

ISSUES AND CHALLENGES OF PEOPLE-DRIVEN ANTI-CORRUPTION CAMPAIGN: AN ANALYSIS OF INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION IN NIGERIA

¹Yusuf Laiatu, ²Aminu Murtala Ibrahim, ³Kilani Oluwatobi Fatai, ⁴Gbenga Oba Fadare

Department of Defence and Security Studies, Nigerian Defence Academy Kaduna.

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Abstract: Nigeria's anti-corruption campaign was initiated by the government of Nigeria and is still predominantly being led by the government. Notwithstanding the renewed anti-corruption efforts since 2015 as well as the existence of a National Anti-corruption Strategy (NACS) since 2017, implementation of the campaign especially by the Independent Corrupt Practices Commission (ICPC) has not been seen as successful. This study was exploratory and primary data were collected through Key Informants Interviews (KIIs) interviews conducted on 15 persons that were selected from the ICPC Headquarters in Abuja using purposive samples. Also, secondary data were obtained through online sources that were analysed and presented using descriptive method. The research findings revealed several issues in the implementation of Nigeria's anti-corruption campaigns, including selective prosecution and political interference in the anti-corruption fight; seemingly lack of transparency and inadequate political will to fight corruption on the part of government; lack of trust in the judiciary as offenders are still able to evade justice because of the weakness and corruption in the criminal justice system; poor management of the recovered loots such that there is presently no visible positive impact of the corruption war on the masses in respect of their welfare and even their daily experiences, among others. Based on these issues and challenges, the study concluded that if the suggested recommendations are implemented, Nigeria's anti-corruption campaigns could be more robust and successful, especially, when it involves commitment of more stakeholders and the common people who would voluntarily but actively participate and support it.

Keywords: Challenges, People-Driven, Anti-Corruption, Analysis ICPC.

1. INTRODUCTION

Corruption exists in different forms and exacts various negative effects on individuals, countries and society. While corruption is inimical to the general well-being of the people, anti-corruption on the other hand is a people-focused endeavour to restore, reverse and sustains the same well-being. Thus, campaigns to eradicate corruption and ensure national security is expected to be owned by the people (UNDP, 2011). Corruption is not a native to Nigeria or any specific country for that matter; though, generally seen as a local issue, it is a global problem that stands as the greatest obstacle to economic and social development around the world. With one trillion dollars said to be paid annually in bribes and estimated \$2.6 trillion stolen every year and developing countries losing 10 times the amount of the Official Development Assistance

(ODA) to corruption (UNDP, 2011); the destructive nature and the international status of corruption have been established, where the weak countries of the third world are the most affected by corruption in more negative ways. The pervasiveness of corruption and its universality also underscored by the attention that universal, regional and multilateral institutions such as the United Nations, particularly its subsidiaries like UNDP, the International Monetary Fund (IMF), World Bank (WB), European Union and Commission (EU/EC), Transparency International (TI), Organisation of American States (AS) and the African Union and Commission (AU/AUC), among others are paying to the issues and phenomenon of Corruption through multiplicity of laws, programmes and projects, (Wasow, 2018). This notion, Wasow (2018) concludes is exemplified by the evolution and use of universal and regional standards such as United Nations Convention Against Corruption (UNCAC), African Union Convention on Prevention and Combatting Corruption (AUCPCC), Transparency International (TI), and Corruption Perception Index (CPI), among others, to benchmark national performances in the anti-corruption sector.

However, corruption remained endemic as the ACB was understaffed and is eventually led the colonial government to abolish it entirely and the Corrupt Practice Investigation Bureau (CPIB) was formed out of the Special Investigations Team to review the inadequacies of the Anti-Corruption Branch. Thus, after Singapore attained self-government, the POCO was repealed, and the Prevention of Corruption Act (PCA) was enacted in its place on 17 June 1960. The PCA addressed the deficiencies of the POCO and empowered the CPIB to conduct investigations and enforcement duties. By 2017, Singapore rose to the 7th position on Transparency International Corruption Perceptions Index (TICPI) and is the first Asian country to have made it into the top 10 of the indexes to be among the least corrupt countries in the world.

In Africa, pervasive and entrenched corruption is linked to her colonial experiences and leadership. Indeed, the high incidence of corruption in the public life of post-colonial Africa is widely acknowledged as the central facilitator of wealth and political power (Abutudu, 2003). In the same vein, according to Adebawale and Obadare (2011), any attempt to correlate corruption and development will always settle on a consensus that corruption is a negative phenomenon in every modern society, and that its impact is particularly catastrophic in African countries.

Botswana is reputed to have proactively reinforced its legal and institutional frameworks to tackle the scourge of corruption, following the numerous scandals involving misuse of public money and abuse of privileged power by several high-ranking government officials during the 1990s. Despite Botswana's good reputation abroad, the country is still faced with some challenges regarding corruption. A lack of transparency, deeply entrenched patronage networks, conflicts of interest and nepotism, together with concerns over judicial independence, continue to blight the progress made (Badham-Jones, 2014).

In Nigeria, a renewed fight against corruption started since 2000 as a fulfillment of the electioneering campaign promises (ICPC, 2004). It was government initiated and is not yet owned or fully supported by the citizens. In the estimate of citizens, the outcomes of the campaigns so far are yet to inspire people's support because the impacts are yet to be felt in respect of their well-being. Also, as a fall out, the campaign seems not to be very supportive of the National Security of Nigeria yet. It is based on these realisations that this study attempts to understand the situation. Nigeria's renewed campaign against corruption since 1999 has remained a government initiative, with poverty, unemployment and known indices of bad governance present in the country (Ocheje, 2017). As corruption continues to erode morality, transparency, public accountability and retard development in Nigeria, the entire fabrics of society and the well-being of people is being destroyed, thereby jeopardies national security of Nigeria. Ocheje (2017) posits that the inability of Nigeria's anti-corruption campaigns to develop capacity of the people to kick corruption and enforce the norm of ethical universalism is worrisome.

According to Wanjala (2012), evolution of corruption can be traced to Africa's historical and political formations. Therefore, addressing the impact and challenges of enforcing anti-corruption strategies can only be understood within structural and geopolitical contexts because corruption remains a major, formidable challenge to Africa's renaissance and development agenda. Wanjala (2012) noted that to emphasize the complex nature of corruption is not an exercise in idle repetition, rather, it is a realisation of the fact that in the African context, lack of progress in reducing corruption was either due to overly optimistic disposition of policy makers, or inability to seriously appreciate the complexity of the phenomenon of corruption and its capacity to mutate. Since corruption is a secretive crime and often involves only satisfied parties, Wanjala (2012) asserts that laws and policies alone will not eradicate the scourge, but they must be followed up by serious enforcement. However, effective implementation is dependent upon far-reaching reforms which will target the societal challenges and its historical, socio-economic and political dimensions.

Vannucci (2011) uses three paradigms: the socio-cultural, the political-economic and the neo-institutional approach, to explain the nature of corruption and how it takes root in political-administrative systems. He posits that, there is no single

recipe to deal with corruption, but in general terms, anti-corruption strategies/policies are more effective when they reduce the opportunities and increase the moral costs of corruption. Again, he opines that anti-corruption policies require advocacy coalition and societal support for promotion of public good, integrity and transparency for democracy sustainability. Therefore, Vannucci (2011) concludes that no optimal set of norms, institutions or policies with well-defined timing and content can be generally applied as a parameter for the evaluation of policies against corruption.

Nigeria is ranked among the most corrupt countries in the world (TI/CPI, 2019). According to Babalola (2005), the frequency with which Nigerian public officials are removed from office over corrupt practices raises the question of why Nigerians are so prone to corruption. This is essentially a by-product of the failure of the colonial regime to develop the Nigerian state, nature of the political-economy and the forces of production. He asserts that, British colonial masters created the conditions of absolute and arbitrary nature of state power, which was used as an instrument for the control and appropriation of capital and wealth but failed in developing the country's productive forces. These conditions have compelled Nigerians to employ all sorts of means to acquire state power, promote personal and clan interest, over those of the nation. Babalola (2005) concludes that if the Nigerian state remains in its colonial model, corruption will remain a problem.

Ocheje (2017) asserts that the agenda to fight corruption in Nigeria has a long pedigree expressed in terms of successive governments, processes and measures, policies, strategies, legislation and institutions. However, due to haphazard implementation of the campaigns, anti-corruption norm has not emerged in Nigeria for any remarkable success and sustainability to be achieved. Using social constructivist explanations on Norm emergence, he describes the contextual ingredients of a successful anti-corruption norm to include: Availability of organisational platform such as a non-Governmental organisation for the norm entrepreneurs to promote the norm and through which enough members in the society are won; and Cascading of the norm into international community through a process of international socialisation", to induce norm breakers to become norm followers.

To check corruption, the government of former President Olusegun Obasanjo devised strategies and inventions that were articulated in the National Economic Empowerment and Development Strategy (NEEDS), Establishment of the Budget Monitoring and Price Intelligent Unit (BMPIN), Independent and Corrupt Practices Commission (ICPC), EFCC, and the Nigerian Extractive Industries Transparency Initiatives (NEITI). However, lack of commitment to the implementation was the major hindrance to its success (Familoni, 2005).

Statement of the Problem

Anti-corruption has remained a constant priority for the Government of Nigeria since return to democracy in 1999 (FGN, 2017). The adoption of a National Anti-Corruption Strategy (NACS) has not significantly improved the country's ranking in the fight against corruption as regularly indicated by the TICPI and few other corruption surveys. For instance, despite the anti-corruption campaigns, the country dropped from 144th in 2018 to 146th in 2019 (TI/CPI, 2019). This scenario can be partly attributed to the inability of the people to drive the anti-corruption agenda of government, as well as the inability of government to properly articulate its anti-corruption strategy being implemented and for effective communication of its benefits to Nigerians. It is based on these, that this study seeks to inquire into the reasons why Government through the ICPC and the people have not been able to synergize towards a collective approach that will successfully address the poor implementation of the several anti-corruption efforts since 2015.

Objectives of the Study

The general objective of this study is to assess issues and challenges of people-driven anti-corruption campaigns in Nigeria, while the specific objectives is to examine the issues surrounding the implementation of people-driven anti-corruption campaigns by ICPC. To identify the challenges to implementation of people-driven anti-corruption campaigns under the NACS and to suggest how the issues and challenges mitigating people-driven anti-corruption campaign in Nigeria can be addressed.

2. THEORETICAL FRAMEWORK

There is a growing number of theories providing some understanding of the challenges of corruption and the techniques that state and other institutions can be used to combat it. Also, a major concern is that poor performance in the anti-corruption arena is due to the theoretical misunderstanding of the problem. Therefore, this study looks at the Collective Action theory.

Collective Action Theory of Corruption

Looking at corruption as a collective action problem, rather than from just the principal-agent perspective, is presently gaining momentum in academia. According to Person, Rothstein, and Terrell, (2013) collective action theory emerged as an alternative explanation for why systemic corruption persists despite laws and institutions making it illegal, and why corruption resists various anti-corruption measures.

This means that, in some circumstances anti-corruption measures based on the principal-agent model will not be effective because there may be no "principled principals" who will enforce anti-corruption norms, then an institutional culture of corruption may lead to normalization of corrupt practices and impunity at societal as well as individual levels. The scholars further noted that, to combat corruption in such circumstances, there is a need for collective and coordinated approaches, such as reform coalitions of like-minded organizations. They assert that these approaches are often called "collective action" initiatives.

Relevance of the Theory to the Study

This study adopts collective action theory, because it builds on other theories, by recognising and emphasising active involvement and "co-driving" of anti-corruption campaigns by extra-governmental stakeholders, mainly motivated by public good (Ocheje, 2017). The benefit of using collective action framework to understand corruption and anti-corruption policies is that it complements the principal-agent approach and emphasises Public Goods and Theory of Groups (Olson, 1965). Therefore, when a phenomenon is understood as a collective action problem, it is addressed from a collective action perspective, where everyone will benefit if they collaborate and support its resolution.

Critique of the Theory

The collective action theory critics opined that although the theory involves several people working together to achieve some common objective, the theory failed to factor that people have conflicting interests. Therefore, if their participation in the collective action becomes costly, they will gradually withdraw (Todd, 1992).

3. POLICY CONSTRAINT IN THE IMPLEMENTATION OF PEOPLE DRIVEN ANTI-CORRUPTION CAMPAIGN IN NIGERIA

Assessing the impact of any reform policy, and an anti-corruption policy, is a difficult task for several reasons. The first problem is that it is not always easy to determine what specific goals anti-corruption policies are designed to achieve (Dye 1984: 356). Anti-corruption crusades, as we have seen, often involve not only publicly stated goals (ridding society of corruption and corrupt individuals) but also some undisclosed political ends, such as procuring political legitimacy or eliminating the political enemies of a regime. Perhaps the best one can do is to focus on the attainment of officially stated objectives, which in almost all cases will be centered on reducing corrupt practices through removal of all incentives for corruption, detection of corrupt acts, and punishment of the perpetrators of corrupt acts. But even when policy objectives are clear, other analytical problems surface.

Another vital constrain is that corruption cannot be empirically measured. Therefore, it is difficult to ascertain whether corruption has increased or decreased due to anti-corruption campaigns. This is even as the understanding of corruption itself is not static, varying from one country to another and from one time to another within the same country.

4. EXISTING TRENDS OF ANTI-CORRUPTION CAMPAIGN BY ICPC

According to some ICPC officials interviewed, before the establishment of the ICPC in September 2000, Nigeria had not convicted anybody for corruption in a regular court. However, with the inauguration of the ICPC, with unprecedented powers and promise of support from the highest level, therefore raised hopes of a new dawn. It was understood that, within its first year, covering October 2000 to September 2001, four cases were brought before the Courts for various corruption offences. This figure rose to 14 at the end of the ICPC's second year in September 2002, before peaking at 27 at the close of its third year in September 2003.

The ICPC launched its first major operation in 2000 with the arrest of four individuals accused of offering N3.5 million in bribes to a member of a commission of inquiry established by the federal government to probe the financial activities of the defunct Nigerian Airways Limited (NAL). The four included a senior advocate, Milton Paul Ohwovoriole; Adebisi Olafisoye, a multi-millionaire and proprietor of an insurance company, Fidelity Bond Ltd.; and one of the latter's managers,

Adeyemi Omowunmi. The three, according to the ICPC, conspired to offer the bribe through Adeyemi Omowunmi to the fourth accused, Alhaji Mika Anache, a member of the commission of inquiry on NAL. The money, which was paid on the 16 November 2000, according to investigators, was intended to procure a favourable report from the commission of inquiry. The action constituted an offence under Sections 10(a)(ii) and 231(1) of the ICPC Act.

However, the ICPC officials interviewed further confirmed that a total of 800 petitions were submitted to the ICPC by different individuals and groups in conformity with the 2000 ICPC Act. At the end of the day, the ICPC could not secure convictions in these cases or many more that followed. Later, the ICPC could only convict two relatively minor individuals (the Medical Director of the famous Ahmadu Bello University Teaching Hospital (ABUTH) and his Finance Director). The limits imposed by its own legislation, poor investigative skills and its own mishandling of investigations, insufficient human and financial resources, its management style, an inefficient judicial system, and constant attacks from politicians, especially federal legislators, all combined to create the basis for poor results and progressive loss of credibility.

5. IMPLICATION OF THE CHALLENGES OF ANTI-CORRUPTION CAMPAIGN FOR THE STUDY

These challenges of ICPC inability to effectively sustain its anti-corruption fight and prosecution of corrupt related offences under the NACS guidelines that encourages citizens involvement, gave this study basis to form its research objectives, research questions and confirm its hypothesis to draw conclusion on ways to better address the identified issues and challenges of people-driven anti-corruption campaign in Nigeria.

6. ISSUES SURROUNDING THE IMPLEMENTATION OF PEOPLE-DRIVEN ANTI-CORRUPTION CAMPAIGN BY ICPC

According to the selected respondents, in recent time Government has made several efforts to address the rising corruption in Nigeria that has eaten deep into the system like cancer. They agreed that corruption in Nigeria is at an unacceptable level and that corruption is a "collective challenge" that requires a "collective action" to be effectively tackled in Nigeria. They also noted that, despite the renewed anti-corruption efforts since 2015 as well as the existence of NACS since 2017, the generality of Nigerian people still does not believe that the anti-corruption campaigns are effective or impactful. As a result, the respondents identified some issues responsible for the situation including: Selective prosecution and political interference in anti-corruption fight, Poor Management of recovered loot, Lack of transparency and political will on the part of government to fight corruption, Offenders evade justice, Lack of trust in the judiciary, No positive impact of the corruption war on the masses.

7. CHALLENGES TO THE IMPLEMENTATION OF PEOPLE-DRIVEN ANTI-CORRUPTION CAMPAIGN UNDER THE NATIONAL ANTI-CORRUPTION STRATEGY (NACS) IN NIGERIA

The respondents expressed deep concern over the challenges to the implementation of people-driven anti-corruption campaign under the NACS in Nigeria, among the challenges are; wide emotional attachment of Nigerians to religion, ethnicity and partisanship on corruption related issues, politization of anti-corruption fight, the seemingly lack of synergy between the three arms of Government (FG not on the same page with the sub-national levels), poor communication of impact of corruption and anti-corruption which makes anti-corruption to be seen as not impacting on the well-being of citizens, and that the progressive voices are dysfunctional.

Additionally, the respondents identified other challenges facing ICPC to include; being bureaucratic-driven and limited by its stereotypical nature, Lack of anti-corruption norms/attitude among the generality of its citizens, Nigeria's anti-corruption campaign is concentrated mainly at the Centre and less appreciated at the sub-national levels, poor funding of anti-corruption initiatives in Nigeria, Loose and dysfunctional coalition and network of support for anti-corruption campaigns in Nigeria i.e progressive voices are not organized.

8. MEASURES TO ADDRESSING THE CHALLENGES MILITATING THE IMPLEMENTATION OF PEOPLE-DRIVEN ANTI-CORRUPTION CAMPAIGN IN NIGERIA

The respondents agreed that Nigerians anti-corruption campaigns are still not yielding the expected results but would become more robust if led by the people themselves i.e if it involves commitment of more stakeholders and the common people who would then voluntarily but actively participate and support it. They opine that, the way forward is to empower

Non-Governmental Anti-Corruption Groups activities on a large scale for a "people driver" anti-corruption campaign. The engagement of groups like the Awareness and Public Enlightenment, Research and Advocacy, Activism, Collaboration with and support for anti-graft agencies, Whistle Blowing as well as Project Monitoring and Tracking. Also, they averred that a people driven anti-corruption strategy will ensure that all instruments or institutions of democratic consolidations are involved; this will involve immediate strategy that will respond to speculations, and get the media involved in building public trust, not just dishing out information, and thinking that the public will just swallow it that way. By implication, religions, community-based and civil society organisations among others are the institutions that should be involved in the people driven anti-corruption measures.

9. CONCLUSION

In this study, critical issues affecting the nature of people-driven anti-corruption campaigns in Nigeria were examined, the challenges affecting implications of "people driven" anti-corruption campaign by ICPC were discussed and at the end, recommendations were proffered. Addressing the research questions, the research revealed that, despite the overwhelming concern of Nigerians for endemic corruption, which they considered an existential issue, the anti-corruption campaigns initiated by the government of Nigeria is still predominantly being led by the government rather than the general "anti-corruption" attitude or norms of the masses. This study found out that the implementation was not seen as successful, mainly because of the discrepancies between the overly optimistic anti-corruption narratives by government and actual experience which Nigerians are to exposed daily.

Notwithstanding, the renewed anti-corruption efforts since 2015 and the existence of the NACS since 2017, the study identified issues in the implementation of Nigeria's anti-corruption campaigns and why the generality of Nigerian people still does not believe that the anti-corruption campaigns are effective or impactful. The issues identified were categorised into; selective prosecution and political interference in the anti-corruption fight; seemingly lack of transparency and inadequate political will to fight corruption on the part of government; lack of trust in the judiciary as offenders are still able to evade justice because of the weakness; poor management of the recovered loots such that there is presently no visible positive impact on the masses in respect of their daily experiences, among others.

Furthermore, challenges bedeviling the campaigns revealed by the study included: wide emotional attachment of Nigerians to religion, ethnicity and partisanship even on corruption related matters; Anti-corruption campaigns which is politicized and seemingly lack in synergy between the 3 arms of Government; Lack of anti-corruption norms or attitude among the generality of the citizens; the campaign bureaucratic-driven and is limited by its stereotypical nature; slowness in the adoption of technology for anti-corruption purposes; loose and dysfunctional network of support (progressive voices); poor communication of impact of corruption; and poor funding of anti-corruption initiatives in Nigeria.

The study concluded that notwithstanding the daunting issues and challenges, Nigeria's anti-corruption campaigns would be more robust, impactful and successful when it is people-driven in both the conceptualisation and implementation.

10. RECOMMENDATIONS

The need for a robust people-driven anti-corruption campaign in Nigeria cannot be overemphasized. Therefore, the following recommendations are proffered:

- i. Anti-Corruption Agencies (ACAs) should adopt strategic communication to manage the negative public perception and enhance public trust and legitimacy of the anti-corruption campaigns. This can be achieved by introducing a joint strategic communication policy using live streaming of the activities of ICPC and other ACAs.
- ii. Governments should ensure effective implementation of the five pillars of NACS across levels of implementation, such that anti-corruption campaigns and measures would work for the people. This can be achieved through the activation and institutionalization of the NACS Steering, Monitoring and Evaluation (SME) committees to ensure its total deployment and regular evaluation.
- iii. Government should ensure real independence and adequate resourcing in terms of funding the anti-corruption agencies for optimal performance, especially to be able to effectively take on complex corruption cases.
- iv. Government and ACAs should adopt Collective Action approach, by encouraging collaboration and partnership with progressive voices like NGOs and other Professional groups across critical sectors of the society. This effort will encourage inclusiveness and make the crusade people driven.

v. FGN and ACAs should activate the Ethical Re-orientation component of NACS. To this end, the Federal Ministry of Information and National Orientation and ACAs to as a matter of priority, adequately disseminate the National Ethics and Integrity policy for stakeholder's implementation.

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