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## **NIGERIA'S (UNHOLY) WEDLOCK WITH CORRUPTION: CAN DEATH PUT THEM ASUNDER?**

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### **Abstract**

Corruption as it is, it has been argued, is more evil than what it amounts to, and more hydra-headed than ordinary legislation could cope with. It has pervaded every sector of the Nigerian life. Law enforcement agents and agencies take bribes brazenly, but this seems to be the least form of corruption. 419 has gone digital and it surfaces in every area of human interest. More and more billionaires emerge from people who, previously had been without any visible means of livelihood. Institutions of learning are not spared of this cankerworm as unwholesome practices hitherto alien to the ivory tower are now common place. The courts are no longer the last hope of the common man, but the bastion of corruption, greed and avarice as judges award justice to the highest bidder. The hoi-polloi have been eclipsed and cowed into hapless complacency. What should be done to rescue the soul of Nigeria from this perilous path?

This paper intends to examine when and how corruption became a state-craft. The paper observes that since the entrenchment and institutionalization of corruption by the IBB administration, successive governments have only taken a cue from this lootocratic culture. While the paper acknowledges the efforts of the Obasanjo-led civilian administration to tackle corruption, the efforts fell short of steering the ship of state to a safety shore of accountability as they were marred by selective justice. The paper therefore, argues that nothing but 'death' (as explained in the main text) as deterrence can put Nigeria and corruption asunder.

**Key Words:** Wedlock, Corruption, Nigeria.

### **HISTORICAL ANTECEDENCE**

Corruption is a malignant tumour with which Nigeria was born-beginning from the 1950s when the symptom was diagnosed as a life-threatening disease up till today. It has grown to become a festering cancer capable of terminating our corporate entity. Successive Nigerian governments since independence to date, have been pussyfooting over corruption. The first manifestation of this monster, according to Omonijo(2009), was in the pre independence era, following the decision to bring nationalists into governance in accordance with the Macpherson Constitution of 1951. An avalanche of allegations of fraudulent deals were made by opposition political figures in the various regions. One of such was that, in the Western Region, Alhaji Adegoke Adedibu helped himself to the resources of the Ibadan Municipal Government. The resultant Storey Commission of Inquiry indicted the charismatic politician who, as leader of the NCNC in the region had moved to the centre before the fraud was uncovered.

However, there is another school of thought which believes that corruption was introduced to Nigeria by the colonial masters. The argument here is that contrary to the communal system inherent in the political economy of pre-colonial Nigeria, the British came with capitalism with its concomitant individualism and materialism which bred avarice and greed. Besides, the new Nigerian political elite hitherto unaccustomed to huge amount of money, now became exposed to money, some of which they could not account for. By the time the country became independent, this new way of life had become a die-hard habit. In his analysis of how this syndrome penetrated Nigeria, Uzochukwu (2005) describes as a "structural problem" and a "breeding ground of corruption", an uneven socio-political landscape (brought about by the colonial masters), where necessary checks and balances scarcely exist and where the ordinary citizens are stripped of the power to demand accountability or call their rulers to order. He noted that colonialism in Africa recreated socio-political terrains and introduced a new unbalanced socio-political culture, which has given birth to the monster of uncontrollable

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corruption in African public service. Corruption in turn breeds poverty, and poverty fortifies the practice of corruption; thus creating a vicious circle.

It is interesting to note that, “restrictive accountability a ground euphemism for corruption reared its ugly head in the 1950s when the first panel of enquiry was set up to look into the “Nnamdi Azikiwe Affair”(Ukaogo,2000). The panel headed by Justice Strafford-Forster-Sutton indicted Dr. Nnamdi Azikiwe in 1957 and caused him to “transfer all his rights and interest in the bank (ACB) to Eastern Nigerian Government which henceforth owns A.C.B.”<sup>1</sup> In 1962, it was to Chief Obafemi Awolowo that the pendulum of accountability and transparency swung. Some aggrieved members of his party, Action Group (AG) had “Sprung allegation of corruption against him on the floor of the federal parliament.”<sup>2</sup> Chief Awolowo was alleged to have used his position to divert public money into unauthorised projects. The Justice G.B. Coker Commission of Enquiry appointed by Sir Abubakar Tafawa Balewa in 1962 to look into the matter indicted Chief Obafemi Awolowo and accused him of. ..atrocious and criminal mismanagement and diversion of public funds...into the coffers of the Action Group”<sup>3</sup> The Western Regional Government thereafter acquired all the properties hitherto owned by the National Investment and Property Company(Ukaogo).

The locus of corruption continued to ravage the country as it swept into the Mid-Western government in 1967 when 15 officers of the government including the Region’s former premier Chief Dennis Osadebe were all indicted by the probe panel and consequently forfeited their loots to the Government of the Mid-Western Nigeria.

The First Republic was notoriously famous for its ten percenting (Adegbulu, 2001:45). Allegations of obtaining ten percent of funds allocated to projects as bribes by ministers and other government officials were flying everywhere. So wide-spread was this bad reputation that Nigeria became known as a country of ten percenters. Although, Prime Minister, Tafawa Balewa, himself was not accused of any corrupt practice, however, his administration could not stop government functionaries from lining their pockets at the public’s expense.

The first military coup terminated the regime but could not remove corruption as some military officers between the first and the third military coup emerged millionaires. General Yakubu Gowon’s era was characterized by wanton profligacy. He completely lost control of accountability and fiscal discipline and was unable to manage the increasing oil wealth with prudence or efficiency. It was thought that corruption hit high heaven during Gowon era as his key ministers, governors and other functionaries were implicated and publicly ridiculed. Little did Nigerians know then that the corruption being witnessed at that time was a mere wind compared to the tsunami that would characterize the 21<sup>st</sup> century civilian administration in Nigeria.

About three decades ago, President Shehu Shagari made an astonishing statement which was given wide publicity in Nigeria and abroad. It was to the effect that there was corruption in Nigeria but that it has not yet reached alarming proportions. About twenty years later, Justice Kayode Eso (1999) made a startling remark which indicated that Nigeria was not only corrupt but that corruption sticks to the Nigeria’s image like a leach which cannot be divorced from it ‘until death do them part’. It is interesting to note that when Shagari made his observation, daily newspapers were replete with reports of fraudulent practices of government functionaries.

*The Weekly Star* of 15 May 1983, under the caption, ‘The Nigerian and Corruption’ carried a startling statement. “Keeping an average Nigerian from being corrupt is like keeping a goat from eating yam”<sup>4</sup>

The *National Concord* and *Daily Times* of Monday 16 May, 1983, carried similar captions on corruption in Nigeria. The *National concord* carried a banner headline. FRAUD AT P. and T., followed by a story with no less authority than that of the Federal Minister of Communications, Mr. Audu Ogbe, that “the Federal Government is losing N50 million every month as salaries” to non-existent workers. In the course of one year, Nigeria was losing ₦600 million in this particular racket alone.

The point must be made here that Nigeria was losing this much to only one particular racket at a time when with N600 million Nigeria could build two more international airports of the status of the Muritala Muhammed Airport in Lagos; or buy three refineries; or build a dual express motorway from Lagos to Kaduna; or pay the salary of 10,000 workers on grade level 01 for forty years!

Moreover, it should be noted that Mr. Ogbe was not talking about all the fraud in the Posts and Telegraphs Department but only about one particular racket which had just been uncovered. Besides, he was not in a position to tell Nigerians about fraud in other federal parastatals; not to talk of the Federal Civil Service including, the Department of Customs and Excise; not forgetting the 19 State Civil Services then; besides local governments, or Abuja, among several others. And of course, there was the completely different world of the private sector!

To rate President Shagari's novel statement appropriately therefore, would either be that he was talking out of ignorance or that he was only being economical with the truth by covering up the fraud and stealing going on untrammelled, in his administration. This is hardly unexpected. Many rulers, especially in Third World countries, do not live in their countries. Hemmed in between the trappings of protocol and a crop of grinning courtiers and sycophants, even a good and intelligent leader will gradually begin to forget what the real world looks like. Mr. Tunji Oseni, one of Chief Obasanjo's advisers, was once quoted as denying increase in prices of staple commodities in Nigeria, when a four litre gallon of 'garri' (Cassava powder) formerly sold for N50.00 had risen to N250.00!

In another publication, the *Punch Newspapers* in its February 7, 2001 edition captioned: "Again, the F.G. and Ghost Workers", quoted the Minister of Information and National Orientation, Professor Jerry Gana, as saying that the federal government had been paying N6.4 billion monthly for the settlement of "ghost" workers' salaries.<sup>5</sup>

### **What is Corruption?**

Corruption is multi dimensional. Put differently, corruption possesses distinctive characteristics. In Nigeria, it wears a different and nebulous garb. Hence, Dare Babarinsa (Tell, March 6, 2000), said, "It would take some time before we are all agreed on the true meaning of corruption". However, this paper would not dabble into all the controversies and arguments regarding the definitions and meanings of corruption. This is because corruption in all its extensive ramifications is scandalously and unambiguously exhibited to the detriment of all-round development in Nigeria. Besides, everywhere in Nigeria reeks of corruption and it does not require any special skill to discern it.

The meaning of corruption varies, and depends on the context in which it is used. It could denote moral depravity and perversion of integrity through bribery or favour, or 'a conscious and well-planned act by a person or group of persons to appropriate by unlawful means the wealth of another person or group of persons (L. Adegbite: 1991). Others have described corruption as 'turning power and authority into ready cash' and 'the diversion of resources from the betterment of the community to the gain of individuals at the expense of the community' (Shehu Musa: 1991, O. Aluko:2006).

The United Nations Organisation's description of corruption is crucial and deserves to be quoted in extenso:

Through experience, observations, information, discussions, reports, newspapers, findings of commissions of enquiry and of limited social-scientific studies, one can make an endless descriptive list of instances of corrupt conduct or practices. One can also give these various instances assorted labels: bribery; abuse and or misuse of office; illegal payments; kickbacks; tax, credit, and customs fraud; misappropriation and embezzlement; currency violations; forgery; false accounting; real estate swindles and land speculation; abuse of public grants; environmental damage; illegal/ illegitimate monopolization, and restraints of trade; smuggling; violation of labour regulations; over-invoicing, over-pricing and transfer-pricing; hoarding; illegal flight of capital; exploitation of labour; fraudulent sales; adulterated food or hazardous drugs; acts of constraint or distortion of development plans, etc. (Aluko:2006).

For the purpose of this paper however, we shall define corruption as the act of illegally diverting resources (financial or material) meant for the good of the citizenry in a defined geographical area by a privileged individual or a group, for selfish purposes, presumably for self-aggrandizement. In this sense, corruption means the use of public resources for the achievement of personal or family ends.

### **Typology of Corruption**

In Nigeria, the definition of corruption as it is, today, appears too liberal, thereby providing an escape routes to its practitioners. For the average Nigeria, it can be argued, the concept of corruption is not straightforward; this has been discussed extensively by other scholars (Peter Eke:1983) and needs no further elaboration here. It excludes hospitality, gifts, and various forms of gratification. Such 'gifts' can equally be used to 'wet the ground', and may be seen as an inducement. At the traditional level, any person may pay homage to the elders through gifts and other forms of favour; under the guise that 'you do not go empty-handed to visit an elder.' This however, is not regarded as bribe, even though it may serve the same purpose as a bribe. Olurode (2007) probably has this scenario in mind when he described corruption as an ambiguous and

ubiquitous concept, as it tends to possess a dual nature. This ambiguity, Olurode argues, is embedded in the societal reaction to corruption.

Experience shows that not all kinds of corruption are censured, or equally censured by the society. There are some corrupt behaviour that a community is prepared to condone and usually condones and others that it does not and strongly censures. For example, a Minister in the political cabinet who appropriates amenities to his community at the expense of more deserving others, is not seen as corrupt by his community but rather as a responsible 'son of the soil', who is fulfilling his culturally expected obligations to his kith and kin regardless of the means.

Femi Odekunle (1991) listed as many as forty-five corrupt practices which cut across virtually every stratum of the Nigerian society. He attempted to develop a typology of corruption based on the following criteria: the subsystem of the society in which the corruption takes place, the status of the perpetrators, the enabling means for the perpetration of the corrupt act, the motive for the corruption, and the victim. On that basis, he went further to identify five types of corruption: political, economic/commercial, administrative/professional, organized, and working-class. It is unlikely that any instance of corruption will not fit into more than one of these classifications. These types of corruption are explained below:

**Political Corruption** is largely perpetrated by political office-holders and their collaborators. The primary motivation is to acquire and retain political power, e.g. through vote buying, illegal acts directed towards the election or defeat of a particular candidate, either by running him/her down through blackmail or outright assassination.

**Economic/Commercial Corruption** covers acts that are largely perpetrated by businessmen and contractors who are directly motivated by financial gains not only for themselves, but also to enrich their political allies, their military sponsors, or the civil service facilitators who helped them to get the contract.

**Administrative/Professional Corruption** refers to casual but deliberate and largely criminal acts by top administrative and professional personnel for private, material, and socio-political gain. Such acts include falsified accounts, embezzlement of corporate or government funds, padded mileage and other false claims, fraudulent tax returns, and actions which cover up professional misdeeds. It also includes the indirect (or even sometimes brazen) demand for inducement to perform legally bound obligations.

**Organized Corruption (Crime)** is the relatively large-scale and complex criminal activities perpetrated by groups of elite and control agents, loosely or tightly organized, for the enrichment of those participating, at the expense of the community and its members. Examples are hoarding, price-fixing, racketeering, smuggling, burglary, armed robbery, and 419 scams.

**Working-class Corruption** is similar in almost all respects to the administrative/professional type, except for the status of the perpetrators-artisans, messengers, accounts clerks, market-women and the like.

From the typology constructed and briefly described above, certain important points and characteristics become obvious. These are:

- (i) that corruption belongs to the domain of socially-injurious conduct or behaviour, coded or encoded;
- (ii) that corruption is perpetrated primarily for economic gain and it involves some form of commerce, industry, trade, government or corporate service;
- (iii) that corruption involves some form of organization in the sense of a set or a system of more or less formal relationship between the parties committing the criminal acts;
- (iv) that corruption involves either the use or misuse of legitimate forms and techniques of commerce, business, trade, industry, or public administration;
- (v) that typically, but not necessarily, the main perpetrators of corruption have social status, economic and bureaucratic power, or all of these;
- (vi) that like common crime (e.g. theft, burglary, robbery, rape, etc) each perpetrator of corruption uses the opportunities available to him through his position and/or office;
- (vii) that every socio-economic category is adequately represented in the business of corruption;
- (viii) that the usual victims of corruption are, directly and indirectly, common/ordinary citizens and consumers of goods and services.

The above identified points and attributes are thus tabulated with the hope that they would provide an insight for understanding the nature of corruption; the calculation of its non-monetary but debilitating costs, and the consideration of meaningful remedies.

It should be noted that corruption knows no geographical location and is not ethnic bound. Corruption exists in all societies. The only difference is that while one society discovers the destructive effect of corruption and tackles its root cause(s) with all its might, the other, even though realises the adverse consequences of corruption, but because of selfishness and parochial considerations, decides to romance with the monster and makes phoney declarations which (most often than not) are not meant to be kept, because the officials who make such proclamations do not believe in them. Hence, they foot drag about its remedies.

### **GLARRING CASES OF CORRUPTION IN CONTEMPORARY NIGERIA**

The excessively high level of corruption in Nigeria, which seems to have grown with each regime since independence, largely owes its expansion and fissiparity to the hypocrisy and lack of political will of the successive administrations. It is also worthy of note, that virtually all the past administrations in Nigeria, both civilian and military, at their inception, promised to 'fight' corruption.<sup>6</sup> Even the Abacha regime that acquired notoriety for its kleptocratic style of administration, claimed that it came to power to fight corruption and directed its own corruption campaign against certain banks, particularly in southern Nigeria.<sup>7</sup> The Babangida regime, which many Nigerians believe to have institutionalized and democratised corruption in Nigeria, put up its own anti-corruption smoke screen and supported a national conference on corruption and other economic crimes in 1988.<sup>8</sup> Later events reveal that in spite of all its razzmatazz, the IBB regime actually entrenched and legitimized corruption having overseen and super-intended over the collapse of probity and accountability in Nigeria. Successive administrations only improved on the method of using the institutional platform employed by their predecessors, to loot the treasuries.

At the inception of his administration in 1999, President Olusegun Obasanjo saw corruption as a cankerworm that must be eliminated. Hence, he signed into law the much talked-about anti-graft act – which established the Independent Corrupt Practices and other Related Offences Commission (ICPC) – to fight corruption at all levels with the necessary legal backing.<sup>10</sup>

Furthermore, Obasanjo approved the establishment of a committee of experts to do a 'needs analysis' of the existing structures of the National Integrity System of the country. The eleven-man committee, whose workshop on Methodology on Anti-Corruption and Transparency Matters was coordinated by Ambassador E. A. Azikiwe, Senior Special Assistant to the president (Anti-Corruption and Transparency Matters), submitted its report in Abuja on 29th June, 2000.

As if to prove that Nigeria's ranking as the second most corrupt country in the world by Transparency International in 1999, 2000 and 2002 was correct, the Senate of the Fourth Republic, in a sweeping manner, repealed the act which set up the Independent Corrupt Practices (and other related offences) Commission (ICPC). It was replaced with the Corrupt Practices and other Related Offences Bill of 2003, apparently to serve the interests of some principal officers of the National Assembly, who were alleged to have series of criminal complaints pending against them at the Commission.<sup>11</sup>

Before then in 2002, the then Senate President, Anyim Pius Anyim, and the Speaker of the House of Representatives, Alhaji Ghaili Umar Na'Abba, went to court to challenge the power of the ICPC to investigate allegations of corrupt practices levelled against them. The allegations against the two officers might have formed the basis for the Senate's decision to amend the ICPC Act.

The action generated reactions from the citizenry, and the mass media in particular. A national newspaper came out with a summary of how 22 senators out of a total of 109 hastily amended the ICPC Act without fear of retribution; thus rendering the body a mere toothless bulldog. The story which was captioned 'What would you call these 22 senators?'<sup>12</sup> is a vivid description and laconic expression of how shameless and irresponsible some of the country's 'elected' representatives are. The summary of the newspaper story is instructive and needs to be quoted here:

Again, our Senators took centre stage. With a total of 31 lawmakers participating, the subject-matter of the drama, as it was the case a number of times in the past, centred on corruption. Specifically, the theme for the most recent drama was the Independent Corrupt Practices Commission (ICPC) Act: To be or not to be. Quite a sensitive and touchy issue, many minds became agitated as they looked forward to watching the drama unfold. But just before anybody could blink an eyelid, the drama was over. In a deft, mesmerizing move, 22 senators (photos displayed) out of 31 present voted that the ICPC Act be repealed. Of course, they carried the day, the Act was repealed.

President Obasanjo was one of the first to react to the repeal. “You should call your sons at the National Assembly and caution them to represent you well and not to disgrace you”, he told Ebonyi traditional rulers in an obvious reference to the repeal of the ICPC ACT (Aluko:2006). “This country must not be seen as encouraging corruption. Your sons are among those encouraging corruption at the National Assembly”.

Perhaps the particularly worrisome aspect of this un cautionable display of irresponsiveness was the fact that some of the lawmakers who ought to set the pace for moral rectitude, had been involved in a number of corruption-related scandals, prominent among which were scams, irregularities and attempts to cover up the Kuta report by forgiving the senators that were indicted. It should be recalled that none of the indicted senators was tried for the offences committed.

In fact, the then Senate President, Chief Anyim Pius Anyim, and the then Speaker of the House of Representatives, Ghali Umar Na’Abba each had a case to answer before the ICPC, just about when the Act was repealed.<sup>13</sup> “Nigerians, what would you call these our representatives?” Asked *The Punch*.

Lamentably, the chairman of the ICPC, Justice Mustapha Akanbi (rtd); saw the repeal of the ICPC Act by the National Assembly as a tragedy; an action that made him weep for Nigeria. In his speech entitled ‘Fighting Corruption, the Journey so Far’, he stated that it was not his duty to question the right of the lawmakers to make any law, whether it was for the common good of the society or inimical to the people’s interest. He said the malaise of corruption had been so devastating that it had wrecked much havoc on our national psyche, and that many people believed that any talk of wiping out corruption is just wishful thinking. Besides, he said that not many accepted the idea that there were still Nigerians who were incorruptible. However, this statement may appear an over-generalization, or stressing scepticism too far.<sup>14</sup>

Tracing the history of corruption in Nigeria, Akanbi noted that before and immediately after independence, Nigeria was not known to be a highly corrupt nation. According to him, the earlier generations of Nigerians believed that ‘honesty is the best policy’ and children were brought up to protect the name, the honour, the image and integrity of their family. He argued that the various coups d’état and long years of military rule have changed our value system; honesty and integrity have been relegated to the background. Today, it is no longer possible to convince the average Nigerian child that he can achieve greatness and a position of responsibility without being corrupt.

Commenting on the endemic nature of corruption in Nigeria, Kayode Esho (1999), recalling the words of an international public servant whom he met in Harare, Zimbabwe, said :In the days gone by, if a farmer, who was used to producing, during harvest times, only twelve rows of yam, suddenly came out with one hundred, all the villagers would ask him, how he had suddenly come to such affluence and deep eyebrows would be raised against him until he had satisfactorily explained the sudden and honest attainment of wealth.

However, in today’s Nigeria, he would be the odd man out in that village, especially when his counterparts, turn nouveaux riches, donating churches and mosques to their towns, among other things, while the honest man almost becomes ostracized from the rest of the society. Praise singers would wax praise songs in honour of the nouveaux riches. The honest farmer would be without friends, comradeship and camaraderie. Yet, we all do know how the nouveaux riche came by his wealth. If the religious leaders accept gifts from the corrupt, apparently ‘to the glory of God’ what hope then, is left for the honest?

Olurode has posed some puzzling questions. It is hoped that correct answers to these questions would shed more light on the disturbing phenomenon of corruption and point the way out of the malaise. Olurode, comparing the past with the present asks, “...can the argument be sustained that corruption is less of a disturbing phenomenon today than say in the past? Was corruption in the agricultural era as much as it is today under oil rents? How has the centralization by the military of state resources contributed to the frightening level of corruption? How effective are the institutions that are set up to deal with corruption. Are public officials less daunting in committing corrupt practices? Is the society’s view of corruption as that of “inevitability and helplessness encouraging? Now that class positions are more clearly defined than before, has corruption become less?”<sup>15</sup> Olurode believes that these questions could not be answered without empirical and theoretical explications. He therefore offers an abridged response, by looking at the conditions of life of most Nigerians as often revealed in the Human Development Index, in order to explain the persistence of corruption in Nigeria. If Nigeria continues to receive huge amounts of money from oil and these are hardly reflected in the quality of life of its citizens, then, the questions must be asked, where are the proceeds of oil going?

Without any equivocation therefore, it can be said that a large chunk of Nigeria’s oil rents are in private hands and these do not rob off on the people’s welfare. Over 70% of Nigerians lives on less than one dollar a day (see Human Development Report, 2004). The proportion of Nigerians sinking into poverty has increased over the years, yet Nigeria is the sixth largest oil producing country in the world. The reason is not farfetched; corruption has degraded the human conditions in Nigeria.

It is believed in certain quarters that the metamorphosis of corruption from the low-level to large-scale was due to the military intervention in Nigerian politics. According to Olurode, there are many characteristics of the military that make it vulnerable to corruption. Being a closed system, its command structure hardly allows an unfettered flow of ideas. No one makes allegations of corruption without risking being shut out or even shut down. For instance, sometimes in 1974 just before he was overthrown, General Gowon outlawed the use of affidavit to make allegations of corrupt practices against public officials. This was in reaction to the allegations of corrupt practices made by Godwin Daboh against Joseph Tarka. Under the Buhari and Idiagbon Military rule, the import of Decree 2 was to punish a journalist not for publishing falsehood but even for publishing the truth once it causes embarrassment to the concerned public officials. The 1999 constitution, which is a military heritage also, grants immunity to key public officials under S. 308.

Thus it was not surprising that after the Nigerian civil war, the military was faced with the problem of probity and integrity. According to a key participant in Nigeria's military rule, Oluleye (1985:153) as succinctly quoted in Olurode, the following became the character of the Military:

Funds were misappropriated during the war on a large scale. Strengths were inflated and salaries of war casualties were well taken care of by personnel of the Nigerian Army Pay Corps and by other infantry officers. Life styles of commanders provided an incentive for large-scale frauds. Many officers, who emerged rich suddenly, did so from the ruins of the war.

Since the inception of the new civilian administration in 1999, corruption has taken the centre stage of national life as the money culture has produced instability at the National Assembly. We have made reference to some instances. In 1999 it was alleged that each Senator was given ₦850,000.00 to vote Enwerem as the Senate President instead of Chuba Okadigbo. Gbenga Aluko also testified before the Idris Kuta Panel investigating allegations of corruption in the senate that each senator actually received ₦5 million for furniture allowance instead of ₦3.5 million that was passed into law; each senator also received ₦300,000.00 as kickback for the supply of official vehicle; Nzeribe claimed that each Senator was bribed with N3 million to dump the impeachment move against Obasanjo. One Senator Mamman Alli returned his own share (see Tell, May 22, 2000; October 20, 2003) and in 2003; Nasir El-Rufai, the fiery and loquacious Minister of the Federal Capital Territory accused two Senators Ibrahim Mantu and Jonathan Zwingina of demanding N54 million bribe for his endorsement as Minister. When the Senate challenged him to produce witnesses, he retorted, "Nobody invites witnesses to demand a bribe. Corruption situations are best understood in terms of power dynamics. My life, my bank accounts, my assets, my liabilities and my record of service both in public and private sectors are an open book, and I challenge those I have mentioned to offer themselves to the same level of scrutiny. After all, we are all public officers and subject to the code of conduct" (see Tell October 20, 2003).

Other allegations abound of Senators bribed so that a state of emergency could be declared in Anambra State (News Watch, February 9, 2004). Bribes of N2.5m to each of the rebel Senators were alleged during the failed removal bid of Senate President Wabara (see NewsWatch, May 24, 2004). Following his involvement in negotiating the N55 million that led to the dismissal of Professor Fabian Osuji as Education Minister, the Senate had to remove Wabara as Senate President in the first quarter of 2005. Corruption has really dealt a debilitating blow on the Senate since 1999; and yet, no single arrest, let alone prosecution, has been made.

The mess the country finds itself, especially in the realm of corruption, now seems to have practically isolated Nigeria from the progressive world. It has staved off investors from a country which badly needs an upward economic progression, giving the country a negative image, especially, in the news media of the developed world. This has brought to its nationals, who believe in John Donne's Devotions that – 'No man is an island, entire of itself,' some measure of contempt and ridicule.

Corruption has become so pervasive that its ghost is everywhere, haunting us. The signs of denigration are obvious. The opprobrious treatment to which Nigerians are subjected in international fora, does not spare even government ministers, who more often than not are not accorded even the minimum standard of diplomatic immunity which people of their ilk the world over, enjoy.

The signs of anathema could be physically or subtly displayed. When they are physically displayed, it is clearly shown that the Nigerian is not welcome. When they are subtle, they are accompanied with sighs and contemptuous smiles signifying that he is least regarded. It is no longer a strange scene to have a Nigerian state minister invited for screening at airports. Red passports have been known to fail Nigerian officials! In the words of Eso, 'No country is an island, and despite protestations of sovereignty, the only exchequer of the poor nation, a country still needs international recognition or it will suffer.'<sup>16</sup>

Few years back, a half-hour programme on the BBC showed a Nigerian, "Dr. O.", taking bribe. This act was recorded using a hidden camera. He was said to have filled 40 percent of the vacancies in Hacking Local

Council with those who obtained fraudulent references from him. Equally recent is the case of some Nigerians who carted away the equivalent of N3.2 billion from a Saudi Arabia bank. Today, Nigerians are required to deposit some large sums of money before obtaining a South African visa!

When a hidden camera revealed some time ago, a case of colossal and disgraceful corruption in Nigeria, culminating in a non-Nigerian obtaining a Nigerian passport after 'settling' the officials, Nigerian Minister of Information declared, contrary to what everybody believed, that it was a conspiracy against Nigeria!

No doubt, it is still fresh in the memories of Nigerians how, at the Justice Akanbi panel probing the National Fertilizer Company of Nigeria, facts emerged on how a most promising public company was looted, to the tune of billions of naira, by its chief executives and their cronies. Up till now, no one has been jailed for this criminal looting of Nigerian commonwealth, (Tell, March 13, 2000). In addition, Nigerians cannot forget in a hurry how the Vaswani brothers took on the Nigerian establishment, outsmarted civil servants, checkmated the customs service, pocketed the judiciary and left local business operators crying for help through their local collaborators-comrade-in-looting (The News 17 January 2000).

### **Credibility Deficit**

Based on the above observations, not many Nigerians were surprised when recently some international conglomerates Siemens AG (Germany) and Halliburton (USA) were both exposed for collaborating with various Nigerian officials in corrupt practices to the combined tune of at least \$436 million. As stated earlier, corruption and corrupt practices do not respect boundary, colour or race. The difference, however, is countries' reaction/response to corruption. The above is a case in point. It should be noted that while Siemens AG and Halliburton have both been sanctioned by their home governments, Nigeria continues to politicize the issue-leaving the corrupt officials to escape justice.

It is interesting that earlier in the year; Halliburton admitted guilt in bribing Nigerian officials and agreed to pay \$492 million dollars in fines to the United States government. There is growing discontent among Nigerians about the lackadaisical attitude of the Yar'Adua administration toward this scandal. Speaking through his spokesman, Yar'Adua said:

You cannot charge anybody on the basis of speculations. We need the actual facts and that is what we are waiting for and once those facts are available to government then we will prosecute all the people involved.<sup>17</sup>

No one should fault Yar'Adua on the fact that nobody should be charged based merely on speculations. But when incontrovertible documents and oral evidence are tendered, resulting in the prosecution of collaborators abroad by their home countries, yet, the Nigerian government is still talking of speculations, then it can be said without any equivocation that Nigeria is not keen on fighting corruption. This can be buttressed by the fact that the Attorney General/Minister of Justice, Michael Aondoakaa who many Nigerians would hate to accord credibility, was asked to constitute a committee to look into the scandal over a six week period. The committee headed by the then Inspector-General of Police, Mike Okiro, with heads of other agencies, such as the EFCC Chair-person who replaced Nuhu Ribadu, Farida Waziri, the head of the State Security Services (SSS), A. A. Gadzama, and a few others as members, was created.

With the creation of this committee came the question of credibility. The Economic and Financial Crimes Commission (EFCC), charged with waging Nigeria's war against corruption, is seen by many to have failed abysmally to try and convict any high-ranking Nigerian on corruption charges, except Bode George, a PDP Chieftain who in the view of many, was made a guinea-pig, having fallen out of the PDP power game.

Moreover, many of the individuals on this new investigative Committee face credibility issues themselves. The new EFCC head, Waziri, has been likened to a pawn unwilling and/or unable to bring those who stole from public coffers to justice. Nigerians are inundated with reasons why ex-governors who have mutilated their states financially, could not be prosecuted. Not only has this made them sacred cows and above the law, they're now the new godfathers who 'install' new 'kings' in their various states, thus continuing the vicious cycle of corruption.

Those who refuse to pander to the whims of their avaricious benefactors and have fallen out of favour with the powers-that-be, but have helped themselves with billions of Nigerian tax-payers money while in office, are sacrificed and made to pay for their sin of intransigence with 2-3 years jail terms. The ones who are still loyal are allowed to plea bargain. With this type of warped: politico-judicial system, how many Nigerians would have unfettered access to loose funds, say about one billion who would not corner it, when he/she can always plea bargain with N200,000,000 and enjoy the remaining N800,000,000 thereafter?



Thus, Nigeria reflects the portrayal of the Orwellian society where ‘great battles were (being) reported where there had been no fighting; and complete silence where hundreds of men had been killed...’ which gives an impression that the very concept of objective truth has faded out of the Nigerian society.

This, unfortunately, does nothing to convince observers that Nigeria is indeed tough on corruption, despite the promises Yar’Adua has made to that effect. Instead, it raises concerns over the EFCC’s new leadership and its commitment to an anti-corruption campaign that in the minds of many Nigerians has stalled at best and is none existent at the worst. The hard work of getting the overwhelming evidence has been done by the United States. If Nigeria is serious with fighting corruption, she should access this evidence from her ally, the United States.

By bringing all the culprits proven guilty in the Halliburton Scandal to trial and with no opportunity to plea bargain, Yar’Adua’s administration and indeed, the EFCC could widen the trail in Nigeria’s war against corruption. It is believed that this trail would be a crucial precedent for future attempts to punish corruption as a way of stifling its choke hold on Nigeria and Nigerians. Proponents of this view argue that Nigeria does not have the luxury of not taking a hard stance on corruption, despite the current economic squeeze and what must be a heavy workload for the country’s anti-corruption agencies. This is especially the case given Nigeria’s goals of achieving certain development standards by 2020. They are optimistic that a firm commitment by Nigeria’s president will be needed to get the country back on its anti-corruption track so as to convince the masses that indeed, corruption will soon be a thing of the past.

Still on the credibility issue of the committee members, Mike Okiro is seen as having played the ignoble role of removing Ribadu from the EFCC and failed to respond or react to recent unsupported suggestions of a possible attack on the American Embassy in Lagos. The SSS(an organ under Okiro’s supervision) is the security outfit which arrested and unlawfully detained Nigerian political bloggers, Emmanuel Emeka Asiwe and Elendu and has a reputation of questionable tactics. Michael Aondoakaa, who created the investigative Committee, is inveterately prone to scandal. He was linked to a corruption scandal involving an Indian company that allegedly demanded monies paid as bribes to be returned.

The same Attorney General has been linked to various corruption issues in recent time. Speaking at a press briefing in Abuja recently, Transparency International through its secretary General in Nigeria (TIN), an affiliate of the global coalition against corruption, Mr. Osita Ogbu, said Nigeria was not serious in the fight against graft. Hear him; “The government is only paying lip-service to the fight against corruption. There is a reign of impunity in the land which the Attorney General of the Federation has called ‘the rule of law’. Although the President Umaru Yar’Adua led administration has been credited with the enactment of several anti-corruption legislations, the government has not demonstrated any political will to fight corruption. Ogbu insisted that the Attorney General has failed to use his office to ensure the enforcement of these laws.

However, more important than the credibility issue faced by the various individuals tied to the Halliburton Scandal Committee is the credibility problem faced by President Yar’Adua himself. Specifically with regard to corporate corruption and Nigerian officials, in 2007, Yar’ Adua’s spokesman discussed the then-scandal of the day – Siemens AG, thus: “The President...wishes to assure all Nigerians that in the new nation that we seek to build under his watch, any public official found to have abused his or her oath of office will not go unpunished. The president further assures that in this Siemens scandal, as in all cases that border on good governance and transparency, there will neither be sacred cows nor a cover up for anybody found culpable of breaching the law.”<sup>18</sup>

This kind of bravado, like many others, many Nigerians regard as monotonous refrain that lack sincerity of purpose. The question many Nigerians are asking, for over two years that this promise was made is, what progress has been made to apprehend the various Nigerians fingered in German courts? The German court specifically accused Major General Tajudeen Olarenwaju, Dr. Bello Haliru Mohamed, Chief Cornelius Adebayo, Alhaji Haruna Elewi, and Senator Jibril Aminu.

Besides the credibility deficit that his committee and its members suffered, the committee represented another bureaucratic stalling tactic that has been used as political abracadabra in Nigerian politics-where the more-you-look-the less-you-see. The 6 weeks imposed on the committee leaves many discerning minds wondering whether that is enough time to ‘investigate’ and release the names of the culprits as promised. Although \$150million of the \$180 million Halliburton bribe money has been traced to Switzerland, the investigation will hinge on legal documents that must be released by the U.S. Department of Justice. The fact that bureaucracy is slow everywhere coupled with the fact that this issue is not a national necessity for America whose Justice Ministry is currently bogged down by the investigation of alleged torture techniques used in America’s war against terror, means that it may require the intervention of God Himself to have those documents released within a reasonable period of time.

That 6 week limit appears unrealistic and might be an indication that this committee and indeed Yar'Adua administration has little intention of adequately addressing the Halliburton Scandal. Perhaps, the fact that corruption has been and will continue to thrive because Nigeria lacks a deterrence mechanism should be emphasized here. The 2008 Power Probe conducted by the National Assembly is another reminder that the crimes of the well connected go unpunished in Nigeria. After months of razzle-dazzle, exposing the failure and deep corruption of Nigeria's power sector, the House of Representatives refused to debate the power probe report, and till this date, not only have culpable individuals and companies not been brought to justice, but Nigerians continue to suffer from lack of electricity supply. President Yar'Adua in his usual reticence has refused to say anything about punishing those responsible for this unfortunate reality suffered by the majority of Nigeria's people. Even the 6,000 megawatts promise he made to Nigeria against December, has now become a mirage.

It can be argued therefore, that if Yar'Adua could not compel the punishment of those responsible for the abysmal state of power in Nigeria, what assurance is there that his administration will indeed investigate and punish those involved in a bribery scandal that amounts to a drop compared to the stolen monies that directly resulted in the inability of all Nigerians to have reliable power supply?

Halliburton scandal presents an opportunity for the administration to be tough on corruption, but its track record with other similar situations leads to little or no confidence that this time will be any difference. Does not the fact that the government is unable to take necessary steps to punish those who blatantly took advantage of their position to fatten their pockets at the expense of Nigeria's children, men and women, show how acutely deficient Nigeria is in deterrence culture?

Only recently, Transparency International indexed Nigeria as the 38<sup>th</sup> most corrupt country in the world, placing her on the 142<sup>nd</sup> position out of the 180 countries surveyed with a total of 2.5 points out of 10 showing a worsened situation as it had been rated 39<sup>th</sup> in 2008 with a total score of 2.7. The survey measures domestic public sector corruption in selected countries and is conducted by TI, which is based in Berlin, Germany. In terms of level of perceived corruption, Nigeria, which had moved up to 27 places to rank 121 out of 180 countries in 2008, placed 10<sup>th</sup> out of the 16 West African countries. However, according to TI, no region of the world is immune to the perils of corruption, as the world economy begins to register a tentative recovery and some nations continue to wrestle with ongoing conflict and insecurity. The newly released corruption perceptions index, it should be noted, is different from the Global Corruption Report (GCR), which was released in September, 2009. In the GCR report, Nigeria's banking sector was lambasted for its perceived corruption, which was described as partially responsible for the collapse of many banks in the 1990s and losses to many depositors and stakeholders. (All Africa.com)

In the CPI 2009 released in November 2009, Nigeria, obtained a score of 2.5 out of a possible range of 10 marks, emerged 27<sup>th</sup> out of the surveyed 47 countries in Sub-Saharan Africa, and 33<sup>rd</sup> out of the 53 countries in Africa. According to the detailed index, New Zealand edged Denmark to emerge the top perceived corruption-free nation at 9.4 and 9.3 respectively, while Somalia came last out of the 180 countries surveyed, the same position as in the 2008 CPI. However, Botswana emerged first in both Sub-Saharan Africa and the continent as a whole with a global ranking of 37 and a score of 5.6, while Cape Verde was ranked the best perceived corruption-free nation in West Africa with a score of 5.1 and a global ranking of 46. Ghana came second in the region, with a score of 3.9, a global ranking of 69<sup>th</sup>, a Sub-Saharan ranking of seventh position as in Africa. According to Transparency International, the CPI measures the perceived levels of public-sector corruption in a given country and is a composite index, drawing on difference expert and business surveys.

The 2009 CPI scored 180 countries (the same number as the 2008 and 2007 CPI) on a scale from zero (highly corrupt) to ten (highly clean). Three African nations, namely Chad (175) with 1.6 points; Sudan (176) with 1.5 points; and Somalia (180) with 1.1 points, were ranked in the bottom 10 countries on the list. Guinea, which scored 1.8 points to rank 168 globally (up from 173 in 2008), came 42<sup>nd</sup> in Sub-Saharan Africa, and last in West Africa. "At a time when massive stimulus packages, fast-track disbursements of public funds and attempts to secure peace are being implemented around the world, it is essential to identify where corruption blocks good governance and accountability, in order to break its corrosive cycle",<sup>19</sup> said Huguette Labelle, Chair of TI. Bribery, cartels and other corrupt practices undermine completion and contribute to massive loss of resources for development in all countries, especially the poorest ones. Between 1990 and 2005, more than 283 private international cartels were exposed that cost consumers around the world an estimated US \$300 billion, as documented in a recent TI report.<sup>20</sup>

In fact, it has been argued in certain quarters that as gloomy and debilitating as the ranking of TI may seem, it is still a far cry from reality. This is because the ranking agencies seem to be focusing their search light on visible governmental organizations/institutions while the rots in institutions of learning and research institutes, etc. are often ignored. The corruption and vices in this sector, it must be stressed, are as bad as those

found in more conspicuous governmental offices like the legislature, executive and the judiciary. This apparent underestimation is hardly surprising because the academia is always equated with probity and angelic chastity – attributes expected of those in the ivory towers who ideally, should be above board. Ironically, these citadels unfortunately, have often failed to distinguish themselves from the societal ills, as many campuses have become breeding grounds for thieves, cultists, prostitutes, fraud stars, and other questionable characters, besides official high-handedness which acts as subterfuge to obfuscate corrupt practices.

Corruption pervades every stratum of government in Nigeria. Recent Human Rights Watch's report on local governments in Rivers State is to say the least, damning.

Local government officials in Nigeria's wealthiest oil-producing state have squandered rising revenues that could provide basic health and education services for some of Nigeria's poorest people, Human Rights Watch said in a report of January 31, 2007. The body found that the government's failure to tackle local-level corruption violates Nigeria's obligation to provide basic health and education services to its citizens. The 107 page report, "Chop Fine: The Human Rights Impact of local Government Corruption and Mismanagement in Rivers State, Nigeria", details the misuse of public funds by local officials in the geographic heart of Nigeria's booming oil industry, and the harmful effects on primary education and basic health care. The report is based on scores of interviews in Rivers State with government and donor agency officials, civil servants, health care workers, teachers, civil society groups and local residents.

Commenting on the wanton profligacy of government officials in River State, Peter Takirambudde (2007) Africa director at Human Rights Watch, said, "Many state and local officials in Rivers have squandered or stolen public money that could have gone toward providing vital health and education services". The state of health and education in the oil-rich state is to say the least, deplorable. This is in spite of the fact that "state and local budgets have expanded dramatically in recent years, but mismanagement and (outright) theft has left basic health and education services in a terrible state of decay". Takirambudde was pained because "local government corruption in Rivers is astonishingly brazen and has caused untold suffering,..." "Yet neither Rivers state nor the federal government has done enough to address the problem of local corruption or punish those responsible"<sup>21</sup>

His panacea for this social malady? All levels of government in Nigeria should enact without delay key reforms to make state and local governments more transparent and accountable to the public. The reforms should ensure the independence of anti-corruption institutions and give them the resources needed to tackle the epidemic of local-level corruption in Rivers state and elsewhere. It is vital that government at all levels publish and disseminate detailed and accurate information about its use of public resources.

Since 1999, it should be noted, the revenues accruing to the 23 local governments in Rivers have more than quadrupled. And in 2006, the Rivers State government's budget was \$1.3billion, larger than the budgets of many countries in West Africa. But that windfall has not translated into efforts by local governments to bolster basic education and health care systems that have teetered on the edge of collapse for many years (Human Rights Watch. January 31, 2007). Reports from other local governments in Nigeria are not in any way different.

### **Effect of Corruption on the Society**

It is germane here to itemize some of the identifiable effects of this national malaise on the over-all development of the country, after which the way out of it shall be proffered. (2007) has listed 12 negative effect of corruption thus:

- 1.) Corruption destroys the socio-economic life of the society generally;
- 2.) It makes economic planning difficult if not impossible;
- 3.) It creates political instability and undermines the integrity of the state;
- 4.) It concentrates wealth in the hands of a few corrupt individuals;
- 5.) It promotes inefficiency, incompetence and breeds nepotism and unhealthy rivalry in government administration;
- 6.) It stunts growth and development;
- 7.) It promotes widespread poverty and large-scale unemployment;
- 8.) It promotes inflation and destroys the efficiency of public institutions, electoral processes resulting in prime offices and positions being held by charlatans and political jobbers;
- 9.) It promotes inequality in the distribution of wealth, preferment and largesse;
- 10.) It destroys ethical and democratic values;
- 11.) It creates unfair, unjust and inequitable environment in which the Rule of Law is undermined;
- 12.) It encourages and promotes crimes and large-scale fraud.

However, we may not be able to discuss the above points in detail here. But some expressions in form of quotations that laconically encapsulate and summarize the effect of corruption on a country shall be reviewed.

While inaugurating the Independent Corrupt Practices and other Related offences Commission on the 29<sup>th</sup> September 2000, President Olusegun Obasanjo graphically summed it up thus:

With corruption there can be no sustainable development, nor political stability. By breeding and feeding on inefficiency, corruption invariably strangles the system of social organization. In fact, corruption is literally the antithesis of development and progress.

Speaking in the same vein, Professor Obadan said:

One major implication of our entrenched system of illegal pay off is the enthronement of bad and corrupt political leadership, poor governance, ineffective administration and pauperization of the people.

The Professor went further to say:

Systemic corruption distorts incentive, undermines institutions and redistributes wealth and power to the undeserving. Those who pay and receive bribes are expropriating a nation's wealth, leaving little for its poor citizens. When corruption undermines property rights, the rule of law and incentive to investment, economic and political development are crippled. (Olurode, Anifowose:2007).

Besides the above, the interviews conducted by Lowell Bergman, correspondent, PBS Frontline, with President Obasanjo and Nuhu Ribadu, the anti-corruption Czar, on the damage done by large-scale bribery in Nigeria, speak volume about the effect of corruption on Nigeria and the ineptitude or lack of political will of government to tackle the monster called corruption. (For detail, see PBS online).

### **The Lamentation of Patriots**

Concern over corruption and its devastating effect is felt by all Nigerians across social status. Patriotic Nigerians from all walks of life have been ventilating their views on this cankerworm that is fast eating up the fabric of our society. A visit to popular websites related to Nigeria and corruption is usually an expose of an avalanche of monumental corruption perpetrated by government officials. Below are a few of people's opinion as expressed under "Halliburton and Nigeria":

"...The 'Big Boys' are clearly not the only ones in the corruption game. I once saw a Nigerian movie where a woman could not go past a gateman to see his oga on the inside. Why? Well, he informed her that he did not care who came to visit his oga, everybody had to 'settle' him first. She calmly gave the man what he wanted(money) and walked into the house. I use this as an example of how rampant corruption is and how every layer of society participates in it and is obviously affected by it."

'We must all admit that corruption is the common denominator to all of Nigeria's problems. From the Big Boys to the gateman. From the police officers to the university teachers. How are we going to get rid of corruption? Are institutions like EFCC the way to deal with the issue? If not, are there alternative measures and what are they? We must urgently address this problem or else...' Abiodun Giwa.

Or else, what? Perhaps we can help this patriot midwife his thought shortly. But before then, it would be pertinent to listen to other concerned Nigerians express their heart-felt impressions on this thorny issue of corruption.

"We may not be the most corrupt nation on earth but we are the most irresponsibly corrupt nation. Others steal and invest the monies at home to build infrastructure and provide jobs. Our own looters are siphoning the monies to foreign countries like Switzerland, Britain, U.S., Germany and of recent, United Arab Emirate and Egypt. I agree with Buba Galadima, only a bloody revolution can restore sanity and order to Nigeria. We should be thinking and working along this line sooner than later" Dan Halilu

Revolution, the conventional way? The likelihood of its success in this multi-ethnic society is remote. Besides, the world has grown too sophisticated for the likes of French Revolution, Russian Revolution or

Iranian Revolution. In this world of internet and cell phone, conventional revolution is definitely out of the question. Perhaps, something more drastic and unconventional is required.

However, our next patriot is more explicit in his own suggestion. He said:

“The best way to wipe out corruption is to make it punishable by death. Capital punishment, no more, no less. This law has to be established first, after this the inquiries about the stupendous wealth of the generals, past heads of state, governors, legislators, ministers, commissioners of police, local government chairman, etc., would begin. If they cannot explain the sources of their riches, they have no reason to live. They should be tied to the stake. They’re not better than armed robbers. If we cannot do this, then the cankerworm that is corruption will wipe out Nigeria”. – Logunleko Imodoye

According to Asisi Asobie, Chairman, Nigerian Extractive Industries Transparency Initiative (NEITI), “until...that holistic programme (a general reform) is put in place, it is not going to be possible for the country to make an improvement in her perception index. We cannot make that vital improvement by merely leaving the fight in the hands of the anti-corruption agencies alone. It is a fight that must be driven from the top, and situated within a general reform programme”.

Commenting further, on the impact of the Transparency International report on the work of the anti-corruption agencies, Asobie said “all the agencies involved in the business of fighting corruption as well as promoting transparency ought to be sacked, because it means that the world is not seeing us as doing very well at all. There is no doubt about that”. (For details on the above views, see NigerianCuriosity.com).

Logunleko Imodoye’s prescription of death penalty after the enabling law has been passed seems to be lending credence to the Yoruba aphorism which says, “until one’s hands have gotten hold of a sword, one does not go around inquiring about the kind of death that killed one’s father”.

Nevertheless, there are problems inherent in his prescriptions. At least five of them can be identified.

- 1.) Assuming the president could muster the courage to initiate such a bill to the National Assembly, Does the National Assembly possess such patriotic zeal and integrity to pass such a law?
- 2.) Even if the law is passed, does the executive have the political will to go the whole hog?
- 3.) Is our judiciary matured up to that level yet?
- 4.) Is the Nigerian ruling class really serious about wiping out corruption?
- 5.) Are the forces against anti-corruption not more powerful than the forces in favour?

During the 1990s, citizens in all parts of the world, from Italy to Brazil to Pakistan to Zaire, made it clear that corruption is a punishable offence. In the first half of the 1990s government ministers in Argentina, India, Japan, Switzerland and the United Kingdom were forced to resign in the wake of corruption charges. Nigeria seems to be the exception in all of these. Adegbulu (2001) noted that ‘no government functionary ever resigns his/her appointment on the grounds of corruption charges’. They would rather blame their accusation on the work of their political enemies or distracters. Also, it seems, laws against corrupt practices are never invoked against any ‘big time’ pen robber whose scale of thievery is much higher and with more devastating effect than those of armed robbers on whom death penalty is often invoked.

It is interesting to note that recently, while Nigeria’s ambassador to China, Aminu Wali, and the Minister of Information, Professor Dora Akunyidi were engaged in hair-splitting arguments over the propensity of Nigerians in China to commit crime, the Chinese government unapologetically sentenced six Chinese to death for manufacturing and facilitating export of fake anti-malaria medicines to Nigeria. This, it can be argued, is not in isolation of the general Chinese attitude to the malaise called corruption. In fact, it is in sync with previous attitude of the Chinese government to manufacturers and officials that condone the manufacturing and exporting of fake drugs and contaminated food products to other countries. It should be recalled that a one-time Czar of China’s Food and Drug Administration, equivalent of Nigeria’s National Agency for Food, Drug Administration and Control (NAFDAC), was sentenced to death last July (2009) for taking bribes of up to \$850,000 to approve dangerous food products for babies and pets.

Perhaps, of additional significance in China’s opposition to fake drug manufacturing is the acknowledgement by NAFDAC’s current director-general, Dr. Paul Orhi, of the imperative of stronger legislation against importation and sale of fake and sub-standard medications in the country. While extolling the recent death sentence against six Chinese and praising the new law in India that provides for life jail sentence for manufacturers and exporters of fake medicines, the director-general says that “it is paradoxical that Nigeria,

which is at the receiving end of fake drugs from China, India and other countries is lenient in terms of laws against fake and counterfeit drugs” and that “we (Nigeria) are going to implement severe punishment like India and China” (The Nation, Sunday November 29, 2009:2).

Giving similar assurances, the Minister of state for health said:

“We at the Ministry of health are asking for maximum penalty for those involved in the sale, manufacture and importation of fake and sub-standard drugs”. The Attorney-general, Mike Aondoakaa, also added his voice howbeit bromidically, to the new fervour against importation of fake medications to the country when he said at a recent conference on International Collaboration against Counterfeit Drugs: “Perpetrators of such acts would not escape justice, as government was determined to end the debacle”. While some would argue that Aondoakaa’s statement is nebulous and does not really contain commitment and determination to deal with the issue at stake, others see it as the empty refrain usually recited monotonously in public fora, to show that government is doing something; whereas, there is not an iota of sincerity that can result in political will to carry such statement out. Aondoakaa, in recent times, is seen by Nigerians as the Attorney-general who provides refuge and an escape route for corrupt officials who have criminally pillaged the wealth of their communities. It is against such background that any statement by him, to the effect of dealing with corruption, is assessed.

However, it now appears that the international community, especially countries known as major sources of fake drugs sold in Nigeria-India and China – are serious about fighting this war against humanity, by enacting stiff laws against the merchants of death that make huge profit at the expense of the lives and health of innocent Nigerians.

Arguing philosophically, the question can be asked whether death penalty in China, with one quarter of the world’s population, is as severe as death penalty in Nigeria, for distributors of fake medicine. Correspondingly, those of the view that sale of fake medications that are capable of killing or leaving the innocent end-user with permanent deformities is tantamount to murder or multiple murders are likely to speak in favour of a legislation that seeks to punish severely manufacturing importation, and sale of fake and sub-standard medicines and food products. Without doubt, holders of both views have points that are worth considering by the National Assembly members before their final vote on the new anti-fake drug legislation.

However, a point that must be noted is the fact that there are those who are seeking a wider measure for this legislation. Their view is that the stiff penalty should not be limited to drug issue, but the whole gamut of corruption and corrupt practices. This is the crux of the matter where scepticism is being justified as to whether the lawmakers possess the political courage to go the whole hog.

It has been argued that since the old aphorism says that desperate problems call for desperate solutions, this should apply to the current huge market for fake drugs in Nigeria. On the eve of her departure from NAFDAC, the agency’s former Czar, Professor Dora Akunyili said that up to 50 percent of the medications in the country were fake, counterfeit, or substandard. Despite her successor’s aggressive efforts at fighting this national menace, no one has provided any better statistics on the volume of fake and counterfeit drugs imported for sale in the country. The current call by the new NAFDAC boss for stiffer penalties for importers and vendors of killer medicines is therefore, salutary.

The need to expedite action in eliminating the presence of this unwholesome attitude is so crucial that ‘The Nation’ (Sunday, November 29, 2009) in its editorial called for a severe measure against those found culpable of these nefarious acts. In the paper’s opinion, “No punishment can be too severe for importation of drugs that kill or deform, often unnoticed, thousands of innocent Nigerians everyday at the instance of merchants of death that inundate our pharmacies and patent medicine stores with imported and locally produced fake and sub-standard medicines”.

One major lesson this paper believes Nigeria must learn from China is this: China deliberately refused to be bogged down by empty sloganeering on how to redeem its image. Rather, it chose to speak through actions. And those actions are not only louder but they are much more effective and efficient than sloganeering. If Nigeria wants the outside world to change its negative perception on her, she can follow the Chinese model. This is because it takes concrete actions rather than attempts to white-wash the country’s already severely battered image, to reverse the negative perception. Based on the above, it is important at this juncture, to examine the arguments of death solution advocates.

### **DEATH AS SOLUTION (?)**

To all intents and purposes, it can be argued that if Nigerian government wants to be serious with the issue of corruption and wants the rest of the civilized societies to believe its seriousness, then, corruption needs to be fought the same way the various state governments in Nigeria are waging war against kidnappers and

abductors. It should be recalled that at the last count, about five state legislative assemblies have passed bills making abduction and kidnapping punishable by death. If a kidnapper who causes sorrow and anguish for only one family is sentenced to death, should not government officials who rob their people of basic necessities of life thus causing frustration, suicide and untimely deaths, for millions of citizens, be made to face capital punishment?

Although one is not oblivious of the argument of antagonists that capital punishment has not and cannot serve as deterrence as it has not discouraged armed robbers from their nefarious acts. But what the anti-death penalty advocates cannot explain is the dramatic and rapid all-round development countries like China with zero tolerance for corruption records within a short while. Even Ghana, following what is known today as “The Rawlings Panacea”, has been recording rapid economic growth and development ever since. Perhaps the injunction of the Holy Bible is apposite here. It says that without the shedding of blood, there can be no remission. If Ghana which for years, was enmeshed in corruption and mismanagement has now turned a new leaf; and the fear of death becomes the beginning of wisdom in China and other developing countries, there is no doubt that this therapy will work in Nigeria, where an average person is a hedonist. Even at that, death penalty is not being advocated here as a cure-all panacea for corruption. But with capital punishment, it is believed that the incident of large-scale stealing of public funds as it is today, would be drastically reduced. Then, development can begin as sectors like power, education health infrastructure, etc will now be attended to with all the seriousness they deserve.

Today, Nigeria is a country of paradox. Anti-Democratic elements of yesterday are today reaping the greatest dividend of democracy while those who fought for it are living on the fringes. The senior citizens who have spent their entire active lives serving their fatherland are being deprived of their pension allowances and are dying of hunger and frustration. Meanwhile, the idle predators who do not make any meaningful contribution to national development, sit on their money! Is it not logical then, that the up-coming workers who still possess youthful agility and who daily, watch their parents die of frustration while some individuals feed fat on their sweat, would find a permanent way out of this mess before they retire? And since these folks will like to pay themselves their pensions while still active in service, the result would be unbridled corruption. As long as this act of injustice persists, so long will corruption continue unabated, anti-graft agencies or not. Of course those who steal Nigeria blind, do so with impunity because there is no deterrence mechanism in place. More so, with the novel ‘plea bargaining’ jargon-an escape route-recently introduced into the country’s politico-judicial lexicon, the coast is clear for corrupt public officials to steal as much as they can and plea bargain with a token of their loot when caught. In fact, the implication of this cannot be overemphasized. Politicians who hitherto were afraid to steal huge sum before now, can loot billions with unpremeditated ease without caring whose ox is gored; so long as they factor in plea-bargaining allowance. And, with the ineptitude and incompetence of the police, as well as the hypocrisy of anti-graft agencies coupled with the lack of independence and the cowardice of the judiciary, in addition to the conspiratorial propensity of the legislature, Nigeria, definitely is held by the jugular by the evil forces of corruption. It is against this background that the death penalty advocacy can be justified.

Perhaps it may be pertinent at this juncture, to explain the premises on which this view stands. It has been argued that death being the terminal arbiter of all endeavour, remains the only force that can put Nigeria and corruption asunder, all other efforts having failed. Death solution advocates are however, divided in their modus operandi. In this connection, three methodologies can be identified. The first group comprises those who believe that unless and until all the rulers of Nigeria – past and present-who have been involved in the looting of the treasury at any level, are killed in one fell swoop, Nigeria would not be cured of this cankerworm called corruption. Their strategy of course, involves what in certain quarters may pass for unpatriotic method and an erosion of national sovereignty. It entails the use of terrorist/suicide bombing gang who will be contracted to target the gathering of their victims. Their track record of professionalism based on their previous activities, makes an elaborate explanation of their modality unnecessary here.

The argument of this school stems from the fact that the number of Nigerians who have died directly and indirectly from the wicked machinations of these rulers, is simply incalculable. Apologies of this school cite examples of numerous Nigerians who have died of preventable diseases, fake and adulterated drugs, hunger/starvation, frustration arising from corruption like the stealing of the people’s pension funds referred to earlier; and other deaths resulting from official carelessness. Perhaps more worrisome are deaths recorded on dilapidated roads on which billions of naira have been purportedly spent without any visible result. A situation where over 300 billion naira of tax-paying Nigerians, earmarked to reconstruct a major expressway and after eight years no visible sign of repair carried out, yet multitude die in accidents resulting from criminal neglect of government officials and their lackeys, who still walk the streets as freemen, calls for drastic measures. Many other unnecessary deaths to which corruption can be attributed are numerous. People who use their privileged positions to oppress and kill innocent, hapless citizens, this school argues, have no reason to live.

The second school comprises those who believe Nigeria should start thinking of the Jerry Rawlings and the Chinese therapies for treating the festering cancer called corruption. One of the protagonists of this school is Mu'azu Babangida Aliyu (2009) who strongly advocates capital punishment for all those convicted of corruption in public and private offices. Aliyu, like Imodoye earlier, believes that "we must strengthen the legal frameworks of severely punishing all convicted corrupt officials, both public and private so that corruption does not appear as a high-return and low risk activity, which is what our current court rulings portray, since convicted officials can go back to their loot after only a limited jail time in jail". To Aliyu, fighting corruption should be made "as a matter of life and death" However, Aliyu and Imodoye seem to have spoilt their cases by thinking that the present Nigerian judicial process can guarantee the implementation of their suggestions.

Unlike the first school which does not believe in the long process of the law, the second seems to hinge its suggestion on the rule of law. That is exactly where the problem lies. If by the rule of law we mean a machinery that allowed the likes of Dr. Peter Odili to hold the entire country to ransom by using the instrumentality of the law to escape justice in spite of the avalanche of allegations against him; if the rule of law translates to a situation where people like Chief Ibori would continue to dribble and ridicule the judiciary; where Lucky Igbinedion, with the formidable evidence against him, was able to evade justice, then, death as a sentence for corrupt officials may never see the light of day in Nigerian judicial system. Before rounding up with the last school, it is important to shed more light on the effect the first school is expected to have on the ruling class and by extension, the entire country.

The moment their action is consummated, the leaders/sponsors of the act would announce from their hide-out the second day, to the entire country, owning responsibility to the killing of all the past and present rulers found guilty of looting the treasuries. The crux of their announcement however, would be a severe warning to those who would aspire to take over from the rulers that have been summarily dealt with. The group would come up with its own 7 points Agenda consisting of the following items:

- 1.) Constant and unblinking electricity within the next 6 months,
- 2.) Tarring of all roads
- 3.) Fixing of education and barring the children and wards of all public office holders from travelling abroad for education;
- 4.) Fixing of our health-care system, and barring all government officials from seeking medical services abroad;
- 5.) Reconstitution of our electoral body or adopting wholesale, the justice Uwais-panel Report;
- 6.) Causing to pass into law, death penalty for all corrupt public and private officials without the option of plea-bargaining; and
- 7.) Rapid industrialization and provision of employment for all employable graduates.

However, deadline for all the above task would be maximum of two years. Meanwhile, there will be a caveat that any politician who knows that he/she cannot measure up to the above task should not venture into seeking public office. Otherwise, the treatment meted out to the corrupt rulers will be a child's play. If this happens in Nigeria, the exponents believe, the country will not only be self-sufficient in everything, it will rival some of the developed countries within 5 years!

The third school believes in the outright dismemberment of the country. The various ethnic nationalities must be given the liberty to secede if they want to. This school believes that if the country is so divided and every geo-political zone is allowed to form its own republic, each region would develop at its own pace. This would encourage healthy rivalry and uneven development. In other words, quota system, federal character and all the policies that promote mediocrity while merit is stultified would have been discarded. This would make the various regions go back to the drawing board to map out strategies for their region's development. This is anchored on the belief that Nigeria has become too unwieldy to administer. Besides, the discovery of crude oil in the Niger-Delta and its exploitation has created latitude and idleness to the detriment of other critical sectors of the economy. Decentralization will re kindle the entrepreneurial spirit in Nigerians again. This would make the whole realm witness again, the revival of cocoa, groundnut, fruits, vegetables, yam, coal and other agricultural produce long abandoned due to the discovery of petroleum. And, since there would be nothing called 'Nigeria' anymore, Nigeria and whatever it used to stand for, will die. These are the various kinds of deaths any of which, this author believes will, to a large extent, put asunder between Nigeria and corruption.

## CONCLUSION

The definitions of corruption, it must be admitted, are long and unwieldy. However, we have compendiarily, summarized the definitions represented by so many perspectives so as to achieve the objectives



of this paper. So also have the causes and effects of corruption on Nigeria been highlighted here. However, the kernel of this paper is its firm belief in the three schools whose prescriptions are regarded as sacrosanct if Nigeria must harness its potentials and join the train of the comity of civilized nations to the destination of good governance, accountability and development.

## NOTES

1.) For more detail about the financial recklessness perpetrated by Nigerian political elite during this period (pre-independence) See, Arthur Nwankwo (2000). *Nigeria: The Stolen Billion*, Enugu, Fourth Dimension Publishers Limited,

2.) Nwankwo, *Nigeria: The Stolen Billion* P. 45

3.) Nwankwo, *Nigeria: The Stolen Billion*, P. 45

4.) See for details: Chinua Achebe, (1984). *The Trouble with Nigeria*, Ibadan: Heinemann Educational Books,

5.) See, *The Punch*, February 7, 2001.

6.) Many enquiries have been made at all the three tiers of government. Of significance in the history of this nation are: the 1959 Foster-Sutton Tribunal of Inquiry; the 1962 Coker Commission of Inquiry Report; the Reports of the various tribunals of inquiry of the 1960s, 1970s; the paper or the Murtala Obasanjo administration panel of inquiry which indicated ten out of the twelve military governors under the Gowon administration of corruption and removed over 10,000 public servants including the 'super' permanent secretaries; the special military tribunals of the Buhari/Idiagbon administration, the Babangida's Aguda and Uwaifo review panels of 1985/1986.

7.) General Sani Abacha enacted a decree to fight corruption in the banking sector and many bank executives were detained; some were jailed and some ran away from the country.

8.) See preface written by the Attorney-General of the federation and minister of Justice, Hon. Prime Bola Ajibola, SAN, thanking General Ibrahim Babangida, President and Commander-in-Chief of the Armed Forces, for making "those dreams (of the Justice Ministry) a reality" in: Kalu and Osibajo (1991) (eds) *Federal Ministry of Justice Law Review Series No. 2*, Lagos: Fabog Nigeria Enterprises,.

9.) Section 15(5) of the 1999 constitution of the Federal Republic of Nigeria provides that 'the state shall abolish all corrupt practices and abuse of power', The National Assembly took up from there and passed the ICPC Act, 2000. The president inaugurated the ICPC on September 29, 2000.

10.) See, Layi Babatunde's article 'Supreme Court's Stance on Corruption' in *The Punch* (July 22, 2002): 47-48; and *The Punch* (July 29, 2002): 51. The article reported that the Government of Ondo State sued the Attorney-General of the Federation (AGF) and other governments of the federation. The Ondo State Government argued that the ICPC Act negates the principle of federalism, by encroaching on the power of the states. The Ondo State government believed that the National Assembly had no powers to enact such an all-embracing statute. The statute created offences and empowered the AGF to initiate and prosecute offenders nationwide, without the fiat or the Attorney-General (AG) of the affected state. Within record time, the Supreme Courts took arguments on the matter and on June 7, 2002 unanimously unleashed the greatest weapon against corruption in Nigeria.

11.) See *The Punch* (March 4, 2003); 3 for the report by Chiawo Nwankwo and Femi Ojewumi captioned 'ICPC Act-Reps carpet Senate, Threaten Court action'.

12.) The 22 Senators whose photographs were displayed on pp.2 and 3 of Saturday *Punch* (March 8, 2003) are: 1. Anyim Pius Anyim (PDP), Ebonyi South; 2. Ibrahim Mantu (PDP), Plateau Central; 3. Jomathan Swingina (PDP), Adamawa South; 4. Melford Okilo (PDP), Bayelsa East; 5. Mike Ajegbo (PDP), Anambra Central; 6. Florence Ita Giwa (APP), Cross Rivers South; 7. Patrick Osakwe (PDP), Delta North; 8. Victor Isa Oyofe (PDP), Edo North; 9. Gbenga Aluko (PDP), Ekiti South; 10. Dalhatu Tafida (PDP), Kaduna North; 11. Salmah Is'haq (APP), Kwara Central; 12. Tokunbo Afikuyomi (AD), Lagos Central; 13. Olabintan Afolabi (AD), Ogun West; 14. Mojisoluwa Akinfenwa (AD), Osun East; 15. Silas Janfa (PDP), Plateau South; 16. Davou Zang (PDP), Plateau North; 17. Saliu Dansadau (APP), Zamfara Central; 18. Lawali Shuaibu (APP), Zamfara North; 19. Khairat Gwadabe, FCT Abuja; 20. Nnamdi Eriobuna (PDP), Anambra South; 21. Vincent Osulor Obasi (PDP), Ebonyi Central; and 22. John Akpa-Nudoebehe (PDP), Akwa-Ibom North East.

13.) The full details of this were presented under the caption, 'ICPC: Did the Senate put the Nation First?' on pp.12 and 45 of the same edition of *The Punch*.

14.) This author believes that there were and there still are many incorruptible citizens in every stratum of the Nigerian society. For example, the Sardauna of Sokoto, Sir Ahmadu Bello, the first premier of the Northern Region, who wielded political power, was never accused of being corrupt; Sir Abubakar Tafawa Balewa, the first Prime Minister of Nigeria was not corrupt; the late Mallam Aminu Kano; A.C. Nwapa and the Flamboyant R. A. Njoku, Federal Ministers under Balewa were incorruptible; the Late Professor H. A. Oluwasanmi, the former Vice-Chancellor of the University of Ife, Ile-Ife, was transparently honest; the late Tai Solarin was not corrupt, even as a social critic and a school principal; the late Canon J. A. Akinyemi was never corrupt, both as a school principal and a politician; Professor Jide Osuntokun former director of NUC in both the US and Canada and former Nigeria's Ambassador to the United Germany, had many opportunities to but refused to be corrupt. Some others like them are still living, although, in terms of ratio, they are infinitesimally small.

15.) See details in, Lai Olurode (2007). "The Blurring of the Threshold and the Metamorphosis of Debasement of Public Life", in Lai Olurode and Remi Anifowose (eds) "Rich but Poor: Corruption and Good Governance in Nigeria", *The Social Sciences*: University of Lagos.

16.) See, Kayode Eso (1999). "Nigeria and Corruption: Till Death Do Them Part", in Olufemi Eperokun, et al., (eds) *Nigeria's Bumpy Ride into the 21<sup>st</sup> Century*, Ibadan: The House of Lords.

17.) See all Africa-com.

18.) See more details in: <http://www.nigeriancuriosity.com>

19.) <http://allafrica.com/stories/2009>.

20.) <http://allafrica.com>

21.) See, for details: <http://www/hrw.org/en/news/2007>: Nigeria-Corruption-and-misuse-rob-Nigerians-rights?

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