



CHECKING CORRUPTION IN NIGERIAN DEMOCRATIC DISPENSATION:

REALITIES AND ILLUSIONS

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Abstract

The mind boggling incidences of official corruption in Nigeria and its debilitating impact on the development efforts have called attention to efforts to stem the monster. We have examined these efforts in this paper and without equivocation come to the realisation that these efforts are illusions because they fail to address the fundamental issues involved in the corruption conundrum particularly, in this democratic dispensation. We conceptualized corruption as part of the exploitation, expropriation and appropriation of the masses by the ruling elite using the instrumentality of the state structure. We also examined the different theoretical dimensions of corruption and came to the conclusion that Marxist political economy approach for its empirical and analytical clarity best explains our position on the topic. We also examined the deleterious implications of corruption on the economic, social, political and the security dimensions of the Nigerian social formation. We analyzed the anti-corruption measures of the present Nigerian democratic dispensation and came to the conclusion that unless the measures take into consideration the character of the Nigerian state and the class system, the nature of the prevailing constitutional provisions, the structure of the Nigerian federation and the operating socio-economic system, they remain illusions in the fight against official corruption. Both the masses and ultimately the Nigerian state will continue to bear the consequences of the unprecedented corruption in Nigeria.

Key words: Corruption, Democracy, Realities, Illusions.

Introduction

However what is apposite is to ensure that we put in place the necessary checks and balances that will reduce the decadence and debauchery engendered by corruption in the society. (Achebe, 2013)

The above statement reflects the frustration and exasperation that the moral burden of checking official corruption has engendered in the society. Indeed the capacity of the state with its moral, legal, political and social structures to stem the noxious peril of official corruption in the society has become a major pre-occupation of the policy makers. This is in view of the lethal and virulent impact of official corruption on the socio-economic development of society. Of course, rules and regulations are inevitable in all societies for curbing the excesses of individual's atavism and narcissism. Thus, impunity and Hobbesian state of nature where life is nasty, brutish and short may become the direct and vicarious consequences when extant rules that guide social relationships are flagrantly disobeyed and/or cannot be enforced by the prevailing authority.

Nigeria today is replete with a hodgepodge of measures geared towards checking high incidence of unprecedented official corruption. These measures are in form of decrees and edicts, acts of parliament and legislations, agencies and bureaus, as well as departments and institutions of state. The anti-corruption measures are legal, political, economic and social in nature and are couched to address specific areas of the perils of official corruption. These measures also contain elements of prevention and sanctions that serve as deterrent for the commission of official corruption. Unfortunately, these measures have not in any way checked official corruption. Rather, official corruption has indeed exacerbated and snowballed into monumental monstrosity in the country. Thus strong evidences of the realities on the ground have shown that the measures deployed to check official corruption have proven to be ineffective. This is because the measures fail to reflect the concrete social realities of the socio- physical environment of the society. This is also in spite of the dawn of the democratic dispensation in the country in the last fifteen years.

Democracy as the assumed best form of government ought to enthrone rule of law, social justice, equitable distribution of common wealth, respect and adherence to extant rules by the ruling class and generally good governance. The impression therefore is that "adherence to democratic ideals are *sin qua non* for any meaningful efforts to effectively combat corruption on a sustained basis". (Uneke, 2006). Democracy however, particularly the liberal typology is largely an elite affair. Corruption in Western Europe and North America, the bastion of liberal democracy is therefore controlled and regulated within the precincts of bourgeois rules of engagement. Nigeria has however had a bastardized form of liberal democracy. Indeed, what Nigeria has had in the last seventeen years is civil rather than democratic rule. This is also a reflection of the pseudo-capitalist socio-economic substructure of the Nigerian social formation. In such situation the capacity of the state to enforce rules that stem corruption is severely and structurally constrained. The bourgeois class in the country by virtue of this structural constraint are emboldened to disobey the rules and engage in impunity, graft and monumental corruption without much qualm.

The scourge of official corruption has become so hegemonic and overwhelming that institutions and agencies of the state have become deeply entrapped by the monster. Individuals thus see corrupt engagement as the only easy way of meeting the expectation of the society. The control of the state and the connection to those who control the state become the main avenues for climbing the ladder of social class. Corruption has become part and parcel of the society. It has vicariously become a

way of life in the society in that few Nigerians whose otherwise strong moral background would constrain them from corrupt tendencies are willy-nilly compelled to become part of the corruption laden process. Corruption in the last seventeen years of latest democratic experience in Nigeria has become so alarming, endemic and structurally institutionalised. Like a rampaging cancer, corruption has become “lethal, virulent, pernicious and a hydra-headed monster that is capable of bringing the nation to its precipice”. (Olanipekun, 2012).

Our main objective in this paper is to contribute effort towards amelioration of the monumental challenge posed by official corruption through a critical evaluation of the anti-corruption measures and structures put in place by the state. This is more so in view of the ossification of development efforts of the government by official corruption. While we concede the tokenism of the measures in addressing corruption; we make bold to say that unless these structures are couched against the backdrop of the concrete socio-economic substructure and indisputable class character of the pseudo-capitalist liberal democracy, the expectation from them in the extirpation of corruption may “to put it mildly, wishful utopia”. (Eteng, 2004). These are the issues we will be exploring in this essay, but let us first put the concepts in proper perspective.

Conceptualising Corruption

Corruption just like many social science concepts has been subjected to unflinching polemics, rhetoric and scholarly semantics by academics, social analysts and policy makers and the debate has hardly abated. In trying to identify our focus in the study, it is pertinent; we delineate some salient elements that underlie most of the definitions of corruption: (a) Official corruption connects directly or vicariously with the state structure, ideologies and agencies; (b) corruption has social, moral, ethical, political and economic dimensions; (c) corruption reflects the moral and value decimation of the society; (d) corruption is fundamentally excoriating on the majority of the masses of the society; (e) corruption stunts social institutions, democratization process and state regulatory agencies; (f) corruption undermines the developments efforts of the society; (g) corruption has the capacity of fundamentally and structurally truncating societal stability.

Attempts to define corruption reflect the intellectual, ideological and ethical background of the authors. The Council of European Multidisciplinary group define corruption as “*bribery and any other behaviour in relation to a person entrusted with responsibilities in public or private sector which violate their duties that follow from their status as public officers, private employees, independent agents or other responsibilities of that kind and is aimed at obtaining undue advantage for themselves and others*”. (quoted in The Watch Tower, October 1, 2012). Also Okori (2010) defines corruption as being related to the performance associated with a public office and deviation from laws and procedures that regulate the conduct of public servants. The Transparency International (2006) also defines corruption as the abuse of the entrusted power for private gain. They contend that corruption hurts every one whose life, happiness or livelihood depends on the integrity of the people in positions of authority.(quoted in Olanipekun, 2012).

It is imperative to note Kligard’s (2006) typology of corruption into systemic and sporadic corruption. He argues that systemic corruption operates in a situation in which the major institution

and processes of the state are routinely dominated and used by corrupt individuals and groups and in which most people have no alternative in dealing with corrupt officials. Sporadic corruption on the other hand is largely incidental corruption that occurs irregularly and therefore does not threaten the mechanism of control of the state nor the economy as such since it has little macro-economic effects. Corruption in Nigeria and most African countries have tended towards systemic in that the social formation is stealthily threatened.

To us however corruption is more a reflection of the capitalist socio-economic formation in operation in the society than it is a consequence of value distortion or moral decimation. Capitalism, particularly in an underdeveloped country breeds greed and unbridled primitive acquisitive tendencies, which *ipso facto* engenders struggle for finite societal resources. This situation does not only embellish corruption but makes corruption compelling and inevitable. Therefore the class with the right connection and the necessary machinery for the control of the state uses same to appropriate societal resources disproportionately by hook and crook to itself to the chagrin of the disadvantaged class. This is why official corruption that has the capacity of truncating societal development is largely a bourgeois class affair. We therefore take our point of departure from the poignant definition of corruption by Jeyifor (2013) as “a means of redistributing the oil wealth in Nigeria among the political and economic elites”. In such a situation corruption becomes “a symptom of dysfunctionality of a relationship between the state and the people, characterised by bribery, extortion and nepotism”. (Atlas, 1989).

Democracy: The essence of democratic government lies in its capacity to meet the expectations of the people. This is in the realisation of the fact that the people are ultimately the repository of sovereignty in a democratic process. Therefore democracy implies accountability, transparency and integrity of leadership. The citizens access to information about the operations of the government and to the resources of the state should therefore be guaranteed and not subject of disputation. When a supposedly democratic government on account of state induced corruption reneges on the democratic ideals of full development of peoples potentials; economic, political and social empowerment of the people as well as guarantee of holistic good governance; it is but cant and fury. Unfortunately, this has been the bane of Nigerian society in the last seventeen years of democratic governance. A major factor in this unsavoury situation has been official corruption.

In the same vein when laws, institutions, agencies and bureaus set up to check the excesses of the officials of government which in this case is corruption fail to meet up with the realities for which they are set up, they become illusions. They are illusions because, the oddities for which they are established to stem tend to exacerbate rather than abate. This is so because the state in a pseudo-capitalist formation is constrained by structural and institutional weakness to enforce extant laws and control morbid acquisitive tendencies of the comprador bourgeois class that controls it.

Cost and Consequences of Corruption in Nigeria

The extent of damage of official corruption on the economic, political, social and psychological dimension of the society cannot be over emphasized. No doubt over 80% of Nigerian economic, political and social problems can be directly or vicariously attributed to corruption. (Ali, 2012). Corruption is one single factor that has arrested growth and stymied development because it is the cause of poverty, poor policies and wastage in Nigeria. (Buhari, 2015). Indeed corruption has undermined Nigerian democratic governance because it inhibits the process of social equilibrium and sustainable development. As Obasanjo,(2004) observed, *“with corruption, there can be no sustainable development, nor political stability. By breeding or feeding on inefficiency, corruption strangles the system of social organisations. In fact, corruption is literally the anti-thesis of development and progress”*.

In the first place, corruption undermines social relationship in society, distorts the value system and stunts the moral and the ethical base of the society. It frustrates individual aspiration and discourages genuine hard work because citizens tend to realise that the easiest way to make it is by cutting corners. A corrupted value system encourages the perception that corruption does not only seem to be normal but a survival strategy. Indeed this generation does not believe that something can be done well.

Another consequence of corruption is in its capacity to truncate the social fabric of the society. This is because *“the crises which endemic corruption has triggered off in Nigeria, certainly poses exceptional peril to the economic, social and political stability; the national interest and the integrity of the Nigerian nation”*. (Olanipekun, 2012). And as Achebe (2013) observed, *“economic deprivations and corruption produce and exacerbate financial and social inequality in a population which in turn fuel political instability”*. It is indisputable that the victims of corruption, particularly the poor unemployed youths provide unenviable source of recruitment into organised insurrections against the state as manifested in Boko-Haram, militancy, Indigenous People of Biafra (IPOB) etc that have stretched the Nigerian military paraphernalia in recent times. Again, corruption is the main cause of high criminality in the society and can engender civil war because people with the type of resources gotten from the mindboggling corruption have the capacity to subvert the system.

Corruption is the single cause of poverty in the country. This is manifested in the squalid housing condition, poor health standards, substandard education, youth unemployment and generally declining living standards. Today about 120 million Nigerians representing 71.1% of Nigerian population live in extreme poverty or less than one dollar a day. (NBS, 2015). The report by the United Nations Development Programme (UNDP) ranked Nigeria Human Development Index (HDI) among the least developed countries of the world on the basis of life expectancy, literacy level, and GDP. The UNDP report also showed that Nigeria has the highest number of children in the world out of school and one of the three countries where common communicable diseases such as polio and guinea worm still persist. The report also showed that maternal and infant mortality in Nigeria are among the highest in the world.

Again imagine the record of unprecedented avoidable deaths that have been occurring in Nigeria due to misapplication and misappropriation of resources meant for the development of infrastructure by the state officials. Nigeria ranks among the highest number of deaths through road accidents due mainly to the decrepit condition of the roads that are reputed to be the worst in the world. Exhaust

fumes from electric generators have claimed the highest number of lives in Nigeria because the power sector has been in shambles in spite of huge investment. Incidences of collapsed buildings have wasted appreciable number of lives due to the use of inferior materials because government regulatory agencies are bribed by contractors and site engineers. We also know that a lot of Nigerians have died from the avoidable natural disasters and environmental pollution because the ministry of environment and other regulatory agencies do not only divert environmental funds but compromise their regulatory responsibilities.

Related to the above and of course the main cause of death is the undermining of basic infrastructure by corrupt practices of state officials. Roads, hospitals, educational institutions, housing, urban infrastructural facilities are either decaying or non-existence. The report by the Presidential Monitoring Committee on abandoned projects and the former minister of finance Okonjo Iweala indicates that between 11,000 and 12,000 federal projects were abandoned across the country as at 2013. These projects for which funds have been fully appropriated in the yearly budgets cut across all sectors of the economy and segments of the society. The extent of damage by the misappropriation of funds meant for development ventures can be appreciated by this report by Hana Idayat Hassan on Mbeki panel report on illicit funds flow from Africa amounting to 217.7 dollars in the last two decades. Her report showed that these slush funds can provide 870 standard schools at 50million naira each, 400 world class hospitals at 100million naira each, 500 hundred primary hospitals and clean water facilities at 10million naira each for the 774 local governments in Nigeria.

So corruption is injurious to development because it vitiates strategic development endeavours and its consequences are so pervasive and inclusive. It can destroy the economy, the institutions and the society if not checked. Efforts to fight corruption should therefore be a major occupation of both state agencies and critical civil society. As Osibajo, Y. (2015) observed *“the fight against corruption is not just a moral or ethical burden but as developmental construct. This is in realization of the fact that corruption if not checked has the capacity of destroying the economy, the institutions and eventually the society”*. The inability of the hogde pogde of anti-corruption agencies and bureaus to mitigate corrupt practices reduces the capacity of the state to drive authentic development. It is the critical evaluation of these anti-corruption measures that we turn to in the next section

Checking Corruption: Anti-Corruption Measures Under Democratic Dispensation

No doubt, the Nigerian Police Act and the country's Criminal Code Act constitute the major fundamental institutions in checking corruption and indeed all other vices in the society. These institutions have not however addressed the ever increasing scourge of corruption and sleaze in the society because of their legal, political and structural defects. This is in spite of the many reforms these institutions have undergone over the years. The introduction of many anti-corruption measures under the present democratic dispensation in essence portrays a damning lack of confidence on the existing anti-corruption institutions. Some of the measures include; Economic and Financial Crimes Commission (EFCC); The Independent Corrupt Practices and Other Related Offences Commission (ICPC); Revised Money Laundry Act of 2015; The Fiscal Responsibility Acts; The Whistle Blower Act of 2017 and the oversight mandates of the parliament on the executive. The anti-corruption measures can be grouped broadly into two: Retro-active and pro-active agencies.

The major retro-active anti-corruption measures include the EFCC, ICPC and the Money Laundry Acts. They are retroactive in that they apprehend culprit in the process of commission of corrupt acts and/or when the act has already been committed. They also have the function of investigating and prosecuting corrupt acts. The ICPC was established by the act of parliament on 13th June, 2000 with the following duties; (1) to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offences prohibiting corruption and in appropriate cases the offenders; (2) to examine the practices, systems and procedures of public bodies, where in the opinion of the commission, such practices, systems or procedures aid or facilitate fraud or corruption to direct or supervise a review; (3) to instruct, advise and assist any agency or parastatal on ways by which fraud or corruption may be eliminated or minimized by such officer, agency or parastatal; (4) to advise heads of bodies of changes in practices, systems or procedures compatible with the effective discharge of the duties of public bodies as the commission thinks fit to reduce the likelihood or incidence of bribery, corruption and related offences; (5) to educate the public on and against corruption and related offences; (6) to enlist and foster public support in combating corruption. (The Criminal Code, 2004).

The EFCC was established in June, 2004 by the act of parliament as the designated financial unit in Nigeria which is charged with the responsibility of coordinating the various institutions involved in the fight against money laundering and enforcement of all laws dealing with economic and financial crimes in Nigeria. The commission also has the function of investigating all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal charge transfers, stock market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam as well as the co-ordination and enforcement of all financial crimes, laws and enforcement functions conferred on any other person or authority. The EFCC is also empowered with the powers to; (1) cause investigation to be conducted as to whether any person, corporate body or organisation has committed an offence under this act or other law relating to economic and financial crimes; (2) cause investigation to be conducted into the properties of any person, if it appears to the commission that the person's life style and the extent of the properties are not justified by his source of income; (3) carry out and sustain rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria. (Criminal Code, 2004).

The performance of the anti-corruption measures can be elicited by the empirical reality. This is realisable by the number of convictions on corruption and other related offences since the inception of the agencies. For instance, EFCC in 2012 secured 188 convictions and in 2013 the convictions rose to 117. (Newswatch, August, 2014). Indeed EFCC secured 1500 cases since its inception in 2003. More than 50% of the convictions were secured between 2010 and 2016. This is as shown in the table below.

Convictions secured by EFCC between 2010 and 2016.

Year	No of convictions	% of total conviction
2010	68	8.5
2011	67	8.6
2012	105	13.4

2013	117	15.1
2014	126	16.3
2015	103	13.2
2016	186	25.7
Total	772	100

Source: Newswatch, August, 2014; <http://www.org.corruption-trial>

The above table shows an increasing performance of EFCC. From 8.5% in 2010 of total conviction between 2010 and 2016; the convictions in 2016 represent 25.7% of total convictions between 2010 and 2016. This seems an awesome achievement for the organisations. But the empirical validity of achievement flounders when placed against the calibre of the persons convicted. Indeed the fact that no politically exposed persons have been adequately and successfully convicted by the organisations makes the claim of performance an illusion. This is particularly so because the essence of the organisation is to safe guard the societal resources by preventing and punishing corrupt state officials who are entrusted with national patrimony. A look at the ongoing trial of some officials, some of which have taken between five to ten years will manifest this assertion.

The following former governors have been under trial and investigation for official corruption within the last ten years: Saminu Turaki (Jigawa), Chimaraoke Nnamani (Enugu), Rashid Ladoja (Oyo), Ayo Fayose (Ekiti), Adebayo Alao-Akala (Oyo), Orji Uzor Kalu (Abia), Attahiru Baffarawa (Sokoto), Akwe Doma (Nassarawa), Joshua Dariye (Plateau), Abdullahi Adamu (Nassarawa), Abubakar Audu (Kogi), Timipiri Sylva (Bayelsa), Alamiesiaya (Bayelsa), Boruna Haruna (Adamawa), Sule Lamido (Kebbi), Igbinedion (Edo), James Ibori (Delta). Only two governors have been convicted through plea-bargain- a process that embellishes corruption because it leaves the culprit to dictate the terms of the bargain. Of course, some of the governors being prosecuted have been elected senators, governors and appointed ministers. Again the table below shows that the Nigerian ruling class are not perturbed by corruption prosecutions. This is shown by the fact that most of the governors being prosecuted on corruption charges have been elected governors, senators and appointed ministers of the Federal Republic of Nigeria.

The Present Political Offices of governors undergoing corruption trials in Nigeria

Name of governor	The state	Year served	Position while on trial
Abubakar Audu	Kogi	1999-2003	APC Governorship candidate, 2015.

Achike Udenwa	Imo	1999-2007	Minister of the Federal Republic.
Adamu Muazu	Bauchi	1999-2007	Chairman of Peoples Democratic Party (PDP).
Akبابio Godswill	Akwa Ibom	2007-2015	Senator of the Federal Republic
Ayo Fayose	Ekiti	2003-2006	Governor of Ekiti State.
Boni Haruna	Adamawa	1999-2007	Minister of The Federal Republic
Chimaraoke Nnamani	Enugu	1999-2007	Senator of Federal Republic
Joshua Dariye	Plateau	1999-2007	Senator of the Federal Republic
Olusola Saraki	Kwara	2003-2011	Senator of The Federal Republic
Orji Uzor Kalu	Abia	1999-2007	Contestant for The Senate of the Federal Republic
Saminu Turaki	Jigawa	1999-2007	Senator of the Federal Republic.
Rashid Ladoja	Oyo	2003-2006	Governorship aspirant, Oyo State.
Timipre Silva	Bayelsa	2007-2011	Governorship aspirant, Bayelsa State.

Source: Compiled by the author.

Other high profile corruption cases whose prosecution have deliberately become indeterminate include: oil subsidy scam trials; the ad-hoc committee on oil subsidy payments of the house of representatives in which Lawan Faorouk and other members of the committee as well as Femi Otedola , Chairman of Forte oil were involved; the trial of the National Assembly committee members on aviation, health, stock exchange and power; ministers of education, works, aviation; the trial of the directors and executives of parastatals and other agencies such as National identity card scheme, pensions and health insurance; and the trial of senate presidents, speakers of house representatives, ministers and chief executives of banks.

In all these corruption cases, only few have been concluded with most of the culprits acquitted. The few convictions that were achieved had sanctions that were hardly commensurate with the offences for which they were prosecuted. This shows non seriousness on the part of the prosecuting anti-corruption agencies. Indeed, “in the last sixteen or so years, expeditious or successful trials of Nigerian looters have for the most part taken place outside the country, hardly in Nigeria itself”. (Jeyifo, 2015). The anti-corruption organisations are hamstrung by the system. The institutions that are supposed to provide the enabling support for the organisations turn out undermining the organisations. This explains why the organisations provide very weak prosecutions that have led to the loss of many cases, weak convictions and what’s more the state through the Attorney General has withdrawn cases of their clique at will through the process of *nolles prosequi*. We shall come back to this, but for now let us to turn to pro-active anti-corruption measures.

The pro-active anti-corruption measures act as checks on the Ministries, Departments and Agencies of governments (MDAs). They basically by their function make corruption difficult if not impossible. The agencies together are referred to as Fiscal Responsibility Act. They include Public Procurement Act, Code of Conduct Bureau, Freedom of Information Act, Public Complaints Commission, Bureau of Public Enterprise and Debt Management Office. The parliament by the provisions of the constitution is also an active anti-corruption agency. While the Code of Conduct Bureau and Public Complaints Commission have been in existence; other agencies are creations of parliamentary acts of the present democratic dispensation. So we shall restrict ourselves in highlighting the essentials of the agencies within the period of our study.

The Freedom of Information Act 2011 was passed to enhance public records and information about public institutions. The essence of Freedom of Information Act presupposes moral and legal rationality especially as enshrined in the presupposition that, a country's rulers, office holders and businesses must be open and transparent and must comply with the laws of the land. (Biodum, 2014). The major purpose of FOI act is to enhance transparency, accountability, social justice and enforcement of the fundamental rights of citizens and good governance. It would be appreciated that an unfettered and unencumbered access to conducts of government, execution of policies and activities were the needed tonic required to make public officials accountable to the people in a democracy. (Onwubiko and Onwumalam, 2012). Oyinyola (2008) also believes that public access to official information promotes transparency in public performance; makes government accountable for their official actions and encourages the full participation in the democratic process.

The National Assembly has the major function of the oversight of other arms of government as its statutory anti-corruption programme. Section 88 of the constitution mandates the National Assembly to investigate the conduct of affairs of any person, authority, ministry or government department charged with the duty or responsibility for executing or administering laws enacted by the National Assembly or disbursing or administering moneys appropriated or to be appropriated by the National Assembly. (The Nigerian Constitution, 1989). The main objective of the investigation as shown in subsection 2(A) and (B) of section 88 is to expose corruption, inefficiency or waste in the execution or the administration of laws and disbursement of public funds. (Tambuwal, 2014). It is also instructive that the public committee of the national and state assemblies have the specific mandate to review the disbursement and administration of public funds by Ministries, Departments and Agencies. The legislature in the exercise of its oversight functions can and should audit both pre and post expenditure patterns of agencies of government and to give appropriate direction on the administration and the execution of programmes and projects under the Appropriation Act. (Tambuwal, 2014).

Public Procurement Act of 2007 provides detailed requirements and guidelines for procurement contracts in respect of goods and services in the public sector that includes the ministries, extra-ministerial offices and other agencies of government. Procurement takes the form of constructing roads, hospitals, health care and other programmes as well as purchases of government which are expected to benefit the people. (Omale, 2013). The act in its code of conduct provides that all its staff, procurement entities, contractors and service providers should be guided by the principles of honesty, accountability and equity. To ensure equity, the act ensures that all procuring entity, based on previously defined criteria, effect public procurements by offering to every interested bidder,

equal simultaneous information and opportunity to offer the goods and works needed. The act also assures timely execution of projects by ensuring that funds appropriated for projects are available before procurement proceedings are formalised.

Again, we are faced here with what seem to be well couched anti-corruption measures that ought to nip corruption in the bud but which have turned into facades of some sort. The full effect of FOI is not yet realised as government business is still shrouded under official secret act. This is particularly so with the inability of the civil society to access information on the remuneration of government officials and the business activities in the revenue yielding agencies such as the Nigerian National Petroleum Corporation, The Customs, Federal Inland Revenue Services and the Nigerian Ports Authorities. This is also the fact with the Code of Conduct Bureau that has shielded public officers' assets declaration from public scrutiny. It is an indisputable truism that public officials falsely declared their assets in order to accommodate the envisaged fortune that corrupt practice will yield while in office. The Code of Conduct Tribunal that is mandated by the constitution to try asset declaration infractions have been rendered lame duck and comatose.

The National Assembly has not fared better in its statutory anti-corruption function. It has not only become part of the corruption itself but has become an instrument in the embellishment of corruption in the society. Tambuwal (2014) argues that if the copious provisions of the legislations aimed at engineering transparency and accountability were diligently enforced, significant milestones would have been accomplished in the fight against corruption and corrupt practices. Sadly, these acts of parliament are observed more in breach by the majority including the government and government agencies. In addition, reports of the probes into some government agencies are not faithfully implemented by executive. The problem is not so much that the probes are not implemented but the fact that majority of the probes are wrapped up in bribery, cronyism, corruption and controversies. For instance, the National Assembly probes into the activities of the ministries of Aviation, Power, Petroleum and the Stock and Exchange Commission as well as the oil subsidy scam turned into the prosecution of the committee members and other principal officers for bribery, corruption and other reprehensible acts. The hunter thus becomes the hunted. So the probes were *ab-initio* designed to fail. They were mere illusions deliberately designed to hoodwink the gullible. (Biodum, 2013).

There are no more illusions left to prove about the anti-corruption measures than in the fact that the magnitude of project abandonment in Nigeria reflects a telling consequence of unprecedented corruption, ineffectiveness in enforcement of extant laws, crash incompetence and lack lustre leadership. The abandoned projects which are in such areas as agriculture, power, water, and irrigation, roads, housing, health, education, industries and oil and gas manifests a glaring disregard for the provisions of the Public Procurement Act of 2007. The procurement process in publicly financed projects fails to take into recognition the purpose for the establishment of the Bureau for Public Procurement, which is to ensure the application of fair, competitive, transparent professionalism and value for money standards and practices in the procurement of projects. (Idoko, 2013). This situation is best reflected in the Ajaokuta steel company which was abandoned for over two and half decades. With a whooping 46billion dollars sunk into Ajaokuta steel company since its establishment in 1979, the project has become reflective of governments excessive waste. (Simon, 2012). The project which has been revised severally with the latest being in 2011 was started with

5 billion dollar loan from the World Bank. Two billion of the five billion dollars was given to Nigerian officials as bribe. (Easterly, 2001).

The magnitude of projects abandonment in the country is also shown in the way 16 billion dollars was wasted in the power sector through the abandonment of projects by contractors as revealed by 2008 probe by the House of Representatives Committee on power. (The Nation, 4th February, 2013). Investigation by the Presidential Advisory Committee on Federal Government Abandoned Projects in 2012 showed that between 2000 and 2009, over 11,800 projects were abandoned across the country. (The Nation, 21st May, 2012). Iweala (2012) also showed that ongoing and abandoned projects have reached 20,000 projects with no visible means of completing them. If the violators of the Public Procurement Act have been sanctioned according to the stipulations of the Act, Nigeria would not have been littered with abandoned projects. But why are the anti-corruption agencies incapacitated in dealing with corruption even when the extant laws setting them up adequately equip them with requisite machinery? This is the question we will be dealing with in the next section.

Why Corruption Persist

The state inability to check corruption can be summed up in one fundamental factor; lack of political will to fight corruption. This much was expressed by Mr Ekpo Nta, former ICPC chairman in exasperation, “there is no political will to fight corruption”. Of course, there is no transparency on the part of government in ensuring that anti-corruption agencies work. Lack of political will on the part of the state to fight corruption has been addressed by different authors and agencies. A major factor in the persistence of corruption is the weak institutional base of the society. The weak institution manifests in the collapse of the state structure, collapse of leadership and collapse of values and social institutions. This situation provides the essence of high level official corruption in an emerging state. A distinguishing feature of the institutional weakness is that many parts of the government that are supposed to prevent corruption have themselves become corrupted; auditing, inspecting, monitoring, evaluation and assessment mechanisms have become avenues for enriching government officials. (Kliggard, 2006).

The weakness of the societal institutions leads to lack of restraining capacity of state in the management of corruption. Indeed there is no difference in the behaviour of state officials in the western and developing countries. The difference actually lies in the capacity of state institution to restrain human atavistic tendencies through strict implementation of extant rules and regulations. (Alemika, 2015). Thus the increased probability of apprehension and punishment creates a deterrent to public officials to accept bribes thereby decreasing incentives for corruption. (Igwe, 2006). However bad leadership coupled with the absence of functional reward and punishment system through which a frame work of values could have been instituted, have made possible the tragedy of corrupt enrichment and wastage of public resources. (The Guardian, October 30, 2006). What is apposite is the deliberate institutionalisation of structures in the society that will make involvement in corruption difficult if not impossible even if intended. This was emphasized by Achebe (2013) when he opined that Nigerians will cease to be corrupt when corruption is made difficult and unattractive. Yar Aardua (2011) also noted that a comprehensive approach to corruption can be achieved, if the loopholes are effectively plugged through allowing officials of anti-corruption agencies do their work. This can be achieved however when there is complete adherence to

democratic ideals which are *sin qua non* for sustained anti-corruption efforts and holistic good governance.

This brings us to the weakness of anti-democratic institutions. Part of the prime constraints of anti-corruption measures is underfunding and internal corruption. For instance, whereas EFCC proposed 21 billion naira in 2014 budget year, only 10.245 billion naira was confirmed by the budget office. Also in 2013, EFCC utilized almost the entire budget of 10.32 billion, something that is very rare with the MDAs. (Newswatch, August 2014). For so long as the agencies are not on the first line service charge; so will they be at the whims and caprices of the executive in their funding. After all, “he who plays the piper dictates the tune”. The agencies also lack the requisite personnel, professionalism, logistics and equipment in the fight against corruption. For instance the EFCC and ICPC depend on the Nigerian Police for their investigation and enforcement of their arrests. (Newswatch, August, 2014). This situation is exacerbated by the meddlesomeness of the class in power that use the agencies as instrument of intra-class struggle and political control. For example, the ministry of Justice has unfettered power to withdraw cases as it likes, apart from the fact that the agencies on the promptings of the authorities chose the cases to investigate or not investigate even against overwhelming evidence on the cases. (The Nation, 7th January, 2015).

Corruption is also encouraged by the constitutional provision and the operating environment in place. Our kind of environment provides the right incentive for criminals to operate. Where the system rewards bad behaviour, the people easily find reasons and opportunities to indulge in corruption. This is exemplified by our lack of true federalism in our constitution even though that is what is intended. The capacity to acquire power at the centre accentuates ethnic and primordial solidarity to loot apparently in the name of the base sentiments. (Adi, 2015).

It is however difficult to conceive of corruption outside the intricate nature of the Nigerian society that is basically capitalist and characterised by vulgar materialism, undue narcissism, and primitive accumulation; class struggle and exploitation; neo-colonial, biased state structure and distorted mixed economy. (Nzimiro, 2003). Sanusi (2012) has opined that corruption results from the Nigerian huge structural problems. Achebe (2013) also states that Nigerians are corrupt because the system they live under today makes corruption easy and profitable. Eteng (1987) in a penetrating analysis posits that “*the way the economy is organised and run; its extant relations which celebrate rugged individualism and private accumulation; its system of lopsided power relations; its structure of unjust....all of which breed indiscipline, non patriotism and all manner of anti-collectivist tendencies in the country. And so rather than declining in intensity and frequency, corruption and its correlates in Nigeria has been waxing stronger than ever*”. Any anti-corruption measure that does not take into consideration these concomitant environmental factors may end up being illusions. This is because the laws have been constrained *ab-initio* to address the structure and fundamentals of corruption in the society.

Class Character and State Embellishment Of Corruption

A major outcome of globalisation is the instigation of the third world countries to withdraw the states (governments) from the economic activities of the societies by the Breton Wood institutions (World Bank and IMF) and other western organisations and countries. The mantra now is that “government has no business in business”. The implication of this is the decimation of the middle class and

creation of a big hiatus between the ruling class and the suffering masses. The aim of this is to build capitalism through private enterprise that is believed to be the engine of growth and development. However the attempt to build capitalism flounders in a society where the potential capitalists are compradorial and lumpen bourgeoisie who depend entirely on the state. To build capitalism requires the creation of capital. The only way to create capital is for the state to be involved in the massive development of critical infrastructure that will drive development. When the state withdraws from this responsibility, the people are generally deprived from security and safety the state ought to provide for individuals. When the people are deprived, they look for opportunities.

Unfortunately, the people with greatest opportunities in a pseudo capitalist state are the ruling class in different dimensions of the society. This is because; it is the class that controls the state structure. The control of the state has enabled the class to use it disproportionately albeit corruptly to embellish and sustain it's highly voluble status to the chagrin of the downtrodden masses. Again the ruling class can successfully operate in this way because the state in an under developed capitalist society lacks the autonomy to enforce extant rules and regulations that govern societal relations. (Ake, 1988).

To begin with, the state that is isolated from business in a capitalist country is paradoxically an instrument in the hands of ruling class in a pseudo-capitalist country like Nigeria for the control of the commanding heights of the political, economic and social structure of the society. And because the capitalist class is not basically productive, the instrument of the state is used to amass the wealth of the society through corruption and graft. For instance, studies by Fadele (2013) showed that less than 5% of the population control over 70% of the wealth by hook or crook. The kind of mind boggling corruption that can subvert the system can only be committed by the class that controls the instrument of the state and the commanding heights of the socio-economic structure. In the African Fraud Barometer report by KPMG Africa, the cost of fraud in Nigeria between January and July 2014 put at 1.5 billion dollars was committed by holders of public office and senior executive officers in the private sector through bribes, misappropriations and contract inflations. (The Guardian, 22nd November, 2014). Also Mbeki's panel report on Illicit Financial Flow (IFF) showed that Nigeria tops the list of illicit financial flow among the developing countries by state officials. The report shows that Nigeria loses about 15.8 million dollars (2.7 trillion naira) yearly as a result of illicit financial flows. (The Vanguard, July, 17, 2015). So "*corruption goes with power; therefore to hold any meaningful discussion of corruption, we must locate where it properly belongs; in the rank of the powerful*". (Achebe, 2013).

In another sense, the state in the present democratic dispensation tends to legitimize corruption through high cost of governance. From the local government councillors to the presidency, the emolument set by the RMFC cannot be compared anywhere in the world for public officers. It cannot also be compared with other professions in the country. For instance, 2.4 billion naira was spent as pension for members of 7th Senate and House of Representatives for four years service to the nation. Indeed a senator in Nigeria earns 1,700,000 per month. The senate president earns about 83 million naira in one year, while his deputy earns about 53 million naira annually. On the whole it costs 290 million naira to maintain each member of the national assembly annually. Compare this with the 400,000 dollar and 190,000 thousand dollars earned by the president of USA and the prime minister of Britain respectively and you will appreciate that the propensity for public service in

Nigeria is not for service but for the unprecedented lush funds that accrues. (Sagay,2015). This is in addition to the over bloated ministers, special assistants, senior special assistants, advisers etc with their retinue of personal officials. It is important to note that the earnings of these officials are mind boggling and shrouded in secrecy. Also immunity clause and interlocutory injunctions, plea-bargain and presidential pardon constitute other ways in which corruption is legalised.

Another source of state instrumentality of corruption is the capacity of the elite indicted of corruption to fight back against the state. In this fight, there is the tendency to be subtle, legalistic, sentimental and the use of blackmail. For instance, all the committees of the national assembly who have carried out probes have become prosecuted of bribery allegation or embezzlement through the allegation of the individuals and organizations they are probing. They include house and senate committees on power, petroleum subsidy, stock exchange and health. Recently, also the EFCC boss was summoned to the senate over allegations of embezzling recovered loot from government officials to the tune of one trillion naira. When those prosecuted for corruption because of their capacity use the instrumentality of the state to truncate their trial and successfully indict their accusers, then the whole essence of anti-corruption measures become illusions. At other times, appeal to fundamental human rights, political intervention and other base sentiments tend to compromise the resolute fight against corruption by the state. There is also recourse to cronyism, religious and ethnic solidarity as well as rented crowds that are mobilised to demonstrate against the prosecution of the elites indicted for corruption in the country. The capacity of a faction of the ruling class to blackmail, truncate and demystify corruption trials concerning them and their cronies manifests a glaring incapacity of the state in the underdeveloped country like Nigeria to fundamentally address the issue of corruption.

Summary and Conclusion

The mind boggling corruption and the extent of penetration show in clear terms that efforts to fight it have proved to be more illusions than reality. In essence, the whole anti-corruption efforts tend to be scuttled by the same monster of corruption it is created to obviate. The exasperation and the frustration of the state, particularly in a developing country like Nigeria reflects a structural institutional limitations manifesting in lack of political will and poor political leadership which are indicators of pseudo-capitalist socio-economic structure than in the individual idiosyncrasies of the leader. It is therefore an incontrovertible fact that the operating environment does not give the requisite elbow room for the full enforcement of the extant anti-corruption measures. The more the agencies saddled with fighting corruption try to address the monster the more the system spew out forces that truncate and even turn back the efforts.

No doubt, official corruption will continue to defy measures because the corruption control mechanisms do not maximize the cost of corruption (in terms increasing chances of being caught, stiffer penalties and aggressive and expeditious prosecution), and minimize the benefits (in terms of weak enforcement mechanisms, mild penalties and the tendency for the culprits to enjoy their loots). Thus, the nature of Nigerian constitution and anti-corruption acts, bureaus and agencies, the character of the Nigerian state and class system, the structure of Nigerian federation and operating socio-economic environment will continue to frustrate efforts at fighting corruption. Meanwhile the hegemony of corruption continues to prevail over the land and the masses continue to suffer the deleterious consequences in various dimensions. The resulting consequences may lead to

unemployment among the youths, frustration and disillusionment. In exasperation the deprived citizens particularly the youths react against the state through armed robbery, vandalism of economic infrastructure, kidnapping, militancy and terrorism.

So unless the anti-corruption laws address the fundamental issues of the structure of the state and operating socio-economic environment, they remain illusions. This is because; they camouflage the insidious actions of the ruling class who manipulate the state structure in Nigeria for illicit enrichment and unprecedented corrupt personal aggrandisement. However, illusions don't sustain. The wool with which the peoples' eyes are purblind by illusions may fade and the stark realities of their conditions suddenly stare in their distressed faces. In the face of such realities, the state may be unable to contain the revolutionary consequences. The only way this can be averted is a concerted effort to fundamentally address official corruption in Nigeria.

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