

**RE – EXAMINING THE FIGHT AGAINST PUBLIC SECTOR CORRUPTION IN NIGERIA:
HAS THE INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES
COMMISSION (ICPC) LIVED UP TO ITS BILLING?**

Dr. Hassan Achimugu, Ogwu Ambrose Amanabo, Adaji Abdul

Department of Public Administration
Faculty of Social Sciences, Kogi State University, Anyigba - Nigeria

ABSTRACT: *Issues of corruption have continued to feature prominently in the management of national affairs globally, and particularly in transitional States. Public governance in Nigeria has been serially accused with verifiable proofs of unbridled corruption, and is therefore a huge contributor to Nigeria's embarrassing corruption perception on the Global Corruption Index. The ICPC as an institutional response to the ugly trend, is intended at curbing the incidence, severity, and depth of corruption in Nigeria public service. It is however worrisome, that public sector corruption is yet to witness a significant downward review, as bizarre incidences of public sector corruption continues to emerge even with the presence of ICPC. This paper therefore leverages on a Desk Study, hinged on Documentary Analysis, to interrogate how effective the ICPC has been, in the fight against Public Sector corruption in Nigeria, and to also ascertain, some of the challenges that militate against its operations. The findings show among others, that although the ICPC made some contributions to the fight against corruption, it is generally adjudged quite weak and ineffective, for reasons that range from wide political interferences/lack of autonomy, absence of the requisite political will, and poor funding. It is recommended among others, that the ICPC should be redesigned to make it much more autonomous and insulated from the likelihood of detrimental political influences as much as possible.*

KEYWORDS: Corruption, Effectiveness, Institutionalization, Independent, Public Sector.

INTRODUCTION

Nigeria as a country is not only popular for its economic and Human Capital potentials but also, for monumental corruption that plagues its government and institutions (Charles, Jide, and Frank 2016:61). Nigeria is unarguably the most populous Black Country in the world, with about 200 million people. Blessed with a vast expanse of arable land; forest resources such as timber, palm oil and kernel, cocoa, rubber, kola nuts, yams, rice, fruits and vegetables, carrots, onions, groundnuts, cotton, millet, wheat; semi-temperate climate suitable for the production of tea, coffee, as well as the breeding of cattle, sheep, goats and other livestock; mineral resources such as petroleum, coal, asbestos, clay, iron, marble, limestone, salt, tin, tantalite, uranium, gold and other precious metals (Uya, cited in Charles, Jide, and Frank 2016:61). Nigeria should be a safe haven for its citizens and investors. The standard of living of its average citizens should be among the highest in the world. Poverty and illiteracy should be at its minimal. These notwithstanding, the reverse has been the case. Most giant strides taken to better the lives of Nigerians is marred by corruption and it's many off shoots. To borrow from the words of Burke, Corruption

‘manifestations’ and influence has been the ‘perennial spring of all prodigality’ and of all disorder; it has loaded Nigeria with more than trillions of debt; taken away vigour from its arms, wisdom from its councils, and every shallow of authority and credit from the most vulnerable parts of its constitution (Burke cited in Edwards, 1977). Corruption has undermined good government, fundamentally distorts public policy, leads to the misallocation of public resources, harms the private sector and particularly, hurts the poor (Nwaobi, 2006). The problem of corruption as observed by Majuk (2004) has defied all solutions. This perhaps, has been so because of the wrong strategies and approaches employed by various administrations to tackle the menace.

Corruption, like acquired immune deficiency syndrome (AIDS), is an acknowledged global malaise. The pervasiveness of corruption in Nigeria is therefore not unique. However, what makes the Nigerians case particularly intriguing is the apparently high tolerance level exhibited by the generality of Nigerians to an otherwise despicable conduct. Whether on account of distortion of values, conspiracy of silence or outright connivance with perpetrators of the vice, majority of Nigerians, it would seem, tend to treat corruption as an incurable cancer which the country just have to live with (Ojobo, 2011:21).

The government and its institutions, over the years, lacked the courage and will to enforce the law, procedures, and policies meant to curb corruption, especially among the elite; they mostly swept the incidents under the carpet and thereby infected the generality of the people. As a result of this, corrupt practices became common-place on our streets and highways; border posts and ports of entry; educational and health institutions; government ministries and parastatals; banks and other financial institutions; markets and religious house; such that no sector or institution was scared and protected from its corrosive effects. The high incidence of corruption and the socio-economic dysfunctions and anomalies engendered the architects of the military coups and counter-coups, that have at various times, punctuated our democratic destiny, the excuse for their actions.

It is against this background that President Olusegun Obasanjo sponsored at the National Assembly, a bill to prohibit and punish corruption. The bill was subsequently passed and signed into law as “the corrupt practices and other related offences Act”. This act is the enabling legal instrument of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) which was inaugurated on 29th September 2000.

It is disturbing to avow that in spite of all efforts by Nigerian government over the years, in terms of the establishment of the ICPC, corruption thrives in various dimensions and categories which undermine development. Instances of corruption in different spheres abound in Nigeria. For instance, there are cases of corrupt practices by top government officials such as one hundred and ninety five billion naira pension scam involving Alhaji Maina, Police pension fund fraud, Stella Oduah car purchase scandal, NNPC missing \$20 billion, Ekiti gate, Dasuki arm deal, etc. After almost two decades of its existence and operations it is imperative to assess the effectiveness of ICPC in the fight against corruption in Nigeria. This paper therefore seeks to: a. Determine the effectiveness of ICPC in the fight against corruption in Nigeria. (b) Ascertain the challenges that hampers the effectiveness of ICPC in the fight against corruption in Nigeria.

CONCEPTUAL FRAMEWORK

The concept of corruption

As pervasive as corruption is, it defies a clear-cut definition. Scholars and practitioners, therefore, have advanced different definitions of the concept based on their orientation and social milieu. Transparency International (TI) (1999, 2002), the world's most reputable nongovernmental anti-corruption watchdog, Tanzi (1998), and the World Bank (1997) define corruption as the abuse of Public Office for private gains. Svenson (2005) in a similar perspective sees corruption as the misuse of public office for private gain. This to him involves applying a legal standard. He also observes as Brownsberger (1983) did, that corruption is an outcome or reflection of a country's legal economic, cultural and political institutions. The scholar gave examples of corruption to include the sale of government property by government officials, kickbacks in public procurement, bribery and embezzlement of government funds. This definition as those of TI (1999 and 2002) and the World Bank (1997) is concerned with public sector corruption which is the concern of this study. Also, the United States Agency for International Development (USAID) views corruption as "the misuse of public office for, private gain". This encompasses abuses by government officials such as embezzlement, and nepotism, and abuses linking public and private actors such as bribery, extortion, influence peddling, and fraud. It is, however, worthy to note that in spite of any difference in countries legal, economic, cultural and political institutions, corruption in the public realm involves the misuses of public office for private gains. Otite (1986;12) sees corruption as; state of affairs through bribery, favour, or moral depravity; when at least, two parties have interacted to change the structure or process of society or the behaviour of functionaries in order to provide dishonest, unfaithful or defiled situations, then, corruption has taken place. It, therefore, involves the injection of additional but improper transactions aimed at changing the normal course of events and altering judgments and positions of events. This definition points out that, corruption involves the manipulation of due processes, the induced behavior of functionaries to desecrate the norms, ethics and statutory provisions in an organizations. It is not however particular to the public service alone. In addition, an act of corruption is not always the injection of additional but improper transactions, it could also be a deliberate act of omission for self-interest or for the interest of a third party.

Brownsberger (1983) agrees that corruption invariably refers to a misapplication of public goods to private ends but equally argues that the notion of what is public, what is held in trust for the people, vary across cultures, thus making corruption a relative concept. He, however, squared corruption on the misapplications of public goods in the form of bribery, nepotism, political favouritism and the violation of western legal and regulatory codes that have been inherited by developing countries, along with western state structures, from their colonial governments. This definition is only concerned with public sector corruption to the neglect of private sector corruption. In addition, the assertion that corruption is the violation of western legal and regulatory codes that were inherited through colonialism is no longer tenable as most of these inherited western codes have been reformed after independence from the western countries.

Adagba (2007), expatriates the views of Khan (1996) in defining corruption as an act which deviates from the rules of conduct governing the action of someone in the position of public

authority because of private-regarding motives – such as wealth and power. The African Development Bank (ADB) (2006) in its contribution to the definitional crises, defines corruption as misappropriation of public assets or public office/trust for private gain. The ADB also identifies two major types of corruption. These are grand corruption and bureaucratic corruption. Grand corruption involving big businesses and highly placed officials results in state captures such as those of Siemens Brothers and Wibrow International. Bureaucratic corruption involves the offer of incentives by citizens in return for the favour from public servants in service provision.

Ekumankama (2002) reiterating the views of Atlas (1980) and Brooks (1990), identifies three common elements in the definition of corruption. These are the abuse of power; violation of official or judiciary duty; and intentional design for personal gain against the interest of the public or individuals. These acts usually take place in secrecy. It is line with the above definition that Njokwu(2007) defines corruption “as taking undue personal advantage of one’s position against the perceive common good of society.”

From a narrower perspective, Onaiyekan (2008) sees public corruption as largely referring to the misuse of public funds or the appropriation of resources meant for the community into the private pocket. While Osoba (2005) defines it “as an anti-social behaviour conferring improper benefits contrary to legal and moral norms and which undermines the authorities capacity to secure the welfare of the state.” To the Jamaican Commission for the Prevention of Corruption (2000), corruption is simply the misuse of public office for private gain for the benefit of the holder of the office or some third party.

Aduda (2007) in his empirical study defines corruption as the abuse of public office for private gain. He explains that public office is abused when officials accept, solicits or extorts a bribe and when private agents offer bribes to circumvent public policies and processes for competitive advantage and profits. Others include patronage and nepotism, theft of state assets or diversion of state revenues among others. Bribery was however found to be the most common form of corruption known to the respondents of the study.

Operationally, Adebayo (1986), defines corruption by identifying its attributes in an ascending order which inter-alia include; using official stationery for self; using government drugs, dressings and hospital equipment for private purposes. Others include using government time for private work; demanding money and or sex from applicants for jobs; tampering with contract documents and payment vouchers; election malpractices; obtaining import licences under false pretence, and inflation of contracts. The definitions offered by Otite (1986) and Njoku (2007) are from a sociological point of view. They are concerned with corruption in the society in general and not particular to the public sector as those of Khan (1996), World Bank (1997), TI (1999, 2002), ADB (2006) and Onaiyekan (2008) among others.

Khan’s definition however squared corruption in the public sector as if it does not take place in the private sector. It, however, fits well into the public sector which is the concern of this study. While this definition as those of TI, the World Bank and ADB, fits our need, it is important to note that corrupt practices are sometimes not committed for self-gain but for a third party as pointed out by Bello-Imam (2005) and the Jamaican Commission for the Prevention of Corruption (2000). As Osoba (2005) observes, “corruption is an anti-social action.” This is why it takes place in secrecy (Ekumakama, 2002). It is the misuse or abuse of public office, trust or authority by

conferring improper or undue benefits on oneself or others contrary to legal, statutory or ethical norms of the Public Service.

This can be in the form of bribery, inflation of contracts, tempering with payment vouchers, embezzlement and diversion of public funds and or property. Others include deliberate breach of procedures and rules of the public service for private gain. This undermines the capacity of the public service in discharging its responsibilities.

Types of Corruption

The most common type of corruption is bribery-which refers to the given or taking of money or any kind of favour in return or exchange for undue advantage over other people. Other types include: Abuse of power in any form or degree, extortion, embezzlement, inflation of contracts, kickbacks, diversion of funds, falsification or suppression of record, pervasion of justice, electoral malpractice, examination malpractice, drug trafficking, money laundering, abuse of selection processes, nepotism, sexual exploitation, gratification etc. the list is not exhaustive as there are many other forms which are peculiar to organizations and circumstances. Some studies have taken a holistic approach in the discussion of corruption, into many forms and sub-divisions. Some of the various forms of corruption are stated and explained below:-

- i. Political corruption (Grand): The Encyclopedia Americana,(1999), explains that political corruption takes place at the highest level of authority. The politicians and the political decision-makers, who are entitled to formulate, establish laws in the name of people, are themselves corrupt. It also takes place when people and legislation is tailored to benefit politicians and legislators. Political corruption is seen as similar to corruption of greed as it affects the manner in which decisions are being manipulated in the political institutions, rules of procedures distorts the established institution, which eventually affects the progress of the nation building.
- ii. Bureaucratic corruption: The bureaucratic corruption occurs in the public administration or the implementation of public affairs. This form of corruption has been termed low level and street level. It is a kind of corruption that the citizens encounter every day, at different places like the hospitals, school, local licensing offices, government offices, and so many other areas. Bureaucratic petty corruption, is seen as similar to the ones mentioned above, occurs when one obtains a business from the public sector through inappropriate way.
- iii Favouritism: Favouritism is a mechanism of power abuse implying a highly biased form of giving out resources. Nevertheless, this is seen as a natural human tendency to favour friends, fans, choice and trusted ones. Nepotism: This is special form of favouritism in which an office holder prefers favouring his close ones and family members. This is also common in Nigeria.
- iv Embezzlement: It denotes “stealing money or other property that belongs to the government or the establishment where one works or does business. It comprises looting of public fun, cheating, misappropriation and even under-performance”. Embezzlement is outright theft of entrusted funds. It is a misappropriation of property.

- v Bribery: Bribery is an act of given money or gift personally to a government official with the aim of him using his official powers to influence or render favour to the party providing the bribe. It involves two participants, one to give the bribe, and another to receive the bribe. For example custom officials may demand bribes to let through allowed or disallowed goods or a smuggler might offer bribes to gain passage with illegal goods. (Charlie, 2010).
- vi. Kickback: A Kickback is a form of negotiated bribery in which a commission is paid to the bribe-taker as a quid pro quo for service rendered. However, the negotiation is usually done ahead of time. More so, a kickback is an official's share of misappropriate funds allocated from his or her organization to an organization involved in corrupt bidding. For example suppose a politician is in charge of choosing how to spend some public funds, he can give the contract to a company that will favor him, the official receives a kickback payment, which is a portion of the sum the company received. The sum may be all or a portion of the difference of the actual (inflated) payment to the company. Kickbacks are not limited to government officials; any situations in which people are entrusted to spend funds that do not belong to them are susceptible to this kind of corruption (Nick, 2007).
- vii. Internets scam/advanced fee fraud: with the advent of internet communication technology, a new form of corruption emerges. It includes the use of internet messages to defraud people of their money or property. Messages promising financial benefits are sent to one's phone or e-mail as traps to defraud the receive millions of people are being defrauded through scam messages which they receive and are convinced by their contents.
- viii. Extortion:- This is a criminal offense which occur when a group of people or a person unlawfully obtain money or property from another through intimidation or threat, violence or fear one with physical harm under the color of official right. (Legal-dictionary, the free dictionary. Com).
- ix Moral corruption: this type of corruption has been a pure collapse of moral values of our religion institutions. There has been the rising epidemic of religious to satisfy their materialistic quest. Most Nigerians now see religious institutions as a breed ground to enrich themselves. There has been complete moral decadence on the part of those who are looking upon to promote moral values in the society. Religious leaders who should exude frantic effort to cleanse and rehabilitate the damage caused by corruption in the Nigerian society, are themselves wholly drenched in the scourge via their collision with the corrupt political and economic elite as well as the demonic individuals in the society.
- x Procedural Corruption: This is the intentional use of legal –rational authority based on formal rules for personal gain instead of organisational goals.
- xi Mismanagement: Mismanagement is a failure of competence in the handling of one or more tasks of planning, organizing and controlling an enterprise. Often, management is perceive as signified by the terms “failure” with little or no planning, organizing or controlling.

Causes of Corruption in Nigeria

The government is the focus of power in most developing countries, determining the level and nature of economic activities. The government is to a very significant degree, the economy. It is the greatest industrial and agricultural power. It is the biggest Contractor. It is often the sole owner of natural resources, is the largest employer and financier; it processes all dealings, Orivate and public alike. Above all, it determines the rule of the game, the regulations with which all economic activities must comply; form interest rates, land tenure, service fees, import quotas, pricing, dividend policy, remittance and foreign manpower.

It is the great concentration of power-political, economic and bureaucratic, together with the accelerated pace of economic development, which provides such as fertile ground for corruption. Had power been more decentralized and the sources of economic activities more numerous, the level of corruption would have been lower. Where the bureaucracy is under constant pressure from numberless profit seekers, all clamoring for permits, contracts, certificates, import licenses, and what have you, the temptation becomes whelming to jump the queue, to lubricate ones way, and to certain of results. The over-concentration of power at the centre accentuated by the long years of military rule, and which is very much against the spirit of federalism has ensured that corruption thrives in Nigeria. Even where powers are diffused at the different levels of government, government role in the policy should be limited to the prescription of standards, or regulations for the operation of business.

The direct involvement of government in economic activities is an invitation for corruption to thrive. Government has no business in business. In a recent survey conducted by the movement of r new Nigeria, the movement identified inter-alia, the following causes of corruption in Nigeria:

- i. A fundamentally flawed structure of Nigeria public.
- ii. The absence of functioning government systems in the federation.
- iii. Federal government monopoly of the economy, over-concentration of resources at the centre, and a culture of unregulated informal economy.
- iv. Excessive federal involvement in corporate business enterprises.
- v. Inefficient contract awards, standards and procedures
- vi. Inadequate enforcement of existing laws, absence of the rule of law, and a cultural or preferential treatment in the conduct of government business.
- i. Nepotism and tribalism in the administration of justice, running of government, and conduct of business.
- viii. Political instability and frequent military intervention in government.
- ix. Inefficient police force and police structure
- x. Absence of civic education and civic responsibility in the populace
- xi. Late or non-payment of wages to public employees.
- xii. High levels of poverty, unemployment and under-remuneration or “slave wages”.
- xiii. Late or non-payment of contractors by the government.

Effect of Corruption in Nigeria

The abandonment of transparency and unrestrained practice of corruption have left far reaching devastating scars on every facet of human affairs in Nigeria. “It hurts everyone and harms the poor most”. It painted the following agonizing pictures which underscore the dire consequence of corruption.

Grand Corruption at High Political Levels: This results to oppression and violation of the people. Corrupt leaders go out employing falsehood, threats, intimidations, imprisonment and even killing to ensure that their corrupt practices do not come to the open extensive suppression.

Social and Economic: Development is crippled in any corrupt society due to traditional and unprofitable policies, programmes and projects which only benefit the officials of government.

Corruption Erode Standard to Abysmal Level: Quality of goods and services cannot be guaranteed in a society where moral values have been relegated to the background, such a society has no future. The quality of university education in Africa is perhaps the clearest example of lost standard. Not even one of the universities in Nigeria was rated among the first 20 in the world, while non in Nigeria was rated among the best in Africa.

Loss of International Reputation: A corruption ridden country stink in the meaningful investment or development cooperation because Nobody outside knows who is not legitimate anymore.

Also, transparency international (1997) listed effect corruption to include;

A failure to achieve the objective which the government seeks (e.g) corruption in appointment induces in efficiency and waste, corruption in the allocation of scare university places result in best use not been made of a scare opportunity.

A rise in the price of administration, the tax payers must submit to bribery as well thereby having to pay several times over for the same services.

A diminishing of the total amount available for public purposes if it is a kick back.

Lowering respect for constituted authority and the legitimacy of government, if corruption in government is perceived by the people.

If the elite politicians and senior civil servant are widely believed to be corrupt, the public will see little reason why they too should not help themselves.

Oroh (2007) posited that with corruption, good governance disappears, insecurity is engendered and society is threatened and ultimately destroyed. No issue is more important in Nigeria total than the question of how we were governed and our right to know what our leaders are doing on our behalf with our tax money. These issues are important because they are central to democracy principles without transparency; opener and accountability; they cannot be good governance and without good governance is endangered.

The Effectiveness of ICPC in the Fight against Corruption in Nigeria.

The ICPC was established in September 2000 via the ICPC Act 2000 to spear-head the declared war against corruption. This Act in Section 6 (a-f) conferred on the Commission three broad duties or mandates

- i. To receive petitions alleging corruption, investigate and prosecute individuals for corrupt practices.
- ii. To carry out studies and review of the systems and practices of public institutions and ensure that they are free of or not prone to corruption
- iii. To educate the public about corruption and enlist and foster their support in combating corruption.

The ICPC appears to have a well-structured and relatively efficient administrative structure which supports it in the pursuit of its core mandate. Currently the Commission is organized into nine departments and six units – including departments of Investigation, Legal/Prosecution, Administration, Education, Public Enlightenment and Planning, Research and Review. It has a total of 805 staff spread between its headquarters in the FCT and 15 zonal offices. The Commission trains its staff every year and has established a training academy. Being a public institution ICPC is funded through annual Federal budgetary allocation, but occasionally receives support from international development institutions.

The effectiveness of the Commission would therefore be assessed along the lines of its core mandate.

i. Investigation and Prosecution of Corrupt Individuals

One of the principal function of an anti-corruption agency is to receive petitions bordering on corrupt practices and ensure the investigation and prosecution of corrupt individuals. Since its inception almost two decades ago, the Commission have seen a sharp and consistent increase in the number of petitions alleging corrupt practices. For instance from 339 petitions in 2001, the number of petitions received rose to 998 in 2008. By 2013, the number of petitions reached 1023. Within the years 2000 – 2013, the ICPC received a total of 9481 petitions, out of which 1444 were conclusively treated. Similarly, from a humble 4 cases filed in court by ICPC in 2001, the number of cases taken to court reached 52 in 2013, the highest number ever recorded. Unfortunately, the number of convictions recorded appears quite low, and offends the intent of its establishment. The reasons for such low conviction rate the ICPC argues is related to incessant injunctions granted to accused persons by courts of law, especially politically connected people and legal provisions which are too protective of the rights of accused persons. It is quite disturbing to note that of the 339 petitions received in 2001, only 2 convictions were recorded, and of the 1023 petitions received in 2013, only about 8 convictions was gotten.

ii. System Studies and Review of Public Institutions

One of the most important responsibilities conferred on the Commission by its enabling Act, is the conduct of system studies on all public institutions. This exercise implies the comprehensive review of the systems and practices of public institutions in order to ensure that they are free of, or not prone to corruption and other related malpractices. In pursuance of this objective, ICPC claims to regularly send competent and well trained officials to study selected public institutions that are believed to be prone to corruption, and where there were reasons to believe that such institutions have systems and practices that are prone to corruption. It further argues that it works

with the management of the concerned institutions to eliminate or reform such corruption prone systems and practices. Currently, the commission has claimed it has conducted systems studies/review in 208 public organizations, comprising Federal MDAs, state government owned institutions and local councils. How many of these agencies have been found wanting and indicted by the ICPC? In the presence of its claims to keeping watch over these agencies, huge and monumental fraud continues to be uncovered by individuals, international organisations like Transparency International, and even the National Assembly. Public perception indicts the commission with respect to corruption, as it is believed, that most agencies get away with acts of corruption because many officials of the Commission compromise its anti-corruption mandate, when offered bribes and other such pecks.

iii. Public Education and Mobilization

The trust of ICPC's public education and mobilization mandate is the resuscitation of the values of primordial Nigerian society which was noted for honesty, accountability, responsibility, communal concern, dignity, etc., and the infusion of integrity into public and private affairs. Although the commission presents evidences of some strides in this direction, especially in its claims of collaboration with the National Educational and Research Development Council [NERDC] for the flagoff of the National Values Curriculum [NVC] initiative aimed at infusing national ethics and values in the nation's educational system. The curriculum was fused into selected five thematic school subjects in basic one to nine and 12 subjects in post basic education and tertiary level i.e. colleges of education. The content of the said curriculum is criticized by many scholars as neither well conceptualized, nor presented in ways necessary to achieve its objectives. Besides, The Commission seems to have failed to take this critical goal, to the Universities and Polytechnics which are the most patronized levels of tertiary education in Nigeria. While it is observed that pockets of initiatives in pursuit of the goal were initiated at various times, like the secondary schools Anti-corruption clubs, National Anti-Corruption Volunteer Corps, National Anti- Corruption Coalition [NACC] which has registered 350 civil societies, organization of a handful of anti-corruption conferences, seminars and training workshops; grassroots anti-corruption outreach/Village square meetings, integrity lecture series, anti-corruption clubs, youth competitions, ICPC/NYSC collaboration); anti-corruption educational publications (coalition Digest, Integrity Training Manual, Anti-corruption handbook, Information Brochure, ICPC Monitor, ICPC Monograph Series, etc. publicity, public awareness and local involvement in these programmes have left quite little to be desired. This is besides the fact that most of this initiatives were not sustained much beyond their flamboyant inception ceremonies. Today, public knowledge of corruption may be as low as it has perhaps been over time, and the perception of the ICPC as a tool for intimidating the opposition, or even the perceived enemies of the ruling government may be the pervasive and most pronounced understanding of activities of the Commission.

Challenges to the Effectiveness of ICPC in the Fight against Corruption in Nigeria

While the achievements of ICPC are growing by the day, it will be ingenious to suggest that Nigeria's battle with corruption in recent times have gone on without any hitches or challenges. The challenges which are still undermining the collective struggle to free our country from corrupt practices are;

1. The absence of a national coalition to support and sustain the anti-corruption war.

2. Delay in implementing legal and judicial reforms needed to expedite prosecution of corruption cases.
3. Limited capacities (human resources and equipment) of anti-corruption agencies.
4. Constant political interference by governments/official of public institutions.
5. Inadequate funding to enable continuous recruitment and (re)training and better remuneration of staff and increase productivity and morale.
6. Difficulty in attracting sustained international support and collaboration in the midst of competing priorities. These problems must be solved if we are to enthrone a transparent and accountable government and ultimately reduce poverty to a barest minimum.
7. Duplication of agencies and the crisis of jurisdiction has also affected the activities of ICPC.
8. Internal corruption – A situation where some officials of the commission connive with corrupt government officials, and highly placed individuals in society to get away with palpable acts of corruption.

THEORETICAL FRAMEWORK

Public Choice Theory: The public choice theory directed toward the study of politics based on economic principles. The most important contribution of the public choice theory is that it recognized that politicians and public officers are motivated by self-interest. Public choice theory variously referred to Social Choice Theory, Rational Choice Theory and Economics of Politics has had the tremendous impact on public policy and public administration during the past three decades. Duncan Black (1958) is often referred to as “the father of public choice theory”. Others are Tullock Gordon (1987, 1989 and 1962) and Buchanan James (1996). However, it was George Stigler (1971) and Sam Peltzman (1996) that developed the application of public choice theory to government regulation while William Niskan (1987) is generally considered as the founder of public choice literature on Bureaucracy (Wikipedia Encyclopedia, 2008). The central tenet of public choice theory is that individuals are indeed utility maximizers, such that they will support policies that convey the greatest individual benefit. The basic unit of discussion is the individual and that; purposive action by an individual is the essence of social behaviour. As utility maximizes, bureaucrats will use their power to enlarge agency budgets, giving them larger perquisites as a complement to the static civil servant income (Hackler 2003). The large part of public choice theory examines the bureaucratic implementation of policy within government and its agencies although public administration and political science prescribe that bureaucrats seek the common good or public interest as civil servants, public choice holds that bureaucrats are rational individuals that will pursue policies that are personally and professionally beneficial.

Major Findings

1. Within the space of almost two decades, the ICPC received about 1500 petitions, but could only secure about 12 convictions. This most scholars think is a manifestation of gross structural and operational weaknesses that range from Slow court processes,

undue political interferences, internal corruption and compromise, to the lack of the needed skill set, and resources to do the needful, and urgently too.

2. The ICPCs mandate of periodically reviewing government Ministries, Departments, Agencies and extra ministerial departments was intended at futsalting the likelihoods of corruption, and where necessary, uncover acts of corruption, and deal with it, to safeguard the system. This mandate has continued to suffer a range of setbacks, as the agency has only assessed much less than 10% of them, in about two decades. Besides, Public opinion on the yardstick for selecting which institution to assess, is that most times the commission goes for agencies with high financial traffic, not just because of their high propensity toward corruption, but much more for the readiness of these MDAs, to lavishly release to officials of the commission, a handsome portion of the same loot the commission claims to have come to track or prevent. It is equally doubtful if the current staff strength of the commission is adequate to pursued this goal around MDAs at the federal and state levels.
3. The third and equally important mandate of the commission is to raise public awareness on the issues of corruption and its devastating potentials, to destroy the structures of accelerated development, quality of life, and peaceful coexistence. The ICPCs strides in this direction may be adjudged fair, but still leaves much to be desired, as some strategies deployed for the purposed of public awareness and bebehaviour change are either strategically faulty, hollow in design, or not purposefully pursued beyond the flag off stages. Cases in question are; the National Values Curriculum, National Anti – Corruption Coalition, National Anti – corruption Volunteer Corps etc.

CONCLUSION

Nigeria continues to be threatened by the huge weight and alarming burden of public sector corruption, and the paradox is that it all happens under the watch of a mass of anticorruption institutions, and the ICPC, for its mandate and powers, has a lot of responsibility in this regard. This attempt at a pathology of the ICPC, highlights some salient structural and systemic problems that seems to clip its wings and give public sector corruption an edge over the commission on a number of counts. It is however instructive to note, that these issues and hurdles are not unsurmountable, if the ICPC Act is revisited by way of an evidence – informed reform process, that would broaden the scope of public engagements, while repositioning the commission to be more independent, proactive, and resilient.

Recommendations

In order to have effective and efficient ICPC in fighting corruption, the following recommendations are made.

First, the ICPC needs a special court to try people involve in corruption cases. The special court should be well constituted, and empowered to treat such cases with the attention and dispatch it requires. This will enable the ICPC to be more effective.

Secondly, adequate and qualified personnel should be employed. Having enough personnel will ensure the fight to be pro-active. The personnel and offices of the commission should be spread across the 36 states of the federation, including the FCT.

Thirdly, adequate funding will enable the ICPC to become efficient and effective in combating corruption in Nigeria. The ICPC needs fund to prosecute cases, to pay its lawyers and also to run its programmes and plans on corruption prevention and enlightenment. Therefore, adequate funds should be budgeted to the commission for enhanced performance.

Lastly, and perhaps more fundamental, is the need to reexamine, refine and reengineer the ICPC Act, in order to reposition it to live up to the spirit and intent of its establishment. This is moreso because, a whole lot of lessons would have been learnt, after almost two decades of its operations, to inform a balanced and constructive reorganization along the lines of key lessons learnt. Such reforms should focus more on structural impediments that ties the commission to the apron strings, and whims of the government of the day.

References

- Adagba, O.S. (2007). An Assessment of the Institutional Frameworks for Combating Corruption in the Federal Public Sector in the Fourth Republic. Being a Ph.D Seminar Paper Presented to the Department of Public Administration, Faculty of Administration, Ahmadu Bello University, Zaria.
- Adebayo, A. (1986). Power in Politics. Spectrum Books Limited, Ibadan.
- Aduda, G.T. (2007). Budget Monitoring and Price Intelligence Unit (Due Process); A Mechanism for Combating Corruption in Infrastructure Delivery in Nigeria. Partnering to Combating Corruption Series, Leicestershire, Water Engineering and Development Centre, Loughborough University, United Kingdom.
- Ajie, H.A and Oyegun, G (2015). Corruption and economic growth in nigeria: an empirical analysis, 1996-2013. European journal of business and management. Vol.7
- Brownsberger, W.N. (1983) Development and Governmental Corruption Materialism and Political Fragmentation in Nigeria. The Journal of African Studies, 21, (2), pp. 215 155.
- Charles, E.E, Jide,C and Frank, N.E (2016). *The Irony of Nigeria's Fight against Corruption: An Appraisal of President Muhammadu Buhari's First Eight Months in Office.* International Journal of History and Philosophical Research. Vol.4 (1) pp. 61-73
- Charlie, F (2010). Cash Bribe put Patients a top Surgery waiting list. The Vancouver Sun.
- Chiezey, U and Onu, A.J.C (2013). Impact Of Fraud and Fraudulent Practices on the Performance of Banks in Nigeria. British Journal of Arts and Social Sciences. Vol. 15(1), 12-25
- Edwards, Tryon (1977). The New Dictionary of Thoughts: A Cyclopedia of Quotations. USA: Standbook Incorporated.
- Ekumankama, D.U. (2002). Law, Corruption and Other Economic Crimes in Nigeria Today, Problems and Solutions. New World Publishers, Jos.

- Encyclopedia Americana (1999). Danbury. Conn: Grolier Inc. www.worldcat.orgJamaican Commission for the Prevention of Corruption, Kingston (2000).
- Kanu,S.I and Okoroafor, E.O (2013). The nature, extent and economic impact of fraud on bank deposit in Nigeria,. Interdisciplinary journal of contemporary research in business. VOL4 (9) 253-265
- Majuk, Simon E. (2004). Essays in Nigerian History from Earliest Times to the Present. Port Harcourt: Labeka Publishers Limited.
- Mohammed, U. (2013). CORRUPTION IN NIGERIA: A Challenge to sustainable development in the fourth republic. European scientific journal. Vol.9 (4)
- Nageri, K.I, Umar G and Abdul, F.A (2013). Political corruption and underdevelopment in Nigerian fourth republic. www.researchgate.net
- Nick, M (2007). Western Bankers and Lawyers rob Africa of \$150bn every year. London observer. Guardian.co.uk
- Njoku, U.J. (2007). Corruption and Social Change in Federal Public Service and the Agency - Structure Debate.
- Nwaobi, Godwin C. (2002). Corruption and Bribery in the Nigerian Economy: An Empirical Investigation. Abuja: Quantitative Economic Bureau.
- Onaiyekan, J. (2008). Anti-Corruption and Value Orientation. Delivered at a Retreat for Ministers and Permanent Secretaries, Abuja.
- Osoba. S. (2005). Corruption in Nigeria. In the Washington Post Company Retrieved on December 2, 2008 from www.washingtonpost.com
- Otite, Onigu (2000) "Corruption against the Norms of African Life" in O. Femi (ed.)Effective and Efficient Implementation of Nigeria's Recent Anti-Corruption Legislation.
- Owolabi, S.A (2010). Fraud and fraudulent practices in Nigerian Banking Industry. African Journals online (AJOL). VOL.4 (3)
- Tanzi, Vito (1998). Corruption Around the World: Causes, Consequences, Scope and Cures. International Monetary Fund ((IMF) Working Paper.
- Transparency International (1999) Corruption perceptions Index, 1997- 2009