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As It Was in the Beginning: The Vicious Cycle of Corruption in Nigeria

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Abstract

Corruption, both in its high and low typologies, is an enduring problem in Africa and is widely believed to constitute a major drag on the continent's progress and development writ large. This paper focuses on the development of the problem of high-level corruption, and struggles against it, in Africa's most populous and oil-rich country, Nigeria. The paper critically examines the past and present experience of corruption in Nigeria and concludes, especially in the light of current oil-related scandals, that Nigeria is regressing rapidly in its war against corruption. The paper is historically anchored and identifies key periods and issues in Nigeria's political trajectory which set the stage for a current system that tolerates, even rewards, corruption.

Key words: Corruption; Development; Nigeria

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Africa has suffered from governments that have looted the resources of the state; that could not or would not deliver services to their people; that in many cases were predatory, corruptly extracting their countries' resources, that maintained control through violence and bribery; and that squandered and stolen aid. (UK Commission for Africa, 2005, p.106)

INTRODUCTION

Corruption dates back to human antiquity. In a fourth century B.C. treatise on public administration in India, Kautiliya clearly underscores the lure of filthy lucre: "Just as it is impossible not to taste the honey that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the King's revenue" (Kangle, 1972, p.91). In the same treatise, he acknowledges the surreptitious nature of pilferage: "Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out while taking money for themselves" (Ibid). While corruption in one form or another is an ancient problem, it has had "variegated incidence in different times at different places, with varying degrees of damaging consequences" (Bardhan, 1997, p.1320). It has also involved a wide spectrum of practices as well as a range of analyses of its causes and consequences especially in developing countries (Harsch, 1993, pp.33-34).

This paper focuses on the development of the problem of high-level corruption, and struggles against it, in Africa's most populous and oil-rich country, Nigeria. The paper critically examines the past and present experience of corruption in Nigeria and concludes, especially in the light of current oil-related scandals, that Nigeria is regressing rapidly in its war against corruption. The paper is historically anchored and identifies key periods and issues in Nigeria's politico-economic trajectory which set the stage for a current system that rewards corruption rather than punish it.

The rest of the paper is structured into seven sections. The second explores the meaning of corruption and draws a distinction between high-level and low-level corruption. The third section discusses the paradox of development in Nigeria. The fourth section traces the political culture of corruption in Nigeria to particular regimes. The fifth

section exposes recent oil-related corruption scandals in Nigeria under Goodluck Jonathan's current administration. The sixth section examines the costs of high-level corruption in Nigeria. The seventh section focuses on Nigeria's struggle against elite corruption (as spearheaded by the Economic and Financial Crimes Commission, EFCC) and its associated challenges. The concluding section summarises the entire discourse and recommends a way forward for Nigeria.

1. CORRUPTION EXPLAINED

The definition of corruption is much contested in the literature. This notwithstanding, contemporary social science tends to define corruption as "a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary" (Bayley, 1966, p.720). Since the publication of his 1967 seminal paper on "Corruption and Political Development," Nye's public-office definition of corruption has become the *locus classicus* and will be adopted in this paper, *forte de mieux*. Nye (1967, p.419) identifies corruption with "behaviour which deviates from the normal duties of a public role because of private-regarding (family, close private clique), pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence." When extended to include unscrupulous performance, undue pressures to influence official decisions and failure to act, Nye's definition should suffice as a working definition in most instances. It underscores the behavioural element—intentional deviation for personal gain. It covers most market-centred definitions that focus on maximizing pecuniary gains, and it can be stretched to take in public interest definitions which identify corrupt acts as those which favour private interests of the dominant capitalist. Perhaps, the only area that is not covered by Nye's definition is that of "noble" or "patriotic" corruption where public officials supposedly turn their private vices into public benefits (Werner, 1983, p.147).

Corruption may be much contested in the literature but it is generally not difficult to recognise when observed (Fagbadebo, 2007, pp.28-37). Given the multi-faceted, dynamic and flexible nature of corruption, it is useful to clarify some practices in Africa that fall within the purview of corruption. According to the excerpts from Article 4, clause 1, of the African Union Convention on Preventing and Combating Corruption and Related Offences, corrupt practices include:

- a) The solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions
- b) The offering or granting, directly or indirectly, to

a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions

- c) Any act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party

- d) The diversion by a public official of any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the state or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position

- e) The offering or giving, promising, solicitation or acceptances, directly or indirectly, or any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties

- f) The offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result

- g) The significant increase in the assets of a public-official or any other person that he or she cannot reasonably explain

- h) The use or concealment of proceeds derived from any of the acts referred to in this article, and

- i) Participation as a principal, co-principal, agent, instigator, or accomplice after the fact, or in any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit any of the acts referred to in this article (Agbiboa, 2010, p.481).

1.1 Levels of Corruption

A salient and oft-drawn distinction in the corruption literature concerns the differences between high-level (also known as grand) corruption and low-level (also known as petty) corruption. A further discussion of these distinctions is of crucial importance to the current study since its overall thematic concern is low-level corruption.

1.1.1 High-Level Corruption

This level of corruption describes a situation in which highly placed individuals abuse their privileged positions to extract large bribes from national and transnational

corporations, appropriate significant payoffs from contract scams, and siphon large sums of money from the public treasury into private bank accounts. In former Zaire (present-day DRC), President Mobutu Sese Seko (1965-1997), for a classic example, compromised the development of his country by diverting 60 percent of the annual budget to personal bank accounts overseas, bragging on U.S. television in 1984 that he was the second richest man in the world. In the Philippines, Mrs Imelda Marcos, “First Lady” until 1986, admitted that there was at least US\$800 million stashed away in Swiss bank accounts during her time in office. Since most of Africa’s wealth is often secreted abroad, it is important to briefly define the related concept of money laundering—a process which purposely obscures the origin of money and its source (Agbibo, 2013). The UN Convention against Transnational Organised Crime defines money laundering as:

(i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origins of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her actions. (ii) The concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of crime (UN, 2000).

The principal motivation of money launderers is to confuse the onlooker and confound the inquirer. The aim is to create the pseudo-impression that the funds in their possession were generated from licit businesses so as to thwart any efforts to trace the funds back to the crime and by doing so, they are able to escape being convicted for the earlier crime. Money laundering poses a major impasse in a globalised era of modern information technology which enables everyone to communicate and to carry out instantaneous electronic transfers of large sums across borders. As noted by Hires Patel: “The boom in technology over the last economic period has acted as a catalyst for the boom in fraud. Computerisation and globalisation have made fraud easier, quicker to carry out and easier to conceal. Organised criminals in particular have taken advantage of this” (as cited in Kochan, 2010, p.13). Not infrequently, financial intermediaries (e.g. bankers and lawyers) have been implicated in facilitating the flow of stolen wealth of public officials from developing countries through structures in Western countries (Palan, Murphy, & Chavagneux, 2010). In pursuit of organisational and personal interest, the financial intermediaries create enabling structures that support illicit activities of political and economic elite.

1.1.2 Low-Level Corruption

Riley said that “Petty corruption is obviously not petty to those who experience it” (p.191). This level of corruption, particularly pervasive and damaging for the poorest in poorer societies, involves smaller sums and usually

implicates ordinary people or more junior officials with considerable discretion in their dealings with citizens and little accountability. Low-level corruption captures the experiences of petty bribery and corruption that citizens encounter in their everyday interaction with corrupt public officials, especially in their struggle to obtain public services such as health care, education, paying taxes, and obtaining licenses. Instances of low-level corruption include bribes offered to a policeman to avoid a fine, a backhand to a customs officer to avoid overtaxing or the use of government vehicles for private business by drivers. In the former Zaire, “corrupt payments were necessary to enrol children in schools, to visit public health clinics, to get licenses and permits” (Riley, 1999, p.190). So generalised and banalized was low-level corruption in Zaire that Zairians developed an elaborate terminology to describe it: “beans for the children, a little something, an encouragement, an envelope, something to tie the two ends with, to deal, to come to an understanding, to take care of me, to pay the beer, to short-circuit, to see clearly, to be lenient or comprehensive, to put things in place, to find a Zairian solution” (Ibid). Addressing government officials in 1984, Mobutu Sese Seko, Zaire’s former president, once said “if you steal, do not steal too much at a time. You may be arrested. Steal cleverly, little by little”.

According to Olivier de Sardan (1999, p.28), high-level corruption has nothing in common—in terms of scale, social space and actors—with low-level corruption. The latter, he argues, “is extremely familiar to ordinary mortals, who come into contact with it, exploit it or become its victims, on an everyday basis.” The differences between low-level and high-level corruption notwithstanding, Olivier de Sardan argue that it makes sense to understand them as two extremes “on a continuum of forms of corruption” (Ibid). Without any prejudice to the significance and pervasiveness of low-level corruption in Africa, the main focus of this paper is on high-level corruption and its negative ramifications for Nigeria’s development.

2. THE PARADOX OF DEVELOPMENT

Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand 10 percent; those that seek to keep the country divided permanently so that they can remain in office as ministers or VIPs at least, the tribalists, the nepotists, that make the country look big for nothing before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds... (Nzeogwu’s Declaration of Martial Law on January 15, 1966)

With a population of roughly 113 million, Nigeria is undoubtedly a major hegemon in Africa. Nigeria is influential both within Africa and in the global economy—not least in the proven capability of her internal events to

destabilize the global oil market. Unfortunately, Nigeria is a country where nearly 100 million of its citizens survive on less than one US dollar a day (Agbiboa, 2013). In January 2012, Nigeria's National Bureau of Statistics (NBS) published a report showing that the percentage of Nigerians living in "absolute poverty" had increased nationwide from 55 percent to 61 percent between 2004 and 2010 (NBS, 2010). This considerable rise is notable in a country that, in 2011, was the sixth largest oil-exporting country in the world. Drawing on a World Bank report, Afiekhena (2005) estimates that "about 80 per cent of Nigeria's oil and natural gas revenues accrue to one percent of the country's population. The other 99 percent of the population receives the remaining 20 per cent of the oil and gas revenues, leaving Nigeria with the lowest per-capita oil export earning put at \$212 per person in 2004." In most cases, this ill-amassed wealth is stashed in bank accounts overseas. As Ojodu (1992, p.33) once said that "corruption has become [Nigeria's] major export apart from oil."

Nowhere is Nigeria's corruption and development failure best illustrated than in the oil-rich Niger Delta region which produces the country's oil wealth. As one astute commentator notes, the Niger Delta remains "the ultimate desecration and monumental testament to the failure and criminality of the [Nigerian] ruling class" (Ogbunwezeh, 2009). A study by Ibeanu (2006, p.1) reveals that: "There is one doctor per 82,000 people, rising to one doctor per 132,000 people in some areas, especially the rural areas, which is more than three times the national average of 40,000 people per doctor. Only 27 percent of the people in the Delta have access to safe drinking water and about 30 percent of households have access to electricity" (Ibid). In 2013, political corruption stemming from interethnic rivalry and aimed at the control of the state machinery for private interests is at the root of pervasive social conflict for which Nigeria is deservedly notorious. The extent of Nigeria's failure is further discernible when we compare the country to Indonesia, another huge, populous, ethnically diverse, and oil-nation. Both Nigeria and Indonesia have suffered military rule and, at times, massive bloodshed. At independence, both countries were nations of subsistence farmers. Both struck oil and were deluged with petrodollars. But here the parallels cease. Indonesia has not exactly been a model of good governance, yet average incomes rose from under \$200 in 1974 to \$680 in 2001. This is despite the Asian financial crash of 1997. In 2002, the UN Development Programme (UNDP) reported that Nigerians are more than twice as likely as Indonesians to be illiterate or to die before the age of 40 (UNDP, 2002). The sobering reality of scarcity amidst surfeit in Nigeria has led some analysts to describe Nigeria as a "paradox of plenty" and a "political economy of state robbery" (Agbiboa, 2012, p.325).

3. THE POLITICAL CULTURE OF CORRUPTION IN NIGERIA

The Nigerian state may be understood from its military origins which contributed significantly to entrenched corruption in Nigeria. The military ruled Nigeria for nearly 30 years out of its first 40 years of independence. Military governments were in power from 1966 to 1979 and from 1983 to 1999, with the exception of a 3-month period in 1993 that saw an interim civilian administration. No other country in Africa has been as coercively dominated for so long a period by their own military as the people of Nigeria. Thus, Nigeria is a classic example of a militarised state which consists of the use of (or the threat of) violence to settle political conflicts, the legitimization of state violence, the curtailment of freedom of opinion, the domination of military values over civilian life, the violation of human rights, extrajudicial killings and the gross repression of the people. As the late Nigerian political scientist Claude Ake (1992, p.16) argues, "the postcolonial state in Nigeria presented itself as an apparatus of violence, and while its base in social forces remained extremely narrow it relied unduly on coercion for compliance, rather than authority."

The Nigerian state may also be explained from the perspective of its colonial origins which ensured its untimely integration into global capitalism. This was to facilitate the sole *raison d'être* of colonialism, namely the exploitation of capital and surplus value. Thus, the conception of the state as an instrument of private accumulation and patron-client ties as the dominant mode of political relations began to crystallise. The attendant privatisation of the state, defined as the appropriation of the state to service private interests by the dominant faction of the elite, became woven into the tapestry of the political system so as to thwart any attempt to reverse the trend. It is against this backdrop that Omotola (2006, p.7) describes the Nigeria state as a "rentier state dependent almost entirely on revenues from oil, grossly lacking in autonomy from vested interests, and relying on the use of force to quench all protests against its exploitative and accumulative dispositions..." Ake (1992, p.55) puts it even more succinctly as "the militarization of commerce" and the "privatisation of the state."

Out of the amalgam of ills bedevilling the Nigerian state, including thuggery in politics, lack of commitment to democratic ideals, ethnicity and bureaucratic incompetence and, increasingly, religious extremism, elite corruption has arisen to subsume all other vices and become the emblematic defect of the fledgling republic. Between 1960 and 1999 state actors in Nigeria siphoned over \$440 billion (Agbiboa, 2011). This is six times the Marshal Plan—the sum total needed to rebuild devastated Europe in the aftermath of the Second World War. Through high-level corruption, conspicuous consumption and foolish investments, successive governments

squandered the oil windfall of the 1970s. In fact, since they borrowed billions against future oil revenues and misspent that money too, it is fair to say that the Nigerian government blew more than its entire oil windfall. By 1998, Nigerians were poorer than when the oil boom began in 1974, and the country was saddled with debts of around \$30 billion (Guest, 2004).

High-level corruption in Nigeria is traceable, in particular, to two specific venal military regimes: General Ibrahim Babangida (1985-1993) and General Sani Abacha (1993-1999). As one commentator notes:

Brazen acts of venality in the public service reached unprecedented levels under the military regimes of Ibrahim Badamosi Babangida (1985-1993) and Sani Abacha (1993-1998). From the very apex of political leadership to the bottom of the ladder, public officers... wallowed openly in corruption, but government all but admitted that it was helpless to check the advance of corruption" (Ocheje, 2001, p.175).

3.1 The Babangida-Abacha Era: The Apogee of Corruption

The main distinguishing feature of corruption in the Babangida regime was the pervasive culture of impunity: any of his acolytes, however high or low in status, could loot the treasury to their heart's content with impunity, provided they remained absolutely loyal and committed to the leader. Those who backslide or waver in their loyalty and commitment were terrorised with all the coercive instruments of state power, even when they had done no wrong. (Osoba, 1996, p.382)

Babangida holds the record as the first military dictator in Nigeria to declare himself "President and Commander-in-Chief of the Armed Forces" (Ibid, p.381). The high level of corruption during the Babangida era was given greater rein by two propitious factors: the nine-year tenure of the regime (1985-1993) and the huge surge in oil revenue, including the famous oil windfall occasioned by the Iraq War in 1991. A whopping sum of US\$12.67 billion earned during the war could not be accounted for by the Babangida-led regime. According to Ribadu (2006), former Nigerian anti-corruption czar, this era was "tainted with profligacy, wanton waste, political thuggery and coercion..." Osoba (1996, p.381) argues that for the eight years of Babangida's stay in power, the regime never took a public stance against corruption. Instead it proceeded with hitherto unknown dynamism to establish a *sui generis* military autocracy, grounded on cronyism, blatant corruption of high-profile individuals and groups in society and ruthless and systematic suppression of so-called "radicals," "extremists," and other real or imagined opponents of the regime. Indeed, it would appear that "the widespread and systematic use of corrupt means by Babangida to 'settle' many actual and potential critics rested on the impeccable presupposition that if he corrupted enough Nigerians there would be

nobody to speak out on the issue of corruption or public accountability" (Ibid).

A curious action taken in the late 1980s by the Babangida regime was its release of the ill-gotten assets seized from top government officials who served in Yakubu Gowon's regime (1966-1975), after these officials were found guilty of corrupt enrichment by a special military tribunal. These seized assets were returned to their "owners" (Ocheje, 2001, p.173). Babangida also released most of the corrupt politicians incarcerated by Buhari-Idiagbon regime and restored to them their lost military ranks, in addition to tendering a national apology to the officers. In 1991, Babangida's regime also formally rehabilitated all the military officers who had been probed, found guilty of corruption, and dismissed "with ignominy" from the Armed Forces by Murtala Mohammed's regime in 1976. Among the more prominent of these are Jim Nwobodo, former governor of Anambra State, who was convicted of corruption, sentenced to 22 years imprisonment and ordered to refund N9.95 million, but later became a Nigerian senator; Solomon Lar, former governor of Plateau State, found guilty of corrupt operation of "security" vote, and sentenced to 21 years in jail, but later became chairperson of the ruling People's Democratic Party; Samuel Ogbemudia, former military governor of the then Bendel State, found guilty of corrupt enrichment and made to forfeit millions of naira worth of assets to the federal government by a special tribunal under the Murtala Mohammed regime in 1975, but went on to become a civilian governor of the same state in 1983; Philip Asiodu, found guilty of corruption by the same tribunal, but who later became senior presidential advisor on the economy. Ocheje (2001, p.173) describes this action as "political fecklessness in the matter of the control of corruption that abounds in Nigeria's political history."

As a consequence of this irresponsible action, the wrong signal was sent to public officials in Nigeria that corruption in the public sector was a pardonable offence, thus making conformance to ethical standards appear to be foolish. The above pattern of "pardoning" and recycling corrupt elites has continued to this day in Nigeria. In the most recent case, the government of Goodluck Jonathan granted pardon to ex-Bayelsa state Governor, and former ally, Diepreye Alamiyeseigha (1999-2005)—who was convicted of stealing millions of dollars during his time in office—because he had been "remorseful" (BBC News, 13 March 2013). Alamiyeseigha was also declared free to run for elections again. Nuhu Ribadu, former Nigerian anti-corruption czar, condemned the "irresponsible decision" and noted that the pardon was 'the final nail' in the coffin for fighting corruption in the country (Ibid).

Moving on, the Babangida regime turned the Central Bank of Nigeria (CBN), the country's bank with a legally guaranteed independent board of directors and power

to issue the country's legal currency and to monitor and regulate the country's banking system, into an instrument for private accumulation. Under the administrative and structural changes in the CBN announced in the 1988 budget, the Bank was transferred to the office of the President and the CBN governor was obliged to report directly to the President. Following the CBN Decree of 1991, the president's control of CBN became complete. As a former top official noted:

In practical terms the 1991 CBN Decree made the President the sole authority for deciding the nation's monetary and banking policy, and for issuing directives for its implementation. The Central Bank of Nigeria (CBN) had become the 'Central Bank of the President' (CBP), a unit or department in the office of the president carrying out the president's binding directives on monetary and banking policy. (Osoba, 1996, p.382)

It was through this "legitimate" means that Babangida was able to fund his numerous corrupt and "white-elephant" project, as well as to transfer public assets into his foreign bank accounts or the private coffers of members of his regime and their supporters. As the Pius Okigbo Panel of Inquiry into the Central Bank's Account during the Babangida era revealed: "it was this unscrupulous subjugation of the CBN to the president's will that made it possible for Babangida to siphon some \$12.4 billion of Nigeria's oil revenue from the CBN account into a so-called dedication account, money from which he was able to use without being accountable to anyone" (Osoba, 1996, p.382). Strikingly, in the years between 1985 (when Babangida ascended power) and 1993 (when he exited power), the money in circulation in Nigeria jumped from N11.8 billion to N100.5 billion, thus "injecting an intolerably high level of cumulative devaluation and inflation into the national currency and economy" (Ibid). The foregoing combined to dramatically lower the level of income and living standard of the vast majority of Nigerians during this era.

If Babangida's era was bad, Abacha's was worse. In five years of dictatorship and frenetic looting, Abacha paralyzed the machinery of governance and pauperized the citizenry. He notably arrested/incarcerated commercial bank chiefs in Lagos while he and his kitchen cabinet were simultaneously stealing and stashing away in banks around the world of between US\$5 Billion to US\$50 Billion (Agbiboa, 2012). Nearly 15 years after Abacha's death, the Swiss Government has said that it has so far repatriated the sum of US\$700 million stolen by the late dictator and deposited in several Swiss banks. The Nigerian government has also recovered over \$100 million of the funds stolen by Abacha and his family from the autonomous British island of Jersey and an estimated \$150 million from Luxembourg. Other funds belonging to Abacha remain frozen in accounts in Liechtenstein, Luxembourg, and the United Kingdom. In November

2009, Abacha's son was convicted by a Swiss court for his role in a criminal organisation and seized \$350 million in assets stolen from Nigeria (Ploch, 2010). In direct consequence of so much venality in public life, poverty has now embedded itself among the people of Nigeria. Also, under Abacha, the Nigerian "rule of law" was dealt a fatal blow. For example, the regime enacted Decree No. 12, of 1994, which officially removed the authority of the courts to investigate, let alone challenge, the actions of members of the regime. Ake (1995, p.5) argues that when this happens, "the state effectively ceases to exist as a state and compromises its ability to pursue development."

The unfettered nature of corruption under military rule was confirmed by former Nigerian President Olusegun Obasanjo: "There was corruption! Corruption! And Corruption! Everywhere and all the time! Corruption was not only rife, it had eaten so deeply into the marrow of our existence that looters and fraudsters had become our heroes, and it seemed we could no longer place any faith in honesty and decency and hard work" (as cited in Njoku, 2000). Alas, Obasanjo did not fare any better.

3.2 Olusegun Obasanjo: Hope Betrayed

The hope that Nigeria's return to democratic rule in 1999 would mark an appreciable breakaway from the corrupt past turned out betrayed. The democratic government of Obasanjo, a former military ruler and respected international statesman who had handed power back to civilians in 1979, was expected to be a bridge between the military and civilians and between the North and South; "a new broom who would sweep out the corruption and abuses of military brass hats who had lost any sense of purpose beyond plundering the national treasury and brutally pummelling innocent citizens into submission" (Adebajo, 2008, p.5). However, Obasanjo's government was ridden with not only corruption but also development failure writ large. The latter is evident in the fact that despite spending over \$2 billion in reconstructing roads and over one trillion naira on the power sector, Obasanjo failed to revive the country's decrepit infrastructure and epileptic power supply, and the country's oil refineries were producing less when he left office in 2007 than when he was first elected in 1999 (Agbiboa, 2012). The Obasanjo regime also announced that it had lost \$4 billion in potential oil revenues in 2006 to insecurity and the damage of pipelines by ethnic militias in the oil-rich Niger Delta (Ibid).

Despite his flawed regime, Obasanjo's rule was not without some merits. Early in his term in office, he correctly identified Nigeria's debt issue as an obstacle to sustainable development. Along with his reliable finance minister (between 2003 and 2006) Ngozi Okonjo-Iweala, he was able to broker a deal that effectively wiped out Nigeria's entire \$30 billion external debt by paying \$12.4 billion and having \$17.6 billion annulled. This was the largest such financial deal in sub-Saharan Africa (Adebajo,

2008). Most importantly, Obasanjo's Economic and Financial Crimes Commission (EFCC), spearheaded by the fearless Nuhu Ribadu, recovered over \$5 billion in stolen assets and prosecuted corrupt businessmen and policemen (Agbibo, 2012). In unprecedented moves in 2005, Tofa Balogun, Nigeria's Inspector General of Police, was convicted of corruption and jailed; Fabian Osuji, education minister, and Mobolaji Osomo, housing and urban development minister, were also dismissed from office for respectively bribing legislators to pass a budget and selling government properties (Adebajo, 2008).

In collaboration with the London Metropolitan Police, the EFCC also uncovered two cases of corruption and money laundering among Nigerian governors. In the first case, Joshua Dariye, former governor of Plateau state, was found to operate 25 bank accounts in London alone to juggle money and evade the law. Like many governors of his ilk, Dariye used front agents to penetrate western real estate markets where he purchased choice and expensive properties. The London Metropolitan Police determined Dariye had acquired €10 million in benefits through criminal conduct in London, while domestically EFCC were able to restrain proceeds of his crimes worth \$34 million (Agbibo, 2012). The other case involves DSP Alamieyeseigha, former governor of Bayelsa state, who was discovered to be in possession of four properties in London valued at about £10 million, plus another property in Cape Town valued at \$1.2 million. £1 million, in cash, was found in his bedroom at his apartment in London. £2 million was restrained at the Royal Bank of Scotland in London and over \$240 million in Nigeria. This is in addition to bank accounts traced to Cyprus, Denmark, USA and Bahamas (Ribadu, 2006).

Unfortunately, the corruption cleanup campaigns of the Obasanjo administration were short-lived. His administration soon became littered with postures of reform, with grandiose promises and conspicuous lack of delivery. Okonji-Iweala was dismissed from office by Obasanjo as finance minister in 2006, and the EFCC was accused of manipulation by Obasanjo to target his political opponents in a selective manner (Agbibo, 2012). According to the International Crisis Group (ICG, 2007, p.3), the EFCC was "used [by Obasanjo] as a political weapon to whip political foes, especially state governors likely to stand for the presidency and their supporters, into line." To this end, five state governors, some of whom were considered contenders for the PDP presidential nomination, were impeached in 2005-2006 on allegations of corruption. Obasanjo's botched attempt to change the Nigerian constitution in April 2006 to afford him the opportunity of running for a third presidential term badly damaged whatever democratic credentials he has. He reportedly offered bribes of \$400,000 to senators and representatives; had armed police break up a meeting

in Abuja of legislators and governors opposed to a third term; and threatened state governors who failed to support his bid with impeachment (Agbibo, 2012).

Obasanjo's legacy was further soiled by an ugly spat with his vice-president, Atiku Abubakar, which saw both men accusing each other of corruption apropos the government's Petroleum Technology Trust (The Guardian, 23 May 2007). Obasanjo attempted to use the EFCC to prevent Atiku from contesting the 2007 presidential elections on grounds of corruption, declaring a public holiday to hold-up the seating of the country's Supreme Court. Under Obasanjo, who acted as his own oil minister throughout the eight years of his rule, Nigeria staged arguably the most fraudulent elections in its 52-year history. Ballot boxes were stuffed and stolen, voters intimidated, and results appeared out of thin air in areas where voting had clearly not taken place, particularly in the Niger Delta (Adebajo, 2008). In the end, Obasanjo's rule proved to be a bundle of contradictions. Considered as an indispensable force for stability, he instead oversaw one of Nigeria's worst periods of instability. Considered a force for unity, he presided uneasily over a country that is perhaps now more divided than at any time in its history since the civil war of 1967-1970. Considered a force for national salvation, he instead watched helplessly as the country was nearly torn apart by sectarian violence (Ibid). While much of the decay in the Nigerian polity had set in under successive corrupt and inept administration since 1979, the situation was further aggravated under Obasanjo's rule.

4. RECENT CORRUPTION SCANDALS IN NIGERIA

According to a recently leaked investigative report into Nigeria's oil and gas industry by the Chairman of the Petroleum Revenue Task Force, Mallam Nuhu Ribadu, nearly \$30 billion was lost in the last 10 years in an apparent gas price-fixing scam implicating government officials and foreign energy firms (BBC News, 24 April 2012). The 205-page parliamentary report uncovered a long list of alleged wrongdoings involving oil retailers, Nigeria's Oil Management Company and the state Nigeria National Petroleum Corporation. Specifically, the report showed that oil and gas companies owe the Nigerian treasury \$3 billion in royalties (Agbibo, forthcoming). Between 2005 and 2011, another \$566 million was owed by companies for the right to exploit an oil block, known as "signature bonuses" (ThisDay, 25 October 2012). According to the leaks, a total of fifteen fuel importers collected more than \$300 million a couple of years ago without importing any fuel, while more than 100 oil marketers collected the same amount of money on several occasions. In August 2012, the former World Bank-Vice-President for Africa, Dr. Ezekwesili, announced that an

estimated \$400 billion of Nigeria's oil revenue had been stolen or misspent since the country's independence in 1960. She further claimed that \$6.8 billion was drained from Nigeria between 2009 and 2012 in the fuel subsidy scam. In 2011 alone, the Nigerian government paid 900 times more in the subsidy than was budgeted, suggesting the complicity of the finance ministry and the central bank in the arrangement (Reuters, 19 April 2012). In July 2012, the government released a list of those who had benefited illegally from the subsidy fund, which implicated key government officials in the Goodluck Jonathan administration.

A recent report submitted to the United States Congress by the Secretary of State John Kerry has confirmed massive corruption scandals at all levels of the Goodluck Jonathan-led government. The document entitled "Country Reports on Human Rights Practices for 2012" was prepared by the Department of State using information from US embassies and consulates abroad, foreign government officials, non-governmental and international organisations, and published reports. Section 4 of the report—which deals with "Corruption and Lack of Transparency in Government" in Nigeria, it was stated that "Massive, widespread, and pervasive corruption affected all levels of government and the security forces" (Transparency for Nigeria, 22 April 2012). In addition, the report scored the Nigerian judiciary system low as it noted, "There was a widespread perception judges were easily bribed and litigants could not rely on the courts to render impartial judgements. Citizens encountered long delays and alleged requests from judicial officials for bribes to expedite cases or obtain favourable rulings" (Ibid). The report noted that though Nigerian law provides criminal penalties for official corruption, "government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity" (Agbiboa, forthcoming).

5. THE COST OF CORRUPTION IN NIGERIA

It was Agbese (1992, p.220) who argued that in contemporary Nigeria, political groups use any means at their disposal to capture the government and employ the latter's redistributive powers to enrich themselves. Once the state is captured, "the new regime erects entry barriers, making certain that competitors have virtually no chance of capturing the government legally" (Mbaku, 2000, p.37). In some instances, incumbents have enacted laws that make any form of opposition treasonable offences punishable by death. This is done in an effort to reduce to its barest minimum any challenges to the monopolisation of political space and the control of resource allocation by the incumbent regime. Under these conditions, the state falls short of its social contract to protect citizens

and their property from aggression and to provide society with public goods. Instead, the state is privatised and now serves as an instrument for the private accumulation of the predatory status quo. The cost of corruption especially in Africa is very high. The African Union (AU) recently estimated that up to \$140 billion (roughly 25 per cent of official gross domestic product of sub-Saharan Africa) is lost annually to the region owing to high-level corruption.

In Nigeria, as in the rest of Africa, corruption has eroded democratic ideals, slowed down the pace of development writ large, contributed to governmental instability and domestic terrorism, distorted electoral processes, perverted the rule of law and created bureaucratic quagmires. Economic growth in Nigeria is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption. Corruption is, above all, a crime against society primarily because (1) it undermines political decisions, leads to inefficient use of resources, and benefits the unscrupulous at the cost of the law abiding; (2) it erodes moral authority, weakens the efficiency of state operations, increases opportunities for organized crime, encourages police brutality, adds to taxpayer's burdens, and affects the poor directly; and (3) it allows immunity for criminal acts so that the law is for sale to the highest bidder. While corruption in the post-independence period has allowed a few individuals to amass enormous wealth for themselves, it has impoverished the majority of Nigerian citizens and prevented the government from devising and implementing effective poverty alleviation programmes (Agbiboa, 2010). Moreover, rampant elite corruption in Nigeria has, over time, taught a dangerously disruptive lesson to the generality of the Nigerian populace: being honest and law-abiding does not pay! (Osoba, 1996). Consequently some of the ordinary people who have learnt this lesson from the top then try to replicate the corrupt practices in everyday forms of sociability through acts of bribery, speculation and embezzlement of public funds. It is in this way that corruption as a way of life has become embedded and routinised in everyday forms of sociability (Olivier de Sardan, 1999).

6. THE EFCC AND THE CHECKERED STRUGGLE AGAINST CORRUPTION

Since most of the proceeds of high-level corruption in Nigeria (as in many other developing African economies) are stored in foreign bank accounts in the developed world, there has been an increasing domestic attempt in Nigeria, especially in the post-1999 era, to curb the spread of elite corruption through its money laundering dimensions. From the 26th to the 29th of August 2001, Nigeria held its First National Seminar on Economic crime. The

seminar created a forum for Nigerian stakeholders to discuss practical ways of combating economic crime in the country which was becoming an increasing necessity. The idea of the seminar was first mooted in September 2000 by the Nigerian delegates at the 18th International Symposium on Economic Crime held at the University of Cambridge. Following the successfully held First National Seminar, Nigeria became a signatory country to the UN Conventions and subsequently passed into law the Money Laundering (Prohibition) ACT (MLPA) in 2004. The MLPA provided for specific implementations of various aspects of the Financial Action Task Force (FATF) and 40 recommendations of the UN Conventions against money laundering. To facilitate the monitoring of financial transactions, section 2 of the MLPA mandates financial and non-financial institutions to report a transfer to or from a foreign country of funds or securities of a sum exceeding \$10,000 or its equivalent by any person or corporate body. In December 2002, the Economic and Financial Crimes Commission (EFCC) was established to enforce MLPA and to prosecute Nigerians engaged in high-level corruption money laundering.

According to a detailed 2011 report by the Human Rights Watch, since its inception, the EFCC has arraigned 30 nationally prominent political figures on corruption charges and has recovered some US\$11 billion through its efforts (HRW, 2011). However, many of the high-level corruption cases against the political elite have made little progress in the courts: there have been only four convictions to date—one of those, Lucky Igbinedion, former Edo State governor, was given a sentence so light after pleading guilty that it made mockery of his conviction. Tafa Balogun, Nigeria's former inspector general of police was charged to court in April 2005, just months after being forced to retire from his official position. Balogun pleaded guilty of failing to declare his assets, and his front companies were convicted of eight counts of money laundering. In November 2005, Balogun was sentenced to six months in prison and the court ordered the seizure of his assets amounting to the excess of \$150 million (Agbibo, 2012). Many Nigerians saw the sentence as light given the severity of the allegations—"he stood accused of financial crimes allegedly committed at a time when he was serving as Nigeria's chief law enforcement officer" (HRW, 2011, p.93).

In 2005, Nigerian Senate Speaker Adolphus Wabara was forced to resign after President Obasanjo accused him of taking more than \$400,000 in bribes from the Minister of Education, Fabian Osuji (who was also dismissed from office). In yet another cause célèbre case of high-level corruption, Olabode George, a powerful figure within the ruling party under President Obasanjo and chairman of the Nigerian Ports Authority (NPA) for a time, was charged with contract-related offenses by the EFCC in August 2008. In October 2009 he was convicted and

sentenced to two and a half years in prison following a surprisingly efficient trial. However, upon his release from prison in February 2011, he was treated to a rapturous welcome by key figures in the ruling People's Democratic Party (PDP), including President Obasanjo (HRW, 2011). Reacting to the lavish reception, Ribadu noted that "it is really a shameful thing that has happened. Instead of hiding their heads in shame they have the effrontery to celebrate corruption, in fact it is a national shame" (Vanguard, 28 February 2011). According to the Action Congress of Nigeria (ACN), "PDP's action sends a wrong signal to Nigerian youths that it is alright to steal public funds, since it can even turn them into a 'hero' like Bode George" (Ibid). So far, this was the EFCC's first and only conviction at trial of a major political figure.

In a recent high profile case, which I discuss here in a little more detail, the former governor of Delta state (May 1999-May 2007), James Onanefe Ibori, was charged with corruption and money laundering by the EFCC. The downfall of Ibori began in 2007 when the London Metropolitan Police raided the London offices of lawyer Bhadrash Gohil and found hard drives containing details of many off-shore companies run for Ibori by Gohil, fiduciary agent Daniel Benedict McCann, and corporate financier Lambertus De Boer. All of these men were later jailed for a total of 30 years. Subsequently, the United Kingdom courts froze Ibori's assets there, valued at roughly £17 million (\$35 million), in early August 2007 (Shirbon, 2007). On 12 December 2007, Ibori was arrested by the EFCC at the Kwara State Lodge in Asokoro, Abuja. The charges brought against him included theft of public funds, abuse of office, and money laundering. These corruption charges brought against Ibori by the government of Obasanjo are among many begun by anticorruption czar Nuhu Ribadu against former officials of the ruling People's Democratic Party (PDP). In addition, Ribadu alleged that Ibori attempted to bribe him to drop the charges with a cash gift of \$15 million, which Ribadu immediately lodged in the Central Bank of Nigeria (CBN). The cash remains in the CBN as an exhibit (Agbibo, forthcoming). On 17 December 2009, a Federal High Court sitting in Asaba, Delta State, discharged and acquitted Ibori of all 170 charges of corruption brought against him by the EFCC. In April 2010, three months into President Jonathan's government, Ibori's case file was reopened. A fresh allegation that he embezzled N40 billion (\$266 million) was pressed against him (BBC News, 21 April 2010). Attempts to arrest him failed as he fled from Abuja to Lagos and then to the creeks of Oghara, his homeland in the Niger Delta where he allegedly sought shelter under the armed militias in the restive region. Ibori claimed that the charges levelled against him were frivolous and that he was a victim of political persecution. In April 2010, Ibori fled Nigeria, prompting the EFCC to request the assistance of Interpol. On 12 July 2010 the

Governor of CBN, Malam Sanusi Lamido, revealed that Ibori had used Delta State as collateral for N40 billion (\$266 million) loan when he was governor (Agbiboa, forthcoming).

On 13 May 2010, Ibori was arrested in Dubai, United Arab Emirates, under Interpol arrest warrants issued from United Kingdom courts and enacted by the Metropolitan Police. Ibori was granted bail pending an extradition hearing. The Nigerian government and the United Kingdom agreed to work together on Ibori's extradition to the United Kingdom, even as his movement became restricted by the Dubai authority. In June 2010, UK juries found Ibori's sister, Christine Ibie-Ibori and his associate, Udoamaka Okoronkwo, guilty on counts of money laundering, in a verdict delivered at the Southwark Crown Court, London. Christine Ibie-Ibori and Udoamaka Okoronkwo were each sentenced to 5 years in prison on 7 June 2010 by the UK court even as the defence counsel pleaded for mercy that the convicts were manipulated by Ibori. Accused of stealing US\$250 million from the Nigerian public purse, Ibori pleaded guilty to ten counts of money laundering and conspiracy to defraud at Southwark Crown Court, London (Barr, 2012). On 17 April 2012, Ibori was sentenced to 13 years by Southwark Crown Court for his crimes. Among possessions confiscated were: (a) a house in Hampstead, north London, for £2.2m (b) a property in Shaftesbury, Dorset, for £311,000 (c) a £3.2m mansion in Sandton, near Johannesburg, South Africa (d) a fleet of armoured Range Rovers valued at £600,000 (e) a £120,000 Bentley Continental GT, and (f) a Mercedes-Benz bought for £407,000 cash, that was shipped direct to his mansion in South Africa. Following Ibori's sentencing, Sue Pattern, head of the Crown Prosecution Service central fraud group, noted that it would bid to confiscate the assets acquired by Ibori "at the expense of some of the poorest people in the world" (BBC News, 17 April 2012).

Despite its early promise, the EFCC has fallen far short of its potential and a decade after its inception is left with a battered reputation and an uncertain record of accomplishment. The EFCC's work is complicated by the fact that many banks in Nigeria have failed to disclose suspicious transactions and have been accused of helping politicians and state governors to launder their money through undercover banking transactions, where the identities of customers were concealed. Most reports on embezzled and siphoned funds in Nigeria also expose the complicity of several Western banks in the high-level corruption that takes place in Nigeria. Investigations into the corrupt dealings of Abacha, for example, revealed more than 130 networks of bank accounts both in Nigeria and abroad. The British Financial Services Authority revealed that London banks had handled \$1.3 billion belonging to family and friends of the late General (Ribadu, 2006). While still the only Nigerian government institution that has publicly challenged the ironclad impunity enjoyed by Nigeria's political elite, the EFCC today is snowed

under with "attitudinal fixations and societal tolerance of corrupt conduct, insufficient commitment by all tiers of government, attempt to blackmail and politicise the work of EFCC, constitutional constraints and lack of cooperation by some countries in loot recovery" (HRW, 2011 p.96). In addition, the EFCC carries out its work within a Nigerian political system that continues to reward rather than punish corruption.

CONCLUSION

So far, this paper has critically examined the perennial problem of high-level corruption in Nigeria. The paper has demonstrated that the problem of corruption in Nigeria has not atrophied but has grown virulently to become the single biggest obstacle facing the country today. "For 40 years," writes Professor Larry Diamond (1993, p.219), "Nigerian officials of every rank have systematically misappropriated public wealth. For 40 years, the gulf has widened between an impoverished general populace and the dominant class. Riven by ethnic, regional, and religious cleavages, by shifting partisan and factional divisions, and by continual civil-military tensions, Nigeria's dominant groups nevertheless constitute a class bound together by a shared taste for extravagant consumption and acquisition financed by access to state power." Ironically, there has hardly been a change of regime in Nigerian without them being heavily publicized, sometimes in direct response to popular anger over the enrichment of the previous office-holders, usually as a means of legitimation for the new team in power. As Tignor (1993, p.175) argues that "no country in the continent has devoted more attention and energy to continuing allegations of corruption than Nigeria."

At times, some regimes were motivated by an apparently genuine sense of social justice, and sought to instil a commitment to public service and probity. Yet, far too often, the problem was that official drives against corruption in Nigeria were short-lived, forgotten once the initial zeal for reform had faded or the new authorities themselves succumbed to temptation (Harsch, 1993). Elaborate speeches and structures do not necessarily translate into ethical behaviour. Policies must be matched by action in order to leave any dent on the solid walls of corruption. One of the major reasons why formulating effective and sustainable measures to reduce corruption in Nigeria has proved hitherto elusive is because the country's political system is historically configured to pardon (even reward) corruption, not punish it. As shown earlier, the lack of commitment to detecting and punishing unethical behaviour was carried to its extreme under Babangida's regime, and has been reproduced ever since. The willingness of the Nigerian ruling class to embrace convicted criminals and to recycle corrupt leaders has, time and again, undermined the entire anti-corruption campaign in the country. Unless corruption is

made “difficult” and “inconvenient”, as the late Professor Achebe argues, even the prayer against bribery and corruption, composed in 1998 by the Catholic Bishops Conference of Nigeria and recited in every Catholic mass in the country, will remain a distant dream:

Father in heaven, you always provide for all your creatures so that all may live as you have willed. You have blessed our country Nigeria with rich human and natural resources to be used to your honour and glory and for the wellbeing of every Nigerian. We are deeply sorry for the wrong use of these your gift and blessing through acts of injustice, bribery and corruption, as a result of which many of our people are hungry, sick, ignorant and defenceless. Father, you alone can heal us and our nation of this sickness. We beg you; touch our lives and the lives of our leaders and people so that we may all realise the evil effect of bribery and corruption and work hard to eliminate it. Raise up for us God-fearing people and leaders who care for us and who will lead us in the path of peace, prosperity and progress (Catholic Bishop Conference of Nigeria, 1998).

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