

**ASSESSMENT OF THE EFFICACY OF THE OVER 13 MEASURES
NIGERIA HAS ADOPTED IN THE FIGHT AGAINST CORRUPTION IN
VIEW OF APPARENT ESCALATION OF CORRUPTION IN THE PUBLIC
SECTOR**

BY

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Protocol

I will start this discourse by conveying the Hon. Chairman's delight to Forensic Insight Limited for inviting the ICPC to this interface session on Assessment of the efficacy of the over 13 measures Nigeria has adopted in the fight against corruption in view of the apparent escalation of corruption in the public sector

He has asked me to inform you that he would have loved to be here in person but because of another equally important official engagement. He has asked me to come and represent him and present this paper prepared for this occasion.

Since there is no universally acceptable definition of corruption, I do not want to start this interaction by trying to define what is corruption, but in order for us to be in a better position to appreciate the topic and

assess the efficacy of the various measures Nigeria has employed in the fight against corruption in the face of the seeming escalation of public sector corruption, we shall attempt to understand the dangers of corruption so as to be able to appreciate the enormity of the problem and the need to support the anti-corruption war.

Introduction

Corruption in Nigeria is of particular concern because it undermines the emerging political and economic institutions in the country and threatens the on-going political and economic reforms. It erodes democratic institutions, weakens the rule of law and erodes the confidence of people in democracy. Corruption depletes both government and civil society of scarce resources that are needed to ensure economic prosperity, equality and better life for all.

It is a plight in the society caused by the worship of self, which gives the pursuit of personal affluence priority above the pursuit of economic and social justice for all. The dangers posed to the nation as a result of evils of corruption are there for all of us to see. Its endemic nature and its debilitating effect on the cultural, economic, social and political foundation of our society has been most harrowing and disconcerting.

Corruption is a global issue, and has remained a nagging problem in Nigeria. The cost and impact of corruption is visible all around us. The visible cost of corruption includes:

- Deplorable roads and decaying infrastructure
- Poverty
- Insecurity

- Weak public trust in governance;
- Above all, corruption is a threat to democracy because it undermines institutions and encumbers government's developmental efforts in the health and educational sector, encourages rural-urban migration
- We are all victims of corruption. Nigerians must realize that when their tribal man or woman, member of their church or mosque steal and give out pittance or 'donate', they are not doing any favours but incubating insecurity, kidnapping, preventing our children to have access to education, making it difficult for government to enable access to health facilities and provide infrastructure.

Nigerian Anti-Corruption Legislations.

- ✓ The Code of Conduct Bureau and Tribunals Act 1990
- ✓ Corrupt Practices and Other Related Offences Act, 2000 otherwise referred to as the (ICPC Act, 2000)
- ✓ Economic and Financial Crimes Act, 2002 Amended (2004)
- ✓ Money Laundering (prohibition) (Amendment) Act, 2012
- ✓ Penal Code Laws of the Federation of Nigeria, 2004
- ✓ Criminal Code Law of the Federation of Nigeria, 2004
- ✓ Advance Fee Fraud and Other Related Offences Act, Amended 2006
- ✓ Miscellaneous Offences Act 1985
- ✓ Nigerian Extractive Industries Transparency Initiative Act,
- ✓ Freedom of Information Act, 2011
- ✓ Fiscal Responsibilities Act, 2010
- ✓ National Drug Law Enforcement Agency Act (NDLEA) 1988

- ✓ Banks and Other Financial Institutions (Amendment) Act, 2002
- ✓ Failed Banks (Recovery of Debts) & Financial Malpractices in Banks Amendment Act 1999
- ✓ Foreign Exchange Act, 1995
- ✓ The 1999 Constitution of the Federal Republic of Nigeria as Amended
- ✓ Public Procurement Act, 2007
- ✓ Nigerian Financial Intelligence Unit Act, 2018

However, the main anti-corruption institutions in Nigeria are:

- The Nigeria Police Force
- The Code of Conduct Bureau
- The Independent Corrupt Practices and Other Related Offences Commission
- The Economic and Financial Crimes Commission;
- Nigerian Extractive Industries Transparency Initiative;
- The Nigeria Financial Intelligence Unit.

In spite of these enabling laws and the relevant institutions/agencies of government to administer them, corruption activities still thrived in the country. Realising however, that corruption is not, intrinsically a crime, until it is expressly prohibited and made punishable under the law, several anti-graft programmes which include Preventive and Punitive measures have been implemented in fighting the scourge of corruption.

Statutory Mandate of ICPC

The core Mandate of the Commission under Section 6 of the ICPC Act 2000 are:

- a) Enforcement
- b) Prevention; and
- c) Education

Enforcement mandate of the ICPC

Corruption investigations increasing focus attention on lifestyle audit, money laundering, illicit wealth, and compliance with tax legislations by suspects. The benefits of improving collaboration between the ICPC, the Federal Inland Revenue Service, Code of Conduct Bureau, Nigerian Customs Service, Nigerian Immigration Service, and other sister agencies is enhanced detection, better quality of evidence, greater intelligence sharing, and increase in rates of conviction for charges filed.

Preventive Mandate of the ICPC

The Commission observed over the years that significant number of petitions received are based on alleged infractions in the utilization of personnel cost and capital development fund of government. ICPC believes that, 'Corruption should not be conceived as a mere irregularity or the act of a scoundrel. The secret of successful reform is changing policies and systems, rather than hunting for isolated culprits, adding new laws and regulations, or calling for a moral renovation.

Corruption Risk Assessment

Corruption Risk Assessments (CRAs) have been deployed by ICPC to assess corruption vulnerabilities of various sectors of Nigeria's economy and MDAs. A total of 46 CRAs have been conducted from the inception of ICPC to April, 2019, including CRA on the Port sector, Aviation, Water Resources, Education, Health and E-Government systems, etc

Nigeria has been acknowledged as the first country to apply CRA to assess operations at its sea ports. CRAs usually lead to operational reforms to reduce opportunities for corruption.

Systems Studies by ICPC

In 2019 alone System Studies and Reviews were conducted in over 300 MDAs to determine leakages in public expenditures, blocked such leakage, identify any infractions or breach of extant rules, impose sanctions for breach and recover public property.

Over **N40billion** that would otherwise have been pilfered was blocked by the Ministry of Finance as a result of reports by ICPC. The report of the 2019 SSR was presented at the National Summit on Diminishing Corruption in the Public Sector organized on 19 and 20, November at the conference Hall of the State House, Abuja.

Constituency Projects Tracking Group (CPTG)

The ICPC inaugurated the Constituency Projects Tracking Group (CPTG) in April, 2019, inter-alia to;

- Verify funded constituency projects and amount disbursed;
- Investigate fraudulent procurement practices in the award of contracts for constituency projects;
- Monitor the implementation of constituency projects from inception to completion;
- Make recoveries on projects/contracts confirmed to have been inflated or in which contractors under-performed or did not perform at all.

The CPTG team commenced tracking on 18th June, 2019 in 12 States selected from the 6 geo-political zones in the first phase of tracking. Tracking focused on mainly health, education and water projects that have immediate benefits to communities across Nigeria. 81 projects were selected based on set criteria but mushroomed into 413 and later 424 projects. The total appropriation for all the tracked projects was N24,327,092,589.06.

This initiative has yielded tremendous support by Nigerians at the grassroots because it has forced completion of abandoned projects, led to the recovery of hospital equipment (including ambulances and dialysis machines), farm tractors, tricycles, and other equipment that were procured with government money but stashed in the private houses of legislators. Over 200 contractors mobilized back to site.

Anti-Corruption Academy of Nigeria

The anti-corruption Academy of Nigeria (ACAN) is a specialized institution to provide world-class enforcement and anti-corruption education primarily for ICPC staff and top-level professionals and administrators in the public and private sectors. ACAN is a Centre for the study of corruption and conduct of scientific research aimed at providing state authorities with evidence-based findings to combat corruption.

Activities of ACAN

Corruption Risk Assessment (CRA) training for AU Heads of Anti-Corruption Agencies in December, 2018; the 3-day training had 69 participants from 31 countries. Some countries have requested further training.

Illicit Financial Flows Tracking Group

The ICPC has also constituted an illicit financial flows tracking group or IFFTG. This group will track illicit financial flows that are hemorrhaging the economy of Nigeria. This group will also collaborate with the Federal Inland Revenue Service to track tax compliance of companies and individuals. The IFFTG has potential to broaden the revenue base of the country.

High Profile Convictions

Nigeria is making gradual improvement in the conviction of high-profile corrupt defendants or politically exposed persons. Two former governors (Joshua Dariye and Jolly Nyame) were convicted during the first term of President Buhari. They were each sentenced to more than 10 years imprisonment without option of fine.

Causes of Apparent Escalation of Public Sector Corruption in Nigeria

President Muhammadu Buhari has said time without number that if we do not kill corruption, corruption would kill Nigeria. In other words, corruption is an existential threat to Nigeria. However, corruption has persisted in Nigeria despite legal and institutional mechanisms or framework to stamp out the menace. Why has corruption continue to escalate in our national life? It seems that corruption is like refuse. It is

a by-product of social, economic and political activity. Some causes of corruption includes: public attitude towards corruption. President Buhari in his address at the National Summit on Corruption in the public Sector said many Nigerians have created a distance between themselves and traditional Nigerian cultural values of honesty and integrity.

- The get-rich quick mentality. Materialism has taken root.
- The immunity clause in the constitution
- Moral decadence and erosion of traditional values of honesty and integrity
- Lack of education on the cost of corruption
- Poverty and poor remuneration is factor in retail corruption
 - community pressure on public servants
 - weakness of the legal process
 - greed, ostentations lifestyle
 - challenges in the capacity and capabilities of law enforcement agencies.

Recommendations

- Constitutional amendment to pave a way for judiciary independence;
- Specialized court system to try corruption cases and with specific time frame of 12 months;
- Strengthened anti-corruption agencies
- Increasing number of prevention initiatives and public education to diminish corruption in the long term;

- Increased use of non-conviction-based asset recovery mechanisms
- Improving turn around time for investigation;
- Increasing number of cases filed for prosecution;
- More engagement of citizens to own the fight against corruption.

CONCLUSION

It must be noted that Anti-Corruption agencies are human institutions and operate within particular social environment. The fight against corruption is the collective responsibility of every Nigerian , and not that of government and anti-corruption agencies alone. Corruption thrives where there is culture of acceptability and weak enforcement of laws. The traction of anti-corruption effort will gain momentum and lead to visible results where enforcement is matched by public intolerance and realization of the costs of corruption.

Thank you all for listening.