

# **CORRUPTION AND CORRUPT PRACTICES IN THE NIGERIAN PUBLIC SERVICE: AN APPRAISAL**

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## **ABSTRACT**

Right from the time of colonial administration in Nigeria, corruption and corrupt practices have been largely identified as impediment in the dealings of government. What is however, clear is that the magnitude of the offence of corruption was comparatively minimal and easily controlled. It is well acknowledged that corruption is morally degenerative, base, depraved, tainted, spoiled and vitiated behavior perpetrated for purposes of unjust enrichment. Corruption erodes the moral fabric of society and more critically, it violates the social and economic rights of the poor and the vulnerable. It in essence undermines democracy, retards development and bastardizes the integrity of government. Corruption has caused serious breakdown of the value systems in Nigeria resulting in loss of ethical values, dishonest behaviors and high levels of moral decadence. That Nigeria experiences high levels of corruption today especially in the public sector is a clear demonstration of diminished ethical values and battered integrity. It will therefore not be wrong to conclude that widespread corruption in Nigeria is a symptom that the State is not functioning well. Corruption has earned Nigeria a failed State in all its ramifications. Nigerians are grappling with finding a lasting solution to the problem albeit difficulties and rather than make progress in the struggle, the situation appears worse. Consequent upon the fact that corruption continues to rear its ugly head that defy solution, opinions abound that this is due to tardiness of the laws and so the need for the emergence of new regime of legislation. There is no doubt that migration from hitherto petty corruption to grand corruption in Nigeria is frightening and mind bugging. It is however, not due to weak or bad laws. Rather, the people of Nigeria are apathetic to fight corruption. Thus the top where the therapy is mostly needed lack the political will and seriousness to fight the menace. Selective prosecution in most cases is adopted by government agencies charged with the responsibility to detect, arrest and effectively prosecute corrupt officers. In this paper the various definitions of corruption by

scholars have been presented. Also the forms and characteristics, indices and key issues involved in corruption as well the commonest types of corrupt practices perpetrated by public servants in Nigeria have been highlighted. The legal and institutional frameworks in the control of corruption have also been briefly mentioned because of lack of space while the possible control measures, recommendations and responses constitute the fulcrum and thrust of the later party of the paper by way conclusion. We ended up with a call for the Nigerian government to brace up with high degree of seriousness and political will to effectively fight corruption:

**Keywords:** Public Officers, Corruption; Definition of corruption, types of Corruption, Control Measures.

## INTRODUCTION

The term corruption as well as its debilitating effects are no more alien to Nigerians. What perhaps have not been determined are the levels of individual and collective risk exposures, the *raison d'être* for culpability and the responsibilities of individuals, groups and organizations in the fight against corruption. This assumption is apposite when one recognizes the fact that over criminalization of various human activities encapsulated by a plethora of new regime of legislation as forms of corruption has not helped matters. The whole essence of the new regimes of legislation is to delineate between what offences will remain within the ambit of the straight jacket of traditional criminal justice system and those to be controlled within the new regime. Although some authors are of the view that corruption is a transplantation of foreign norms, that line of argument is no longer relevant. What is relevant is that corruption is with us and how to control it if not eradicated.

The colonial masters had fashioned out two criminal legislation for Nigeria, namely; the Penal Code<sup>i</sup> and the Criminal Code<sup>ii</sup>. These Codes were modelled to suit the people according to their religion and culture. Thus, the Penal Code was for the Northerners, while the Criminal Code was for the southerners. The situation is still applicable till date. A point must be made here that the two codes have copious provisions that seek to prohibit corrupt practices in the public services. Under the 1979, 1989 and 1999 Constitutions of the Federal Republic of Nigeria there are complementary provisions designed specifically for the control of corruption christened

Code of Conduct for Public Officers. For instance under the 1999 constitution the Code of Conduct Bureau is established as one of the Federal Executive Bodies, Federal Commissions and Councils charged with various responsibilities.<sup>iii</sup> There is also the Code of Conduct Tribunal which handles cases referred to it by the Bureau or members of the public regarding and concerning the conduct of officers who are named under the sections.

Unfortunately, Nigerians became apathetic and disobedient to law and order. That gave rise to seeming believe that the existing laws were tardy. The corollary was the enactment of new laws like the Corrupt Practices and Other Related Offences Act<sup>iv</sup> and the Economic and Financial Crimes Act.<sup>v</sup> With the greatest respect, the problem is not tardiness of the old laws. The problem is rather orchestrated by a systemic and systematic failure of enforcement mechanism and flagrant disobedience to law and order as we earlier stated there.

## CONCEPTUAL CLARIFICATIONS

In this segment of the introduction, we are conscious to offer explanations towards understanding certain terms related to this paper.

**(a) Corrupt:**

The Black's Law Dictionary defines "Corrupt" as spoiled, tainted, vitiated, deprived, debased, and morally degenerate. As used as a verb, to change ones morals and principles from good to bad.

**(b) Corruption:**

It is an act with intent to give some advantage inconsistent with official duty and the rights of others. The act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to the duty and rights of others<sup>vi</sup>

**(c) Corrupt Practice:**

This means the offering, giving, receiving, or soliciting for anything of value to influence the action of a public official in the procurement process or in contract

execution. Also means the behavior on the part of officials in the public or private sectors by which they improperly and unlawfully enrich themselves, others or induce others to do so, misusing the position in which they are placed, and it includes the offering, giving, receiving, or the action of anything of value to influence process or in contract execution; entering on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby and similar acts as provided in Republic Act 3019<sup>vii</sup>.

Corruption is morally degenerative, base, depraved, tainted, spoiled and vitiated behavior perpetrated for purposes of unjust enrichment. Corruption erodes the moral fabric of society and more critically, it violates the social and economic rights of the poor and the vulnerable. It in essence undermines democracy, retards development and bastardizes the integrity of government. Corruption has caused serious breakdown of value systems in Nigeria resulting in loss of ethical values, dishonest behavior and high level of moral decadence. That Nigerian experiences high level of corruptions today is a clear demonstration of diminished ethical values and battered integrity. It will therefore not be wrong to conclude that wide spread corruption in Nigeria is a symptom that the state is not functioning well. Atlas S.H has defined corruption as “The subordination of public interests to private aims involving a violation of the norms of duty and welfare, accompanied by secrecy, betrayal, deception and a callous disregard for any consequences suffered by the public”<sup>viii</sup>. Furthermore, Brookes defines corruption to be “the intentional miss-performance or neglect of recognized duty, or the unwarranted exercise of power with the motive of gaining some advantage more or less directly personal. Toying the same line as above, Nye, T.S. saw corruption as “a behavior which deviates from the formal duties of a public role because private-regarding personal, close family, family clique, pecuniary or status gains; or violates rules against the exercise of certain types of private – regarding influence.”<sup>ix</sup>

## PERCEPTION BY GOVERNMENT

During the formal signing into law of the Anti-corruption Bill on the 13<sup>th</sup> June, 2000, **President Olusegun Obasanjo** of Nigeria made a solemn declaration, he said:

“It gives me great pleasure to welcome you all to this very important and indeed historic moment in the life of our nation. It is our firm belief that the signing into law of the Anti-Corruption Bill will mark a turning point in all the major aspects of our lives, individually, collectively, economically, politically and social.”

The second leg of Mr. President’s speech provided succor when he proclaimed thus:

“As we all know, corruption is a cankerworm that has eaten into the fabric of our society at every level. It has caused delay and dereliction within the infrastructure of government and the society in physical, social and human terms”.

We say it has provided succor for the obvious reason that it attests to the fact that corruption is well known to Government. That presupposes the call for national concern. To further support the fact that corruption affects everybody and should be fought by everybody, the Supreme Court of Nigeria had cause to make judicial pronouncement on the matter. Thus in *A.G Ondo State V.A.G Federal Republic of Nigeria*, Hon. Justice Muhammadu Uwais (CJN) said that “corruption is not a disease which afflicts public officers alone but society as a whole. If it is therefore to be eradicated effectively, the solution to it must be pervasive to cover every segment of the society”. In the same case, Hon. Justice Ogwuegbu, JSC, remarked that “corrupt practices and abuse of power can, if not checked threaten the peace, order and good government of the Federation or any part thereof”. From the above illuminating judicial pronouncements by the apex court in Nigeria, it is well obvious that corruption affects the society in general and should be fought by everybody. Corruption is condemnable and should be fought frontally without compromising seriousness or international standards of control. Proper machinery should be put in place as watchdogs to checkmate public officers as well as dubious private individuals.

## HIGHLIGHTS OF KEYS ISSUES INVOLVED IN CORRUPTION

In this segment we like to highlight the critical issues involved in various aspects of corruption that call for mention.

**(a) Forms and characteristics:**

The characteristics and forms of corruption are basically Bureaucratic corruption; Bribe initiated corruptions; cost corruption – over invoicing and under invoicing; centralized corruption – policy making, predictable or arbitrary corruption and Tax corruption etc.

**(b) Indices of Corruption**

They include private corporate sector and corruption; the Civil Society and Corruption; Corruption, Poverty and Development, Integrity and Corruption; Integrity and Governance; Legislature and Government Integrity; Judiciary and Government Integrity; Procurement and Corruption in Government Integrity; Procurement and Corruption in Government; Systemic Dynamics of Corruption-Influence at Macro and Micro levels; Liberalization and Corruption; Privatization and Corruption; Consolidation and Corruption; Democracy and Corruption; Globalization and Corruption; Information Technology and Corruption; Budgeting and Corruption; Budget Making Process and Implementation Religion and Corruption; Nepotism and corruption etc.

**(c) Legal and Institutional Frameworks Involved:**

The Independent Corrupt Practices Commission; the Economic and Financial Crimes Commission; the Code of Conduct Bureau and Tribunal; The Police; The National Drug Law Enforcement Agency; The Custom and Exercise; The Immigration; The Courts; The Legislature; The Executive; The Judiciary; The Arbitrators; The Auditors, The consultant; The Technocrat; The Civil society; The Media; The private sector and the politicians/Parties etc<sup>x</sup>

**(d) Impediments**

Generally the factors that impede or interfere with or clog the desired effort in the struggle for eradication of corruption in Nigerian society are loyalty and followership;

self centership or individualism, National Security; Partisanship; Tribalism/Nepotism; Intimidation and fear; weak judicial system; Socio economic issues at play; Lack of accountability and transparency; Flagrant disobedience to law and court orders; Absence of press freedom; Poverty, Political maneuvering and propagandist abracadabra; system posturing and illiteracy.

## **TYPES OF CORRUPT PRACTICES ENGAGED BY PUBLIC SERVANTS IN NIGERIA**

Because of the critical positive public servants occupy in the Nigerian polity we have decided to give prominence to the sector in this in this discussion. A public servant has been defined as a person holding a government office or a job by election or appointment. Public servants include any local, state or federal government employee of a government organization.<sup>xi</sup> Effective public servants must have an enduring sense of duty that compels them to assume that status and to go the extra mile and to behave with integrity.

From the above understanding of who is a public servant, it simply connotes that those who render services in the government departments whether at local, state or federal levels are public servants. Such people include therefore the President and all those working with him as provided under the 1999 Constitution Subject to the provisions of this constitution the executive powers of the Federation;<sup>xii</sup>

(a) shall be vested in the President and may subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by either directly or through the Vice President and minsters of the government of the federation or officers in the public services of the federations.....”

There are similar provisions in the Constitution made in connection with the legislative and judicial arms of government, which have copiously specified the powers of these arms of government. Consequently, those working in the legislative and judicial arms of government as well as the executives are public servants. The executive arm extends to all the parastals and agencies of government.<sup>xiii</sup>

In support, therefore, the statement that public servants occupy critical positions in the society cannot be over-emphasized. This is the reason why corrupt practices in this sector dangerously affects the economic growth of the country. The level or magnitude of corruption in the public sector is the problem unlike in the private sector.

This is why the justification for more attention to be given in the consideration of corruption and corrupt practices like this paper becomes absolutely necessary. All workers in the three tiers of government are the major players in the preparation and implementation of federal and state budgets pursuant to the provisions of Chapter II of the Constitution dealing with Fundamental Objectives and Directive Principles of State Policy.<sup>xiv</sup>

It is important to specifically mention Section 23 which provides:

“The National ethics shall be discipline, Integrity, Dignity of labour, social justice, religious tolerance, self-reliance and patriotism” (underlying ours).

All dealings of public servants right from the President to the cleaner in various government offices shall be founded on “Discipline and Integrity;”, very important for the purpose of this paper. To be a man or woman of high discipline and integrity is therefore a sine qua non for being a public servant.

The Public Service Rule of the Federal Republic of Nigeria had its section 4 provided what constitute acts of misconduct thus:-

Section 4 Rule 0030401 defines serious misconduct to mean a specific act of very serious wrong doing and improper behavior which is inimical to the image of the service and which can be investigated and if proven, may lead to dismissal.

Rule 030402 gives examples of serious acts of misconduct to include: Bribery; Corruption; Embezzlement; Misappropriation; Advance Fee Fraud (S. 419 Criminal Code); Hepotism or any other form of preferential treatment; Any other act unbecoming a public officer.

From the copious provisions of the Public service Rules reproduced above it is no longer in doubt that Nigerians have many Laws, Rules and Regulation as well as International Protocols, Conventions that seek to control the menace of corruption and corrupt practices.



In some civilized or developed countries the provisions of the Public Service Rules as reproduced above would have been sufficient if not adequate to serve as effective legal regime to control corruption in conjunction with the Penal and Criminal codes. It is certain that the necessity for over-criminalizing activities under the umbrella of corruption is due to the fact that most Nigerians are recalcitrant and apathetic in knowing and obeying the law, regulations and orders.

Nigerians demand high ethical standards and zero tolerance to corruption. Unfortunately the situation is different as it has become a norm that public servants engage in amassing wealth through looting of public funds. Top government officers being accused of looting huge sums of money to acquire several buildings, exotic cars, sponsor expensive weddings for their children, travel abroad, on holidays with girl friends and building houses/purchase of cars for girl friends, stashing their loot to foreign banks, even burying their loot in a concrete pit and so on.

Certainly these acts negate the positive principles of discipline and integrity of which public servants are charged with under the constitution. As we are writing this paper our hearts bleed when we think about how public servants would be boldly make available the sum of N100,000,000 (One Hundred Million Naira) in the name of purchasing expressing of interest and nomination forms for nomination as Presidential candidates of the All Progressive Congress (APC). We cannot believe it.

How did a minister get N100,000,000? How did a governor get N100,000,000 and perhaps some heads of establishments.

Nigerians are certainly exposing themselves to ridicule internationally. Assuming, the claim that they borrowed the money or somebody gave them, what is the after effect other than to compromise responsibility. Nigerians were thinking that the Independent National Electoral Commission (INEC) would query such high cost of electioneering process. These members are officers of the executive arm of government. In June 2002, Chief Gani Fawehinmi, SAN (of blessed memory) did accuse President Obasanjo of being absentee President because of the several journeys outside the country he had embarked upon as President. Gani's worry was not only on the rising cost of governance, but that the President should stay in the country to tackle

the numerous problems facing the country<sup>xv</sup>. This is the case with almost all Nigerian Presidents all in the name of looking for money outside.

In the same vein controversies abound concerning constituency projects execution by members of the legislative houses at Federal and the state levels.

It was a major headline on Vanguard Newspaper of 8<sup>th</sup> May, 2002 that there were controversies which needed to be clarified over N2.436bn constituency projects in Borno State. It is all over the country that monies earmarked for constituency projects are either diverted for another use or pocketed by the legislator who attracted them. The question, since the legislators involve in oversight functions over the activities of the organisations under them or for which there are assigned to oversee, who then oversees what they are doing with constituency project funds .

BudgIT Nigeria, had embarked on investigation of constituency projects executed in 2016. The organization which is interested in ensuring transparency and accountability in government budgets, said it tracked 852 projects across 20 states between June, 2016 and June 2017. The State are Kogi, Ogun, Oyo, Kano, Edo, Delta, Sokoto, Kaduna, Niger, Gombe, Lagos, Ondo, Imo, Cross River, Ekiti, Osun, Kwara, Akwa Ibom, Kebbi and Enugu. According to them only 40.3 percent of the constituency projects were completed in 2016 in the 20 states. The report went further to state that out of the 852 projects, tracked, 343 projects remained unexecuted, 118 were ongoing and only 350 reached completion. The co-founder of BudgIT Nigeria, Mr. Seun Onigbinde further said in the course of tracking the projects it was discovered that most of the projects were signed off and contractors paid most of their fees by government authorities without most of the projects being executed. The worst according to him was that the locations of 4.8 percent of the projects were unspecified. This is very very heart rending. It is to the detriment of citizens who are often restricted from asking questions due largely to lack of information on project allocation and implementation status in Nigeria<sup>xvi</sup>. BudgIT report, their organization discovered that 2016 Federal constituency projects within the National Assembly were labeled “donations”.

## COMMON ACTS OF CORRUPTION PRACTICED IN THE PUBLIC SERVICE

### **i. Making Money through Ghost Workers**

It is alarming that for many years names of public servants who either died or retired or dismissed etc still remain in the payrolls of their ministries, parastatals, agencies or departments till thy kingdom come. Certainly, in house personnel who are the architects of this process collect the monies due to these dead or retired persons and pocket them. This is one of the so called<sup>xvii</sup> discoveries the Integrated payroll and Personnel Information System (IPPIS) made in 2015 and in the process eliminated about 65,000 ghost workers, and according to Dr. Okonjo Iweala it saved the government about \$1.1 billion in fraudulent payroll costs<sup>xviii</sup>. Same is the case with pension fraud which according to Dr. Okonjo iweala at least N32 billion (\$200 million) had been fraudulently diverted and stolen by unscrupulous civil servants and their collaborators in 2013 as revealed by the National Assembly probe panel.

### **ii. Budget Padding.**

The independent Corrupt Practice and Other Related Offences Commission (ICPC) had in 2019 released a report detailing how federal lawmakers in the connivance with executing agencies perfected fraudulent means of stealing public funds in the guise of constituency projects. It categorized the projects into capacity building and empowerment programmes as “soft” in nature aside from being “difficult to track”. These capacity building and empowerment projects have become a convenient conduit for embezzling public funds by the sponsoring legislators and the executing agencies as they are difficult to track and verify due to their “Soft” nature, the ICPC said. An anti-corruption advocate, Olanrewaju Suraj is of the view and believes that ministers share the blame in budget padding by lawmakers. We support Olanrewaju, and in doing so we make haste to say that it is alleged that mysteries even advance monies to the legislators persuading them to accommodate illicit items on their budgets. He went further to say that it is the ministries who are corrupt even in ordinary dealings that conspire with lawmakers to insert such projects.

It was reported that in 2021 the National Assembly added several controversial projects, as well as increased and slashed the budget of some ministries, departments and agencies (MDAs) thereby causing an increment of over N500 billion<sup>xix</sup>.

From the foregoing examples, budget padding means making the budget proposal larger than the actual estimates for the projects. This is done by either increasing a projects expenses or decreasing its expected revenue. Its goal is to get an approval committee to grant an artificially high level of funding to the budget maker's proposed projects.

It is also alarming to read from Dr. Okonjo- Iweala's comment (supra) at page 80 that members of the National Assembly had in 2014 added in the budget the sum of N20billion as election expenses for National Assembly members which was indirectly eventually reduced to N17 billion as a price to pay to have the 2015 budget passed. This is a serious matter. That is why we describe this type as grand corruption because of its high volume and also being perpetrated by those at the top of governance.

It was also reported<sup>xx</sup> that the foreign Affairs Ministry had earmarked N762 million for purchase of uniform and clothing in the 2015 budget. It is also proposed to spend N2.4billion on the posting and return entitlements of ambassadors. A breakdown of the 2018 budget proposal indicated that 110 foreign missions some of which the Federal Government had concluded plans to close down also had budgetary allocations for the following year. Each of the missions proposed between N17million and N42million on foreign services school fees payment. The ministry also allocated N350million for the provision of consular assistance to the missions and N250m for monitoring and evaluation, etc. it is no longer gainsaying that corruption had eaten deep into the main fabric of our existence and it is difficult to come out of it especially with Nigeria demonstrating Zero political will to fight the menace.

***Recommendation:***

It is recommended that lawmakers should:

- (a) Cease from handling constituency projects and face their policy formulation and lawmaking. They should stop doing the work of the executive.
- b. Cease from increasing or decreasing any budget presented to them provided that it is has passed through proper scrutiny of the Budget office.

c. If they must handle constituency projects, all the contracts must be well detailed and published indicating locations, contract sum, volume of jobs, the names of the contractor and the name of the legislator through whom it was initiated and awarded and other relevant information critical to the contract for effective information and monitoring by the citizens who are the ultimate beneficiaries of the projects.

### **iii. Bribing**

A report by the National Bureau of Statistics (NBS) had reported as follows:<sup>xxi</sup>

(a) That in August 2017, the NBS in collaboration with the United Nations office in Drugs and Crimes (UNDDC) revealed that an estimated N400 billion or the equivalent of \$4.6 billion in purchasing Power Parity (PPP) representing 39 percent of the combined Federal and State education budgets in 2016 was paid out as bribes to public officials in Nigeria annually.

Unfortunately, the 125 page National corruption Report which covered the period between June 2015 and May 2016 strongly decried bribery in flowery terms, describing it as an established part of administrative procedure in Nigeria. The report which was a result of an intensive and detailed investigation showed that a large proportion of bribes in Nigeria (42 percent) are paid to speed up or finalize an administrative procedure that may otherwise be delayed for long periods or even indefinitely thus making bribery the most effective option for facilitating that services. Also a large part of the bribe is paid to avoid the payment of a fine, frequent request in a citizen encounter with the police, payment to avoid public utility service bills-water, electricity, sanitation, tenement rate, tax etc. all of which are subject to abuse of power by public officials in Nigeria.

### **iv. Over-invoicing and Under-invoicing:**

Overinvoicing is the act of raising an invoice with a price listed that is higher than a company actually intends to charge a client. For instance, an exporter submits an inflated invoice to the importer, generating payment that exceeds the value of the shipped goods. In other words a greater value is meant to be transferred from the importer to the exporter. This is simply inflating the cost of works or services with a view to sharing the surplus with the public servant who facilitated the illicit invoice. On the other hand, under-invoicing involves the exporter to submit a deflated invoice to the importer, shipping goods with greater value and transferring

that value to the exporter. Here again the contractor pays less to government while he shares the difference with the public servant who is the desk officer representing the consuming agency. In both scenarios the result is that the inside action leads to government suffering loss in all respect

**v. Nepotism:**

One of the indices of corruption is nepotism. Most Nigerians both at the top, middle or lower cadre are guilty of this in one way or the other. For instance, it is nepotism for Federal or state appointment to be lopsided in a way to clearly favour a certain tribe, religion, zone or language. This is largely experienced in the administration of President Muhammadu Buhari between 2015 – 2022 thereby awarding strategic federal positions to people of the Northern extraction while some zones have none.

In the same manner employment into Ministries Departments and Agencies (MDA's) are for favored people while people who are with First Class Hons in their First degree cannot be given opportunity to work in their country. Promotions are basically based on man know man or in the common parlance godfatherism. All these are done with impunity irrespective of the strength of protests and criticisms and in violation of constitutional Provisions in Section 42(2) which clearly states that "no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth.

**vi. Collusion with Contractors to be paid for abandoned or poorly done jobs.**

It is also of common knowledge that public servants especially the engineers collude with contractors who abandon their projects or do shabby jobs and receive their full pay to the detriment of the citizen and government. During the military era a Decree known as Failed Contracts Decree was promulgated to check this aspect of corruption but with the military gone, the story remains the same. The contractors do this with the collaboration of engineers in the MDAs who supervise the works and render fake or false report recommending for payment.

**viii. Electoral Fraud:**

Every electoral fraud must involve the staff of Independent National Electoral Commission (INEC) ranging from falsification of results, escaping with votes and results sheets, announcing

wrong results, being late to polling units on the days for voting/election and taking money from politicians to favor them against their opponents etc.

**viii. Kickbacks:**

Public Servants in Nigeria now have an operating standard or norm whereby 30% of contract sum is negotiated and given by the contractor to the officers of the owner agency. Both local and foreign-based contractors are already accustomed with this practice and so in submitting their bid, 30% of the contract sum is built into it. In some cases the 30% is given upfront before the contracts begin. Generally, personnel's are paid for facilitating the award of contracts or other services.

**ix. Embezzlement or misappropriation:**

This is another common phenomenon in the public sector. Public personnel's convert to their own use monies belonging to government but which is officially kept under their custody or for which they have control over.

**x. Extortion:**

This is an act of getting money from an outsider by the use of force or threats. The police and other security agencies may be the major culprit here. It can be in form of overcharge and unnecessary charge. For instances, bail or demanding money from a suspect for the purchase of sheets of paper with which the suspect can make a statement on oath. Junior Public servants take money from members of the public to look for their files and give them the information needed.

## **CONTROL MEASURES FOR THE ERADICATION OF CORRUPTION**

Although, legislative control has not been too helpful and may not be the solution to the problem, emphasis is still on compliance with law. However, re-orientation and maintaining a healthy culture as against the existing culture of make it big and make it fast by every means is relevant in the circumstance. The fight is, therefore, a matter for everybody to tackle in all

sectors of the economy and even more at the grass root. The scenario suggests that the following are the likely measures that could effectively minimize corruption in Nigeria:-

1. **Restoration of moral values:** Ethics, conscience and integrity are essential ingredients of morality.

Ethics takes the lead as a set of accepted norms and standard of conduct established as guiding principles for public officers.

Conscience on the other hand takes the position of a universal, innate God-given capacity to distinguish between right and wrong. But good conscience must not be founded or based on faulty standards or ethics.

Integrity in this context connotes high quality character, an inward reality, a blameless heart founded on strict adherence to exemplary moral code.

For those of us who read the Bible, several injunctions contained therein are apposite. For instance:

- A clear conscience (Acts of the Apostles 24:16:)
- Righteousness and integrity (Psalm 7:8)
- Honourable Behaviour (2 Cor. 8:21; 1st Peter 2:12)
- Freedom from what is shameful, crafty or deceitful or dishonest (2nd Cor. 4:2)
- Integrity is more acceptable than sacrifice (Proverb 21:3).

2. **Good Governance** - Simply put, governance is the art or skill of utilizing political or collective power for the management of society at all levels in social, economic and political needs.

It entails the application of knowledge, education, training, culture, transition, experience, motivation and natural commitment to goals for the betterment of the people. The aspects of governance that readily come to mind are:

- (i) **Political governance** - participation of the people in decision making process that affects their lives and livelihood.



- (ii) **Administrative Governance** - implementation of decisions and policies and service delivery.
- (iii) **Economic governance** - decision making relating to efficient allocation of economic resources, employment, equity, human development, etc.
- (iv) **Civic governance** - working of the civil society - NGO's that influence other structures of government even though they are non-governmental. In civilized decencies, they are very influential, cohesive and coercive.
- (v) **Systemic governance** - All the domains of governance are supposed to converge; government, private sector, civil society should join effectively to embark on decision making framework that would be acceptable to the people.

When all these segments are strengthened and made effective, the patterns of their operation would be determined by several factors:

- (a) Collection of data by experienced and trained (experts) people in the formulation of decisions.
- (b) Ensure that implementation of all relevant decisions is carried out.
- (c) Monitoring the implementation process in the prescribed manner
- (d) Evaluation of the effect or impact of the decisions and policies and ensure feed-back mechanism
- (e) Trained personnel and managers must be involved to ensure proper coordination of the entire process.
- (f) Provide the institutional framework that provide the enabling environment for training, research, etc. For instance EFCC and ICPC or the Code of Conduct Bureau should be pre-occupied with not only identifying who is corrupt but why corruption and what is the solution.

3. **Socio-economic issues at play:** These are perhaps the most crucial but often neglected by the operators of government:

- (a) **Poverty-** Poverty denies a man freedom from moral servitude and lack of the capacity or conscience to know what is right or wrong. He is vulnerable and lacks positive initiatives. He is therefore susceptible to base behaviours and

conduct. The more the economy is promoted to a level where Nigerians are to a high percentage or averagely comfortable the better war against corruption.

- (b) **Under-employment** -Many Nigerians are underemployed. When you place a University graduate on level 6 instead of 8 because of desperation, he must later react negatively towards it. Furthermore, when you stagnate a worker on levels lower than his mates' he finds a Way to make-up what he looses. These must be checked. Total harmonization and overhauling of the public service sector through positive reform parameters.
- (c) **Nepotism/God-fatherism** – When a worker feels that nothing will happen to him even if he steals government money because of his God-father in the office, it is a problem. The God-father sees him as an angel who does nothing wrong. The tribal man sees his kindred as a sacred cow who should be protected always. The non-indigene syndrome should stop in Nigeria as it erodes equity and fairness in the public service. Section 42(2) of the 199 Constitution clearly provides that no citizen of Nigeria shall be subjected to any disability or deprivation by reason of the circumstances of his Birth.
- (d) **Condition of Service** Improved conditions of service should be the fundamentals of good governance. Payment of salaries and allowances must be prompt to give no room for devil to act.
- (e) **Social Security:** A package that would provide hope, a futuristic good living of the retiring worker could be an alternative and solution to illicit behaviours. For instance, a Nigerian worker should be assured of a house of his own, he should not be looking for money to buy generating set or dig bore holes for water or pay dearly for medical services or wait for months or years before receiving retirement benefits. When all these elements of life and good living are taken care of and systematically patterned for all cadre of worker, it will go a long way to minimize corrupt tendencies among public officers.
- (f) **Greed.** People should learn to be contented with what they have and plan well rather than looking for what to grab always. People should live within their income. Greed should be condemned. It doesn't make sense that public servants should aspire to own four cars, own five houses, etc. Such people should be identified and investigated. Premium should be attached to hard work as against

material acquisition and appellation. People should condemn and ignore unjustified wealth.

(g) **Provision of basic amenities** like water, electricity, Medicare at subsidized rates must be addressed by government. Good roads must be provided to save the life span of workers' vehicles. Education of children should be subsidized at all levels to reduce the pressure exerted on parents who are dependent on salaries and allowances to train their children.

(h) **Tax review** – The amount of tax payable by workers should be reviewed downwards. Statistics has it that Nigerian workers are the only citizens that pay tax as and when due. High taxation therefore is not fair to workers.

4. **The Role of the Accountants/Auditors** – It is the role of accountants and auditors to ensure that there is accountability and absolute transparency in the preparation and implementation of budgets. Unfortunately, the role of dictating and reporting fraudulent practices are not effectively carried out by accountants. They fear that they may be fired by their boss or be eliminated by corrupt officers.

The common consequence being collusion with the boss to cheat as a collaborative defense mechanism. Having said that at various fora that fraud not known to the accountants/auditors may not survive and if it does survive, it must be uncovered. But they lack the freedom to do their job well for reasons of insecurity. To place the accountants at a towering position in this fight requires the enactment of the Whistle Blowers Act that will protect them against any form of illicit treatment that may arise from their job.

5. **The Role of the Media** – The press is very important in the fight against corruption and they should be encouraged. Press freedom should be guaranteed. The role of the press could be “tangible” or “intangible”. It is tangible when they publish names of people indicted for corrupt practices and the various policies and laws put in place to curb corruption including the various institutions.

It is intangible when they participate in public debates, seminars, conferences and workshops and publish communiqués reached at such fora.

6. **The Role of the Civil Society** - The NGO's should be encouraged and embraced as stakeholders with unbiased mission acting as watchdogs for the private and public sectors.

Government operators should see such organizations as partners in progress and shield them through the instrument of the law

7. **Healthy Procurement Mechanism** - One major indicator of corruption in the public sector is the act of procurement of goods and services. The Budget Monitoring and Price Intelligent Unit of the Presidency are already addressing this aspect. They should be encouraged and well-funded to resist the temptations of being bribed by desperate officials. The Unit should also be well equipped with qualified personnel so that their function will be discharged quickly. The culture of adopting due process in all procurement process should be made compulsory at all levels of government. Proper application of due process formula will go a long way to reduce local and off-shore over-invoicing and under-invoicing within the Nigerian financial landscape.
8. **Budgetary Volatility** – Effort should be made to avoid budgetary volatility. Government policies should be coherent and predictable to encourage healthy private sector investment profile. The advantage envisaged is that the more private investment is encouraged, the less congestion the public sector would be. When more employment opportunities are created in the private sector and the economy is private sector driven, the burden of administrative cost would be less on government. Consequently, workers in the public as well as the private sectors would be well paid. When standard of living is generally improved as a result of good welfare package, corruption would be reduced.
9. **Effective Institutional Framework** – Topmost in the fight against corruption in the public sector are the following institutions:
  - (i) The Independent Corrupt Practices Commission (ICPC)
  - (ii) The Economic and Financial Crimes Commission (EFCC).
  - (iii) The Code of Conduct Bureau.
  - (iv) The Courts

We are inclined to believe that these institutions and the laws establishing them were designed to chase the crooks at the top level of government out of the hooks of criminality. We say so for a legion of reasons. The therapy for the control of corruption is needed more at the top than

below. The top has more opportunities to steal government money because they have access to public funds. Corruption thrives when there is accessibility and availability of funds. Again, we say so because the traditional criminal legislation (Penal and Criminal Codes) could have taken care of corruption involving little money and junior officials.

However, for some reasons, the institutions are not as effective as expected due to:

- (i) Insufficient funding
- (ii) Inadequate personnel
- (iii) The immunity provisions in the Constitution

Let us say something on the issue of immunity. While it is clear that the President, Vice President, Governors and Deputy Governors enjoy immunity from legal proceedings under the Constitution, it is not clear whether they are also protected in relation to offences prescribed under the Code of Conduct. It is argued therefore that since the Constitution provides the immunity clause in Section 308 and on the other hand prescribes prosecution for breaches of Code of conduct for public officers, the immunity clause does not cover the Code of Conduct. We find solace in this argument because a Constitution cannot provide for something and in another breath block its effectiveness. It is therefore our humble view that every class of public officer as contemplated under the Code of Conduct in the fifth Schedule of the Constitution enjoys no immunity for that Purpose. Be that as it may, we have always remained an advocate of criminal prosecution against officers involved in economic crime<sup>xxii</sup>. Accordingly, any provision that suggests immunity from prosecution should be expunged from the statute books.

**10. Legislative control** - We have already said that legislative control was originally considered the best solution to the problem. However, because of the endemic posture corruption has assumed, Nigerians who indulge in it became lackadaisical and indifferent in response to laws. Again, large scale disobedience to law is evidence of serious societal problem and collapse of government apparatus. Everybody must preach against disobedience to law and order, otherwise the substratum of our existence would be destroyed.

## CONCLUSION

The Nigerian public service comprises of personnel, appointed or elected into the executive, legislative and judicial arms of government. We are therefore safe to conclude that public servants in Nigerian occupy strategic position or put in another way, an epicenter of governance. Under the colonial masters, Nigeria had two major statutes that stipulate what constitutes crimes, same being fashioned from the received English laws. These were the Penal code and Criminal code that were applicable in the southern and northern parts of Nigeria respectively. The codes made provisions for offences like bribery, misappropriation, obtaining by false pretenses, cheating, embezzlement, etc. Although these offences were committed by Nigerians, the impact on Nigerian economy was minimal. Shortly, after the Nigerian Civil War in 1970 and especially at the inception of the “oil boom” era, various sophisticated forms of crime that affected the Nigerian economy started springing up. The new regime of crimes attracted new regime of legislation to cater for them and these ranged from petty corruption to grand corruption, drug trafficking, human trafficking, illegal oil bunkering, kickbacks, abandoned contract after receiving mobilization, then came high breed hydra-headed corruption of no mean magnitude that has put Nigeria on the international seen as one of the most corrupt countries in the world. The bulk of these dreaded monster are perpetrated by the public servants. In this paper the commonest types of corruption and corrupt practices indulged by public servants have been articulated with their debilitating effects on the economy of the nation and negative impact on the citizenry. It is heart rending that Nigeria should be borrowing money to pay salaries. All the three arms of government are involved in the ugly trend that bedeviled the country over the years. It is like there is competition among the three arms of government on who takes the lead of who perpetuates corruption. Lack of political will, selective prosecution, nepotism, poor leadership culture and poor governance are all the causes of corruption. To control corruption, the causes have to be tackled frontally - by all Nigerians at all level of government and outside government. In other words, there is a need for a total overhaul and reform of the Nigerian Public Sector that would install men and women of high integrity and honesty into key positions of government. Apropos, the searchlight and therapy should be high at the top echelon who engage in grand corruption that involves billions and trillions of Naira. Furthermore, the anti-corruption agencies, the EFCC and ICPC, the Police, Immigration, Customs and Exercise, Nigeria Drug Law Agency (NDLEA) etc should be

strengthened and populated with qualified personnel ready to do the work of actual cleansing. Government should be ready and willing to arrest, prosecute and punish any officer found wanting without fear or favor. That is the only way we can get it right and get the country rid of shame and ridicule locally and internationally. We conclude with the reference to the words of Hon. Justice Mohammadu Uwais (CJN) in Attorney-General of Ondo State Vs. Attorney-General of the Federation when he said thus:

“Corruption is not a disease which afflicts public officers alone but society as a whole. If it is therefore to be eradicated effectively, the solution to it must be pervasive to cover every segment of the society”.

## ENDNOTES

<sup>i</sup> No. 18 of 1959, Laws of Northern Region of Nigeria.

<sup>ii</sup> Cap. 42 1916, Laws of the Federation and Lagos

<sup>iii</sup> See 153 (1)(a) and third schedule (part 1) A. of the constitution

<sup>iv</sup> No 5 of 2000, later repealed by. 6 of 2003

<sup>v</sup> Cap E1 2004

<sup>vi</sup> See Blacks Law Dictionary, Sixth Edition, Page 343; In Biobaku Police (1951) 20NLR 30 at 31, Bairamian, J dynamically as reward or inducement to sway or deflect the receiver from the honest and impartial discharge of this duties

<sup>vii</sup> See corrupt practice definition; lawinsider. Com (goggle)

<sup>viii</sup> Atlas, S.H The Sociology of Corruption, Times International, Singapore, (1980) p.12

<sup>ix</sup> Quoted in Atlas, S.H Corruption: its nature, causes and functions, P.1

<sup>x</sup> Please note that these institutions have laws that establish them as well as create offences designed to fight numerous forms of corruption and corrupt practices

<sup>xi</sup> Dictionary.com

<sup>xii</sup> See section 5(1)(a) of the 1999 Constitution of the Federal Republic of Nigeria (as altered)

<sup>xiii</sup> See part 11 of the fifth schedule to the Constitution on who are public officers.

<sup>xiv</sup> See section 13-24 of the Constitution

<sup>xv</sup> see Obasanjo: The Absentee President of Nigeria-Monday June, 2002

<sup>xvi</sup> See the relation, Tuesday, August, 29, 2017 P.8.

<sup>xvii</sup> So called because the IPPIS was letter used by the same operators to cheat public servants by making illicit deductions

<sup>xviii</sup> Okoujo-Iwealla Ngozi: Fighting Corruption is Dangerous, 2018; pages 94 - 96

<sup>xix</sup> See premium of January, 31, 2021

<sup>xx</sup> See punch Newspaper of November, 19, 2017.

<sup>xxi</sup> See this day Newspapr of August 27, 2017 at page 74

<sup>xxii</sup> see Ekumakama, D.U. Law, Corruption and other Economic Crimes in Nigeria Today: Problems and Solutions, 2002