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## **Nigeria's Nascent Democracy and 'WAR' Against Corruption: A Rear View Mirror (56-71)**

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### **Abstract**

*One of the problems facing the nascent democracy in Nigeria which is more pressing than economic development is the high rate of brazen corruption in virtually all facets of the polity's national life. Thus, the thrust of this paper is a review of the recent 'WAR' against corruption in Nigeria. The paper surveys a number of manifestations of corruption in the body politic and the country's woes. The paper however infers that unless the institutional mechanisms put in place are rejuvenated coupled with political will on the part of the political actors, the so-called war may be a mirage after all.*

**Key words:** Corruption, Kleptocracy, Constitutionalism, Integrity, Poverty.

### **Introduction**

Most of us came into the National Assembly with very high expectations...when we go around campaigning and asking for votes, we don't get these votes free. You spend some money. Most of us even sold houses. You come in through legitimate means but you can't recoup what you spent (The News, April 4, 2005:50).

The above quotation by a one time Senate President – Adolphus Wabara – betrayed what psychologists would call a Freudian slip. He revealed why elected and often times appointed public office holders engage in brazen corruption.

Over the last couple of years, Nigeria gained unprecedented global attention on account of its unenviable record in corruption (Eweremadu, 2006:42). For instance, in 1999; Nigeria was ranked the second most corrupt country in the whole world, by the Transparency International (TI). In year 2000, it emerged the most corrupt country (Eweremadu, 2006). After eight years of the purported war against corruption, the summary of the report of the African Peer Review Mechanism (APRM), which conducted its assessment in Nigeria in February 2008 scored the country low on good governance, noting that its immense internal wealth notwithstanding, the country currently hosts the third largest population of the world's poor people. The report noted further that the country's anti-corruption crusade since 1999 had facilitated the recovery of about N120 billion Naira (\$1 billion) US dollars from oil companies as a result of the Extractive Industries Transparency Initiative (EITI) to which Nigeria is a signatory. The APRM, however, regarded the success as just 'modest' (Nigerian Compass, Sept 23, 2008:1 8). The panel led by Kenya's former Ambassador to France, Bethuel Kiplagat, divided corruption in Nigeria into three categories of petty corruption, grand corruption and outright looting (Nigerian Compass, Sept., 23, 2008:8).

In the same vein, the 2008 Corruption Perception Index (CPI) released by Transparency International (TI) showed that Nigeria is rated 121 out of 180 countries surveyed by the Berlin, Germany-based organization. On a scale of 10.0, Nigeria scored 1.6 in 1999, 1.2 in 2000, 1.0 in 2001, 1.6 in 2002, 1.4 in 2003, 1.6 in 2004, 1.9 in 2005, 2.2 in 2006, 2.2 in 2007 and 2.7 in 2008. Deplorable as it is, the ranking is a major jump from the bottom of the ladder that it had been placed for years. In 2005, the country was placed 152 out of 158, and it was 147 in 2006 and 2007. In the 2008 ranking under consideration, Nigeria is placed 121 along with Nepal, Sao Tome and Principe, Togo and Vietnam. Denmark, New Zealand and Sweden are in the number one position, while Democratic Republic of Congo, Equatorial Guinea, Sudan, Afghanistan, Haiti, Iraq, Myanmar and Somalia are the most corrupt (see, Nigerian Compass, Sept., 24, 2008:1). It is against this background that this paper now takes a cursory look at Nigeria's 'new' war against corruption.

### **Conceptualizing Corruption**

Corruption in Africa is now systemic and endemic as rightly posited by Eweremadu (2006). For Alex Gboyega (1996), corruption can be perceived as “any decision, act or conduct that subverts the integrity of people in authority or institutions charged with promoting, defending or sustaining the democratization process, thereby undermining its effectiveness in performing its assigned roles”(Gboyega, 1996:6). In a perceptive work by Lodge, “it must involve acts which are intentionally dishonest” (Lodge, 1998:157-187). Put differently, it is the “unsanctioned or unscheduled use of public resources for private ends”(Levine, 1975). It might even take the form of non performance or neglect of a recognized duty or the unwarranted exercise of power with the motive of gaining some advantages more or less directly personal (Brooks, 1976).

Political corruption, however, can be defined as “a method of exploitation by which a constituent part of the public sphere is exploited as if it were part of the market sphere” (Klareven, 1970:38). Broader definition of political corruption also embraces electoral fraud as well as the rewarding by political parties of specific constituencies in return for electoral support. In an in-depth study, Alan Doig and Robin Theobald (1997), aver that the diverse manifestations of corrupt transactions have been identified as ranging from:

... over-looking illegal activities or intervening in the justice process. Forms of corruption also include nepotism, common theft, overpricing, establishing non-existing projects, pay roll padding, tax collection and tax assessment frauds.

Nye (1967:56), has a classical definition of corruption thus, “behaviour which deviates from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary or status gains, or violate rules against the exercise of certain types of private regarding influences”. This definition, expectedly, has in turn been criticized as being too narrow and excessively concerned with the illegality of such practices defined from a modern western point of view. From this perspective, the notion of corruption may be broadened into what De Sardan, termed a “corruption complex” (De Sardan, 1999). In a recent study, Abdul-Razaq Olopoenia (1998), identified the followings, among others, as forms of corruption in Nigeria:

- Bribery with its Nigerian variant;
- Nepotism;
- Misappropriation;
- Extortion; and
- Employment patronage.

Perhaps to simplify the problem, Olusegun Obasanjo – Nigeria’s former President – has added the following to the list of what may be regarded as corruption in Nigeria thus:

- (a) use of one’s office for pecuniary advantage;
- (b) gratification;
- (c) influence peddling;
- (d) insincerity in advice with the aim of gaining advantage;
- (e) putting in less than a full day’s work for a full day’s pay; and
- (f) tardiness and slovenliness (cited in Omotola, 2006:217).

Be that as it is, in African context, where poverty, want and squalor are visible with debilitating effects, political and massive corruption has the tendency of making the ordinary, poor citizens disillusioned, and thereby alienating them from the political process. It is in those and other respects that political corruption is also an obstacle to democratic sustenance as shall be latter demonstrated in this work. It is amazing that the magnitude of corruption in Nigeria totals 10 per cent of the country’s Gross Domestic Product (GDP) (The Economist, 21 Oct., 1996).

On reasons for corruption in Nigeria, Maduagwu (1996) linked it with the political culture. He argues that corruption thrives in Nigeria because the system tends to sanction it. According to him, “no Nigerian official would be ashamed, let alone condemned by his people, because he/she is accused of being corrupt”. The same applies to outright stealing of government or public money or property. On the contrary, the official will be hailed as being smart. He would be adored as having ‘made it’, a ‘successful man’. And any government official or politician who is in a position to enrich himself corruptly but failed to do so will, in fact, be ostracized by his people upon

leaving office. He would be regarded as a fool, or selfish or both (Madunagwu, 1996). In essence, corruption is a myth because one's culture of bribery is another's mutual good-will (Briggs and Bolanta, 1992). In the same vein, it is argued that corruption thrives in Nigeria, as in other African countries, due to allegiance to primordial extended family (Agedah, 1993). In Africa, everyone has obligations towards his community. The higher one ascends the social ladder, the more one is expected to do for one's people.

Against this view is the position that African societies abhor corruption or embezzlement or stealing of public property and had strong sanctions against it. However, because modern African states are alien impositions, African traditional values do not apply to them (Ekeh, 1975). But to follow this line of argument as Bandfield (cited in Asari, 1998) too did is to trivialize the serious issue of corruption in modern African states. The supposition that because corruption is currently rampant in Nigeria as in other African countries, it must be indigenous to African culture can be countered, by the comparative study of other countries. Johnson (1993), has pointed out that prior to the 19<sup>th</sup> century; the use of public office for private gains was so common in Europe that it was considered an abuse. Even today Europe and America as indeed most countries all over the world are still battling to stem the tide of corruption in public lives, therefore, making it a problem that transcends all regions and climes of the world. The difference is just that the venom of corruption in Africa and Nigeria in particular is alarming than what it is in advanced democracies (Daily Times, Sept. 13, 1999). There are a number of reasons why corruption is endemic in Nigeria:

- (a) when individuals believe that when they commit malpractice they will not be caught;
- (b) when such individuals perceive that even if they are caught, they will not be sanctioned or penalized for their wrong doing; and
- (c) when they believe that even when they are caught and penalized, the penalty will be much lower in value than the gains they will derive from the corrupt practice; and
- (d) Nigeria's weak state (Onyeoziri, 2005:3).

### **Manifestations of Corruption in the Nascent Democracy**

It will be recalled that the spate of corrupt practices was spear-headed by Alhaji Salisu Buhari, former Speaker of the Federal House of Representatives. Barely a year of Nigeria's nascent democracy, the young speaker was exposed by a News magazine of certificate forgery and perjury. In his biodata, which he submitted for election Buhari had purported to be 36 years and to have attended the University of Toronto, Canada. Whereas, he was neither up to that age nor ever attended that University, talk less of holding the qualification he claimed to have. In an exclusive report entitled "The Face of a Liar", (The News August 2, 1999) reported that the Speaker was a cheat. After much controversy, the Speaker admitted that he forged his birth certificate and academic certificate too. He was removed as the Speaker of the House for the fact that he had padded his age to surmount the 30 years minimum age requirement, the Constitution places in the way of candidates contesting election into the House of Representatives. While the degree he faked was an egocentric mis-adventure both are a criminal perfidy. He was eventually tried and convicted of forgery and perjury and sentenced to jail by an Abuja Chief Magistrate Court (Tell, June 19, 2000:19).

Immediately after the removal of the former Speaker, Tell ran an exclusive, scandalous and equally corrupt story about the Senate President – Evan(s) Enwerem. He too was accused of questionable past which ought not to have given him the privilege of becoming a number three man in the polity. Chief Enwerem was replaced by Dr. Chuba Okadigbo. The mass media quickly discovered financial recklessness on the part of the new Senate President too (Tell, June 19, 2000:16). In view of persistent media 'war' against him, the house set up a probe panel to investigate him and off he went like his predecessor having been found guilty of corrupt practices too. In less than two years of democratic experiment, Nigerians had three Senate Presidents and two Speakers of the House of Representatives for no other reason than corrupt charges. As rightly put by a news magazine – from Evan(s) Enwerem to Chuba Okadigbo and now to Anyim Pius Anyim, the upper legislative house has become a laughing stock over allegations of impropriety (Tell, August 9, 2000:11 & 13).

Allegations of corrupt practices is not only limited to the legislative arm of government alone. In November 2000, a member of the House of Representatives, Adams Jangaba, Chairman of the Anti-Corruption Committee, had tendered some four million naira (N5m) packed in eight

*Ghana-Must-Go* bags, claiming it was a bribe offered some members of the house by the trio of President Obasanjo, Vice President Atiku Abubakar and Governor Peter Odili of Rivers State. His words, "we gathered that the money is from President Obasanjo, Governor Peter Odili of Rivers State and Vice President Atiku Abubakar and channeled through the President Liaison Officer (PLO) Dr. (Mrs) Esther Uduachi". The money, according to Jangaba was to be shared among eight representatives with the sole aim of quickening the exit of Ghali Umar Na'Abba as Speaker of the House of Representatives. The allegation caused a commotion and, for over one hour, the law makers engaged in a free-for-all fight (Tell, May 7, 2000).

Nigerian mass media were awashed with the rumours of sharp practices which informed the dissolution of Federal Executive Councils too frequently, within the first two years of democracy, thereby resulting into governmental instability. If the federal tier of government appears so stinking, the State governments are not left out in the immoral act. Likewise, at the state level, that tier of government is not immune from corruption too. In February 2000, the Speaker of the Oyo State legislature was declared wanted by the police for defrauding the State government of 6.5 million Naira (about \$60,000) (see, The News, June 4, 2001).

It needs be emphasized that corruption is a child's play at the upper echelon of government when compared to what obtains at the grassroots level. Presumably, closer to the people an assumed catalyst for rural development, the performance of local government functionaries seem opposed to what they were elected to be doing.

Nevertheless, it needs be emphasized that the incumbent civilian administration is ever conscious of the pervasive 'culture' of corruption in the polity and perhaps definitely doing something possible to curtail it. In his inauguration broadcast to the nation, President Obasanjo identified corruption as the greatest single bane of Nigeria. Although, he admitted that the vice is incipient in all human societies, he agreed that it must not be condoned. To achieve the aim of having a corruption-free country, the President began his crusade from his own house when he ordered the arrest of his cousin, Dr. Julius Mankanjuola, a Permanent Secretary, in the Ministry of Defence, who allegedly misappropriated ₦400 million naira.

On June 7, 1999, he externalized his crusade by inaugurating the Christopher Kolade Panel to review contracts and import licences from 1<sup>st</sup> January 1999

to 28 May, 1999. It was also to determine whether or not the procedures for such were in conformity with existing regulations and ascertain the relevance and priority of such contracts. Apart from ascertaining whether the expenditure involved was justifiable in the light of economic realities of the country, the panel was to determine the propriety of appointments into top echelon of federal ministries and extra-ministerial departments, including whether the principle of federal character was strictly adhered to.

The Kolade panel reviewed a total of 4,072 contracts valued at N639.62 billion, 576 licences and 807 appointments which the General Abdulsalami Abubakar regime handled. Kolade and his team revealed that the Federal Capital Territory Ministry rushed 266 projects worth over N44.5 billion naira. The panel also condemned the contract agreement between the Nigerian Ports Authority and Intel Services Limited, which “was packaged solely to serve the interest of Intel, thus creating a monopoly situation that would exclude other companies from participating in Port activities”. Consequently, President Obasanjo suspended all contract awards, licences and appointments made between 1<sup>st</sup> January and 28<sup>th</sup> May 1999, leading to renegotiations and contract re-awards.

However, one cannot easily forget too that shortly after handing over to a new civilian government of Umaru Musa Yar-Adua, the Speaker of the new House of Representatives Patricia Olubunmi Etteh was engrossed in a six hundred and twenty eight million Naira (N628m), house contract scam. She was probed and forced to step-down in 2007.

It was reported too that the Ministry of Health had defied the presidential order that by December 15, 2007, all unspent monies from the 2007 budget should be returned by all government departments to the treasury. This is in keeping with existing regulations. But faced with a N300 million naira unspent part of the Health Ministry’s budget, Prof. Adenike Grange and her officers were said to have immediately deployed about N106 million naira to the award of last minute contracts. The sad revelation is that these contracts were for services and equipment which seem not to be immediately relevant to health care service delivery: purchase of refrigerators, photocopiers, security devices, smoke detectors, fire extinguishers, equipment for protocol unit, a caustic ceiling tiles and cooling systems. The remaining amount was then allegedly shared out among the officials as “Christmas bonus”. Members of the National Assembly Committee on Health also got a handsome share of the money (see [The Guardian](#), April 2, 2008:16). This

action cost the Health Minister – Prof. Adenike Grange and Gabriel Yakubu Aduku Minister of State for Health their jobs along with 14 senior civil servants in the Ministry including Permanent Secretary – Prof. Simon Ogandi their jobs (The Guardian, April 2, 2008:16).

Also, a former Minister of Aviation Dr. Babalola Borishade and an erstwhile Managing Director of the Nigeria Airspace Management Agency, Mr. Roland Iyayi, were arraigned before an Abuja High Court for their roles in the N6.5billion Naira aviation fund scam (The Punch, October 10, 2008:2). Government parastatals, agencies and extra-ministerial departments are not left out in the corruption charges. Shockingly, the Senate was informed of how N453.589 billion Naira was squandered by the Nigerian Ports Authority (NPA) between 1999 and 2008. The Senate also queried the N9.450 billion naira extra-budgetary allocation to the Ministry of Transportation. Members of the Senate *ad hoc* committee probing the management of funds and implementation of policies in the transportation sector during the period were stunned when the Minister of State for Water Transportation Prince Okechukwu Emeka, disclosed that N453.589 billion naira was spent by the NPA without proper authorization nor were there genuine documents to back it up (Nigerian Tribune, October 10, 2009:4).

This survey of manifestation of corruption in the new democratic era is far from being exhaustive. Presently, seven of the governors that ruled their states for eight years (1999-2007) are presently serving as Senators. Of these, seven, and four are facing trial over allegations of money laundering. Some other contemporaries are also facing trials in various courts. About 11 of them are in their way to jail, if found guilty. With former Kebbi State Governor, Adamu Aliero, now added to the list, the big question is, who is next? (Nigerian Compass, October 19, 2008:8-9).

From the foregoing, empirical data revealed that much as the government is waging a 'relentless' war against corruption, the more political elite appears receptive to the war. This informed General Muhammadu Buhari (Rtd)'s observation that:

'once again, leadership in Nigeria has become a total stranger to transparency and accountability ... corruption which, back in 30 May 1999 they promised to eliminate is nowadays enjoying

unprecedented prosperity” (The News, November 4, 2002).

The snag however is that neither the politicians nor the military top brass who were opportune to be at the helm of affairs have proved to be better alternative in terms of brazen corruption. This position has been buttressed by the late Justice Pius Okigbo’s report (The News, May 23, 2005:33-39).

### **Corruption, Democracy and Development: A Nexus**

It is shocking to discover that Nigerian leaders have embezzled about \$400 billion US dollars between 1960 and now, and most of them are still not being challenge (Nigerian Tribune, February 11, 2008:5). The amount recovered by the EFCC from assets and other sources till date is more than 20% of the 2008 budget proposal which stood at ₦2.5 trillion Naira. If only a portion of it had been used to develop electricity generation alone, incessant power failure would be no more (Sunday Tribune, December 9, 2007:15-17). In a public lecture, recently, Kenya’s Prime Minister, Raila Amolo Odinga, noted that in Africa, “corruption has been and remained the major scourge preventing economic growth and stability in our nation. It is a barrier to national development, infrastructural growth and investment” (The Guardian, October 10, 2008:2). No doubt, the concomitant effect of corruption is poor economy and lingering poverty problem. Nigeria’s poverty conundrum has assumed a frightening dimension. In the words of Dr. Maguns Kpakol, Senior Special Assistant to the President and National Coordinator of National Poverty Eradication Programme,

the number of poor Nigerians could be put at an estimated figure of 70 million ... in 1980, the figure was 28.1 million 1985, 46.3 million; 1992, 42.7 million, 1996, 65.6 million and 1999 70.0 million, 2004, 54.4 million (see, Nigerian Compass, August 21, 2008:16).

He gave the statistical breakdown along the six regional levels to be “North-East, 72.2 per cent; South-East, 26.7 per cent, South-South, 31.5 per cent, South-West 43.1 per cent, North-Central 67.0 per cent and North-West, 71.2 per cent” (National Life, September 13, 2008:8). For official poverty statistics to have revealed that over half of Nigeria’s 150 million population is poor is a serious source of worry in a nascent democracy. This is because; democracy is endangered in Nigeria now more than ever before simply

because poverty, want and squalor are anti-democratic forces in the polity. The dilemma however is that the state is blessed with abundant human and material resources. But over the years, corruption has made non-sense of revenues accruable to virtually all levels of government between 1999 till date. In essence, state capacity to provide basic infrastructures in terms of democratic dividend has been whittled down by both political and bureaucratic corruption.

Corruption which has crippled the economy is anti-thetical to sustainable democracy. There is therefore a two-way causal relationship between the economy and sustainable democracy, the state of the economy is the determinant of enduring democracy but democracy is a key pre-requisite for sustainable economic transformation. The message is broad-based economic prosperity sustains democracy whereas widespread poverty and ignorance undermine it. To mimic President Clinton of US, when he was running for office in 1992, "it is the economy, full-stop!" (cited in New Age, June 2, 2005:10). Considering the nexus between democracy and the strength of the economy vis-à-vis development, in a seminar article, Prezeworski (1996:39-59) found the empirical evidence that:

Once a country has a democratic regime; its level of economic development has a very strong effect on the probability that democracy will survive ... democracy can be expected to last an average of about 8.5 years in a country with per capita income under \$2,000; 33 years between \$2,000-\$4,000 and 100 years between \$4,000-\$6,000 ... Above \$6,000 democracies are to live. No democratic system has fallen in a country where per capita income exceeds \$6,033.

Taking a cue from the same line of argument, Akintunde (1967:6-8) while rationalizing the reasons for the demise of democracy in the First Republic postulated that a democracy which is not founded upon a secure economic base is not likely to succeed because it lacks an essential condition of efficiency. It is unable to fulfill the expectations of its citizens; in the common parlance, it cannot deliver goods. So significant is the economic base that many scholars have surmised that even communist countries, as they become wealthier, will come to resemble western democracy more and more (cited in Akintunde, 1967). Unfortunately, in Nigeria as in most of the

developing countries, due largely to the poor economic base, the middle class is a very small minority of the population. Western democracy is therefore not securely founded because it lacks one of the essential ingredients of success – an influential middle class. This fact which is sometimes a surprise to African leaders (Ibid.) was well known to Aristotle more than two thousand years ago. According to him, “when democracies have no middle class and the poor are greatly superior in number, trouble ensues and they are speedily ruined” (ibid). The nexus between democracy and the strength of the economy reveals that the poor are usually confined to mere voting, while political career becomes the privilege of those who are wealthy enough to afford the leisure to devote to politics in most western democracies, until the advent of trade union M.Ps (ibid). Thus, while blaming the politicians, it is worth repeating that, by embarking on western democracy in an inadequate economic base, the Fourth Republic was set on a death course, it was bound to be corrupt (ibid).

No doubt, it is a daunting task in the face of the aforementioned historical evidence to sustain democracy in an economy like Nigeria where per capita income has been below the \$1,000 mark. That according to Przeworski (cited in Jane, 1980:23), poses a serious threat. Also considering the relationship between democracy and the economy vis-à-vis the expectations of an average African, Claude Ake averred that:

The ordinary people of Africa are supporting democracy as a second independence. This time they want independence not from the colonial masters, but from indigenous leaders whose misrule has intensified their poverty and exploitation to the point of being life threatening. (cited in Jane, 1980).

The caveat is that where democratic processes do not yield economic returns, a regression to dictatorship cannot be ruled out. This point is clearly stated by Larry Diamond (1994) thus:

... many new democracies in Latin America, Eastern Europe, Asia and Africa will probably breakdown in the medium to long run unless they can reduce their often appalling levels of poverty, inequality and lay the basis for sustainable growth.

Be that as it may, Nigeria's struggle against corruption needs to be intensified in order to bail out the economy from its present slide into doom.

### **Conclusion**

So far, it has been demonstrated to all including international community that Nigerian state is waging a relentless war against corruption. In fact, national dailies are a washed on daily basis with reports of the activities of both institutional mechanisms – ICPC and EFCC – charged, with the responsibility of arresting and prosecuting offenders. Meanwhile, for quite a number of reasons, the anti-graft war is far from being successfully waged. To start with, the war is being waged from the top, while the masses of the people still relish in graft. Not only that the eight years rule of President Olusegun Obasanjo – (1999-2007) – the anti-graft agencies were far from being objective and impartial. Most especially toward the tail end of his administration when he mooted the idea of tenure elongation whoever that was suspected not to have 'cooperated' for his third term agenda were harangued by the anti-graft commissions while his loyalists were treated as saints even in the face of overwhelming evidences against them that they were neck-deep in corruption. In the words of an observer:

The jurisdiction of the EFCC seems to be limited to the whims and caprices of the President – at least that much was obvious during Obasanjo's administration. We are yet to see a drastic departure from that status quo under this present administration (The Nation, September 23, 2008).

Further more, it is also unfortunate that Nigeria is encumbered with a constitution that purports to shield the irresponsibility of public office holders to their constitutional obligations. The 1999 constitution encourages wanton corruption by trying to curtail the jurisdiction of the courts to adjudicate upon acts of omissions that run contrary to the obligations it imposed on government – this is the absurd intendment of section (6)(c) of 1999 constitution. This provision is all the more odious in a country where most politicians are bereft of integrity, and are actuated solely by their inordinate desires to amass stupendous wealth at the expense of the people they are meant to serve. The viable way out is to rouse the courts to trenchant activism through importunate applications that seeks to enforce the nitty-gritty of human rights. The frontiers of *locus standi* must by all means be expanded, and the courts must exercise judicial bravado to get around the

ouster of S.6 (6) (c) of the 1999 constitution. In any event, section 13 of the constitution imposes an obligation in the judiciary, as well as the executive and legislature to enforce the provisions of chapter two of the constitution. The courts should resolve the obvious inconsistency between these two constitutional provisions in favour of suffering Nigerians (The Nation, September 23, 2008). On a more serious note, federal government should detach almost completely the anti-graft agencies from her apron strings, while state houses of assemblies, equally needs to be more animated and enamoured vis-à-vis corruption war. Presently, they seem not to be performing visible function of checks and balances.

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