



NEW ANTI-CORRUPTION GOVERNMENTS: THE CHALLENGE OF DELIVERY

NIGERIA

A CASE STUDY

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Nigeria

1. Executive summary

This case study focuses on Nigeria as an example of a country that is not only in transition, but that also embarked on an anti-corruption crusade without necessarily being forced to do so. Nigeria's anti-corruption reforms are seen to be self-imposed and fundamentally geared towards improving the economy and ensuring better service delivery to the people.

Country overview

Nigeria is a country of more than 126 million people with a landmass of about 923,768.64 sq. km and immense human and material resources. The country's progress since independence, however, has been undermined by long years of military rule, political instability and systemic corruption. In 1999, a civilian government was finally elected to office after a successful political transition process. It is therefore possible that the potential that abounds in this country can be translated into real growth when corruption is reduced to its barest minimum and service delivery enhanced.

This study examines the transition conditions in which the crusade against corruption is being waged are examined. It discusses the impact of military rule, the existence of weak institutions, the dysfunctional legal system and the ubiquitous presence of competitive ethnicity, among other factors. The study also points out that that anti-graft reforms were one of the major initiatives promised by the new government led by President Olusegun Obasanjo. It is against this background that the ongoing war against corruption in Nigeria should be evaluated.

Initiatives undertaken by the government

Government initiatives include the establishment of the Independent Corrupt Practices and Other Related Offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC), implementation of civil service, financial and banking reforms, and the institution of the Budget Monitoring and Price Intelligence Unit (BMPIU), otherwise known as the due process mechanism.

Overall outcome

The government in Nigeria has been able to summon the necessary courage to directly address systemic corruption in the country. The fact still remains, however, that very little has been achieved. It appears that there has been no significant drop in the level of public sector

corruption in the country. Though less brazen now than before 1999, corruption continues. Despite the resources and time put into the anti-corruption campaign, a major reason for the stubborn persistence of corruption is the perceived conflict of interests on the part of those driving the reform movement. While the president appears sincere in this campaign, the same cannot be said of members of his team. Conflicts of interests often arise between the imperatives for transparency on the one hand, and party loyalty on the other. The importance of leading this war by example cannot be overemphasised.

Major challenges

The major challenge for ensuring the sustainability of the campaign against corruption and providing better services consists, firstly, of earning the support of citizens for anti-corruption measures. The success of the campaign also will depend on President Obasanjo's successor. This study finds that winning support from the people will be difficult, in particular because the anti-corruption war is being waged at a time when the public sector is undergoing painful civil service reforms, which hurt many families.

Conclusion

Nigeria's anti-corruption reforms under the current civilian government are on course, but are largely ineffective. Current reforms do have the potential to reduce corruption in the near future, but adjustments must be made in the general reform process, while good timing and balancing of priorities are essential for the success of the campaign and of service delivery.

2. Summary

2.a. Overall outcomes and current status

The government under President Olusegun Obasanjo has been able to summon the courage to concretely address corruption in a society where corruption had become institutionalised and systemic. Some of the key reforms carried out so far, such as the privatisation policy, the due process mechanism and banking reforms, indicate that it is no longer 'business as usual'. The reforms in the public sector, though difficult to accept without reservations, have the potential to alter perceptions and attitudes as well as the manner in which public institutions work. It is likely that reforms will eventually lead to better service delivery. In the short term, however, the reforms are painful because the government did not put in place safety nets for the unlucky victims of the reforms. The risk is that these unlucky victims may become tomorrow's social malcontents.

Nevertheless, in the opinion of most Nigerians, there has not been a significant drop in the level of corruption in Nigeria. Still, perpetrators are becoming more cautious and more ingenious, and are no longer as brazen as they were before the reforms were adopted.

The main obstacles to the anti-corruption reforms are politicians and the significant number of police personnel who do not support the reforms. In addition, the lack of political will to prosecute high-profile individuals for corrupt practices, coupled with the extremely slow judicial process in the country, are key obstacles.

A major factor that would contribute to the success of the anti-corruption campaign, but which is sadly lacking, is 'leadership by example'. Many of those interviewed for this study attributed the failure of the corruption crusade to this failure of leadership.

The main reform drivers include the president and his immediate cabinet, the heads of the ICPC and the EFCC, the due process mechanism, the Minister for Finance and the Minister of the FCT.

2.b. Current challenges

Some of the current challenges include:

- Winning the support of citizens for the anti-corruption crusade. If the reforms are actually meant to benefit the Nigerian people, it is crucial that they be involved in the crusade.
- Stopping the judiciary from acting as an obstacle to the operations of the EFCC and ICPC.
- Stopping policemen from breaking the law, intimidating innocent citizens, and robbing citizens with the guns entrusted to them. The inability to reform the police force has undermined the overall corruption campaign.
- Mustering enough political will by avoiding conflicts of interest in the prosecution of the war against corruption.
- Increasing the funding given to ICPC, which has repeatedly insisted that it is under-funded. This has undermined its capacity to investigate cases.
- Giving the economic reform package a human face. Nigerians are losing their jobs without alternative employment opportunities opening up, while graduates

and many young people cannot find employment. This is dangerous: it is common sense that only when their stomachs are full, can people find the strength to fight corruption.

- Finding solutions to the problems of widespread political patronage, nepotism and self-aggrandisement among politicians.
- Addressing the issue of delayed or total lack of payment for government contracts. This problem provides an excuse for the inflation of contracts.
- Addressing the problems of fiscal federalism, and ensuring an equitable and popular distribution of resources in such a way that corruption is not encouraged.
- Ensuring that the reforms are internalised through building ownership by the people so that the reforms survive regime changes and changes of political actors.
- Finally, ultimate success in stamping out corruption in Nigeria will depend on who leads the country after President Obasanjo completes his second term in office.

2.c. Evaluation and lessons learned

When he first assumed office, President Obasanjo named the campaign against corruption as one of his major priorities. A significant amount of resources, both human and material, were devoted to the campaign. Nevertheless, the campaign has largely been a failure. Although there have been glimmers of success, the campaign has hardly made a dent in the level of corruption in the country.

Considered from the point of view of service delivery, it can be easily understood where the anti-corruption war has failed. Adjustments to the campaign may make it possible to defeat corruption in Nigeria. However, the current war on corruption is characterised by retreat and excuses, which undermines the effectiveness of the campaign. Although five years have passed since Obasanjo launched his campaign against corruption, no high profile individuals have been jailed for corruption in a country undergoing what is allegedly a silent revolution. Ideally, punishment should accompany crime, but this has not been happening to the rich and powerful in Nigeria. For example, the trial of some senior Ministry of Defence officials who were accused of stealing close to half a billion naira was quickly and mysteriously discontinued (Nigerian Tribune, 2004; The Punch, 2003). Wrong signals have been sent, suggesting that the government lacks the political will to prosecute such crimes and that some toes are too powerful to be stepped on.

The president's courage in even starting a war against corruption should be lauded. The practice of publishing its budgets, keeping records of revenue collection and adopting new statutes and rules while encouraging other ministries and extra-ministerial departments to do likewise is a commendable way of promoting transparency in government financial activities. The government has also standardised financial reporting system at the federal, state and local levels. This is a welcome initiative.

The major lesson to be learned is that, apart from putting in place new institutions and engaging in a public dialogue on the evils of corruption, it is most important that the leadership be seen to lead by example. This applies not just to the president, but to all key leadership positions in society. Failure to lead by example prevents the ideas of anti-corruption from permeating through society. Indeed, most Nigerians today do not believe that the anti-corruption war has been effectively established. As was noted in the Service Compact, 'it is not necessarily the message of leadership, but the evidence of leadership that the Nigerian people can trust.'

2.d Recommendations

Based on the assumption that the anti-corruption campaign in Nigeria remains on course, but continues to be ineffective, the following recommendations are proffered:

- The government should as a matter of urgency give economic reform measures a human face. The government cannot expect to enforce anti-people policies on the one hand, and successfully prosecute a war against corruption involving the people on the other. Though distinct, the Economic Reform Agenda and the anti-corruption campaign cannot be wholly separated. If they must be implemented side by side, then the likely impact of one on the other must be borne in mind.
- It is important to note that it is mainly through leadership by example that the anti-corruption war can be won. The campaign must take priority when conflicts of interests arise.
- Corrupt individuals, no matter how highly placed in society, should be exposed, prosecuted, and if found guilty, jailed and ostracised. Illegally acquired property should be confiscated to serve as a deterrent to those intending to engage in corrupt practices.
- Public awareness campaigns on the evils of corruption and the penalties should be intensified at all levels of governance.
- A monitoring unit should be established in the president's office to monitor all cases being investigated by the anti-corruption agencies. This will serve as an independent conduit for briefing the president on matters before the anti-corruption agencies.

- The results of public probes should be released to the public as soon as concluded. The practice of allowing the president or a governor to decide the fate of public probes should be constitutionally addressed, as the present practice encourages corruption.
- The Freedom of Information Act should be speedily passed by the legislature, as this will assist the war against corruption.
- The government should continue to make the environment difficult and inconvenient for corruption. The current nature of Nigerian society makes corruption possible. The war against corruption needs to be sustained irrespective of changes in government.
- Government at all levels should ensure that prompt payments are made for contracts awarded and carried out. This will help reduce the propensity for subversion of the contract award process.
- Public sector salaries should be promptly paid and worker security and retirement benefits should be ensured. In addition, the merit award system must be revitalised to encourage worker interest in delivering services to the public.
- It is important to introduce anti-corruption curricula in schools to commence the process of re-orientating the youth.
- The international community and organisations at the forefront of the fight against corruption must be sincere in their criticisms and in their ratings of countries in the developing world. It is logical that more weight should be attached to corruption in advanced countries than to corruption in developing countries since the conditions of living vary greatly.
- The need to encourage, and not just to condemn, countries seen to be trying to combat corruption should be borne in mind. At a certain point, condemnation can become counter productive.
- Finally, since governance is a social contract, the Nigerian government at all levels must provide basic security and infrastructure in all parts of the country to enhance its legitimacy and garner the necessary support for its anti-corruption reforms.