

## ANTI GRAFT WAR AND THE NIGERIA'S CORRUPTION CRISIS

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### ABSTRACT

*One of the critical challenges facing the entire globe is the menace of corruption. Its prevalence spares polity in both developed and developing societies although at varying level and magnitude. In Nigeria, just like other Sub-Saharan African states, it has become a great issue of concern. As a response to the perceived alarming rate of such phenomenon, the Nigerian state had at various times come up with policies and programmes aimed at curtailing it. Among these are the EFCC and ICPC. This paper examines whether the anti-graft war of EFCC and ICPC curtailed the corruption crisis in Nigeria. Data for the study were derived largely from secondary source with content analysis as the main analysis technique; however, interviews were conducted to some enlightened members of public to complement the secondary data. The study found that the failure of **Anti Corruption Agencies (ACAs)** to effectively curtail corruption was due to low autonomy, ineffective punishment and low commitment on the part of personnel. It was recommended that ACAs should be fully autonomous; their staff be more committed; and punishments be reviewed and made more severe.*

**Keywords:** Corruption, anti-graft, punishment, autonomy, transparency

### Introduction

Corruption is a malaise not peculiar to only one country, region or continent, but rather a hydra-headed dragon. It is a vice that undermines cross-cultural, cross-temporal and cross-national boundaries. This justifies why it has been condemned everywhere in the world and by all the major religions. However, this does not add to the sweat of the development theorists in propounding a unified theory on corruption. Though there is no society that is completely corruption free, it does not mean the magnitude, incidence and manner are the same everywhere in the world. In the same vein, it is a relative concept being a function of specific normative, social, historical, cultural, economic and political circumstances as well as legal instruments.

Nigeria is a country that is blessed with abundant human and material resources that it was predicted after a decade of independence to be one of the world's powerful and largest economies. In fact, it is one of the countries of the world endowed with rich land and natural resources; the country occupied the World's thirteenth largest producer of petroleum and sixth largest in the Organization of Petroleum Exporting Countries

(OPEC) as at 2002. As at the beginning of 2006, the country was rated as the eighth highest producer of petroleum in the world, producing 2.1 million barrels of petroleum per day at an average price of US\$ 50-60 per barrel. It has an estimated proven reserve of 32 million barrels – sufficient for 37 years at the then prevailing rate of production. Its gas reserve when fully exploited would place it in the world's top ten gas producers as the estimated gas reserves were 174 million cubic feet and would last for 110 years at the then prevailing rate of production (IMF, 2002; BBC World news, 16<sup>th</sup> January, 2006).

However, this is a dream Nigerians are still chasing as the country's resources are withered away by the day with little to show in the living condition of the populace. This is attributed to corruption that has now led the country to be labeled a “crippled giant” and 139<sup>th</sup> out of 176 most corrupt countries in the world as expressed by the Transparency International. Regrettably, it now appears as if without corruption, the social, political and economic systems cannot function.

Consequent upon this sorry state of affairs, the government had at various times come up with different policies and programmes to arrest the situation. Among these is the creation of Anti-graft Agencies or otherwise called Anticorruption Agencies (ACAs). Inclusive are; the Independent Corrupt Practices and Other Related Offences Commission (ICPC); the Economic and Financial Crimes Commission (EFCC); and the Code of Conduct Bureau (CCB). These are autonomous bodies established by law and saddled with the primary task of fighting corruption in the land. This paper intends to analyze the extent to which the anti-graft war waged by ACAs serves as an antidote to Nigeria's crisis of corruption with emphasis on EFCC and ICPC.

It is pertinent to point out that Sections 1 (2) (a-b); 9 (1) and 14 – 18 of the EFCC Acts, 2004 provide autonomy to the commission; staff regulations as well as punishments decreed for corrupt practices respectively, just as the ICPC Act, 2000 did in sections 3 (14); 3(8-26) and 4 (11-13). This is in complement to their tasks of entertaining and investigating complaints; creating awareness; collecting and ensuring asset declarations among others. The curiosity in this paper is, has the anti-graft war of ACAs really served as an antidote to Nigeria's corruption? In attending to the above fundamental question, it would be of paramount importance to answer the following questions as: How autonomous are ACAs vis-à-vis the war against corruption? How resourceful are the personnel of ACAs? How strict and severe are the punishments for corrupt offences? The paper is guided by the assumption that “Anti-graft war has not actually provided solution to the Nigeria's corruption crisis”. The prime concern of the paper is the role played by specifically, the EFCC and ICPC as anti-corruption agencies in the fight against corruption in Nigeria. With regards to time, the paper covers the period between 2011 and 2019. This being the period the country witnessed a change both in government and leadership of the Commissions.

### **Methodology**

This study adopts qualitative method using secondary sources such as text books,

magazines, journals, official publications, scholarly articles and the internet etc to examine the relationship between the ACAs and the fight against corruption in Nigeria. However, 50 enlightened members of public in the Ahmadu Bello University, Zaria who undergoing higher degrees were interviewed to complement the data generated through the secondary source.

### **Review of Related Literature**

#### **Concept and Types of Corruption**

Just like other social science concepts (e.g. poverty), corruption is difficult to define. In other words, it is an elusive and ambiguous phenomenon whose household and universal characteristics do not make easy to define. It has been over-flogged in academic circles, yet no clear cut definition has been submitted. Perhaps, this is due to the fact that individuals, scholars and institutions view the term from their respective perception, discipline, environment and time-period. Arnold (1970 in Farrales, 2005) argued that the definitions are either public office; market or public interest centered.

According to World Bank (1997), corruption is defined as the abuse of public office for private gain. Also, Transparency International (TI) (2004) defined it as the misuse of entrusted power for private gain. Johnston (1996 in EFCC 2009) sees it as the abuse of public roles for private benefit. To cut, it short, the contributions of Myint (2000) and Sen (1999 in Dike, 1999) are also not significantly different from the above assertions. What is observable from the foregoing is that, they see corruption as vice found only within the borders of public sector. But is corruption found only in the public sector? And what can we say of corrupt cases as currency counterfeiting and advanced fee fraud. Dike (1999) quoting Osoba (1999) define corruption as an anti-social behaviour conferring improper benefits contrary to legal and moral norms, and which undermine the authorities to improve the living conditions of the people. However, corruption is contrary to not only legal and moral norms, but also socio-cultural, political and economic norms.

The above highlights the definitional crisis of corruption, thus, the complexity and multifaceted nature of corruption could be unbundled through an understanding of the forms, types and activities that fall within it. A comprehensive definition should address the “who, what, when, where and how of corruption”. By and large, we may take the term to mean any deliberate commission or omission of an act or behaviour which violates any public or civic order, either by an individual, group or corporate organization for a private gain. Also, as with definition, there is no general consensus about the types of corruption. But the most common classifications are: political (grand), economic, systemic and bureaucratic (petty).

#### **Perceived Causes of Corruption**

World Bank (1997) argued that, “the causes of corruption are always contextual, rooted in a country's policies, bureaucratic traditions, political development and social history”. It is most prevalent where there are forms of institutional weaknesses such as political instability, bureaucratic red tape, and weak legislative and judicial systems.

This is justified on the ground that corruption and such weaknesses are linked together and that they feed upon each other (Myint, 2000).

Many factors have been identified as the lakes that water the roots of corruption. The list cannot be exhausted, but here are a few of such: inequality, greed, lack of patriotism, bad leadership, lack of transparency and accountability, poor pay incentive, poverty, unemployment, monopoly, long military rule, poor sectoral linkages. In short, the causes of corruption in Nigeria are institutional, socio-cultural, political, judicial, economic and legislative.

### **Perceived Effects of Corruption**

Surprisingly, there are some scholars termed “revisionists” in the 19<sup>th</sup> century who claimed that corruption is more beneficial than destructive. People like Pye (1965), Gluekman (1955), McMullan (1961) and Stils (1962) all subscribe to this view. They argued that corruption is beneficial to political development, strengthening of value system, easing transition from traditional to modern life and that it humanizes government and make it less awesome (Dike, 2003). However, a critical look at the manifestations and consequences of corruption especially in the contemporary period will make their argument a fallacy, to say the least.

Thus, like a deadly virus, corruption attacks the vital structures that make for society's progressive functioning, and put its very existence into serious peril. Put differently, it threatens and subsequently destroys the social order and common good of the society. According to a web article (gorgeehusaini.org), corruption aggravates poverty; fuel conflict; sustain misery and injustice; and that it promotes bad governance and retards development. It went further to say that, it is an affront on human dignity, an assault on the human conscience, and a negation on the fundamental human orientation towards truth, justice and fair-play. In fact, corruption has been widely perceived as responsible for not only the broken promises, but also dashed hopes and shallow dreams.

Literally, corruption undermines effective governance and erodes the social and moral fabrics of the nation (Dike, 2003). According to Yusuf (2000), “it is because of corruption that neither the landscape of Nigeria nor the standard of living of its citizens has significantly increased since independence, despite the huge deposits of natural and human resources in the country.” Therefore, as Idris (2011) submitted, corruption affects the economy, political circle, socio-cultural setting, administrative structure and the entire Nigerian environment.

However, according to Wikipedia, Nigeria lost over \$400 billion to corruption between independence and 2012. The country was rated as the 146 least corrupt nation out of 180 countries, according to the 2019 Corruption Perceptions Index reported by Transparency International.

### **Empirical Studies**

A lot of researches have been conducted under the umbrella of corruption and some

on the roles of ACAs in combating the scourge. For instance, Bello (2011) conducted a study on the role of ACAs in combating corruption in the Nigerian Public Service with focus on EFCC and ICPC. Being a survey research, data was sourced from both primary and secondary sources. Stratified and simple random sampling techniques were used to draw samples from the staff of the ACAs under study and MPA students respectively. The role played by ACAs was assessed with focus on the level of political interference, adequacy of funding, quality of staff and level of technological development.

The study found that government influences the activities of ACAs. And aside of technological advancement, the ACAs were adequately funded. Also, the staff of the ACAs was of good quality. Thus, the study concluded that despite the activities of ACAs, there is still corruption in the public service due to lack of autonomy. Bu although the study was fairly extensive, the population should have included the staff of the Nigerian Public Service as well. Also, the severity of punishments for corruption practices needs to have been included in the variables.

In his study, Orhuwene (2010) established the relationship between elitist corruption and the anti-corruption crusade with emphasis on the motives for elite's corruption and the impact of elite corruption on the crusade. Though a documentary research, personal observation was also employed in sourcing the data. The study discovered that there is an astronomical crescendo in the spate and tempo of corruption, due to lack of accountability. Also, it was found that there is lack of effective cooperation and co-ordination between the corruption fighters. It was concluded that elitist corruption has undermined the anti-corruption crusade. However, the study sought to have used questionnaire to obtain reliable data on corruption from the elites. The study also appears too wide in terms of coverage by not narrowing to a case study.

Abubakar (2011) conducted another research on the performance of EFCC in combating money laundering in Nigeria. Judgemental and accidental sampling techniques were used to draw sample from the staff of EFCC and some selected government establishments. The study was survey in nature and focused on evaluating the role of EFCC in combating money laundering (ML); and the multidimensional and transitional nature of ML. The study discovered that ML has been reduced as a result of EFCC's ability to give out a good fight. He concluded that EFCC was successful in drastically reducing ML. However, the variables studied should have included an analysis on co-ordination and cooperation between, EFCC and other stakeholders in the fight. Also, being a complex scourge (ML), technological advancement and the quality of staffing should have been studied. Still, the population ought to have cover elites in the government and business circle who are perceived to be the fore drivers in the menace.

Idris (2010) studied the relationship between corruption and national development by analyzing the role of EFCC and ICPC. His research was based on secondary sources of data and the variables studied were; effectiveness of ACAs; rate of

corruption and development in Nigeria; effect of corruption on national development; and the problems facing ACAs. The study found that there is high level of corruption and low level of development. Thus, he concluded that the low level of development was as a result of the ineffectiveness of ACAs to fight corruption. But in a research having a natural coverage, the use of primary sources of data becomes unavoidable in order to represent the various parts of the country.

Charron's (2008) study was on mapping and measuring the impact of ACAs with reference to 18 countries that cut across four continents of the world. Being a survey research, questionnaires were used to obtain data from the leadership of ACAs in the various countries. Variables studied were; the rationale for establishing ACAs; primary target of ACAs; and the type of recruitment in staffing these ACAs. It was discovered that there are variations in countries' legal mandate of ACAs which in turn affects; staffing and financing; handling citizens' complaints; and the level of international cooperation and coordination. He concluded that ACAs which have institutionally stronger aspects yield not only positive short term but long term gains in battling corruption. However, the population of this study should have included citizens in respective countries in addition to ACA's leadership. This is because there is strong likelihood of bias from leadership. Also the autonomy of ACAs should have been studied under the variables.

Idris (2011) assessed the effectiveness of anti-corruption institutions in combating corruption in the Federal Public Service with regard to ICPC, CCB and EFCC. Data was sourced from both primary and secondary sources and stratified random sampling technique was employed to draw samples from the staff of EFCC, ICPC, CCB and other ministries, departments and agencies. Attention in this study was on, degree of autonomy of anti-corruption institutions; effectiveness of corruption reporting system; enforcement and severity of punishments for corruption. The study found that the activities of these institutions were severely constrained by undue political interference, especially EFCC Also ICPC and CCB lack financial autonomy as they are not adequately funded. It was also discovered that trial of suspects has been slow, while punishments were mild. Still, the corruption reporting system in the public service was also ineffective.

The study concluded that the degree of autonomy of anti-corruption institutions, level of effectiveness of corruption reporting in the service, and level of enforcement of punishments for corruption offences have all affected the effectiveness of the anti-corruption institutions in combating corruption in the public service.

#### **Theoretical Framework: Systems Theory**

The system theory to organizational analysis is said to have many contributions such as Boulding(1956), Bertalanffy (1968) etc. But, this paper adopts systems model by Simon (1959)It view an organization as a system of interrelated and interdependent set of elements, each of which makes a contribution to the survivalof the whole and each of which depends on other parts of the system for its own needs. In otherwords,

the sub-systems work towards synergy to accomplish organizational goals that could otherwise not be attained by a single sub-system. Thus, a part cannot be altered without affecting other parts. What the system analyst hopes to do is to predict the system's movement and offer the explanation or prescription for the relationship between its parts which afford it the best chance of accomplishing goals (Eghe, 2006).

A system consists of some key components that make it a complete whole: input process, output, environment and feedback. The central guiding principle in the systems theory is the assumption of equilibrium between the parts as well as between input and output. ACAs in this context are a system made up of different departments and units that relate to achieve the goal of curbing corruption. This makes it necessary for them to collect input from their environment (nation) which is then transformed into outputs. These inputs include: petitions, complaints, demands, support and resources. They are then transformed through technical and managerial processes to give output in form of prevention, punishment, enlightenment and detection.

### **Discussions and Findings**

The data gathered from the primary and secondary sources are presented and analyzed in this section. The variables discussed are the autonomy of ACAs; resourcefulness of their personnel; and severity of punishments. These were however examined in relation to the fight against corruption.

#### **Autonomy of ACAs**

ACAs' ability to proceed with their activities without undue internal or external influence will go a long way in defining their performance. In other words, their cumulative independence is a good determinant of their effectiveness or otherwise. Autonomy here was considered from the points of: freedom from political interference; independence in decision making and financial autonomy. In view of the above, we interviewed the respondents regarding the general autonomy of ACAs. The result however indicates that it is not on the average as attested to by 52.5% of our respondents. On the ground of political interference, this is evidenced by the arbitrary removal of the Chairmen of particularly the EFCC so much so that the commission had not less than three Chairmen in a decade of its establishment. The commissions also face financial difficulties that oftentimes we see, read and hear them pleading with the government to increase their allocation being their major source of fund, especially the ICPC.

#### **Resourcefulness of the Staff of ACAs**

Our respondents were asked to opine their views regarding the resourcefulness of personnel in the ACAs under study. This became necessary due to the fact that, no matter how the vision, mission, policy objective and prospects of ACAs may be, they will remain toothless unless the human factor is included. A checklist for resourcefulness here comprises of the availability, effectiveness, motivation, devotion, working tools as well as welfare packages of staffing ACAs. The responses gathered show that with the staff of EFCC, if not for the question mark on devotion are indeed resourceful. This



is not surprising as the commission enjoys strong collaboration from both domestic and international donor agencies and security networks. The problem here is with the ICPC as it suffers shortage of personnel and working tools, and that the staff in stock is not strongly motivated.

### **Severity of Punishments**

The World Bank (2006 in Idris, 2011) argues that corruption becomes the exemption rather than the norm if the consequence one caught are predictable and severe. No wonder these punishments are covered by sections 14-18 of the EFCC Act, 2004 and 4(11-13) of ICPC Act, 2000. Hence our interview covered issues as: effectiveness of punishments; level of convictions and prosecutions; as well as speed in trials. The result indicates that these punishments are in fact ineffective and mild. And although convictions are fair-enough, prosecutions made were very poor. Sources from the secondary data further confirm this. For instance, John Yakubu of the Police Pension Fund was fined a paltry sum of N750,000 for stealing N27 billion. Also, in less than a decade of establishing EFCC, fairly 616 convictions were recorded while only 1,503 prosecutions were made despite the pervasiveness of corruption in Nigeria (Waziri, 2011).

To this end, the following findings were arrived at:

- a. Generally, ACAs lack strong autonomy in their operations, and this is more so with the EFCC.
- b. While little is required to standardize the personnel of EFCC compared to their counterparts in ICPC, there is need for both to show commitment and fairness in their duties.
- c. Punishments decreed for corrupt offences are ineffective and mild.

### **Conclusion and Recommendation**

Nigeria's socio-cultural, political and economic development has been hijacked by the menace of corruption. This is why the Nigerian government came up with several policies and programmes among which is the creation of EFCC and ICPC. Their primary task is to serve as an antidote to the country's crisis of corruption. However, from the study conducted we can safely conclude that the war against corruption waged by ACAs leaves much to be desired and this is blamed on their lack of total autonomy, ineffectiveness of punishments and partly on the need for commitment and fairness on the part of their personnel.

From the findings made by the research, the following recommendations are submitted:

- a. The law should be strict in terms of the autonomy of ACAs as enshrined in their Acts.
- b. ACAs should be funded directly rather than through the executive; and that transparency and accountability should be demonstrated by their



managements.

- c. The personnel in ACAs especially those in ICPC should be made more available; provided with necessary working tools; and should be more committed and fair in their duties.
- d. The Nigerian law codes and statutes should be reviewed to keep in touch with modern day realities and be compatible with the gravity of a crime.

#### **Limitations**

The study encountered the challenge of access to some documents that are vital to the conduct of the study and the indifferent attitude of some of the interview respondents. Recommendations are also offered for further researches in the following areas;

- (a) The role of Non-Governmental Organizations (NGOs) in combating corruption in Nigeria.
- (b) A comparative study of functions and powers of Nigerian ACAs with others especially in least corrupt states.

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