ANALYSIS OF ANTI GRAFT WAR AS AN ANTIDOTE TO NIGERIA’S CRISIS OF CORRUPTION

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ABSTRACT
Due to the lamentable state of the nation regarding corruption, the Nigerian state had at various times come up with policies and programmes to curtail the problem. Among these is the creation of EFCC and ICPC. The properly analysed whether the anti graft war of EFCC and ICPC really served as an antidote to corruption in Nigeria. Data came from both primary and secondary sources. The primary data was through observation and interview conducted to a sample (339) of EFCC and ICPC personnel as well as MPA Students, while the secondary data was gotten from literatures. It was found that the failure of 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 and transparency

Introduction
It will be very pertinent to begin by underscoring the fact that corruption is a malaise not peculiar to only one country, region or continent, but rather a hydra-headed dragon. In other words, corruption 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. However, note should be taken that, even 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. Along a similar line of reasoning, a website article (www.gorgeehusaini.org) asserts that, “it is a relative concept being a function of specific normative, social, historical, cultural, economic and political circumstances as well as legal instruments.”

Let us shun the nagging attempt to verify the origin of corruption in Nigeria and point out that it came to the open at the creation of modern public administration in the country (Wikipedia.org). Ours 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. Sadly, 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 situation can not be divorced from the cankerworm of corruption that has now led the country to be labeled a “crippled giant” and 139th out of 176 most corrupt countries in the world (transparency.org). 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 came 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.

Hence, this paper is out to analyze the extent to which the anti-graft war waged the by ACAs serve as an antidote to Nigeria’s crisis of corruption with emphasis on EFCC and ICPC.

**Statement of the Problem**

Sections 1 (2) (a-b); 9 (1) and 14 – 18 of the EFCC Acts, 2004 are outright regarding the autonomy of 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 foregoing all boil down to nothing but the ultimate goal of curbing corruption. Thus, if the above are adhered to thoroughly, it is expected that the anti-graft war of ACAs will be a success. However, 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 problem, the following research questions were raised:

a. How autonomous are ACAs vis-à-vis the war against corruption?
b. How resourceful are the personnel of ACAs?
c. How strict and severe are the punishments for corrupt offences?

**Objectives of the Study**

The cardinal objective of this paper remains an analysis of anti-graft war as an antidote to Nigeria’s corruption. Apart from the above though, the following objectives were outlined:

a. To find out how autonomous are ACAs vis-à-vis the war against corruption.
b. To see how resourceful are the personnel of ACAs
c. To explore the strictness and severity of punishments for corrupt offences.

**Hypothesis of the Study**

This paper is guided by the hypothesis below:

**H₀**: Anti-graft war has not served as an antidote to Nigeria’s corruption.

**H₁**: Anti-graft war served as an antidote to Nigeria’s corruption

**Scope and Limitation of the Study**

This paper analyses anti-graft war as an antidote to Nigeria’s corruption. However, we recognize the fact that anti-graft war in Nigeria takes a verity of forms. As such, we chose to limit our concern to the role played by ACAs, or more specifically, the EFCC and ICPC. With regards to time, the paper covers the period between 2003 and 2011. This being the period the country witnessed a change both in government and leadership of the Commissions. Further, corruption being an ambiguous concept, emphasis is on economic and financial crimes reason being that they are keen to good governance and economic development. This is indeed one of the limitations of the paper. Others are time and resource constraints to have done better.

**Significance of the Study**

Due to the pervasive and endemic nature of corruption, a lot of researches have been conducted on it. But then, from the literatures available to the researcher, much is needed on corruption vis-à-vis the anti-graft war of EFCC and ICPC, particularly now that the commissions assume a larger-than-life position (Waziri, 2011). Thus, it is hoped this work will bridge the gap of knowledge in this area. Also, the findings of this research will help the government in reviewing its policies should the need arises. Moreso, the populace and the civil societies will be updated on the success or otherwise recorded by the anti-graft war of ACAs.
Review of 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. That is why 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 little 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. And 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, 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 19th 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. Indeed, corruption has been accused for not only the broken promises, but also dashed hopes and shallow dreams.

Indeed, it is impossible to overstate the poisoning which corruption brought to Nigeria. Literally, it 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.

Likely Strategies in Curbing Corruption

As has been said earlier, there exist no unified theory on corruption. While some countries grow up corruption related policies, others merely transplant. In Nigeria analytically, there is no particular regime or government that did not wage a war against corruption. However, such attempts suffered severe blows that it now appears as if corruption has been legalized in Nigeria. But Dike (2003) has said it all when he asserted:

“Some human ailments could require many dozens of medicines to be treated. Similarly, the menace of corruption which has eaten deep into the fabric of Nigeria would require all the “medicines” necessary to effectively control it. In other words, no simple and single remedy will do it; and the problem cannot be solved overnight, because... Corruption has been ingrained into the fabric of the society. Nigeria has in theory, the solutions in the book to tackle corruption; but like other issues (poverty etc) bedeviling the nation, implementation of the laws are the “Achilles heels” (vulnerable point) of the society.” (The Guardian, July 10th, 2002 in Dike, 2003).

Therefore, of no less importance now is the political will that will use words and action to tame the menace. But it should be noted that as Myint (2000) cautioned, emphasis must be placed on preventing corruption by tackling the root causes that give rise to it through undertaking economic, political and institutional reforms. He argued that anti-corruption enforcement measures such as oversight bodies, a strengthened police force and more efficient law courts will not be effective in the absence of a serious effort to address the fundamental causes.

By and large, aside of incorporating integrity doctrine and anti-corruption principles into the school curricula; good governance, transparency, accountability and the rule of law are the keys to tackling corruption in the society as corrupt leaders cannot wage an effective war against corruption (Dike, 2003). The words of African Development Bank (2006) as reiterated by Idris (2011) are very relevant here. Hear this: “corrupt practices become the exemption rather than the norm if the likelihood of being caught is high, if the consequence once caught is predicable and severe, and if it is generally condemned by the society.”

Theoretical Framework: Systems Theory

The systems theory to organizational analysis is said to have many contributions, but H.A. Simon (1959) is credited as the foremost. It view an organization as a system of interrelated and interdependent set of elements, each of which makes a contribution to the survival of the whole and each of which depends on other parts of the system for its own needs. In otherwords, the sub-systems work toward 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 hope 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 consist of some key components that makes 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.

Methodology
Data for this study came through both primary secondary sources. The primary sources included interview and personal observation, whereas the secondary sources are from literatures which cover text books, magazines, journals, official publications, scholarly articles and the internet. Our population comprises of the staff of EFCC, ICPC and 2010/2011 MPA students of ABU Zaria who were 2,207 altogether. On the part of the staff, they were believed to be familiar with the operations and activities of their respective commissions. While the MPA students were seen as a mini-Nigeria as each of the geo-political zones if not states of the country is represented. However, 339 elements were chosen using Yamane’s (1967) formula and stratified simple random sampling technique was employed. Data was analyzed qualitatively using content analysis and descriptive statistics.

Results, Discussions and Findings
The data gathered from the primary and secondary sources are presented and analyzed in this section. The variable 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 often times 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 staff in 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 are 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 infact 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.
REFERENCES


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