

## **CORRUPTION AND NATIONAL DEVELOPMENT IN NIGERIA'S FOURTH REPUBLIC: A HISTORICAL DISCOURSE**

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### **Abstract**

This paper examines the heightened level of corruption in Nigeria as it affects national development initiatives since the return to democratic rule in 1999. It argues that corruption which has been considered as a general disease in the body politics, public exploitation and abuse of public offices for private gain has made the country circumnavigating in her developmental efforts. And for this reason, the country is being perceived or reputed as one of the top failing states in Africa. The paper recognises the correlation between financial corruption and national development and therefore submits that financial corruption can be stemmed down through the demonstration of strong political will and commitment or adherence to the rule of law when adequate punishment is meted on corrupt leaders and individuals. It analyses the current trends of financial corruption since the birth of the fourth republic and therefore concludes that, the endemic nature of financial corruption which have permeated all levels of governance (executive, legislature and judiciary) in the country is an evidence of failure of good governance and lack of transparency and accountability in the country's democracy.

**Keywords:** Corruption, Financial Corruption, Development, National Development, Governance

### **INTRODUCTION**

Corruption, an ethical and moral problem which varies from place to place, time to time, culture to culture and with the level of economic development (Aluko,2008), is a global phenomenon that affects developed, developing and underdeveloped nations of the world. Corruption is the major cause of poverty around the world. It occurs at all levels of governance, that is, local and state. All over the world, the perception of corruption especially in public places is very high. This is because, corruption undermines every aspect of national development among which are, political development, economic development, social development and so on. It should be emphasized here that it is not just only in governance that corruption is found; it is equally noticeable in every human society.

Specifically, the high rate of corrupt practices in the post independence period in Nigeria is noticeable in various governments (civil & military) occasioned by mismanagement and misappropriation of fund, lack of transparency and accountability, arbitrary award and inflation of contracts, embezzlement, bribery, diversion of fund and so on. The effect of these corrupt practices over the years on Nigeria's national development especially in the fourth republic cannot be overemphasized.

As would be argued in this discourse, the high incidence of financial corruption in governance since the post colonial Nigeria in general and fourth republic in particular (1999 till date), is hinged on lack of good governance and inept

leadership, lack of rule of law and so on. This is why the country has been variously rated by some international organizations as not only among the most corrupt nations of the world, and has also been perceived as one of the top most failing states in Africa as noticeable in the high rate of poverty, dearth of infrastructure, prevalence of criminality, insurgency, youth restiveness among others.

Against this backdrop, this paper is divided into six sections. The first section deals with introduction; the second section focuses on conceptual clarification; the third section centres on historical trajectory of corruption in governance in Nigeria; the fourth section discusses corruption in the Fourth Republic; the fifth section examines financial corruption and national development in Nigeria; while the sixth section is the conclusion.

### **CONCEPTUALIZATION OF SOME MAJOR CONCEPTS**

In discussing the issue of this nature, it is imperative to conceptualize some fundamental concepts as they are very vital in this discourse. Among key concepts that need to be properly conceptualized are; corruption, financial corruption, development and national development.

**Corruption:** The word “corruption” has been variously defined by many scholars, agencies, writers from different standpoints and perspectives. The Concise Oxford English Dictionary (Wordsworth Reference) defines corruption as putridity, taint, debasement, spoliation, impurity, perversion, bribery, dishonesty, venality, rottenness and immorality. The International Monetary Fund (IMF) defined corruption as “abuse of authority or trust for private benefit; and is a temptation indulged in not only by public officials but also by those in positions of trust or authority in private enterprises or non-profit organizations” (IMF, 2000). The ICPC and EFCC Acts 2000 and 2004 respectively give broad definition of corruption. The EFCC Acts cited in Abimbola & Adesote (2012) empowers the Commission to investigate, prevent and prosecute offenders who engage in: *“money laundering, embezzlement, bribery, looting and any form of corrupt practices, illegal arms deals, smuggling, human trafficking, and child labour, illegal oil bunkering, illegal mining, tax evasion, foreign exchange malpractices, including confecting of currency, theft or intelligent property and morally, open market abuse, dumping of toxic, wastes and prohibited goods....*

According to ICPC Act section 2, corruption includes vices like bribery, fraud and the other related offences. It also sees corruption as the abuse of power or position of trust for personal or group benefit (monetary or otherwise). According to World Bank (2000), corruption can be defined as “the abuse of public office for private gains”. By this connection, public office is being abused for private gain when an official accepts, solicits or extorts a bribe. It is equally abused when private agent actively offers bribes to circumvent public policies and processes for competitive advantage and profit. Besides, public office can also be abused for personal gain even if no bribery occurs but when there is patronage and nepotism as well as the theft of state assets and the diversion of state resources meant for an identified specific project. According to Justice Emmanuel Olayinka Ayoola, former Chairman of ICPC, “the commonest form of corruption in Nigeria used to be bribery but in recent years this has been overtaken in level of prevalence by embezzlement and theft from public funds, extortion, abuse of discretion, abuse of public power for private gain, favouritism and nepotism, conflict of interest, extortion and illegal political party financing”. The above definitions of corruption show that corruption goes beyond financial aspect. It includes moral, behaviour, electoral, disobedience and so on. Meanwhile, for the purpose of our discourse, our major focus will be on financial corruption which is very injurious to national development.

**Financial Corruption:** Financial corruption is essentially material, financial and economic. Financial corruption is traceable to some of the enumerated aspects of corruption like diversion, mismanagement and misappropriation of fund, embezzlement, theft from public funds, abuse of discretion and abuse of public power for extortion or bribe. According to Aluko (2008), the essence of financial corruption is bribery and illegal and greedy acquisition of public funds into private pockets, which otherwise would have been invested for the public good. The Corrupt Practices Decree of 1975, that described corruption by restricting it to bribery which means the offer, promise or receipt on any gratification as inducement or reward is a good example of financial corruption. In the pursuit of the efforts to reduce graft in the world, the Transparency International embarked on an annual grading of countries according to their degree of financial corruption, beginning from the most corrupt to the least corrupt. This was done by awarding marks out of ten marks to each of the considered countries, the lowest marks being awarded to the most corrupt and the highest marks awarded to the least corrupt (Aluko, 2008). Usually, huge amounts stolen from various sources of financial corruption, which cannot be legitimately explained as earnings, are siphoned and hidden across the borders to foreign banks especially in the developed countries, regarded as safe haven.

**Development:** In the words of economists, development cannot and should not be mistaken for growth. This is because; the problem in Nigeria is that the word “development” has been couched in terms of material things rather than people. It should be such as conscious and careful exploitation of nature to satisfy human needs. It should not be seen as an item to be possessed like a new car but a sustained effort towards a clearly defined national goal (Raji, 1999). Seers (1969) sees development in terms of a reduction in three variables- poverty, unemployment and inequality. Seers definition was corroborated by Todaro (1977) when he says that: “Development must therefore be conceived of a multi-dimensional process involving changes in structures, attitudes and institutions as well as the acceleration of economic growth, the reduction of inequality and eradication of absolute poverty”. Hodder (2000) also sees development as an economic, social or political process which results in a cumulative rise in the perceived standard of living for an increasing proportion of a population”. This definition suggests that an increased standard of living involves a social and political process as well as an economic one. This improvement in the standard of living must be both cumulative and in the long duration rather than just temporary. Development which must be seen as an overall qualitative improvement in the lives of a people or a political community is expected to address the issues of social welfare, equity and justice. According to the UNDP, the central purpose of development should be the creation of an enabling and empowering environment in which all the individuals, including the poor and the vulnerable can enjoy healthy and creative lives (UNDP, 1997).

**National Development:** National development is the ability of a county or countries to improve the social welfare of the people such as providing social amenities like quality education, potable water, infrastructural facilities, medical care, and so on (Abimbola & Adesote, 2012). This means that national development must involve the aggregation of national resources of the country for the general well being of the citizenry in terms of their social and economic advancement (Abimbola & Adesote, 2012). Raji (1999) conceptualised national development in terms of progress in three major dimensions in the life of a nation. These dimensions are economic, political and social or moral. Balogun (1972) makes the concept of national development more vivid when he wrote that, national development entails producing more and better food to eat, healthier and happier individuals, better living accommodation, improved transportation and communications system, sound education and enlightenment among the populace, and generally, more money floating

around. The above definitions of national development centre on people and their quality of lives in the society. This means that whatever kind of changes being witnessed in the various sectors of the society should have positive influence on the people.

### **HISTORICAL TRAJECTORY OF CORRUPTION IN GOVERNANCE IN NIGERIA, 1960-1999**

The historical trajectory of post colonial Nigerian predicament is hinged on the emergence of various corrupt leaders (civilian and military). In spite of the abundant natural and human resources, the so-called Nigerian leaders have not only found it difficult to institute or run the semblance of a modern state, but have also failed to build the country as a nation. Corruption is not a recent phenomenon that pervades the Nigerian state. Since the creation of modern public administration in the country, there have been cases of official misuse of resources for personal enrichment. Some scholars have argued that the rise of public administration and the discovery of petroleum and natural gas in the post colonial Nigeria are two major events that have led to a litany of ignoble corrupt practices in the country. Over the years, the country has seen its wealth withered with little to show in living conditions of the average human being. One Nigerian political leader, late Obafemi Awolowo raised a salient issue when he said, since independence, our governments have been a matter of few holding the cow for the strongest and most cunning to milk, under those circumstances everybody runs over everybody to make good at the expense of others (Awolowo, 1979).

The pervasive corruption has been often been blamed on colonialism. But since the fifty-two years of post colonial Nigeria, the country has unable to get rid of corruption; rather, it continues to permeate every arm of government (executive, legislature and judiciary) especially since the birth of the fourth republic.

The development of corruption in Nigeria dates back to the First Republic especially between 1963 and 1966 (Tignor, 1993). Various allegations of election fraud and corruption were said to have characterized the later part of the First Republic, which was evidently used as a justification by the military to intervene in the country's body politics and invariably led to the collapse of Balewa administration in 1966 (Akinola, 2009). Despite the anti-corruption crusade of the military interventionists (1966-1979), they were themselves caught in the web of corruption. The oil boom, arising from the sudden upsurge in the foreign revenue from the petroleum products exports fuelled the growth of corruption under the various military administrations (Akinola, 2009). The impression of various successive military administrators then was that that the problem of Nigeria was not how to get money but how to spend it (Akinbi, 1999). During the Gowon regime, contracts were awarded and payment made up-front while concrete efforts was not made to supervise or monitor such projects (Omotoso, 1988). When Gen Muritala came in 1976, he decided to set up an Assets Investigation Panel to examine the assets of all the former military governors, the administrator of the defunct East Central State and the Federal commissioners in reaction to the rash of allegation of impropriety leveled against them. Ten out of twelve governors were guilty of various offences ranging from graft to abuse of office. The only two governors that were found clean were Brig. Mobolaji Johnson of Lagos and Oluwole Rotimi of Western State. All the affected governors were dismissed from service with ignominy and their earnings-asserts totaling over #10 million for which they failed to account for were seized. Following the assassination of Gen. Muritala, who appeared to restore integrity and accountability in governance considering the first step he took, his Vice, Gen. Olusegun Obasanjo was sworn in as the new Head of State but could not pursue the vision of his predecessor. He was submerged in the quagmire of allegation of

corrupt practices. One of this was noticeable in the implementation and execution of Operation Feed the Nation (OFN) (Glamour, 2004).

During the Second Republic (1979-1983) under the leadership of Alhaji Shehu Shagari, the first Executive President of Nigeria, there were numerous allegations of financial corrupt practices leveled against the government by the military government that overthrew it in December, 1983. The Shagari government promoted high rate of corrupt practices through the award of contracts. This was why Bala Usman (1984) cited in Suberu (1990) described his regime as “contractocracy regime”, meaning, *a government of contractors by contractors for contractors, all bonded together by the logic of fraud and corruption*. The administration was however tagged “inept and corrupt” (Suberu, 1990). In addition, Mallam Nuhu Ribadu, when he was the Chairman of EFCC, described the regime of Shagari as that “characterized by gross financial indiscipline and profligacy, wanton waste, political thuggery, disrespect for the rule of law, and bare-faced free-for-all looting of public funds through white elephant projects” Ribadu, (2006). One could therefore agree with the submission of Usman and Ribadu by corroborating it with the step taken by Major Gen Buhari when he toppled the government in 1983 and became the new Head of State in 1984. The government of Buhari established Special Military Tribunals under Decree No. 3 of 1984, called Recovery of Public Property Decree; and probe bodies to investigate public functionaries that served in the Shagari administration (Falola, et al, 1991). The probe panel under the leadership of Justices Sam Uwaifo and Muhammed Bello tried and found at least about 65 public officers who amassed illegal wealth in various ways (Adelekan, 2012).

The administration of Buhari/Idiagbon which was the first in the country to provide stiff penalties for all public officers through the giving of long prison sentences from 21 and above and as well introduce social policy and control measures such as War Against Indiscipline was toppled by Major. Gen Ibrahim Badamasi Babangida (who later became a General) in a palace coup in 1985. The regime of Babangida was credited with the dubious achievement of “democratizing corruption” in Nigeria (Akinola, 2009). According to a popular story as cited in Akinola (2009), Babangida government actually encouraged official peculation, warning military officers being appointed by him as state governors: “don’t come back and tell me that you are still poor”. This story could also be corroborated by another one by a high-ranking member of the political/military establishment cited in Akinola (2009) on corruption. He says: *A military head of administration told me that when the idea of corruption for all and all for corruption was being peddled as “what people want”, he strongly and stoutly resisted and his resistance was part of the cause of his ouster. I heard stories of succeeding military head of administration (emphasis added) offering jobs and opportunities to people and saying, “Don’t ever tell me that you and your family are poor again!”* (Akinola, 2009). The regime would always be remembered for high rate of corrupt practices and mismanagement and misappropriation of the abundant wealth of the country among which were, \$12 billion or so called Gulf War Oil Windfall of 1991, #400 million wasted on Better Life project, #615 million spent on illegal Association for Better Life (Akinola, 2009).

The military government that overthrew the Interim National Government of Chief Ernest Shonekan under the leadership of late Gen. Sani Abacha did not only toe the corrupt line of his immediate predecessor (Gen Babangida), but also perpetrated more evil of corrupt practices than him. His regime witnessed worse forms of financial corruption in the country. This view could be buttressed by the words of Father Kukah. Father Kukah (2000) cited in Adelekan (2012) says: *Even though, the rule of President Babangida witnessed sheer brigandage, his government kept up certain*

*pretensions towards accountability. However, General Abacha, medieval predatory approach, his outright theft of state resources under dubious camouflages turned the country into a sort of zoo.* Abacha government was notable for high rate of money laundry being carried out by his son, Mohammed. Evidences showed that his son, Mohammed, literally carted away foreign currencies of different denominations from the Central Bank of Nigeria (Akinola, 2009). Late Abacha and members of his family was reputed to have embezzled over \$4.3 billion which were saved in foreign banks (Adelekan, 2012:315). In consonance with the report in Adelekan's work, it was revealed in media that late Gen. Sani Abacha "paralysed the machinery of governance and pauperized the citizenry in five years of dictatorship and frenetic looting (Tell, 2006). He was equally reputed to have stolen US\$1.13 billion and 413million British pounds sterling, apart from US\$386.2million defrauded through fictitious and inflated contracts (Tell, 2006).

The sudden death of Gen. Sani Abacha ushered in another military dictator, in person of Gen. Abdulsalami Abubakar in June 1998 as the new Head of State of Nigeria. By that time, all what the Nigerians wanted was democracy. Since Abdulsalami was willing to give democracy to Nigerians, nobody was interested in whatsoever was going on in the administration. It was at the inception of the new democratic government in May 1999 that the country woke to the rude shock of depleted foreign reserves (Glamour, 2004).

#### **FINANCIAL CORRUPTION IN THE FOURTH REPUBLIC, 1999-2012**

Before we begin to discuss various cases of financial corrupt practices inherent since the birth of the fourth republic, it is imperative to briefly have a glimpse of various transitions that had taken place since the republic began. Meanwhile, under this section, we are not so much concern about the details of the political intrigues, deft manoeuvres and various electoral frauds and malpractices that not only propelled Chief Olusegun Obasanjo to power through the vehicle of the Peoples Democratic Party (PDP) in May, 1999 which marked the beginning of the Fourth Republic, but also other successive administrations up till 2011. One basic fact remains that power was eventually transferred after a virtually interminable military transition process that began with Gen Ibrahim to democratic governance in 1999. Gen. Abdulsalami Abubakar was said to have brought the transition to a logical conclusion. And, thus, since 1999 till 2011 there have been successful transitions from one civilian government to another, though occupied by the same political party (i.e PDP), such as (1999 to 2007); 2007 to 2011; and 2011 till date.

One of the major challenges confronting the new democratic government since 1999 is endemic financial corruption in every arm of governance (executive, legislative and judiciary) in the country. In fact, considering various cases of financial corruption being perpetrated in governance since 1999 till date, one can easily conclude that financial corruption has actually been institutionalized in the country. This is noticeable in various ratings of the country since 1999 by Transparency International and others as either the most, second most or top ten most corrupt countries of the world. Various issues of financial corrupt practices in the country would be analysed under three major arms of government (executive, legislature and judiciary). It is important to emphasize here that in our discourse on the cases of corrupt practices in governance in the Nigeria's fourth republic, attempt is not made to discuss all the corrupt practices that were being done. Attempt would be made to cite cases of some major corrupt practices perpetrated by political leaders at federal, state and local governments in the country.

## **FINANCIAL CORRUPTION IN THE EXECUTIVE ARM OF GOVERNMENT**

A number of financial corrupt practices were carried out in the executive arm of government in the country since 1999. This financial corruption was not limited to federal government alone. Both the state and local governments were equally guilty of corrupt practices. The perpetration of financial corruption at the executive arm of government involved embezzlement, mismanagement and misappropriation of fund, diversion of fund, award and inflation of contracts, and so on. For example, at the state government level, a number of ex-governors who ruled between 1999 and 2007 were alleged by EFCC for financial impropriety when they were in government within those years. Among them are Lucky Igbinedion of Edo State, Ayo Fayose of Ekiti State, Peter Odili of Rivers State, Chimaroke Nnamani of Enugu State, Saminu Turaki of Jigawa State, Orji Uzor Kalu of Abia, James Ibori, Diepreye Alamiyeseigha of Bayelsa State and Rev. Jolly Nyame of Taraba State. For instance, James Ibori, was arraigned on a 170-count charge (Tell, 2012) of money laundering over N9.1 billion (Kofarmata, 2005); Orji Uzor Kalu of Abia was arraigned on a 191- count charge of money laundry, criminal diversion of public fund, official corruption of totalling #5.2 billion (Tell, 2012) and was also accused of using his loot of N3.1 billion to fund SLOK Airline and two banks in the Gambia and Sierra Leone, in addition to owning houses in London and the US (Kofarmata, 2005); Saminu Turaki of Jigawa State, who is now a serving senator, was accused of spending N36 million of public funds to acquire oil blocks from the Federal Government; Rev. Jolly Nyame of Taraba State was charged with stealing N1.6 billion belonging to the state; and Nnamani is standing trial for his alleged illegal diversion of public funds totalling N5.6 billion, alongside two of his former commissioners, Peter Mba and Sam Ejiofor and some companies linked to him; and Diepreye Alamiyeseigha was arrested on 40 counts of corruption and money laundering. In July 2006, British authorities returned about 1 million pounds (US\$1.9 million) of the allegedly illicit gains that he stashed in British banks (Kofarmata, 2005).

One important area where financial corruption was noticeable in the executive arm of government, with special reference to the federal government in particular was in the area of road infrastructure. Since the birth of the fourth republic, majority of federal roads across the six geo-political zones were awarded by different successive governments at huge amount, up till today none of these roads have been completed. For example, the report of the CBN on the survey of Highways in Nigeria revealed the total number of roads to be constructed throughout the six geo-political zones between 1999 and 2001 but was not constructed as a result of outright embezzlement. The report showed that less than 10% of the funding request made by the Federal Ministry of Works and Housing for road maintenance was appropriated. It reveals that despite the total funds released for road maintenance across the country between the year which were N509.29 million, N742.72 million and N779.84 million respectively, yet, most of the road in the Southern area and Northern zones were in very poor conditions. Some of the poor conditions of roads include; potholes, gullies, peel-offs, lack of gutters and so on. Among those notable roads are Owerri-Onitsha roads, Enugu-Onitsha road, Owerri-Umuahia road (all the south-east zone); Lagos-Ibadan road, Ibadan-Ife road, Benin-Lagos road and Ibadan-Ilorin road (all in the South-West); Kano-Kaduna road, Kastina-Funta road (all in North-West); Akwanga-Markurdi road, Ayungba-Markurdi road (all in the North Central); and Bauchi-Gombe road, Bauchi-Ningi, Bauchi-Tafa-Balewa-Langtang roads (all in the North-East) (CBN Report,2003).

The above report of CBN could be corroborated with the words of the former Auditor-General of the Federation, Mr. Vincent Azie, which eventually led to its sack by Obasanjo administration. Mr. Vincent, as reported in the Thisday Newspaper of May 14, 2003 cited in Iyoha & Enabunene (2005) indicted the presidency and the National Assembly of corruption. He particularly indicted the presidency of expenditure that cannot be accounted for, paying for jobs not executed, outright stealing of over #23 million through over invoicing, double debiting, embezzlement and inflation of contract figures (Iyoha & Enabunene, 2005).

Also, it was revealed that no fewer than 37 contracts awarded by the Federal Government for the construction and rehabilitation of roads between 2002 and 2010 awarded by the Federal Ministry of Works valued at N308.13bn were yet to be completed. The details of the contracts which are contained in a document titled “completed and substantially completed projects and projects awarded under Appropriation states that 11 road projects valued at N131.13bn were awarded between 2002 and 2009, while 26 projects with the total value of N176.6bn were awarded in 2010. Some of these projects include the N36.3bn Benin-Shagamu road project; N42.3bn expansion of the Abuja-Abaji road contract awarded to three different contractors since 2006; the N15bn contract for construction of the Kano Western Bypass awarded in May 2007; and the N30.85bn contract for its expansion into dual lanes of the Onitsha-Owerri expressway and Onitsha Eastern Bypass awarded in July 2002 (The Punch, Tuesday, August 2, 2011).

#### **FINANCIAL CORRUPTION IN THE LEGISLATIVE ARM OF GOVERNMENT**

At this arm of government, majority of financial corruption being carried out deals with cases of bribery scandals which are being levelled against chairmen and members of probe panels of different special commissions set up within the legislative body to investigate reported cases of corruption committed in the country. It is very pathetic that some members of these committees who are expected to investigate cases of corrupt practices also ended up in becoming corrupt. In fact, there were several cases of this ugly incidence since the fourth republic began in the National Assembly. Both the Senate and House of Representatives were guilty of this scenario. In a bid to address cases of corrupt practices levelled against the National Electric Power Authority (NEPA), the House of Representatives set up a committee known as Ndudi Elumelu committee on Power probe in 2007. The committee started well by inviting both the former ministers of power and other officials of NEPA but up till today, the report of the committee was both disowned by some of the committee members and was drowned by counter-attacks. Besides, the chairman of the power probe, Hon. Ndudi Elumelu was alleged to have involved in corrupt practices during the hearing of the case.

Another noticeable area where the Federal legislatures have equally involved in financial corruption is the recent allegations of bribery scandal levelled against the chairman of the House of Representatives, Ad Hoc committee on fuel subsidy regime probe and other members of the committee. Following the removal of subsidy on fuel in 1<sup>st</sup> January, 2012 by the President, Dr. Jonathan which led to the increase in fuel price from #65 per litre to between #138 and #200 per litre across the country, the Nigerian Labour Congress, Trade Union Congress (TUC) and other associations and civil society embarked on strike which lasted for more than a week. The strike which was later called off by the NLC chairman after agreements had been reached with the presidency resulted in the partial removal of subsidy on fuel and the reduction of fuel to #97 per litre. The development that later followed was the investigation of how subsidy being paid on the importation of fuel into the country was implemented. This was what made the House of Representatives to constitute an Ad Hoc committee on fuel subsidy regime probe. The committee was constituted and Hon. Farouk Lawal,

former chairman, House committee on Education was made the chairman of the committee. The committee also started well initially like that of power probe committee (The Punch, Monday 9, 2012).

Having worked for some months, the committee was able to discover about 18 oil companies that were not registered but collected subsidy on fuel illegally from the federal government. It was in the process of listing the names of the oil companies that it became known that the chairman of the committee had been bribed with \$3 million by one of the oil markers, so that the name of his company be removed from the list. In order to investigate the allegation of bribery scandal levelled against Hon. Farouk Lawal, House of Representatives Committee on Ethics and Privileges was set up. The chairman of Zenon Oil and Gas Limited, Mr Femi Otedola was invited by the committee and thus testified before the committee that a sum of #620,000 was given to Hon Farouk Lawal and the clerk of the committee, Mr. Boniface Emenalo, from agreed \$ 3 million as part payment for the clearance deal (Nigerian Tribune, Friday 22<sup>nd</sup>, June, 2012: 1-2). In another media report, it was said that Hon. Farouk Lawal gave the said amount to Hon. Adams Jagaba, chairman of House of Representatives committee on Drugs, Narcotics and Financial Crimes. But Hon. Jagaba disproved the allegation levelled against him by Hon. Farouk (Saturday Tribune, 23<sup>rd</sup> June, 2012:9). Up till now, Hon. Farouk has not been able to prove his innocence of the allegation.

Besides the above discussed examples of financial corruption in the Lower House of National Assembly, evidences equally showed that there allegations of financial corruption against some senators in the Upper House of National Assembly between 1999 and 2007. For example, In July 2000, an investigative panel found evidence of inflated procurement contracts in the National Assembly, some awarded to companies in which legislators had a financial interest. High-level officials are implicated, including Senate President Chuba Okadigbo and Senate Deputy President Alhaji Haruna Abubakar. In August 2000, Okadigbo was impeached for corruption and misappropriation of funds. After his impeachment, Okadigbo was indicted for spending public money on cars and car furnishings and resigns in October. Also, in March 2005, Education Minister Fabian Osuji was fired for allegedly bribing the National Assembly to secure more funds for his ministry. He formally protested that such behavior is common at all levels of government. In April, Senate Speaker Adolphus Wabara resigned after President Obasanjo accused him of accepting Osuji's 51 million naira (US\$400,000) bribe. In addition, the former president's daughter, Senator Iyabo Obasanjo-Bello, Chairman, Senate Committee on Health was enmeshed in two different financial scandals. In December 2007, Iyabo Obasanjo-Bello, was involved in a contract scandal amounting to N3.5 billion involving her and an Austrian firm. According to the EFCC, the senator used her mother's maiden name, Akinlawon to conceal her identity in the contract involving M.Schneider GMBH. She was also alleged of mismanaging a fund allotted to the Ministry of Health. The scandal led to the resignation of Mrs. Adenike Grange and her deputy, Gabriel Aduku. After a series of interrogation, she was eventually arraigned in court over N300 million unspent budget scam the EFCC (Pogoson, 2009).

## **FINANCIAL CORRUPTION IN THE JUDICIAL ARM OF GOVERNMENT**

Since the birth of the fourth republic, a dramatic variation was said to have existed across the country over citizens' perception of the presence of corruption in the judicial arm of government, a vey institution entrusted with upholding the rule of law. The various cases of corrupt practices since 1999 in the Nigerian judiciary which mainly centered on bribery involves the acceptance of financial or material gain and non-material gain, with the sole of aim of influencing judicial proceedings or administration of justice. Corruption in the judiciary can be placed under two major categories as viewed

by Langseth and Bryane (2003). They are administrative corruption and operational corruption. While administrative corruption according to them occurs when court administrative employees violate formal administrative procedures for their private benefit, operational corruption takes place in grand corruption schemes where political and/or considerable economic interests are at stake (Langseth and Bryane, 2003: 21).

Our major concentration in this discourse is that kind of corruption that occurs when judges in the courts (Tribunals, Court of Appeal & Supreme court) are exposed to various political cases that invariably resulted in some of them taking bribe in order to pervert the course of justice. While it might be expected that this brand of corruption involves only the transfer of financial incentives to secure a favourable judicial decision, this is by no means the only way in which judicial corruption can happen. Examples of this kind of brand of corrupt activities were very prevalent in the fourth republic which almost tore the Nigerian judiciary apart. For instance, a report by the International Commission of Jurists on Nigeria stated that “judicial corruption remains a major concern, and between 2002 and 2005, no fewer than 6 superior court Judges, including 2 Justices of the Court of Appeal, were removed from their posts on charges of corruption, while a number of other judges are under investigation.” (<<http://www.icj.org/IMG/NIGERIA.pdf>>)

The tide of judicial corruption changed dramatically in the 2003 election cycle, along with the heightening of political stakes. The elections themselves produced more than the usual share of absurd outcomes. This led to the setting up of judicial tribunals across the country to examine cases of electoral frauds. Thus, the judicial tribunals were brimmed with angry politicians. A number of angry politicians submitted that judges had been corrupted following the outcome of some judgment on disputed elections. This submission could be supported with some judges who were caught with their hands in the cookie jar. Four judges -- M. M. Adamu, T. Ahura, James Isede, and A. M. Elelegwu – who participated in the tribunal that examined the governorship election petition in Akwa Ibom state, were dismissed from their posts for bribery in 2004. The fifth judge, David Idiong, who was the state chief judge at that time, was said to have allegedly distributed the bribes (Ugochukwu, 2004: 69)

In 2005, arising from their handling of the appeal in a senatorial contest in Anambra state, Okwuchukwu Opene and David Adeniji, both of the Nigerian Court of Appeal, were removed from their posts for well-proven acts of corruption. In fact, their judgment ended in a bizarre drama when members of the audience, in an expression of anger when the judgment was being read, forced the judges to flee in different directions. A committee set up under the auspices of the National Judicial Council and chaired by a retired judge of the Court of Appeal established that Opene took 15 million naira (US\$100,000) in bribes while Adeniji accepted 12 million naira (US\$80,000). The third judge, Kumai Bayang Akaahs, was said to have rejected the amount which was offered him and thus, instead delivered a dissenting judgment (Ugochukwu, 2009:39).

This trend of financial corruption in the judiciary continued in 2007 following the outcome of general election which was termed to be the worst election ever conducted since the post colonial Nigeria. The result of the general election spawned the largest amount of election cases in the country’s history. Allegations of financial corruption were made afresh against the tribunals; again, though no judges were caught, in some cases those allegations contained credible claims that could have been further investigated but for the most part were not. In Anambra state, for example, a member of one of the state tribunals resigned as its chair, citing pressure from unnamed sources to transfer cases on three different occasions to

another tribunal for no given reason (Ugochukwu, 2009:103). The chairman of the tribunal that first examined the 2007 presidential election petition, James Ogebe, was promoted to the Supreme Court just days before the judgment of the tribunal he chaired was due (Ugochukwu, 2009:102). Apparently reacting to public outrage at this development, he stayed away from the tribunal on the day judgment was given. The government had no explanation for why the promotion could not at least be delayed until the job of the tribunal was completed. Also, in Osun state incontrovertible evidence existed that the chairperson of the tribunal, Thomas Naron, had informal phone contact forty-six times with the lawyer for one of the parties in the state governorship petition while it was pending. Several text messages also passed between them (Adegbamigbe, 2008:2). The lawyer in question offered no defense to this allegation other than a letter from the telephone company indicating that they did not authorize the release of the call records. Similarly, in Ondo state, the chairperson of the tribunal, Joseph Ikyegh, alleged an attempt by unidentified persons to bribe the tribunal members to the tune of 100 million naira (Ugochukwu, 2009: 100)

Corruption was also noticeable in the outcome of the Court of Appeal judgement over the 2007 governorship election in Kebbi state. At the tribunal established in the state, the election of Governor Usman Saidu Dakingari (PDP candidate) was nullified. Meanwhile, at the Court of Appeal, strange thing happened to the earlier verdict given at the Tribunal. The court upturned the judgement of the lower court in favour of the PDP candidate. Ordinarily, it is expected of the Court of Appeal to uphold the decision of the Lower Tribunal, especially where the Lower Tribunal is not bias in its judgement. Examples of these could be seen in the similar judgement of the Tribunal and Court of Appeal in the 2007 governorship elections in Ondo, Ekiti and Edo States. The case of Kebbi state was a different one. Not so amazing was that a more-favorable verdict went to the party in the case of Kebbi state whose governorship candidate of the PDP married to the daughter of late President Umaru Yar'Adua. The dilemma was made more real given that the Court of Appeal did not indicate that it was departing from the earlier judgment, as required by the principles of precedent. It however became clearer that the Court of Appeal that upturned the Tribunal judgement of the 2007 governorship election in Kebbi State was corrupt following the judgement of the Supreme Court. The Apex court on Friday 24, February, 2012, set aside the judgement of the Court of Appeal and in its stead upheld the judgement of the Kebbi State Tribunal which had earlier nullified the governor's election and ordered a fresh one (Saturday Tribune, February 25, 2012).

At inaugural sessions in Ekiti, Borno, and Lagos states they thus pleaded that no bribery efforts be made (Ugochukwu, 2009:100), but this did very little to dissuade claims of corruption even if they were unproven. The then chief justice of Nigeria promised to launch an investigation into widespread allegations that one of his predecessors in office was named in attempts to interfere with tribunals in a particular region of the country. The result of this investigation, if it ever took place, remains unknown (Ugochukwu, 2009:101). The recent rift between the then President of Court of Appeal, Ayo Isa Salami and the then Chief Judge of Nigeria, Aloysius Kastina-Alu, which led to the suspension of the President of Court of Appeal was hinged on corrupt practices. The National Judicial Council (NJC) in accord with its statutory and legal duties in 2011 set up a special investigative panel to determine the culpability or otherwise of certain judicial officers with respect to allegations of financial corruption that rocked the judicial arm of government over several cases of election petitions across the country (Sunday Tribune, March 4, 2012: 8). The NJC Probe Panel was initially headed by Justice Umaru Abdullahi. Justice Dahiru Musdapher, former Chief Judge of Nigeria testified before NJC Probe Panel that Kastina-Alu never told Salami in his presence to give judgement in favour of any party in the Sokoto governorship election appeal in which Salami was currently receiving the sticks on issues regarding election petition (Nigerian Tribune,

Wednesday 11, July, 2012: 4). Though the NJC had lifted the suspension of Ayo Salami, the fact remains that allegation of financial corruption was levelled on the Judiciary.

## **FINANCIAL CORRUPTION AND NATIONAL DEVELOPMENT IN NIGERIA'S FOURTH REPUBLIC: A DISCOURSE**

There is a correlation between financial corruption and national development in Nigeria. The essence of financial corruption is bribery and illegal and greedy acquisition of public funds into private pockets, which otherwise would have been invested for the public good. Financial corruption undermines democracy and the legitimate of the state, reduces the potential for economic growth, and threatens the freedom and security of citizens, all together constitutes hindrances to national development.

The high rate of financial corruption in Nigeria has affected her image in Africa and the world. Since the birth of the fourth republic, the country has variously been rated by Transparency International (TI) as among the most corrupt nations of the world on one hand; and by another international organisation like Fund for Peace as one of the top failed states in both Africa and the world on the other hand due to mass poverty, corruption, insecurity and unemployment. In its 2001 report on worldwide corrupt practices, Transparency International (T.I), considered Nigeria to be the most corrupt, country, falling from the fifth position in 1998 to the first position, in 2001. In the 2003 corruption indices of 93 of the 193 member countries of the world, 191 of which are members of the United Nations (excluding Taiwan and the Vatican City – The Holy See). Nigeria became the second most corrupt, country after Bangladesh, even though Nigeria's score fell from 1.9, in 1998, to 1.4, in 2003. Several of the countries x-rayed in 1998 were not ex-rayed in 2003. No country scored 10 marks in 2003, the highest score, Finland, being 9.7, indicating that every one of the 93 countries, including Denmark that was most clean in 1998 with 10 marks, had a degree of corruption. In 2004, T. I survey covered 146 countries. In that report, Nigeria was rated the third most corrupt country, beating Haiti and Bangladesh to the second and last positions respectively. (T.I. Report 2004). In the 2006 rating on the T.I Corruption Perception Index, Nigeria moved to the eleventh (11th) position out of 50 selected countries (Aluko, 2008)

Despite reduction in the rating of Nigeria from most corrupt in 2001 to the 11<sup>th</sup> position in 2006 of which could be as a result of the few activities of EFCC and ICPC between those periods, the rate of increase in the per capita incomes and human development indices was very low and very small. The reason behind this was that the rate of corruption was still high. This was noticeable her corruption perception index scoring 2.2. It would be very difficult for countries whose perception index was below 5 to increase their per capita incomes. For example, most of the countries that have more than 5 corruption perception index in 2006 Botswana (5.6), Barbados (6.7), Denmark (9.5), Sweden (9.2), Finland (9.6), among others increased their per capita incomes between 1998 and 2006 by over 50 per cent, in spite of their initial high incomes in 1998. These countries equally have the least incidence of corruption and the highest human development indices, because they provide elaborate welfare facilities for their citizens from the cradle to the grave. Their respective governments constitute the engine of growth of their economies. They do not role back their governments as is the vogue in Nigeria. They do not privatise public utilities and properties, nor do they enrich private people at the expense of their citizens, and, income differentials among persons are reducing from time to time in order to ensure national economic harmony (Aluko, 2008).

Corruption undermines the legitimacy of the state. It is the lack of legitimacy that creates fertile soil for corruption to grow. It is a known fact that when the citizens of a state see how financial corrupt practices continue to engulf every arm of governance, they are tended to lose faith in that government, and thus conclude that such a government is incapable of working for the interests of the majority of citizens. This could be corroborated by the submission of Eigen (2002). He says that when this happens, the citizens have at least three choices to make. First, they could force the resignation of the corrupt officials. For example, in 2002, protesters demanded the resignation of President Estrada of the Philippines on allegation of corrupt practices when they discovered that the legislature failed to act on evidence of his corruption (Eigen, 2002). Second, they could find alternate avenues to gain the access needed to government such as creating an underground economy. Third, they could accept the costs associated with a corrupt judiciary. For example, citizens in Guatemala are discouraged from using the legal system because of the ease with which criminals are able to benefit from the corruption (Scott and Welna, 2003). Therefore, if the chosen avenue becomes too much of a threat to the government it will become politically unstable.

Economically, financial corruption hinders economic development both internally and externally. It is a major paralysis on the economy. Internally, corruption prevents competition and causes the government to operate inefficiently. Externally, corruption inhibits foreign direct investment both by diverting aid into corrupt hands and increasing the costs of doing business in the country (Thurow, 2003). It is very pathetic when a certain Australian national who came to Nigeria for a particular project was prevailed upon by his Nigerian principals who were then in government to inflate a contract by an increase of a sum of N5.5bn. He however portrays Nigerians as a people who hold down the horns of our parents' cow for others to milk (Ekwueru & Daminabo, 2008). Corruption not only contributes immensely to the problem of mass poverty and but have rendered millions of Nigerian youth unemployed. The poverty profile of Nigerians has continued to worsen year by year. For example, the UNDP Development Report 2001 places Nigeria at no 148 out of 173 countries surveyed. The situation worsened in 2003 report, which put Nigeria at 152 among the 175 countries covered. The Fund for Peace in 2012 report for the year 2011 ranked Nigeria as one of the top 10 failed states in Africa and the 14th in the world. The computation of the 2011 ranking of about 178 countries in the world as revealed by this international organization involves a lot of factors which are issues of poverty aggravation, security, economic development, public services and so on. Meanwhile, in the 2011 report for the year 2010 data, Nigeria was ranked 8<sup>th</sup> considering heightened level of insecurity, corruption, growing poverty and unemployment (The Punch, July, 2012). The report of this international organisation can be corroborated with nation's reports on the level of poverty in the country. According to Federal Republic of Nigeria- Niger Delta Regional Development Master Plan, 2008, about 70% of Nigerians are living below the poverty level. Also, Dr. Yemi Kale, Statistician General of the Federation at a Press Conference in Abuja on the high rate of poverty in the country as at December, 2011, he said that, North West and North East geo-political zones recorded the highest poverty rate in Nigeria with 77.7% and 76.3% respectively, South-South and South-East with 60%, while the South West recorded the least percentage with 50% (*Nigerian Tribune*, Tuesday 14<sup>th</sup> February, 2012).

More importantly, corruption undermines democracy. It is a major factor responsible for the failure of governance, democratic values, rule of law and the prevalence of poor leadership. This view was supported by the former President of Nigeria, Chief Olusegun Obasanjo. He succinctly put it in a speech at the Public Procurement Bill Workshop (Abuja, July 12 2004) that "evidently, a corrupt economic arrangement can never produce a political system that is stable, just,

inclusive, and democratic.’. According to Eigen (2002), corruption circumvents the workings of democracy in three ways. First, many acts of corruption undermine human rights by fostering discrimination; second, it undermines political and civil rights, such as free speech and fair elections, which are important to the development and perpetuation of a democracy; and third, democracy is more likely to be successful in a wealthy country. He asserts that corruption is more likely to occur in underdeveloped countries. Aluko (2008) supported this view by saying that where incomes are less unequally distributed (developed nations) the incidence of corruption is lower than where there is a high degree of inequality in income distribution (underdeveloped nations). Thus, more socialist and more welfarist economies tend to be less corrupt than capitalist or market-oriented, individualistic economies like Nigeria. It therefore follows that corruption will make it harder for a country like Nigeria to sustain her democracy.

## **CONCLUSION**

Prior to the 1999 Constitution, the Federal Government passed into law decrees to combat Banking Fraud, Foreign Exchange Fraud and Business and other Related Frauds. At the inception of the fourth republic, the federal government also under the leadership of Chief Olusegun Obasanjo presented a bill for establishing anti-corruption agency to the National Assembly which was eventually passed into law and thus led to the birth of the Independent Corrupt Practices and Other Related Offences Act, 2000; The same government also took another frantic step to set up another anti-graft agency known as the Economic and Financial Crimes Commission in 2002. Besides these two anti-graft agencies, other acts like the Anti-Money Laundering Act, 2002, the Anti-Drug Enforcement Act, 2002, and the Fiscal Responsibility Act of 2005, were promulgated to strengthen the previous legislations on bribery and corruption in the country. The Federal Government has also put into operation, the Due Process Mechanism to reduce fraud in the award of government contracts and in spending of public funds. Despite all these measures being put in place to reduce the international image of Nigeria from being one of the most corrupt countries of the world in general and to ensure national development of the country in particular, the situation is still far from being abated.

The two anti-corruption agencies over the years have remained toothless bull dogs. This is actually noticeable in the cases of financial impropriety levelled against nine ex-governors by the EFCC. None of these ex-governors was prosecuted by the EFCC. The most dramatic of the incidence was the way Mr. Marcel Awokulehin, the trial judge dismissed the case of Ibori, arguing that he had no case to answer concerning allegations of financial impropriety preferred against him by the EFCC (The Punch, Wednesday 18, 2012). The actual truth was revealed when the said ex-governor who was discharged acquitted in Nigeria was later arrested in Dubai, the United Arab Emirate and handed over to the British Authorities was tried in London over allegation of money laundering. The Southwark Crown Court, London found Ibori guilty and thus sentenced him on Tuesday April 17, 2012 to 13 years imprisonment on a 10-count charge of money laundering and fraud amounting to about £200 million (#50.4 billion) (Tell, 2012). In fact, the implementation of the anti-corruption programme during Obasanjo administration was directed at witch his hunting opponents. His anti-corruption crusades were not only conspicuously selective but would be better remembered for witch hunting political opponents or party members who posed any threat to his style of governance and his anti-third term agenda. Against this argument, it is pertinent to ask this question. Since their inception, how many corrupt political leaders have they been able to prosecute? Out of the ex-governors that were indicted in 2007, how many of them were prosecuted? It is high time our leaders stopped deceiving themselves that they are actually fighting corruption in the

country. The fight against corruption is more than a mere propaganda which has always been the tradition of Nigerian leaders.

One of the reasons for persistence increase in the cases of corrupt practices in every act of governance in Nigeria is because of lack of transparency or accountability. Accountability forces the government to focus on the public interest rather than personal interests. Holding a government accountable (i.e. responsible for its actions and subject to scrutiny) includes both the implementation of effective monitoring tools and the involvement of the public to question the government on the reported results. On the other hand, Transparency which provides insight into the activities of government officials is also lacking. When faced with reforms that open their actions to public scrutiny corrupt officials are resistant, knowing that the transparency will increase the likelihood that they are caught and decrease the opportunities for corruption. The absence of these two characteristics of good governance (accountability & transparency) in Nigeria has been a major factor responsible for high rate of corruption in the country.

Financial corruption can be fought in Nigeria through constitutional framework. Constitutional provisions that foster constitutionalism/rule of law are necessary to be effectively enforced in Nigeria. Various arms of government the executive, legislature and judiciary must be alive to their constitutional duties. This view was corroborated by Prof. Paul Ochige, a professor of law at the University of Windsor, Ontario, Canada when he said that legal instrument would not be enough to curb corruption in Nigeria. He suggested that African leaders must wake up to their constitutional responsibilities. He submitted that African leaders need to demonstrate political will and commitment to tackle corruption rather than engaging in the unproductive proliferation and graft agencies that end up being more toothless bulldogs.

Finally, national development is achievable in a less corrupt society where good governance is being promoted through quality political leadership. The inability of our leaders to actually fight corruption since the birth of Nigeria in general and the fourth republic in particular is because the country has not been able to produce real leaders. Those ones that have emerged in the post colonial period are not leaders but rulers. If they are leaders indeed, their vision would have been how to make life comfortable to majority of Nigerians through bringing into reality the dividends of democracy rather than pursuing their own self interest. By comparison, Asian-Tigers like Singapore and Malaysia, through the strategic vision (a major feature of good governance) and hard work of their leaders and against all odds were able to break away from the circle of dependency; and transform the economy of their countries. Even in Africa, countries like Botswana, Ghana and South Africa among others are making frantic efforts towards economic development of their countries. One fact remains that it is not that these Asian Tigers like Singapore, Malaysia; African countries like Ghana, South Africa and Botswana are free from corruption, but, the high rate of corruption in these countries are at low ebb when compared with Nigeria. In the various reports of T.I on Corruption Perception Index of countries of the world since the year 1998, none of them had ever been rated among the most corrupt nations of the world. Besides, the Corruption Perception Index of those countries, especially with respect to the 2006 report by T.I are not only higher than that of Nigeria scoring (2.2); and Botswana, Malaysia, Singapore, South Africa and Ghana scoring (5.6), (5), (9.4), (4.6), (3) respectively but have resulted in successful increase in their per capita incomes and human development indices.

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