

War against Corruption in Nigeria: Weak Institutions and Economic Crisis as Bane of Its Success

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Abstract:

Corruption has taken over the day to day discussion and deliberation on issues relating to national growth and development in Nigeria. It has become a virus eating into the bones and marrow of every sectors and structures of national policy and politics. It is crystal clear that if Nigeria fails to live above corruption and overcome it; it will not be long before corruption would end every hope of golden age of the nation. The paper examines the dimensions of corruption in Nigeria; with major attention on enumerating the weakness of the nation's political, social and economic institutions including Economic and Financial Crime Commission as a bane militating against all efforts in winning against corruption. This breeds terrible corruption and evil is inimical and unimaginable threat to the survival of corporate existence of the nation. The paper explains the concept of corruption that act as forerunners of other social cankerworms. These are political and bureaucratic corruption. The implication of this cankerworm are also numerous: abject poverty, underdevelopment, unemployment; ethno-religious violence, secession, and terrorism as expression of grievances. This is the object of this paper as historical method becomes suitable in the collection of data, analysis and interpretation.

Keywords: Bane, Corruption, Economy, Government, Institution, Nigeria, War

Introduction

It is not more clear to all that the independence of 1960 that came with all the expectations that the fruit of sovereign state and governance would be brought to bear on the economy, that the country would witness a greater respect for civil and political liberties, and above all, the institutionalization of accountability and transparent in governance. However, the period since 1967 when the nation was thrown into a regrettable civil war has witnessed an increased number of ethno-religious violence, leading to social, economic and political misfortunes. The violence not only posed serious obstacles to the enhancement of good governance ethos and values, but also constituted a great threat to the viability of Nigerian nationhood and governances and indeed, the nationalism. In Spite of her human and natural resource endowments, the majority of Nigerians still live in abject poverty. Public institutions are still ill-equipped and service delivery is poor. The theft of public funds has resulted in serious chaos. Nigeria's treasury looter and their allies are getting richer, while the masses are wallowing in abject poverty. In the public sector, a band of short-sighted and greedy elite, both military and civilian, have within a decade, created, nurtured, and perpetuated the conversion of public treasury and national wealth for exceeding private uses. These elite eschewed

transparency and abhorred rules and regulations, broken laws, violated due processes, crudely and primitively stole from the public coffers [1].

Nowadays, many "big men" are awarded with traditional titles, such as chiefs, honorary doctorate degrees, National Merit Awards, among others, for building schools, town halls, hostels, clinics etc; with stolen money, without anyone asking the question where the money came from [2]. In recent times, many development scholars and public affairs commentators have concluded that the socio-political and economic woes of Nigeria are rooted in corruption. In an opinion poll conducted by The Guardian Newspaper in 2007, 70% of the Nigerian respondents picked corruption as one of the worst problems hindering the nation's advancement [3]. In spite of the exposure on the media and public outrage over scandal perpetrated by public officials few officials were investigated or charged for their offences. The absence of accountability for the misuse of public funds and fruitless attempts to hold government responsible for poor performance has led to an increase in public distrust towards the government's institutions and elected officials. Sadly, the scarce resources meant for the development of the people and their environment are frittered into private pockets, slowing down the overall development and re-enforcing the poverty

circle. This development has exposed the country into ridicule before the international community. Today, for much of the international press and World Public Opinion, Nigeria is the *bête noire*, or the infant terrible, of Africa. Tales of violence, extortion, and other criminal acts abound in conversation about Nigeria around the world [2]. Although the governing elites at all levels bemoaned these developments, the efforts to arrest the ugly situation through various policies and programmes were largely ineffective and often overshadowed by the officials' pursuit of personal interests. For instance, there have been agencies established to fight corruption and laws that condemn bribery, fraud, embezzlement, kickbacks, extortion, forgery, misappropriation of funds, nepotism and other forms of corruption, yet the political will to implement these laws has been lacking.

The social and economic development of the Nigerian society cannot take place in an unsecured environment. Therefore, the primary responsibility of the government to its citizens is to create a stable and secure environment that will enable them legally and uninterrupted pursue their livelihood. Corruption free, internal security, law and order are the main supporting elements for good governance and sustainable economic development of any nation. Today

corruption is one major threat not only to security but governance and sustainable development in Nigeria. Corruption has always been a problem and a cankerworm in this country, whether under the military or civilian governments it has always pervaded development of any kind in Nigeria. There are many unresolved problems in Nigeria, but the issue of the rapid increase of corruption is troubling. And the damage it has done to our country's development is astronomical.

Corruption, economic growth and the quality of political institutions tend to be related through a complex web of simple linear relationships. Indeed, the differences in the quality of political institutions particularly their capacity to hold political leaders accountable for their actions while in office is a source of nonlinearity in the mapping between corruption and growth [2]. Economic growth implies that the resources on which leaders extract rents expand over time, thereby making them more eager to hold on to political power and create a benign feedback loop between economic growth and corruption. Corruption, very often, creates a collective problem where several individuals or firms have an incentive to pay bribes in an effort to obtain preferential treatment.

Conceptual Framework

According to reference [2] "corruption means much more than taking bribes and gratification, committing fraud

and stealing funds and assets by public officers entrusted to their care. It means the deliberate violations for gainful ends of standards of conduct legally, professionally or even ethically established in private and public affairs. These gains may be either in kind or cash or even psychological or political. . they are made from the violation of the integrity of an entity and involves the subversion of its quality and capacity

A prominent proponent of this view is [4] to define corruption as

A behavior that deviates from the formal duties of a public role (elective or appointive) because of private regarding (personal, close family, private clique) wealth or status gains, or violates rules against the exercise of certain types of private-regarding influence.

Reference [5] the United Nations (UN) defines corruption as:

an abuse of public power for private gain that hampers the public interest. This gain may be direct or indirect corruption entails a confusion of the private with the public sphere or an illicit exchange between the two spheres. In essence, corrupt practices involve public officials acting in the best interest of private concerns (their own or those of others) regardless of, or against, the public interest.

Corruption is about bribery, favour or moral depravity. It takes place when at least two parties have interacted to change the (existing) structure of process of society or the behaviour of functionaries, unfaithfully or defiled situations. However, with particular reference to Nigeria, [6] states that:

Corruption includes such behaviors as diversion of public funds to private purses not being obliged to discharge an obligation, employment of unqualified persons in jobs they are not qualified to do because of the advantage the employer would get from such employee. Looting public treasury in order to enrich oneself, changing, doctoring election results to favour unpopular contestants etc.

Categories of Corruption

1. **Fraud;** which involves intrigues, deceit, counterfeiting; smuggling and forgery,
2. **Bribery;** a kind of relationship that involves giving and taking in payment for example, kickbacks, pay-off, gratuities etc.
3. **Extortion;** money and other resources are extracted by the use of violence or force. This is a common tradition among the police and custom personnel in Nigeria.
4. **Embezzlement;** to take for personal use money or property that has been given on trust by others, without the knowledge or permission, in other words misuse of entrusted money or property. In Nigeria the embezzlement of public funds is common and needs strict measures to curtail or stop it.
5. **Favoritism;** an application of a selfish and biased ways of distributing resources. Sometimes this is done in favor of friends, family or very close relations to the detriment of those who have no godfather. For example, most regimes give the bureaucrats the opportunity of practicing nepotism on a grand scale. Some of them gave contracts to people who came from their villages, tribes and clans while more

capable contractors from places were denied such contracts.

Economic crisis

To understand the nature of an economic crisis, there is the need to understand how the economic circle behaves. [7] explained that when the economy is strong, most people are employed and are making money. There will be high demand for goods such as food, electronics, houses and vehicles with time demands becomes so such that supply cannot keep up.

[8] defined economic crisis as a slowing down or reduction or contraction in economic activities. For the contraction to qualify as an economic crisis, [8] opines that it must be significant, it must spread across the country and it must last for more than a few months. This is rather vague, for example what level must the contraction reach before it qualifies as “significant”? Again, how long is more than a few months?”

[9] explained that in macroeconomics, a financial crisis is a decline in a country’s GDP, or negative real economic growth, for two or more successive quarters of a year, or a 19th% rise in unemployment within 12 months. A crisis is usually preceded by several quarters of slowing but positive growth. It usually feel like a recession before it has officially started. Therefore according to them, a financial/economic crisis is a period when economic growth slows, businesses stop

expanding, employment falls, unemployment rises, housing prices decline and governments fiscal policies need to synchronize with its monetary policies. Economists draw a dividing line between economic recession and economic depression. [9] describe a depression as a prolonged recession. A depression is a severe economic downturn that lasts several years. A severe (GDP down by 10%) or prolonged (three or four years) recession/crisis is referred to as an economic depression.

National Institutions and their Weaknesses as Bane against War on Corruption

The term “federalism” is a nebulous concept and many discerning scholars have long recognized the travails of Nigerian federalism [10] [11]. Although no one has yet passed categorical judgment on the failure of the system, there is wide agreement that it had become less and less effective since its adoption under the colonial epoch, when it provided the only viable option for holding the hydrogenous entities in Nigeria together using the instrumentalities of ethnic balancing, and adaptive revenue allocation systems. But, how could a system that attracted such positive and path breaking approval fall into a stem threatening crisis soon after?

[12] posit that:

Some have argued that that Nigerian Civil war was less about one pogrom and the fear of Igbo influence as the

struggle over rising oil weak of the Niger Delta. The pogrom, the coups and counter coups and power tussles were symptoms of a deep greed on both sides for black gold. They argue that the North rolled back its secessionist dreams when they learned that the Niger Delta had a lot to offer them with power in their hands.

The above thesis is countermanded by the view that the natural resources in the North were simply waiting to be tapped. These theses underscore the problem of letting different peoples get along. Federalism in Nigeria since the past five decades has unleashed 36 states, and the spirit is still struggling to jump out of the calabash. It was to this reason the late Okoi Arikpo declared that Nigeria was not a nation, but nation—state.

Democracy has not helped matters, military regimes have injured the growth too, and matter of corruption fits all regimes (Centralized federalism). The Obasanjo epoch, a clone of that military federalism mindset, is believed to have mocked the process with his command style. He even “summoned” governors as though he elected them [12].

Economic and Financial Crime Commission

Economic and Financial Crime Commission (EFCC) is a body set up to investigate into the misappropriation of

public funds and given the mandate to arraign anyone under allegation. Since the establishment of EFCC in 2003, it has been involved in the investigation of cases ranging from high profile corruption cases, advance fee fraud, money laundering, tax invasion, contract scams, identity theft, illegal oil bunkering, bribery, looting, and foreign exchange malpractice. These activities paid off with the recovery of looted funds from the public treasury stashed away in foreign banks. A case in point was the recovery and repatriation of 24 million dollars and 50 million dollars of Gen, Sanni Abacha loot through the help of SWISS authorities and banks [13].

While Nigerians hailed President Obasanjo’s anti-corruption war, they are confused at a corruption war that can deploy troops to Bayelsa State, shut the state radio station and forced the Bayelsa legislators to sign impeachment notice just to throw out the Governor; confused at a corruption war that can allow the promotion of chief Bode George to the position of Deputy- Chairman (South) of the PDP while still answering questions over corrupt practices while serving as chairman of the Nigerian Port Authority (NPA) from the EFCC; confused at a corruption war that use lawyers whose record are not straight as willing tools in the hands of officials acting on behalf of the presidency who gave specific instructions

as to which judge to go to get desired judgment [13].

It is this that [13] opined that President Obasanjo attempts to fight corruption in government circles have only yielded relatively marginal dividends. According to him, “in most of the celebrated cases of top government officials arrested or dismissed from services on accounts of involvement in corrupt practice, politics rather than the sincere need to punish corrupt politicians to serve as deterrent to others seemed to be the over-riding interest.” Events that also swept Fabian Osuji and Mobolaji Osomo, both former Ministers of Education and Housing and Urban Development respectively, out of office may have been engineered by similar considerations. The purpose of the onslaught as it has turned out according to [13] “was merely to prove to the International creditors that the administration is serious about its anti-corruption stance and so qualifies for a special dispensation debt forgiveness”. But the anti-corruption crusade could transform from a mere game into a serious war whenever the president decides to be serious. More often than not, in such cases, the victims are believed to be political enemies or those who have fallen out of favor with Obasanjo. At such times the twin-engines of the anti-corruption machinery, the ICPC and EFCC, would remit action at full throttle with their

investigation reports finding their way into the press to cast a slur on the image of such persons. Thus, in this anti-corruption war, the only saints are the president and his men. In case where any of the president's men is indicted for corruption, the cases are ignored and no one gets punished. That was the case when members of Obasanjo's wife's family were deeply involved in the Ikoyi property scam that cost Osomo her job. Though, Obasanjo was reported to have confessed that he was embarrassed by the grab-grab instinct of his wife Stella and her siblings, no EFCC or ICPC agents were sent to investigate them.

Nigeria requires credible and a strong leadership. We need a committed leadership with exemplary track records that would carry everybody along. We need a visionary and dynamic leadership that will do what it preaches. This is the only way to win the war on corruption. The electorates must therefore ensure to vote for only credible candidates, and for once let our vote's counts. Nigerians have to be sensitized and mobilized to form Non-Governmental Organizations (NGOs) to monitor and check the activities of persons in government, from the local to the federal. Paraphernalia of governance have to be curtailed, and officials made to engage only in the necessities that emphasize responsibilities and service to the people. Very importantly, for the anti-corruption war to be successful, it should

start from the presidency, so that it will serve as a deterrent to others. This is to say, if the presidency can be checkmated, then no other ministry or parastatal can be left out. Anybody irrespective of his/her personality or status involved in corruption or corrupt practice should face the full wrath of the law. We therefore call for the removal of partisan political interest in the fight against corruption in Nigeria. This can be started from the appointment of officials of the anti- corruption agencies. This will go a long way in maintaining the insularity of the commission from political interference, and thus, sustaining the confidence of Nigerians and the international community.

The Judiciary

Despite all the roles the judiciary has played in ensuring sustainable development, it is not yet a minimum requirement of growth for our political, social and judicial systems in Nigeria. Technically, the courts have been found wanting in delivering inconsistent decisions. There is therefore a plethora of cases from both the Court of Appeal and the Supreme Court that conflict one another, [14] where the Court of Appeal held that original (duplicate) copy of election results in Forms EC8 series is primary evidence requiring no certification for its admissibility. Surprisingly, the same Court of Appeal turned round to reject the same set of documents from some states

including the report of the petitioner. The Court based its contention on the ground that the witness had no personal knowledge of the documents even when the documents were adjudged relevant. Hence, these kinds of events further points to the fact that the judiciary which is tagged ‘the last hope of a common man’ has proven itself in some cases to be an instrument for maltreating and humiliating the masses for the politicians and the rich [15]. Hence, one’s assurance of winning a case might be dependent upon his ability to bribe some judges who misdirect themselves by miscarriage of justice. Consequently, misapplication and in interpretation of the Constitution by the courts make them to arrive at conflicting decisions that end up confusing the lower courts as to which of the higher court decisions to apply in a given situation [15].

Similarly, lawyers too do no help matters. They unnecessarily adjourn cases so that appearance fees, transportation fees, consultation fees, filing fees and other unreasonable earnings will not stop. The police and courts officials have been proved to be an ideal for corruption and exploitation of litigants. It is in the light of the above that there is continuing grave of violation of human rights and fundamental freedoms in Nigeria, including failure to respect due process of law. There is also rampant extra judicial killings and use of excessive force by security forces,

impunity for abuses by the same forces, arbitrary arrest and detention or prolong pre-trial detention, judicial corruption and excessive political influence in the judiciary, human trafficking, child labour, child abuse and child sexual exploitation etc [15].

There is also the issue of funding of the judiciary. Over the years, budget allocation for the judiciary has been on the constant decline. The words of Bulk Achuwa PCA explain the situation while she was being screened by the National Assembly:

I don't allocate the budget, I am just confined to what we have and we have been trying to manage as much as we can. But, we had to cry out. That is why we cried out last year and we are still crying out. We need our budget to be looked into. We need to have tools because our tools are our books, comfortable quarters and then comfortable houses. A judge will sit in court may be till 5 O'clock. He will go back home maybe rest for Iwo hours and then he will spend the whole night working and then come back to the court the next morning. So if his condition is perfect or if his condition is manageable, I am sure we will have more production [16].

Even the Chief Justice of Nigeria (CIN) could not but complain about the

situation when she said during the swearing in ceremony of new SAN that:

Over the years, funding of the courts has remained a challenge as evidenced in the condition of many courts in Nigeria today. Statistics have shown that funding from the federal government has witnessed a steady decline since 2010, from N95 billion (in that year to ~~N~~85 billion in 2011, then ~~N~~75 billion in 2012 and dropped again in the 2013 budget to ~~N~~67 billion [17].

Connected to the issue of funding are the issues of staff welfare especially for lower courts and support staff of all courts, archaic working conditions including manual handling of court activities in the age of information and communication technology. Other problems have to do with judicial corruption, executive lawlessness. In many cases, the executive rarely subject itself to the jurisdiction of the courts except in very rare cases when it wants to score political points. On top of all the problems facing the judiciary is that of discipline and ethic e.g unnecessary expect orders being granted by the courts.

Constitutional Negligence on the Part of Government and the Communalization of Security

The position of [16] aptly captures the import of constitutional neglect when he submits thus;

The rise of ethnic militias is no doubt linked to the crisis of the postcolonial state in terms of its failure to provide as well as protect its citizens. Also, it has

been argued that such a rise was due largely to the excessive centralization of the state by the Hausa/Fulani Hegemony.

In terms of communalization' [18] submits that it,

...is the final frontier in resource control advocacy arid realization. It is based on community self sufficiency and control in all matters relating to our communities and its ultimate aim is the reclaiming of the mis-appropriated resources and its return to communal rebuilding and repositioning agenda of the people.

[18] further argues that;

The increasing communalization of security by non-state actors is due largely to the increasing decline in the capacity of the state to provide adequate security for its citizens. Such non-state actors have gained considerable popularity and legitimacy among its members in terms of their ability to mobilize ethnic grievances.

The argument of [19] in the light of his submission succinctly captures the essence of the weakness and communalization of security institutions. This has cropped into educational institution, since the young graduates from the various established institutions will need to develop skills and access factors of production, both government, and non-governmental agencies have to join hands with these institutions to develop the Nigerian youths and save them from idleness and other social vices. The following are some of the agencies and initiatives which are in one way or the other objectives of entrepreneurship education for job creation and poverty reduction among Nigerian tertiary graduates. The fact remains that Nigeria tertiary institutions to succeed in creating functional entrepreneur, there

must be linkages with some relevant agencies like:

1. Small and Medium Enterprise Development Agency (SMEDAN), National Poverty Eradication Programme (NAPEP)
2. National Directorate of Employment (NDE), Youth Empoerment Scheme (YES)
3. National Office of Technology Acquisition and Promotion (NOTAP)
4. National Technology Incubation Centre (NTIC), Social Welfare Services Scheme (SOWESS)
5. Raw Material Research and Development Agency (RMRDA)
6. Poverty Alleviation Programmes (PAP) , National Economic Empowerment and Development Strategy (EEDS) (2004)
7. National Information and Communications Technology Development Agency (NICTDA), State Economic Empowerment and Development Strategy (SEEDS)
8. National Planning Commission (NPC).
9. National Petroleum Technology Development Agency (NPTDA) Subsidy Reinvestment and Employment Programme (SURE-P)

War Against Corruption, Poverty and Protracted National Development through Meaningful Fresh Poverty Reduction Programme among others

Over time, efforts to bring corruption down to the barest minimum in Nigeria have not quite yielded significant results. Three particular agencies responsible for checking corruption in the country, namely, Independent Corrupt Practices and Other Related Offences Commission, (ICPC), Economic and Financial Crimes Commission, (EFCC) and the Public Complaints Bureau have all recognized their limitations in the long debacle. Even corrupt individuals know that it is bad and have even condemned it publicly. However, nothing has changed for the better. Some have satirically addressed corruption as “the grand commander of the federal republic of Nigeria”, while others have sternly warned that if Nigeria does not kill corruption, corruption will kill Nigeria. ‘Corruption in Nigeria has gone almost out of control over a long period of time for a number of reasons, ranging from lack of political will to absence of proper laws or specific legal backing as well as the insincerity and apathy on the part of those who should enforce it. Law enforcement agencies connive indirectly or they sometimes make laws that are obviously corrupt, contradictory and without statutory foundations. Corruption goes on because; culprits are hardly punished for others to learn from them. Above all, most people are completely ignorant of its lingering impact on economic growth. But even if all these efforts are capable of

curbing corruption without dealing with the problem of poverty in Nigeria appropriately, corruption may still not be brought under control but will continue to remain like vampire in the nation’s political economy [19].

1. More fundamentally, corruption remains a national problem due to a radical approach and insufficient attention to it in the nation’s public policy formulation and towards the problem of poverty and the dangers it is posing in the nation’s political economy and to corruption in particular. For instance, the UNDP Report sees the nation’s public policies as out of date and unrealistic, which, as it were, can be linked to the leadership question in Nigeria drawing a parallel from the famous Socratic dictum that Knowledge is virtue, which argued that What is required for a good society is knowledge of the good or of the most fundamental ethical values in the realm of contemporary Socio-political action. It is generally argued that what is required are leaders who know what the society needs and in whose hands? The welfare of the society is to be entrusted. Such leaders are to formulate and equip themselves with the body of ideas or a system of ideology that ideally expresses the goals which the society ought to pursue [20].

Against this background, and at this particular point in time of the nation’s history, the notion underscores the necessity for the political leadership in

Nigeria to have a reasonable level of consciousness in their ideological formulation about the suffering of the poor masses, as well as the capacity to initiate programs that are capable of attacking poverty effectively and reduce it substantially or get rid of it entirely. To several analysts, the weaknesses and failures of Poverty Programs in Nigeria, sixty years after the Independence, have several manifestations such as plunder, frustrations, widespread poverty" and inequality in almost every sector of the nation's economy. The implication of this is general stagnation of social life, low purchasing power of the vast majority of people and very slow economic growth. Thus, the privileged few always tend to plunder on available resources to the disadvantage of the poor, the Vulnerable and the unemployed who are in the majority.

Conclusion

Neither cultural hypothesis nor geography hypothesis could stand the crystal evidence that economic and national development does not determined by peoples' culture, geography and ignorance. The strength of a given economic and national development plan basically lies on the structure and nature of its institutions. The greatest challenge of Nigeria is not primarily corruption but mainly weak institutional structure as portrayed by major sectors of the nation.

As stated above, a device towards rescuing a threshold of the nations' golden age would be the review of nation's constitution. The fact could be deduced from the sudden emergence of resolute demonstration of Independence National Electoral Commission (INEC) with recent electoral act signed by the Buhari led administration in year 2022. It the concern of this paper that attention should be shifted to investigating the weakness of national institutions as basis for national growth and development, against beating a dead horse by aging war against corruption that tantamount to starting a building from the roofing.

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Table 1: Several typologies of corruption. But a simplified typology of corruption is provided by Caiden as follows:

Type	Main Actors	Mode	Background
Foreign-sponsored	Public officers Politicians Representatives of donor and recipient countries	Bribery and kickbacks Collusion to defraud the public	Economic dependency Multi-dimension value system Dyadic, plural, loosely structured society Comprador bureaucrats
Political scandal	Bureaucratic elites Politicians Businessmen and middlemen	Large-scale embezzlement and misappropriation through public tender and disposal of public property Economic privilege accorded to special interests Large political donations and bribes	State capitalism Scarcity of capital Competition for domestic markets and public funds Unpatriotic, self serving officials Corruption as a way of life Ineffectual bureaucratism

Institutionalized	Bureaucratic elites Politicians Businessmen White-collar workers	Large-scale disbursement of public property to special and privilege interests under the pretext of 'national interest' Favouritism and discrimination exercised in favour of ruling parties in exchange for political contribution	Industrialisation, concentration of capital monopolies, statism Class system Petty bourgeoisie values Spoils system Managed economies
Administrative malfeasance	Petty officials Interested individuals	Small-scale embezzlement and misappropriation Bribes Favouritism and discrimination Parasitism	Domestic system of production and exchange Social security Clanism. Office as perquisite Maladministration and incompetence Gossip and rumour

Source: Caiden, G.E, 2007, "Towards a General Theory of Official Corruption" p. 10