

Anti-Corruption Strategies and Development in Nigeria: A Case Study of the Independent Corrupt Practices Commission (ICPC) and Economic and Financial Corruption Commission (EFCC)

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Abstract

The issue of corruption has led to loss of confidence in Nigeria by its citizens at home and abroad due to the activities of fraudsters, corrupt public officials and mis-governance by our leaders. On the international scene, Nigeria has been blacklisted as a slate in which integrity and transparency are alien and where no transactions occur without greasing palms. Others are over concentration of resource at the centre and a culture of unregulated informal economy, inefficient contract awards, inadequate enforcement of existing law, absence of the rule of law and a culture of preferential treatment in the conduct of government business. The Independent Corrupt Practices Commission (ICPC) and Economic and Financial Corruption Commission (EFCC) were established by the present administration to combat corruption at various levels. It is lamentable to observe that in spite of these strategies in place, little or no success has been achieved in that direction. The main objectives of the study are to identify the causes of corruption and their effects on Nigerian society; to analyse the role of the various Strategic Agencies on Anti-corruption and the impact of their existence. The method adopted for the study is the historical and observational method. Related literatures on corruption and government strategies are also utilized for the study. The findings of the study are that the existing Anti-Corruption Agencies are trying their best to curb corruption in Nigeria but that greediness and political instability are some of the primary causes of corruption. Government's lack

of will to indict some past and present public office holders, inadequate and ineffective legislation on corruption are responsible for the high level of corruption in Nigeria today. It is recommended that in fighting corruption, Nigeria requires good and virtuous leaders who are honest with integrity, discipline and trustworthy, creation of employment, upgrading of Nigeria police amongst others.

Introduction

The issue of the upsurge of corruption and its rate of damages to Nigerian polity and economy is alarming. No government crumbles in which corruption does not play a major or secondary role in its downfall. The menace of corruption leads to slow movement of files in offices, police extortion at tollgates and slow traffic on the highways, port congestion, queues at passport offices and petrol stations, ghost workers syndrome, election irregularities, amongst others. It is widely believed that corruption is endemic in all governments, and that it is not peculiar to any continent, region and ethnic group. It cuts across faiths, religions, denominations and political systems and affects both young and old, man and woman alike.

Corruption has various definitions by different people in the society and in the academic circle. Corruption has broadly been defined as a perversion or a change from good to bad. Specifically, corruption involves the violation of established rules for personal gain and profit. Corruption means dishonest or illegal behaviour, especially of people in authority. Corruption is a behaviour which deviates from the formal duties of a public role, because of personal or private gain. This definition includes such behaviour as bribery, use of a reward to pervert the judgement of a person in a position of trust, nepotism, and misappropriation – illegal appropriation of public resources for private uses. Corruption can take any form of wrong doing or behaviour, act of violation of public norms or deviation from honesty to dishonesty. For instance examination malpractice committed by either the invigilators, the parents or the students themselves is regarded as corruption irrespective of the level of involvement.

The causes of corruption are myriad and they have political and cultural variables, some evidence points to a link between corruption and social diversity, ethno-linguistic fractionalization, and of the proportions of country's population adhering to different religious traditions. Thus, the political system and the culture of a society could make the citizens more prone to corrupt activities. Some of the factors responsible for this evil phenomenon are – great inequality in distribution of wealth, the use of political offices as the primary means of acquiring and gaining access to wealth. Other factors are conflict between changing moral codes, the weakness of social and governmental enforcement mechanisms; and the absence of a strong sense of national community.

According to Obasanjo Reforms –Anti-Corruption Crusade (2005), before the present democratic dispensation, preceding administrations had successively instituted legal instruments, measures and policies designed to combat corruption in the country. below is a list of laws, decrees, and ethical campaigns launched to cleanse the social fabric of Nigeria to date.

1. The Criminal Code
2. The Penal Code, applicable in the North
3. The Criminal Justice (Miscellaneous Provisions) Decree, 1996.
4. The Corrupt Practices Decree 1975, which established the Corrupt Practices Investigation Bureau.
5. President Shehu Shagari's Ethical Revolution
6. The War Against Indiscipline of Buhari / Idiagbon administration
7. Mass Mobilization for Social Justice, Self-Reliance and Economic Recovery (MAMSER) by General Babangida.
8. The Code of Conduct Bureau and Tribunal Act (Cap 56 Law of the Federation of Nigeria, 1990).
9. The Recovery of Public Property (Special Military Tribunal Act Cap. 387, Laws of the Federation of Nigeria 1990) as amended in 1991.
10. The War Against Indiscipline and Corruption of Late Gen. Sani Abacha.
11. The failed Banks (recovery of debts and financial Malpractices in banks) Decree 1994 as amended in 1999.
12. The Recovery of Public Property (Special Military Tribunal Act Cap 389, Laws of the Federation of Nigeria 1990) as amended in 1999 by Gen. Abdulsalam Abubakar.

Paradoxically, these remedial measures merely rendered the malaise more virulent. This anomaly existed for several reasons. For one, the panacea failed to take into account the magnitude, character, and sophistication of corruption as defined by its socio-cultural context and time dimensions. For instance, the Criminal and Penal Codes, apart from their complex wordings which created technical problems of interpretation and application, restricted the offence of corruption mainly to members of the public service. This gave the impression that non-public servants could get away with active collaboration in and commission of acts of corruption.

Another reason for the failure of earlier anti-corruption initiatives was the compromised sincerity of policy makers and those entrusted with enforcement. Under the military, the burden of proof of innocence was shifted to the accused and provisions were made for the expeditious treatment of corruption cases. A few cases were determined with commendable dispatch but the perceived partisan scale of judgement marred the much vaunted reformist stance. Thus, it was not surprising that despite the plethora

of laws, decrees and campaigns, corruption unfortunately graduated from being an aberration into a national crisis.

Obasanjo's Anti-Corruption Crusade under the new dispensation, led to the establishment of ICPC and EFCC to assist in fighting corruption in Nigeria.

Statement of the Problem

The issue of corruption has been among contemporary issue, ravaging the Nigerian economy for some years now. The issue of corruption has led to loss of confidence in Nigeria by its citizens at home and abroad due to the activities of fraudsters, corrupt public officials and misgovernance by our leaders. On the international scene, Nigeria has been blacklisted as a slate in which integrity and transparency are alien and where no transaction occur without greasing palms. The ICPC and EFCC were established by the present administration to combat corruption at various levels. It is lamenting to note that in spite of these strategies in place, little or no success has been achieved in curbing corruption in Nigerian society.

The causes of corruption can be attributed to several factors, such as political corruption and institutional factors which include the intention of most politician to get quick at all cost and by all means, poverty, pressure on the holder and human failures or human weaknesses. Others are over concentration of resource at the centre and a culture of unregulated informal economy, inefficient contract awards, inadequate enforcement of existing law, absence of the rule of law and a culture of preferential treatment in the conduct of government business.

The question now is the role of the various Anti-Corruption Agencies in Nigeria helped in curbing corruption. The focus of this study is to find solution to this question.

Objectives of the Study

The objectives of the study are:-

- (a) To identify the causes and effects of corruption
- (b) To analyse the role of the various strategies or policies on Anti-Corruption in Nigeria.
- (c) To find out if the high rate of corruption is the cause of under-development in Nigeria
- (d) To make recommendations as appropriate towards the alleviation of corrupt practices in Nigeria.

Research Questions

Five research questions have been formulated for this study as follows:-

1. Are political instability and institutional factors some of the causes of corruption in Nigeria?

2. Can lack of will power on the part of Government to indict corrupt officials lead to perpetration of corruption in Nigeria?
3. Can corruption be attributable to greediness and wanting to get rich quick syndrome?
4. Has the establishment of ICPC and EFCC as Anti-Corruption Strategic Agents helped in curbing corruption in Nigeria?
5. Are inadequacies and ineffective legislation on corruption responsible for the high rate of corruption in Nigeria.

Theoretical Framework

The problem of corruption in Nigeria is a complex and sad one. Corruption can thus be analysed from the perspective of morality (or immorality) and such related concepts as values and conscience. Theories of moral development have been well postulated by such notable scholars as Jean Piaget and Lawrence Kohlberg.

Morality simply refers to the relative goodness of people as it is reflected in their behaviour and beliefs (Lefrancois). Piaget investigated morality by reference to children's acquisition of an understanding of rules. He maintains that children progress from an initial premoral stage to a stage where morality is defined by outside authority (heteronomy). The final stage is one of moral autonomy where morality is defined in terms of the individual's personal estimate of right and wrong Lefrancois (1976). Thus, a time comes when an individual matures to decide whether to do what is right or what is wrong.

Kohlberg speaks of three different aspects of morality: the ability to resist temptation; the amount of guilt that accompanies moral transgression; and the standards by which individuals judge right and wrong. Kohlberg carried out one of the most intensive and extensive investigations on morality. He describes three progressive levels of moral development. The first is labelled premoral and is characterized by an authority-oriented definition of good and evil as well as by the belief that behaviours that lead to immediately pleasurable outcomes are good whereas those that lead to less pleasant outcomes are bad. The second level of moral development is a period of conformity to family and peer standards, motivated in part by a desire to maintain good social relations. At the highest level of moral development, children re-examine the rules that have previously governed their behaviour and, theoretically arrive at a set of self-accepted principles of moral conduct Lefrancois (1976).

From Piaget and Kohlberg's presentations, it can be seen that individuals redefine their behaviour as they grow. It therefore means that societal conditions and influences affect people's behaviour. The Nigerian society's regard for success has changed from what it was in the past when honour was truly given to men and women to whom it was due. But nowadays, red carpet reception is given to undesirable elements in the society. This has affected the

citizens' perception of life. Indeed, the decline in morality and relegation of hard-work and honesty to the background can be said to be facilitator of corruption in Nigeria. The society has accepted mediocre as philosophers and leaders, without a deal of hard work. In other words, society that appoints illiterate persons to positions of authority without respect for intellectualism is bound to be corrupt since people can get to the top without hard-work and honesty. In a society where crime (such as advance fee fraud popularly called 419) is glorified; and offenders are honoured, the generation following, will inevitably desire to toe the same line Delta State Government, (2005).

Fatula (2001) states that even though corruption is not easy to define it is easy to recognize. Another learned writer, Oyeboode states that corruption connotes impropriety and therefore encompasses all forms of reprehensible, indecorous or infamous conduct in the performance of some official, quasi-official or fiduciary responsibility.

Corruption may be collusive, extortionary or anticipatory (Gidado). Corruption is seen as "an act done with intent to give some advantage inconsistent with official duty and the rights of others. The act of an official or fiduciary person who unlawfully and wrongfully uses his stations or character to procure some benefit for himself or for another person, contrary to duty and the rights of others. It is also interesting to note that section 2 of the Independent Corrupt Practices and Other Related Offences (ICPC) Act 2000 provides that corruption includes bribery, fraud and other related offences.

Bagshaw (2004) believes that a number of factors can be identified as responsible for corruption In Nigeria. These include low public sector salaries, secrecy in government, bad procurement practices and immunity of public officials, a fundamentally flawed structure of the Nigerian republic and the absence of functioning governmental system in the federation. Another factor is the federal government's monopoly of the economy, which is as a result of the over-concentration of resources at the centre and a culture of unregulated informal economy. The implication of the lack of a properly functioning governmental system, in particular, is that laws are not effectively enforced and therefore almost anything goes. The country almost becomes a free for all, while the children (pupils and students) watch and copy – perhaps watch better and copy faster in this internet age.

Political Corruption:

A major aspect of corruption that has become endemic in a typical Nigerian society is political corruption. The causes of political corruption in Nigeria are traced to the intention of most politicians to get rich quick at all cost and by all means. It is noted that an understanding of the root cause of corruption may lead to ways of overcoming it or at least to curtail its practices and to mitigate its effect to such degree that it no longer poses a threat to orderly public life.

The causes of political corruption are amongst others, classified as institutional factors, traditional factor, monarchical tendency and so on. Unfortunately, the same politicians who destroy the country's economy through corruption are discussing on how to combat corruption in Nigeria. In his Kanu anti-corruption crusade. Sule (2005) states that "Nigerians are watching how politicians who cheated their way through the electoral system could turn around to champion anti-corruption as if there is graduation to what is corrupt.

Institutional Factors:

It has been discovered that the root cause of all corruption, especially economic corruption has been traced to poverty and pressure on the office holder, human failures or human weaknesses. Corruption can be attributable to greediness and wanting to get rich quickly syndrome. It is also learnt that perceived fear of individual of the unknown, fear of future security, anxiety and uncertainty are probable causes of corruption in Nigeria. Anxiety of an average public servant, about his general welfare after retirement from active duty or about how to make ends meet is another reason for corruption. This is so because in Nigeria, the system actually breeds corruption as government is seen as not being particularly interested in the welfare of the public office holder after retirement from civil service.

It is not surprising therefore, that the public officer who is aware of government failure to provide for the welfare of office holder after retirement, attempt to provide for a rainy day, engages in corrupt activities to at least enable him to put a shelter over his head at retirement and also make some savings through the same means of corruption towards his welfare after retirement.

Some civil servants and policemen who have been accused of collecting illegal fees, bribe and tolls have attributed their illegal activities to poor salary, lack of regular promotion and risk involved in their job. In the same vein, some principals, teachers; and examination supervisors are involved in corrupt practices by extorting money from students illegally for personal advantages and out of greediness. This is done in order to assist the students pass their examinations with ease. While identifying factors attributable to cheating during examination, Lanre (2003) states that location of examination centres, non-availability of adequate hall and location of the halls amongst others are responsible for cheating. It is believed that if school children are properly trained, the level of cheating during examination will be reduced. To that effect, Omatseye (2002) states that indigenous education in Nigeria was aimed at improving the physical, cognitive and psychosocial development of the child. This is so because a child needs to be prepared today for future leadership rather than training him on how to cheat at that level.

As punishment for corrupt practices, Sobechi (2005) states that three secondary school principals have been suspended from office by the Ebonyi

State Secondary Education Board over their schools' involvement in examination fraud. Another principal was also demoted for collecting illegal levies from students.

In his contribution, Eker (1991) states that, -

The government is the focus of power in most developing countries, determining the level and nature of economic activity. The government is to a very significant degree, the economy. It is the greatest industrial and agricultural power. It is the biggest contractor. It is often the sole owner of natural resources. It is the largest employer and financier, it processes all dealings, private and public alike. Above all, it determines the rule of the game, the regulations with which all economic activities must comply; from interest rates, land tenure, service fees, import quotas, pricing dividend policy remittance and foreign manpower. It is the great concentration of power-political, economic and bureaucratic, together with the accelerated pace of economic development which provides such a fertile ground for corruption. Had power been more decentralized and the sources of economic activities more numerous, the level of corruption would have been lower. Where bureaucracy is under constant pressure from numberless profit seekers and clamoring for permits, contracts, certificates, import licenses, and what have you, the temptation becomes overwhelming to jump the queue, to lubricate one's way, and to make certain of results.

From the above quotation, it is obvious that over-concentration at the centre, accentuated by the long years of military rule which is very much against the spirit of federalism, has ensured that corruption thrives in Nigeria. According to Inegbedion the direct involvement of government in economic activities is an invitation for corruption to thrive. Furthermore, in a recent survey conducted by the Movement for New Nigeria, (2003) the movement identified inter alia, the following as causes of corruption in Nigeria –

A fundamentally flawed structure of the Nigeria Republic;

- The absence of functioning government systems in the federation;
- Federal Government monopoly of the economy, over-concentration of resources at the centre, and a culture of unregulated informal economy;
- Excessive Federal involvement in corporate business enterprises;
- Inefficient contract awards, standards and procedures;

- Inadequate enforcement of existing laws, absence of the rule of law, and a culture of preferential treatment in the conduct of government business;
- Nepotism and tribalism in the administration of justice, running of government, and conduct of businesses;
- Political instability and frequent military intervention in government;
- Inefficient police force and police structure;
- Absence of civic education and civic responsibility in the populace;
- Late or non-payment of wages to public employees;
- High levels of poverty, unemployment and under-remuneration or “slave wages”; and
- Late or non-payment of contractors by the government.

Effects of Corruption

The effects of corruption on a nation’s socio-political and economic development are numerous. One of the effects of corruption is that it has negative impacts on economic growth and development as it reduces public spending on education and level of investment; and adds to investment risk. Corrupt politicians and public servants would shift government expenditures from education to other areas where they can collect bribes and gratification. Example of this is contract for the construction of road, highway, bridges and so on.

Corruption can tarnish the image of a country as it discourages honest effort and valuable economic activities. Corruption breeds inefficiency and nepotism in the public service. According to Inegbedion, (2003) the effects of corruption are so overwhelming that it could stagnate a nation. It poses a serious developmental challenge. In the political area, it undermines democracy and good governance by subverting the electoral processes and governmental procedures. Corruption in elections reduces the legitimacy of government, accountability and representation in policy making. In the judiciary, corruption suspends the rule of law and erodes public confidence in the administration of justice. More generally, corruption erodes the institutional capacity of government, as institutional safeguards are disregarded, resources are siphoned off and officials are hired or promoted without regard to performance. Corruption also undermines economic development by generating considerable distortions and inefficiency. In the private sector, corruption increases the cost of business through the price of illicit payments, the management cost of negotiating with officials, and the risk of breached agreements or detection. Although, it may be argued that corruption reduces costs by cutting red tape, emerging consensus holds that availability of bribes induces officials to contrive new rules and delays.

Where corruption inflates the cost of business, it also distorts the playing field, shielding firms with connections from competition and thereby sustaining inefficient firms. Corruption also generates economic distortions in the public sector by diverting public investment away from education and into capital projects where bribes and kickbacks are more plentiful. Officials may increase the technical complexity of public sector projects to conceal corrupt dealings, thus further distorting investment. It also lowers compliance with construction, environmental or other regulations; reduces the quality of government services and infrastructure; and increases budgetary pressures on government. Corruption is also the major source of brain drain in Nigeria. Nigerian intellectuals and professionals are forced, by the economic situation in the country, due to corruption, to seek refuge in more stable societies. The result is the loss of highly skilled manpower and the transfer of same to her competitors. This is in addition to the wasted funds deployed in training these fleeing categories of citizens. The result of this brain drain is that the economy suffers since these experts are no longer available for the development of the economy especially in the area of research and development.

Corruption also engenders the break down in law and order and political instability. Corruption has the capability to create institutional breakdown in the polity, leading to loss of confidence in the system; the end product is that citizens resort to self help in order to ensure their survival which can no longer be guaranteed due to institutional corruption. This could take various forms such as prostitution, kidnapping, armed robbery, fraud etc. Similarly, political corruption, such as the manipulation of the electoral process, could create political instability that could erode the ability of government to provide meaningful development in any nation. The manipulation of the electoral process could create ill-feeling by the aggrieved political parties, thus creating political tension in the country. Extra resources that could have been used for developmental purposes such as alleviation of poverty are again channeled to strengthen policing duties and the general maintenance of law and order.

It therefore becomes obvious that corruption reduces the rate of national development. Development refers to the gradual growth of something so that it becomes more advanced and stronger but a country like Nigeria that is over-whelmed with corruption can hardly attain the height of development.

Anti-Corruption Strategies

There are various anti-corruption strategies in Nigeria today, but for the purpose of this study we are going to concern ourselves mainly with Independent Corrupt Practices Commission (ICPC) and EFCC respectively.

The Independent Corrupt Practices Commission:

The corrupt practices and other related offences Act, 2000, a 71 – section statute deal with different aspects of offences covering all manners of corrupt

practices, financial, statutory, procedural and behavioral offences. In order to combat the crime of corruption, the Independent Corrupt Practices Commission (ICPC) was instituted and presided over by Justice Mustapha Akanbi (rtd.). It is appropriate to emphasize the importance of good and enforceable policies toward controlling corrupt behaviour. In achieving this aim, there is the need to have a substantive independent body to implement the various policies on corruption, which operates without fear or favour. Although the ICPC has been trying its best except that the Commission has not been able to get the past corrupt public office holders (Presidents, Governors and Legislators) to appear before it simply because the present government is enjoying their support. Akanbi (2001), It is therefore difficult to believe that this Commission is independent. According to Ogbodo, (2005) Akanbi has decried the alleged role of the judiciary in stalling moves to prosecute high-profile government officials involved in corrupt practices. He further decried a situation where senior members of the judiciary are employed by these top government functionaries standing trial to intimidate younger and less-experienced advocates of the Commission.

Some of the notable offences covered by the Acts include:

- Gratification by an official
- Corrupt offers to public officers and corrupt demand by persons
- Fraudulent acquisition of property
- Fraudulent receipt of property
- Corrupt demand by person
- Counseling offences relating to corruption
- Duty to report bribery transactions
- Power to investigate reports and enquire into information
- Power to examine persons.

ICPC – Cases of Corruption

According to Akanbi, (2001) the ICPC stirred some optimism in December last year when it charged three former ministers of Obasanjo's government, several senior government officials and a key figure in the People's Democratic Party (PDP) with receiving bribes totalling over US\$1 million. The defendants were alleged to have received the funds from an agent of the French Electronics Company, SAGEM to enable it obtain a US \$214 million contract in 2001 to execute Nigeria's national identity card project. However, the trail which led to the prosecution of former Internal Affairs Ministers, Sunday Afolabi and Mahmud Shata, former Labour Minister, Hussein Akwanga, former PDP National Secretary, Turrie Akerele, started from abroad.

Investigators, security officials at London's Heathrow Airport intercepted Chris Agidi, a former Director of the Department of National Civic Registration (in charge of the identity card project) in September last year and

found over US \$200,000 in cash in his case. Agidi was subsequently questioned about his suspected links to terrorist movement, but revealed under interrogation that the funds came from SAGEM.

While lamenting over the inability of the commission to meet the expectation of the public, Akanbi (2001) states that his organization has only been able to investigate 608 of the 1,270 petitions it had received over the past four years – less than half – due to lack of funds. Out of this number, only 34 cases had been brought to court. He wondered why the government had set up the commission and appointed competent people to run it only to frustrate it from performing by starving it of funds. Akanbi explained that another reason why the ICPC had fallen short of public expectations was because the law forbade it from investigating any corrupt practices perpetrated before its creation in June, 2000. This restriction effectively lets off the hook all those who served in successive regimes since the oil boom of the 1970s – especially the military governments of Ibrahim Babangida and Sani Abacha, which ruled Nigeria from 1985 to 1998. Both regimes are widely believed by Nigerians to have looted the national treasury. For example, the law does not permit the commission to investigate Babangida and other past heads of state, governors or military administrators. He stated that even if the commission receives complaints about these people, there is little or nothing the commission could do because it cannot investigate any corrupt practices that occurred before the commission was established.

Economic and Financial Corruption Commission (EFCC)

The Economic and Financial Crimes Commission (EFCC) was created in December, 2002 through an Act of the National Assembly. The Commission began operation in April, 2003, when its Board was inaugurated. It is charged with the following responsibilities:

- (a) Investigation of all financial crimes such as Advance Fee Fraud (otherwise known as 419), Money Fraud, Counterfeiting, illegal Cash Transfers, Futures Market Fraud, Fraudulent Encashment or Fraudulent Diversion of Funds, Contract Scam, Forgery of Financial Instruments, Insurance of Dud Cheques, etc.
- (b) Coordination and enforcement of all economic and financial crimes law, enforcement functions conferred on any other person or authority.
- (c) Adoption of measures to identify, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crimes related offences or the properties, the value of which correspond to such proceeds.
- (d) Adoption of measures to eradicate and prevent the commission of economic and financial crimes with a view to identifying individuals, corporate bodies or groups involved.

- (e) Determination of the extent of financial loss and such other losses by government, private individuals or organizations.
- (f) Collaboration with government bodies within and outside Nigeria carrying out its functions wholly or in part analogous with those of the Commission.

The EFCC is also empowered to enforce the following laws:

- (i) Money Laundering Act 1995.
- (ii) The Advance Fee Fraud and other related offences Act 1995
- (iii) The Failed Bank (Recovery of Debts) and Financial Malpractices in Banks Act 1994 as amended.
- (iv) The Bank and Other Financial Institutions Act, as amended.
- (v) Miscellaneous Offences Act (Cap 410LFN).
- (vi) Any other law or regulation related to economic and financial crimes.

EFCC – Cases of Corruption:

Some cases of corruption handled by EFCC recently are numerous as it is evidenced by various reports that the rate of Nigerians' involvement in corruption in the past is quite enormous. While reporting the efforts of EFCC, Ribadu (2003) reported on Thursday, 13th October, 2003 that, A 86-year old woman, Juliana Ching was on 26th September, 2005 presented a cheque of USD 4,481,909.94m in Hong Kong. According to him, the money is part of recovered funds from a fictitious transaction initiated by one Basil Nkenchor, a Nigerian, purporting to be Alhaji Ibrahim Abba, Group Managing Director of the Nigerian National Petroleum Corporation (NNPC) sometime in June, 1995. Presenting the cheque, Mallam Ribadu assured the government and people of Hong Kong that the efforts of the Nigerian government to clean up Nigeria were beginning to yield positive fruit as the country was no longer being seen as a safe haven for criminals and corrupt public officers. He therefore implored potential investors to come and invest in Nigeria, as the country was witnessing a tremendous change with the sanitization of key sectors of the economy. While he assured that EFCC would continue the crackdown on criminals, the EFCC Chairman was happy that the negative perception of Nigeria was beginning to change, as a result of the anti-corruption crusade of President Olusegun Obasanjo.

A classic '419' letter from Nkenchor to Mrs. Ching's daughter, Vivian, sought their assistance to transfer to her account abroad, the sum of USD 25m being sum supposedly overpaid by the Nigerian Government on some phoney procurement contracts for which they were supposed to receive 25% of the sum involved. Between June 1995 and April 2000, while the scam lasted, the victims transferred about 320m to accounts in Nigerian banks provided by the 419 kingpin and his group. However, following a petition from the

Department of Justice, EFCC promptly went into the matter, arrested and interrogated the suspect and his accomplices. They confessed to the crime and repaid the entire sum. EFCC would soon arraign them in court. The Commission therefore advises the general public to be wary of such suspicious business transactions and also seek good information from it before entering into negotiations. EFCC also reiterates its resolve to stamp out advance fee fraud, corruption, money laundering and other forms of economic and financial crimes from the Nigerian society.

While describing the EFCC's efforts to co-operate with foreign bodies to fight corruption, Ribadu (2003) states that the Office of Fair Trading (OFT) of UK and its law enforcement partners in Nigeria are warning consumers to be wary of unsolicited e-mails asking for help in moving large sums of money in exchange for a share of the spoils. According to him, the e-mails often appear to come from a respected official, such as bank manager or a government agency. They have discovered secret funds that must be moved out of their country and ask for your help to move them to the UK. They will offer to deposit large sums in your bank account temporarily and in exchange you will get a share. They will have elaborate explanations about why they need to use your bank account. The OFT advises recipients not to reply, and to report and delete the e-mail.

These scams, according to Ribadu are nicknamed '419' scams after the relevant section of the Nigerian Criminal Code. Many, but not all, originate from Nigeria and West Africa. Classic 419 scam scenarios include being contacted by:

- A Nigerian bank official wanting help in transferring millions from the account of a diseased individual before the bank freezes the funds.
- An employee of a large corporation, often an oil company, needing outside help to spirit away company funds generated by over-invoicing contractors.

New and innovative scenarios are always emerging and are often topical, such as:

- a war-reporter who has unearthed Saddam's missing millions and needs to deposit them in your account in return for a share.
- A young person orphaned by the tsunami disaster asking for help in moving their parents millions out of an overseas bank.
- Some new versions mention Hurricane Katrina and the 7 July London bombings.

All the scams share a common theme. The victims are ultimately asked to pay money in advance, to cover eventualities like, taxes, insurance, legal fees, handling fees and bribes that amount to thousands of pounds. Contributing,

Wade states that “if you are targeted, recognize the 419 for what it is – an attempt to entrap you. Do not reply and do not give your personal details out. These scams bear the hallmarks of professional criminals – use your common sense and don’t become their next victim.” According to Ribadu (2003), EFCC of Nigeria - the law enforcement agency collaborating with the OFT have worked assiduously to stop ‘419’ scams at source and that 419 and other Nigerian variants of cyber crime, have done unquantifiable damage to Nigeria’s image and credibility. The government has resolved to deal a fatal blow to the cyber crime networks operating from Nigeria and the West African sub region Crusade (2005).

The EFCC is taking action on a range of measures to combat ‘419’ scams, such as monitoring activity at cyber cafes in Nigeria, signing a memorandum of understanding with Microsoft to tackle cyber crime and taking on a significant number of cases against fraudsters based in Nigeria. The Nigerian Financial Intelligence Unit (NFIU) is the Nigerian arm of the global financial intelligence unit (FIU). Domiciled within the Economic and Financial Crimes Commission (EFCC), as an autonomous unit, the setting up of the NFIU is part of the efforts of the Federal Government in combating money laundering, and financing of terrorist activities in Nigeria.

The establishment of the NFIU is indeed a precondition for the removal of Nigeria, from the Financial Action Task Force (FATF) list of non-cooperative countries and territories (NCCTs). To midwife the birth of the Unit, a 10-man Technical Committee made up of representatives from the Central Bank of Nigeria (CBN), Nigerian Deposit Insurance Corporation (NDIC), the private sector, a police officer together with an employee of EFCC was constituted in October, 2003 to develop a comprehensive plan for its establishment.

It is worthy of note that the activities of NFIU are covered under the EFCC Act 2004 and Money Laundering (Prohibition) Act 2004, The core role of the NFIU is that it serves as the country’s central agency for the collection, analysis and dissemination of information regarding money laundering and the financing of terrorism.

Laudable as the law is, the two government agencies created to implement the regulatory law- ICPC and EFCC are faced with inadequate and insufficient powers to combat the state of corruption in Nigeria. According to Fadeyi (2006), the establishment of the Economic and Financial Crimes Commission (EFCC) has been described as the best approach of the federal government to combat corruption and money laundering in the country. The question is that if the commission is working the way it ought to be, if all monies recovered are judiciously utilized or the people involved in corruption are jailed or their property seized, the level of corruption in Nigeria today would have been drastically reduced. What is more, the chairmen of these commissions to whom all the members are responsible, are government appointees and some are serving public servants. Consequently, they fall foul

of the adage of “who pays the piper dictates the tune.” For instances, there have been many accusations from the Nigerian public that the EFCC chairman, who is a serving police officer, is carrying out selective investigations/arrests in the performance of his duties as dictated by his boss, Mr. President, and as vendetta against his political opponents and foes.

The ICPC law itself is faulty in some aspects in that it requires a private petitioner to report the crime of corruption before it acts. The ICPC Acts do not give powers to the commission to act on suspicion. The electoral law was framed to support vote rigging and election fraud. This is evidenced in the fact that there is no provision for time limit for the determination of an election petition. Consequently, the President, Governor, Legislator, Local Government Chairman is sworn into office, while there is a petition against his victory at the polls. This development is the first of its kind in Nigeria, since independence.

The case of the Governorship position in Anambra State explains it all, as the petitioner, Mr. Peter Obi, was declared winner of the gubernatorial election after three years, when the respondent petitioner, Dr. Chris Ngige had been sworn in and had ruled the state for three years. This is a vindication of the public assertion that the government and its systems are corrupt. The Chief Executive of this Administration, Chief Olusegun Obasanjo keeps saying that he and the administration has zero tolerance for corruption. But it is of public notice that his Ministers are corrupt in view of their exhibited life styles, because the people know some of these ministers before they were appointed. After six years in office, the country has no good roads, no electricity, no water and basic health facilities, which are the essence of good government, whereas every year billions of Naira are budgeted and approved for these projects. According to Jason, (2006) those who rig themselves into power become all knowing, not because they really know better than the rest of us, but simply because they must continue to rig in order to sustain themselves in power.

The legislators, both at federal and state levels are ineffective because they have approved budgets after budgets which have not been implemented by the executive. They know that the monies have been misappropriated but cannot do anything because they have been bribed. State Governors are independent of the Federal control and as such they do what they like with the monies allocated to them by the federal government. There is no effective opposition in the parliament for checks and balances because of the greed for money. Even legislators who were in opposing camps or parties have dumped (crossed carpets) to join the ruling party so that they can benefit from the free for all looting of the treasury. The funding of political parties is another avenue for corruption. The president is the chairman of the ruling party. So also the Governors are at the state levels. They are therefore involved in using government fund to run their party’s programmes at the expense of Nigerian citizens.

In his contribution, Etomi (2006) tasks the Economic and Financial Crimes Commission (EFCC) to safeguard being used by those in power, noting that the principle of the commission which is a welcomed one, has made Nigerians to be careful, as people now know that their criminal activities may be looked into by the commission. According to him, “the commission should guard against being used for ends that totally negates the noble roles they should be playing for the society.”

The nation has experienced many policies among which are the Judicial Commissions of Enquiry, the Code of Conduct Bureau, Public Complaints Commission, Mass Mobilization for Social Justice and Economic Recovery (MAMSER) War Against Indiscipline Council (WAIC) and recently, the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) were introduced to fight against corruption in the country. In spite of all these commissions and committees, no fruitful result has been achieved. To win war against corruption, adherence to ethical standards in decision making must be the foundation of the nation’s policies. Without ethics, that is moral principles or values or principles of conduct governing individuals or groups, the war against corruption in Nigeria will not be successful.

The greatest challenge the Commission has had to grapple with is the fight against institutional corruption. It set out to demonstrate that leadership is paramount in the fight. Good and transparent leadership not only makes the fight easier, it builds public confidence, which in turn sustains democracy. At the international level the Commission is very proud of its modest achievements. Nigeria is no longer a pariah nation because of its perception as a nation of fraudsters. The world is now fully aware of the birth and activities of the Economic and Financial Crimes Commission!

The Commission’s goal is to rekindle hope in Nigerians so that they can, once again, live and die with dignity, and to also redeem the national and international image of the country hitherto perceived and treated as a nation of fraudsters and as a lawless country.

Other Cases of Corruption

The Federal Government has made some efforts to combat corruption in Nigeria but such efforts have not yielded the desired result. According to Adebisi, (2005) “the ongoing battle against the malaise notwithstanding, its perceived imperfections, deserves Nigerians’ blessings, and the hopes of this country invariably, lies in the success of this war. It would not be an exaggeration to classify corruption among the worst offences against humanity.” Adebisi (2005) further stated that “corruption is abhorred all over the world, and corrupt leaders blacklisted. Such leaders, at various times have been accused of unleashing misery on their people. For instance, President Ferdinand Marcos of Phillipines reportedly looted \$5 billion; late Mobutu Sese Seko of Zaire amassed between \$5 billion and \$10 billion of his

country's money; former Indonesian President Suharto stole about \$40 billion of his nation's wealth. Back home, late Sani Abacha stole not less than \$3 billion; while tongues are still wagging as to how his predecessor, General Ibrahim Babangida spent \$12.8 Gulf Oil Windfall.

According to Gbenga (2006) as activities intensify ahead of the 2007 elections, Independent Advocacy Project, IAP, the good governance group has called on the Independent National Electoral Commission (INEC) to examine and audit the funds and accounts of political parties and publish such audit before next year's elections. IAP also called for direct funding of the Independent Corrupt Practices Commission (ICPC) from the consolidated revenue fund of the federation.

Thomas-Greenfield (2006) while commending the federal government in its fight against corruption, states that the Nigerian President, Obasanjo and Finance Minister, Ngozi Iweala have done much at the national level to improve federal public expenditure management and they are encouraging overall fiscal transparency and fiduciary management and that they are also assisting Nigeria in the anti-corruption efforts through the Africa Growth and Opportunity Act (AGOA), the US-Nigeria Trade and Investment Framework Agreement (TIFA), and so on.

Conclusion

Corruption is a cankerworm and endemic, ravaging the nation's economy, has been of great concern to well-meaning Nigerians. The causes of this mischievous acts or evil phenomenon are numerous. These includes, great inequality in distribution of wealth, the use of political offices as the primary means of acquiring and gaining access to wealth, inefficient contract awards, standard and procedures, excessive federal involvement in corporate business enterprises, late payment or non-payment of wages to public employees. Inadequate enforcement of existing laws, absence of the rule of law and a culture of preferential treatment in the conduct of government business. Nepotism and tribalism in the administration of justice and running of government, political instability and inefficient police force and structure and so on, are identified as causes of corruption in Nigeria.

The effects of corruption therefore are the negative impacts on the economic growth and development of the nation. Corruption impedes the nation's economy, as it breeds nepotism and inefficiency in the public service. Corruption tarnishes the image of the country as it discourages honest and valuable economic activities and forestalls foreign investment in the country. Corruption engenders the break down in law, order and insecurity due to mass unemployment, political instability leading to loss of confidence in the system. The end product is that citizens resort to self-help in order to ensure their survival, which can no longer be guaranteed due to institutional corruption.

The major findings are:

- a. That the present Anti-Corruption Agencies such as ICPC and EFCC are trying their best in curbing corruption in Nigeria as exemplified by several cases handled by them recently with successful result.
- b. That greediness and political instability are some of the primary causes of corruption.
- c. That Government's lack of will to indict some past and present public office holder is one of the reasons for perpetration of corruption in Nigeria.
- d. That inadequate and ineffective legislation on corruption are responsible for the high level of corruption in Nigeria today

In battling corruption in Nigeria, the Federal Government set up the Economic and Financial Corruption Commission (EFCC) and Independent Corrupt Practices Commission (ICPC) as government strategies with the hope that their efforts would at least ameliorate the rate of corruption and criminal acts. In spite of all these, the rate of corruption and crimes is still very high in our society. One of the reasons for such increase is that our leaders themselves are corrupt, so it becomes difficult for them to easily track down those involved in corrupt practices at lower level.

Recommendations

To fight corruption, Nigeria requires good and virtuous leaders who are honest with integrity, discipline and trustworthy. It is only a disciplined leader that can properly enforce or implement policies and rules put in place to deter people from being involved in corrupt practices without fear or favour. A high priority should therefore be given to the rule of law because the price for the absence of rule of law in the land is anarchy and poverty.

The Nigerian Police should be upgraded in status and be well trained, well equipped and well remunerated. In addition, the public servants' salaries should be reviewed upward along with all allowances. They should also be given opportunity of in-service training and upgraded to the appropriate position after training. If all these are implemented, no doubt, public officials will be spurred towards high dedication to duty and have job satisfaction. It will also discourage them from corruption or mischievous acts, as they are aware that such acts are capable of dismissing them from the service or destroying their career.

Unemployment has also been identified as one of the reasons for the high rate of crime in Nigeria and even in the entire world. The Nigerian Government is therefore encouraged to endeavour to map out strategies for employment of the youths as this will assist in no small measure to reduce the rate of crime in Nigeria.

Scrutiny of sources of income of every public official, from time to time, during the period of service is paramount in order to curb looting of national treasury by such officials. Also, it is important for certain categories of workers that is, from level 07 and above to declare their assets before employment, during service and at the point of retirement. This, to some extent will assist in minimizing looting by employees or public officials in Nigeria.

The agencies for corruption should ensure that those involved in corruption and money laundering are jailed irrespective of their position and tribe; and that money realized from them should be used to better the life of the people. The Federal Government should empower the agencies to try all past leaders who were involved in one corrupt practice or the other without fear or favour. In order to fight corruption from the grassroot, there is the need to reactivate various law enforcement agencies to enforce certain laws which educates the masses on how to behave in an orderly manner and not to be mischievous. For example, War Against Indiscipline and Corruption (WAIC), Code of Conduct Bureau, Public Complaints Commission, Mass Mobilization for Social Justice and Economic Recovery (MAMSER) etc.

Finally, the EFCC and ICPC should be made autonomous and independent bodies to try criminal cases. If possible establish more independent anti-corruption bodies or agencies to deal with corrupt practices in Nigeria. There can also be a situation where the various bodies are categorized with different functions at different levels. For example, EFCC and ICPC could be made to handle cases of higher officers and politicians, while other bodies to be appointed will handle cases at other levels in the public service. The Government should make sure that these bodies are given adequate autonomous power, authority and of course the financial backing to operate without unnecessarily being influenced by the government or political leaders.

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