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Paul Ocheje

University of Windsor, Faculty of Law

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Norms, law and social change: Nigeria's anti-corruption struggle, 1999–2017

Paul D. Ocheje¹

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Abstract Corruption is notoriously persistent in Nigeria notwithstanding the panoply of laws deployed over the years against it. This article argues that the factors constraining the effectiveness of laws in the fight against corruption are to be found not in the laws, but in the larger societal matrix of resilient social norms and institutions, which constitute the environment of corruption in the country. The environment thus constituted is either conducive to, or largely tolerant of, corruption. The article then suggests that the anti-corruption effort, to be successful, must engage broadly with the environment by instigating social change.

Introduction

This article will examine the role of social norms and the law in the anti-corruption struggle of Nigeria in recent times. Studies of Nigeria's engagement with corruption manifest a consensus on, at least, two things: (a) that corruption is widespread and banalized [1–4], making the phenomenon the greatest obstacle to development [5], and (b) that corruption is resilient and persistent [6–9], making the effort to combat it appear ineffective. Nigerians often conclude that, given their abundance of natural endowments, the massive scale of poverty among the bulk of their population cannot be explained but by the ravages of corruption. They also accept that combating corruption is bound to be a daunting, perhaps insuperable, challenge given its entrenchment. They speak of corruption “fighting back”, and of corruption having “eaten deep into the fabric” of their country [10, 11].

The following questions are central to this inquiry: what is the environment of corruption in Nigeria? What counts as corruption in the value acceptances of Nigerians? Why is corruption so resilient and persistent in Nigeria? Why have laws been rather ineffective to combat corruption in Nigeria? Is there a dissonance between

✉ Paul D. Ocheje
pocheje@uwindsor.ca

¹ Faculty of Law, University of Windsor, Windsor, ON N9B 3P4, Canada

laws and social norms? If so, how has this dissonance played out in the fight against corruption in Nigeria? Finally, are there any prospects for the eradication or, at least, a reduction of corruption in Nigeria?

Norms, law and social change: The conceptual linkage

Norms are a very important factor for consideration in any attempt to change social behavior. They embody the standards of appropriate behavior in any community. A norm has been defined as a pattern of behavior which people conform to on condition that they believe that most people in their reference network conform to it [12]. The defining characteristic of a norm is social expectation [13–15]. Social norms dictate the extent to which individuals engage, and expect others to engage in corruption. Therefore, norms clearly constitute the social environment of corruption. There are many ways of changing norms ([16, 17];), but legislative intervention appears to be the most preferred among the countries of the developing world, where, not surprisingly, the pressure for change from old institutions considered to be obstructive of rapid development can be quite overwhelming.

Law can be an effective tool of social change because legal intervention can coordinate social behavior by creating new expectations [12, 18]. A new law can change behavior, for example, by changing the rules that govern certain activities. Rules governing traffic, to use Bicchieri's example, can easily achieve the desired purpose because drivers and other road users expect that everyone would obey the rules as it is in their best interest to do so. In the case of social norms, however, the success rate of legislative intervention is very low because of law's essential contingency. Success quite often depends on such factors as "legitimacy, procedural fairness, and how the law is originated and enforced". Studies have borne out the following prerequisites: (a) whether the law originated from a legitimate and recognized authority; (b) whether the law was imposed from the top down, without an opportunity for citizens' views to be heard and considered by the authorities; (c) whether citizens have trust in formal institutions, such as the legal system and the rule of law; (d) whether the dissonance between the legal arrangements and social norms is not so great as to deprive the law of credibility [19–21].

Concerning social norms and the effectiveness of law, it has been argued that "if the law strays too far from the norms, the public will not respect the law, and hence will not stigmatize those who violate it. Loss of stigma means loss of the most important deterrent the criminal justice system has. If the law is to have any value at all, it needs to stick close to the norms." ([22], p. 1872). Examples of successful legal interventions based on law's closeness to popular views abound. Similarly, there are also well-documented examples of failure of legal interventions to change attitudes and behavior because they adopted aggressive tactics without due consideration to the great distance between the new law and the social norms. By contrast, however, less aggressive tactics, which allowed the society to be "nudged" towards change rather than "harshly shoved", have recorded more success [23, 24].

All of this establishes that the legal approach to social change is contingent on several factors which merit careful consideration in a democratic setting. These factors may not be relevant in a dictatorship, which explains the great failure of most

corruption clean-ups in the many authoritarian regimes that once dominated the continents of Africa, Asia, and Latin America [8].

Setting the context: History of Nigeria's anti-corruption struggle

The history of corruption and the fight against it in Nigeria has a long pedigree. It dates back to the establishment of the rudiments of modern public administration in the country by the British colonial authorities. For convenience, this account will be divided into two: (a) the period after independence from colonial rule (1960–1979) and (b) the period of 1999–2017. The first period of democratic government beginning from 1960 was terminated by a military coup d'état in January 1966, followed by a counter-coup, a civil war, and a military interregnum that lasted until 1979 (followed by another interregnum from 1983 to 1999). The second refers to a period of successive civilian governments beginning from 1999 to the present.

The immediate post-independence period (1960–1979)

After independence, the theme of corruption, which had begun from the colonial period (1914–1960), continued to dominate the general perception of government activities and public officials, both at the federal and regional levels. The federal minister for finance, Chief Festus Okotie-Eboh, was once describe as a “byword for luxury and ministerial corruption” [25, 26]. To charges of corruption, he was said to have responded by quoting the biblical passage: “To those that have, more shall be given; from those that do not have shall be taken even the little that they have”. Another minister, Chief K. O. Mbadiwe, when asked to explain the source of funds with which he had built a palatial home for himself, famously stated that the funds were “from sources known and unknown”.¹ It is noteworthy that one of the reasons given by the masterminds of the first military putsch in 1966 was widespread corruption. The leader of the coup, Major Patrick Kaduna Nzeogwu, justified the coup thus: “Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand 10 percent; those that seek to keep the country divided permanently so that they can remain in office as ministers or VIPs at least, the tribalists, the nepotists, those that make the country look big for nothing before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds.” [27]. The coup, and the counter-coup which followed, instigated a downward spiral in the political fortunes of the country, resulting in a civil war from 1967 to 1970 ([28]; de [29]).

After the civil war, the country, under the military government of General Yakubu Gowon, experienced a windfall with the sudden upward swing of international oil prices from 1973. Enormous amounts of revenue flowed into government coffers from the spike in oil prices, almost overwhelming the management capacity of the government. However, most of the revenue was stolen by public officials, while the government dissipated the remainder on cultural jamborees, sports fiestas, and white-elephant projects ([30], pp. 112–120). In the end, the government was toppled by another coup d'état, in which General Murtala Muhammed became head of state. The new head of

¹ There are various versions of these quotations, the sources of which appear hazy.

state also blamed corruption, among other ills of leadership and society, for his intervention. He quickly embarked on a corruption cleanup, dismissing hundreds of civil servants and other public officials from work, and recovering thousands of dollars from those proven to have illegally accumulated unexplained wealth from their offices. He also tried to reorientate the value acceptances of the populace towards personal discipline, accountability, and probity. In this, he was less successful. He was killed in an abortive coup on February 13, 1976, less than a year into office.

In 1979, the military yielded to a civilian democratically elected government, led by President Shehu Shagari. Under the civilian regime, there was a resurgence of corruption so massive that the government was terminated after four years by another coup, led by General Muhammadu Buhari, who himself was pushed out in 1985 by General Ibrahim Babangida [31]. While the former's style was stern and uncompromising on corruption, he was head of state for less than two years, the latter was indifferent and is generally believed to have allowed corruption to fester and become tacitly acceptable in government. There were many corruption scandals under Babangida's regime ([32], p. 94). Babangida gutted the civil service by fundamentally altering its structure, thereby removing most of the institutional checks which were the bulwark of ethical behaviour among civil servants. His were the days of ethical abandon, open theft and mismanagement of public funds, and of great cynicism in state-society relationship among the populace. In response to widespread criticism of his government, Babangida set up a committee on corruption and economic crimes, to examine the causes and extent of corruption in both the public and private sectors, to identify deficiencies in the existing legislation, and to suggest improvements. The Corruption and Economic Crimes Decree 1990 was drafted as a result of the committee's work, but it was never promulgated before Babangida left office in 1993. General Sani Abacha, a kleptomaniac, who, like his predecessor, stole enormous amounts of money from just about any public source, including the Central Bank of Nigeria, eased Babangida out of office. At the time of his death in 1998, Abacha was reported to have stolen about \$5 billion from Nigeria [33–36].

The period of successive democratic governments (1999–2017)

Following the death of Abacha, there was a transition to yet another civilian regime in 1999, the regime of former army general Olusegun Obasanjo. He had succeeded Murtala Muhammed as head of state when the latter was assassinated in an abortive coup in 1976. He then helped to install the civilian regime of Shehu Shagari in 1979. In his second coming, he was a democratically elected president. Upon his inauguration, corruption was one of the priority items of his agenda of governance. He did not only speak against it at every opportunity, but he also acted severely against corruption. Under his regime, two anti-corruption bodies were established: the Independent Corrupt Practices and Other Offences Commission (ICPC) and the Economic and Financial Offences Commission (EFCC), in addition to the existing Code of Conduct Tribunal (CCT). He sought to recover all of the money and assets stashed away by Abacha locally and abroad, but only with limited success. Of the alleged Abacha loot of billions of dollars, he succeeded in recovering less than a billion dollars, owing in part to the many hurdles inherent in transnational asset recovery. Yet, there were many allegations of corruption against president Obasanjo and his ministers ([37], pp. 16–17; [38, 39]). In 2007, at the end of his tenure, Obasanjo was succeeded by Umaru Musa Yar'Adua,

from the same political party as himself, the Peoples Democratic Party. Yar'Adua died in office in 2011, and his deputy, Goodluck Jonathan, succeeded him.

Goodluck Jonathan's government is probably the most corrupt government ever to take charge of affairs in Nigeria [40–42]. There were corruption scandals upon scandals in which officials of his government and of his political party were implicated. These include the oil subsidy scandal, the missing \$20 billion dollars scandal, the bullet-proof cars scandal of the Ministry of Aviation, the amnesty payments disbursement scandal, to name but a few. The details of scandals involving defence spending, and theft of oil money, are only now beginning to emerge. Compared to Obasanjo who took concrete steps to control corruption, albeit with negligible success, Jonathan mainly paid lip service to the issue of corruption in his government, occasionally seeming to even defend it when he was not denying its existence [43]. When he contested election in 2015, one reason, among many failings of his government, why he was resoundingly defeated by Muhammadu Buhari was the uncontrolled and growing incidence of corruption in every sector of his government. Civil servants inflated their wage bill by including the names of ghost workers on the payroll; ministers inflated their budgets to allow non-existent expenditure items, the funds appropriated for which they then promptly appropriated to themselves; contracts were diverted and abandoned but money appropriated for them diverted to private pockets; huge sums of money were unlawfully funneled into his political party as "slush" funds; the president spent untold but unbudgeted or unappropriated funds [44]; military high-ranking officers and other security officials stole the funds appropriated for security, with the consequence that the security apparatus was so degraded it could not address a major security challenge brought on by a terrorist group called "Boko Haram"; government lacked funds to pay pensioners; there was massive infrastructural deficit which government could not address owing to diversion of public funds to cronies, party hacks and relatives, for non-essential but rent-yielding projects; state governors spent extravagant amounts of money illegally on themselves and their families, on overseas travels, education of their children and relatives, while not paying salaries and wages to workers and pensioners, nor projects important to their citizens' welfare; persons found guilty of corruption were being pardoned and helped to reintegrate into the system; and the list is endless. Arguably, some of these ills were a carry-over to Jonathan's government, but corruption stood out in Jonathan's government against the background of unprecedented inflow of oil revenues to the country. Between 2009 and 2014, oil prices averaged \$90 - \$103 per barrel, and Nigeria sold 2.5 million barrels a day.

Muhammadu Buhari became the elected president of Nigeria in May 2015. The reduction or elimination of corruption is part of his priority agenda. The other items are security and the economy. He has moved very quickly to root out corruption from the civil service by leveraging technology to institute new checks and balances in public administration. He seems to be successfully engaging a combination of acknowledged tools of change to fight against corruption. These are legislative interventions (several new pieces of legislation have been passed by the legislature, albeit grudgingly – given the terribly slow speed by which the legislature has attended to these pieces of legislation – at the instance of the executive branch targeting corruption or toughening existing laws against it) [45], media campaigns, economic incentives, and space for democratic deliberation. Under this president, there have been more arrests and prosecution of corrupt persons than in the previous periods put together. Hundreds of

people are currently facing investigation and prosecution under hitherto hardly deployed provisions of the laws, which essentially shift the burden of proof to the accused person. Similarly, funds and other assets running into billions of dollars have been subject of temporary seizure from persons accused of corruption pending conclusive proof in court [46, 47]. Public servants have begun to feel the pressure of new checks and balances [48]. Recently, the adoption of a whistleblower policy by the government (yet to receive legislative backing) has spurred frenetic activity. Billions more of dollars have been recovered from unexpected spaces which have been used by corrupt persons to hide ill-gotten wealth – in underground bunkers, unoccupied apartment buildings and homes, airport lounge, etc. [49–51]. Apparently, owners of illicit wealth have resorted to hiding it in these spaces as toughened banking disclosure laws have made it impossible to launder the money through the banks.

Although it has been public knowledge for decades that the judiciary was corrupt, from the lowest to the highest court, judges had escaped scrutiny in the anti-corruption fight. But, for the first time, the homes of several high-ranking judges were raided by law enforcement officers and several judges were arrested and charged in 2016 [52].

Still, there is no total or uniform support for Buhari's crusade against corruption. Some have called it a vendetta against political opponents; others have called it a ruse, while others have denied it of any chances of success. Most Nigerians only express cautious optimism [53].

Corruption “fights back”

Given the damage which corruption has brought on the Nigerian society on multiple fronts [54], the natural assumption would be that citizens, at least a majority of them, would support a credible fight against it. That is not the case. Socially, corruption has divided the country and created a vast population of very poor citizens and a tiny elite of the super rich. The public school system, for example, has all but been gutted, and a two-tier education system now exists, with the children of the rich attending private schools, which are comparable to the best institutions in the West, and the children of the poor having no choice but the destroyed public education system. Politics has been rendered so fractious and dangerous that most regard it as a game completely bereft of morality. And, recently, the Nigerian economy slipped into a recession, with most Nigerians blaming it on corruption. Global Financial Integrity, an international anti-corruption watchdog, estimates that in the past decade over \$157 billion have left Nigeria illicitly.

The fight against corruption in Nigeria is being fought within a strange mix of circumstances. It is being resisted both by the corrupt elites and by the poor. The former, who have hitherto enjoyed immunity from arrests, investigation, and prosecution, have sought to maintain the *status quo*. They have been aided in this by lawyers who have thrown all sorts of legal impediments to the effort by the Buhari regime to fight corruption. According to an influential commentator on the situation, Femi Falana [55], himself a Senior Advocate of Nigeria:

A number of senior lawyers have obtained interim or perpetual injunctions from judges certain politically exposed persons alleged to have engaged in criminal diversion of public funds. In spite of the abolition of stay of proceedings or

suspension of criminal trials by the Administration of Criminal Justice Act 2015, senior lawyers and judges. . . have continued to subject corruption cases to frivolous preliminary objections, (restraining) the police and anti-graft agencies from arresting, investigating and prosecuting.

Falana, among other lawyers, has complained bitterly against his colleagues on the bar and the bench who have seemingly made themselves available to be used to frustrate the prosecution of corrupt elements in Nigeria. The Nigerian Bar Association has also condemned this trend, although it has yet to take action against those members guilty of the practice. The president has also verbalized his dissatisfaction at the level of judicial engagement with the anti-corruption fight [56].

Politicians with vested interests have also stigmatized the anti-corruption fight as a ruse and political vendetta against opponents. For example, the leading opposition party, the Peoples Democratic Party, accuses the government of selective prosecution, alleging that its members, who have been charged for corruption, were just being persecuted by the All Progressives Congress government of Buhari [57–59]. Rather confusingly, the president of the senate (Nigeria's upper legislative body), who is a leading member of the APC, has also alleged that his prosecution at the Code of Conduct Tribunal (CCT) for false declaration of assets is politically motivated [60]. This narrative feeds the massively funded media campaign of Buhari's traducers, who aim to deny popular support to the anti-corruption campaign.

There is also a popular backlash against the anti-corruption campaign. Market women, business people, labourers, artisans, transporters, and other segments of the Nigerian population regularly express a longing for the corrupt days of previous governments as against the government of Buhari and its singular focus on fighting corruption. Moses Ochonu, who researched popular reaction to the fight, found that a regular refrain among the masses of the people was "bring back corruption" [61]. Part of the causes of the current economic recession in Nigeria was the massive theft and diversion of funds to private pockets, draining the economy of much-needed life. However, the Ochonu writes, "[I]n their desperation for respite, many Nigerians are now paradoxically yearning for the corruption that they and their leaders blame for their economic woes, but theirs is not a nostalgia for corruption *per se* but for a period in which, despite or because of corruption, the flow of illicit government funds created a sense of economic opportunity and prosperity".

Indeed, the political and economic utility of corruption in Nigeria is well documented. Students of the Nigerian state acknowledge the role of corruption in the constitution and reconstitution of the state by political elites [2]. Corruption had been the fuel of the Nigerian economy. Ochonu writes,

sustaining everything from major real estate transactions to the patronage economies of petty retailers. . . [C]orruption generates secondary and tertiary ripples and transactional economies that benefit even the pepper seller in the market. . . [W]hile corruption flourished in the previous administration of Goodluck Jonathan, (the proceeds of) that corruption found (their) way in trickles to all the consequential corners of the economy, lubricating the sinews of an economy that depends, for good or ill, on the state's revenue mobilisation, spending, and leakage.

Aside from the recession, the anti-corruption strategies of the Buhari government have mopped up formerly “stray” funds and blocked the many loopholes and avenues for theft by public officials, thereby blocking or substantially reducing the flow of illicit funds through the economy. “Bring back corruption” might not necessarily have been a preference for corruption among those interviewed, but it certainly indicated that in a country immersed in corruption, few people cared about the sources of the money which funded investments and projects from which they secured jobs and livelihoods. Nevertheless, the corrupt elites often seize upon this rhetoric to instigate popular discontent against the anti-corruption struggle.

Both the elites and certain segments of the citizenry have not hidden their expressions of solidarity with persons arrested or being prosecuted for corruption. Visits to detention centers of the EFCC by high political party officials who express sympathy for the “ordeal” of the accused persons [62, 63], and demonstrations by supporters of accused persons alleging “high-handedness” of law enforcement personnel are some of the ways that it has been sought to convey social antipathy to the anti-corruption fight. In a few cases, powerful members of society, such as legislators, have attempted to disrupt the trials of their colleagues accused of corruption [63]. In other cases, persons who have served their penalties after being found guilty of corruption have been welcomed home like heroes [64, 65].

There are also saboteurs of the anti-corruption fight from within Buhari’s government. Several judges have been accused of taking bribes to pervert the law in favor of persons accused of corrupt practices. Against loud objections by many lawyers and other influential persons, some of these judges have been arrested and charged for corruption recently, including judges of the highest court of the land, the Supreme Court, and of the Federal Court of Appeal. However, the general perception is that this is merely a tip of the iceberg, as a large segment of the judiciary is commonly known to be corrupt [66, 67]. Some public officials have continued with the corrupt habit of “padding” the budget, such that several items of expenditure are replicated many times in order to allow for embezzlement or misappropriation of the excess allocated funds. Apparently, this a well-tested method of stealing by heads of ministries and agencies of the government, but the recent attempt under the Buhari government led to severe repercussions for the perpetrators who were caught through the president’s intelligence apparatus [68–70].

Among the opponents to Buhari’s campaign against corruption are members of the country’s two legislative houses – the House of Representatives (lower chamber) and the Senate (upper chamber – usually referred to as the National Assembly). There have been several corruption scandals involving high-ranking officials of the National Assembly. One issue to which the National Assembly has shown great negative sensitivity is the unabated call from the public upon members to disclose the details of their remuneration just like other public officials. It is suspected that Nigerian legislators are the highest paid legislators in the entire world bar none. Many believe that this is theft of the public weal, especially as the popular assessment is that such huge remuneration is not justified by the work that legislators do in Nigeria, held up against what their counterparts do in other countries.

In response to the president’s determination to extend the anti-corruption fight to the National Assembly, the legislators have threatened to leverage their powers of approval and confirmation of the president’s nominees for office by refusing to approve or

confirm these nominees regardless of their suitability for the positions. A recent example is the refusal twice to confirm the president's nominee for head of the premier anti-corruption body, the EFCC, Ibrahim Magu [71–73]. It is generally suspected that the opposition to Magu is motivated by the fear of his uncompromising stance against the country's thieving upper classes [74]. About 15 out of 109 senators either are under investigation or are facing charges for serious corruption offences. Legislators had called, for example, for the withdrawal of charges against the president of the senate, Bukola Saraki, who faced several charges of corruption [75–77]. They have also used their primary constitutional power (to make laws) to impede the president's anti-corruption campaign. Three vital legislative proposals from the presidency have languished unattended in the legislature for at least one year.²

Several legislators, many of whom were state governors, have been accused of graft; many of them have been charged [78]. More than once, legislators have attempted to pass a law to confer legal immunity on themselves, but for the huge outcry against it by civil society organizations [79, 80]. There is, however, a general admission by non-partisan legislators that, under Buhari's government, things are beginning to change [81].

Saraki was recently discharged and acquitted of all charges at the CCT. This outcome, which deepened the cynicism of many Nigerians about the fight against corruption, has been appealed by the authorities [82].

The environment of corruption in Nigeria: Norms and idioms of discourse

The problem of corruption in Nigeria has been diagnosed from a variety of perspectives. Some blame poverty and greed, for example, for the desire among public officials to steal public funds [83]. The salary of workers is abysmally low compared to the cost of living. It is almost as if workers are expected to steal to augment their salaries, in a country of extended families where an average worker is expected to cater to not only the needs of his immediate family, but those of the extended family as well. Others have blamed corruption on the lack of checks and balances or the failure of these in the public service [84]. Yet others have explained corruption in terms of pseudo-modernization, i.e. modernization that has failed to exclude informal structures and institutions [31]. While all of these explanations fit into the more standard theories advanced by many well-known writers on corruption as a social phenomenon ([85, 86]; they sometimes fail to take account of the peculiarities of the Nigerian situation. After all, poverty, greed, nepotism (which is associated with the development of the modern public service), patrimonialism (the failure of modern institutions of government to exclude informality), all existed historically in the various countries of the West, but these have been made to yield progressively to greater transparency and accountability as the countries made progress toward modern nationhood [87–89]. The real question, then, is not why there is corruption in Nigeria, but why corruption has become persistent in spite of effort to reduce or eradicate it. It is suggested, in the following, that, fundamentally, the entrenchment of corruption in Nigeria is consistent with the country's failure to graduate from what was famously described as "a mere

² These are the Anti-Money Laundering Act, the Whistleblowers Protection Act, and the Special Criminal Courts Act.

geographical expression” [90] to modern nationhood. In short, Nigeria’s stubborn corruption does arise from a particular history.

Most modern states emerged out of a moral consensus on the need for a state by the populations that exist within them [91]. Such a consensus entailed the conscious submerging of cultures, languages, and norms of behavior such that the state might enjoy uniform standards of morality. In other words, public and private moralities generally coincide. The Nigerian state, however, was not a product of such consensus; rather it was imposed from the top by the British colonial authorities, without a transcendental source of loyalty or basis for the exercise of state hegemony over the multitude of primordial loyalties which existed before the imposition. The amalgamation of the southern and northern protectorates to form Nigeria in 1914 was actuated, not by a desire to form a nation, but for the administrative convenience of the British colonial authority [92, 93]. Without a conscious effort to forge a consensus, various social norms which are suggestive and emblematic of a lack of identity with national interest have subsisted until today, entrenched by the failure of nation building.

The resulting normative context of corruption can be described as resistant, even antagonistic, to the drive for anti-corruption. It is characterized by the following³:

- (a) *A dual conception of the “public” sphere*: In Nigeria, the public/private distinction, which has helped in these past few centuries to order society in the West and to clarify the notion of corruption, is either non-existent or is not helpful owing to the dual conception of the “public” [96]. A sharp distinction between the public and the private is necessary in any fight against corruption because the fight is about preventing wielders of public power from privatizing public resources. An important step in the anti-corruption struggle historically has been the unification of both private and public moral standards, such that what is wrong in one’s private judgment would also be wrong in terms of public morality. However, a rather strange lack of private and public moral coincidence is plainly observable in Nigeria. The modern “public” of the civil service, the army, the police, banks, industries, and businesses, was a creation of the colonial administration. It exists side by side with the primordial public of villages, tribes, clans of the vast rural expanses of the country. While the primordial “public” is regarded mostly as moral by the populace, the modern “public” is considered to exist in an amoral sphere. Theft, extortion, and misappropriation of property may be considered morally wrong in the primordial society, but the same wrongs are viewed with indifference, or even encouraged, in the modern sector by the same society. The colonial relationship with the rural sector was characterized by amoral behaviour – extortion, theft, cheating, forcible seizure of property, human rights violation, etc. [97, 98]. These traumatized and alienated the citizens and drove a wedge between them and the face of modernity – the government. Evidence of a continuity of mutual alienation is ubiquitous. Government hardly consults with the citizens on important national initiatives, and citizens hardly identify with those initiatives unless coerced to do so. Unfortunately, succeeding Nigerian leaders have left the gulf created by the departing colonial authorities unrepaired. Several nation-

³ This part of the article draws extensively on views I articulated in two earlier works: Ocheje [94] and Ocheje [95].

building attempts have foundered on the altar of greed, abuse of power, and continuing violation of human rights. As a result, the notion of “public interest” is very underdeveloped among Nigerians; there is no general notion of public interest in the society, unless it is related to one’s ethnic group, or village or clan, or extended family.

- (b) *A dual economy*: The dual morality is complemented by a dual economy [99]. In spite of the huge revenues from the sale of crude oil over these past decades, the Nigerian economy remains “enclave”, some say “dual”, in nature [100]. It consists of a tiny export enclave which feeds on a larger rural periphery, paying pittance for export crops. It creates poverty for a majority of the citizens while concentrating wealth at the center for the merchants, the banks, the corporations, corrupt civil servants, the police, and the army. The lack of economic diversification has constricted opportunities for investment in independent and productive economic activities rather than rent-seeking [101]. Thus, an embedded moral economy of corruption has created a wide tolerance for illicit financial flows among the populace [2, 61]. The failure to industrialize means that the economy is condemned to generating raw materials with ever-fluctuating and vulnerable prices, as opposed to the stable and ever-rising prices of manufactured products in the international market. Poverty has deepened inequality and further alienated a majority of citizens from the affairs of government [102–104].
- (c) *Weak institutions breeding a “rationality of fear”*: Attempting to build a nation from the top is fraught with uncertainties and, sometimes, human rights violations. In Nigeria, such a task involves galvanizing disparate ethnic groups who have yet to detach themselves from their traditional sources of security, intertwined as these are with their totemic allegiances. For many, the modern state, imposed on these groups by an accident of history, has yet to prove its merit in terms of providing a rallying point for the actualization of a common destiny. Abuse of power and impunity have remained an almost routine feature of governance [105, 106]. In the civil service, for example, salaries are sometimes delayed or not paid [107, 108] when paid, salaries are too meagre to meet the needs of workers for food, fees for children in school, or medical care; administrative mix-up or incompetence sometimes leaves retirees without pensions or other benefits [109]. It is not unknown for heads of government agencies to fraudulently keep workers’ salaries in their private bank accounts in order to convert the interests such money might yield, while claiming delay in the release of budget allocations by the responsible authorities. In these circumstances, it is rational to fear for the future [110]. This fear translates into a willingness to corner or squirrel away public resources by individuals who have access to them in an attempt to secure the future for themselves and their families.

The attitudinal dispositions which the above social, political, and economic institutions have spawned and nurtured among citizens are often reflected in popular idioms of everyday discourse of corruption and its understanding in Nigeria. A sample of the idioms are:

- (a) *A goat eats where it is tethered* or *where one works is where he “chops”*: this idiom translates into a justification for peculation, especially from the modern public sector, which is considered a moral “no man’s land”. “Eating” or

“chopping” – taking care of one’s needs and wants, even if dishonestly, from a public source – where one works is not judged a wrong thing, no matter the nature of the “chopping”.

- (b) *A position in government is an opportunity to eat*: This means that every government appointee is expected to use the opportunity to enrich themselves, and there is no opprobrium attached to such behavior.
- (c) *Government business is nobody’s business*: No one deserves punishment for being delinquent towards the government. This idiom justifies all kinds of delinquency in public life, such as stealing, absenteeism, lateness to work, incompetence, and so on.
- (d) *When there is a big tree, small ones climb on its back to reach the sun*: this justifies the expectation that a successful person has an obligation to help his/her kinsmen by all means, even if rules have to be broken in the process.
- (e) *The “national cake” must be shared*: everyone has a stake in the national wealth, i.e., wealth from the sale of crude oil and other public sources of revenue, but the emphasis is on “sharing” the cake rather than “baking” it. While it is generally considered fair for everyone to feel entitled towards the state, there is no expectation of a corresponding obligation on anyone to help build the nation.
- (f) *Those who take from government are wise; those who do not are fools*: The government is adept at amassing wealth without moral inhibitions; whoever is smart enough to beat it at its own game is to be congratulated, not condemned.
- (g) *Government is an alien entity*: In popular discourse, the government is often typified as “they”, and the citizens as “us”, two entities that exist in competition or opposition, never in collaboration or co-operation. The demonization of government sets the stage for its alienation from popular imagination.
- (h) *Eating but working is acceptable*: If those who have access to the public purse help themselves to it, they should use whatever remains to work for the people. Then, they would have atoned for their misdeeds. But eating without working is condemnable.
- (i) *It is not what you know but who you know*: Merit has no place in modern public service; only connections can secure a job, not academic accomplishment or experience or talent or skill.

All of the above makes it difficult even to name corruption correctly in Nigeria [111, 112], much less obtain a moral consensus on it.

Assessing the prospects for a successful anti-corruption struggle in Nigeria

As described above, the environment of corruption in Nigeria, owing to a combination of historical and modern factors, is at worst conducive to, and, at best, tolerant of, corruption. Section 15(5) of the Constitution of the Federal Republic of Nigeria obligates the state to “abolish all corrupt practices and abuse of power”. Successive governments since independence, military or civilian, have instituted anti-corruption campaigns with remarkable failure, such that corruption has festered and become entrenched in the country. Corruption cleanups have failed because they consisted mainly of the legal approach without much attention to the normative context of the problem. To successfully attack

corruption in Nigeria requires that, first, a large degree of national consensus must be forged about the danger of corruption to the corporate existence of the country. To obtain such a consensus, in turn, requires renewed effort at nation building, to redirect ethnic or totemic allegiances to the state, reinforcing the hegemony of the state and improving the state-society relationship. Currently, the state-society relationship is fraught with mistrust and suspicion. Secondly, the economy must be diversified and vastly improved in order to create more economic opportunities and sustainable prosperity across the land. Thirdly, there is a dire need for fairness and equity in the distribution of the country's resources among the citizens. The current structure is highly skewed against a majority of the citizens. The overall objective must be to create a stake for every citizen in the continued strength and prosperity of the state.

The Buhari government appears to have learnt a few lessons from the abject failure of its predecessors. It has strengthened the legal tool for fighting corruption. Several tough pieces of legislation have been proposed to be added to the already rich arsenal of laws against corruption [113]. The government has subscribed to new international frameworks for combating corruption, and sought, with modest success, to rejig its mutual legal assistance schemes with many countries of the world. However, the government's use of the law is being complemented by other strategies. The government has embarked on a large social investment program. A rudimentary social welfare scheme, involving cash transfers to the poorest segment of the population, is part of the program [114]. A school feeding program for children is also part of the program [115, 116]. Both of these programs are a first in the history of the country. There is also the Government Enterprise and Empowerment Program, which gives soft loans to traders, artisans, and others in the category, and the N-Power program, which is directed at unemployed graduates of tertiary institutions. These programs are aimed at gradually bridging the state-society anomie by helping to create new social norms supportive of nationhood.

Admittedly, past governments had also engaged in similar kinds of social intervention. Babangida's government, through the office of the first lady, had instituted the Better Life for Rural Women, and the Mass Mobilization for Self-Reliance, Social Justice and Economic Recovery. Similarly, Obasanjo's government created the National Orientation Agency, which, together with the Ministry of Information, attempted to inculcate the spirit of nationalism among Nigerians. It also created the National Poverty Eradication Program. So did Goodluck Jonathan with the SURE-P, the Subsidy Reinvestment and Empowerment Program. These programs only achieved negligible outcomes, and some of them corruptly deviated from the standards of transparency expected of them [117]. Perhaps the organic linking of the Buhari social investment programs to the fight against corruption would achieve outcomes that are more successful.

Overall, the government appears to be opening up a national conversation about corruption, and it is currently attempting to tone down the public perception or notoriety of government for high-handedness and human rights abuse. The country is just now emerging from a deep recession, but the effort of the government to improve the economy is evident from the programs it has instituted for diversification of the economy and for a judicious use of national revenues [118].

In the end, time will tell if this expanded approach to the anti-corruption fight will be a success story, but its correctness cannot be doubted, given the environment of corruption in Nigeria.

Concluding remarks

This article has attempted to describe Nigeria's anti-corruption struggle within the period 1999–2017. This period coincides with three consecutive experiments in democracy. Hitherto, there had been long periods of military intervention in the politics of the country, in which talk about accountability was made nonsensical by the arbitrariness of the military regimes. The new experiments in democracy present a propitious lens for the assessment of effort by democratically elected governments to confront the greatest impediment against the development of the country.

The article described the environment of corruption in Nigeria, pointing out the central features of the environment that is constituted by the social norms, institutions, and values of the citizens, which are, in turn, born of the colonial legacy and contemporary problems of nationhood. This environment mirrors a dissonance between legal measures as a strategy for combating corruption and the value acceptances of the country as enshrined in the social norms, values, and idioms of the citizens. It concludes that, in spite of all odds, the current effort by the new government of Muhammadu Buhari, because of its equal emphasis on nation building in addition to legal measures, probably stands the best chance of successfully combating corruption in Nigeria.

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