

AN ETHICAL APPRAISAL OF NIGERIAN POLICY ON CORRUPTION VIS-À-VIS GLOBAL ANTI-CORRUPTION PRACTICES

Chiedu A. Onyiloha

Introduction

There is a trend among contemporary scholars of ethics that: “The quality of the facts or thoughts of human behaviour forms the basis upon which fundamental questions are asked. It is aimed at establishing the underlying principles of the human acts: How shall human beings behave and what constitutes human action? What obtains in individual behavioural pattern also applies to all facets of the human person, including business practice, socio-economic and political endeavours” (Onyiloha, 2013: 1). It is the thesis of this paper that Nigerian policy on corruption would have resulted in the best practices if conscious efforts informed by proactive measures and ethical praxis had shaped the crusade against corruption thereby following and meeting global anti-corruption best practices.

Aware of the ethical imperative of the above submission, this writer believes that it is cogent and reasonable for the Nigerian Government to re-think its policy on corruption, especially, given some of the recent global barometers of the phenomenon which designated Nigeria as one of the most corrupt countries in the world. The ethical implication is evident: The Nigerian Government pays a lip service to enforcing policy on corruption or there is an abysmal collapse of the act of governance in Nigeria occasioned by the systemic corruption. In either case, the disconnect between morals and practice becomes the order of the day in matters pertaining to the fight against corruption in Nigeria.

This essay addresses the above problem and wishes to create awareness about the ineptitude of the Nigerian Government and its agencies in tackling corruption. Some of the findings indicate a lack of application of the policy on corruption to existing cases thereby fuelling this unethical act. The Government and the people of Nigeria need to take a cue from global anti-corruption practices as an ethical means to restore sanity to the political and socio-economic space.

This writer is optimistic that the Nigerian Government could follow some global anti-corruption practices with the required constitutional frameworks aimed at achieving a minimal tolerance for corruption. The United States of America (USA), Ghana and China are some of the countries where leaders and followers have risen up to the ethical imperatives in investigating, prosecuting and punishing corrupt persons. Their governments have clearly manifested the political will as well as ethical vision to achieve societies where corruption has a zero-tolerance. The writer presents the global anti-corruption policy adopted by the above mentioned countries in relation to the Nigerian policy on corruption that illustrates the yawning gap between policy formulation and enforcement on one the hand and ethics and actual practices, on the other hand. Relying on the results from theoretical reflections and field research, this writer proposes a number of recommendations and argues that such recommendations would help in the fight against corruption in Nigeria and assist Nigerians to achieve global anti-corruption best practices. This writer is optimistic that the Nigerian government can be brought to follow global anti-corruption practices as enunciated in the United Nations Convention against Corruption (UNCAC,

resolution 55/61 of 4 December 2000)¹ and the United Nations Office on Drugs and Crime, (the “UNODC Action against Drugs and Economic Crime”). The above conventions on global anti-corruption practices demand such ethical policies as prevention, criminalization, international cooperation, prosecution and asset recovery. Applying a number of these measures, would help Nigeria in the fight against corruption.

Notions of Corruption

There are many notions of corruption but it seems that the phenomenon is better described than defined (Igwe, 2010: 88). Perhaps, the easier way is to explain the reality of corruption in any society or system from its degrees of manifestations and recurrences. Thus, this paper in its approach to the phenomenon, adopts the following conceptual insights.

The United Nations Office on Drugs and Crime (UNODC) in its “Action against Corruption and Economic Crime” declares as follows:

Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes. Economic development is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the “start-up costs” required because of corruption.²

The above description highlights major aspects of corruption and their negative impacts on the society. Given the importance of the fight against the scourge of corruption on a global scale, the same United Nations (UN) has declared the 9th day of the month of December as UN’s “International Anti-Corruption Day”. All member-states, including Nigeria, observe the day every year.

According to Igwe (2010: 88), corruption perhaps occurs in any organized, interdependent system in which parts of the system are either not performing their dues as ethically expected or are performing them improperly to the detriment of the system’s original scope. Corruption embraces a broad spectrum of activities ranging from fraud (theft through misrepresentation), embezzlement (misappropriation of corporate or public funds) to bribery (payments made in order to gain an advantage or avoid a disadvantage).

Sen (1999) and Atlas (1968) perceive corruption especially from the sociological viewpoint as the violation of established rules for personal gains and profits. It is a dysfunctional system of the relationship between the state and the people, characterized by bribery, extortion and nepotism. These dimensions of the phenomenon have negative influence on the people, including leaders and followers.

For Kunhiyop (2008: 165), corruption is making someone morally corrupt or becoming morally corrupt by indulging in bribery, extortion, fraud, nepotism, outright theft, match-fixing, examination fraud, kickbacks, illegal awarding of contracts and the like. Also, in the political

¹ (<https://www.unodc.org/unodc/en/treaties/CAC/index.html>)

² (<https://www.unodc.org/unodc/en/corruption/index.html?ref=menu>)

sphere, corruption occurs in vote rigging, the purchase and sale of votes, and the falsification of elections results.

Furthermore, from a legal standpoint, Nigeria's *Anti-Corruption Law of 2010 (12)*, defines corruption as "Gratification by an official": 1) Any person who corruptly (a) asks for, receives or obtains any property or benefit of any kind for himself or for any other person, b) agrees or attempts to receive or obtain any property or benefit of any kind or for himself or for any other person, on account of: i) anything already done or omitted to be done, or for any favour or disfavour already shown to any person by himself in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of - a government department, or corporate body or other organization or institution in which he serving as an official; ii) anything to be afterwards done or omitted to be done or favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of an offence of official corruption..." The same anti-corruption laws also cite "Corrupt offers to public officers", "Corrupt demands by persons", "Gratification by and through agents", as some of the instances of corruption in Nigeria punishable by different measures including imprisonment and payment of fines (*7 Anti-Corruption Laws, 2010: 46-47*).

The global position on corruption has elicited responses from concerned organizations or agencies both in its study, analysis, and evaluation and one of such bodies is the Transparency International, a non-Governmental Organization (NGO). Corruption, according to Transparency International, is the "Abuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in a position of authority" These components appear to have some connections and interconnecting mechanisms thus thrusting the wheel of corruption into the fabric and system of the society.

Seen from the above descriptions, the reality of corruption is multifaceted. There is, however, contention among scholars about the precise nature of corruption on one hand, of the items constituting its classifications, on the other. Nonetheless, it seems the arguments that favour a broad taxonomy of corruption lend insights into two common types of the phenomenon, namely, sporadic and systemic (or endemic). They impact national or individual development

Sporadic corruption occurs in an incidental manner though it has the capacity to alter socio-economic calculus due to its devastating powers that diminish morale and create inequality among the people. Sporadic corruption could cripple any of the social or religious systems. Sporadic corruption "threatens the economy of a country, dampens the morale, and saps the resources of the society, if not contained. Again, sporadic corruption creates a short or a long term ground and graduates to the next level of systemic corruption" (Igwe, 2010: 90)

This pattern of corruption is integrated into the social fabric. In other words, it essentially forces individual or corporate persons to follow what otherwise would be termed unacceptable ways, and actually punishes those who resist. It is a situation in which major private and individual institutions and processes of the state are routinely dominated and used by corrupt individuals and groups, and in which most people have no alternatives in dealing with the problem.

Of all types of corruption, systemic corruption is the most intractable amongst countries and societies around the globe. Due to its mode of operation and manifestation, this writer agrees with Igwe (2010: 90-91) in identifying some traits of systemic corruption as follows:

i) non-violators suffocate under the venal atmosphere without relief and forgo the rewards accruing to getting along with the system, ii) violators are protected and when exposed, treated leniently: their accusers or whistle blowers are intimidated and victimized for exposing organizational hypocrisy, iii) it widens class inequality, perpetuates closed politics and prevents social change, and iv) it bears heavily on economic development and contributes to the affluence of a few leading to a situation of few affluent amidst many people who live in acute squalor.

Nigeria is presently suffering from systemic corruption which manifests itself in a near-decay of social infrastructure as well as a meteoric rise in a number of corrupt persons in the country, across all fields. However, the essay in the strict sense, does not approach corruption in Nigeria from the above two categories, namely, sporadic corruption and systemic corruption. The writer has cited them to illustrate the multifaceted nature of corruption in any society, including the Nigerian society.

Corruption in Nigeria: An Overview

Taking cognisance of the above descriptions, this writer cites Transparency International reports, the British government, the Nigerian political class, the Nigerian military and the general attitude as illustrations of the existence of corruption in Nigeria. These instances lead to the evaluation of the level of corruption and how the Nigerian government is fighting the social ill against the backdrop of global anti-corrupt practices.

Transparency International (TI) Report

Transparency International (TI), in its 2012 report placed Nigeria on the 35th position as the most corrupt country in the world. The news was greeted with the usual political jargon and indifferentism by the Federal Executive Council (FEC) of Nigeria. Doyin Okupe and Reuben Abati, the presidential spokespersons in separate reactions, dismissed the report and accused Transparency International of acting in “bad faith”. They insisted that Transparency International’s assessment was based merely on subjective “perception” than a true analysis of the “real situation” in Nigeria.

The Federal Government of Nigeria’s reaction to the 2012 Transparency International report that placed Nigeria 35th position was an indication of insincerity. In 2011, global corruption barometer in Nigeria has not changed. Worried about the systemic nature of corruption in Nigeria, Ejizu (2008: 20) makes the following assessments:

Interestingly, most available indices for evaluating the moral quality of a nation have constantly placed Nigeria at lower levels of the scale in the past ten years. One does not need to bore the audience with any litany of the moral woes of our country. I should only remind you that no single sector of life in this country is spared of the debilitating virus of corruption, indiscipline and moral decay.

Eze (2012: 62) in his article on “Graft allegations of 2012” in *The Sunday Sun* manifests a very clear perception of the indices of corruption in Nigeria vis-à-vis the Transparency International’s report code-named “Corruption Perception Index”:

Not a few Nigerians were taken aback when Transparency International (TI) 2012 corruption watch report “Corruption Perception Index” placed Nigeria at 35th position in the league of most corrupt nations of the world out of 176 countries surveyed. And just as reactions for and against the report raged, and many Nigerians rued the spate of fraud in the country, the Nigerian Bar Association (NBA) last Sunday, on the occasion of the 2012 International Anti-Corruption Day, opposed introduction of maximum punishment (Death Penalty) for corruption-related offences in the country.

One of the salient points related to the earlier question of the sincerity of the Nigerian government to fight corruption in the private and public sectors of the nation is aptly described as “not a few Nigerians were taken aback” in the face of Nigeria’s thirty-fifth 35th position in the group of most corrupt nations of the world. Again, the mention of the “death penalty” is an indicator of the high frequency of corruption and its devastating effects. In corroboration, the *Lineamenta* of the Second National Pastoral Congress analyses the state of the Nigerian nation and submits as follows:

One of the major areas in our nation in need of healing is the issue of corruption, whether as bribery, embezzlement, graft, fraud, nepotism. Corruption is on the rise threatening to destroy the fabric of our society. Corruption, as a deadly virus, insidiously attacks the nation’s Central Processing Unit, i.e., administration of justice and rule of law – the last hope of the common man (Catholic Secretariat of Nigeria, 2nd National Pastoral Congress: *Lineamenta*, 2012: No. 37).

Traces of corruption are not difficult to find in the Nigerian nation. Based on the above citations, two broad categories, namely, political/bureaucratic corruption, and corruption in the private/public sectors seem to be recurrent phenomena in Nigeria (Umechukwu, 2011: 97).

Corruption in Nigeria and the British Colonial Administration

Many publications criticize the way the British government “put” Nigeria together. Authors like Njoku and Oyovbaire are of the opinion that Nigeria appears to be a mal-gotten child:

At the onset of its conception, it was destined on crisis. It is a manipulative conception of the colonial fiat, whose philosophy was inspired by the corpuscular philosophy that was the intellectual ancestor of the imperialist/colonial theory of development. Various ethnic groups or autonomous nations, with different culture and aspirations, were dragged and fused together by an occupying power for occupying power’s own selfish interest (Njoku, 2011: 33; Oyovbaire, 1985: 39).

The 1914 amalgamation of the “Northern and Southern Protectorates” into the political entity called Nigeria by the British remains a recurrent discourse among writers.

Njoku (2011) and Oyovbaire (1985) argue that the emergence of Nigeria as a British colony, and later as a republic, was a political “fusion” of various ethnic groups. Perhaps, that development has led to such misconduct as corruption, lawlessness, inequality, misrule and militancy. The 1914 Amalgamation, ethically considered, is a bad precedent especially in view of the principles of “Self-determination” and “Modifiers of the Human act”. It is a fact, that many colonised nations across the globe have transcended the “historical antecedents” of their colonisation. However, there is no argument to absolve the colonialists from creating a remote cause of the various ills that have befallen their colonies in the recent past. The colonialists’ political

arrangements, first and foremost, were meant to favour their governments before the colonized. Concerning this, Njoku (2011: 34) opines:

Lord Lugard, arbitrarily amalgamated the two protectorates, which is still known today as Nigeria. There was economic motif to the amalgamation. Financially, whereas the Southern protectorate was viable, the Northern was not; thus by the amalgamation, the financial burden in ruling the North by the British government was taken over by the South, which the British essentially mistrusted.

The above assertion has elicited criticisms among scholars including Sagay (2001: 7) who observes that the British Secretary Lord Harcourt is quoted as declaring thus:

We have released Northern Nigeria from the leading string of the treasury. The promising and well-conducted youth is now on an allowance of his own and is about to effect an alliance with the southern lady of means. I have issued the special license and Sir Frederick Lugard will perform the ceremony. May the union be fruitful and the couple constant.

The negative consequences of the so-called amalgamation are many but a few ones might be helpful in this regard. The census of 1931 was rigged in favour of the North. Sagay (2001: 8), in his analysis, makes the following submissions:

Thus, in preparing the North for its future role as rulers of Nigeria, the British rigged the very first nationwide population census conducted in 1931, in favour of the North. The figures awarded by the British were as follows: Northern Region 11,434,000, West Region 3,855,000 and the Eastern Region 4,641,000; Total 19,930,000. Plurality in favour of the North = 2,983,000.

The citation supports the arguments that corruption in Nigeria started with some of the British political structures, including the electoral system. For the British government to have “favoured” any section of the country, remains a typical example of corruption. The trend has transited into the present time and has not changed. Furthermore, the current hue and cry of marginalization by some sections of the country all began with the British government. Nonetheless, today, the colonial practice is no justification for such acts as marginalization, injustice and inequality.

The “1950 General Conference” in Ibadan is another example where the British government got involved in corrupt practices. At that conference a decision of making Nigeria a “Federation” was taken by the representatives of the sections of the country (the North, the East and the West). It was reported that the North wanted fifty (50) shares of the seats reserved for it but the East and the West argued rather that seats be shared in the ratio of forty-five (45) for the North, and thirty-three (33) each for the East and the West. An agreement could not be reached. However, the “British colonial administration used its fiat and allocated the seats and awarded the North even more than it demanded, and the ratio was: 68 for the North, and 34 each for the rest (the East and the West). The idea of a Federal Republic and its power sharing formation was corrupt and with bad intentions, insincerity and manipulation from the beginning” (Njoku, 2011: 35). This involvement of the British government, to some extent, sowed the seed of corruption that has continued unabated. The same injustice recurred in the creation of states during the military eras of Yakubu Gowon, Ibrahim Babangida and Sani Abacha. Each of them created additional states in favour of the North (the North has 19 states and the South has 17).

Corruption amongst the Political Class in Nigeria

The political class shares some blames for corruption in Nigeria. It has been blamed for perpetrating corruption and scholars like Ugo (2011: 229-230) has questioned their dispositions:

This might surprise the ordinary reader as our founding fathers have always received praises for supposed dexterity and honesty, hence, a part of the national anthem was designed in the honour, viz; ‘The labours of our heroes past shall never be in vain...’

However, a critical look at some of their ideologies will expose an absence of objectivity and intellectual rigour.

The above excerpt has shown that the past political class was also involved in different degrees of corruption. Ugo (2011: 229-230) argues that lauding the past leaders for their ‘heroes past’ and their ‘labours’ not being in ‘vain’, amounts to uncritical assessment of their leadership roles especially from the perspective of corruption. In the same vein, Achebe (1983) also argues that in spite of conventional opinion, Nigeria has been less than fortunate in its leadership. In buttressing his arguments, he cites seminal absence of intellectual rigour as some of the causes of corruption, a tendency to pious materialistic wooliness and self-centred pedestrianism. He quoted Azikiwe to have asserted, “That henceforth, I shall utilize my earned income to secure my enjoyment of a high standard of living and also to give a helping hand to the needy”. Again, it is evil for people to see civil service as a foul means to wealth creation for personal enjoyment.

A lack of political vision and mission compounded the situation, and the worst case scenario has become the order of the day. One could surmise a lack of intellectual vigour on the part of past leaders as a reflection of mediocrity and it led to the incursion of Nigerian military into the political space. The 1966 coup, with Chukwuma Nzeogwu as the lead figure, cited corruption, political bigotry, electoral violence and bad leadership as the reasons for their (military) change of government. Nzeogwu argued that the officers of the Nigeria Army would bring about a true national spirit and an outlook to move Nigeria forward, especially from the area of leadership (Jason, 1999: 141). No matter the reasons for change of democratic governments, the Nigerian Military’s constitutional constituency remains national security. The 1966 coup was and remains a misnomer for the Nigerian nation and its people.

Ademoyega (1981: 89-90) has argued that the problem of corruption started with the political class, especially the pioneer leaders whose selfishness caused the nation missed opportunities to greatness. He quoted Chukwuma Nzeogwu to have said during the 1966 coup broadcast: “Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribe and demand ten per cent. Those that seek to keep the country divided permanently so that they can remain in office as ministers or VIPS of wastes, the tribalists, nepotisms, those that make the country good for nothing before international circles, and those that have corrupted our society and put Nigerian political calendar back by their words or deeds.” (Ademoyega, 1981: 89-90).

The Nigerian Military and Corruption

The military has ruled Nigeria through coups. The military officers showed by all intent and purpose, that they were not after all vaccinated against the bug of corruption. Ugo (2011: 231), in this regard, observes: “The military, the self-appointed saviour and corrector of evil showed to be corrupt if not more than the civilians it came to correct.” The Ibrahim Babangida military administration had a commission of inquiry inaugurated and mandated to look into the fiscal

sector of the nation's resources before and after the "Gulf War". Pius Okigbo, an economist, chaired that commission. The commission's report, also known as the "Okigbo Report", indicted military officers and their cohorts for meddling with the federation accounts during the era under review. Some the military officers and their civil suspects are going about freely without the required investigation or prosecution. The non-implementation of the "Okigbo Report" is a reminder about the non-enforcement of extant anti-corruption laws in Nigeria. It has shown the complicity of the leaders and the followers in crippling the structures and processes that would have met the global anti-corruption practices.

Nigeria returned to the democratic rule in 1999 and there were hopes, among the people including other nationals, that the country would embrace the path of reason in its national development. President Olusegun Obasanjo made some efforts to establish structures to control or eliminate some social ills like corruption and also to heal the national wounds occasioned by the Nigeria-Biafra War. The "Truth and Reconciliation Commission", also known as the "Oputa Panel" was established to achieve the latter. Part of the terms of reference of the commission, was to invite the key players in the nation's history, to engage their compatriots in reconstructing the nation through dialogue and reconciliation. Unfortunately, the "Oputa Panel's" report has not been implemented and it shows the lack of political will for the Nigerian government to do the right thing and also set a good record. Nothing was done to some of the key players who ignored or rejected the commission's invitation. The "Oputa Panel" report is replete with findings about corruption in the military, injustice, sectional marginalization, terrorism, etc.

The General Attitude to Corruption in Nigeria

The present set of the Nigerian citizenry seem to have inherited from the past ones different categories and tricks of corruption. A lack of the will to fight corruption accounts for the uncritical assimilation of such local slangs as "*Man knows man*", "*My man*", "*Chop make I chop*" (complicity in crime), "*Grease my hand*" (giving or taking bribe), "*If you can't beat them, join them*" (the whole is corrupt, one should join the trend), among others. The non-countering of these pro-corruption terminologies, perhaps, means that the present generation of Nigerians has equally accepted corruption as a norm. This portends a generational apathy to corruption. Again and according to Achebe's (1983), the assessment of the scale of corruption has passed the alarming stage and entered the fatal stage in Nigeria.

An Examination of Nigeria's Policy on Corruption

This essay reviews the relevant policies on corruption as ratified by the successive Nigerian governments from 1980s and up to the present period. The policies in review include such programmes or agencies as War Against Indiscipline (WAI), War Against Indiscipline and Corruption (WAIC), Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and Other Related Offences Commission (ICPC). These are juxtaposed to such anti-corruption bodies as the United Nations Organization (UNO), the United Nations Global Programme Against Corruption (UNGPAC), the United Inter-Regional Crime and Justice Institute (UICJI), the United Nations Code of Conduct for Law Enforcement Officials (UNCCLEO), the Manual on Practical Measures Against Corruption (MPMAC), the

Organization for Economic Cooperation and Development (OECD), the International Police Organization (INTERPOL) and Transparency International (TI).

An historical review of the military government of Buhari/Idiagbon shows some commendable efforts to tackle corruption and indiscipline, since perhaps, after the nation's independence. The administration launched what it called the "War Against Indiscipline, WAI", as a platform to fight misconduct. Many Nigerians praised the good results of WAI. At this time, the country was almost relapsing into lawlessness, environmental pollution, economic embezzlement, among other cases of delinquency. However, the strategy deployed by the military to enforce the WAI policies was considered to be too handy.

Some are of the views that persuasion is more effective than autocratic action with regard to the WAI campaign. Again, some argued that WAI would have been more successful if the military administration had brought in a coalition of professionals both at the stage of its design and also the stage of its implementation. The military regime of was cut short following the coup the ushered in the Ibrahim Babangida administration. Babangida justified the ouster of the Buhari/Idiagbon on grounds of "War against insensitive governance" (Ogbozo, 2011: 183). Babangida styled himself as 'military president', giving the impression of a regime with a 'democratic garb'. He accused his predecessor of negation of the principles of discussions, consultation and co-operation which should have guided decision-making process of the Supreme Military Council and the Federal Executive Council and arrogation of absolute power. Babangida promised to fight rigidity and insensitivity in governance. Unfortunately, the situation for the eight years that he ruled the country, in the judgment of some people, turned out to be the most unfortunate leadership in Nigeria's history. The death of Dele Giwa, an investigative journalist and editor of *Newswatch*, murdered by a letter-bomb, cast shadows on the administration's claim to fight corruption. Some believed that Dele Giwa was investigating a big drug deal that was would have implicated the federal government. The letter-bomb incident was the first in Nigeria and it has remained an indelible scar on the regime of Babangida (Ogbozo, 2011).

Advance fee fraud (419) and other related corrupt practices flourished during and after Babangida's exit from office. Sani Abacha toppled the "Government of National Unity" (GNU) hurriedly put in place by Babangida at the verge of his self-styled "stepping aside" linked to the alleged plan to perpetuate himself in office after he annulled the "June 12" presidential election. Ernest Shonekan headed the GNU. The Abacha military regime signed the "Anti-Fraud Code" (anti-419, using a Nigerian colloquial) into law. Thus the anti-fraud policy during and after Abacha's regime has suffered and continues to suffer owing to many current cases of fraudulent activities among some Nigerian government officials.

The Olusegun Obasanjo democratically elected government came in with some sort of a glimmer of hope in the overall fight against corruption by the signing into law acts establishing two foremost anti-corruption bodies, namely, Economic and Financial Crimes Commission (EFCC), and the Independent Corrupt Practices and other Related Offences Commission (ICPC). ICPC is the apex body vested by law with the responsibility to fight corruption and other related offences in Nigeria. It was set up and empowered by the Independent Corrupt Practices and other Related Offences Commission Act 2000, which was signed into law on June 13, 2000. The ICPC

therefore, was inaugurated on the 29th of September 2000 by President Olusegun Obasanjo, with a Chairman and 12 Members (Independent Corrupt Practices and Other Related Offences Commission, 2007: 1). At the same time, EFCC was established by an Act of 4th June 2004 having repealed the act of 2002, which previously established the Financial Crimes Commission (FCC), thereby giving way for the current constitutional provision under which EFCC operates in Nigeria.

Both ICPC and EFCC have the duties of fighting corruption in Nigeria since their enactments and there was a general acceptance by majority of Nigerians. Obasanjo was quoted by Odey as saying that “Corruption...will be tackled head-on at all levels and nobody, no matter who and where, will be allowed to get away with the breach of the law or the perpetration of corruption and evil” (Odey, 2005: 58). This statement increased expectations among Nigerians, that at last, corruption would become a thing of the past. However and with turnout of events, some Nigerians alleged that ICPC and EFCC suddenly had become government’s tools for vendetta to political oppositions, non-loyalists and perceived enemies. This development derailed the hitherto merits credited to the anti-corruption bodies, and most unfortunately also, such perception has endured to the present political dispensation under the administration of President Goodluck Ebele Jonathan.

Indeed and as noted above, there had been some efforts in the recent past by successive Nigerian governments to trail and deal with corruption via enactment of certain laws and policies. There are doubts in some quarters by a good number of Nigerians about the sincerity of the past and even the current government officials at all levels to truly win the war against corruption. This notion, perhaps, finds its bearing on the bench-marks of the successes and failures of WAI, WAIC, EFCC, ICPC or Babangida’s ‘Normal Process’ against some global anti-corruption practices. Many scholars and analysts including this writer, agree that the problem with an anti-corruption crusade in Nigeria rests squarely with implementation and/or enforcement of the extant laws and/or polices, and that those legal stipulations meet the international standard. Closely related to this, are the arguments that some of the institutions saddled with the constitutional responsibility for day-to-day maintenance of ethical practices in government’s business are simply corrupt, thereby requiring setting of another independent anti-graft agencies – an endless cycle of anti-corruption policies and agencies.

Ordinarily, a constitutional framework as provided for in chapter two of the Constitution of the Federal Republic of Nigeria (1999) under the caption “Fundamental Objectives and Directive Principles of State Policy”, section 24 spells out “Duties of Citizen” – which among other ones include an obligation to render assistance to concerned law agencies in the maintenance of law and order (Section 24 (e)). Proof of the level of corruption among citizens and government officials is an indicator of a near collapse of ethical and moral values which the nation has been thrown into for these years and almost irredeemably eaten by locusts of bad governance. Even Sections 80 – 89 of the same Nigerian Constitution tries to forestall loopholes in the event of corrupt governments by stating *inter alia*: “...subject to the provision of this Constitution, each House of National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into: a) Any matter or thing with respect to which it has power to make laws; and b) the conduct of affairs of any person, authority, ministry or government department charged, or

intended to be charged, with the duty of or responsibility for: i) Executing or administering laws enacted by the National Assembly, and ii) disbursing or administering monies appropriated or to be appropriated by the National Assembly.

Nigeria's Policy on Corruption and the Global Anti-Corruption Practice

In more recent times and also in putting the above policies adjacent to the United Nations' Security Council Resolution 1373 (2001), it is evident that some Nigerian government officials are guilty of breach of law; nepotism, favouritism, highhandedness, fraud, theft, etc. Still on this subject, there are countless examples where former or current government officials connived with some ministries or agencies in subverting due process, justice or rule of law; others succeeded in using the state powers and/or offices in establishing important institutions (like schools, hospitals, skill acquisition centres, etc) in their home towns, local governments, districts, states or regions. Returning once more to President Obasanjo's anti-corruption stance, this author, among other things makes the following evaluation:

Gani informed us that since May 29, 1999 when Obasanjo became our president, he had left the country too many times and slept out of country for a total of 512 days. When we think of the number of people in his entourage each time he left the country on his travel extravaganza and the amount of money they wasted in all the travels, when we think of the fact that ninety-nine per cent of Nigerians have not and will never benefit from huge waste, we are compelled to think that the president is guilty of squander mania – which may not be far from corruption (Odey, 2005: 69-70).

It follows, therefore, that if Nigeria's anti-corruption agencies were adhering to global anti-corruption practices, the perpetrators of such unethical behaviours would have been prosecuted and punished according to existing laws and policies, if found guilty of alleged offences. Corpus of extant anti-corruption policies and regulations abound and also countries that have enforced those legislations have gained enough insights which have yielded significant results. Nigeria had ratified and continues to do the same when it comes to the global membership of some anti-corruption organizations already cited in the preceding part of this paper. But quite unfortunately and counter-reproductively, the expectant benefits have eluded the country and with their ills saturating Nigeria's national development.

Only a conscious adherence to global best practices and policies will aid the fight against corruption in Nigeria. The United Nations' (UN) programme on the fight against corruption especially the Security Council Resolution 1373 of 2001 urges member states to i) criminalize all forms of bribe taking, ii) criminalize all forms of corruption, iii) criminalize embezzlement, misappropriation or other diversion of property by public official; iv) criminalize bribery of foreign public officials and officials of international organizations; v) criminalize trading in influence, abuse of functions, illicit enrichment; vi) criminalize bribery in private sector, etc.

Unfortunately and here in Nigeria, one may assert that enough has not been enforced as regards the aforementioned. What obtains in Nigeria is a clear violation of global best anti-corruption practices; take for examples, where immunity clause has robbed the nation of opportunities to prosecute corrupt government officials who are stealing from the public treasuries. Another unethical practice in Nigeria unfolds with some ex-convicts like Bode George and Alameseighia are seen by many as active political players in their respective government circles; IyiolaOmisore and Theodore Orji had won respective elections while still in prison; James Ibori and his likes are idolized by their supporters as heroes and victims of

political vendetta; concerned Nigerians wanting to fight corruption are touted by many as people wasting their time; and instances of sheer negligence of global anti-corruption polices continues unabated.

In addition, take a case of money laundering, the same UN's Security Council Resolution 1373 requires member nations to a) establish regulatory regime to require banks and financial institutions to ensure customer identification, record keeping, and mechanisms to report suspicious transactions; b) establish financial intelligence units; and c) establish mechanism to track and repatriate stolen funds. One observes either a lack of political will or absolute reign of an ethical relativism on the part of government to apply these global anti-corruption policies in Nigeria. There is a yawning gap of application of these anti-corruption policies and regulations to concrete situations in Nigeria when compared with what obtains in some African, Asian, European or American countries. In Africa, a country that comes to mind as far as achieving reasonable results in applying the global anti-corruption policies to public and private sectors of their national life is Ghana.

This study agrees with Ogbozo (2011) but differs in the military policies conceived and applied by Jerry Rawlings to the anti-corruption crusade in Ghana. Though he was successful in reducing corruption in Ghana yet the number of Ghanaians who lost their lives in the anti-corruption programme casts a shadow to the supposed merits of the exercise. Within this context, some are of the opinion that such deaths are permissible since they were for a better society; however, such position is ethically unacceptable especially in a situation where better pro-life alternatives exist. Life is not an absolute value but in the Ghanaian experience, lives would have been spared and still success achieved in applying the global anti-corruption policies.

Still related to the above instance, another example where global standard was applied to corruption is the case of the former governor of Illinois, United States of America, who "sold" to the highest bidder the senatorial seat of Barack Obama (following the latter's election as president). The governor was arrested, prosecuted and jailed for corruption and other related offences. As it is, this paper will not bore the public with numerous occurrences in Asia and Europe where public or private officials were prosecuted for corruption. The fact remains that EFCC and ICPC have achieved some successes, however and most importantly, Nigeria's and other global anti-corruption organizations' policies and regulations have not been aggressively applied to the nation's national life thus making corrupt persons weakening Nigeria's fabrics.

Recommendations

Having x-rayed the present indices of corruption in Nigeria, the following recommendations are offered to ameliorate the phenomenon so as to enthrone an ethical space in the national development – compatible with global anti-corruption practices:

- i) A total overhaul of the nation's psyche through ethical and moral orientation programmes remains. The orientation would provide a new template capable of tilting Nigerians' outlook to the things that matter in life, self-esteem, self-awareness and self-renewal.
- ii) A total restructuring of the present system of public governance in Nigeria to usher in a new ethical paradigm, explaining leadership as a role for those men and women who desire to serve the state and citizenry. When such leaders emerge, corruption shall diminish.

- iii) A total review of the 1999 Constitution of the Federal Republic of Nigeria to deliver “a people’s constitution” as many Nigerians have yearned; a brand new constitution that introduces clauses, definitions, ideas, policies and ethics that would engender the rule of law, civility, good leadership, and above all, the culture of life (a conscious correspondence between good intention and right action at all times and in all places for the good of the self and others). The immunity enjoyed by public officials shall be expunged from the new constitution and thus empower anti-corruption agencies to prosecute public thieves in the three arms of the government including their partners-in-crime in the private sector (civil or religious).
- iv) Making mandatory in school curriculum subjects like ethics, fundamentals of anti-corruption laws, spiritual views of the human person, and etiquette of good living; training the young people to become fulfilled and selfless Nigerians that abhor corruption and other related offences.
- v) The various anti-corruption and related bodies such as EFCC, ICPC or the Police should be repositioned and revamped in structure and resources to be truly anti-corruption agencies that fight the malaise to the satisfaction of all and sundry. The current arrangement whereby EFCC is loaded with three functions of investigating, prosecuting and recovering looted assets, calls for a review. This writer joins other scholars in asking for the merger of EFCC and ICPC into one new body to be called “Corruption and Related Crimes Commission (CRCC)”, for investigation; and the creation of two more agencies to be known as “Corruption and Related Crime Prosecution (CRCP)” for and “Assets Recovery Agency of Nigeria (ARAN)” for prosecution and asset recovery, respectively.

Conclusion

Nigeria is on the verge of a systemic collapse if indices of corruption continued unabated and such a reality, no doubt, has cast Nigeria into a bad light among the union of nations. Nigeria is dreaded among other nations because of its irredeemable carriage of corruption in almost all facets of life. Besides endemic nature of corruption in Nigeria, the government has not done enough in fighting the phenomenon, let alone applying global anti-corruption measures to criminalize corruption and bring culprits to book. Corrupt persons are having a field day in Nigeria and some of them are active participants in government; worse still, some convicted ones receive state pardon – thereby trivializing the crusade against corruption in Nigeria.

A stack of evidence of corruption in Nigeria abounds as well as antecedents of the same social malaise. Gleaned from recent scholarship and field work, this writer like other ethicists, infers that British colonialists sowed the seed of corruption in modern Nigeria whereas Nigerians have nursed that rotten seed with an unrepentant zeal from then on. From rigging of election to sheer stealing; from giving and taking of bribe to oil bunkering; from examination malpractice to adulteration of pharmaceutical products, and the litany continues. Corruption stares unblinkingly into Nigerian optics!

The military, the political class and the general attitude have all been identified as some institutional frameworks fuelling a meteoric rise in the cases of corruption in Nigeria. The military and political classes are adjudged corrupt, given the wave of “multimillionaire clubs” of which former Nigerian leaders (military or political) make the membership. The EFCC and ICPC have not risen to their constitutional duties to investigate the sources of the wealth such Nigerians as well as other categories of corrupt Nigerians in order to prosecute them accordingly.

The essay cites the application of global best practices in the fight against corruption in Ghana and the United States of America (USA) as ways of reducing the scourge of the same phenomenon in Nigeria. Again, there is no problem with some of the Nigeria's anti-corruption policies, the problem lies with a non-enforcement of extant laws. This dearth has encouraged corruption among Nigerians and non-Nigerians resident in the country.

Even with the above expositions, there is still a glimmer of hope, for this writer believes that certain measures and steps as outlined in the recommendations meet ethical path to changing the course for the better. If the recommendations and those of other disciplines or concerned persons were taken by the appropriate government ministries or agencies, no doubt, Nigeria would overcome corruption and restore sanity to the nation and its citizens. Even at that expectation, this writer calls for self-introspection, self-awareness, self-esteem, self-fulfilment and a sense of ethics among Nigerians and their foreign partners. In all, when ethical paradigm of the constant and conscious correspondence between good intention and right act takes place in Nigeria as well as elsewhere, Nigerians and others shall win the war against corruption.

References

- Achebe, C. (1985). *The Trouble with Nigeria*. Enugu: Fourth Dimension.
- Atlas, S. H. (1968). *The Sociology of Corruption: The Nature, Causes and Prevention of Corruption*. Singapore: HoongFatt Press.
- Barnes, J. (Ed.). (1984). *The Complete Works of Aristotle: The Revised Oxford Translation*. Princeton: Princeton University Press.
- Bauman, Z. (2004). *Wasted Lives: Modernity and Its Outcast*. USA: Polity Press.
- Catholic Secretariat of Nigeria. (2012). *Lineamenta: 2nd National Pastoral Congress*. Lagos.
- EFCC.(2010). *7 Anti-Corruption Laws*. Abuja: Government Press.
- Ejizu, C. I. (2008). *Between Religion and Morality: Their Interconnection and Significance in Public Life (An Inaugural Lecture)*. Port Harcourt: University of Port Harcourt Press.
- Ezeh, C. (2012, December 16). Graft Allegations of 2012. *Sunday Sun*, pp. 62-64.
- Igwe, S. C. (2010). *How Africa Underdeveloped Africa*. Port Harcourt: Professional Printers and Publishers.
- Jason, P. (1999). The Military National Cohesion and Security. In M. H. Kukah, *Nigeria: Towards a Just and Democratic Society*. Lagos: Sovereign Ventures.
- Kunhiyop, S. W. (2008). *African Christian Ethics*. Nairobi, Kenya: Hippo Books.
- Lineamenta: 2nd National Pastoral Congress, 12th-18th November, 2012. (2012). Lagos: Catholic Secretariat of Nigeria.
- Njoku, F. O. (2011). Corruption: The Bane of Nigeria's Development. In E. C. Anowai, *Pope John Paul II Annual Memorial Lecture Series* (pp. 5-44).Awka: Demercury Bright Printing.
- Odey, J. (2005). *Democracy and the Ripples of Executive Rascality*. Enugu: Snaap.
- Ogbozo, C. (2011). Nigeria's Corruption Syndrome and the Long Journey to Liberation. In E. C. Anowai, *Pope John Paul II Memorial Lecture Series* (pp. 171-203).Awka: Demercury Bright Printing.

- Onyiloha, C. A. (2013). "An Ethical Analysis and Application of Benedict XVI's Caritas in Veritate to Business Practice in Nigerian Society". *Areopagus: Journal of Church & State Relations*, 3(3), 1-18.
- Onyiloha, C. A. (2014). *An Ethical Appraisal of John Paul II's Culture of Death and Culture of Life: Implications for Nigerian Society*. Port Harcourt: University of Port Harcourt. Unpublished Doctoral Dissertation.
- Onyiloha, C. A. (2014). *Corruption in Nigeria: An Ethical Appraisal*. Nimo: Rex Charles and Patrick Publications.
- Oyovbaire, E. S. (1985). *Federation in Nigeria*. London: Macmillian.
- Sagay, I. (2001, May 25). Federalism, the Constitution and Resource Control. *The Guardian*, p. 7.
- Sen, A. (1999). *Development as Freedom*. New York: Anchor Books.
- Ugo, U. (2011). Corruption in Nigeria: Roots, Branches and Fruits. In E. C. Anowai, *Pope John Paul II Annual Memorial Lecture Series* (pp. 227-241). Awka: Demercury Bright Printing.
- Umechukwu, P. O. (2011). The Mass Media, Corruption and National Development. In E. C. Anowai, *Pope John Paul II Annual Memorial Lecture Series* (pp. 227-241). Awka: Demercury Bright Printing & Publishing.
- United Nations Office on Drugs and Crime (UNODC): "Action against Corruption and Economic Crime" (<https://www.unodc.org/unodc/en/corruption/index.html?ref=menuaside>). Accessed July 11, 2014.
- United Nations Office on Drugs and Crime (UNODC): "Action against Drugs and Economic Crime" (<https://www.unodc.org/unodc/en/treaties/CAC/index.html>). Accessed July 10, 2014.