

Corruption and the Mangled Project of African Nationhoods



Corruption is clearly associated with the power calculus in state spaces and societies floundering with no validating principles. It is what defines who is in and who is out. He who dares wins.

By Ademola Araoye

African state spaces, and by implication, the continental space, are suffused with corruption. Corruption actually defines the African state. Conservatively, not less than 70% of the summit of African leadership, in the Executive, Legislature and Judiciary, is embroiled in corruption, in its material and non-material expressions. Accordingly, Africa's paternalistic leadership and those close to their patrimonial circles constitute paralysing impediments to the actualisation of the fractious national will and the obscured common African will as well as the repressed

continental good. Corruption is an emotionally and ideologically vested concept, and corruption research is often characterised and/or motivated by normative descriptions and analyses of corruption.¹

Corruption is thus a complex phenomenon. It is an imprecise concept without a universally accepted definition. The varying definitions of corruption tend to reflect the inclination of the scholar² and are influenced by a host of factors related to the use for which the concept is to be immediately adopted.

In this article, corruption is

the deployment of power, often legitimately acquired power, or use of one's office or status in society, to promote or advance material and non-material interests and outcomes to private ends that are extraneous to, and with definitive deleterious impact on, or inconsistent with the overall objective public or common good. Accordingly, corruption is regarded as antithetical to the purpose of public administration. It is often referred to as a failure of the institution of the public service and as a betrayal of the essential professional ethic of the public administrator to serve the

public “honestly and disinterestedly as trustees of the public interest”.³ Public good or overall public interest are used synonymously and interchangeably as the non-exclusive common good.

The normative end of public policy is here assumed as objective public good, or overall public interest or non-exclusive common good. It is distinguished from and contrasts with the many competing partisan interests of a segment of society, formal institutions or of individuals in charge of public affairs in their different capacities. The rivalries of the many partisan interests at different levels that thrive in the public sphere may sometimes fuel a democratic response of distilling and advancing a common national interest out of the many. However, under certain circumstances, it may foster a logic of validating the institution of the practice of partisan loot and segmental interests as the contrived and convenient systemic operational protocol.

The latter option would seem to be the road taken in most of Africa, including Nigeria. Corruption, in betraying the essential professional ethic of public administration, undermines the formulation and implementation of determined interests of the state or that of the national community. In defining and playing the crudest form of politics, implying literally who gets what and when by all means, including underhand, illegal and unconstitutional means, corruption lurks initially at the subterranean zone of engagements. This has, over time, become integral to the calculus of power and central to the negotiations to achieve the immediate political settlement in states characterised by fractious societies with neither a driving overarching central vision, a consensual moral centre nor even an agreed existential *raison d'être* of the state and polity.

In these circumstances, state structures and institutions, both the corpus of protocols, procedures and the direct human articulators, have no direct philosophical directions. They may have often been captured by partisan forces to pursue goals extraneous to the overall public good. When this culture is entrenched in the political system, it impacts on

the integrity of the formulation and implementation of policy, while undermining the integrity of structures and institutions of state governance. When corruption is believed to be the way the public sector, or one of its agencies, routinely operates the damage goes beyond the loss of misdirected resources; public administration risks losing both its capacity to be effective and the trust of citizens in the fair and impartial application of public resources and authority.⁴

Meanwhile, the informal terms of the management of the state space by a dominant coalition of forces or even intra institutional relations may entail certain informal agreements or informal mutual understandings that are inconsistent with the purity of the law, the Constitution or the overall public good. Such a development poses a danger to the continued integrity of the system as a whole. For it is a slippery slope. Political settlement is the forging of common understandings, usually between elites that their best interests or objectives are served by a particular way of organising and deploying of political power. Since every political settlement is temporary and implies informal elements in the extant settlement, the renegotiation of every new regime or evolved dominant coalition at all levels often involves a recalibration of the moral gauge that may or may not be close to the nation's moral centre.

In the worst case scenario, the recalibration of the moral centre may also prove to be a political project not truly defined by public morality or ultimately by the search for the restitution of the public good from the parochial loot. The overall national ethical orientation is therefore critical in directing any assault on the Augean stable. In a May, 2017 report by Chatham House on Corruption in Nigeria, it is highlighted that while significant attention has been afforded to legal and institutional efforts to tackle corruption, little consideration thus far has been given to understanding and addressing corruption in Nigeria as a collective practice – one that is primarily an aggregate of individual behaviours that are sustained by

particular beliefs and expectations.⁵

In Nigeria, the three branches of democratic governance have developed at one level, inter-institutional antagonisms in response to the anti-corruption project of the Executive branch. This has been pronounced in the frosty relationship between the Presidency and the Senate over the refusal of the latter to confirm the appointment of Ibrahim Magu, whose implacable anti-corruption operations have been applauded by most Nigerians, as Chairman of Economic and Financial Crimes Commission (EFCC). Magu is generally perceived as a man with the zeal to cure Nigeria of the vice of corruption that has been plaguing the country.⁶

Although Nigeria has a plethora of laws and institutions to fight corruption, the EFCC is the major anti-corruption instrument. Ibidolapo Bolu highlights that the major laws that deal with corruption in Nigeria are:

- EFCC Establishment Act 2004.
- Independent Corrupt Practices & Other Related Offences Act 200018
- Advance Fee Fraud and Other Related Offences Act 200619
- Money Laundering (Prohibition) (Amendment) Act 201220
- Miscellaneous Offences Act 21
- Code of Conduct Act 22
- Nigerian Extractive Industries Transparency Initiative Act.
- Freedom of Information Act 201124
- Fiscal Responsibilities Act 201025
- Penal Code Laws of Federation of Nigeria 200426
- Criminal Code Law of Federation of Nigeria 200427
- Banks and Other Financial Institutions (Amendment) Act 1991
- Failed Banks (Recovery of Debts) and Financial Malpractices in Banks (Amendment) Act 1991.⁷

In the face of being rejected twice by the Senate, the presidency announced its resolve to work with Ibrahim Magu as chairman of the Economic and Financial Crimes Commission to stamp out corruption in the country. Even while indisposed in London, the President reconfirmed the position that as long as he remained the President Ibrahim Magu would be the chairman of the EFCC. In a new twist to the confrontation of the two institutions,

the Presidency has insisted that Mr. Ibrahim Magu's nomination as the substantive Chairman of the Economic and Financial Crimes Commission (EFCC) does not belong to the category of executive appointment that requires Senate confirmation. The Presidency has filed a case with the Supreme Court for judicial interpretation of the relevant Section 171 of the Constitution on which it relied.

For the Presidency, the Senate rejection of Magu is couched as corruption fighting back. The Senators are perceived to be against Magu because he has the corruption dossier on Senate President Bukola Saraki and several other serving Senators. It is also noted that Magu is about to re-commence the prosecution of former Delta Governor James Ibori who has just returned to the country from a British jail. Ibori is also seen as a close friend of Saraki and several other senators. Meanwhile, the Senators asserted in a note to the public that based on available security reports, the Senate could not proceed with confirmation of Ibrahim Magu as the Chairman of the Economic and Financial Crimes Commission. They spoke, paradoxically, of a failure of an integrity test by the nominated Chairman. The nomination of Ibrahim Magu was hereby rejected and has been returned to the President for further action.⁸

The case of the Legislature against Magu has not been helped by the introduction of a bill largely understood to grant amnesty to corrupt officials. The bill reads: *A Bill for an Act to Establish a Scheme to Harness untaxed Money for Investment Purposes and to assure any Declarant Regarding Inquiries and Proceedings under Nigerian Law and for other Matters Concerned Therewith*. In public reaction to the bill, The Ummah Movement under the National Islamic Centre (NIC), has condemned the bill before the National Assembly as seeking to grant amnesty to treasury looters. The Ummah Movement rejected the spurious and self-serving reasons for the bill and urged all Nigerians of good will to condemn it and the National Assembly to abandon and cancel its second reading.

At another level, the fight

against corruption has elicited intra institutional tensions mainly in the Nigerian Bar Association, whose more radical members have lashed out at the Bar Association (NBA) for shielding corrupt judges and teaming up with corrupt judges and corrupt members of the Legislatures to frustrate the Executive's anti-corruption campaign. In this connection, some bar members noted that in particular, the Nigerian Bar Association, which has information on all corrupt judges and lawyers in the country, has continued to shield them to the embarrassment of incorruptible members of the bar and the bench. It was highlighted that the few lawyers who have plucked up the courage to expose corrupt judges and lawyers have been stigmatised and treated like lepers by their colleagues. It was noted that it is on record that when both the Independent Corrupt Practices

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and other Offences Commission and the Economic and Financial Crimes Commission sent invitation letters to judges suspected of corruption, the judges had rushed to the Federal High Court to obtain interlocutory injunctions to prevent their arrest, investigation and prosecution.⁹

Meanwhile, the Executive also has a fair share of egregiously corrupt elements.

Yet the evidence suggests a lack of a common ethical pole in the brutish struggles to appropriate the totality of the public space by partisan actors. The restitution of the sanity of the public space entails a process without safeguards. This is specially so in multi-

national societies with fragmented, fractious and competitive intra-national society associated with little integrated social capital for the process to draw on. Yet, often the project to recalibrate or reaffirm the centrality of the national moral centre may however be a ruse; an exercise merely promulgated as a convenient tool for regime validation and consolidation of power. Because of this possibility, the management of corruption thus spans two poles. It may be a legitimate project of sanitising the public sphere; or at the other end may be a mere political project of partisan consolidation of power. Whatever drives the project though, it is a political process that is subject and vulnerable to the unpredictability and vagaries of politics. The politics of the process to mitigate corruption is therefore a critical imperative. In general, perpetrators of corruption often seek to turn the restitution and criminal process into a political charade. At least that has been the tendency in the anti-corruption campaign in Nigeria.

The dominant regime at each point in time refers to the rules, principles, norms and modes on interaction between social groups and state organs. Corruption is perceived as part of exploiting opportunities based on rational calculus of costs and benefits. Rose-Ackerman and Søreide advance that in economic terms, for instance, corruption is usually opportunistic behaviour based on rational choice and agency theory, and thus on the individual's motivations for engaging in corrupt behaviour.¹⁰

In this context, the directing principles of corruption driven regimes is the perpetuation of illegal and unfair distribution of value inconsistent with the organic law of the land. The public sector is then deployed to serve private, sectional and partisan ends. In any case, the public sector may lose its pre-eminence as the main structure for the developmental agenda as proceeds from corruption in private hands outstrip what is officially allocated to public administration. In Nigeria, the Minister of Information, National Orientation and Culture, Alhaji Lai Mohammed, revealed that the looters of the public treasury had more money in their possession than all the tiers

of government in the country. The Minister was quoted as saying it is now obvious that there are more funds in the possession of looters than are available to government at all levels to meet their obligations, including paying workers' salaries, providing social amenities, upgrading infrastructure and ensuring the security of lives and property.¹¹

Meanwhile, it has been estimated that close to \$400 billion was stolen from Nigeria's public accounts from 1960 to 1999. Also, between 2005 and 2014, \$182 billion was lost through illicit financial flows from the country.¹¹ In light of daily revelations of stolen public money in Nigeria, some may consider the Chatham House estimate rather conservative.

Corruption expresses itself in a multitude of ways. The final impact however is the gross distortion and derailment of established procedures, processes and protocols that define the nature and character of national and societal systems; of the relationships, operations and ethos of the public sphere. These distortions impact in the subversion of the integrity of all facets of national life: political, including administrative, legislative and the judiciary; economic; social; cultural; normative; and spiritual. In contrast to the search for the public and common good, corruption at the personal, societal and institutional levels advances the subjective, private and parochial interests of a few to the detriment of the objective interests of the overall collectivity. In fiscal terms, it promotes parochial loot at the expense of the public good. It also reflects a lack of or corrosion of the moral centre of society while polluting, metaphorically and in actuality, the spirituality of the public space and entire fabric of the febrile community. At its worst, corruption shreds the conventional operative norms of society and drives all levels of the subverted interactions of a society in decay.

The physical expressions of corruption range from the ridiculous to the bizarre. Tayo Oke shares that Politically Exposed Persons in Nigeria and across the continent appear to have come up with ingenious means of concealing their stolen wealth. In January 2017 he documents

that, for instance, Kenya's Electricity Corporation, "Kenya Power", recovered 18 transformers buried in a farmland by a top government functionary. Also, in January this year, after spending his stolen wealth until he became terminally ill, a Ugandan man instructed his wife to bury him with \$55,000 US dollars, apparently for use to bribe God (just in case the Almighty turns out to be a Ugandan like him). Recently, in Nigeria, seven military Hilux trucks were needed to dig up N37bn concealed in farmland. A prosecution witness in the ongoing trial of Andrew Yakubu told the Federal High Court, Abuja, how 9.8m dollars and £74,000 was found in the defendant's house in Kaduna. Yakubu, who was the former Group Managing Director (GMD) of the Nigeria National Petroleum Corporation (NNPC), was arraigned by the Economic and Financial Crime Commission (EFCC) on a six-count charge of money laundering and false asset declaration.

Stories abound of monies being abandoned at airports, hidden in sewage outlets, in rooftops, swimming pool hatches, graveyards, etc. Some of the affected PEPs have stolen more money than they and their generations yet unborn can ever need or require.¹² Yet, this is only the tip of the iceberg. Premier state institutions, including the Legislature and Judiciary are not immune to the challenge.

In the early hours of Saturday, October 8, Directorate of State Services (DSS) operatives launched a sting operation in several parts of the country. Justices of the Supreme Court Sylvester Ngwuta and John Okoro were taken to the EFCC in custody. Justice Ngwuta allegedly traveled to Qatar to receive a bribe which he shared with Justice Okoro and others. The bribe was allegedly for Governor Wike to win his election case which got to the Supreme Court. When Justice Ngwuta's house was raided, the DSS allegedly recovered N35,208 million, US\$319,475, £25,890 and €280. Ngwuta is being prosecuted by the federal government on a 16-count charge for corruption, money laundering and other financial crimes. He has however pleaded not guilty to the charges and was granted bail on

self-recognition.

When the DSS stormed the residence of another Justice, Adeniyi Ademola, he was arrested allegedly with N54 million cash, \$171,779, €4,400 Euros, 1,010 Rupees, and £80 in his possession. Subsequently, a High Court in Abuja cleared Justice Adeniyi Ademola and his wife, Olabowale, of charges of corruption brought against them by the Attorney General of the Federation. A statement by the presidency indicated that the federal government has filed an appeal against the ruling which discharged a Federal High Court judge and two others of fraud allegations. In the statement, the federal government reiterated its determination to save the war against corruption. This followed a streak of losses in the courts. Accordingly, it filed an appeal against the decision of Justice Jude Okeke to uphold the no case submission in the corruption case against Justice Adeniyi Ademola, Mrs. Olabowale Ademola and Mr. Joe Agi, SAN. The Government through the Ministry of Justice has also filed a fresh case in the Code of Conduct Tribunal against Justice Ademola and wife for living above their means and failure to declare their assets," the sources were quoted as saying.¹³

In another raid of the residence of a judge, Justice Okoro was found with N4.35 million, \$38,833 and €1000 Euros.¹⁴ In another high profile case involving the Judiciary and a member of the Nigerian Bar, the Economic and Financial Crimes Commission (EFCC) arraigned Justice Ofili-Ajumogobia alongside Mr. Godwin Obla, a Senior Advocate of Nigeria (SAN), on November 28, 2016 on a 30-count charge bordering on conspiracy to pervert the course of justice, offering gratification to a public official, and unlawful enrichment by a public official, among others.

Meanwhile, the *Vanguard* newspaper (Nigeria) reports that the House of Representatives has queried the Central Bank of Nigeria for a staggering \$81.2bn imbalance in crude oil sale proceeds declared by the apex bank for the years 2011 to 2014. The query was sent to the CBN by the House ad hoc committee investigating the alleged export of \$17bn undeclared

crude and gas resources from the country between 2011 and 2014. Part of the query the committee sent to the apex bank read, "That out of \$42.7bn you declared as crude oil sales receipt, that \$35.2bn, representing 82.4 per cent, went into a bottomless pit called Cash Call and Excess Crude Account, and only \$7.5bn, representing 17.6 per cent, was available for distribution to the three tiers of government."¹⁵

The entrenchment of legalised and institutionalised systemic looting of the state is revealed in the struggles of the Socio-Economic Rights and Accountability Project (SERAP) to recover more than N40 billion received by ex-governors of some of Nigeria's 36 states, currently serving as senators and in the federal cabinet as ministers. The SERAP noted that the politicians were already enjoying pensions and other privileges and ought not to receive further emoluments from the Federal Government. Accordingly, the SERAP dispatched a letter to the Attorney-General of the Federation and Minister of Justice to urgently institute appropriate legal actions to challenge the legality of states' laws permitting former governors currently serving as senators and ministers to enjoy monumental serving governors' emoluments as pensions. In its letter to the AGF, the organisation expressed concern that many serving senators and ministers were receiving salaries and life pensions running into billions of naira from states that were currently unwilling or unable to pay workers' salaries. It said that double emolument and large severance benefits for former governors now serving as public officials constituted a blatant betrayal of public trust.

Publishing a survey of the pensions and privileges many governors had approved for themselves with the connivance of their cronies in state Legislatures, SERAP noted that under the Lagos (State) Pension Law, a former governor would enjoy the following benefits for life: Two houses, one in Lagos and another in Abuja estimated to cost between N500m and N700m. It said they also enjoy six brand new cars, furniture allowance of 300 per cent of annual salary to be paid every two years, and a close to

N2.5m monthly pension (about N30m pension annually).

It said a former governor of Lagos State was also entitled to free medicals with his immediate families as well as house maintenance, car maintenance, entertainment and utility allowances in addition to several domestic staff. In Rivers State, the law provided for 100 per cent of annual basic salaries for ex-governor and deputy, one residential house for former governor anywhere of his choice and one residential house for the deputy for life. Three cars are given to the ex-governor every four years; two cars for the deputy, 300 per cent of annual basic salary for furniture; and 10 per cent of annual basic salary for house maintenance.

In Akwa Ibom State, the law provided N200m annual pay to ex-governors, deputies; pension for life at a rate equivalent to the salary of the

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incumbent governor/deputy governor respectively. A new official car and utility-vehicle, one personal aide and provision of adequate security; a cook, chauffeurs and security guards were provided for the governor. Other benefits include free medical services for governor and spouse at an amount not exceeding N100m for the governor per annum and N50m for the deputy governor. The law also gave a five-bedroom mansion and allowance of 300 per cent of annual basic salary for the deputy governor; 300 per cent of annual basic salary and severance gratuity.

The Kano State Pension Rights of Governor and Deputy Governor provided for 100 per cent of annual basic salaries for former governor and deputy as well as furnished and equipped offices. It also provided for

a 6-bedroom house; well-furnished 4-bedroom for deputy, plus an office; free medical treatment for self and immediate families, two drivers; and a provision for a 30-day vacation within and outside Nigeria.

It said Gombe State law gave N300 million executive pension benefits for the ex-governors while Kwara law gave a former governor two cars and a security car replaceable every three years. The act also provided for a well-furnished 5-bedroom duplex, 300 per cent of his salary as furniture allowance and five personal staff. The ex-governor and his deputy are also entitled to free medical care, 30 per cent of salary for car maintenance, 20 per cent for utility, 10 per cent for entertainment; 10 per cent for house maintenance.

SERAP said in Zamfara State, former governors received pension for life, two personal staff, two vehicles replaceable, two drivers and free medical treatment for them and their immediate families in Nigeria or abroad. Ex-governors in the state are also entitled to a 4-bedroom house in Zamfara, an office, free telephone and 30 days paid vacation outside Nigeria.

The Sokoto State law gave former governors and deputy governors N200 million and N180million respectively being payment for other entitlements which included domestic aides, residence and vehicles that could be renewed after every four years. Many of the beneficiaries of the appropriated largesse are serving either in the Senate or appointed into the federal cabinet who, at the same time, were receiving equally monumental salaries and privileges.¹⁶

Also in a case involving corporations with state agencies, media reports that George Turnah, holder of a privileged title of Member of the Order of Niger, MON, together with seven companies, were arraigned on a 12-count charge bordering on obtaining by false pretense, money laundering and abuse of office to the tune of N3, 094, 268, 235.69. The seven companies arraigned with Turnah are: El Godmas Global Services Limited; Turnoil and Gas Nigeria Limited; Kolo Creek Petroleum Development Limited; Celtic Pride Consult and Events; Yenagoa Mall, Adaka Boro Marine Services Limited

and Sugarland Integrated farms Nigeria Limited.¹⁷

Corruption seems to be inherent in the very nature of power in developing societies. The intense unmediated struggle for acquisition of power by all means by all the various competing individuals and their convenient roles as part of the coalescing partisan forces have proven to be the most cost effective instrument to escape grinding poverty, achieve and consolidate the social mobility of individuals and their immediate families. Subsequently is the proclivity to abuse public trust in promoting personal or sectional interests. Power usurpation, including very skewed patterns in the distribution of fiscal value either through truncated due processes in politics, business and economic interaction or even the subversion of spirituality, is therefore the norm in state spaces characterised by intense struggle for partisan appropriation. Corruption is clearly associated with the power calculus in state spaces and societies floundering with no validating principles. It is what defines who is in and who is out. He who dares, wins.

The public sphere is a murky realm where angels fear to tread. It is paramount that the complete denudation of the ethics of the public space and the criminal abridgement of normal processes by representatives of stake-holding constituents in national affairs are tacitly or even explicitly approved by partisan kinsmen and the local constituency. The latter perceive themselves as direct or potential beneficiaries of the accruing and accrued loot of the local hero operating at their instance at the centre of power. The local hero who is villainous at the national level is often further rewarded by the local community for his villainous acts of corruption at the centre. They often represent the communal wild dogs that are unleashed to haunt, hunt and hound in the wild world of domestic politics of prebendal systems.

This behavioural attitude may be consistent with the treatise of organisational scholars, (cited by Ashforth and Anand, 2003) that have emphasised that corruption should not only be regarded as a state of misuse, but also as a process – ie a gradual

institutionalisation of misbehaviour which contributes to legitimising behaviour and socialising others into it in such a way that it gradually becomes normalised. This may be called a 'culture of corruption'.¹⁸

The local heroes must also ensure that no new heroes emerge in the local community. So the dominant heroes of the community share the largess in a local patrimonial paradigm built on loyalty to their persons. In most cases, emerging challengers are physically eliminated. This ensures that the circle of political elites is very narrow and on the surface uncompetitive.

Tayo Oke is miffed by the obsession with money by public officials? And, if that sounded baffling, then, Oke asked, by way of analogy, why politicians in this country (Nigeria) never retire from the 'business' of politics? They move from being secretary to a governor, then become a two-term governor in their own right, move to the Senate to serve two or three terms, move on to become a minister, and then, move on to become Chairman, Board of Trustees of their party, etc.

The departing president or governor handpicks a sympathiser or a protégé of sorts as his successor to protect his back once out of office. He acquires the status of a political godfather of sorts in the community. The attempt to protect dubious legacies of outgoing regimes, and in most cases with skeletons in huge cupboards to conceal, is integral to the perpetuation of political corruption. The immutable trajectory of this is part of the arrangement to perpetuate corruption. It is corruption of the political and economic space fossilised in the subsisting political settlement.

Part of the corruption of the political space is the expected assurance that the next administration will protect the last. This has often been the case where the "new" in-coming administration has been put together by the outgoing governor. That has implied the truncation of internal democracy within the political parties and by implication of the national democracy project. The situation in Lagos State of Nigeria is a prime example. Against this background, elections at all levels are therefore sham as each regime seeks

to perpetuate itself in a second term, whether it has earned it by meritorious performance in the first term or not. If it is constitutionally barred and cannot elongate its rule, the next option to ensure continuity of the extant political settlement is through electoral fraud. The elections must throw up a new government of its cronies from its ruling party. Accordingly, in a nominally democratic environment, it is the judiciary that often determines the winner. Cases have been known to languish in the courts half way into the gubernatorial mandate only to declare the governor an usurper. In this climate, the sages stay at home. Corruption is institutionalised.

Therefore while corruption may be instigated primarily for personal gain of the individual perpetrator, it is often instrumental in promoting, providing and satiating parochial material or psychological dividends of a sub-set of the national community or a defined parochial constituency. This delineated partisan constituency perceives that its interests are served by acts of the villainous representative at the national level, who is hailed as a smart hero in the home constituencies. The denunciations at the national level are contrasted by the approbations at the home constituency of the perceived smart local heroes. This suggests a wide ethical discrepancy across the field and gargantuan systemic value dissonance in the operational axioms underpinning the system as a whole. This wide gap directs the operative expectations at the local level for their representatives deployed to the centre.

This is often the case in multi-national states and societies struggling with the damaging deficits and imperatives of state orphanage in post-colonial contexts and the challenges of nation building. This has emerged even in post-liberation state spaces with relatively more coherent ideological appreciations of the essences of the state forged out of the crucible of horrendous deprivations and revolutionary struggles. They constitute post-revolutionary societies in decay as the tenets of the revolution have given way to the banalities of partisan struggles intrinsic to the formulation of political settlements outside the

strictures of the ideologically driven party directions.

Corruption is manifest in bribery, misappropriation, underhand transactional processes outside the established due process, and all other related forms of non-material gratifications, including demands for and solicited and willful offering of sexual favours, as well as stealing of public funds. Corruption includes the use of otherwise legitimate institutional mandates, such as the Legislature or a political party, to orient the formulation of public policy away from the objective public interest in the direction of outcomes for private dividends and or parochial gains. Also, corruption may entail the implementation of policy in a manner that detracts from the overall public good to advance parochial interests of the direct recipients, their complicit constituencies or institutional actors. Institutions, including political parties and state organs such as the Executive, the Legislature or even the Judiciary, can therefore be corrupt.

Despite popular understanding of corruption as the outcome of clandestine interaction between individual actors, corruption often entails open interactions based on or implied tacit public partnerships. Partisan state capture and the corruption of the state space begin with electoral fraud.

Systemic corruption threatens democracy and good governance in Nigeria. The country's senate president stood trial for false asset declaration and other corruption-related charges. Many former governors are facing trial for graft. The Economic and Financial Crimes Commission (EFCC) is actively investigating dozens more sitting and former officials. News that several senior election officials allegedly accepted millions of dollars in bribes demonstrates that corruption threatens the integrity and credibility of Nigeria's elections.¹⁹

The logic of systematic and systematised corruption is founded in its utilitarian function as a political instrument and as an organic, even if illegitimate, glue to a negotiated political settlement among like-minded corruption directed dominant elites. The national project in this case rests

on a permanently fragile political settlement that incorporates in an atomistic fashion, in contradistinction from an integrated manner, the collectivity of prominent national villains who are legitimated in their local constituencies by virtue of their capacity to advance a parochial loot at the national level.

The national villain is thus validated by his credentials as a local hero. There is therefore no consensual moral centre to prosecute the pre-eminent local heroes advancing the partisan interests as a national villain. Impunity results from the character of the national processes founded on a political settlement based on discounted national values and ethics. Impunity reduces the perceived cost of corruption. As former Chief Justice of Nigeria, Justice Dahiru Musdapha, observed in a keynote address at the SERAP's 9th Roundtable conference in 2012, the risk that corrupt activities will result in imprisonment and accompanying public humiliation is minimal. He surmised that the gains of corruption are therefore not discounted and there is thus, little reason beyond personal integrity not to engage in corrupt acts.

Corruption is thus a complex phenomenon entailing an equally complicated network of actors internally and externally. That complexity also involves understanding the structural linkages of domestic level national villains in the context of a subsisting political settlement while simultaneously defining the relationships of local proxies with their conniving external hegemonic state and institutional collaborators. The internal political settlements that validate corruption at the highest levels in less developed political systems are also integral to formal and informal engagements with external interests and partners as informal state policy in pursuit of their sovereign interests.

Corruption in African countries can therefore be analysed at two levels. At the first level is the anatomy of corruption in the domestic and national setting. At the second level is the nature of the murky external environment, political and legal, that facilitates corruption in, paradoxically,

a reversed structural dependence of powerful international forces on corruption in underdeveloped political systems in the Southern hemisphere to oil their respective economic and political machineries.

Corruption, especially endemic across all strata of society and national communities in Africa, is the most expressive public articulation of an upended ethical and normative system and a deformed spirituality of the community. This may lead to psychological mass defection from the idea of the centrality of the state as the defining political realm or of the notion of the nation as a determinate community. In this context, statesmanship is reduced to activities to exploit the subject putative state, the nation and community. Notions of the rhetorical national project, like the character of the concrete myth of these kind of states, acquire a fictive character in what essentially are entities that perpetually struggle to consolidate themselves as concrete and legitimate realities.

The struggles for the absolute partisan appropriation of the totality of the state space by individuals such as Sassou Nguesso in Congo Brazzaville and Obiang in Equatorial Guinea, account for the significant incidence of corruption in the post-colonial state. Corruption is thus integral to the process of and struggle for partisan appropriation of state spaces unleashed by the unconsolidated and unpacified nature of the state and potential nation spaces in their post-colonial settings. In fact, the dominant governance paradigms in post-colonial or post-liberation entities rest on corruption.

This is abundantly manifest whether in the context of the many derailed messianic military interventions or intrusions in public life that predictably ended up spawning moral monstrosities governing through opaque and unaccountable standard operating procedures in regimes of bold thieves in uniforms or even in the post military ex-military dominated successive odious instrumental democracies exemplified by Nigeria.

They are also manifest elsewhere in patrimonial administrations in One Man States (OMS) as in Obiang's Equatorial

Guinea or Togo under the Gbasingbe Eyadema and his dynasty or One Party States in Angola's MPLA (OPS). In the post-Cold War era associated with enhanced cognitive sensibilities in relation to governance in the global environment and the associated demands for transformational democratic leadership, corruption remains endemic in neo-patrimonial systems in the post One Man State or post One Party States or even represented in the emerged post-revolutionary decay of post liberation and post settlement regimes depicted by South Africa, Zimbabwe, Guinea Bissau and Angola.

Meanwhile, in spite of the political rhetoric to the contrary, corruption has been an explicit vehicle for the promotion of continued hegemonic statuses of neo-imperial partners of predatory national leaderships serving in proxy roles. This seeming validation of international amorality in the affairs of poor and weak countries shaped the consciousness and understandings of local third world tyrants of the duplicitous state of global morality. Corruption was also then a strategic instrument for political longevity domestically and in oiling the international crucial partnership externally. These understandings underpinned the workings of a curious international network and structural linkages of global corruption. These networks can be plainly public as in the historic case of FrançAfrique.

FrançAfrique symbolises everything nebulous about French neo-colonial relationship with post-independence Francophone Africa that meant keeping former colonies on a tight leash. This is expressed in political interference to protect France's political and economic interests: organised coups to remove African leaders that attempted to go rogue, covert military intervention to secure natural resources; and corruption and illicit outflows.

Corruption thus feeds into and is sustained by the amorality of the operations of the international system. The leaders of elite states adumbrate their political correctness in condemning corruption while turning a blind eye to institutional collaboration with corruption in their proxy

states. This is to the benefits of their economies or to the private fortunes of selected families in the metropolises. In fact formal neo-colonial relationships are founded on the transference through legal and formal compacts as well as illegal channels oiled by formal state institutions of receiving powers of illegally acquired wealth to the metropolises. It is the standard *modus operandi* of FrançAfrique in Africa.

The *quid pro quo* is that the corrupt and the conniving African head of state and the cohort in the inner circles of the patrimonial arrangement are protected in office and assured a life-time reign. The most loyal of these corrupt proxies may be offered French honorific titles such as the Houphouet Boigny Prize for peace instituted in the name of the life President of that country.

“Many serving senators and ministers were receiving salaries and life pensions running into billions of naira from states that were currently unwilling or unable to pay workers’ salaries.”

The honorifics are to deodorise their memories and whitewash their real role in blighting the fortunes of their nations. Blackmail is a tool in the box. Where through dynastic succession, the scions of established corrupt leaderships seek to break the mould and renounce consolidated patterns of fiscal hemorrhage of the treasury to external destinations such as France as in the case of Ali Bongo, the son and successor of the late Omar Bongo of Gabon, they are blackmailed to return to the status quo. The cases of Laurent and Simone Gbagbo who refused to continue the tradition of unlimited and mediated access of France to the Ivorian treasury under Houphouet Boigny in Cote d'Ivoire are clear examples. So is that of President Pascal Lissouba in Congo Brazzaville, who opened up

the strategic, even if puny, oil sector of the economy to foreign, specifically American, participation. In both cases, the responsible French agency concocted narratives demonising them as blackmail to soften the ground before their final political executions. French companies and establishments are in partnership with the state in the execution of these critical national projects.

In Congo (Brazzaville) Elf Acquitane financed a war to bring back Sassou Nguesso to power to facilitate continued French control of the economy. Corruption thus becomes an instrument for neocolonial domination and control. Meanwhile, the situation can sometimes be complicated. With the election of Donald Trump as President of the United States, Sassou Nguesso is haunted by his past. Sassou Nguesso is enmeshed in corruption scandals in Australia, France, Italy, Portugal, Spain, and Switzerland. Earlier this year, during trips to Washington, Sassou Nguesso's wife, son, and finance minister were served with subpoenas, which required them to disclose the sources and locations of Sassou Nguesso's wealth. As Brent L. Carlson highlights, the subpoenas were delivered as part of Commisimpex SA's effort to collect a \$1 billion arbitration award, which stemmed from Sassou Nguesso's refusal to pay infrastructure invoices some 30 years ago. Sassou Nguesso's routine use of official meetings with French presidents to elicit guarantees of immunity from prosecution²⁰ is not enough, given the new realities at the international level.

It can be recalled that in the 1980s ELF Acquitane funded the war unleashed by Sassou Nguesso to overthrow democratically elected Congolese President Pascal Lissouba from office. Thereafter, from the late 1980s, Sassou Nguesso, a major player in the FrançAfrique network, favoured France to undercut ExxonMobil's central role in offshore exploration in that country. Sassou Nguesso stripped ExxonMobil of oil concessions granted to the American company under President Pascal Lissouba. He awarded the most lucrative production permits to French corporations Elf and Total – essentially snubbing ExxonMobil. In

the context of the prevailing political realities, especially Sassou Nguesso's protracted centrality in FrançAfrique corruption networks, his decision then was politically prudent. As a result, from the late 1980s Sassou Nguesso has had a strained relationship with ExxonMobil, and its former CEO Rex Tillerson.

In 2017, however, Tillerson is President Trump's Secretary of state. Nguesso is thus seeking rapprochement with Tillerson and assurance from President Donald Trump. Finally, in 2015, Sassou Nguesso gained the implicit approval of French President Francois Hollande's to illegally review the Congolese Constitution to enable him to stand for a re-election not prescribed in the constitution in March 2016. Many protesting this illegality in the streets were killed. Sassou Nguesso is again suppressing a phantom opposition in a military campaign in the Pool region. The military campaign ostensibly targets a rebel group that no longer exists. In reality, the campaign is designed to threaten citizens who might otherwise contest and protest his fraudulent "reelection."²¹

Also, Joseph Desire Mobutu, President of the Democratic Republic of the Congo from 1965 until his death from prostate cancer in 1997 is documented as setting about a systematic plundering of one of the richest countries on earth. He stole and stashed away a whopping \$30bn in Western banks, notably, in France and Switzerland.²² Former maximum ruler and dictator Sani Abacha stashed way over 5 billion United States dollars in safe havens, including the United States, Switzerland, France, Luxemburg and various established destinations of stolen wealth from Africa. Negotiations to repatriate the stolen loot have remained tortuous.

It is against the background of the international dimensions of corruption that the Nigerian administration has entered into bilateral agreements with a number of countries that have provided safe havens for stolen monies from Nigeria. On January 19, 2016, Nigeria signed six agreements with the United Arab Emirates, following a state visit by President Muhammadu Buhari. The pact includes Judicial Agreements

on Extradition, Transfer of Sentenced Persons, Mutual Legal Assistance on Criminal Matters, and Mutual Legal Assistance on Criminal and Commercial Matters (the recovery and repatriation of stolen wealth). In September, 2016, the Federal Government of Nigeria signed a Memorandum of Understanding (MoU) with the British Government on the modalities for the return of Nigerian stolen assets.

The Attorney-General of the Federation, Abubakar Malami, who signed on behalf of the Federal Government of Nigeria, outlined the objectives of the MoU. It includes the fact that the processes of returning stolen assets was a partnership to further the interest of both countries and based on mutual understanding, confidence and trust. That both countries recognised that they have a mutual interest in ensuring that returned assets are not at risk of being misappropriated again. And that both countries recognised they have obligations toward their own citizens for providing such assurances. Also, both countries recognised the importance of ensuring that the highest possible standard of transparency and accountability are applied for the return of assets. The Nigerian Attorney General gave the assurance to the international community that all funds recovered would be judiciously utilised for projects that would benefit the poorest segment of the Nigerian society.²³ Affirming his government's full commitment to the return of all funds looted from the Nigeria, the Minister of State for Immigration of the United Kingdom, Robert Goodwill, announced that 40 jurisdictions, including British Overseas Territories, would share beneficial ownership information relating to companies, trusts and foundations in order to expose owners of stolen assets.

Before then, a two day Anti Corruption Summit was held in London that brought together over 40 heads of government to use the conference to galvanise a global response to tackle corruption. It was expected that agreement would be reached on the repatriation or extradition of persons that had looted their nation's funds to ensure they faced trial.

It was also hoped that the summit would remove all impediments to the efforts of the Nigerian President to get all stolen money in the UK repatriated. At last, it will be faster to facilitate the repatriation of the assets that are abroad; and even the people behind the looting living abroad could be extradited to Nigeria. ■

References

- 1 'Criticquing corruption: A turn to theory', Source: <http://www.ephemerajournal.org/contribution/criticquing-corruption-turn-theory>
- 2 Ogbewere Bankole Jjeweeme: 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations', *SAGE Open* April-June 2015: 1-16.
- 3 Alexandra Mills May 2012: 'Causes of corruption in public sector institutions and its impact on development'
- 4 Thompson D 1992: 'The Paradoxes of Administrative Ethics' *Public Administration Review* May/June Vol 52 No 3.
- 5 <https://www.chathamhouse.org/event/collective-action-corruption-nigeria-social-norms-approach-connecting-society-and-institutions>
- 6 Magnus Onyibe: 'Nigeria's Anti Corruption War: Has the Chicken come home to roost?'
- 7 Ibiolapo Bolu, 'The anti-corruption legal framework and its effect on Nigeria's development' <http://www.spajibade.com/resources/wp-content/uploads/2016/04/DBolu.the-anti-corruption-legal-framework-draft.pdf?utm>
- 8 Judes Egbas: 'The real story behind senate's rejection of EFCC boss'. Source: <http://www.pulse.ng/local/ibrahim-magu-the-real-story-behind-senates-rejection-of-efcc-boss-id6378886.html>
- 9 Omotayo Yusuf: 'Femi Falana Blasts NBA for Shielding Corrupt Judges', Source: <https://www.naij.com/1001312-femi-falana-supports-arrest-corrupt-judges-blasts-nba-promoting-corruption.html>
- 10 Cited in Eric Breit Thomas Taro Lennerfors Lena Olaison (eds) 'Criticquing corruption: A turn to theory'. <http://www.ephemerajournal.org/contribution/criticquing-corruption-turn-theory>
- 11 Chatham House Report: 'Collective Action on Corruption in Nigeria, a Social Norms Approach to Connecting Societies and Institutions' <https://guardian.ng/news/480b-stolen-from-nigeria-in-54-years-chatham-house-reports/>
- 12 Tayo Oke: 'Rabbit holes and graveyard vaults: Money laundering's changing MO', <http://odili.net/news/source/2017/may/2/809.html>
- 13 Federal Government appeals judgment that freed Justice Ademola, wife, senior lawyer - Presidency. <http://www.premiumtimesng.com/news/top-news/228152-federal-government-appeals-judgement-freed-justice-ademola-wife-senior-lawyer-presidency.html>
- 14 <https://www.naij.com/1001920-poll-was-the-dss-raid-on-supreme-court-judges-right.html>
- 15 John Ameh, Abuja: '\$17bn stolen crude: Reps' panel queries CBN over \$81.2bn shortfall', <http://punchng.com/17bn-stolen-crude-reps-panel-queries-cbn-over-81-2bn-shortfall/>
- 16 'SERAP urges FG to recover over 40b from Saraki, Fashola, Akpabio, others'. <http://thenewsnigeria.com.ng/2017/07/serap-urges-fg-to-recover-over-40b-from-saraki-fashola-akpabio-others/>
- 17 'N3bn Scam: Court remands George Tumah in prison'. <http://thenewsnigeria.com.ng/2017/05/n3bn-scam-court-remands-george-tumah-in-prison/>
- 18 Cited in Eric Breit Thomas etc op.cit.
- 19 Matthew T. Page, 'Improving U.S. Anticorruption Policy in Nigeria'. <https://www.cfr.org/report/improving-us-anticorruption-policy-nigeria>
- 20 Brett L. Carter: Congo President's embarrassing attempt to ingratiate himself to Donald Trump. Source: <http://africasacountry.com/2017/01/congo-president-denis-sassou-nguessos-embarrassing-attempt-to-ingratiate-himself-to-donald-trump/>
- 21 Ibid
- 22 Tayo Oke, op.cit.
- 23 Nigeria, UK sign MoU on return of stolen assets. Source: <http://www.vanguardngr.com/2016/08/nigeria-uk-sign-mou-return-stolen-assets/>