ANTI-CORRUPTION CRUSADE IN A POST-COLONIAL STATE: PROBLEMS AND CHALLENGES

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Abstract
Endemic corruption has become an issue of major political and economic relevance in recent years. This has led to a resurgence of interest in analyzing the phenomenon and the diverse forms that it assumes in developing polities with an expectation that democratization and economic liberalization offer potential routes to dealing with the problem. As Nigeria moves towards her 51st independence anniversary, the polity is at crossroads in its fight against graft. Aside from its internal battle to fight corruption, recent revelations on mega bribery scandals being perpetrated by the ruling elites have confirmed that corruption is a cancer that may stunt the nation’s growth. In spite of the efforts of the Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practices and other related Offences Commission (ICPC) stem the rising tide of corruption in the country. The socio-economic menace has continued to maintain its upwards trend, especially among public servants and political appointees. Critiques of the anti-corruption agencies blame the ugly trend on the mode of operation and of the agencies, which according them should be restructured. Some observers have also put the threshold on the criminal justice system and call for the creation of a separate court with the jurisdiction to try all allegations of corruption. The paper examines in a thematic form the various forms and types of corruption. The article also identifies various reasons that inhibit the graft war in Nigeria and the implications for governance. The paper concludes by positing that the recent political history of corruption in Nigeria suggests that corruption is not new, and that, indeed, corrupt practices have been part and parcel of Nigerian politics from inception.

Keywords: Corruption, Anti graft agencies, Fraud, Corruption Perception Index, Illicit Financing, Governance, Transparency, Bribery, Embezzlement

Introduction

It is axiomatic to posit that corruption is a complex and persistent cancerous global phenomenon, which characterises the world economy. Corruption as one of the oldest phenomenon in human society has endured to date. It exists throughout the world, in developed, developing and under developed polities alike. In recent years there have been significant increase in the attention paid to corruption among scholars, civil society groups, multilateral and donor agencies, in part due to senses of high incidence and level of corruption cases and the costs of corruption among societies.
Corruption in Africa is a development issue. African countries cannot bear the cost of corruption which impedes development and minimises the ability of government to reduce poverty. Effectively addressing corruption in the African continent has become a development comparative. Thus, within the last decade or so, the issue of corruption has taken the centre stage in development discourse and Africa being the poorest and most under developed continent, despite its commence human and material resources, is the laboratory for those discourses (see Lawal, 2007 and Babawale and Onuoha, 2007 and Emu, 2011).

Ayittey (1992) observes that there was colonial exploitation in the past, but today the main exploiters and oppressors of African peasants are the African elites. Officials: public and private, extort commission on foreign loan, contracts and deposit them in overseas banks. Those entrusted to defend and promote the public interest have generated an institutional looting and capital flight that plague the African economy. An estimated $20 billion, more than what Africa receives in foreign aid, vanishes from Africa annually. Herman Cohen, former United States of America Assistant Secretary of State for African Affairs, said in 1991:

> Over the last 10 years, Africans themselves have exported $20 billion a year into banks accounts in Europe and the United States buying real estate. So if Africans do not have confidence in their own continent, why should the rest of the world? (Cohen, 1994:4)

Without doubt, corruption has permeated the Nigerian society and in the words of Achebe (1975:50): “any one who can say that corruption in Nigeria has not yet become alarming is either a fool, crook, or else does not live in this country”. Achebe (1975:55) remarked that “keeping an average Nigeria from being corrupt is like keeping a goat from eating yam”. Corruption reached its peak in 2001 when the country was rated by Transparency International as the third most corrupt nation in the world. People who are publicly known to milk the system even command respect because of their extravagant life style financed with stolen wealth.

Put differently, Nigeria’s rating on the global corruption index perception index has remained very high. Officials in the ministries, departments and agencies can hardly conduct government business for which they are employed without expecting some form of gratification. Elected representatives arms of government recklessly help themselves to public vote while reports of sharp practices in the temple of justice are equally rife.

In the name of “using money to make money”, dubious individuals in the private sector, particularly the banks, stock exchange and insurance, commit financial crimes without blinking an eye. Revelations of the scandalous diversion of depositors’ money by erstwhile sacked bank chiefs like Cecilia Ibru and Erastus Akingbola among others have a sour taste in the mouth.

The hope of the populace would have been much assured were the law enforcement agencies excusable from this mess. And the lingering Halliburton and Simen scandals introducing high profile politicians and administrators not only reminds the polity of how deep we have sink in the moral abyss, but attests to the institutionalisation of corruption.

Why back in the 1980s, General Ibrahim Badamosi Babangida’s Political Bureau gave a broad characterisation of corruption in Nigeria. Corruption, according to the report:

> … Pervades all strata of the society from the highest level of the political and business elites to the ordinary person in the village. Its multifarious manifestations include the inflation of government contracts in return for kick backs; frauds and falsification of accounts in the public service, examination malpractices in our educational institutions including universities, the taking of bribes and perversion of justice among the police, the judiciary and other organs for administering justice, and various heinous crimes against the state in business and industrial sectors of our economy; in collusion with multinational companies such as over invoicing of goods, foreign exchange swindling, hoarding and smuggling. At the village, level, corruption manifests itself in such
forms as adulteration of market goods or denting measures to reduce their contents with a view of giving advantage to the seller (FGN, 1987)

Ibrahim Babangida spent seven years as military president without being able to reverse the trend if anything, the situation got bad as it was under his regime that the cynical slang “settlement” used in neighbourhood gossips become registered in public discourse. However, things actually migrated from bad to worse under late General Sanni Abacha. The trend shows no hope for abating ever since.

The setting up of Independence Corrupt Practices and Other Related Offences Commission (ICPC) and Economic and Financial Crimes Commission (EFCC) by former President Olusegun Obasanjo between 2000 and 2004 was meant to tackle corruption. Before then there were extant laws and legislations on graft, just as there were agencies assigned the duty of curbing the “cancer”. Ironically, it was the same Obasanjo that recently declared in Geneva that Nigeria lacks the political will to fight corruption. But should it be so? Why are government strategies against graft not winning the war against corruption? Are they options for winning the anti-graft war? This paper will attempt to address these questions.

This paper is divided into four parts. The first part analyses definitional issues, categorises corruption and its manifestations. The second part explores the theoretical perspective upon which the paper rests. The third section discusses the major problems and challenges facing anti-graft war in Nigeria. The last part offers solutions and concludes the paper.

Clarification of Concepts
Corruption: forms and typologies

Corruption has no uniform definition. This is because what is regarded as corruption depends on the actors, the profiteers, initiators, how and where it takes place. It also depends on the existing laws and regulations guiding certain actions. Some countries define corruption in the broadest form while others legislated on the narrow definition. The socio-cultural contests and the time dimensions also make a unique definition difficult. There are also levels of corrupt practices. As a result of the fluidity and the evolving nature of the term, the United Nations (2000), the World Bank (1997), Transparency International (1995), Khan (1996) and ICPC Act (2000) among others have adopted a descriptive approach and criminalization of the act to describe what act is corrupt. For example, the United Nations clearly highlighted bribery, embezzlement, illicit enrichment, abuse of office, laundering of proceed of corruption, and obstruction of justice among others as corrupt acts.

The World Bank (1997:2) defines corruption as “the abuse of public power for private benefit”. The Transparency International (1995:1) defines it as “the abuse of entrusted power for private gain”, Khan (1996:68) on the other hand views corruption as the “behaviour that deviates from the formal rules of conduct governing the action of some one in position of public authority because of private motives such as health, power or status”.

Table 1 below examines Nigerians position from 1996 to 2009.

Table I: Corruption Perception Index Rankings

<table>
<thead>
<tr>
<th>Year</th>
<th>Rankings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>54 out of 54</td>
</tr>
<tr>
<td>1997</td>
<td>52 out of 52</td>
</tr>
<tr>
<td>1998</td>
<td>81 out of 85</td>
</tr>
<tr>
<td>1999</td>
<td>98 out of 99</td>
</tr>
<tr>
<td>2000</td>
<td>90 out of 90</td>
</tr>
<tr>
<td>2001</td>
<td>90 out of 91</td>
</tr>
<tr>
<td>2002</td>
<td>101 out of 102</td>
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</tbody>
</table>
From the above theses corruption may be divided into three types: extortive, manipulative and nepotistic. The former refers to a situation where one is forced to bribe in order to gain or protect one’s rights or needs. The second refers to an attempt to influence decisions in one’s favour in any area of life. The last refers to preferential treatment of relatives and friends in appointments to positions, which can also include organizational nepotism that is, special favours given to political parties or organizations.

For our purpose, corruption refers to any behaviour that deviates from the formal rules of conduct governing the action of someone in position of public trust and authority because of private motives such as wealth, power or status. This definition is significant because it identifies corrupt acts to include fraud, bribery or other improper actions or transactions aimed at changing the course of events, judgments and positions of trust. The activities of Nigerian leaders capture this descriptive definition of corruption.

On the basis of the above definitions, the basic characteristics of corruption are as follows:

1. It is a deliberate or intentional exploitation of one’s position, status or resources;
2. It may be done directly or indirectly;
3. It is done for personal aggrandizement, whether it is a material gain or an enhancement of power, or prestige or influence;
4. It is done by violating legitimate or sanctioned or commonly accepted norms of behaviour; and
5. It is done against the interest of the community or other persons (Sharma and Sadana, 2005:770).

Akinyemi (2010(a) and 2010(b) has shaded light on the major constituents of corruption to include. Bribing, trading in influence, graft, patronage, nepotism and cronyism electoral and note fraud, embezzlement, kickbacks, unholy alliance, and organized crime.

Theoretical Framework

The theoretical framework of analysis adopted in this article is the Marxist theory of Post-Colonial State. We shall elaborate on this by looking into the nature, and character of the Nigeria State and its mode of capital accumulation in the economy in general and the failure of anti-graft war in particular.

The State in the post-colonial periphery is a capitalist type of state, even though to some extent it is different from the state in advanced capitalist formations. According to the Marxist theory,
the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984:10-11). This state, which arose from the conflict between and among classes, is as a rule, the state of the most powerful, economically dominant class, which by this means also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakubowski, 1973:41). Thus, according to Marx and Engels (1971:38) “the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie”.

Therefore, contrary to the claim of Western liberal or bourgeois scholars, the state is not class neutral, rather, it is immersed in constant class struggle within and between the various institutional groups that make it a reality (Ezeani 2008).

The classical Marxist theory of the state has been further developed to take into consideration the peculiarities of the neo-colonial state (see Alavi, 1972, Saul, 1974 and Ekekwe, 1986).

The main attributes of a neo-colonial state as seen by the Marxist theory include:

- The state as an instrument of class domination.
- The centrality of the state and its apparatuses as the main instruments for primitive accumulation especially by the dominant class and their foreign collaborators.
- The renter or extractive nature of the state.

As Ekekwe (1986:12) rightly noted;

*The difference between the two forms of capitalist state is thus: that whereas the state in the advanced capitalist formations functions to maintain the economic and social relations under which bourgeois accumulation takes place in the periphery of capitalism; factors which have to do with the level of development of the productive forces make the state, through its several institutions and apparatuses, a direct instrument for accumulation for the dominant class or its element.*

This peculiar attribute of the neo-colonial state can be traced to the colonial epoch. The Colonial Governments in their bid to achieve their economic interests discouraged the emergence of a strong indigenous capitalist class. This they achieved by discriminating against African businessmen in the disbursement of bank loans, award of contracts and other business incentives. In the absence of indigenous capitalist class strong enough to establish hegemony over the state at independence, the neo-colonial state such as Nigeria became the main instrument of economic investment and economic development. Beside, the new indigenous bourgeoisie that inherited control over the neo-colonial state and its apparatuses had a very weak economic base, and hence relied on this control for its own capitalist accumulation (Ezeani 2008:4).

Critical to understanding this, is an appreciation of the nature and character of the Post-Colonial Nigeria. Many scholars such as Graf (1988), Diamond (1986) and Joseph (1996) have identified capitalist rent seeking, patrimonialism and prebendalism as the major characteristics of Post-Colonial Nigeria State. Some have even fancifully referred to the Nigerian State as a “rogue state” (Joseph, 1996). These characteristics have combined with one another, and with many others, in complex dynamics, to undermine the Nigerian State’s capacity to discharge those fundamental obligations of modern state to its citizens, such as socio-economic provisioning, guarantee of fundamental human rights and freedoms, ensuring law and order and facilitating peace and stability as preconditions for growth and development (Jega, 2002:36).

The unique nature of the Neo-Colonial State such as Nigeria therefore, has primarily on the fact that it combines that function of serving as a major instrument of capital accumulation with that
being a direct instrument of class formation and domination. As Milliband (1977:109) puts it, “The state is here the source of economic power as well as an instrument of it; state is a major means of production”.

The Marxist theory of state is very significant to understanding and explaining the anti-corruption crisis in Nigeria. Applying the theory, it is argued that those who have presided over the state have tended to personalize power and privatize collective national resources, while being excessively reckless in managing the affairs of the nation. Indeed, the state has become the prime mover of capitalist development and class formation, with all the associated contradictions that this is wont to spew up.

Put differently, the criminal justice system in any polity reflects the socio-economic system in operation. That is, the criminal justice system in a capitalist society is a reflection of the capitalist mode of production operated by the polity. The anti-graft agencies operating in Nigeria is operating in the interest of the rich and influential members of Nigerian society. This confirm the thesis that he who controls the means of production equally dominant other aspects of human life. The rich and influential are the dominant members of the Nigerian society who benefit from dependent capitalism; and have also conspired to make the anti-corruption agencies operation in the society to reflect their interest. Also, there are equally corrupt. Sa’ad (2002:13) has posited as follows:

Clearly, then the turning of the state into a primary source of capital accumulation appears to account for the existence of corruption among the public servants in Nigeria. Corruption may be more outrageous at the top level of the public service, but in general the occurrence of corruption in Nigeria takes place across all levels of public service. The pervasiveness of corruption is as a result of turning state into a main source of private accumulation; it has at least two main effects on law, justice and state in Nigeria. The Nigerian Law Enforcement agents and Judicial Personnel and Socio-cultured units of Nigerian Society can hardly remain immune to corruption.

Similarly, Odekunle (1978:91-92) observed that:

Even if crimes by the powerful are discovered, the probability of arrest, prosecution, conviction or imprisonment is rather low. The benefit of doubt is given to those with wealth and prestige while money is available to them to hire well connected and influential lawyers to bribe character witnesses, to pay convicted since they are usually given the alternative of a fine.

According to Eme (2009) the Obasanjo government constantly withdrew billions of naira and spent same from the consolidated revenue account without the written or verbal expressed consent of the National Assembly. The government also consistently disobeyed judgments of the Supreme Court especially the order of the court to release over 38 billion naira of local government funds owed Lagos State government. Petroleum pump prices were increased 6 times during the tenure of the administration without due process. This arbitrariness also showed in the sudden hike of the Value Added tax (VAT) from 5 to 10 percent. All over the place it was one form of breach or another. The aftermath of these was a situation of insecurity, insensitivity, lack of transparency in public affairs, all, strong indicators of poor governance.
The same question agitated the minds of Alex Ekwueme, former Vice President and other prominent Nigerians in 2005. Ekwueme who is not given to commenting frequently on national issues opened up on the issue in June 2005. In a five-page document, he criticized former President Obasanjo for acting lawlessly. With specific reference to the continued withholding of the funds meant for local governments in Lagos State, despite the Supreme Court judgment, Ekwueme said the President was acting as if he was above the law. He noted that in spite of the clear, unambiguous, and unequivocal unanimous decision of the Supreme Court, the federal government continued to hold the statutory allocation due to Lagos State.

The former Vice President is surprised that with the battery of lawyers available to advise the federal government, the president nevertheless persists in perpetuating illegality. However, Ekwueme believes that there are limits of presidential outlawing and constitutional provisions for curbing the excesses the president in this matter.

The May 14, 2005, launching of the Obasanjo Presidential library was also described as an abuse of power. The late Gani Fawehinmi said that the launching of the library as illegal and unconstitutional. About N6 billion was realized from individuals and corporate bodies at the event. The radical lawyer thereafter filed an action against the president at the Federal High Court, Abuja over the project; joined in the suit as defendants are the Economic and Financial Crimes Commission, EFCC, and Independent Corrupt Practices Commission, ICPC, and Code of Conduct Bureau.

In the suit, Fawehinmi wants the court to determine whether it was abuses of power for Obasanjo a serving President to launch an Obasanjo Presidential library at Abeokuta, Ogun State on May 14 2005 and receive gifts of money for that purpose from federal government contractors and beneficiaries. He claims that this amounts to corrupt practices and abuse of power contrary to section 15(5) of the 1999 constitution. This section provides that: “The state shall abolish all corrupt practices and abuse of power”.

According to him, it is also a flagrant disregard of the code of conduct for public officers contained in item I fifth schedule, Part I of the 1999 Constitution. It provides that: “A public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities”.

Fawehinmi is also seeking for a declaration that the composition of the board of trustees of the library being a private project of a serving President is both a violation of sections 15 (5) and 23 of the 1999 constitution. He claimed that Christopher Kolade, then Nigeria’s High Commission in Britain, Governor Gbenga Daniel of Ogun State and Iyabo Obasanjo-Bello, then Ogun State Commissioner for health, who were all public officers are incompetent to serve Obasanjo’s private business. He claims that Karl Masters, Vernon Jordan both from the United States and Richard Branson, from the United Kingdom were incompetent to serve as board members because they are foreigners.

The human right activist is equally asking for a declaration that the license which Obasanjo as Chairman of the Federal Executive Council approved for himself in 2003 the establishment of the Bells University of Technology to which the presidential library is affiliated is an abuse of power.

It is against this background that Fawehinmi is asking for the mandatory order directing the EFCC and ICPC to investigate all the contracts awarded by the federal government to all the donors at the launching since the inception of the Obasanjo’s Presidency.

He wants these agencies to be mandated to take appropriate actions against the president and the donors within the provisions of the EFCC Act No 1 of 2004 and the ICPC Act of 2000. This he said includes for forfeiture of the entire project and the Olusegun Obasanjo Presidential Library Fund.
The civil rights groups noted that there was a fundamental flaw in the president’s anti-corruption crusade because it hypocritically defines corruption so narrowly, selectively and whimsical as to exclude whatever the president found it convenient to exclude.

The most illustration is the recent court judgment between the EFCC and James Ibori. James O. Ibori, former government of Delta State, has a reputation for winning cases. There is hardly anything wrong with that. The courts, as arbiters in disputes, are free to pronounce him guilty and order appropriate penalty. In doing so, however, the courts must clearly establish the basis for the decision, which must be in accordance with the laws of the land. This is to say presiding judges must be fair, and their conclusions should be convincing.

These are the areas the two major litigations that have seen Ibori in and out of court since 2003, failed to meet public expectation. In the case of the theft against James Ibori, the court established that one James O. Ibori was convicted for theft of building materials in 1995 but could not say whether the convict was James O Ibori, the then governor of Delta State. It was such a controversial and unconvincing judgment. Expectedly, it generated a lot of credibility problems for the judiciary.

The case of 170-count charges of corruption against Ibori during his eight-year tenure as governor has left a huge amount of controversy in its trail. First, Ibori objected to being tried by the Federal High Court in Kaduna. Rather he wanted the case transferred closer home in Benin. But the authorities did more than the asked for. They created a Federal High Court at his doorstep in Asaba Delta State.

At the end, Ibori got the judgment he wants. He was acquitted on the 170-count charges. Many have criticized the judgment as the exact opposite of what the public thinks and knows about Ibori’s material possession. Some have petitioned the appropriate authorities that the trial judge had compromised himself. He has subsequently been given a query.

It is clear that the anti-corruption agencies, as elements of the criminal justice system, operate corruptly. This corrupt practice perpetuates crime and criminality in the country. Corruption itself is a crime; but the most corrupt personnel often escape conviction. System corruption in Nigeria is an inherent problem which can best be understood within the context of the dependent capitalism. In this situation, the State is regarded as the major source of the accumulation of private property at all cost. Civil service is, therefore, taken by majority as a means not to serve but predominantly to enrich them. Bribery and corruption are probably the easiest means, among others, which one entice system.

Corruption in Government Institutions: Corruption Perception Index Rankings

The hollowness of Nigerian’s much vaunted war against corruption was brutally exposed when Transparency International (TI), the global anti – corruption Watchdog, released its 2009 corruption perception index (CPI). The country’s ranking on the 180 – nation list fell to 130th position from 121st in 2008. Nigeria placed 32nd out of 147 countries that were assessed in 2007. Out of a possible 10 points for least corrupt, Nigeria was only able to make 2.5 points, compared to 2.7 in the 2008. Table 1 examined Nigeria’s positions from 1996 to 2010.

A survey by the Economic and Financial Crimes Commission and the National Bureau of Statistics (NBS) has shown that bribe payment to government officials by business in the country is on the increase. According to summary report on NBS/EFCC Business Survey on Crime and Corruption and Awareness in Nigeria, 2007, some of the companies admitted that they give bribe to either speed up procedure or have a better treatment.

The report, which was made public recently in Abuja, is a product of collaboration by the two agencies with the support of the European Union and United Nations Office on Drugs and Crime (UNODC). The report stated in part:
Businesses are often requested by pay bribes by public officials. Overall almost 10% admitted having paid bribe in the year before the survey, while more than 14% didn’t remember or preferred not to answer this question. When restricting to business which had at least one contact with public officials in the year before the survey, the proportion of those who had to give money increase to 34% . The survey also provide information on the nature of bribes and actors involved. Bribes are often paid without a precise goal: among business that had to pay a bribe in the year before the survey, some 30% declared they simply could not avoid paying the bribe and another 13% did not know the reason for the payment. In other cases, bribery is used to speed up the procedure (31%) or to have a better treatment (18%) (Ali, 2010:56).

These depressing figures only confirm what many Nigerians had long suspected: the Yar’Adua administrations ostensible emphasis on rule of law and due process is more shadow than substance. Rather than being shown in clear motives and concrete action, the Federal Government has used the rule of law mantra to excuse its habitual slowness to act, and it’s down right inability to act decisively against those individuals and institutions that have ensured that corruption is still as strong as ever.

As TI’s reports indicate, Nigeria’s ranking and score are so abysmally low because the country has been unable to build the strong institutions and legal framework that would ensure that corrupt practices are so difficult to get away with; or that they will be reduced to the barest minimum. Vital agencies of law enforcement, such as the police, continued to under – perform; indeed, the Nigeria police force has regularly comes tops in polls of the country’s most corrupt institution as tables 11 and 111 indicate.

Table II: Assessment of Levels of corruption in Nigerian Institutions

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<tr>
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<tbody>
<tr>
<td>Political parties</td>
<td>4.5</td>
<td>4.5</td>
<td>4.5</td>
</tr>
<tr>
<td>Legislature</td>
<td>4.2</td>
<td>4.1</td>
<td>4.1</td>
</tr>
<tr>
<td>Police</td>
<td>4.8</td>
<td>4.7</td>
<td>4.9</td>
</tr>
<tr>
<td>Judiciary</td>
<td>3.8</td>
<td>3.8</td>
<td>4.1</td>
</tr>
<tr>
<td>Tax Revenue</td>
<td>3.8</td>
<td>3.6</td>
<td>3.5</td>
</tr>
<tr>
<td>Customs</td>
<td>4.0</td>
<td>4.2</td>
<td>Not available</td>
</tr>
<tr>
<td>Military</td>
<td>3.9</td>
<td>3.8</td>
<td>3.7</td>
</tr>
<tr>
<td>Registry and Licensing</td>
<td>3.3</td>
<td>3.1</td>
<td>3.3</td>
</tr>
<tr>
<td>Utilities</td>
<td>3.5</td>
<td>3.6</td>
<td>3.8</td>
</tr>
<tr>
<td>Educational System</td>
<td>3.8</td>
<td>3.8</td>
<td>4.3</td>
</tr>
<tr>
<td>Medical services</td>
<td>3.1</td>
<td>3.0</td>
<td>3.4</td>
</tr>
<tr>
<td>Business/private sector</td>
<td>3.4</td>
<td>3.2</td>
<td>3.7</td>
</tr>
<tr>
<td>Media</td>
<td>3.0</td>
<td>2.8</td>
<td>3.2</td>
</tr>
<tr>
<td>NGO’s</td>
<td>2.7</td>
<td>2.5</td>
<td>3.0</td>
</tr>
<tr>
<td>Religious bodies</td>
<td>2.4</td>
<td>2.3</td>
<td>3.0</td>
</tr>
</tbody>
</table>

Source: Emenyeonu (2007:17)
Table III

<table>
<thead>
<tr>
<th>Institution</th>
<th>Percentage affected by the corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Political Parties</td>
<td>25%</td>
</tr>
<tr>
<td>2. Police</td>
<td>32%</td>
</tr>
<tr>
<td>3. Churches</td>
<td>1%</td>
</tr>
<tr>
<td>4. Business/Private Sector</td>
<td>1%</td>
</tr>
<tr>
<td>5. Ministry/Parastatals</td>
<td>1%</td>
</tr>
<tr>
<td>6. Government Hospitals</td>
<td>1%</td>
</tr>
<tr>
<td>7. Traffic Police/FRSC</td>
<td>1%</td>
</tr>
<tr>
<td>8. Financial Institutions</td>
<td>2%</td>
</tr>
<tr>
<td>9. Educational Institutions</td>
<td>2%</td>
</tr>
<tr>
<td>10. Public Official/Civil Servants</td>
<td>3%</td>
</tr>
<tr>
<td>11. Judiciary</td>
<td>4%</td>
</tr>
<tr>
<td>12. Federal States Executive Council</td>
<td>6%</td>
</tr>
<tr>
<td>13. Power Holding Company (PHC)</td>
<td>9%</td>
</tr>
<tr>
<td>14. Parliament/Legislature</td>
<td>15%</td>
</tr>
</tbody>
</table>

Source: *Business Day*, Monday 02 November 2009:1

The Guardian Editorial of Tuesday, November, 24; 2009 stated that “corruption is everywhere now, from school to churches, to traditional institutions, to political parties and it continues to spread. We run a political system that lacks legitimacy so that it should not come as a surprise that corruption has become endemic” (Fadipe, 2010:27)

A communiqué issued by the Christian Association of Nigeria at the end of its 6th National Assembly, summarizes the problem of corruption thus:

腐败 today is still a deadly disease in Nigeria. Corruption has been responsible for the collapse of our economy, the infrastructure and the collapse of educational and health sectors and other areas of life. Many Nigerians are yet to be free from it. The Christian Church in Nigeria cannot claim to be free from it.

Where is corruption not present in Nigerian society? Is it in the Executive Arm of our Government, the Legislative-the Senate, house of Representatives, the State Assemblies, Local Governments, the Judiciary-courts, the uniformed establishment-military, police, Immigration Services, Customs, the Prison, the Civil and Administrative Services, the Education (Schools, colleges) and Health Sectors and Private Sectors and Mercantile House, where? Unless we want to deceive ourselves, the whole nation is sick. Our road are bad because of it, armed robbers, smugglers are everywhere by the grace of corruption. The church and all Nigerians must decide to eradicate corruption in Nigeria at all cost. But first the physician must heal himself. The Christian Church and her leaders must be alive to their responsibilities to her people. (Emenyeonu, 2007:17)

1. The findings of the above studies asserts that Nigerians are denied basic services by the various institutions in the society, except they are willing to offer incentives to obtain what they are entitled to.

**Problems and Challenges Facing anti Corruption Crusade in Nigeria**

Observers think lack of political will by past Presidents has largely accounted for the difficulty in bringing highly-respected Nigerians involved in mega bribes to justice. Investigation
revealed that despite the mounting of zero-tolerance for corruption, no Nigerian leader has been able to walk the talk. With the exception of the late Head of State, Gen. Murtala Muhammad and Buhari-Idiagbon military junta who defied the odds to fight corrupt elite, it has been a Herculean task. Even ex-President Olusegun Obasanjo, who went the extra-mile to establish anti-corruption agencies, chickened out on the report of a probe into All African Games in Nigeria during his tenure. The arrest of Mohammed Babangida, the son of a former head of State, Gen. Ibrahim Babangida, by the EFCC on August 11, 2006 over 24 per cent shares in a telecommunications firms, created political ripples such that the Obasanjo administration had no mellow down.

Due to political exigency he same Obasanjo administration refused to release the report of investigation into alleged N38billion scandal which rocked 8th All African Games in Nigeria in 2003 especially the importation of 990BMW cars.

According to findings, when the late president Yar’Adua got preliminary report on Hilliburtion scam, he confided in a few members of his team that a full-scale democracy. Yar’Adua could not muster courage to subject past presidents to interrogation over alleged corruption. That accounted for why he decided to bid time by asking a Special Panel, headed by the IGP, to probe the Halliburton scandal.

Protection of the Ruling Elite: Most suspects in mega bribery are usually either members of the ruling class/party or the sponsors of elected officials. Their stooges have always found it impossible to move against their godfathers. For instance, many party stalwarts benefited from the auctioning of oil blocks in 2006 and 2007, including oil-infrastructure deals with some firms from the Eastern bloc that had gone awry. The planned removal of the former EFCC chairman, Mallam Nuhu Ribadu, were a fallout of elite politics and a grand plot to protect a few privileged members of the then ruling cabal.

Pressure on anti-corruption Agencies: It took ICPC almost three years after completing an investigation on alleged N109million fraud against a former National Chairman of the ruling Peoples Democratic Party (PDP). Prince Vincent Ogbulafor would have served his term without trial. The same ICPC faltered in prosecuting suspects implicated in the $214m ID card fraud leading to the termination of the case for “lack of diligent prosecution”. But the hand was Esau’s and the voice Jacob’s.

Almost two years after investigating N2.3billion car scam in the House of Representatives, the EFCC is yet to bring anyone to trial because it had referred the matter to the Office of the President which actually directed the agency to investigate the car scam. Notwithstanding the pronouncement of the Special Adviser to the President on Communication, Mr. Ima Niboro, that the EFCC does not need the permission of the Presidency to act on the report, power game between the executive and the Legislature is at root of the dingdong over the probe report. Specifically the major problems and challenges facing the crusade against corruption over the five (5) decades are discussed below:

The major problems or challenge that impedes the enforcement of economic crimes laws is the influence of corruption that took over the control of the nation. In the 80’s and 90’s corruption became manifestly entrenched and institutionalized into our polity. It ruled our lives as it were and became the major consideration in the governance of our affairs as a people. The rule of law therefore gave way to the rule of man. While the rest of the world progressed, we headed back to the Hobbesian State. Fraudsters and criminals took advantage of the situation and operated freely and determined which law to enforce, how to enforce it and against whom. Some details will drive home the point:

Failure of Law Enforcement Agencies
As at today, we have well over 500,000 law enforcement personnel working in our various law enforcement agencies. Nigeria spends, on average, N250 billion on law enforcement agencies including the judiciary annually. Besides, we have about 43,953 Lawyers called to Bar, 707 High Court and Sharia Court Judges, 47 federal High Court Justices, 46 Court of Appeal Justices and 15 Justices of the Supreme Court of Nigeria. There. There are also thousands of young people being called to bar annually.

Despite the large number of law enforcement workforce and the numerous agencies, nothing seems to be working. No person is serving a jail term for corruption. No person has ever been convicted under the 1995 Money Laundering Act. No person is serving a jail term for 419, under the Advance Fee Fraud Act, 1995. Yet we are acknowledged worldwide as a 419 nation. Why is it so? Some may argue that the number of Lawyers, Judges, Courts and law enforcement Officers are inadequate compared to the population. In my humble opinion, there are, indeed, enough to make a difference. Some will argue that salaries and conditions of work are poor. Would that alone justify the unacceptable situations?

The principal reason for the failure of our law enforcement agencies is corruption. In fact, it went so bad that in some cases, law Enforcement Officers were found to be the principal perpetrators of the crimes. Invariably there was no law, because those that are supposed to enforce the law became the worst culprits of breaking the law. This was quite worrisome because as the custodians of law and order, they were supposed to lead by example and be above board.

Apparently, the failure on the part of law enforcement agencies and the eventual breakdown of law and order grossly affected the administration and delivery of justice and led to loss of confidence by the public in justice administration.

Constitutional Constraints

The 1999 Constitution is the “ground norm” and therefore superior to all laws. The rights conferred on the citizens by the Constitution, which are often quoted, are not absolute. There is no right of man whether fundamental or not which is unqualified. Every right is qualified, even the right to life. You cannot exercise you right to the detriment of the society. And so, where you conduct becomes questionable, the same constitution in S.36 (5) permits laws to impose a burden on the accused person to prove particular facts. Invariably, the unsheathing burden on the prosecution to prove the guilt of an accused in our criminal justice system is qualified in some cases. This is indeed wise and absolutely necessary if the battle against these sets of crimes must be seriously fought.

On the other hand, there are some provisions of the Constitution, which seem to have over protected the accused against the state. Section 35(2) gives a right to any person arrested or detained to remain silent or avoid answering any question until after consultation with his/her lawyer. Section 36(11) also provides that any person tried for a criminal offence shall not be compelled to give evidence at the trial. When these rights are claimed, they many a times, lead to over protection of the accused person while restricting the means of protecting the rest of the society in the sense of making it difficult to prove a case against them.

Attitude of Defense Lawyers

Some defense lawyers fail to conduct their cases in the tradition of highest standards as required by the learned progression. It is this conduct that has brought the profession under justifiable suspicion. It is now an “art” for many defense lawyers to ensure that cases do not go on. Or better still, that the substantive case is never tried on the merits. All decisions orders of the trial judge are appealed against. Applications for study of proceedings follow almost immediately. If they do not succeed to stall the trial, the judge becomes the target. He is accused of bias and an application for transfer to another judge follows.
These occasions delay; frustrate trials and waste resources on both sides. It also brings our judicial system into ridicule and reflects adversely on the legal profession. This has continued unabated in spite of several ratio decided from the Supreme Court and other superior courts to take up appeals holistically after trial to avoid delay.

All lawyers must stand up against delay in our judicial process. Judges must also begin to call the bluff of defense lawyers whose stock in trade is to ensure that cases are not determined expeditiously. The dictum of the Honourable Chief Justice of Nigeria in Amadi vs. NNPC (2000) 10 NWLR 76 at page 80 says it all and I commend it to judges and defense counsel alike. He said:

“Finally, this appeal succeeds and it must be allowed. The chequered history of this case once more brings to light the dilatory effect of interlocutory appeal on the substantive suit between parties. The action o this case was brought on the 29th day of April 1987. The motion on notice to strike out the case for want of jurisdiction is dated 15th day of April, 1988; that is about a year after the suit was filed. The ruling of the High Court was delivered on the 20th day of June 1988. The Court of Appeal delivered the appeal against the ruling on the 16th day of February 1989. This court delivers the final judgment on the interlocutory appeal today. It has thus taken thirteen years for the case to reach this stage. With the success of the plaintiff before us the case is to be sent back to the High Court to be determined, hopefully on its merit after a delay of 13 years. Surely, this could have been avoided had it been that the point was taken in the course of the proceedings in the substantive claim to enable any aggrieved person to appeal on both the issue of jurisdiction and the judgment on merit in the proceedings as the case may be. I believe that counsel owe it, as a duty, to the court to help reduce the period of delay in determining cases in our courts by avoiding unnecessary preliminary objections as the one here; so that the adage justice delayed is justice denied, may cease to apply to the proceedings in our courts”.

My experiences at Alagbon Close were quite frustrating and sad. In those days, criminals and fraudsters would often plead with police officers or compromise them to have their cases charged to court even before the conclusion of investigations. They believed that, once their cases were filed in court their lawyers would apply all the punch lines in our criminal justice system to stall the trials. May be this explains why we are yet to record one successful conviction for advance fee fraud (419) in Nigeria. Yet, we have over 200 Nigerians serving several jail terms in more than 15 countries abroad.

Inadequacy of Existing Procedural Laws

On the heels of the forgoing problems is the inadequacy of existing procedural laws for the prosecution of offenders. Quite a number of economic and financial crimes these days are carried out through the use of computers, word processors, telex machines, fax machines, etc. The problem that has arisen from the use of the above stated gadgets is the evidential value and admissibility of the materials generated by them vis-à-vis the law of evidence and proof of the guilt of a culprit of economic or financial crime. The evidential status and admissibility of computer and other electronically generated statements of account or printout, e-mails, telegraphic transfers, telephones, etc, have been issues of controversy in the courts, law institutions, workshops, bar conferences and seminars.

One of the specific problems that have arisen from the use of electronic financial transactions is the manner and procedure for proving the forms of evidence generated by these means or simply proof of such transactions themselves. Our procedural laws particularly the Evidence Act that were enacted in the light of an agrarian and pedestrian society have become grossly inadequate to cover the present advancement in technology with the concomitant sophistication employed in the commission of economic and financial crimes.
The issue as to whether “entries in Books of account” as contemplated by Section 38 of the Evidence Act included computer generated statements or print out came up in YESUFU V ACB (1976) 4 S.C. 1. The Supreme Court only expressed by way of abiter dictum a willingness to interpret the section more liberally in view of contemporary business practice and methods when it noted inter alia:
The law cannot be and is not ignorant of modern business methods and must not shut its eyes to the mysteries of computer, in modern time’s reproductions or inscriptions or ledgers or other documents by mechanical process are common place and section 37 cannot therefore only apply to “books of account so bound and the pages not easily replaced.

In the absence of any positive judicial interpretation of this section, or amendment of some relevant sections of the Evidence Act relevant to the admissibility of electronically generated evidence, the well intended provisions of the EFCC Act, 2004 and the Money Laundering Act, 2004 vis-a-vis detection, investigation and proof of organized internet crimes may continue to be a mirage. This is why the concept of “e-evidence, e-courts and e-judiciary” is considered a far cry in Nigeria. This is another challenge for our lawmakers and it is hoped that this problem will be addressed in this forum and elsewhere.

**Congestion and Slow Pace of Court Proceedings**

The congestion of cases in our courts and slow pace of court proceedings occasioned by insufficient number of courts/judges and the manual recording system take their share of blame in the problems associated with the enforcement of our laws particularly the prosecution of economic and financial crimes. This has hampered speedy and timely prosecution of cases.

Nnaemeka Agu, JSC (as he then was) in Usikaro V Itsekiri land trustees (1991) 2 NWLR PT 172 pages 150 at page 173 noted that:

In Nigeria the situation is different. Lists are very long and the machinery for disposal of cause is less expeditious. Litigants are at the mercy of courts in that, except in cases in which accelerated hearing is granted for very special reasons, cause list. In the midst of such systemic causes of delay, the concept of inordinate delay for which a plaintiff can take the blame is different. Importantly, it cannot be looked at solely from the length of time since the case was filed. Nor can the court rightly put the whole blame on the plaintiff where as in this case, the defendants, the court itself and the machinery for administration of justice all contributed to the delay in hearing the case speedy trial and fair hearing is an aspect of public justice which sets a standard fixed by law and society, which a judge must attain in the determination of case before him and in respect of which no person in society is allowed to compromise.

Heartily enough, the Economic and Financial Crimes Commission act of 2004, S. 19 (12) (b) and (c) has enjoined the courts to treat the matters brought before it by the Commission expeditiously. The Chief of the Federal Capital Territory) are also enjoined to designate courts and judges to hear matters emanating from the Commission. It is hoped that this will improve the situation for the better.

**Jurisdiction Problems**

Digital revolution has dissolved physical boundaries of countries around the world, making those with inadequate cyber crimes or internet related offences laws like Nigeria to be vulnerable for the commission of such crimes. Thus, legal experts always disagree on matters relating to the territorial jurisdiction for the trial of the aforesaid offences, a situation that makes the investigation and prosecution of cyber crime offences extremely difficult. I am aware that a cyber crime Bill is
presently receiving attention of the Attorney General of the Federation. When eventually passed into law by the National Assembly, the situation will be hopefully addressed.

Cost of Investigation and Prosecution

Investigation and prosecution of economic and financial crimes is indeed costly. This is informed by the nature and character of these crimes many of which are perpetrated by ingenious methods which are ever changing. Again, because of the delays associated with trials, prosecution expenses are ever increasing. Presently, it cost about five to ten million naira to prosecute a high profile case. We have over 100 cases in court and over 300 cases at various stages of investigation. Fortunately, formal President Olusegun Obasanjo demonstrated strong political will to fight corruption and other economic and financial crimes in Nigeria and has given the Commission reasonable resources to fight these crimes.

Political patronage problems

Late president Yar’Adua faced a similar moral burden with Ibori who reportedly bank rolled his election campaign in 2007, Obasanjo too faced similar dilemma during his tenure when he was confronted with the agitation to probe the controversial Gulf oil windfall scandal allegedly involving former military leader, Ibrahim Babangida. Obasanjo’s reaction was that he could not find the Okigbo Panel report that reportedly indicated Babangida on the issue. Babatunde Okoriejor, lawyer and human rights activist, puts the moral burden more succinctly saying, “It is more of a gimmick than a war being fought against corruption. I’ve always been a believer of the fact that he who pays the piper dictates the tune.” (Mordi: 19). This is the situation in Nigeria where moneybags dictate where political spoils of office should go.

Apart from the overarching powers of the godfathers within the ruling party another powerful political caucus is the Governors Forum which has in recent times played prominent roles in stabilizing the policy particularly during the dying days of Yar’Adua. It was the caucus that persuaded the National Assembly to enthrone Jonathan as acting president. It also influenced the choice of some ministers and the vice president, Namadi Sambo who was Kaduna State governor before his elevation. The fear is that they may pose a threat if the anti-corruption war threatens their interest or hurts any of their members. They may arm twist Jonathan into submission. Yet the governors as a pressure group could be more daring if Jonathan decides to participate in next year’s election. “The key factor is whether President Jonathan would like to contest the 2011 presidential elections or not. It he expresses interest, there is great probability that the war against corruption will be a cosmetic exercise” says Alaba Olusemore, a financial consultant who argues that the governors might cash in on Jonathan’s ambition to extract a dubious pact that will read like, ‘we governors will support you.

Implications on Governance

If we now apply these corruption parameters to Nigeria, the facts are mind bogging. In November 2007, Mr. Antonio Maria Costa, the Executive Director of the United Nations office on Drug and Crime in a speech delivered in Abuja at the 6th National Seminar on Economic Crimes said:

By some estimates, close to $400 billion was stolen in Nigeria between 1960 and 1999 . . . If you were to put 400 billion dollar bills in a row, you could bark, not once but 75 times . . . think of the millions of vaccinations that could have been bought, the thousands of kilometers of roads that could have been paved; the hundreds of schools, hospitals and training centers that could have been built; and the water treatment facilities that could have been modernized with this money. The
“opportunity cost” of the stolen wealth is enormous. Think, of how different Nigeria would look today. (Eme, 2010:4)

Other figures of how much Nigeria has lost exist. In the 2010 report by the Global Financial Integrity titled illicitly financial flows from Africa: hidden resources for development stated that Nigeria lost a total of $217.8 billion between 1970 and 2008. The table below captures the data.

**ANNUAL BREAKDOWN OF ILLICIT FINANCIAL FLOWS FROM NIGERIA**

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tr>
<td>1970</td>
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<td>1976</td>
<td>$43.7 m</td>
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<tr>
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<tr>
<td>1978</td>
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<tr>
<td>1979</td>
<td>$55.4m</td>
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<td>1980</td>
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<tr>
<td>1983</td>
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<td>2007</td>
<td>$34.620.0m</td>
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The disparity between Mr. Costa’s figure and this figure has to do with the fact that the definition of illicitly transfer flows is more limited than total corruption. Another interesting figure (attributed to Hon. Dimeji Bankole, the Speaker of the House of Representatives) is a princely sum of N3 trillion which has gone missing in the past five years (Guardian April 5, 2010:1). That is $20 billion in five years. Whatever may be the cumulative accurate figure, it has had a devastating effect on our development (Akinyemi, 2010(b):18) In the United Nations Development Programme (UNDP) Human Development Report 2007/2008; Nigeria was put in the Low Human Development category and ranked no 156 out of 177 nations that were classified (see UNDP Report 2008). Ranked above us were Eritrea, Senegal, Gambia, Uganda, Togo, Zimbabwe, Djibouti, Kenya, Sudan, Haiti, Cameroon Madagascar, Napal, Swaziland, Bangladesh, Congo, Lesotho, Mauritania, just to mention a few to show you the level of our degradation. This is not a new development. In the last fifteen years, we have always occupied this low position, usually among the last 10% to 15%. Is there a correlation between the level of our corruption and our underdevelopment or is it just pure coincidence that we are always ranked among the top 2 most corrupt countries in the world? (Akinyemi, 2010(b):18)

It will also be instructive to provide a breakdown of what constitutes the low human development index. As of 2005, the life expectancy at birth is 46.5 years compared to Gabon at 56 years, Sao Tome and Principle at 65 years, Namibia at 52 years, Ghana at 59 years, Mauritania at 63 years, Congo at 54 years Bangladesh at 63 years, Madagascar, at 58 years, Haiti at 60 years, Togo at 58 years, Gambia at 59 years. The adult literacy rate is put at 69% while Gabon is at 84% Sao Tome and Principle at 85% Namibia at 85%, Cameroon at 68% and Zimbabwe at 89%. We have 59$ registered in all tiers of educational institutions, while Gabon has 72%, Sao Tome and Principle has 65%, Namibia 65%, Lesotho 66% Madagascar 60%, Cameroon 62%, and Uganda 63%. Another set of statistics will further depress you. It is aggregated as Human and Income Poverty. In the human poverty index, Nigeria is ranked at No 80 out of 177 below such countries as Eritrea, Tanzania, Rwanda, Malawi. We have 71% living on $1 a day, while Senegal has only 17% Benin has 31% Cote d’ivoire has only 15% and Burkina Faso 27% At below $2 a day, we have 92% which is still the highest in Africa (Akinyemi, 2010(b):18)

Nigeria spends only 1.4% of our Gross Domestic Product on Health expenditure compared to Sao Tome and Principle 10%, Namibia 5%, Lesotho 6%. Zimbabwe 4% and Djibouti 4% while we spend $53 per person on health, Senegal spends $72, Gambia $88, Uganda $132, Zimbabwe $139, Swaziland $367, Equatorial Guinea, $223 , Namibia $407 and Botswana $407. In Nigeria, health personnel attended only 35% of births, while Senegal has 58%m Zimbabwe 73%, Sudan has 87%m Cameroon has 62% Swaziland 74%, Congo has 86% Namibia has 76% Botswana has 94% and Sao Tome and principle has 71%. (Akinyemi, 2010(b):18).

Akinyemi, (2010(b)) goes on to posit that one of the effects of corruption has been the emergence of a class system in Nigeria. While the richest 20% has 84% of their births attended by skilled health personnel, the poorest 20% has only 12% of its own birth. 49% of the children of the poorest 20% are under height, while only 18% of the richest 20% are under height. 133 out of 1000 births of the poorest 20% die at childbirth compared to only 52 for the richest 20% . Finally, in Nigeria, the poorest 10% have only 1.9% of national income, the poorest 20% have 5% the richest 20% has 40% of the income while the richest 10% control 33% of the national income.
Furthermore, the final international report, which dealt with, the FAILED STATES INDEX 2009, released by THE FUND FOR PEACE that Surveyed 177 nations ranked Nigeria no. 15 of states most likely to fail. The weight of the factors contributing to Nigeria’s total scores shows Demographic pressures contributing 8.5%, Refugees and internally displaced persons contributing 5.3%, Uneven Economic Development 9.5%, economic decline 6.6%, Delegitimization of the state, 9.2%, Public Services 9% Human Rights, 8.6% Security Apparatus 9.4% Factionalised elites 9.6% Apparatus 9.4%, External intervention 6.1%. The picture painted by these figures show that of the twelve factors that are aggregated to determine the stability or failure status of a state, Nigeria suffers a debilitating deficiency on all the fronts. Of more worrisome, especially against the backdrop of Moummar Ghadaffy’s unwelcome utterances on Nigeria is the figure of 6.1% earmarked for external intervention. It shows how porous our system is to external manipulation.

A state is deemed to have failed when the government of such state is so weak that it is unable to perform the basic responsibilities of sovereign state, especially in the provision of security and social services. The Nigerian state has lost the monopoly of violence. Armed bandits now rule the waves and determine ho has the right to life or death. The Nigerian police have ensured that the Nigerian public space remains an arena of insecurity. This is a country where human life is cheaper than the price of peanuts. Our fundamental freedom is now casinos where crooked politicians, bandits and privileged debauchery play for high stakes. The Nigerian state no longer provides security for the Nigerian people. Anything can happen to anyone and no one cares

That a state fails is not an event. It is a process spanning decades of leadership persistent goofs. Every state on the way to failure entertains dinosaurs on its corridors of power. This account for Nigerian political and public space being overpopulated by recycled elements. They are the ones unfortunately leading the debate on how to construct our future. These were the men who wasted our past, embroiled our present in interminable crises and shortchanged our future.

Eleven years into the democratic journey, we are yet to find our bearings. Corruption is a worsening nightmare. Many plagues, ranging from infrastructural decay to poor internal security occasioned by militancy in the Niger Delta and Kidnapping of people for ransom stare the nation in the face. Nigeria is paying the price of poor governance and a failure of leadership.

The mega bribe culture has made the cost of doing business in Nigeria very high because the bribe money is always built into every cost. The EFCC/NBS survey says: “When asked about the most serious impediments to their economic activity, business representatives indicate crime and corruption as the most important ones. More precisely, 75% and 71% of interviewed respectively expressed that crime and corruption represented very serious obstacles to doing business (Alli, 2010:17).

Governments in Europe and America are not happy that there is no corresponding response to clear cut bribery cases already established by their courts. All records on Hilliburton case are in Houston Court but the US government could not release these because it was suspicious that the administration of late Yar’Adua that the administration of late Yar’Adua might not act as expected. For those convicted in Munich Court over Siemens bribery saga, it is still the same story. Since April, Nigeria has been trying to explore Mutual legal Assistance Treaty (MLAT) to retrieve the court records in Germany to get to the roots of those mentioned in the 17.5million euros scam.

**Recommendations**

For the nation to live above board and for Nigeria to be taken serious on the fight against graft, there must be serious holistic approaches to term it among these approaches include:
1) There is a need to disband the EFCC and ICPC as currently constituted to pave way for anti-graft agencies with strong constitutional backing and well-defined procedures of operations.
2) Government should establish special court to be manned by fearless and incorruptible judges that can deliver little time.
3) The Anti-corruption agencies should present all abandoned and outstanding cases in order to show seriousness in their effort towards arresting corruption in Nigeria.
4) Government need to be sincere and have political will to prosecute any one found guilty no matter how highly placed.
5) Social empowerment of the citizens and organized civil society will help educate and empower the populace on how to approach graft issues.

Conclusion
The fight against graft in Nigeria has been on for quite a long time, but the monster of corruption has been growing rapidly in a big way. Nigeria has enacted laws and established anti-corruption agencies since independence. However, these agencies, institutions and mechanisms have virtually recorded limited success. The paper has x-rayed the problems and challenges of anti-corruption agencies are facing to achieve graft-free society. This is because the reduction of corruption has been at the heart of recent socio-economic, and political reform agenda in Nigeria, and therefore to achieve a long-term corrupt-free entity, the paper concludes that it is imperative for the elites in position of authority to exercise patriotic and sincere commitment against graft and revamping anti-graft institutions with a view to making them more transparent and effective in leading the fight against corruption.

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