

GOVERNANCE, CORRUPTION AND THE DEMOCRATIC ORDER IN AFRICA: THE CASE OF NIGERIA

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ABSTRACT: *The triumph of the democratic order in Africa will depend to a large extent on the capacity of stakeholders to tackle the ravages of corruption. Across the continent, the quest for economic and political development had been hampered by corruption on the part of the leaders and followers, thus making the democratic enterprise appear as condemned to being subverted, as it turns out, from within. The scourge appears intractable due to its prevalence, thus, encumbering most States in the continent. For decades, Nigeria's has been performing below average in the transparency international index of corruption. At some point, Nigeria was oscillating between the first and second most corrupt nation in the world. This unenviable status continues to assert negatively on the State and the growth of democracy despite the several strategies put in place by past and previous regimes to combat the scourge. This paper therefore considers the hindrances of corruption to the development of the democratic order and explores the imperative of good governance in remedying the malaise.*

KEYWORDS: Democracy, Good governance, Corruption, Leadership, Elections.

INTRODUCTION

Corruption is universal and not a problem restricted to any region. In Belgium and the United Kingdom, Japan and Italy, Russia and Spain, and other countries, allegations of corruption play a more central role in politics (Klitgaard, 1998). According to Transparency International (TI)'s Corruption Perception Index (CPI), between 1995 and 2009, no country has a score of 10/10 on a 10-point scale, indicating that there is one level of corruption or the other in all countries worldwide. However, corruption has reached endemic proportions in Africa as evidence by the TI CPI where no country in the continent has ever scored 7 or more. In fact, Botswana is the only African country that has consistently scored above 5. All other countries have always recorded a score of 5 or below. Nigeria has always been in the range of 1 and 2.7. In Nigeria corruption is considered a national malaise that causes ordinary citizens to have little trust in the state.

Corruption permeates all levels of government, the federal, state and local governments. In actual fact, based on the experiences of many Transparency International (TI) chapters, the problems of local corruption is more severe than those at the national level in South Korea and many other countries (Evans *et al*, 2009).

Consequently, there has been a growing effort by governments and international communities to fight corruption and ensure that good governance prevails. The anti-corruption crusade are been supported by organization such as the United Nations, the World Bank, African Development Bank, African Union and the Organization of Economic Cooperation and Development (OECD). Specifically, the United Nations by resolution 58/4 of the General

Assembly of 31 October 2003 adopted the United Nations Convention against Corruption and the African Union adopted the African Union's Convention on Preventing and Combating Corruption in Maputo, in July 2003. Furthermore, African leaders initiated the New Partnership for Africa's Development (NEPAD) and African Peer Review Mechanism to place the continent on a path of sustainable development with an improved governance environment devoid of corruption. At the national level, governments put in place several public regulatory institutions and mechanisms to prevent corruption and promote good governance.

Anecdotal evidence suggests that there is an intrinsic and symbiotic relationship between corruption and the unenviable state of the democratic order in Nigeria, nay Africa. Across the globe, democratic governments are strengthened by citizen participation and the rule of law but undemocratic governments, which are hallmarked by lack of transparency and accountability, provides a fertile breeding ground for corruption. Corruption therefore engenders the mismanagement of human and material resources, which results in poverty, chaos and the underdevelopment of the democratic order. Becoming corrupt in Nigeria is almost unavoidable, as morality is relaxed, because people have to 'cut corners' so as to survive. Corruption is pandemic in Nigeria and it has certainly emerged as the major impediment to the development of democracy and the national economy.

The scourge has grown to become a way of life of both the governor and the governed as it pervades all sectors of the state. In Nigeria, corruption transcends mere pecuniary exchange(s) as conceptualized in this paper as evidences abound on several private and official conduct that depicts glaring departure from honesty. Corruption is a serious problem affecting the whole sphere of Nigeria. While the corruption in the form of distortion of the government expenditures, pillaging of the State assets and bribery is widespread in the higher level of public offices, the grand corruption in politics such as sale of party tickets, office posts and public contracts remain a critical concern because politics has become the most remunerative career. Petty corruption also exists among the poor people who are inclined to sell their votes for money, jobs and undue favors. In all circumstances public offices or posts are illegally used and traded for private gains and long-term public interests are sacrificed. The petty corruption is also pervasive in government offices like revenue, income tax and custom departments, law enforcement agencies, public utility services, etc. However, all the variants of corruption are inimical to the enshrining of the democratic order as evinced in Nigeria's Fourth Republic.

Although corruption may be harmful to society as a whole, it is however beneficial to the individuals who perpetrate it. Corrupt bureaucrats find it privately more beneficial to use government regulation and to manipulate the law to create corruption opportunities or economic rent rather than earn an honest wage by providing services as required by the law. Hence, corruption is the outcome of a calculated move by bureaucrats to maximize their own material wellbeing to the detriment of society as a whole (Ndikumana, 2006).

The remainder of this chapter is organized as follows. Section two contains the theoretical and conceptual framework, which examines the existing evidence and theories from literature on the scope, vehicles, consequences and strategies proposed to fight corruption. With a special focus on Nigeria, section three outlines the country's anti-corruption reforms and strategies from independence to 2009. Section four, analyses the 'road blocks' to the democratic order in Nigeria, while section five discusses the issue of corruption and good governance. Section five presents conclusions.

Corruption: A theoretical and Conceptual Analysis

The definition of corruption flows from the dominant perspectives of extant social sciences literature, viz: the public-office-centred, the market-centred and the public-interest-centred definitions Heidenheimer *et al* (1989). These perspectives however have analytical limitations. Lotterman (2002) opined that corruption is ‘an act which deviates from formal rules of conduct governing the actions of someone in a position of public authority because of private-regarding motives such as wealth, power or status. Shah. (2007) defined corruption as the exercise of official powers against public interest or the abuse of public office for private gains. Fraud and corruption are often seen as one and the same and are usually referred to as “white collar crime” (Salami, 2005).

Corruption is "efforts to secure wealth or power through illegal means – private gain at public expense; or a misuse of public power for private benefit (Lipset *et al*, 2000). In addition, corruption is a behavior, which deviates from the formal duties of a public role, because of private [gains] - regarding (personal, close family, private clique, pecuniary or status gains. It is a behavior, which violates rules against the exercise of certain types of [duties] for private [gains] - regarding influence (Nye, 1967). This definition includes such behavior as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascribed relationship rather than merit); and misappropriation (illegal appropriation of public resources for private uses. Also, corruption is an "anti-social behaviour conferring improper benefits contrary to legal and moral norms, and which undermine the authorities" to improve the living conditions of the people.

Conceptually, corruption issue was synthesized in Shah (2007) into three categories based on the persistence of corruption and appropriate measures to fight it. The three categories are: the **principal-agent models**, the **new public management perspectives**, and **neo-institutional economics frameworks**. The most widely used modeling strategy is the **principal-agent model** and included different variants. A common thread in these models is that the government is led by a benevolent dictator (the principal), who aims to motivate government officials (agents) to act with integrity in the use of public resources. One model in the principal-agent school of thought, propounded by Nobel Laureate Gary Becker and documented in Becker (1968) states that self-interested public officials seek out or accept bribes as long as the expected gains from corruption exceed the expected costs (detection and punishment) associated with corrupt acts. According to this view, corruption could be mitigated by reducing the number of transactions over which public officials have discretion, reducing the scope of gains from each transaction, increasing the probability for detection, or increasing the penalty for corrupt activities.

Another variant of principal-agent model advocated by Robert Klitgaard, a Ford Distinguished Professor of International Development and Security, emphasized the unrestrained monopoly power and discretionary authority of government officials. According to him, corruption (C) equals monopoly (M) plus discretion minus accountability (A), presented algebraically as $C = M + D - A$ (Klitgaard, 1988). Hence, whether the activity is public, private, or nonprofit, and whether it is carried on in Ouagadougou or Washington, one will tend to find corruption when an organization or person has monopoly power over a good or service, has the discretion to decide who will receive it and how much that person will get, and is not accountable. Klitgaard (1988) also argued that corruption is a crime of calculation, not passion and acknowledge that there are both saints who resist all temptations and honest officials who resist most. But when bribes are large, the chances of being caught small and

the penalties if caught meager, many officials will succumb. Under this framework, corruption is curtailed by establishing a rules-driven government that includes strong internal controls and leaves little room for discretion by public officials.

The principal-agent model in another variant posits that high-level government officials—represented by legislators or elected public officials— institute or manipulate policy and legislation in favor of particular interest groups (representing private sector interests and entities or individual units of public bureaucracy competing for higher budgets) in exchange for rents or side payments. Legislators weigh the personal monetary gains from corrupt practices and improved chances of reelection against the chance of being caught, punished, and losing an election with a tarnished reputation. This conceptual framework is useful in analyzing political corruption or state capture. Finally, the multitier hierarchy approach, under the principal-agent model categorized corruption into top-down corruption (in which corrupt high-level officials buy lower-level officials by sharing a portion of their gains) and bottom-up corruption (in which low-level officials share the bribes they collect with higher-level officials in order to avoid detection or punishment).

The **new public management (NPM)** frameworks posit that public officials would no longer have permanent rotating appointments but instead would keep their jobs as long as they fulfilled their contractual obligations. The NPM paradigm has clear implications for the study of localization and corruption, as it argues for contractual arrangements in the provision of public services. Such a contractual framework may encourage competitive service delivery through outsourcing, strengthening the role of local government as a purchaser but not necessarily a provider of local services. NPM was argued by a school of thought as a framework where citizen empowerment holds the key to enhanced accountability and reduced opportunities for corruption. Conversely, another school of thought disagree with such conclusions and argue that NPM could lead to higher corruption rather than greater accountability, because the tendering for service delivery and separation of purchasers from providers may lead to increased rent-seeking behaviors and enhanced possibilities for corruption.

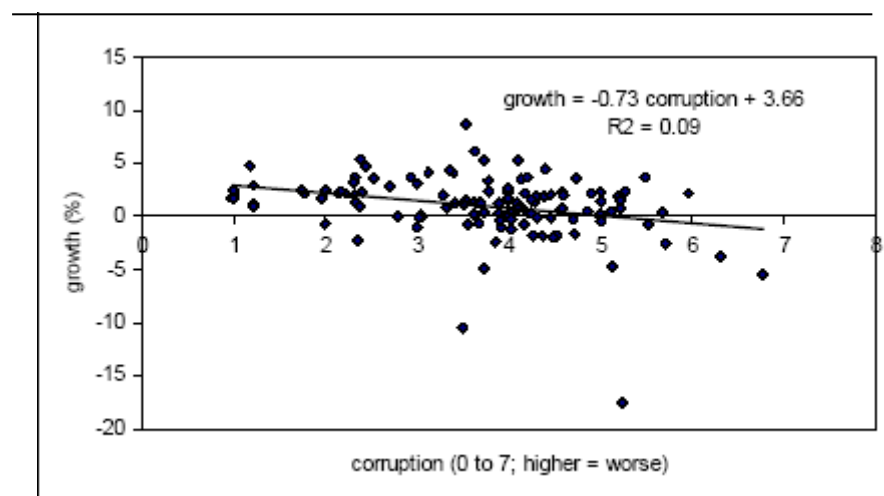
The **Neoinstitutional economics** frameworks argues that corruption results from the opportunistic behavior of public officials, as citizens either are not empowered to hold public officials accountable for their corrupt acts or face high transaction costs in doing so. Hence, government officials indulge in opportunistic behavior that goes unchecked because of the high transaction costs faced by citizens and the lack of adequate countervailing institutions to enforce good governance. Under the neoinstitutional economics framework, the way out of corruption is citizen empowerment (through devolution, citizens' charters, bills of rights, elections, and other forms of civic engagement) as the key measures in combating corruption, because it may have a significant impact on the incentives faced by public officials to be responsive to public interest.

ECA (2005) summarized the causes of corruption in African countries into three main factors; (i) institutional weakness, which makes it possible for political leaders and public servants to embezzle national resources and abuse their power without being checked, (ii) deteriorating economic fortune and living standards of public servants in many countries, which makes corruption a viable means of social livelihood and (iii) the role of external actors, where foreign companies and private interests often capitalise on weak institutional mechanisms and level of poverty in Africa to bribe state officials in order to gain undue advantage or secure political privileges in state policies. With a global perspective,

Ndikumana (2006) expanded these three factors into five main categories of vehicles of corruption: (i) discretion, distortion and government spending, (ii) the structure of the tax system, (iii) looting of fungible external debt and development aid by corrupt government leaders, (iv) low public sector wages and (v) lack of transparency in international contracts and natural resource extraction.

The consequences and damage caused by corruption are enormous and varied. Corruption leads to loss of government revenue; slowdown in the development of essential services; exacerbates poverty by transferring resources from state coffers to the few rich and powerful; ruin the integrity of a nation. Furthermore, corruption is a threat to democracy - because it can enable those involved to win power and influence; It is enemy number one of law and order and good governance. It distorts factor prices, to the extent that those at the receiving end are rewarded for little or no work done and the cost of a project turns out higher than it would be (Mogae, 2010). Moreover, corruption limits a country capacity to attract foreign direct investments, reduces the effectiveness of development aid and slows GDP growth. Empirical evidence from cross-country analysis in the literature revealed that there is an overall negative relationship between corruption and economic growth. This negative relationship between corruption and economic growth is depicted in Figure 1. Ndikumana (2006) cautioned, however that there are few exception where some countries with similar levels of corruption achieve different level of growth.

Figure 1: Corruption and per capita GDP growth, 1984-1999 (n=120)



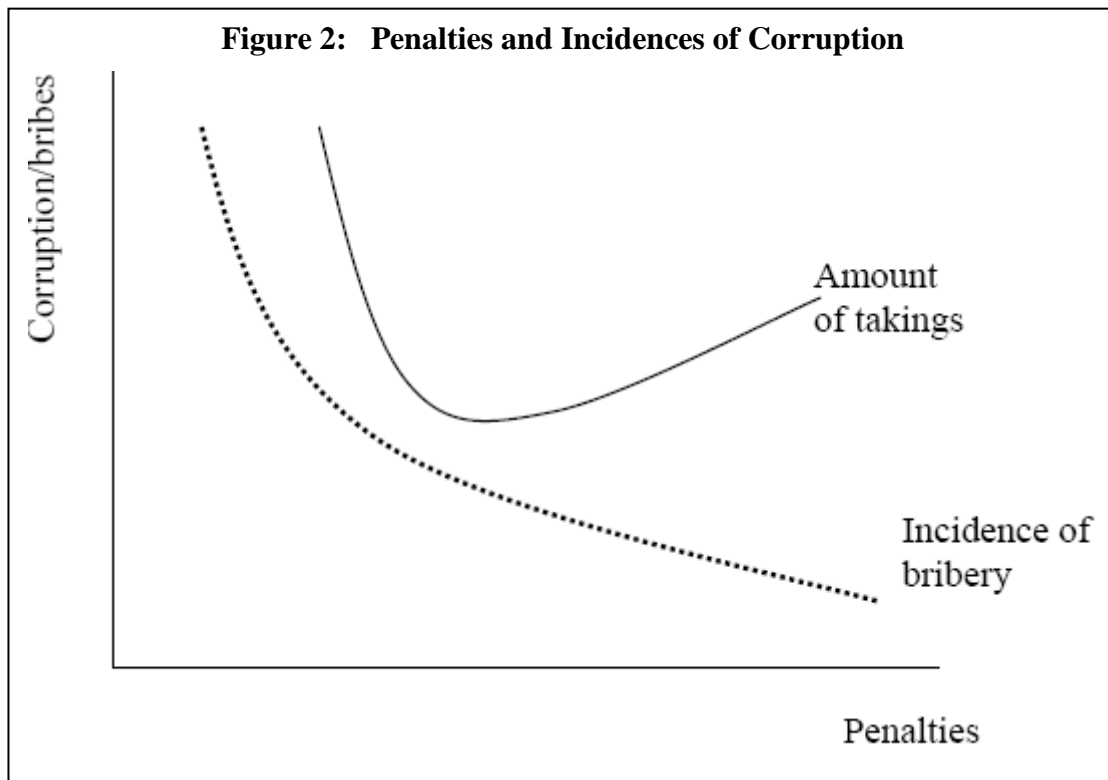
Source: Ndikumana (2006)

Baliamoune-Lutz and Ndikumana (2008) in a study on Corruption, Growth and investment Channel found that corruption affects private investment negatively, while it is positively related to public investment, suggesting that a corrupt government tends to allocate resources to large public investment infrastructure to maximize opportunities for embezzlement of public resources. They concluded that the rent-seeking bias in the allocation of public expenditures results in higher, though inefficient, public investment in economies characterized by high levels of corruption. Corruption is ubiquitous in all its dimensions and manifestations: petty as well as grand, in business transactions as well as in the country's political life, in the private sector as much as throughout the government bureaucracy, in

daily human interactions as well as at critical junctures in the country's public life (e.g., during elections), and at the national and local levels alike (Denoeux, 2007). Corruption practices may also be classified into quite or grand (big time) corruption. While grand corruption is the well known and researched form of corruption, silent corruption though smaller in monetary terms has been given less prominence.

The World Bank African Development Indicators presents quite corruption as the corrupt practices downstream at the frontline of public service provision. It occurs when public servants fail to deliver services or inputs that have been paid for by the government. It is the various types of malpractice of frontline providers (teachers, doctors, inspectors, and other government representatives) that do not involve monetary exchange. These behaviors include potentially observable deviations, such as absenteeism, such as absentee teachers in public schools and absentee doctors in primary clinics and also hard to observe deviations from expected conduct, such as a lower level of effort than expected or the deliberate bending of rules for personal advantage. These include drugs being stolen from public clinics and sold in the private market as well as subsidized fertilizer being diluted before it reaches farmers (World Bank 2010). Quiet corruption is pervasive and has long-term consequences on households, farms, and firms. The report further noted that quite corruption is more harmful to the poor, who are more vulnerable and more reliant on government services and public systems to satisfy their most basic needs.

From the foregoing it is clear that as there are different vehicles of corruption and there are several options to fight it. Secondly, as noted in preceding part of this chapter, there have been several initiatives by government, international organization and other stakeholders to fight corruption. Basically, the common approach adopted to fight corruption is the use of stiff penalties. However, Ndikumana (2006) argued that resorting to stiff penalties as a means of deterring corruption may presents contradictory outcomes. Increase in penalties may result to reduction in incidence of corruption, but the amount of takings (bribes, kickbacks) may actually increase (see Figure 2). This is because with higher penalties, the bureaucrats will demand higher payments as compensation for the risk of being caught in corrupt deals. The bribers also will offer higher payments to entice bureaucrats to engage in corrupt deals.



Source: Ndikumana (2006)

In Nigeria, an understanding of what constitutes corruption transcends officialdom and discussing corruption broadly as a perversion or a change from good to bad will not be inappropriate. Although corruption exists in every society, it is entrenched and systemic in Nigeria. Corrupt practices are so common and pervading in the country to an extent that citizens find it difficult to develop an alternative to deal with it. Corruption is probably the main means to accumulate quick wealth in Nigeria. Corruption occurs in many forms, and it has contributed immensely to the poverty and misery of a large segment of the Nigerian population. An attempt to fully itemise the constituents of corruption in Nigeria will be dodged by emphasis on pecuniary exchanges whereas it transcend that limit. The following forms of corruption documented in Bayart et al (1997) and Dike (2005) are common in Nigeria: They include;

Bribery: The payment (in money or kind) that is taken or given in a corrupt relationship. These include kickbacks, gratuities, pay-off, sweeteners, greasing palms, etc.

Bureaucratic corruption: This occurs in the public services. This is the kind of corruption the citizens encounter daily at places like the hospitals, schools, local licensing offices, tax offices e.t.c. It occurs when one obtains a business from the public sector through improper modus operandi.

Embezzlement: This is theft of public resources by public officials. It is when a state official steals from the public institution in which he/she is employed.

Fraud: It involves some kind of trickery, swindle and deceit, counterfeiting, racketing, smuggling and forgery.

Nepotism: This is a variant of favoritism in which an office holder gives preference to his/her kinfolk and family members. It also occurs when one is exempted from the application of certain laws or regulations.

Misappropriation: This occurs when funds designated for certain purposes are spent differently. This is a common place in the public sector where officers deliberately misappropriate funds due to their personal interests.

Electoral corruption: This includes the purchase of votes with money, promises of office or special favors, coercion, intimidation, and interference with freedom of election. This practice is common in Nigeria. Votes are bought, people are killed or maimed in the name of election, and losers' end up as the winners in elections, and votes turn up in areas where votes were not cast.

Extortion: This is money and other resources extracted by the use of coercion, violence or threats to use force. The police, soldiers and custom officers are the main culprits in Nigeria.

Ghost workers syndrome: This is a situation whereby people who are not employed or dead are reflected as employees of the State on the payroll.

Abuse of office: This posits the misuse of power and authority by an incumbent especially in rewarding loyalists or favourites in terms of appointment, promotion, award of contracts e.t.c. This is a common place in the civil service and even Nigerian universities.

Favouritism: This is a mechanism of power abuse implying a highly biased distribution of state resources. However, this is seen as a natural human proclivity to favor friends, family and anybody close and trusted.

Manipulation of political institutions and rules of procedure: This takes place when policy formulation and legislation is tailored to benefit a specific group especially politicians and legislators.

Exploitation of advantaged relationship: This involves the use of privileges in the private and public sector in order to gain undue edge in competition.

The above are variants of corruption in Nigeria but identifying and distinguishing corrupt practices in the country is a Herculean task because corruption is pandemic, almost every citizen is guilty of one or the other form of the malaise. In Nigeria, corruption has become a way of life and it remains the greatest challenge to economic and national development. Citizens thrill at the non-enforcement of the rules that define the institutional basis of social, political and economic exchange, as corruption has become the dominant social norm. Reflections on the first four decades of political independence no doubts indicate that citizens themselves are instrumental to the national decay, however, they are receptive to corrupt friendly regimes, thus, celebrating the potent force of mal-governance and underdevelopment.

Nigeria's anti-corruption crusade: An overview.

"Nobody is going to come from somewhere to weed corruption in Nigeria, but it is up to the Nigerians themselves, at all levels, to shoulder that responsibility". **Former President Festus Mogae**

In Nigeria, a plethora of strategies and policy measures had been advanced to combat corruption. Akanbi (2004) traced the epoch to the entrenchment of the Penal code (applicable in Northern Nigeria) and the Criminal Code in the South, which were aimed at dealing with cases of official corruption. Apart from the above, successive military (and civilian) regimes introduced various reform measures to combat the growing incidences of corruption including constitutional, legislative and judicial reforms. Some of these measures are:

- i) The Public Officers (Investigation of Assets) decree No. 5 of 1966 which centered on the eradication of corruption as part of the nine-point programme of the General Gowon's regime (1966-1975).
- ii) The Corrupt Practices Decree of 1975 under which past public office holders were tried for abuse of office by a 3-man panel headed by Dr. Adegbite was initiated by the Murtala/Obasanjo regime (1975 – 1979).
- iii) The 1979 constitution provided for a Code of Conduct for public officers, a Code of Conduct Bureau for the enforcement of such prescribed behaviour, and a Code of Conduct Tribunal.
- iv) The Shagari Administration (1979-1983) initiated an Ethical Revolution to address the state of corruption in Nigeria.
- v) The Buhari/Iduagbon regime (December 1983 – August 1985) that sacked Nigeria's second republic launched the War Against Indiscipline and brought fraudulent and corrupt people to book under this framework.
- vi) In 1990, the Babangida regime (August 1985 – August 1993) drafted the Corrupt Practices and Economic Crime Decree.
- vii) The Abacha regime (1993 – 1998) also initiated the Indiscipline, Corrupt Practices and Economic Crime (Prohibition) Decree of 1994, the failed Bank Decree and Tribunal as well as Advance Fee Fraud and Other Related Offences Act Decree.
- viii) At the dawn of democracy in 1999, the Obasanjo administration promulgated the Corrupt Practices and Other Related Offences Act (2000). It proceeds to establish an Independent Corrupt Practices and Other Related Offences Commission (ICPC). The Government also inaugurated the Economic and Financial Crimes Commission (EFCC) in 2003 to help combat the scourge of corruption. Another institutional approaches by Obasanjo's civilian regime is the establishment of the Budget Monitoring and Price Intelligence Unit (BMPIU) otherwise known as "Due Process" in 2003 (Obayelu, 2007). Furthermore, at the twilight of his tenure in May 2007, Obasanjo government passed into law the Nigeria Extractive Industries Transparency Initiative (NEITI) Act 2007, to promote transparency and accountability in the management of Nigeria's oil and gas as well as mineral revenues and the Public Procurement Act 2007, to ensure more transparency in procurement contracts.

- ix) The government of President Yar'Adua continued to utilize the existing institutions to fight corruption and organized crime. However, in July 2007 the Fiscal Responsibility Act 2007 was enacted into law with the aim to 'redirect governments at all levels to imbue a fiscal behavior that will promote prudence and sound financial management in the system and consequently reduce opportunities for corruption (Dobson, 2009). A remarkable step in the fight against corruption by the Yar'Adua's administration is the public disclosure of the assets of both the president and his deputy.

At the international level, Nigeria has signed and ratified the African Union Convention on Preventing and Combating Corruption; UN Convention against Corruption; and UN Convention against Transnational Organized Crime. Meanwhile, the Freedom of Information Bill and the Whistle Blower Bill are both in the National Assembly for legislation. Analysts have argued that the passage of these two bills into law would boost the anti-corruption crusade of government.

The fact however remains that most of the above mentioned policies were deliberately hampered by the initiators themselves. For instance, in spite of the Gowon's Regime stance on corruption, the government was marred with corruption and indecisiveness and its overthrow in July 1975 was hinged on corruption. Also, after the assassination of the anti-corruption crusader – Murtala Mohammed in February 1976, corruption gradually crept back into the system and the Olusegun Obasanjo led regime was incapable of fighting it.

The administration of Alhaji Shehu Shagari was no better despite its launch of an Ethical Revolution to curb corrupt practices and re-invigorate the national ethics of 'discipline, self reliance and patriotism' contained in section 22 of the 1979 Nigerian Constitution. Unlike the Shagari administration, the Buhari/Idiagbon regime demonstrated more courage in combating corruption with its War Against Indiscipline programme. This programme actually reduced the incidences of corruption until it was sacked by the Babangida regime in 1985. The Babangida regime has been rightly described by Ndibe (2003) as a regime that carried 'moral devaluation to its apogee'. This regime and its successor, the Abacha regime actually institutionalized corruption as part of the national psyche. Corruption became endemic under the Babangida and Abacha regimes to an extent that the entronement of accountability became an arduous task and Nigeria plunged further into abyss of corruption and national decay.

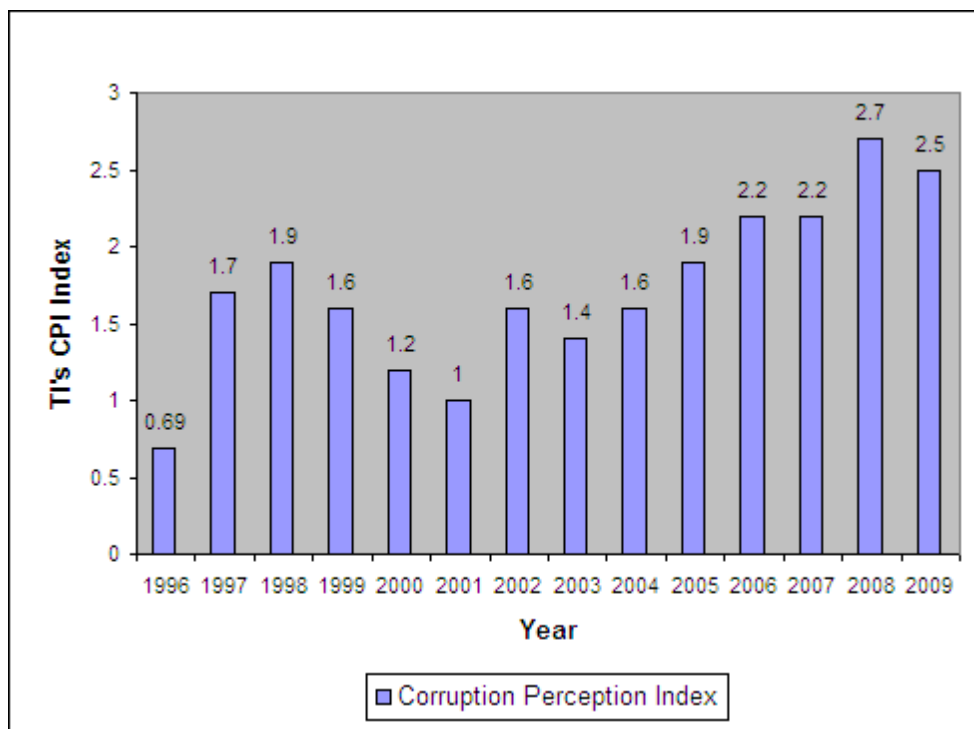
The kleptomaniacal symptom of General Sani Abacha was well known both within and outside Nigeria. In fact, was Abacha was reported in a release by Transparency International in 2004, as in the Top 5 of the most corrupt politicians of the last two decades up to 2004. He was quoted to have corruptly siphoned USD 2billion – USD 5billion from the government purse (Deny 2004 and Hoebink 2009). Abacha and other corrupt government officials stole hundreds of billions US dollars from the public purse. According to a former World Bank President, Mr. Paul Wolfowitz, over USD 300 billion was stolen from Nigeria in four decades (Ojiabor, 2008).

The Abdulsalam Abubakar regime (1998 – 1999) did not initiate any new anti-corruption policy or outfit but it was committed to the restoration and enforcement of all rules and regulations designed to help honesty and transparency. The regime did not 'celebrate' corruption like the ones before it and it successfully organized a transition programme that culminated in the present democratic order.

The ICPC and EFCC have dealt with high profile cases but they are usually hesitant in pursuing their cases to logical conclusions. During Obasanjo's regime, the public opinion is that ICPC and EFCC were used to showcase members of opposition parties as very corrupt as evinced by its concentrated focus on elected officials of the opposition Alliance for Democracy (AD) and the All Nigerians Peoples Party (ANPP) since 1999. The two institutions so much concentrated on members of opposition political parties that it always looks the other way round when members of the ruling People's Democratic party (PDP) gets involved in corrupt activities. They also perceived, especially EFCC as selective and exhibits flagrant disrespect for the rule of law in carrying out their activities. Occasionally, EFCC disrespect court rules at will.

However, the government reforms especially between 2000 and 2009, through the activities of anti-graft institutions, particularly ICPC and EFCC have yielded some positive results with a reduction of corruption levels when compared with the pre-reform periods when Criminal Code and Code of conduct Bureau were the major institutional arrangement used to check corrupt practices on public office holders only (Obayelu, 2007). For example, the EFCC has registered nearly 500 hundred convictions since its inception in 2003 (Waziri 2009a). Specifically, EFCC achievements includes: the conviction of Bode George through the normal judicial process (Waziri 2009b); The investigation, prosecution, conviction, confiscation of asset and return to government of former governor of Bayelsa State, Chief DSP Alamieyeseigha (including a four star hotel in Abuja , Chelsea Hotel) and a former Inspector General of Police for abuse of office, corruption and money laundering; recovery of funds and assets in excess of USD 3 billion; two judges have been sacked and two others suspended, several legislators (including a past Senate President and two Speakers of the House of Representatives) have lost their legislative posts and are being prosecuted; and over five ministers have been dismissed.

Furthermore, the NEITI recovered over N130billion from the oil and gas companies operating in the country between 2004 and 2006. All these measures have contributed to improving Nigeria's ranking in CPI index (OECD/AfDB, 2009). This trend comes out clearly in Figure 3, which summarizes the evolution of Nigeria's TI's CPI score. After a very short-lived increase from 0.64 in 1996 to 1.9 in 1998, Nigeria's CPI score deteriorated to 1 in 2001. Within this period, Nigeria was labeled the most corrupt nation three times: 1996, 1997, and 2000; second most corrupt nation four times in 1999, 2001, 2002 and 2003; and fourth from the bottom in 1998. The Nigeria's CPI improved steadily between 2003 and 2008 (jumped to 2.7 in 2008 from 1.4 in 2003). In 2009 it declined to 2.5 but still far above all other years except 2008. Invariably, Nigeria has never scored 3 or above CPI. A CPI score at below 3.0 as the case of Nigeria portends that corruption remains deeply rooted and perceived as rampant in the country. Therefore, the improvements noticed in the performance sheet of Nigeria in recent time are not substantial and sustainable for accountability and transparency.

Figure 3: Nigeria's Corruption Perception Index (1996-2009)

Source: Authors using Transparency International (TI)'s Corruption Perception Index; 10 (highly free) and 0 is (highly corrupt)

The menace continues to thrive in Nigeria because these policies and measures lacked the necessary political will and sincerity to effectively combat corruption. Also, they were spontaneous mechanisms that often loose steam after attempting to curb deep – rooted or pervading corruption. In most cases, the operators of the law were not sufficiently empowered or well funded. Also, the policies as noted earlier were deliberately turned to tools for fighting politicians in opposition parties and often times; the schemes can be marshaled to 'neutralize' rival politicians. Apart from the above, the Nigerian Judiciary foists injunctions and ex parte orders which hamper the activities of these anti-corruption structures without any reasonable or good cause.

Corruption: A 'Road Block' to the Democratic Order in Nigeria

Nigeria's fourth republic can be rightly said to have emerged out of a corrupt pedestal. The transition programmes organized by successive military regimes demonstrated unprecedented corruption. Nigerian politicians and voters openly exchanged money thus making pecuniary exchanges dictate the entire political process. The registration of the electorates; political parties, nomination of candidates as well as the voting process was not immune from political entrepreneurs.

The current civilian dispensation that finally emerged from the numerous transitional hiccups is not an exception to the celebration of corruption and abuse of office. This is because important actors and institutions are daily identified as perpetrators of the art. Corruption has continued to undermine the values of democracy in Nigeria and this portends great dangers

for political stability, economic growth and development, the legitimacy of the State and fiscal planning. Corruption is the antithesis of progress and development as it creates political instability, social unrest and crime infested environment, breeds inefficiency, incompetence, mediocrity, unethical values and other base instincts in men such as greed, avarice and rapacity. Corruption is so entrenched in Nigeria that it has become a household word and all facets of the polity, especially, the democratic order are affected.

This paper presents democratic order as the triumph of the ideals of democracy within a polity. Here, democracy is construed along the position of Larry Diamond, Juan Linz and Seymour Lipset as: *"a system of government that meets three essential conditions: meaningful and extensive competition among individuals and groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair election, such that no major (adult) social group is excluded; and a level of civil and political liberties – freedom of expression, freedom of the press, freedom to form and join organization – and sufficient to ensure the integrity of political competition and participation"* (Mimiko, 1995)

The strength of the definition derives from its focus on the generic phenomena of competition, participation, and liberty rather than the specific institutional expressions of democracy. Democracy is about a system of government, about the establishment of certain institutional and procedural characteristics, designed to facilitate mass participation in the decision making process (Houry, 1993), and to guarantee accountability and the basic material needs of the people.

In Nigeria, corruption remains a great impediment to the realization of the above conditions as evinced by the activities of businessmen, political office holders and the mass public. As explained by Eigen, in the Transparency International 'Corruption Perception Index' of 2002, *"Corrupt political elite in the developing world, working hand-in-hand with greedy business people and unscrupulous investors, are putting private gain before the welfare of citizens and the economic development of their countries"* (Eigen, 2002). Testimonial abounds on the plethora of corrupt activities that businessmen embark upon at the expense of the state and its citizens. The current economic reforms are not helping matters due to its over concentration on liberalisation and commercialization. In contemporary Nigeria, it appears that the idea that market equals democracy is the latest conspiracy of the political office holders and their accomplices in the private sector against the mass public. Corrupt politicians are halting national development on its tracks thereby resulting in massive and grinding poverty for the common man. How does one explain, for example, that a nation like Nigeria that exports so much oil, the world sixth largest, is ranked amongst the very poorest?

At every opportunity, Nigerian leaders who have become kleptocrats entrenched corruption at the highest levels of government where they give and take bribes. The latest in the scams are those involving political office holders like the former Governor Dariye of Plateau State on money laundering, former Senate President Adolphous Wabara, several other senators and the former Minister of Education, Professor Fibian Osuji on ₦55 million bribery scandal. Also, the former Inspector General of Police, Mr. Tafa Balogun has been involved in the looting of over ₦10 billion police fund. Apart from the above, the diversion of funds meant for military pension by officials of the State, the National Identity Card scam and the long list of public office holders who subscribed to the sale of government's properties in highbrow Ikoyi area of Lagos State reflects the endemic nature of corruption in Nigeria.

The above incidences are not too surprising because the ascension of people to public offices in Nigeria is manifestly corrupt. During elections, votes are purchased with money, promises of office or special favors, coercion, intimidation, and interference with freedom of election. This practice is common and people are killed or maimed in the name of election, and losers' end up as the winners in elections and votes turn up in areas where votes were not cast. Another popular dimension of corruption, which hampers the democratic order in Nigeria, is abuse of office. This means the abuse of entrusted power for private benefit or the discharge of entrusted power without regard to accountability or fairness. It also posits the misuse of power and authority by an incumbent especially in rewarding loyalists or favorites in terms of appointment, promotion, award of contracts e.t.c. This is a common place in the civil service and even Nigerian universities.

The Nigerian Judiciary is not completely free from corruption. According to Atoyebi and Mobolaji (2004) bribes can expedite and influence judicial decisions, while reducing delays and backlogs in a developing country. The temptation is however stronger where judges are underpaid and poorly equipped. A corrupt judiciary therefore introduces uncertainties into the business climate, weakens political opposition, and encourages political apathy from the citizens and unabated social crimes and loss of confidence in the system.

The citizens receive money from politicians and vote against their conscience. They also look for avenues to cut corners by conniving with officers of the State to lower the collectible. Corruption facilitates the award of contracts to individuals and firms whose activities on the long run, leads to loss of revenue to the government since the project awarded in this manner is either hastily but poorly executed or not executed at all. Corruption permits the unqualified to obtain a benefit not deserved. For instance, in Nigeria, patients pay medical personnel to declare them medically fit, companies and individuals get banks to give them impressive statements of accounts and students even pay to alter examination scores. The Nigerian security apparatuses will pass for the most corrupt public institution in the whole of Africa. The police, soldiers and custom officers extort money from the public by the use of coercion, violence or threats to use force.

Unfortunately, the problem is not restricted national level as Evans *et al* (2009) reported that the Rivers State had a budget of US\$ 1,3 billion (€1,04 billion), larger than that of many West African countries, 2006. Yet widespread corruption has led to the poor provision and quality of basic public services. Many state and local electoral contests were reportedly rigged by candidates using resources allegedly acquired through corruption to buy votes and hire gangs to intimidate voters.

The above manifestation of corruption portends great challenges to the needed atmosphere for the growth and consolidation of Nigeria's nascent democracy. Apart from the loss of governmental revenue by the State due to sharp practices, honest members of the society who are not able or willing to pay bribes are often excluded from the provision of public goods. Also, the needed leadership by example that is expected from both elective and appointed public office holders is lacking within the polity, thereby undermining institutions and distribution of wealth and power to the undeserving. Democracy offers citizens a choice of selecting good leaders and rejecting bad ones, but with corruption this may be difficult to accomplish. This is because the expected citizen participation that ought to be based on fairness and good sense of judgment is thwarted in favour of the highest bidder in the field of politics.

Media reports on the activities of politicians and political office holders in the fourth republic especially with regards to abuse of office, transparency and accountability and political corruption is unfavorable. Ibrahim (2003) summarized the numerous reports in the press as follows; People wins party nominations or elections through rigging and others bribes their ways to elective positions through the Electoral Commission; unqualified candidates including convicted criminals are occupying different public offices contrary to the stipulation of the constitution and electoral act.

Apart from the above, the resources that are needed for economic development and the strengthening of the civil public are grossly allocated to wrong hands thereby making the mass public to suffer acute poverty. The wealth of the State is therefore expropriated by the privileged few at the expense of the mass poor. Corruption has also increased citizen's allegiance to their primordial ethnic groups as the State has increasingly drifted from fulfilling the interests of the mass public and the citizens have therefore aligned with the wave of ethnic nationalism which is increasing on a fast tempo. As Waziri (2009c) put it "corruption fuels bad governance, erodes public confidence, undermines public service delivery and entrenches square pegs in round holes in leadership positions. It is a major impediment to governance. While insatiable wants and human greed are obviously drivers of corruption, inability to hand out prompt penalties to corrupt leaders and individuals often due to prolonged court cases. Administrative and bureaucratic procedures involved in the apprehension of corrupt elements and retrieval of looted funds is a further clog in the fight against corruption and a major leadership challenge".

Corruption therefore stands as a roadblock to democracy in Nigeria because it among other things affects transparency, justice, accountability and fair play. Also, it hampers efficiency, social equity and breed misallocation of resources and mediocrity. The result is a gamut of infrastructure decay and a negation of good governance, which has a negative catalytic effect on the democratic order.

Combating Corruption for Democratic Consolidation: The Imperative of Good Governance

It is clear from the preceding section of this chapter that corruption remained a critical challenge to political and economic development in Nigeria. This therefore points to the fact that extra efforts are required to curb corruption in order to consolidate democracy. One viable option that is opened to Nigeria is good governance. This is not to say that good governance will remedy all the manifestation of corruption in Nigeria, the fact however is that none of Nigeria's corruption related issues can be resolved without it.

Good governance is expected to contain a number of key components: political legitimacy for the state through democratic elections and transfer of power, and an effective political opposition and representative government; accountability through transparency and the provision of information; separation of powers; effective internal and external audit; effective means of combating corruption and nepotism; official competency, such as trained public servants; realistic policies and low defence expenditure; human rights as indicated by freedom of religion and movement; impartial and accessible criminal justice systems; and the absence of arbitrary government power (UNDP, 1998).

Good Governance has three ambits: economic, political and administrative. Economic governance includes decision-making processes that affect a country's economic activities

and its relationships with other economies. It clearly has major implications for equity, poverty and quality of life. Political governance is the process of decision-making to formulate policy. Administrative governance is the system of policy implementation. Encompassing all three, good governance defines the processes and structures that guide political and socio-economic relationships. Good governance, therefore, concerns not just the organisation and activity of government but also the ends to which they are put in terms of achieving levels of economic, human and institutional development which "benefit the population as a whole" and promote the "literary, education and employment opportunities" which in turn enhance the ability of the population to demand, and participate effectively in, good government (World Bank, 1996).

In general terms, good government is an essential precondition for good governance. Good government is intended to lead toward a governmental framework accepted by a participatory public as legitimate, responsive to the needs of the population and committed to improving its welfare, competent in providing law and order and delivering public services, and providing an effective policy environment and open-handed in its conduct.

Corruption has a devastating effect on the Nigeria because it hinders any advance in democracy. Corruption wastes resources by distorting government policy against the interests of the majority and away from its proper goals. It turns the energies and efforts of public officials and citizens towards easy money instead of productive activities. It hampers the growth of competitiveness, frustrates efforts to alleviate poverty and generates apathy and cynicism. The harms caused by corruption, which are as numerous as the shapes corruption can take, have destroyed well-intentioned development projects as well as undermined good governance and development in Nigeria.

Efforts should therefore be geared towards entrenching good governance at all level of the polity. This is because good governance can engender a progressive (i.e. democratic) political development in which everybody has an effective participatory role in the processes (political, economic and social) that shape his or her life.

CONCLUSION

The relationship between corruption and democracy is two-way: corruption is profoundly damaging to the development of democracy, whilst mal-governance can increase substantially the incidences of corruption. This latter possibility imparts a debilitating and reductionistic tendency on efforts at national development. It is difficult to overemphasize the damage done to democracy by corruption. Corruption can destroy a State, its political establishment as well as development advances built up over generations thereby retarding economic and social progress for decades to come. As argued above, it is almost impossible not to be corrupt in Nigeria as both the leaders and the citizens find it absolutely impossible to restrain from cutting corners. The situation was worsened by successive military regimes that institutionalize corruption. The recent improvement in the international ranking as a result of the government anti-corruption initiatives notwithstanding, Nigeria is no doubt at a crossroad as domestic and external realities depict the country as very corrupt and poorly governed. Redressing this posture is a must, and good governance remains the only enduring scaffold that can guarantee the demise of corruption in order to consolidate the democratic order.

REFERENCES

- Akanbi, M.M.A (2004), "Current Policy Initiatives and Frameworks for Combating Corruption in Nigeria" *The Nigerian Social Scientist* 7 (1)
- Atoyebi, G.O and Mobolaji, H.I. (2004) "Corruption, Accountability and Good Governance" in Salliu, H.A (ed) *Nigeria under democratic Rule (1999- 2003)*, Ibadan, University Press Limited.
- Balioune-Lutz M. and Ndikumana L. (2008), Corruption and Growth: Exploring the Investment Channel, Working Paper 8, Department of Economics, University Of Massachusetts Amherst.
- Bayart, J.-F Ellis, S. & Hibou, B, (1997), *La criminalisation de l'Etat en Afrique*,
- Becker, G. (1968), Crime and Punishment: An Economic Approach, *Journal of Political Economy* 76 (2): 169–217.
- Denoeux G. P. (2007), Corruption in Morocco: Old Forces, New Dynamics and Way Forward, *Middle East Policy*, 14 (4): 134-151.
- Deny C. (2004), Suharto, Marcos and Mobutu Head Corruption Table with \$50bn Scams, *The Guardian*, Friday 26 March 2004.
- Dike V.E. (2005), Corruption in Nigeria: A New Paradigm for Effective Control, *Africa Economic Analysis*
- Dobson R. (2009), Country Perspectives on Corruption and the Private Sector, in Zinnbauer D. Dobson R. and Despota K. eds, Corruption and the Private Sector, Transparency International's *Global Corruption Report 2009*, Cambridge, Cambridge University Press.
- ECA (2005), *African Governance Report* Addis Ababa, Economic Community for Africa (ECA)
- Eigen, P (2002), 'Corruption Perception Index' of *Transparency International*, 2002.
- Evans A., Fagan C. and Webb J (2009), Corruption and Local Government, Working Paper N0 5, Berlin Germany, Transparency International.
- Heidenheimer A.J, Michael J. and Victor T.L. (1989), *Political Corruption: A Handbook*, New York, Transaction Publishers.
- Hoebink P. (2009), Stagnation in Africa: Disentangling Figures, Facts and Fiction, In Kremer M. , Lieshout P. and Went R. (eds.), *Doing Good or Doing Better: Development Policies in a Globalizing World*, The Hague / Amsterdam, WRR / Amsterdam University Press
- Houry, E.C. (1993), "Economic Adjustment and Political Reform: Are they compatible?" Paper presented at the 1993 International Studies Association convention in Acapulco, Mexico, March 23-27,
<http://allafrica.com/stories/201002050941.html>, accessed on 20/03/2010.
<http://www.africaeconomicanalysis.org/articles/gen/corruptiondikehtm.html>, accessed on 23/03/2010.
<http://www.guardian.co.uk/world/2004/mar/26/indonesia.philippines/print>
- Ibrahim, J. (2003), "Corruption in Nigeria: Transition, Persistence and Continuity" in *The Nigerian Social Scientist*, 6 (2): 5-8
- Klitgaard, R. (1998), International Cooperation against Corruption *Finance and Development* (March): 3–6.
- Lipset, Martin Seymour & Gabriel Lenz (2000) "Corruption, Culture and Markets" in *Culture matters*, Lawrence E Harrisson and S.P Huntington (eds.), New York, Basic Books.
- Lotterman, E. (2002), *Bad rules breed Corruption* (New York, Pioneer Press),

- Mimiko, N.O. (1995), *Crises and Contradictions in Nigeria's Democratisation Process, 1986-1993*, Akure, Stebak Printers.
- Mogae F. G. (2010), Botswana: Mogae Speaks on Corruption in Nigeria, being a text of speech delivered by former Botswanan President Festus G. Mogae in Nigeria on corruption, All Africa. Com,
- Ndibe, J. (2003) *Corruption in New States* Lagos, Vision Press.
- Ndikumana L. (2006), Corruption and Pro-Poor Growth Outcomes: Evidence and Lessons for African Countries, Working Paper Series No. 120, Amherst, University of Massachusetts Amherst.
- Nye, J. S (1967), "Corruption and Political Development: A Case-Benefit Analysis," in *The American Political Science Review*, 62 (2): 417-427.
- Obayelu A. E. (2007), Effects of Corruption and Economic Reforms on Economic Growth and Development: Lessons from Nigeria, being a paper presented at the 2007 African Economic Conference, organized by African Development Bank and United Nations Economic Commission for Africa in Addis Ababa, Ethiopia 15-17 November 2007.
- OECD-AfDB (2009) *African Economic Outlook 2009*, Paris and Tunis, African Development Bank.
- Ojiabor O. (2008), Corruption Has Ruined Nigeria — APRM Report, *The Punch Newspaper*, 3 Jun 2008
Paris Editions Complexe.
- Salami O.A. (2005), Fraud Prevention and Management of Internally Generated Revenue in the Local Government Administration, A paper delivered at a Workshop in Ifon, Nigeria, July, 2005.
- Shah A. (2007), Tailoring the Fight against Corruption to Country Circumstances, In Shah A. (eds.), *Performance Accountability and Combating Corruption*, Public Sector Governance and Accountability Series 2007, Washington D.C., The World Bank.
- UNDP (1998), *United Nations Development Programme (UNDP) Human Development Report 1998*, New York, Oxford University Press.
- Waziri F. (2009a), Remarks at the Handover Ceremony of Chelsea Hotels Abuja Nigeria, on Tuesday, 14 July 2009
- Waziri F. (2009b), Corruption and Economic Crimes: The Challenges before Judicial Officers, being a paper delivered at the 2009 All Nigeria Judges Conference, on 18th November 2009
- Waziri F. (2009c), The Role of Anti-Corruption Agencies, being a Keynote Address at a Workshop on Transparency & Accountability in the Public Service, Kaduna, Kaduna State, Nigeria; September 28th 2009.
- World Bank (1996), Nigeria: Poverty in the Midst of Plenty: The Challenge of Growth and Inclusion – A World Bank Poverty Assessment. Population and Human Resources Division, Western African Department, African Region. May.
- World Bank (2010), Silent and Lethal: How Quite Corruption Undermines Africa's Development Efforts, An Essay Drawn from *Africa Development Indicators 2010*, Washington D.C, The World Bank