

**CONFRONTING THE MONSTER OF CORRUPTION IN  
NIGERIA: A REFLECTION ON ORTHODOX AND  
UNORTHODOX OPTIONS**

**BY**

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## Abstract

Public and private discourses on corruption have dominated the firmament of public opinion since about four and half decades ago when the oil boom threw up the legendary super-permanent secretaries. Within these periods so much analysis of the anatomy of corruption has been offered and even greater solutions have been put forward. But what is sure is that corruption has assumed the status of a monster which have defied all strategies for its arrest and annihilation. ~~But the monster has~~ become the proverbial

ie the mysterious and monstrous animal that continues to relish the grass even as it is receiving endless gun shots.

How and where do we locate the reason for the rise and rise of corruption even when billions of naira have been committed and are being committed to its fight in providing legal and institutional framework, employment and payment of officials, and even when millions of mid-night candles have been burnt and are being burnt by analysts researchers and academics in exuberant pontifications, aggregations and de-aggregation of theories, causes and prophylaxis of the concept? How do we count the costs in man-hour in conferences, workshops, seminars etc organized and paid for in searching for the talisman that can arrest, cage or even destroy this Monster called corruption? Could it be that there has been so much corruption in this fight against corruption or that even those

pontificating on corruption has looked the other way instead of coming up with a Hercules that can assist us in clearing the Augean Stable?

In this reflection it is proposed to regurgitate the normal mantra about corruption, that is, to attempt a definition, the types, causes and solutions to corruption. This is what may be referred to as the orthodox approach to the discourse on corruption. It is also proposed to hazard some maverick and unpopular approach by adding another type of corruption here referred to as “Corruption by Nature” or “DNA Corruption” and proffering three solutions to this malaise. This is what we may refer to as the unorthodox approach.

## **1. Definition of Corruption**

The attempt to capture the term corruption in a straight definition has received a generous dose of attention. However, it appears that as far as the term is concerned there can hardly be any definition that ends the search for a better definition. What is certain is that the word corruption is a noun form of the verb corrupt. The word “corrupt” has been defined as “dishonest, taking bribes, depraved, rotten, putrid, to make or become corrupt, to infect, to taint”<sup>1</sup> Thus corruption could be said to be any act, omission or conduct that can be said to be dishonest, depraved or rotten by reason of being tainted or infected by improper motive or desire. Accordingly, the

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<sup>1</sup> New English Dictionary and Thesaurus (Scotland, Geddes and Grosset, 1994 p.149)

Dictionary further lists the following words as the thesarus or words similar or that can be used interchangeably with the word corruption: putrefaction, putrescence, rottenness, adulteration, contamination, debasement, defilement, infection, perversion, pollution, vitiation, de-normalization, depravation, depravity, immorality, laxity, sinfulness, wickedness, bribery and dishonesty.<sup>2</sup>

The importance of this literary approach is to draw attention to the fact that corruption does not only connote acts, omission or conducts which are illegal or criminal. It also refers to act which are neither illegal nor criminal but which may be immoral or dishonest and which are not acceptable by the common assent of the people or a community and routs their sense of expected rightful conductor behaviour. We draw support for this definition from the view offered by Stanford Encyclopedia of Philosophy.<sup>3</sup>It states:

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<sup>2</sup>Ibid. p. 694.

<sup>3</sup>Cited in Raji, A.A: "A corruption free society as a Catalyst to National Development" paper delivered at the 2015 edition of the Annual Law week of the Nigerian Bar Association Gwagwalada Branch on 16<sup>th</sup> November 2015 at Multi-purpose Hall, FCT Agency for mass literacy P.11.

Owasonye also agrees with this encompassing meaning of corruption. He finds a general agreement that corruption connotes impropriety and encompasses all forms of reprehensible, indecorous and infamous conduct especially when such is evinced in the performance of some official, quasi-official or fiduciary responsibility.<sup>4</sup>

The Black's Law Dictionary also agrees that corruption is "the act of doing something with the intent to give some advantage inconsistent with official duty and the rights of others, a fiduciary's or official's use of a station or office to procure some benefit either personally or for someone else, contrary to the rights of others."<sup>5</sup>

From the above definitions the common thread about corruption is that it involves all manners of act, omission or conduct or behaviour which is contrary to law or popular morality committed with the improper motive of affecting the right or legitimate expectation of another whether committed in official, personal or fiduciary capacity. It is in this sense that corruption can be viewed as either official or private. Thus, in response to a definition of corruption as "the abuse of power by a public official for private gain" the Stanford Encyclopedia of Philosophy notes:

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<sup>4</sup>Owasonye, B: "corruption: The Enemy within in Ayua I.A (ed): Political Reform and Economic Recovery in Nigeria (Lagos, Nigerian Institute of Advanced Legal Studies, 2001). P. 615.

<sup>5</sup> Garner (ed): Blacks, Law Dictionary, (Wins cousin, Thompson Reuters, 9<sup>th</sup> Ed) 2009 p. 397.

Accordingly, the modern conception of corruption encompasses within its fold all aberrant conduct or behaviour contrary to law or morality. It is perhaps the all pervading nature of corruption that has made the search for its solution elusive especially during the era that fixed corruption with only official or economic misdemeanor. This previous misconception of corruption account for why most solutions proffered against corruption were targeted at finding solutions to the symptoms rather than the root causes.

## **2. TYPES OF CORRUPTION**

Due to the pervading and supervening nature of corruption, it does not yield itself to any acceptable classification. For instance, apart from the broad classification into official and private corruption, some scholars have classified it into economic, commercial, administrative, bureaucratic, professional, organized, working class and moral corruption.<sup>7</sup> Owasonye on his part divides corruption

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<sup>6</sup>Raji A.A: "A Corruption Free Society as a Catalyst to National Development" Being the text of a paper delivered at the 2015 edition of the Annual Law Week of the Nigeria Bar Association (NBA), Gwagwalada Branch, on Monday, the 16<sup>th</sup> day of November, 2015, at the Multi-Purpose Hass, FCT Agency for Mass Education, Gwagwalada Abuja. p.9

<sup>7</sup>Otte; "On the sociological study of corruption" in Odekunle (ed): Nigeria: Corruption in Development (Ibadan, University press, 1986) PP. 14-15 and Khan M.H: "A Typology of corrupt Transaction in Developing countries" IDS Bulletin Vol. 27. No 2, April 1996.

into petty, grand and white collar even though he recognizes that “in reality, reprehensible conduct differs in degrees than in kind<sup>8</sup> Gbefwi adopts Robinson’s scheme of classification of corruption into incidental (individual), institutional (public) and systemic (societal).<sup>9</sup>

In this Reflection we propose to classify corruption into, petty, institutional, grand, systemic and DNA or natural.

**a. Petty Corruption**

This is the most widespread corruption in the sense that it is committed at individual level with a low level magnitude in value and deprivation but found at homes, schools, churches, mosques, private workplaces and among traders and artisans. This type of corruption hardly attracts the attention of government policies against corruption but in reality, it is the breeding place where the official corruptions like institutional and grand corruption are incubated. As would be later argued a public officer must have had the tendency for petty corruption as a private person. Private corruption begets official corruption.

**b. Institutional Corruption:**

Institutional corruption is essentially official corruption. This is because it is the corruption committed by officials of government institutions like ministries, departments and

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<sup>8</sup>Op, cit, p. 607

<sup>9</sup>Gbefwi M.Y “Perspectives on corruption and its control: the Nigerian Experience” in Ayua, Op.cit p.633.

agencies. This type of corruption is fuelled by lack of strict supervision and control over public officials entrusted with providing services to members of the public. The officials exploit the weak system of control to swindle those they are meant to serve by asking for gratification for services or by making services and public amenities unreachable unless their hands are greased. Those who indulge in this type of corruption, range from junior, middle level and senior officials. Having tasted the forbidden fruit, such official pray and wait for opportunity to be appointed or promoted to the headship of ministries, departments, parastatals or agencies to upgrade to grand corruption.

**c. Grand Corruption**

Grand corruption is so named because it is corruption of stupendous magnitude committed almost as of right by the custodians of public fund and trust at the highest rung of political leadership. It is corruption that tends to convert a good percentage of a common patrimony into a private estate by political leaders alone and, sometimes, in collaboration with big players in the private sector. In Nigeria we can easily cite the Abacha loot, the sudden decline of our foreign reserve from \$9billion to \$2billion within nine months under General Abdulsalam Abubakar, the disappearance of \$12billion oil windfall under General Babangida, the Obasanjo library launch by several state governments, the recent \$20billion oil

subsidy scam, the pension fund scam and the ongoing armgate investigation, among others. Another feature of grand corruption is the shameless impunity with which it is committed and the fact that it appears to be autochthonous to Africa or at most developing countries.

The major effect of grand corruption is that in not very rich countries it can lead to the collapse of the entire state apparatus by plunging the state into bankruptcy and unable to meet its recurrent and capital project obligations. The near inability of the federal government to pay salaries during the last days of President Goodluck Ebele Jonathan and the current inability of state governments to pay salaries without federal government intervention and the consequent threat to downsize their workforce or reduce the N18,000 minimum wage can only be explained by the prevalence of grand corruption among the federal and state governments in Nigeria. Lamenting the grave effect of grand corruption, a scholar said:

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<sup>10</sup>Owasonyeop.cit p

Grand corruption can also lead to dictatorship and plunge the country into a reign of tyranny and authoritarianism. Expressing the fear of dictatorship due to grand corruption, President Obasanjo once said:

**d. Systemic Corruption**

Systemic corruption describes a situation where corruption and corrupt way of life have become entrenched the socio-economic and political fabrics of the society or a nation. In systemic corruption, the practice has reached a routine way of life and so does not generate adverse reaction on those on whom it is practised. Under systemic corruption, all other types of corruption are rife and competes in ascendancy and pervasiveness. According to Robinson, under this system

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<sup>11</sup>Taiwo, O: Corruption in the Civil society: The Role of Institution in Ayua, Op.cit p. 615.

corruption is “routinized and accepted as a means of conducting everyday transaction”<sup>12</sup> Yemi Osinbajo appears to be referring to the systemic corruption in Nigeria when he observed that “the main purpose of governance seems to be corruption.”<sup>13</sup>

It is common knowledge that corruption has become a way of life in Nigeria and that even the least cleaner in an office can hold any person to ransom to achieve a corrupt end. Also, corruption has become institutionalized to the extent that non receipted phony fees are demanded and collected from prospective applicant by several government agencies. Thus, it has been rightly suggested that in Nigeria, “it is generally easier to prove that a person is a member of the cult of corruption than for a person to prove that a person is not.”<sup>14</sup>

#### **e. Corruption by Nature or DNA Corruption**

This type of corruption is systemic but while systemic corruption is caused by “low and uneven economic growth, a weak civil society; and the absence of institutional mechanisms to fight corruption”,<sup>15</sup> this type of corruption stems from the fact of the very creation of the socio-economic or political system or a political entity is built on the

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<sup>12</sup>Gbefwi, Op.cit p. 636.

<sup>13</sup> Ibid. o. 633

<sup>14</sup>Owasoaye, Op.cit p. 559.

<sup>15</sup> Ibid.

foundation of corruption. In other words, corruption forms the very nature and identity of the system or the entity.

Nigerian can be said to be founded on the foundation of a corruption. When the British empire came with its colonialist agenda, it met several independent and autonomous empires, emirates, stateless republics and other forms of societies within and around what is known as Nigeria. The colonial powers were quite aware of our differences in several facets of life yet it corruptly, in order to save administrative costs and to ensure maximum exploitation of the people and materials for their home industries, decided to establish one administration over all the pre-existing empires, emirates and republics through the protectorate system and later, the amalgamation of Northern and Southern Protectorates in 1914. Over one hundred years after, the nation is still grappling with the search and quest for an elusive cohesion in terms of national unity.

The corrupt Amalgamation of strange bed fellows has continued to haunt the nation as allegiance has continued to be paid to the original and natural ethnic and tribal political entities than to the strange contraption created against the will of the people. The result is that the Yoruba man does not see the Hausa/Fulani as his brother neither does the Igbo man want to have anything to do with a Yoruba or a Hausa/Fulani.

Any noticeable inter-tribal or religious friendship or acceptance can only be at interpersonal levels and has not translated into our national ethos. This mutual disaffection has become manifest in every facet of our national and public lives to the extent that every debate on agenda for the socio-political and economic development of the nation eventually turns on the ethno-religious divides. The rat race in employment, promotion in public offices, political appointment, electoral process, including the nomination and voting for candidates, etc, also turn on allegiance to the original natural division into tribes, ethnicity and ethnic nationalities.

The point being made is that since the nation itself was created on the basis of corruption, it forms part of our national DNA and so the nation, its people and its political and economic system is not capable of being corruption free. As Taiwo rightly articulated “it is almost an impossibility to have institutions that do not reflect the nature of the civil society in which they are found. In essence if the civil society, is corrupt, the institutions can hardly be insulated from corruption.”<sup>16</sup>

The picture has been painted by an analyst that where five Nigerians from different ethnic extractions are debating any issue of national importance, the position to be taken by each of them would definitely depend on the one benefit which

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<sup>16</sup>Taiwo, O: “Corruption in the civil society: The Role of Institution in Ayua I.A(ed.) *Political Reform and Economic Recovery in Nigeria* (Lagos Nigerian Institute of Advanced Legal Studies 2001) p. 615.

would benefit his tribe or religion more. The analyst continued that the mutual disaffection has so degenerated that where Nigerians, two or more each from the same tribe or religion see a red car and one of them draws others attention to the colour of the car, the others would have to consider the tribe or religion of the person pointing to the red car before accepting that the car is actually red. It means that the colour of the car does not depend on ascertainable facts but on extraneous ethno-religion considerations, so that for one or more of such person the car can be black simply because of the tribe or religion of the first person who first identified the red car.

That is the depraving and lamentable state we find ourselves in a country that once professed that “though tribe and tongue may differ in brotherhood we stand.”<sup>17</sup>In such a situation how can a permanent secretary not corruptly award contract to his kinsmen against due process and competitive bidding nor a Vice Chancellor from one of the “O” state in Nigeria not to corner almost 90% of his admission for the benefit of “O” states applicants.

In some quarters it has been noted that the name of Nigeria should be changed because it is a name conferred on us by Thurstan Shaw, Lord Lugard’s mistress. The argument is that we should adopt a name that is not only autochthonous but

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<sup>17</sup>First Nigeria National Anthem.

which actually depict our identity as a people. In my candid opinion it would not be utterly wrong if we adopt the name “**Corrupteria**” for that would clearly define us as an area founded on corruption, populated by corrupt citizens and administered by corrupted administrators.

### **3. Corruption as a Monster**

A monster has been defined as “any greatly malformed plant or animal; an imaginary beast; a very wicked person; a very large animal or thing.”<sup>18</sup> With this definition and the overbearing pervasiveness of corruption in all the facets of our national life one can easily find the metaphor for corruption in a Monster. If a monster is greatly malformed, it is because it is against the course of nature. Corruption by all intent and purposes can only thrive in a society that has lost bearing with its true nature and calling. Every system of human organization is founded on social solidarity and the pursuit of common good. A system where leaders either politically or fiduciary feed fat by eating the proverbial bone hung on their necks can only be an anathema and an aberration, a convoluted system unleashed on a land that devours its inhabitants.

If a monster is a beast, corruption is even more bestial than the beast. Of course nothing good comes from a beast and certainly nothing good comes out of corruption. Rather it kills, plunders and destroys the economic, social and political fabrics of a nation.

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<sup>18</sup> Geddes and Grossert p. 392.

Nigeria has remained in a state of arrested development due to corruption. This is because corruption has affected the execution of critical development projects and national plans, exacerbated and reinforced the economic and debt crisis and hampers social justice and democracy.<sup>19</sup>

A monster has also been defined as a wicked person. The question here is which person or entity or concept can be more wicked than corruption? As one speaks now the Nigerian labour congress and the state governments in Nigeria are on a collision course as a result of disagreement on the latter's offer to reduce minimum wage of N18,000 or down size. If not for the wickedness of corruption Nigeria's wealth can comfortably take care of the whole population of Africa with good standard of living and adequate infrastructure. And just as the Holy book (the Bible) enjoins us not to suffer the witch to live because the witch is wicked, so also many people would not want the wicked to live among them. Thus, it has been rightly advised that "if Nigeria fails to stop corruption, corruption is most likely to stop Nigeria"<sup>20</sup>This is because many deaths by armed robbery, kidnapping, terrorism including Boko-haram has been linked to corruption.<sup>21</sup> In fact corruption is more deadly than all forms of terrorism put together.

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<sup>19</sup>Gbefwi, Op.cit. p. 640.

<sup>20</sup>Owasonye, Op cit p. 612.

<sup>21</sup>Maiyak, T.B: "Death penalty as panacea to corruption in Nigeria: A look at the China example, being the text of a paper declined at the 2015 Edition of the Annual Law week of the Nigerian Bar Association Gwagwalada Branch on Tuesday, the 17<sup>th</sup> day of November, 2015, at the multi-purpose Hall. FCT agency for mass Education, Gwagwalada p.8.

Similarly a monster is described as a very large animal or thing. Without doubt corruption is not only large, it is larger than Nigeria and Africa proving itself to be an international citizen. In Nigeria, it has been described as a citizen or perhaps a spiritual entity close in nature to the Nigerian factor in that it is endemically present while its disciples or children are on the increase and include Nigerians in every facet of life be it in public or the private sector, the academia, religious organization, labour unions, non-governmental organizations, the military, student body, police, the traditional rulership etc.<sup>22</sup>

It has been posited that “in Africa, the state of economic underdevelopment owes much to corrupt practices”.<sup>23</sup> Also, a World Bank Report estimated that a total of \$160million was taken as bribes by civil servants in Mozambique, an equivalent of 90% of government budget. This aggregate amount can well be demanded as bribe for one single project in Nigeria.

Corruption has been shown to be rife even in the so called developed countries. Global Issues has asserted that corruption is not something limited to third world despots, pointing out that rich countries too have been involved in corrupt practices around the world.<sup>24</sup> It concluded that corruption is a “massive problem in rich countries as well as poor”.<sup>25</sup> Accordingly, corruption is an

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<sup>22</sup>Ibid p. 589.

<sup>23</sup>GbefwiOp.cit p. 640.

<sup>24</sup> Ibid.

<sup>25</sup>Raji, Op.cit. p.1

international citizen carrying the passport of almost every country of the world. However, it is the impurity and audacious temerity with which it is committed that gave African and, in particular, Nigeria, a special consanguinity with corruption.

#### **4. Causes of Corruption**

Analysts, scholars and commentators have advanced several reasons for the rise and rise of corruption in Nigeria, Africa and the world at large. On the one hand, lack of transparency, poor working condition, unemployment, a culture of impurity, unjust stratification in society, a culture of selective justice and poverty have been identified as the main causes of corruption.<sup>26</sup> On the other hand Tam David-West has advanced the following seven reasons for the persistence of corruption in Nigeria:<sup>27</sup>

- Obsession with materialism
- Compulsion for short cut to affluence
- Glorification or approbation by the general public or society
- Self-serving ambivalence, hypocrisy or un-seriousness in combating corruption.
- Sacred cowism and inequality.
- Trepidation of “throwing the first store” and glibness with governmental transparency and accountability.

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<sup>26</sup> Ibid pp. 14-19.

<sup>27</sup> Awa, A: Law's Response to corruption, Ayua, op.cit p. 656.

The Political Bureau and other scholars have also advanced similar reasons for corruption in Nigeria. A careful look at all the causes proffered would reveal that they are secondary causes of corruption. They are made up of failure in the system either individually or collectively with the “person” as a vital catalyst. Whether the cause stems from obsession for materialism or sacred cowism or a culture of selective justice, what is certain is that it stems from the failure or omission of a person who has the moral or legal responsibility to act or that he acted in a manner that is inconsistent with his moral or legal duty.

In other words the primary cause of corruption is rather intrinsic and embedded in the personality of the person or authority concerned and not extrinsic manifestation of depraved, demented and irrational nature of the person or authority. Accordingly, the primary cause of corruption especially in Nigeria and other parts of Africa is the adulteration of our core traditional values such as truthfulness, contentment, good neighborliness, rectitude in public office, system of traditional justice, etc as a result of contact with European imperialism. The result of our contact with western civilization was the gradual erosion of our core values which gave way to the breeding of a citizenry bleached of their very essence in return for such values as selfishness, avariciousness, impunity, discontentment, materialism, and individualism with capital accumulation as the main aim of human relation and transactions.

It is this failure of our traditional common hate against value disorientation and aberrant materialism in private life that have eventually translated to corruption in public life for every public official was undoubtedly a private citizen and at the end comes back as a private citizen. In regretting the impact of official corruption on the private life of the citizen leading to corruption in the private sector Maiyaki concluded that “what is happening below is surely a reflection of what is happening above”<sup>28</sup>

With respect, we believe that the reverse is the case, i.e. that it is the corrupt attitude, idiosyncrasies, nuances in private lives of individuals that eventually translate into official corruption when such a person is appointed into public office. After all, in the old days of yaw when according to the Igbo man “there was still footpath beside the breadfruit tree i.e. when moral rectitude was the centre point of private life, there was little or no official corruption. We can cite the examples of Dr. Nnamdi Azikiwe, Sir, Ahmadu Bello, Aminu Kano, Abubakar Tafawa Balawa who held various high political offices but never touched public funds. Rather they served and retired, some even without a roof over their head. So the fear being expressed that “it will only be a matter of time (and not so long a time for the private sector to infect the public sector”<sup>29</sup> has already exploded into reality since the collapse of the traditional cohesion of communal solidarity and the culture

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<sup>28</sup> Maiyaki Op. Cit. p.7.

<sup>29</sup>Raji, A.A. Op.cit p.28

of community disdain for immorality and unbridled materialism. It may be said that the fight against corruption has defied all strategies because the factor of primary cause has never been articulated into all government policy for its reduction or eradication.

## **5. War against Corruption: The Orthodox Approach**

Corruption and the fight against it have always been with us even as far back as the pre-independent period. As such, successive colonial and postcolonial administrations had taken one step or the other to fight it. For instance, during the colonial era several approaches were adopted such as setting up of commissions of inquiry to investigate perceived corrupt practices. The Storey Report (1954), the Foster-Sutton Tribunal of Inquiry, 1957 (Eastern Region) and the Coker Commission of Inquiry, 1962 (Western Region) may easily be cited as examples.

However the post independent attempts to rid the nation of corruption can be categorized into attitudinal change campaigns, use of statutes, commissions of inquiry, anti-corruption agencies, the judiciary and the police.

### **a. Attitudinal Change Campaigns**

Several administrations especially military dictatorships in Nigeria have mounted one campaign or the other aimed at

effecting attitudinal change among Nigerians against corruption and corrupt practices. General Yakubu Gowon's speeches during his regime were usually targeted at persuading Nigerians to change from immorality to moral rectitude especially in the discharge of their civic and official responsibilities. He was known to have invoked the curse of posterity against perpetrators of corruption in government.<sup>30</sup> The moral code against corruption of the General Olusegun Obasanjo administration (1976-1979) was encapsulated in what is now popularly referred to as the Jaji Address of 1977. The civilian of President Shehu Shagari (1979-1983) launched the Ethical Revolution campaign. However the campaign became a mere rhetoric as corruption swallowed up the administration and was cited as the major reason for its overthrow by the Buhari/Idiagbon Regime (1983-1985). This regime mounted the War Against Indiscipline (WAI), a campaign carried out in a war like high handedness. Even though it became popular and was securing the habitual orientation of the citizenry the draconian nature of the regime was the kernel of its own destruction as both the regime and the campaign were truncated by a coup d'etat.

The Ibrahim Babangida administration (1985-1993) evolved the National Orientation Movement (NOM) and Mass Mobilization for Social Justice and Economic Recovery (MAMSER) which

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<sup>30</sup>Gbefwi, op cit p. 646

carried out vigorous campaign against all forms of corruption especially in private and official lives of the citizenry. However, the campaign hardly achieved much as the administration itself thrived on phenomenal corruption.

The Abacha regime (1993-1998) adopted the War Against Indiscipline and Corruption (WAIC). The specific addition of the word corruption was to make Nigerians look the other way while he plunged the national treasury in what later became known as the “Abacha Loot”. Subsequent civilian administrations played down on attitudinal change campaign and rather concentrated on improving the legal and administrative framework for fighting corruption.

#### **b. Use of Statutes**

Recourse to enactment of statutes has been one of the strategies employed in fighting corruption in Nigeria. A catalogue of some of the statutes has been attempted below:

- Criminal Code
- Penal Code
- Corrupt Practices Decree No. 38, 1975
- Weights and Measures Act
- Counterfeit and Fake Drugs (Miscellaneous Provisions) Decree<sup>31</sup> as amended by the Counter Amendment Decree No. 99 of 1992

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<sup>31</sup> Cap 73 LFN 1990.

- Counterfeit Currency (Special Provision) Act<sup>32</sup>
- Bank Employees (Declaration of Assets) Act<sup>33</sup>
- Banking (Freezing of Account) Act<sup>34</sup>
- Civil Service Commission and other Statutory Bodies, etc (Removal of Certain Persons from Office.<sup>35</sup>
- Recovery of Public Property (Special Tribunals) Act<sup>36</sup>
- The Public Accounts Implementation Tribunal (Decree No. 34 of 1990)
- Public Enterprises Regulatory Commission Decree No 35, 1996.
- The Public Complaint Commission Act<sup>37</sup>
- Code of Conduct for Public Officers<sup>38</sup>
- Corrupt Practices and other Related Offences Act 2000.
- Economic and Financial Crimes Commission (Establishment Act No 1 of 2004).
- National Extractive Industry Transparency Initiative (NEITI) Act

### **c. Use of Tribunals and Commissions of Inquiries**

Different governments have in the past utilized the instrumentality of setting up ad hoc tribunals and commissions

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<sup>32</sup> Cap 74 LFN 1990

<sup>33</sup> Cap 27 LFN 1990.

<sup>34</sup> Cap 29 LFN 1990

<sup>35</sup> Cap 54 LFN 1990.

<sup>36</sup> Cap 389, LFN 1990 as amended by Decree No 33 of 1991.

<sup>37</sup> Cap 377 LFN 1990.

<sup>38</sup> Fifth Schedule to the constitution of the Federal Republic of Nigeria, 1999.

of inquiry to fight corruption. Examples of such bodies include the Justice Irikefe Commission of inquiry on the N2.8 saga (1979); the Justice Uwaifo Panel (under Buhari); The Justice Eso Panel on the Judiciary (under Babangida) and the different panels on NNPC, NITEL, as well as the failed Bank Tribunal (under Abacha)<sup>39</sup>

#### **d. Use of Anti-Corruption Agencies**

Some government agencies have been established and institutionalized specifically with the mandate to arrest, investigate and prosecute persons accused of corrupt practices. Some of the agencies include:

- Corrupt Practices Investigation Bureau (CPIB)
- Code of Conduct Bureau
- Code of Conduct Tribunal
- Public Complaint Commission
- Independent Corrupt Practices and Related Offences Commission (ICPC)
- Economic and Financial Crime Commission (EFCC).
- National Extractive Industry Transparency Initiative (NEITI)

#### **e. The Judiciary**

The judiciary has acquired the nickname “Last Hope of the Common Man” but it appears that in the fight against corruption, it is also the last hope of the government. This is because in a constitutional democracy like ours little or nothing can be

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<sup>39</sup>Gbewfi, Op cit. p. 648.

achieved in corruption crusade of the government without recourse to the courts. To discharge the role effectively the judiciary must display “high standards of propriety, integrity, assiduity and personal conduct”.<sup>40</sup> Apart from integrity and transcendental character, a judicial officer must be courageous enough to withstand pressures from powers that be.

But how far the judiciary has been able to discharge this arduous responsibility remains a matter of divergent opinions. It is supposed that as lawyers we would hardly admit openly that corruption has seriously crept into the judiciary due to our duty to defend them at all cost since they can only be seen and not heard. However, in our individual capacities, we know the stories supported by facts and figures that judges who like Caesar’s wife should be above suspicion are giving reasons for the common man to doubt their untrammelled aversion against corruption in a land where “corruption is the biggest and the fastest growing industry”<sup>41</sup>. Even among the judicial officers, it has been admitted that the judiciary does not muster the requisite support system to take us to the Eldorado where corruption would lose its passport as a citizen of the land: Accordingly it has been conceded that:

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<sup>40</sup>Affen, P.O: “The Role of the Judiciary in the fight against corruption in Nigeria” A public Lecture delivered at the 2015 Nigerian Bar Association (NBA) Gwagwalada Branch Law week at Multi-purpose Hall, FCT Agency for Mass Education, Gwagwalada, Abuja, on 17<sup>th</sup> day of November, 2015 p. 8.

<sup>41</sup>Ibid. p.3.

human beings are basically the same everywhere, but what makes the crucial difference between countries perceived as most corrupt and those considered least corrupt is the presence or absence of a strong, effective, efficient and truly independent justice delivery system and the necessary corollary of Nigeria being considered as corrupt is the general perception that our judiciary as the guardian of the rule of law is largely weak and dysfunctional.

So a combination of personal irresistible impulse to eat the “forbidden fruit” among some judicial officers and the deliberate emasculatation of judicial independence by the executive is robbing the judiciary of the ability to stand up to the Monster! It is hoped that as the Chief Justice of Nigeria, Honourable Justice Mahmud Mohammed GCON gears up to implement his threat to rid the judiciary of all corrupt elements, he would also factor in the need to wrestle judicial independence from a very unwilling Executive arm of government.

#### **f. The Police**

The Police is one agency of the State that is very vital in the war against corruption. This is because while the powers and jurisdictions of other security agencies to arrest and prosecute persons accused of offences are circumscribed by their enabling statutes, the police possesses a general and floating power to arrest, detain, investigate and prosecute all crimes and offences.

<sup>42</sup> The fact that the police has been working to discharge its statutory and constitutional duties can hardly be discounted, for if not for the presence of the police within our different vicinities, armed robbers, kidnappers, petty robbers etc would have smoked many of us out of our homes.

However, the Police has also proved not to have the magic wand against corruption. This is because a combination of poor condition of service and want of character among some personnel have turned the “guardian angel” against his most vulnerable subject, sometime not only collecting the traditional N20 but also compromising and compounding the most heinous crimes and corruption cases.

The result is a growing distrust and widening of gap between the police and the members of the public. Accordingly, many Nigerians according to Gbewfi have come to one or all of the following conclusions:

- a. The law enforcement agents are part of the criminal conspiracies and therefore condone such criminal acts;
- b. They (the Police) are party to actual commission of the acts;  
and

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<sup>42</sup> See section 4 of the Police Act which enumerates the function and duties of the Nigeria Police.

- c. They (the Police) are simply not interested or are completely powerless to carry out this most important duty vested in them by the state.<sup>43</sup>

## **6. Need For New Approach to Fighting Corruption**

Corruption has become so pervading, endemic and systemic that fighting it through the orthotic legal system is even capable of overwhelming the entire judicial system, the investigative and prosecutorial agencies and even the recipients of end products of successful conviction that is the prison authorities. We may hazard a conjecture that the entire system of the EFCC is not enough to handle all corrupt cases in one federal ministry in Nigeria, neither do we have enough courts to adjudicate all cases of corruption were every corrupt Nigerian lined up for prosecution. Little wonder that the investigation and prosecution of corruption cases is now selective and shall continue as such. If as we know it, time does not run against the state for prosecution of criminal offences how many of us present can be said to be free of corruption within the past 12months. For those of us in the academics, how many of your colleagues have given you names of candidates who failed your courses and you obliged them by passing such candidates. For courtroom practitioners, how many times have you been utterly broke and you just put a call to your client to “loot him” otherwise the weekend would be bloody or how many times have you

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<sup>43</sup>Taiwo O: Op.cit p. 624.

generated a very fanciful Statement of Defence or Witness Statement on Oath or an affidavit on behalf of your client which process you know not to represent the truth?.

For the market woman selling garri, how many times does she turn the end of cigarette cup to measure her product for her customer in place of the actual measure. What about the fuel station attendant who knowingly omit to return the metre to zero after attending to a motorcyclist before serving a motorist?

The fact is that if corruption should be fought entirely by the orthodox approach all the workers in the ministries, parastatals and agencies need to be investigated and we dare say that at least fifty percent of them should be heading either for the police station, court or prison. The same thing should apply to persons in the employment of the state government and the local governments, including all contractors and employees in the private sector. No state can muster the legal and administrative machinery to address the fight as it should.

It is evident that the traditional approach to war against corruption has failed to cage, incapacitate or destroy the Monster from our personal and national lives. The laws and statutes against corruption are not in short supply, the institutions are all over the place and the “will” at least on paper and public propaganda, is shown to be present. However a “will” without the accompanying

“power” to equal “willpower” to fight corruption is equal to an invitation to oil the wheel of corruption.

Analysts appear to agree that

Gbewfi also agrees that:

What is being contended here is not that all the previous and subsisting traditional efforts at fighting corruption should be jettisoned altogether or that they have not yielded any positive result. The contention is that we must recognize that corruption being a monster cannot yield to traditional legal and institutional approach. There must be a paradigm shift leading to novel and unorthodox mechanisms as complementary efforts to the existing ones.

## **7. War against Corruption: The Unorthodox Approach**

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<sup>44</sup>Ibid p. 625.

<sup>45</sup>Op.cit

### **a. Individual or Unitary Approach**

Corruption has been addicted to laws that the more laws are made the more corruption finds a means of resisting it. The reason for such impervious and addictive nature of corruption can be located in the fact that we do not see corruption as a personal problem or that its persistence leads to personal loss or that it affect us as individuals. The mentality has always been that corruption is an amorphous problem of the general public or the government such that it is only the government action through the instrumentality of the law that corruption can be tackled. Gbewfi has rationalized that “it is not the law that is the problem but rather the attitude of the society to its implementation and enforcement. This attitude could be attributable to the fact that there is lack of consciousness in the public minds of the harm which is caused by corruption to the health and material welfare of the economy and in fact the entire fabric of the nation”

It is contended that unless we personalize the war against corruption, the monstrous cancer shall continue to grow in geometric progression in spite of all governmental efforts and consequent multiplication of laws and prison yards. “The fault” according to William Shakespeare in “Julius Caesar”, “dear Brutus is not in our stars but in ourselves”. The war against corruption must start and end in our individuals selves. It is a failure of rational reasoning to think that the only problem we have is the official

grand corruption that runs into Billions of dollars. The petty corruption we indulge in everyday have even worse effects on the fabrics of the society than the entire Armsgate, Haliburton scam, pension fund scam etc put together.

A brief illustration may further convince us on why every type of corruption must be seen as a personal loss.

- i. If as is being alleged that money meant to procure arms to fight Boko Haram is dissipated in corruption and many military men are lost due to lack of arms, each of such military men is a bread winner of his family. Of course, his death is a personal loss to his wife, children, brothers, sisters, uncles, cousins etc.
- ii. A Senate Committee just submitted a report on the state of federal roads in Nigeria with a verdict that they are death traps. If contract for the rehabilitation of any such roads was awarded and the contract money is misappropriated by the contractor and any person dies on such road by plunging into a pint-hole, such death would be a personal loss to his family and friends.
- iii. If state governments carry out their threat to rationalize staff due to their inability to pay minimum wage of N18,000 (an amount that cannot maintain a dog for two weeks in Aso Rock) due the dissipations of state and national resources in corruption and as a result some teachers, ministry workers

etc are sacked, the children of such workers may be rusticated from school for inability of the parents to pay their school fees.

- iv. If a lawyer out of drafting dexterity composes a falsehood as a Statement of Defence and Witness Statement on Oath and makes a litigant to lose his case for declaration of title to land, the litigant who may be a policeman may need to collect more N20 to be able to buy another piece of land; the lawyer who is now paid by his client, may have to spend more money to pay fees to maintain his daughter for two extra years in the university because she refused to fall to the amorous advances of her lecturer, the lecturer in turn may miss to attend a vital conference abroad due to a visa scam perpetrated on him by his visa agent, the agent who may use the ill-gotten money to buy a piece of land, may just buy a lawsuit in the corrupt dealing of double allocation. The illustration is endless. At the end of the day corruption in any form or guise must be seen as a personal loss in one way or the other. It is a vicious cycle of mutual cannibalism driving each and every one of us to self perdition. Thus unless we individually and collectively kill the monster of corruption, it is hell bent on using us against ourselves to destroy everybody. Any money benefits or gratification gained from corruption practised by one person is lost to another

corruption practiced or perpetrated on the first beneficiary and so on.

## **b. Constitutional Restructuring of Nigeria**

Nigeria is a nation without a soul -that unseen centrifugal force of national cohesion that secures the natural allegiance of the people to the state. The citizens of a nation with a soul are usually highly patriotic and can even die for their nation. On the other hand, a nation with a soul can even go to war to rescue just one of her citizens. This basic attribute is lacking in Nigeria.

Nigeria as a nation is playing the ostrich. It is a nation that lies against itself, pretending that all is well while everything is wrong with the nation especially, its present contraption called federation. Of course every adult Nigerian knows that we are all not one and that our differences overwhelm the efforts to forge national unity and cohesion. Even the most respected and revered Ahmadu Bello, acknowledged far back that there can be no pretension that the people in the present political expression called Nigeria are one.<sup>46</sup>

The political class and the leadership echelon should muster the courage to face the reality and re-arrange Nigeria in such a way that Nigeria falls into its natural division of homogenous ethnic nationalities without going the extreme of dismembering the nation.

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<sup>46</sup> In an interview with a foreign journalist where he acknowledged that the Igbos are manifestly different from northerners in their attitude to life.

This can be achieved through a loose federation in which ownership of resources and administration goes to the federating units which in turn contribute to the centre to enable it maintain currency, defence, and foreign relations, among others.

This step would be one major disincentive to corruption. Since untrammelled allegiance in Nigeria is easily paid to the ethnic nationalities, each people would have the burden of developing their nationality and commonwealth of the people are more likely to be judiciously spent. Corruption engendered by mutual prejudice and disaffection in the form of nepotism in the present arrangement would be drastically reduced.

## **8. Ethical Re-Orientation**

Iron sharpens iron may be a truism, but same cannot be said of a statement like detergent bleaches detergent. No. Rather detergents bleach coloured clothes. This could well illustrate the grave impact of colonialism on African traditional values. Our contact with colonialism actually succeeded in washing off our most cherished primordial values of respect for elders, esoterism around the elders as custodians of truth and good conscience, contentment, common hate against avarice and undue materialism, communal upbringing of children, sharing, preserving common patrimony for common benefits, etc.

Our sense of communal welfare and accumulation of commonwealth for common good was replaced with mindless pursuit for material wealth and respect for material acquisition, no matter how such was acquired.

We need to go back to the basics. We need to re-discover ourselves as common haters of sudden unexplainable wealth. This can be done at several levels including at home, school, government, policies of ethical reorientation and religious bodies and institutions. The doctrine of  may be a great challenge to ethical reorientation of the people. This is because regrettably many parents and teachers have no ethical or moral reservoir from where to orientate the children. The stories emanating from religious bodies about corruption and unhealthy leadership tussle are not offering much hope for worship centre doing much about ethical and moral reorientation. Be that as it may, we have to start somewhere. Anthropologists believe that it would take between 50 and 100 years to completely re-orientate a people by gradually removing ethical contamination from generation to generation. This is a viable option for Nigeria after all, what is 50 or 100 years in the life of a nation? The government through the National Orientation Agency should do more than just being another Ministry of Information.

## **9. Conclusion**

It has been said and we concur that a new Sheriff is in town and the slogan is: “If Nigeria does not kill corruption, corruption will kill Nigeria”<sup>47</sup>. This paper is a clarion call that we should realize that corruption is a rampaging Monster with the promise of swallowing us up individually and collectively unless some unusual measures are taken to arrest it. One of such unusual measures being put forward is that each and everyone of us must rid ourselves of the corrupt tendencies inherent in our day to day lives some of which have metamorphosed into a way of life. So, if after today any of us listening to this Reflection still tells lies in affidavit to pervert the course of justice, sexually harass our student or engage in money for mark, hide away a person’s file for gratification, dispense fuel without rubbing off previous sale, sell any article with abnormal profit after swearing to a very marginal profit, engage in double allocation of land to swindle innocent persons, acquire land allocation with fictitious names, etc., then such a person is part of the recipe for the utter destruction of Nigeria and its people by corruption. I call on all of us to make this solemn pledge today:

**I pledge to purge myself of all corrupt tendencies and practices because they affect me personally and affect the nation at large, and corruption that goes around comes around.**

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<sup>47</sup>Affen Op.cit p.7.

The second appeal here is that if the truth must be told, corruption runs in the veins of Nigeria by the very nature of its creation. If after one hundred years we are still grappling with the question of whether allegiance should be to Nigeria or the ethnic nationalities it may be better that Nigeria be restructured by constitutional arrangement for a very loose federation before the inherent vice in Nigeria destroys the state, the system and its people. If the constitutional restructuring can save the people of Nigeria so be it before corruption kills the mother, the child and the house-help. “IF NIGERIA DOES NOT KILL CORRUPTION, CORRUPTION WILL KILL NIGERIA”.