulor et al. (2011) limit themselves to five main forms of corruption-bribery, embezzlement, fraud, extortion and favoritism while Asaolu identifies seven basic forms

of corruption from a study of corruption in Nigeria (Asaolu, 2013). This includes commission for illicit services, unwarranted payment for public services, gratuities, string-pulling, levies and tolls sidelining and misappropriation. Broadly, these different list agree on the kinds of practices that constitute corruption, but importantly many of them, such as favoritism, the abuse of discretion, or string-pulling can only be meaningfully examined and judged in their specific social context. Therefore, focusing on different forms of corruption does not avoid the pitfall of specific societal understandings of the concept. It can help, however, with analyzing the specific pathways of corruption in different developing environment, and their impact on economic development efforts. It can help, however, to analyze the specific cases of corrupt government officials in Nigerian governance [see the Table 1.1 below].

Table 1.1: High Profile Cases of Corruption Trends in Nigerian Governance [2000-2014]

High Profile Cases 2000-2013					
Ayo Fayose, former governor, Ekiti State	Federal High Court, Lagos	Arraigned on 51 state counts, Plea already taken but defence lawyer keeps filling frivolous applications for long adjournments to frustrate and prolong trial.	N1.2 billion	Granted bail by court since 2007	Inherited cases filled since 17th Dec.2006
Joshua Dariye, former governor, Plateau State	Federal Capital Territory High Court, Gudu	Arraigned on 23 state counts. Plea already taken but defence lawyer challenged court jurisdiction. Case stalled at High Court while on appeal for stay of trial. This is part of calculated attempt to prolong trial	N700 million	Granted bail by court since 2007	Inherited Cases filed since 13th July 2007
Saminu Turaki, former governor, Jigawa State	Federal Capital Territory High Court, Maitama	Arraigned on 32 state counts. Plea already taken but defence lawyer challenged court at High Court while seeking stay of trial at appeal court. It is part of usual attempt to frustrate and prolong trial	N36 billion	Granted bail by court since 2007	Inherited case filled since 13th July, 2007
Orji Uzor Kalu, former governor, Abia State	Federal High Court, Maitama	Arraigned on 107 state counts. Plea already taken but defence lawyer raised preliminary objection against charges. Lost at trial court but has gone on trial. It is part of usual attempt to prolong trial.	N5 billion	Granted bail by court since	Inherited cases filed since 11th June, 2007
James Ibori, former governor, Delta State	Federal High Court, Asaba	Arraigned on 170 state counts. Defence lawyer challenged Kaduna Federal Court jurisdiction lost at trial court but won at appeal court. Case reassigned by CJ to Asaba FHC. Without taking plea,	N9.2 billion	Granted ball by court since 2008 Sentenced by UK Court	Inherited fresh charges filed in August, 2009

		suspect applied to quash charges, prosecution but trial judge quash the charges Dec.19. EFCC filed appeal Dec. 23, 2009			
Lucky Igbinedion, former governor of Edo State	Federal High Court, Enugu	Arraigned on 191 state counts. Applied for plea bargain and Convicted but EFCC has appealed the judgment to seek for stiffer sanctions	N4.3 billion	Case determined	Inherited case filed on 23rd Jan. 2008
Gabriel Aduku, former FCT minister of health	Federal High Court, Maitama	Arraigned on 56 state counts. Court judgment on no case against suspect under review by EFCC	N300 million	Case determined in 2008	Inherited Case filed on 2nd April, 2008
Jolly Nyame, former governor of Taraba State	Federal High Court, Abuja	Arraigned on 21 state counts. Plea already taken but case is stalled as defence lawyer challenged court jurisdiction. Lost at HC, Appeal court, now before supreme court. This is a typical example of frivolous appeal to buy time and prolong trial.	N180 million	Granted bail by court since 2008	Inherited Case filed since 13th July 2007
Chimaroke Nnamani, former governor of Enugu State	Federal High Court, Lagos, State	Arraigned on 105 state counts. Plea already taken but case is stalled as defence lawyer filed to transfer case to another judge on allegation of bias against trial judge even as counsel has filed to challenge court jurisdiction. This is equally an attempt to prolong trial	N5.3 billion	Granted bail by court since 2007	Inherited case filed since 11th December, 2007
Michael Botmang former governor of Plateau State	Federal High Court, Maitama	Arraigned on 31 state counts plea already taken but trial stalled due to suspects aliment, on dialysis	N1.5 billion	Granted bail by court since 2008	Commenced by Waziri on 18th July2008 (Granted bail on health grounds)
Roland Iyayi, former managing director of FAAN	Federal Capital Territory High Court, Maitama	Arraigned on 11 state counts. Plea already taken. Trial on going Court taking prosecution witnesses testimony	N5.6 billion		Commenced by Waziri in June 2008
Kenny Martins (Police Equipment Fund)	Federal Capital Territory High Court, Maitama	Arraigned on 28 amended state counts. Plea already taken and trial ongoing. Witnesses under cross examination Continuation of trial fixed for Nov.9	N774 million	Granted bail by court since 2008	Commenced by Waziri in June 2008(Accused set free by Federal

					High Court, Abuja)
Nyeson Wike, former chief of staff to governor of rivers state	Federal Capital Territory High Court, Maitama	Arraigned on state count. Court quashed charges. EFCC already appealed judgment. Appeal pending at appeal court.	N4.67 0 billion	Granted ball by the court since 2008	Commenced by Waziri on Oct.9 2008(case still in court)
Professor Babalola Borishade, former minister of aviation	Federal Capital Territory High Court, Maitama	Arraigned on 11 state counts. Plea already taken and trial ongoing. Prosecution witnesses under cross examination	N5.5 billion	Granted bail by court since 2008	Commenced by Waziri in June 2008(still in court)
Boni Haruna, former governor, Adamawa State	Fed. High Court, Maitama	Arraigned on amended 28 state counts. Plea taken. Adoption of motion slated for Nov	N254 million	Granted bail by court since 2008	Commenced by Waziri in 2008
Femi Fani-Kayode, former minister of aviation	Federal High Court, Lagos	Arraigned on 47 state count plea taken but case stalled as a result of trial court's refusal to admit e-print of suspect's statement of account as evidence. EFFC on appeal against the decision. Matter pending at appeal court	N250 million	Granted bail by court in 2008	Commenced by Waziri in 2008
Prince Ibrahim Dumuje (Police Equipment Fund)	FCT High Court, Abuja	Arraigned on 28 amended state counts. Plea taken and trial ongoing. Prosecution witnesses under cross examination. Continuation fixed for Nov. 9	N774 million	Granted bail by court since 2008	Commenced by Waziri in 2008
Bode George, chieftain of the ruling party, PDP	Federal High Court, Lagos	Arraigned on 68 state counts. Plea taken and trial concluded.	N100 billion	Accused convicted and sentenced to 2 years. V Convict on appeal while serving jail term	Commenced by Waziri in Dec.08(acquitted and sentenced quashed by supreme court) (December 2013)
Rasheed Ladoja, former governor of Oyo State	Federal High Court, Lagos	Arraigned on 33 state counts. Plea taken and trial ongoing Prosecution witnesses slated for cross examination in Nov.	N6 billion	Granted bail by court since 2008	Commenced by Waziri
Nicholas Ugbade, serving senator) Hon. Ndudi Elumelu, Hon. Paulinus Igwe, serving members of House of Representatives Dr. Abdullahi (serving fed. perm.sec) Mr.	Federal Capital Territory High court, Abuja	Plea taken while prosecution has filed more charges against suspects. Suspects filed to quash charges but application thrown out by court.	N5.2 billion	Remanded in prison custody and later granted bail by court in 2009	Commenced by Waziri in May 2009

Samuel Ibi, Mr. Simon Nanle, Mr. Lawrence Orekoya, Mr. Kayode Oyedeji, Mr. A Garba Jahun, (This is the rural electrification three serving members of the House of Representatives, the permanent secretary of the ministry of power and other high profile public officers)					
Prof B. Sokan, Molkat Mutfwang, Michael Aule, Andrew Ekpanobi, (all directors) Alexander Cozman (MD, Intermarket Ltd) (This is the UBEC case where high profile public servants connived with an American, Alexander Cozman) to defraud government. Dr Ransome Owan, Mr. Abdulrahman Ado, Mr. Abdulrasak Alimi, Mr. Onwuamaeze iloeje, Mrs. Grace Eyoma, Mr. Mohammed Bunu, Mr. Abimbola Odubiyi (This is the Nigeria Electricity Regulatory Commission case where the chairman and his six commissioners corruptly enriched themselves) Dr. Yuguda Manu Kaigama, chairman, Taraba State Civil Service Commission	Federal High Court, Abuja	Arraigned on 64 state counts. Plea taken while more charges were filed against suspects due to appearance of Prof. Sokan. Matter adjourned to Nov 9 for suspects to take plea on amended charges	N636 million	Suspects remanded in prison custody and later granted bail by court in 2009	Commenced by Waziri on May 19 2009
	Federal High Court, Abuja	Arraigned on 196 state counts. Plea taken. Trial billed to commence while more charges were filed against suspects. Further hearing slated for Oct 29 Tom Iseghohi, Muhammed Buba, Mike Okoli, (GM and Managers of Transport Group PLC)	N1.5 billion	Granted bail by court in 2009	Commenced by Waziri on 22nd April, 2009
	Taraba State High Court 5, Jalingo	Arraigned on 37 state counts. Plea taken and matter adjourned for trial	N17 million	Suspect remanded in prison custody. Co-accused, Yakubu Danjuma Takun, at large.	Commenced by Waziri on 10th October, 2009
Dr (Mrs) Cecilia Ibru former CEO, Oceanic Bank PLC)	Federal High Court Ikoyi, Lagos Justice Dan Abutu	Arraigned on 25 state counts. Plea taken and case adjourned to November for trial	N160.2 billion	Suspect remanded in EFCC custody, but granted bail	Commenced by Waziri on Aug 31 2009 (convicted

				on 14/9/09	and sentenced to 6 months jail term).
Francis Atuche, former CEO, Bank PHB	Federal High Court, Ikoyi, Lagos.	Arraigned on 26 count charge Plea taken. Suspect challenged charges but court upheld charges Matter set for trial	N180 billion	Suspect remanded and later granted bail by court. His assets frozen.	Commenced by Waziri on 28th October, 2009
Adamu Abdullahi, former governor of Nasarawa State	Federal High Court, Lafia Nasarawa	Arraigned on 149 court charges. Suspect granted bail by court. Case slated for trial.	N15 billion	Suspect on court bail	Commenced by Waziri on 3rd March, 2010
Attahiru Bafarawa, former governor of Sokoto State	Sokoto State High Court	Arraigned on 47 count charge	N15 billion	Suspect remanded in prison custody and later granted bail by court. Case slated for trial	Commenced by Waziri on 16th December, 2009
Francis Okokuro, Bayelsa State accountant general	Federal High Court, Abuja	Arraigned on 47 count charge	N2.4 billion	Suspect remanded in prison custody till April 13	Commenced by Waziri on 24th March, 2010 (case adjourned to January 23, 2014)

Sources: *Tell Magazine, 9 January 2014 pp 21-23*

It should be noted from Table 1.1 that in all these cases of corruption none of the culprits is currently being detained or serving jail term apart from James Ibori, the former governor of Delta State who is currently being jailed in the United Kingdom, a clear indication of the failure of the Nigerian judiciary to prosecute politicians and ex-public officials. Even Ayo Fayose, who is a chief culprit on the list, has recently been re-elected as the governor of Ekiti state.Also, the inclusion of one of the most corrupt political office holders Mr. Diepreye Alamieyeseigha in the ongoing national conference play down the seriousness of the government to fight corruption in high places. Giving these two scenarios where these offenders are not held accountable for their corrupt crimes, and are in fact rewarded with political appointments, corruption in Nigerian governance can therefore be described as a viper draining the blood of the Nigerian state. Also, in a situation where political elites have been prosecuted and jailed, they are usually given a light jail term, and granted amnesty prior to completing their terms in jail.

Anti-Graft Agencies in Nigeria ICPC and EFCC

The most focused and far-reaching war against corruption in Nigeria could be said to have started during the regime of the erstwhile president of Nigeria, Chief Olusegun Obasanjo especially with the establishment of the two Anti-graft bodies; The ICPC and the EFCC. On assumption of office, Obasanjo (2000) noted that the impact of corruption is so rampant and has earned Nigeria a very bad image. The new dispensation offered by his election gave President Obasanjo an opportunity that was required to prelaunch Nigeria to her rightful place in the comity of nations. Thus, the first bill of Nigeria's Fourth Republic and, thus the first bill he presented to the National parliament for consideration was the ICPC Act which was signed into law in June 2000. On September 29, 2000, the ICPC was established. The new ICPC, designed to reflect relevant public and private experience was mandated to employ all available legal means to rid Nigeria of all vestiges of corruption and to promote transparency and integrity in the public and private lives of all Nigerians. It is mandated to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases, to prosecute the offenders (ICPC, 2000). It also has the mandate to review, examine, and enforce the modification of such structures and systems that are vulnerable to corruption as well as to criminalize a wide range of direct and indirect corrupt practices in public and private institutions (FRN, ICPC, 2002).

In 2003, the EFCC was founded. Its first establishment Act of 2002 was repealed by a bill of the national assembly and reenacted as EFCC Establishment Act, 2004. Its establishment was meant to satisfy one of the conditions of the international Financial Action Task Force (FATF) to remove Nigeria from the list of recalcitrant countries in international financial transactions. Its mandate, among others, was to cause investigation to be conducted into the properties of any person if it appears to the commission that the person's life style and extent of the properties are not justified by his source of income (EFCC, 2004). That broad mandate would cover such areas as corruption in public office, terrorist financing, oil bunkering and 419 scam. 419 is a section of chapter 38 of Nigerian Criminal Code (Obtaining Property by false pretenses; Cheating) that deals with fraud. The scam, also known as advance-fee fraud is a confidence trick where letters or e-mails are sent to different recipients, proposing profitable offers that will pay the intended targets substantially. The scammers use false official documents like government letter headed papers, seals, stamps to make look real. After some time, the target is convinced to advance sums of money inform of taxes, fees, and/or handling charges for the release of the funds. Its first chairman, Nuhu Ribadu, was seconded to head the commission from the Police force when the agency was created. In 2005, EFCC scored its first break when Tafa Balogun, former Inspector-General of Police was sentenced to a six month jail term for corruption (EFCC, 2004). The establishment of the anti-graft commissions was in line with the relevant section of Nigerian constitution which empowered the national legislature to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it (CFRN, 2004).

However, federal government war against corruption, the EFCC was set up to combat the threats posed by money launderers and other organized trans-border criminals operating in Nigeria. The author included statistics of prosecutions, convictions, and funds recovered to show that the EFCC was more effective than the ICPCC during the period under review. But the data relied upon apparently did of take into account the fact that the ICPC focuses on public sector

crimes, while the EFCC mandate embraces both the public and private sector. Without disaggregated data it would be impossible to determine the relative effectiveness of the two agencies using prosecutions, convictions, and recoveries as parameters.

Accordingly, it is believed that any unbiased comparison of the achievements of the EFCC and the ICPC in the areas of prosecution and recovery of proceeds of corruption has to take into account the differences in their mandates and their operational jurisdictions. It will also not be fair to conclude that it was only the activities of the EFCC that resulted in positive changes in the perception of corruption in Nigeria by Transparency International and the Paris Club; other anti-graft agencies should partake of glory and credit for the contributions however insignificant they may appear. It must however be observed that instead creating the EFCC, ICPC's enabling law ought to have been amended to broaden the agency's mandate to include corruption in the private sector. Even if there was an overriding need to create another agency, the jurisdiction of the new agency should have been limited to corruption in the private sector, thereby leaving public sector corruption to the ICPC. With the creation of the EFCC we now have two main anti-graft agencies dealing with public sector corruption, with ill-defined jurisdictional boundaries and operational limits.

The result is the collateral turf war and struggle for supremacy amongst the agencies, stepping on one another toes, sabotaging and undermining one another, seeking credit and applause, self-aggrandizement by leadership of the agencies, and playing to the gallery instead of getting the job done. The establishment of the two bodies provided great impetus for the press to perform the constitutionally ordained role of effectively watching over the activities of the government so as to ensure efficient survive delivery. Despite the strident criticism that the war was biased and the agencies were being used to witch-hunt enemies of the government, it is still provided great support to the ant-graft agencies in its activities. The ICPC Act21 vests in the officers of the Commission, all the powers and immunities of a police officer under the Police Act and any other laws conferring power on the police, or empowering and protecting law enforcement agents. Section 6 of the ICPC Act confers three main responsibilities on the commission. They include receiving and investigating reports of corruption and, in appropriate cases, prosecuting the offenders; examining, reviewing and enforcing the correction of corruption prone systems and procedures of public bodies, with a view to eliminating corruption in public life. The mandate also involves educating and enlightening the public on and against corruption and related offences with a view to enlisting and fostering public support for the fight against corruption. Section 61 of the Act states that any prosecution for an offence under the Act is deemed to be done with the consent of the Attorney-General. Under section 13 (2) (a) of the EFCC Act22 the Legal and Prosecution Unit of the Commission is charged with the responsibility of prosecuting offenders under the Act. There has been a longstanding controversy over the independence of the ICPC, EFCC and the Code of Conduct Tribunal, regarding whether they should seek permission and approval of the Attorney-General and Minister of Justice before initiating prosecutions. Late President Umaru Yar'Adua had directed that all agencies involved in the prosecution of criminal cases should seek the consent of the Attorney–General. In addition, the agencies are also to report to the Attorney-General of the Federation in accordance with relevant laws.

And, recently, the Attorney-General of the Federation and Minister of Justice,

Mohammed Bello Adoke, advocated the merger of the nation's anti-corruption agencies, the EFCC with the ICPC (Akanbi, 2001). Adoke alleged that as a result of incompetence, inadequate capacity to thoroughly investigate and prosecute economic crimes, many high profile corruption cases, such as the $180m Halliburton bribe scandal, the alleged N50bn Police Equipment Fund fraud and the #3billion Vaswani Brothers rice importation scandal, failed as the agencies lack capacity to collate evidences to sustain charges and secure conviction in court (Eme, 2010). The Attorney-General of the Federation further argued that the two anti-graft agencies seemed not to understand their roles and statutory mandates as they conflict more than agree over jurisdictional issues when "the Act establishing the ICPC mandates it to fight official corruption while the Act setting up EFCC mandates it to fight economic crimes and money laundering." In addition, he also posited that the mandates of the two commissions overlap (Aiyede, 2008). Similarly, a former Attorney-General of the Federation and Minister of Justice announced while in office that the Federal Government was considering merging the EFCC and ICPC because of overlapping functions (Daily Trust, 2007).

These anti-graft agencies were referred to as 'white elephant security agencies." The argument has always been that proliferation of crime-busting agencies has undermined the effectiveness of the police culminating in frequent friction amongst the agencies over issues of mandate and jurisdiction. To compound the situation the current Attorney-General recently promulgated a controversial Statutory Instrument pursuant to his powers under section 43 of the EFCC Act of 2004 to the effect that all cases under the purview of EFCC must be cleared with the Attorney-General before prosecution (Waziri, 2010). The instrument attracted much public criticism but it has not been revoked. It must be mentioned that the position taken by the above mentioned public officers is not popular with the public. Indeed, failure of the police to investigate and successfully prosecute corruption and allied cases was the main catalyst for the establishment of these agencies at various times. While recognizing that the operations of the agencies have room for improvement scrapping or merging them with the Police will compound an already bad situation. Reform of these institutions, especially the anti-corruption agencies, must emphasize the need to work together. Mandatory and regular exchange of information and intelligence by the agencies, in the overall interest of the country, must be enforced.

Obstacles to Anti-Graft Efforts in Nigeria

As the article shows, anti-corruption efforts in Nigeria have focused on strengthening state capacity; on increasing transparency in decision-making, especially in spending decisions; and on the accountability of public actors, through both formal and informal monitoring processes. However, despite the substantial resources dedicated to these efforts, its impacts on corruption has been limited, with most Nigerian states lingering at the bottom of national corruption and governance indices. Looking at the emergence of Nigerian leaders and their anti-corruption efforts in strategic operations which boils down to recycling of old leaders at the helm of affairs, it only shows the reasons why corruption has remained such a problem. Three issues stand out: nationalizing governance functions; an emphasis on formal institutions and a focus on state-institutions.

Firstly, a substantial number of strategic operations have witnessed the nationalization of governance functions, either comprehensively, as with democratic administrations in Nigeria

(Falana, 2006), or more selectively, with nationals controlling the budgetary powers, or the justice system. Examples of the latter include ICPC in Nigeria that introduced local experts with co-signature authority into key ministries and public enterprise to enhance transparency and accountability, especially with regard to revenue collection, procurement and spending decisions (Waziri, 2010). While aiming to enhance transparency and accountability, such nationalized set-ups also aim to strengthen the capacity of these institutions and train local officials. In some respects, such mechanisms have been quite successful: ICPC contributed to a tripling in Nigerian revenues, while EFCC has begun to investigate a senior government minister and popular former governors for corruption associated with different cases or issues. However, all such mechanisms face obvious problems of sustainability, for if they fail to address the underlying organization of corruption and the social and economic structures that fuel it, corrupt officials can simply choose to wait out the national presence. Because of the fact that these types of intrusive anti-corruption mechanisms compromise norms of sovereignty and self-governance, they can be politically costly to maintain and fuel local resistance to the wider national strategic effort.

Secondly, in EFCC and ICPC anti-corruption efforts, strategic operations have focused on building and strengthening formal anti-corruption institutions, such as anti-corruption commissions, the judiciary, and procurement systems based on federal/or national best practices. However, these efforts often fall short as anti-corruption institutions are sufficiently resourced and insulated from political influence. As highlights, they can only be effective if they have strong political support, have adequate financial resources, and are given a strong official mandate. However, it is rarely in the interests of political elites to establish independent and well-resourced institutions that threaten the networks that sustain their power. In Nigeria, for example, the anti-corruption agencies have lacked substantial political support, and have been starved of funds and with a small staff they have no capacity to investigate corruption allegations (Tony, 2008). In addition, the focus on strengthening anti-corruption institutions is rooted in the idea that weak formal institutions in Nigeria fuel corruption. However, as the study show, corruption in Nigeria is also the consequences of concomitant informal power structure that fuel and shape relationships of corruption. Such efforts to strengthen formal institutions are rarely accompanied by similar efforts to weaken or co-opt these informal structures, limiting the impact of anti-corruption reforms, as highlighted.

Lastly, federal governments tend to focus their anti-corruption efforts predominantly on the actions and institutions of the state, rather than on the practices of public and private international institutions such as business, NGOs, or International organizations. However, in Nigerian states one cannot really understand-let alone successfully fight-corruption without attending to the role of international actors/or institutions and structures because the scale of aid and the way in which it is disbursed, has important consequences for corruption. Similarly, the exploitation of natural resources and the networks of corruption that accompany it are inextricably linked to international markets. Yet, with a few notable exceptions, federal government anti-corruption efforts have focused predominantly on the role of the Nigerian state-despite the fact that external actors and structures play an important role.

A recent assessment by the Save Nigeria Group (SNG) notes a glaring lack of primary data that would allow for comparisons between programs on how and where donors have allocated funds (Daily Trust, 2010). While civil society has undertaken similar efforts through

campaigns to encourage transparency and accountability in the natural resources sector, Ribadu (2006) argues that with the growing national competition for national resources, the desire of federal government to put pressure on mining companies has declined. Instead, the emphasis has shifted to encouraging recipient developing governments to be more transparent about our natural resource income under the Nigerian Extractive Industries Transparency Initiative. On the other, as a consequence of an effective campaign by anti-corruption NGOs in Nigeria, the 2013 financial reform bill included provisions requiring resource extraction companies to disclose all payments made to federal governments for oil, gas or minerals. As the bill takes effect, it will become clearer whether these efforts to enhance transparency will have the desired effect on corruption.

Impact of Corruption on National Development

Is corruption always so damaging to state capacity to develop or to the concept of national development? At the very least, limiting anti-corruption efforts of EFCC and ICPC may be an important ingredient in mollifying elites who are in a position to disrupt critical policies. The Punch argues that toleration of some corruption prior to the 1999 elections in Nigeria enabled relative newcomers to enter politics as political leaders busied themselves with the business of making money. This avoided the consolidation of wartime incumbents in politics; yet their stakes in the economy, corrupt through these were, brought them into politics in a more pluralist fashion (The Punch, 2011). There is a common assumption that corruption has a negative impact on state building outcomes (Punch, 2008). Indeed, the harmful impact of corruption in developmental building in Nigeria has been a dominant discourse amongst policymakers and local media (The Punch, 2008), in particular with regard to Nigeria. Much of the general scholarly literature on corruption further underscores its harmful effects (Sorkaa, 2002).

There is no doubt about the substantial social and economic costs of corruption, such as lower economic growth (Agbonifo, 1985) and growing inequality (Epele, 2006). In addition, corruption has been associated with the undermining of trust in Nigerian society (Akindele, 1990), the increase in political instability (Bassey, 1997), how Nigerian citizens feel about the performance of their democracy (Adelekan, 2012), and the entrenchment of patronage networks and political elites (Akinbi, 1999). Despite the fact that corruption poses a strong threat to economic development, political stability, good governance and state legitimacy, in Nigeria the costs of corruption need to be seen in the wider context of state building, and the additional competing priorities that arise from such environments.

Can corruption be overcome?

There is no doubt that corruption is many-faceted and can be deeply rooted within countries without good governance. Consequently, no one-dimensional measure will fully tackle the problem. Certainly, the political and determination of good leaders is essential but it may not be sufficient. There must be institutional reform and increased accountability of the judiciary, legislature, security services and other institutions of government. But again, without adequately trained, educated and rigorous personnel, these institutions may be weak and ineffective. Legal systems must focus attention on procurement processes and not be afraid or uncertain of prosecuting powerful and important people if they are suspected of engaging in corrupt practices.

A free media and active, sophisticated civil society both play an important role in shining a light on corruption. The international community's emphasis on anti-corruption is useful but should not lead to purely cosmetic organizations being set up in states that are keen to tick the boxes of multilateral donors. Any anti-corruption institution set up simply to meet the requirements of federal and state governments will be neither effective nor efficient. Equally, the business practices of Nigeria. Grand corruption and looting cannot be addressed without the skilled assistance of foreign countries, especially when monies have been spirited away to foreign banks. Asset of the developing Nigeria must not exacerbate or be complicit in corrupt arrangements with governments recovery is now gaining far greater attention. The International organizations also have an important role to play in both alerting the global environment to the menace of corruption and providing a framework for tackling the issue in Nigeria. Although it has tended to concentrate on advocacy, it has become pro-active on certain occasions. For example, some international institutions held a panel on the illegal exploitation of the mineral resources in the Niger-Delta of Nigeria. If corrupt practices are viewed as a part of everyday life about which little or nothing can be done, a deep malaise spreads over the whole of society with pernicious effects on all sectors: political, economic, legal and business. In short, every aspect of the nation becomes tainted with corruption. Although Transparency International found there were some grounds for optimism in Nigeria's anti-corruption measures, there was a considerable 'gap between commitments and actions'. Ultimately, it concluded 'greater political commitment is required if Nigerian governments are to be effective in combating corruption' (Transparency International 2013).

Conclusion

Knowledge about controlling corruption is more limited than is generally recognized and especially thin where corruption significantly impedes establishing the rule of law. This is not just because corruption is a hidden or concealed activity. At the moment, knowledge is drawn from only Nigeria where the results of corruption investigations have been publicized. Although the forms of corruption may seem similar globally, the particulars of who does what, when, and how vary considerably. Understanding these particulars is essential for formulating programs of remediation. Even less is known about either the contextual conditions or programmatic tactics that determine success in anti-corruption agencies reform. Efforts at reform, rare as they are, have not been systematically evaluated; they have rarely been even adequately described. This may change due to the creation of permanent, independent agencies in several countries that monitor and report on corruption. At the moment, however, there are little more than scattered anecdotes about what works.

People working in economic intervention and governance reconstruction tend to be pessimistic about the prospects for reducing corruption. It seems to be an endemic problem over which foreign donors have little leverage. Pessimism is justified. Not only are there operational problems of insecurity, unreliable personnel, and dysfunctional institutions, but corruption is supported by social structures and attitudes that are embedded in local ways of life. It can seem as if reducing corruption requires ambitious nation building and the transformation of local cultures. At the same time, there are a few examples of successful corruption reduction. Nigeria made a concerted attack on corruption in the 2009, establishing an EFCC. In the 2011, following

the report of the EFCC, the state of Nigeria, created a permanent, independent Criminal Justice Commission to oversee performance throughout the justice system. Unfortunately, the success of these efforts in Nigeria seems to be short term, as little as twenty years. Even more worrying, the examples cited come from relatively prosperous and political stable. This reinforces the pessimistic view that corruption reform requires conditions unlikely to be found in the world's most troubled places-unless, of course, foreign intervention is undertaken on a long-term, nation-building scale.

Insufficient as knowledge is about reducing corruption, any international efforts to foster and support the rule of law must prioritize attacking corruption. To do otherwise is to be as willfully blind as executives who blame "bad apples" for systemic misbehavior. All programs seeking to strengthen the rule of law should insist on creating programs that eliminate corruption in the forms that matter most too local populations. Reformers need not solve the problem across the board in governmental sectors, or forever. But they must begin. Eliminating corruption in its most blatant forms should be a required condition for any foreign assistance program undertaken to facilitate democratic governance.

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