



جامعة الحكمة، إلورن، نيجيريا

AL-HIKMAH UNIVERSITY, P.M.B. 1601, ILORIN, NIGERIA

FACULTY OF LAW

ATERE CAMPUS

AL-HIKMAH UNIVERSITY LAW JOURNAL

(HUILJ)

March 21, 2019

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Nigeria

LETTER OF ACCEPTANCE

This is to inform you that your paper entitled "A Reformatory Approach of the Legal Regime for Combating Corruption in the Nigeria's Public Sector" has been accepted for publication after a rigorous review process. The paper would be published in the 2017 edition of the journal, which is due to be out in December, 2019.

Congratulation

A blue ink signature of Prof. A. T. Shehu, written in a cursive style.

Prof. A. T. Shehu
Editor-in-Chief

A REFORMATORY APPROACH OF THE LEGAL REGIME FOR COMBATING CORRUPTION IN PUBLIC SECTOR IN NIGERIA

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ABSTRACT

Corruption is the scourge of most underdeveloped, developing, and to a considerable extent, the so called developed countries. Thus the outright misappropriation, conversion, diversion, and the theft of public funds and resources have left Nigeria in particular, with a damaged reputation and a negative perception of being a mismanaged and dysfunctional country. The government anti-corruption war has been selective with many perceiving it as a pawn and political ploy of the ruling party to neutralize and frighten the opposition. Repeated calls have been made to overhaul both the civil service as well as the judicial system being the two actors in the corruption saga, the enactment of stringent and effective laws and the reinvestment of the proceeds recovered from corrupt individuals back into the economy to boost infrastructures. Official corruption in the public sector is a non-violent crime for financial gain utilizing deception and committed by anyone who has a special technical and professional knowledge of business and government, irrespective of the person's occupation. The mind boggling questions remain: how did the justice system in Nigeria lack effective cohesion to fight corruption? why has the prosecutors, investigators, and prosecution of the offence yielded no positive result? Using an analytical method, the paper examines the anti-corruption framework in Nigeria; its relation and effect on the development of the nations and proffer solutions based current circumstances.

1.0 INTRODUCTION:

According to World Bank, corruption is the abuse of public office for private gains, it manifest itself when persons designated as public officials accepts, solicits or extort kickback in order to circumvent public policies and processes for competitive advantages and profits by patronage or nepotism through theft of public assets or diversion of public revenue.¹

¹ The World Bank Group World Bank 1997 "Helping Countries Combat Corruption: The role of World Bank" available @ <http://www1.worldbank.org/publicsector/anticorrupt/corrupt/cor02.htm> accessed 1/3/2016.

It remains a mystery that Nigeria as one of the largest exporter of crude oil and a country blessed with substantial human and natural resources, yet about 70% of the population lives below poverty line due to large scale corruption and gross mismanagement of the economy.²

Many Nigerians appeared to have accepted corruption a seemingly way of life, as it is now entrenched firmly in the strand of our daily lives. Surprisingly, the hardship brought about by severe mismanagement of the nation's wealth has not led to any serious uproar from the citizenry and this nonchalant attitude has become a clog in the fight against corruption, thus making it difficult to tackle.³

Corruption has thus earned itself a name of "necessary evil" in the society. Annoyingly, corruption irrespective of the form it takes, it's a serious violation citizen's fundamental rights that needs the attention of an efficient and virile judicial system to manage it through enactment of stringent and effective laws to curtail. Pleas have been to revisit the issue of a complete overhaul of the country's justice system through the endorsement of a tighter and stringent legislations; the reinvestment of proceeds of corrupt practices in much needed areas the nations' infrastructures.⁴

Most of the setbacks recorded lie with the so called public officer that up till today lack the civil sense of accountability and dedication to public offices. Though, the genesis of the deep rooted corruption and corrupt practices can be traced to the colonial heritage of our public services and institution that are bedevil with autocratic and authoritarian British styled civil/public service structure that beget an environment where corruption thrives. The activities of the colonialist particularly the missionaries, and the monopolised trading practice of the colonial multinational firms, commandeered the sovereign powers of the citizens followed by a radical and aggressive accumulation of profit and wealth through obnoxious taxing system that further subjugated a free market trading system.⁵

The imbalances was characterized by unequal trading terms, non-subsistence wages, exorbitant taxation, exclusive monopoly rights over export products particularly granted to foreigners in respect of cash crops, minerals and other natural resources, extracting and manufacturing industries, banking, insurance, shipping and so on.⁶ This status quo was maintained after independence in such a way that the structures left behind by the colonial masters gave an enabling

² Ibidolapo, B "The Anti-Corruption Legal Framework and It's Effect on Nigeria Development" available @<http://www.mondaq.com/article.asp?artciel> cited 21/04/2017

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Austine, E and Charles, M 'Corruption in Nigeria: A Historical Perspective' Research Humanities and Social Sciences Journal (2013) Vol. 3, Nos.16 pp.19

atmosphere for corruption to thrive. The end product was the placement of Nigerian surrogate bourgeoisies who are politically influential, in key positions as directors, agents, distributors, and representatives in the major foreign businesses, so the exploitation continued.

It is not of place to say that during this period, there was the golden opportunity for accumulation of private wealth by the few Nigerian ruling elites. These individuals later found themselves being made ministers, commissioners, chairmen of parastatals with unfettered power to award contracts for public projects, issue licenses and so on. All these avenues were vents to new form of corruption and capital accumulation. In fact, the slogan of the day then was 'ten per cent' or 'kickbacks' before performing the official duties to members of the public.⁷

This trend continued after independence and is still rearing its ugly head up till date. For example, the First Nigeria Head of State Nnamdi Azikwe (decd) of blessed memory, when he was the Premier of the defunct Eastern region of Nigeria was investigated by Forster Sutton Tribunal of inquiry in 1962 for his involvement in the affairs of the defunct Africa Continental Bank (ACB), because under the code of conduct for public officers then, government official was required to relinquish his holdings in private business once he assumed public office, Azikwe did not cut off his ties to the bank and he continued to use his influence to further the interests of the bank.⁸

It is in history that the First Republic led by Nnamdi Azikwe and Tafawa Balewa, was marred with widespread corruption and looting of public funds by government officials with reckless abandon.⁹ These escapades was one of the events that led to the first coup d'etat of 1966. The Aguiy Ironsi government that succeeded tried to prosecute some of the corrupt officials, but this zeal died with the Yakubu Gowon coup of 1967, that ended Ironsi government and freed all the corrupt officials and politicians that were held in detention.¹⁰

It will be recalled that General Gowon too, ruled the country at a time Nigeria was experiencing unprecedented wealth from oil boom of the 1970's. Gowon's regime was equally entangled in deep seated corruption as many unaccountable wealth and misappropriation of public funds was committed by his then military Governors as if there was no difference from the ousted politicians and military leaders.¹¹

⁷ Dudley, B J *Instability And Political Order: Politics and Crisis in Nigeria* (Ibadan; University Press, 1973)p.21.

⁸ Ibidolapo, B note 1 (above) p.2

⁹ Ibid

¹⁰ Michael, O 'Political Leadership and Corruption in Nigeria Since 1960: A Socio-economic Analysis' *Journal of Nigerian Studies* (2012) Vol.1 Nos.2 p.7

¹¹ Ibid.

The consequence of these antecedents was the coup that saw the installation of Late General Muritala Mohammed's regime which also attempted to end corruption in the public service. In order to set a pace, the late General introduced public declaration of assets by public officers by first declaring his assets himself and asked all other government officials to follow suit. He did probe some past leaders especially some military governors that served under Gowon's regime as many of them were dismissed from military service and forced to return ill-gotten wealth.¹²

Not quite long from this, General Muritala's regime was barely six months into power when it was ousted in a botched military coup that saw the emergence of General O. Obasanjo as the new military head of states. Obasanjo unlike his predecessor did not continue the anti-corruption crusade in the same zeal. One spectacular feature of the Obasanjo's led administration was the transfer of power to second republic civilian /democratically elected President Aliyu Shehu Shagari in 1979 that brought with it a resurgence of corruption.

Corruption during President Shagari's civilian administration was fuelled by availability of excess crude oil fund coupled with the fact that he himself was a renowned weak leader that could not call his ministers/governors to order. Prominent was the activities of his celebrated minister (Umar Dikko) who allegedly mismanaged the sum of ₦4 billion meant for rice importation.¹³

Yet again, on the 31st of December 1983, General Muhammed Buhari led coup d'état came in to salvage the country again from the shackles of corruption that characterized Alhaji Shehu Shagari led civilian administration. General Buhari's anti- corruption crusade though set out to instil discipline, integrity and dignity to public service, was also criticized for being too brutal and lack of respect for the human rights and rule of law,¹⁴ and was also too soon ousted by General Ibrahim Babangida led coup d'etat, whose regime witnessed a halt to anti-corruption crusade and impunity soon become the order of the day. Corruption reached its peak at this period and was almost being institutionalized in the system.

This trend continued down to late General Abacha's led military administration when corruption gathered a tremendous momentum and manifested in wanton greed, impunity and disregard for the well -being of Nigerians. Abacha, his family and cohorts looted the nation's treasury with recklessness estimated to be about \$4 billion.¹⁵

¹² Ibid p.8

¹³ Ibid p.9

¹⁴ Ibid.

¹⁵ International Centre for Asset Recovery 2009 available at <https://baselgovernance.org/theme/icar/> assessed 23rd February 2016.

As usual, again a boost towards anti- corruption crusade came in with the second coming of General Obasanjo (rtd) when he took over the reins of leadership this time around as a civilian president in May 1999 on return to democratic rule after long period of military coups/regimes. In a bid to strengthen and fight corruption in the public service, Obasanjo's regime established two important agencies I.e the Independent Corrupt Practices Commission (ICPC) year 2000 and the Economic and Financial Crimes Commission (EFCC) year 2003 respectively, to investigate and tackle corruption in the public sector especially cases of bribery , gratification, and abuse of public office.¹⁶

The public outcry and general undermining of democracy and under development brought about by the perpetrators of this nefarious activities has thus necessitated the theme of this paper, with a view to proffer long lasting solution to the menace.

2.0 OVERVIEW OF THE EXISTING ANTI CORRUPTION LEGAL STRUCTURE

Corruption has become endemic in Nigeria with its attendants debilitating ancillaries, including bribery, graft, fraud, manipulations, indiscipline and nepotism. Corruption has become so deeply seated that it has stunted growth in all sectors of development and has been the primary cause of socio-economic backwardness.¹⁷

There were barrels of legislations passed in an attempt to curb the menace of corruption in the public service, but suffice to say none has yielded positive result. Some of these legislations were either truncated by successive regimes or suffered severe set-backs in one way or the other. Likewise, anti-corruption tribunals and commissions did not achieve much in a bid to tackle corruption as those efforts did little or nothing to eradicate the plague of corruption.

Furthermore, corruption has continued to manifest in different forms and dimensions. For instance the advance fee fraud (419)¹⁸ and money laundering crimes had earned the country much national and international embarrassment so much so that the situation has worsened and persist in robbing the populace of their resources. The inflow of foreign direct investment has been greatly depleted.

The extant laws on corruption in Nigeria are: the Economic and Financial Crime Commission Establishment Act,¹⁹ Independent Corrupt Practices & Other Related Offences Act,²⁰ Advance Fee Fraud and Other Offences Act,²¹ Money Laundering

¹⁶ Ibid.

¹⁷ Sheriff, F "The Anti-Corruption War in Nigeria; A critical Appraisal of the Role of the ICPC and EFCC" Nigerian Journal of Economic and Financial Crimes (2009) Vol. 1 Nos. 2 Harmattan Edition Jan-Apr. p14.

¹⁸ Section 419 of the Nigerian criminal code.

¹⁹ Cap E1 LFN 2004

²⁰ Cap C31 LFN 2004

Prohibition (Amendment) Act,²² Miscellaneous Offences Act,²³ Code of Conduct Act,²⁴ Nigerian Extractive Industries Transparency Initiative Act,²⁵ Freedom of Information Act,²⁶ Fiscal responsibility Act 2010,²⁷ Penal Code Laws of Nigeria,²⁸ Criminal Code Law of Nigeria,²⁹ Banks & Other Financial Institution (Amendment) Act,³⁰ and Failed Banks (Recovery of Debts) and Financial Malpractices in Banks (Amendment) 1994 Act.³¹

Out of all these legislations/agencies, it's only the activities of the EFCC and ICPC that stand out spectacular. Though these two agencies and institutions have been faulted on the ground of lack of complete independence from the executive and legislature that allowed for them to be used and manipulated in most cases as a political weapon to silence or witch hunt against the opposition party members, or victimization, prosecution and persecution of perceived enemies of the administration in power, because of Commission's proximity to the presidency.

Among the many challenges facing the ICPC in particular is slow to act in most cases and cannot even prosecute in strict to sensu, while the EFCC that can prosecute lacks the proper machinery power of enforcement. Other challenges facing the Commission include inefficiency, lack of societal cooperation, poor staff training, the plea bargaining and systemic disorder.³² A learned jurist also attributed the failure of the commission to successfully prosecute high profile cases involving public figure stalk from numerous amounts of charges linked to each case;³³ for the commission therefore to make a break through, it must tide up the process of trial and prosecution of offenders. The Learned CJN (rtd) alluded to the Ibori's case in which 170 counts of corruption was filed, but despite available insurmountable evidence, he was later acquitted, but the counterpart court in the United Kingdom where he was arraigned on 23 counts of money laundering and corruption convicted him.³⁴

Equally worthy of discuss is the fact that the lack of cohesion by EFCC officials in the prosecution of cases has led to the loss of many high profile cases and

²¹ Decree No.13 of 1995 Cap A6 LFN 2004

²² Act No.11 2011.

²³ Cap M17 LFN 2007

²⁴ Cap C15 LFN 2004

²⁵ Cap N159 LFN 2004

²⁶ Cap A2 LFN 2004

²⁷ Cap 40 LFN 2014

²⁸ Cap P3 LFN 2004

²⁹ Cap C28 LFN 2004

³⁰ Cap B3 LFN2004

³¹ Cap 2 LFN 2004

³² Nnado, I U. "Effectiveness of the Economic and Financial Crimes Commission in Enhancing Accountability in Nigeria Public Sector" *Journal of Developing Country Studies* (2015) Vol.5 No.8

³³ Justice Mahmud Mohammed (CJN rtd) *in* Kolapo, O "Why EFCC Failed to Prosecute Corrupt Individual" available @<http://ynaija.com/.com/efcc-icpc-fail-successsully-prosecute.cjn> accessed on 25th February, 2016.

³⁴ *ibid*

perpetrators of massive crime of corruption and looting, gets acquitted on technical grounds. For instance Section 308 of the Constitution provides immunity from illegal prosecution. The United Kingdom's conviction runs afoul of the Commission's inability to prosecute and secure a conviction of Ibori for the same charges of offences.

By and large, on the whole if there had been a successful prosecution and conviction for these offences, perhaps some of the ill-gotten wealth would have crept back into the economy in terms of general infrastructure and long term investment. This may be very unrealistic especially if one examines legal challenges like Section 308 of the 1999 Constitution (as amended) that gives legal immunity from prosecution to certain elected officials.³⁵ This is counter-productive and a major hindrance to the successful fight against corruption when exemption is given to key public figures who are themselves the perpetrators of the illicit act. In reality, by the time these public figures are out of office, the damage might have been done already to such an extent that at a time it becomes difficult to prosecute as vital evidence might have been lost or destroyed, witnesses might have been transferred out of jurisdiction or unavailable, and coupled with the operation of the statute of limitation.³⁶

The enigma of the jurisprudence of sentencing pattern in conviction for corruption cases leaves much for desire too. The sentencing pattern is usually disproportionate. High profile individuals who are convicted of corruption do get little to spend in prison, while the low income group attracts heavier sentences. An example is the ruling of the court in the Police Pension Scam case of 2013 that involved looting of pension funds up to the tune of ₦32.8 billion, the ruling of Justice Talba of the Federal High Court of Abuja handed down only a six years jail term with an option of fine ₦750, 000. 00k to one of the suspects by name John Yakubu standing trial.³⁷

The irrationality behind the conviction attracts large public uproar and outrage, at the end of the day it was a fruitless exercise as nothing changed and the deterrent theory of punishment was lost.

3.0 TRAVERSE OF CORRUPTION AND EFFECT ON DEVELOPMENT

According to a World -Bank Report, more than \$400 billion of Nigeria's oil money has been stolen or misused by corrupt public officials.³⁸ Also revealing is the fact

³⁵ Section 308 of the Constitution of the Federal Republic of Nigeria (as amended) Cap C23 LFN 2004

³⁶ Note 31 (above)

³⁷ Ibid.

³⁸ Oby, E (Former World Bank Vice president and former Minister for Education) In African Development Magazine "Corrupt Officials Stole Billions from Nigeria" available @<http://afrikandevlopment.net/corrupt-leaders-stole-billions-from-Nigeria> p.284 accessed 1/03/2018.

that more than half of the money allocated for capital expenditure ends up in private pockets.

In the words of Mohammed Usman,³⁹ the nation's development is measured by the level of life expectancy, adult literacy, and access to all three levels of education as well as people's average income. These indicators are greatly undermined in Nigeria, what corruption does is to widen inequality, aggravates poverty, militates against efficient resource planning and allocation, jeopardise economic growth by discouraging investment, high government expenditure as a result of high inflation of contracts and cost supplies.

It is therefore imminent that the long term effect of corruption on the nation's development can be summed up to be lack of infrastructure like schools, roads, and hospital, because funds meant for these projects have been siphoned into private pockets. Foreign direct investments that will create jobs and opportunities have been stalled. Economic performance has also be inhibited. All these are detrimental to national development and economic growth.

In addition to these, the country's image overseas becomes stigmatized, for instance Nigeria is presently ranked 136th out of 168 countries on the Transparency International Corruption Perception index compiled.⁴⁰

The crisis being experienced in Nigeria was a result of endless attempts by previous regime to eradicate corruption. From the Jaji Declaration in 1977 by then Murtiala Mohammed/Obasanjo's administration; the Ethical Revolution of Shagari civilian administration in 1981-83; the War Against Indiscipline of the Buhari-Idiagbon regime in 1984; the National Orientation Movement in 1986 of Babangida administration coupled with the Mass Mobilization for Social Justice in 1987; the War Against Indiscipline and Corruption by late General Sanni Abacha in 1996, down to the present administration of the second coming of President Mohammed Buhari "whistle Blowing" technique, all these have all been story of woes between the Military and Civilian Leaderships.⁴¹

It is a common knowledge that the history of the country right from independence had been characterized by misappropriation of funds, embezzlement and looting of public treasury, settlement through graft and contracts.⁴² In the views of Anosahkin,⁴³ one of the reasons why the administration of late Sir Abubakar Tafawa Balewa (Prime Minister of the Northern Region in the first republic) was

³⁹ Mohammed U, Corruption in Nigeria: A Challenge to Sustainable Development In the Fourth Republic available @ <http://euournal.org/index.php/esj/article/view/770/804> accessed 28th February, 2016

⁴⁰ Transparency International Corruption Perception Index 2015 available @ <http://www.transparency.org/research/cpi/overview> accessed 7/3/2018.

⁴¹ Note 17 (above) p16

⁴² Anoshakin, T "Nigeria Democracy and Kleptocracy" *This Day Newspaper* (Lagos, March 2006).

⁴³ ibid

overthrown were allegations of gross materialism among his Ministers, i.e the ten percenters from fat contracts.

After the civil war 1970, events that culminated in the aftermath of Nzeogwu's coup brought to an end the first republic, the Gowon regime embarked on rehabilitation, reconstruction and reconciliation drive motivated by the huge oil boom revenue which characterized the war years. The oil fortune heralded the arbitrary award of Udoji salary that over monetized the economy, discouraged rural farming, and to some extent inflation. The long term effect was the emergency of over pricing of money ahead of social value, an era of white elephant projects and inflated contract awards.⁴⁴

In his own submission, Folarin,⁴⁵ observed that with coming in of General Murtala and Obasanjo's regime Nigeria benefitted from the influx of oil money which permitted massive spending and most fundamental developmental were ignored, coupled with lack of proper economic planning.⁴⁶ Urbanization was give priority. The oil boom was also accountable for a rapid rise in income, especially for the urban middle class dwellers. Prices of food items began to rise as the rural dwellers who were the major producers of food, had began to move to urban centres in search of white collar jobs.⁴⁷ The urban centres sooner became overcrowded and glutted with shabby environs, slums and criminally minded unemployment youths.

In the Writer's contention, the oil boom of the 70's also came with it greed, corruption and created a new trend of political elites who are bent on seeking power by all means because of opulence. During this period too, the sum of \$2.8 billion oil money was allegedly missing from state's purse, perhaps this may have prompted General Obasanjo then to declare at Jaji military formation in 1977 of the battle against creeping culture of corruption, bribery and indiscipline.⁴⁸

So much so good, during the second republic of Alhaji Shehu Shagari, he also came with the ethical revolution of transforming the society in which corruption and financial indiscipline had become pandemic. This revolution was soon short lived and hijacked by corrupt politicians and state officials amassing wealth from public parastatals, boards and ministries leading to a wide decline in the oil boom revenue with an interface of inflation.⁴⁹ To stem the tide, the Shagari administration introduced 'austerity measure' a policy that at the end of the day

⁴⁴ Diamond, L "Building a Democratic Africa" *Hover Digest* (1998) No. 3

⁴⁵ Folarin, S "Spatial Economy of Abjection: Evacuation of Maroko Slums in Nigeria" paper in Honour of Adigun Ag aje SAN at 50

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⁴⁷ Eker, Y "Origin of Corruption: Irregular Incentives in Nigeria (1999) *Journal of Modern African Studies* Vol. 19 P.1.

⁴⁸ Nwankwo, A. A *The Stolen Billion* (Enugu, Forth Dimension, 1999)

⁴⁹ Osoba, S "Crisis of Accumulation and Democratic Misadventure in Nigeria: A Retrospective and Perspective Analysis" (1993) *Ife Journal of History* Vol. 1, Nos. 1, Jan-June

caused untold hardship, severe economic and social stress on the populace, treasury looting, fraud, bribery, and social crimes like robbery became the order of the day. The era was also characterized by the phenomenon of arson, after looting by public officials to offset all records that could be used to trace the culprits. The famous Nigerian External Telecommunication (NET) building is still a monumental example till date.⁵⁰

At this juncture, a cursory look of the General Buhari-Idiagbon's administration as successor to Shagari's regime is also worthy of examination. In an attempt to tackle the menace of corruption too, the Buhari -Idiagbon administration also introduced the War Against Indiscipline (WAI). The WAI unlike successive policies introduced by past regimes was more militant and practical approach to fighting corruption. In pursuit of this objective, military task forces were set up with powers to sentence corrupt offenders to life imprisonment or death; compulsory retirement. The task forces among others include forcing market prices down, raiding of illegal and informal black markets, sales outlets, arresting and detention of corrupt politicians, queuing to board buses, cars, planes or at public service places.

The WAI was criticized for being too high-handedness, stifling social life, and been used as a weapon to eliminate political and military oppositions. The respective task forces also came under attacks for their excesses, intimidation and harassment.⁵¹

However, these criticisms and many more remained the situation until 1985 when the Babangida regime overthrew the Buhari led administration on charges of high handedness among others. Babangida regime soon jettisoned the WAI programme and commenced a kind of social and economic re-engineering policy which re-echoed the Structural Adjustment Programme (SAP). This policy was also again mismanaged by the Babangida regime as foreign profiteers collaborated with local cliques to make fortunes through the deregulation, privatization and commercialization policies introduced by Babangida Regime.⁵²

The Babangida regime policies widened again the unending gap between the poor and the rich, the Naira lost its value and the economic social situation in the country became unbearable for the common masses. Indiscipline that once characterized previous regimes soon become the order of the day, crime rate escalated, drug peddling, money rituals, reckless aggrandizement, money laundering and advance fee fraud all took a dangerous dimension. These vices

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Note 49 (above) p. 18.

later earned the country a stigma as the most corrupt nation as the country loses its goodwill day in day out.⁵³

4.0 FORMS/DYNAMICS OF CORRUPTION

Corruption can best be described in a broad term to include acts like fraud, graft, bribery, perjury, lying, dishonesty, indiscipline, stealing, filthy, and a debased act like sexual immorality or perversion, nepotism, favouritism, discrimination, partiality, are all acts of corruption.⁵⁴

On the whole, a better explanation of corruption can be done by grouping corruption into two i. e grand and petty corruptions. Grand corruption is of high magnitude, its widespread, and systemic in nature such as anti-government acts like looting, 419 scam, money laundering. To commit grand corruption is to commit economic crime and those who commit it should be regarded as criminals. Whereas other acts like immorality, dishonesty, perjury, will better be grouped as petty corruption.⁵⁵

In the writer's view therefore, what is worrisome is the political aspect of corruption that has brought much social decadence upon the populace accompanied by elements of godfatherism, election rigging and influence peddling all in an attempt to secure wealth or power through illegal means of private benefit at public expense.

An attempt to fashion out a conceptual framework for the paper suggest a discuss of the series of corruption existing in the country. For instance is White collar crime, often used synonymous with official crime, is the violation of the criminal law committed by a person of respectability and high social status in the course of his/her occupation.⁵⁶

White collar crime is a none violent crime for financial gain utilizing deception and committed by anyone who has special technical and professional knowledge of business and government, irrespective of the person's occupation.⁵⁷ It include but not limited to the followings, money laundering, securities and commodities fraud, bank fraud and embezzlement, environment crimes, fraud against the government, election law violations, copyrights violations and telemarketing and insurance fraud.

⁵³ Okojie, P and Momoh, A "corruption and the Crisis of Development in Nigeria" being Paper Presented at the Conference on 'Redesigning the State? Political Corruption in the Development Policy and Practice' Manchester Metropolitan University, 25th September 2005.

⁵⁴ Ibid.

⁵⁵ Ibid at p.19

⁵⁶ Encyclopedia.Com "White Collar Crime available @www.encyclopedia.com/social-sciences access 21/04/2017.

⁵⁷ Ibid.

Furthermore, identity theft or corruption is yet another form of corruption that is on the increase. This involves the use of telephones, computers, and the internet. This is done by stealing personal information from victims such as their social security, driver's license, credit card or other identification, and then set up new bank account or otherwise misrepresent themselves as their victim to obtain money, goods, or services fraudulently.⁵⁸ Note that this may constitute another criminal offence in another form under the relevant criminal statutes in Nigeria, but this is not the focus of this paper.

Also worthy of mentioning is the corporate corruption or crime. Corporate corruption is more complicated, because there is in most cases no single offender or victim to report the crime. Corporate corruption is often tainted with ethical issues violation like misrepresentation in advertising, deceptive packaging, social irresponsibility, sales of harmful and unsafe products, environmental pollution, kickbacks and payoff, unethical competitive practices, personal gain for management, trade secret theft. As said by the writer earlier on, these activities may constitute civil/criminal liability under some branches of the law i. e copyright law, passing –off, patent and design and so on.

Insurance fraud or corruption is yet another form of official corruption that is on the increase too. This include faking death certificate to collect life assurance policy or setting fire to a house to collect property insurance, or claiming injuries not actually suffered.

In this category too is securities corruption which manifests itself when officials who release information about their companies and the stockbrokers who help people invest in securities sometimes knowingly lie or hide information from customers to raise company's stock level for their own profit. Corporations too in the same vein, may release false information to the financial market through news releases, or quarterly and annual reports. These may be done to affect customer's perception about investment operations so as to earn more profits.⁵⁹

On the other hand, telemarketing is a form of direct marketing strategy in which representatives from companies call consumers or other business in order to sell their goods and services. This may be done through print, radio, or television marketing. Some companies may through this medium make false offer in order to provide credit cards to people with poor credit and then charge extra commission.

Money laundering too is worthy of discuss as another form of official corruption. This involves disguising or concealing illicit funds to make them appear legitimate. It involves transferring illegally received monies into legal accounts

⁵⁸ Ibid.

⁵⁹ Ibid.

so that when money is withdrawn from those accounts, it will appear to the police or other authorities to be legal earnings of the account or business. Where money transferred is successful, the criminal can spend the illegally acquired money with little fear of being caught. Over the years the Federal government has enacted laws to prevent money laundering aimed at regulating how banks use foreign banks to transfer money into and out of the country and the financing of terrorist's organization and activities. It also outlawed bulk money cash smuggling. Financial institutions are required to establish and implement policies to detect and report suspicious money laundering activities.⁶⁰

Abuse of public trust fund also comes under public corruption. This occurs when the interest of individuals or business overlaps with government interest. This too is on the increase and the most instances is where a health inspector worker accepts bribe from a restaurant owner to conceal usual health inspection routine check. This is yet another form of bribes and kickbacks.

At this point it is not out of place to ask the question what could be the propelling force behind corruption? Why do people take to it as a way of life? Perhaps among the many forces, poverty has been identified as the most crucial. In order words the quest to quit poverty has been the driving force. Those in high places do not want to return to abject poverty after service. In addition too, people seek public office in order to initiate a change of financial fortune. Coupled with these too is the bad nature of the economic situation and hyper inflation that drives people to capitalize on opportunities of enrichment.⁶¹

Another attributable factor is the social or societal pressure on public office holders and affluent individual. The family or communal cultural system operate on money worshipping syndrome, hence public office holders or rich family member go though exerted pressure for poorer family members to assist them in one way or the other. Some of the demands are inordinate, forcing the rich family members to go extra mile in satisfying these demands.⁶² What can one say in a society that worships money/riches without decency to hard work and honesty. Take for instance the position of a local government councillor that rose to senator or an accountant, or a managing director of a company, the societal perception of such office holder is to see him/her as occupying a goldmine and being proximal to the national cake, that should be wisely shared among family members either by sending them to school abroad, setting up businesses for some, rehabilitating some redundant in-Laws and the likes. These testimonies are avenues for an encouraged tendency towards official or political corruption.

⁶⁰ Ibid p.12

⁶¹ Aiyede, R. E "The Role of INEC, ICPC, and EFCC in Combating Corruption in Nigeria" Money, Politics, and Corruption in Nigeria" (Abuja, IFES-Nigeria Election Support, 2007)

⁶² Ibid.

Furthermore is the social responsibility theory which suggest that naturally as one status changes or increases, social responsibilities are bound to increase too as more expectations troupe in form of pressures and demands from friends, relations and close associates. For example an elected member of senate is not only expected to deliver at his constituency, but also to take care of the teeming number of political associates, political thugs, concubines/wives and entourage of personal staff. This also will serve as an impetus to consider inflating contracts and figures here and there to cope with these demands.⁶³

Worthy of note too is political instability as yet another veritable source of corruption. Occasional change of power threatens security of office. The politicians just like their military counterpart are prone to steal from public funds as long as they last in office because of lack of security of tenure of office. Frequent change of political appointees and dropping of some due to lack of continuity. Political rift or incessant change of government encourage corruption.

As an omnibus variables to motivate corruption in Nigeria among others are (a), the lingering impact of poor economic mismanagement, unclean legacies of past corrupt rulers and individuals, lack of accountability and transparency, lack of empirical outcome or tangible and appreciable evidence of punishment of proven offenders, abundance of sacred cows that walk freely in and out of corridors of power without any prosecution and the prevailing culture of class materialism that has no bounds as to age or gender in the value system.⁶⁴

In addition too, is the cumbersome journey and procedure to prosecute a case of corruption, this also fuel the continued growth corruption and in its perfection? The slow process of prosecution, investigation and sentencing slows down the process to fight the malaise that has become a malicious pandemic in our polity i.e long process of writing petitions, litigation, prove of evidence all bug down the entire process of fighting corruption to its knees. The result is that several cases are pending in court.

Another contributory factor is the activities of the Commission itself that suffered severe setback in 2003 when the National Assembly scrapped it by revoking the enabling 2000 Act, it took the timely intervention of the Abuja High Court that truncated this attempt on the ground that due process was not followed in revoking the enabling statute.⁶⁵

5. 0 ANTI CORRUPTION AGENCIES

⁶³ Ganagoh, L 'Nigeria: Kangaroo Democracy and Tainted Anti-Corruption Campaign' Nigerworld available @ <http://www.nigerworld.com/feature/publication/ganago/010406> accessed 8/27/2016.

⁶⁴ Azelama, J.U Public Enterprise Management in Nigeria (Enugu; Ambik Press,2002)

⁶⁵ Aiyede, R . E note 61 (above)

The genesis of anti corruption agencies started with second coming into power of General Olusegun Obasanjo (rtd) in the third republic as a civilian Head of States. The long period of military witnessed after Alhaji Shehu Shagari was soon overthrown by the Buhari-Idiagbon regime in 1983 down to 1999, the country was in woes and travails of corruption as the second most corrupt nation in the world. So many cases of inconclusive investigation or probe into fraud and corrupt practices were left without un-prosecuted. For instance is the report of the panel of inquiry into public building fire incident in 1999, the Christopher Kolade Commission into the award of Government contracts by the senate between June 1999-2000.⁶⁶

In the writer's projection, these antecedents warranted the civilian administration of General Olusegun Obasanjo to combat corruption when in May, 19, 1999 he instituted the Corrupt Practices and Other Related Offences Act, 2000 under the enabling statute of the ICPC. The Commission was inaugurated in September, 29, 2000 comprising of thirteen members including the Chairman (Justice Mustapha Akanbi (decd) as the foundation chairman to lead the age long war against corruption with full force of law and power to impose severe sanction.⁶⁷

The enabling statute of the ICPC mandated it to prohibit and prescribe punishment for corrupt practices, rid Nigeria of all forms of corrupt and related practices and restore the country to an enviable standard of respect and dignity at the international parlance. In the pursuit of this objective, Section 6 of the Act confers three main responsibilities on the Commission to wit:

- i) to receive and investigate reports of the conspiracy to commit, attempt to commit or actual commission of offences as created by the Act and in appropriate cases prosecute the offenders;
- ii) to examine, review and enforce the correction of corruption-prone systems and procedures of public bodies, with a view to eliminate or minimizing corruption in public life;
- iii) to educate and enlighten the public on and against corruption and related offences with a view to enlisting and fostering public support for the fight against corruption.⁶⁸

Notwithstanding, technically Section of 27 of the ICPC Act to an extent constitute a clog on the laudable functions of the Commission by restricting the powers of the commission to only informal petitions orally made or written to an officer of the commission. Further that all allegations shall be treated with confidentiality and

⁶⁶ Okojie & Momoh note 53(above) p. 18

⁶⁷ Sheriff, F note 17 (above) p. 22

⁶⁸ Independent Corrupt Practices & Other Related Offences Act Cap C 31 LFN 2004

referred to the investigation Department for Preliminary Investigation, but the question is of what sympathy or special treatment do suspect deserves.

The analysis is that since ICPC cannot prosecute directly and the fact that it receives informal petition which pass through several stages until it receives the nod of other related bodies or court of law for trials where a prima facie case is established, shows a kind of relegation of its effectiveness.

Expatriating on the weakness of the Commission, it's the conviction of the Writer that there is lack of synergy between the body itself and the leadership vision/quality. This translates to mean that leadership culpability weakens the anti-corruption drive. There are time accusations of corrupt acts, illegal transaction, bribery, fraud, and even embezzlement are levied against some officials of the Commission too,⁶⁹ for instance the case of \$241 Million national identity card project between the Internal Affairs Ministry and SAGEM Company remained a mystery up till date as the case appeared to have died a natural death without any meaningful efforts or results from the Commission.

Notwithstanding, the bad side of the activities of the Commission, there are areas too where the Commission has done credibly well. For instance, the activities of the Commission has a created a reawakening consciousness that it can no longer be business as usual. The Commission has carried on the task of anti-corruption by exposing, arresting, and interrogating top individuals. The Commission too has carried out the celebrated recovery of Abacha's loots within and outside Nigeria and uncovered other large sums in foreign vaults.⁷⁰

To make the Commission more proactive, more needs to be done if there is that dare need to downsized the culture of corruption in the nation. Amendment to the enabling statute of the Commission may be amended to reflect on the true nature of the role and activities of the Commission rather being just a record keeping organization as it is now: a toothless dog.

Likewise in the same vein, the EFCC (Economic and Finance Crime Commission) was also established as a child of necessity to complement the activities of the ICPC in redeeming the battered economy and image of the country due to the menace of corruption and economic crime with high support from the presidency, legislature and key security functionaries.

The Economic and Finance Commission Establishment Act,⁷¹ mandates the EFCC to also combat financial and economic crimes. The Commission is equally empowered to prevent, investigate, prosecute and penalise economic crimes. The Commission is also given additional power to enforce and regulate economic and financial crimes under the Money Laundering Act, the advance fee fraud and other related offences Act inclusive of the Failed Banks (Recovery of Debts).⁷²

⁶⁹ Ayoola, E "Government Officials in Five States Probed by ICPC" (Abuja, ICPC Press Release, 11th August, 2006.

⁷⁰ Jason, P "The Making of Olusani Abachanjo" Vanguard Newspaper (November 25, 2005).

⁷¹ Cap E 1 LFN 2004

⁷² Failed Banks (Recovery of Debts) and Financial Malpractices in Banks (Amendment) 1994 Act. Now Cap 2 LFN 2004.

Furthermore, the EFCC too has been investigating cases of abuse of office, official corruption, bribery of government officials, diversion of public funds through fraudulent contracts, corruption in land allocation, tax fraud⁷³ in conjunction with ICPC. However, unlike the ICPC, the EFCC has the powers to prosecute and penalize. The two agencies also differ in their status, for instance, while the ICPC was meant to be independent in all ramifications, the EFCC enjoys high level of support from all arms of government particularly the presidency. Also, while the ICPC can only deal with offences involving only government or state officials, the EFCC is mandated to tackle cases that affect public and private sector.⁷⁴

In practice, the EFCC is also mandated to investigate cases of illegal bunkering, terrorism, capital market fraud, cyber crime, banking fraud. The activities of EFCC have set a landmark in the fight against corruption among the so called sacred cows in both the economic, political and military class. An instance is the case of arrest, detention and prosecution of one time Inspector General of Police Tafa Balogun on multiple charges of embezzlement to the tune of \$128 million and former Governor of Bayelsa State Diepreye Alamieyesegha accused of many charges ranging from multiple money laundering abroad, who jumped and escaped to Nigeria from London, he was later impeached and arrested by the EFCC for prosecution.⁷⁵ This is just to mention just a few examples.

Note that this paper focused on the ICPC and EFCC as they are currently the most visible and prominent anti-corruption agencies in Nigeria.

6.0 CHALLENGES AGAINST ANTI CORRUPTION CRUSADE

Both the EFCC and the ICPC too are not left out of their respective challenges. There are daunting challenges confronting the commission too, for instance the Commission is like a toothless dog too, it has not been able to penalize beyond recovering of loots and prosecution in a law court. Equally too prosecution sometimes takes a longer period than expected a times too some cases may even die a natural death due to lack of diligent prosecution and some of the cases are tainted with political undertone. In the same vein too, the exertion of too much control and influence by the executive/presidency has robbed the Commission of its independence and credibility.

Again, because of its closeness and affinity to the presidency, the Commission has problem with uncovering cases of corruption involving many serving public officers, for instance, Commission could not investigate the financial crimes that were said to have characterized the 2003/2007 Presidential/Gubernatorial elections in which PDP was the ruling party then.⁷⁶ There were occasional face-off between the Executive and the Legislature too as witnessed over the election of the EFCC Boss Mangu.

Apart from the foregoing, the Writer submits that there are other institutional weaknesses that constitute far reaching set back to the efficacy of the

⁷³ Sheriff, F note 17 (above) 24

⁷⁴ Ibid.

⁷⁵ Ibid. p 25

⁷⁶ Ibid p. 26

commissions anti corruption crusade. Notable is lack of complete independence both political and economic. Being the creation of the presidency, the two commissions are like instruments of state coercion, oppression, intimidation and victimization of perceived and real enemies of the ruling party.

This assertion can be seen in the type of selective investigations and prosecutions by the Commissions, particularly in handing cases of corruption involving politicians who condemned or are opposed to the policies of the government of the day. The usual style is to overlook allegations of corruption until the individuals began to oppose the sitting president and his policies. For instances the investigations and prosecution of cases of Tarfa Balogun, Alamieyesegha, Joshua Dariye, Bola Tinunbu, Orji Uzo Kalu, Mike Adenuga and a host others, some of these political weights were at the end given a gimmick presidential pardon.⁷⁷

The present regime under President Muhammad Buhari is not left out too of this accusation of selective investigation, prosecution and justice. In the words of a Non-governmental organization (Intersociety Nigeria),⁷⁸ it is no longer hidden too that the Buhari's administration have fully resorted to political terrorism in the so called anti corruption crusade. Hiding under the guise of anti-corruption the Buhari's regime has perpetrated heinous state crimes such as treason, state murder and other forms of official terrorism.

Another instance is the whereabouts of recovered Abacha loots declared by the Presidency from 1999-2000 that are not known or be actually ascertained of what purpose it was used for. Also the Gulf War Oil windfall of the Former President Ibrahim Babangida remained up till date untraced. Recently some money recovered that were hidden in roof of VIP houses, buried in farmlands, pit toilets, and so on through the whistle blower policies of the Federal government, have not being efficiently and diligently prosecuted by either the EFCC/ICPC too, in fact some of these cases are unheard of again, they have been swept under the carpet because of the personalities involved.

Furthermore, there is the polity of over politicization of anti corruption crusade with a view to witch-hunt individuals that the presidency do not want to succeed, though in most cases, the victims of the political witch-hunt are themselves culpable. An illustrious case is the face -off between erstwhile President Olusegun Obasanjo and his then Vice Alhaji Atiku Abubakar. It was not until when Atiku made it apparent that he would like to succeed his boss and he was opposed to is Boss third term bid as president that the two trusted duo fell apart, because Atiku considered Obasanjo's third term bid as an obstacle to his political ambition, this Atiku vehemently opposed. The relationship between the two collapsed and sooner the EFCC engineered by Obasanjo laid charges of corruption against Atiku. The scenario later earned EFCC and ICPC by Observers as 'Obasanjo's Bulldog against political enemies'⁷⁹

⁷⁷ Ganagoh, L note 63 (above)

⁷⁸ Intersociety, "Political Terrorism As Anti Corruption in Nigeria: Saving the Rule of Law" available @ <http://www.intersociety-ng.org/site-map/staff/item/194-political> accessed 12/5/2017.

⁷⁹ Makarfi, A "Makarfi Chides EFCC, ICPC Over Arrest" *This Day Newspaper* (Lagos, August 16th, 2006)

It is pertinent to note however, that the politicians who are not culpable, but who opposed the third term bid of Obasanjo were equally prosecuted on trump up charges apart from allegation of corruption and removed. An instance is the case of former Governor of Oyo State (Rasheed Ladoja) and the Speaker Oyo State House of Assembly, their removal represents the promotion and institutionalization of corruption by government.⁸⁰

It is the writer's conviction that the double dealing standard by the government and selective justice manifest the believe that the anti corruption agencies are just there as puppets which the government uses to check mate oppositions, so one is justified in assuming that these Commissions lack focus, principle, independence, effectiveness, and capacity to deliver.

The Writer also appreciates the fact that apart from the institutional challenges confronting these Commissions, there is the Constitutional hindrance as well. By analysis, going by the wordings of the Provision of Section 308 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), about seventy four public office holders i. e the President, his Vice, the thirty six state governors and their deputies are exempted from criminal or civil litigation for acts or omission done during the tenure of their office.

Though the provision of Section 308 has come under criticisms and wide plebiscite in support of its removal from the constitution as a way of stemming the tide of corruption and abuse of office by public officers, it has equally been faulted for hindering anti-corruption crusade. This is premised on the footing that it is mainly top government functionaries that commit heinous economic and financial crime and then hide under the umbrella of constitutional immunity. The case of the Deziani Madueke the Minister of Petroleum during Good luck Ebele Jonathan's regime as the President of the Country is a case in point.⁸¹

In the writer's view, it is with high regrets to say that despite the barrels of anti corruption laws, the renewed vigour by the present administration of president Muhammad Buahri, the intense rate of corruption is on the high increase as new methods, techniques are being devised, perfected and carried out everyday. This is fuelled by perjury on the parts of the culprits, distortion of facts-finding or panel of inquiry reports, manipulations of information and records, destruction of records particularly burning/arson of affected parastatals with a view to wipe out traces of any official documents.

The hard truth is that the more the host administration shouts 'fight against corruption', the more public fund is being looted with reckless abandon. Corrupt practices in Nigeria have not only gone e-gold, but electronically undetected, and have been entrenched with impunity. Criminal enrichment in the country has gone viral with illicit acquired properties springing up in leading Nigerian countries. A tour of Nigerian roads and security checkpoints is yet another eye opener and a fundamental blow of president Buhari's policy noise on corruption. Extortion at military checkpoints across the country is now scientific and artistic

⁸⁰ Ibid. p 26

⁸¹ Sheriff, F note 17 (above) 28

with civilian agents recruited as collection agents under negotiated percentage settlement.⁸²

It is amazing, that the present political composition in Nigeria of today, the looters are endlessly looking for the looted with the looting going on rampage underneath or expressly. Those who milked dry states like Rivers and Lagos and left them in quandary of indebtedness are now agents of corruption.⁸³ The Buhari's presidency is characterized threats and repression of political opponents and activists as they are being labelled 'looters'.

Fighting corruption under Buhari's administration can be likened to a situation where a serial human parts dealer has been invited to come and defend human rights. Last year 2017, some men of the DSS state security service outfit were sent after some senior members of the bench like Hon. Justice John Inyang Okoro and Sylvester Nwuta Nwali (Serving Justice of the Supreme Court) as well as Hon. Justice Adeniyi Ademola, Mu'azu Pindiga and Nnamdi Dimgba (serving Judges of the Federal and State High Court) were arrested, searched and detained without following the due process of the law.⁸⁴ This attack by Buhari's administration by his riotous DSS has dented the image of the judiciary.

The presidency of Buhari is also being accused of favouritism and nepotism, for instance, despite the seriousness of allegation made against one of his Ministers Rotimi Amechi, which raises serious image and credibility challenge to the Administration so called fight against corruption, Mr Rotimi has neither been invited or under any form of criminal investigation by the puppet DSS, EFCC, Police or ICPC.

With an iota of doubt, it goes without any gain saying that anti-corruption crusade is gradually yielding due to international support either in form of technical assistance, training of staff and prosecutors particularly from the United States of American.⁸⁵ By way of encouragement too, some creditor nations like west have also cancelled or reconsider cancelling our debts either through the IMF or the Paris Club. A times too, there are instances of collaboration exercise by international community like the FBI Federal Bureau of Investigation and USA Department of justice with EFCC/ICPC in exposing syndicates, firms, agencies, banks and individuals from and outside Nigeria that engaged in financial scam and money laundering.⁸⁶

These moves are seen in good light overseas, at least it has to an extent restored the country global reckoning and gradual obliteration of the stigma of corruption. Investors are also being gradually attracted back into the country.

THE WHISTLE BLOWING INITIATIVE

⁸² Intersociety, note 78 (above) p1.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Sheriff, F note 17 (above) 28

⁸⁶ Ibid p.29

A new dimension into the fight against corruption is the whistle blowing initiative introduced by the Federal Ministry of Finance.⁸⁷ It is aimed that through this programme information relating to the public interest concerning the violation of financial regulations, mismanagement of public funds and assets, financial malpractice, fraud and theft will be obtained.

Under a privileged atmosphere a person can provide information by submitting an anonymous report to what the government has described as a secure online portal; provide a written report to a special unit of the Ministry; or calling a special phone number.

The modus operandi here is that, if an informant has evidence to support his or her disclosure, same may be submitted on the portal or in writing to special unit of the Ministry. Identified whistle blowers are promised protection against any adverse treatment resulting from disclosure. Where the appropriate special unit on receipt of the report concludes that there are reasonable grounds for the complaint, the person against whom the complaint is has the burden of establishing that the alleged actions were not done in retaliation for the disclosure.⁸⁸

Where a prima facie case of adverse treatment has been established, a further investigation may be instituted and disciplinary action taken against the perpetrator in accordance with the public service rules. And restitution will be made to the whistle Blower for any loss suffered. Identify whistle blower were responsible for providing information that directly leads to the voluntary return of public funds, may be entitled to anything between 2.5% - 5% of the amount recovered. To qualify to receive this reward, the whistleblower must have provided information that the government did not have already and could not have otherwise obtained from any public available source,⁸⁹ and the actual recovery must be in accordance with the information supplied the whistle blower.

In reality, the initiative has not achieved anything much. The programme is a mere administrative initiative with no legal backing. Although the Whistle Blower Protection Bill and the Safeguarded Disclosure (Whistleblowers, Special provision, Etc) Bill were introduced in the National Assembly in 2008 and 2009 respectively, Nigeria has no comprehensive whistleblower protection legislation in place.

8.0 CONCLUSION

The paper has so far discussed the challenges of corruption in Nigeria and how past administration have tried to combat the menace. It is very revealing and mocking that the same successive administrations that have tried to combat

⁸⁷ Babajide, O. O 'Federal Ministry of Finance Introduces New Whistle Blowing Initiative' available @ <http://www.internationallawoffice.com/Newsletter/White-Collar-Crime/Nigeria/Sofunde-osakwe-Ogundipe-Belgore> accessed 12/12/2017

⁸⁸ Ibid.

⁸⁹ ibid

corruption are also neck deep in trading accusation on grand corruption without any commitment towards eradicating, but rather giving it a lip service. Furthermore, the paper also analyzed the strength and the challenges confronting the anti corruption agencies.

The attendant consequences of corruption on the nation is very imperative, hence the need to intensify and develop more new firm strategies to combat the menace of corruption.

It has been established that corrupt practices whether directly or indirectly contributes to underdevelopment in any nation and has it is known an undeveloped country is a breeding ground for corruption. Recapitulating, Nigeria taking into account her chequered history had an unfair colonial offshoot and little avenue for curbing corruption. However in order to forge forward and avoid the mistakes of past administrations, the vigour and legal framework for fighting corruption has to be reset and strengthened. Hindrances like lack of judicial will, bad sentencing practice, lack of diligent prosecution, all these must be dealt with decisively.

Against the backdrops above, it is recommended that:

- i) The adverse effect of corruption needs to be amplified and awareness created about correlation between corruption and development. The two main anti corruption agencies i.e. EFCC and ICPC, must be emboldened and granted full autonomy. Public officials must be held to a very high esteem of accountability. Sentencing must be re-echoed as a deterrent to potential corrupt official.
- ii) Also, there should be more transparency in the prosecution of corrupt politicians, confidence and accountability restored in elected official and strengthens the democratic institution.
- iii) The anti-corruption agencies should be overhauled and the process of investigation made more effective. The agencies should prosecute corrupt public officials while avoiding politically motivated prosecutions. So much so that the public perception of the agencies has to change to a more credible commission, impartial and fair, thus creating a new culture of accountability and opposition.
- iv) There is also the dare need for the government to be more pro-active and emphasize on the culture of good reward system by paying workers their basic salary, retirement benefits as at when due so as to combat poverty which is the greatest cause of corruption
- v) Convicted corrupt officials must have their names blacklisted. Attitudinal change of the people should be focused through the pursuit of people oriented economic policies and programmes and by a systematic policy of re-orientation.

- vi) Also public servants when recruited should be subject to codes of conduct requirements for financial and other disclosures, and appropriate disciplinary measures. Transparency and accountability in matters of public finance must also be promoted.
- vii) It is also fundamental that in fighting corruption, that the rule of law and constitutionalism must remain the watch words. By turning corruption into instruments for political vendetta, terrorism and brigandage is democratically hazardous and disastrous.
- viii) The EFCC/ICPC needs to be emboldened, granted autonomy, supported and possibly have its power expanded. The judiciary needs to have a stronger resolve to sentence convicted looters to maximum terms allowed under the law. Sentencing needs to be seen as a serious deterrent to would be corrupt officials /individuals.
- ix) Prosecuting agencies should be more diligent and charged under appropriate law. Other jurisdictions such as United Kingdom, who have managed to successfully reduce incidences of corruption, need to be emulated in terms of quality of charges frame by prosecutors and in the apportionment of sentencing. For instance the United Kingdom Bribery Act of 2010, is worthy incorporating.

REFERENCES

Anoshakin, T "Nigeria Democracy and Kleptocracy" *This Day Newspaper* (Lagos, March 2006).

Austine, E and Charles, M 'Corruption in Nigeria: A Historical Perspective' *Research Humanities and Social Sciences Journal* (2013) Vol. 3, Nos.16 pp.19

Diamond, L "Building a Democratic Africa" *Hover Digest* (1998) No. 3

Dudley, B J *Instability And Political Order: Politics and Crisis in Nigeria* (Ibadan; University Press, 1973)p.21.

Eker, Y "Origin of Corruption: Irregular Incentives in Nigeria (1999) *Journal of Modern African Studies* Vol. 19 P.1.

Folarin, S :*Spatial Econmy of Abjection: Evacuation of Maroko Slums in Nigeria*" paper in Honour of Adigun Ag aje SAN at 50

International Centre for Asset Recovery 2009 available at <https://baselgovernance.org/theme/icar/> assessed 23rd February 2016.

Ibidolapo, B "The Anti-Corruption Legal Framework and It's Effect on Nigeria Development" available @<http://www.mondaq.com/article.asp?artciel> cited 21/04/2017

Justice Mahmud Mohammed (CJN rtd) *In* Kolapo, O "Why EFCC Failed to Prosecute Corrupt Individual" available @<http://ynaija.com/.comy efcc -icpc-fail-successully-prosecute.cjn> accessed on 25th February, 2016.

Michael, O 'Political Leadership and Corruption in Nigeria Since 1960: A Socio-economic Analysis' *Journal of Nigerian Studies* (2012) Vol.1 Nos.2 p.7

Mohammed U, *Corruption in Nigeria: A Challenge to Sustainable Development In the Fourth Republic* available @ <http://euournal.org/index.php/esj/article/view/770/804> accessed 28th February, 2016

Nnado, I U. "Effectiveness of the Economic and Financial Crimes Commission in Enhancing Accountability in Nigeria Public Sector" *Journal of Developing Country Studies* (2015) Vol.5 No.8

Nwankwo, A. A *The Stolen Billion* (Enugu, Forth Dimension, 1999)

Oby, E (Former World Bank Vice president and former Minister for Education) *In* *African Development Magazine* "Corrupt Officials Stole Billions from Nigeria" available @<http://afrikandevlopment.net/corrupt-leaders-stole-bilions-from-Nigeria> p.284 accessed 1/03/2018.

Osoba, S "Crisis of Accumulation and Democratic Misadventure in Nigeria: A Retrospective and Perspective Analysis" (1993) *Ife Journal of History* Vol. 1, Nos. 1, Jan-June

The World Bank Group World Bank 1997 "Helping Countries Combat Corruption: The role of World Bank" available @<http://www1.worldbank.org/publicsector/anticorrupt/corrupt/cor02.htm> accessed 1/3/2016.

Sheriff, F "The Anti-Corruption War in Nigeria; A critical Appraisal of the Role of the ICPC and EFCC" *Nigerian Journal of Economic and Financial Crimes* (2009) Vol. 1 Nos. 2 Harmattan Edition Jan-Apr. p14.

Transparency International Corruption Perception Index 2015 available @ <http://www.transparency.org/research/cpi/overview> accessed 7/3/2018.