

THE INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION (ICPC) AND THE CHALLENGES OF CORRUPTION AND INDISCIPLINE IN NIGERIA

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Abstract

This paper demonstrated how the implementation mechanisms put in place by the successive governments to inculcate national value orientation in Nigeria have not been successful. It critically examined the activities of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in restoring sanity into socio-political and economic environment of the country; it also gave a cursory look at its challenges which range from insufficient funding of the commission to lukewarm attitude of the judiciary that make it difficult for ICPC to perform effectively and as a result cripple its activities over the years. Thus, this paper carefully adopts holistic approach to curb indiscipline, corruption and other social vices in order to create an active and sustainable society.

Introduction

A value system refers to how an individual or a group of individuals organize their ethical or ideological values. A hierarchy of values that all moral agents possess, and is demonstrated by their choices. It is also viewed as the principles of right and wrong that are accepted by an individual or a social group. Successful implementation of change is a challenge for many reasons, not the least of which is the natural tendency to resist jettisoning familiar practices. Unless the individuals involved in the change, understand it and believe in it, value orientation may be both parsimonious and tenuous.

There are some unresolved problems in Nigeria, but the issue of corruption and indiscipline is troubling and the damages it has done to the polity are astronomical. The total breakdown of our value system has a direct impact on the pervading corruption in Nigeria. This forty-eight years old nation-state has gone through a lot over the years. From the first republic to the first military intervention in the state political apparatus to the bloody civil war six years after independence; to sit tight military interregnum in the political and economic realm which was far from stable? The state of decay, painlessness and rotten attitude are too evident in all values and practices which held sway in our society today.

The menace of corruption leads to slow movement of files in offices, police extortion and slow traffic on the highways, port congestion, avoidable queues at passport office and gas stations, ghost workers syndrome, election irregularities, admission forgery among others. Some writers opine that corruption and indiscipline are endemic in all successive governments in Nigeria, and it is not peculiar to any region and ethnic group. It cut across faiths, religious dominations, and affect both young and old, man and woman alike. Consequently, it has defied all the necessary medicines.

The significance of values in the society may be recognized in respect of the nature of the governments' role in understanding how to determine what the values of the people are, or how to arrive at a meaningful and shared value orientation for the national development to take place is highly imperative. According to Rokeach (1979), we employ values as standards to decide what is worth and not worth arguing about, worth or not worth persuading and influencing others to believe in and do. And finally, we employ values as standards to guide processes of conscious and unconscious justification and rationalization of action, thought, and judgment.

This paper therefore, critically examined the activities of ICPC in curbing corruption and restoring National value orientation in Nigeria so as to achieve active and sustainable society. Also the paper adopts a new approach to tackling the menace of corruption and indiscipline in Nigeria.

Genesis of Corruption and Indiscipline in Nigeria

Corruption is not a new phenomenon, it has been part of humanity and therefore its presence in Nigeria since independence should not be subject of controversy. According to Ali (2007), corruption became deeply embedded and a norm in the Nigerian society because of the historical

antecedent of colonialism. The European colonialist derived their right to rule Nigeria not on any moral or value basis in our tradition, convention or myth. It was grounded purely on conquest of force of arm or concession obtained by undue influence and corruption. This explained the reason why it is strongly believed that one of the greatest legacies that imperialist left behind in Nigeria at independence was corruption. Infact a careful study of the colonialist system of indirect rule will reveal the endemic plank of corruption upon which it was based. It has been observed that most Nigerians are so impatient to queue or take their turn to do things by employing merit because colonialism taught them all about usurpation of advantages and opportunities and this was how the seed of corruption has been germinating and multiplying. Therefore it is this system of inequity, injustice arising from domination, exploitation and unfair discrimination that Nigerians inherited at independence that formalized corruption in Nigeria.

According to Usman (1977), in his article titled: *Problem of Corruption in Nigeria: A Historical perspective*. Corruption in retrospect has always been traced to the corridors of power. The elite who took over the mantle of "rulership" after the departure of the colonial overlords, concerned themselves as the inheritors not only of the Whiteman's arbitrary powers but also of his relation to the state and the people, they therefore regarded the state as their personal estate into which they could dip hands at will to satisfy their whims and caprices. Hence unbridled corruption became rampant among public office holders in Nigeria so much that corroborated the assertion of Maier (2000), that "the state in Africa is the bastard child of imperialism". Today the effects of corruption and indiscipline on our nation's social political and economic development are myriads. It brings about poverty, inequalities, unemployment, underdevelopment and pernicious and immoral behavior among Nigerians. Corruption is pandemic in Nigeria, infact it has been institutionalized in such a way that the leaders as well as followers are corrupt. Thus, it is believed by many scholars that corruption is the bane of Nigeria. Consequently, the issue keeps reoccurring in every academic and informal discussion in Nigeria. However, the need to fight the menace and restore national value with passion, determination, commitment and integrity by every well meaning Nigerian cannot be overemphasized. It is a scourge worse than any disease of any nature. It is referred to by Ayoola (2007) as an agent of mass destruction destroying lives of people, future of our youths and values of our society. Yet every effort put in place to eliminate this scourge in the past failed because of those who perpetrate are busy reaping its benefits.

Analysis of Moral Decadence and Indiscipline in Nigeria

Moral decadence and indiscipline are synonymous with disorderliness, corruption, disobedience, lack of self-control, disrespect for the rule of law e.t.c. Many Nigerians are highly indiscipline. This behavior cut across every class among the rich and poor. The effect of this phenomenon is affecting the populace irrespective of religion or social background. In fact the pervasive nature of indiscipline and moral decadence in our society is the direct consequence of the collapse of rule of law and other related problems plaguing us as a nation.

There is no gainsaying the fact that the essence of government is about development for the well being of the people. But as a result of indiscipline of those in government and the led, real development has never been experienced in this country. Due to selfishness and avarice of the successive administrations, this nation has witnessed instability in the area of implementation of programmes. Shagari administration inherited *Operation Feed the Nation* from Obasanjo regime in 1979. That programme was abolished only to be replaced with *Green Revolution*, even though it meant to serve the same purpose. Buhari regime introduced *War Against Indiscipline* (WAI) which was not allowed to mature as Babangida usurped the government and came up with *Mass Mobilization for Social Justice and Economic Recovery* (MAMSER). Abacha military junta cancelled MAMSER and re-introduced *War Against Indiscipline and Corruption* {WAIC} which later became unpopular as it was not taken serious by the government that introduced it. Obasanjo civilian administration repealed effective *Petroleum Trust Fund* (PTF) and introduced *Petroleum Development Fund* (PDF) and then *Federal Road Maintenance Agency* (PERM A) in the area of road rehabilitation which was early handed by PTF. The underline factor of all this is corruption because various advisers to governments have vested interests in such new programmes (Musa, 2006). Yes corruption has defied ail measures adopted by the successive government to combat it in Nigeria, apparently, because those wagging the corruption wars are themselves corrupt. Then how can you give value system that you do not have?

It is instructive to note that governance is not just about appropriation of annual budgets and speech-making. It is about having a vision, and foresight, lack of initiative has relegated us to the

background. Despite our heterogeneity, our attitudes and behavior are similar in various ways when it comes to indiscipline and disorderliness. A good percentage of Nigerians would prefer illegal negotiation in payment of utility bill to paying genuinely in full to the accounts of the organization agencies like Power Holding Company of Nigeria (PHCN), Nigerian Telecommunication and Water Board are the most affected. The unscrupulous and unpatriotic staffs of such organizations connive with the customers to rip off the agency. The inability of almost all of them to perform effectively is largely due to these moribund practices. Any attempt to restore national value should start with us at individual levels.

To say that the Nigerian condition is deplorable is an understatement. Many studies have been conducted that show the evils consequences of indiscipline and corruption in our society. This gory phenomenon has taught the Nigerians a dangerous and misleading lesson that it does not pay to be honest, hardworking and law-abiding. Through corrupt means, many political office holders acquire wealth and properties in and outside Nigeria, and many displays that ill-gotten wealth through oppressive ways to the poor, but the society does not blink. This has made politics a big business and *do-or-die* affair in Nigeria. (The Guardian, 2002).

Corruption and indiscipline make some Nigerians to disvalue the lives of their fellow citizens, through fake drugs and drinks. Corruption causes a reduction in quality of goods and services available to the public. It undermines economic growth and development. Bribery and corruption, the culture of late payment, delay or refusal for services already done, are according to Peck (2002) scaring away foreign investors from Nigeria. He therefore, opines that the price of corruption is poverty.

In a nutshell, corruption, indiscipline and moral decadence divert scarce public resources into private pockets, literally undermine effective governance, endanger democracy and erode the social and moral fabric of nations. A value orientation is direly needed to salvage Nigeria from total collapse as a result of indiscipline. The anti-corruption crusade of ICPC must therefore focus on moral value to re-orientate Nigerians towards honesty, sincerity and patriotism.

Formation of Independent Corrupt Practices Commission (ICPC)

Having taken a cursory look at the genesis of indiscipline and corrupt practices in Nigeria, it is pertinent and imperative to examine the effort made by the government to wage war against corruption and indiscipline and therefore restore national value and integrity in Nigeria.

The Independent Corrupt Practices and Other Related Offences Commission {ICPC} is the apex body saddled by law with the responsibility to fight corruption and other related offences in Nigeria. It was set up and empowered by the independent corrupt practices and other related offences Act in 2000. The ICPC was inaugurated on 29th September 2000 with a Chairman and 12 other members. Section 3(14) of the Act ensures the independence of the commission as not being subject to the direction or control of any person or authority. According to this Act, the commission was charged with five basic responsibilities;

1. To receive and investigate reports of conspiracy to commit offences or made attempt to commit
2. To examine, review and enforce the correction of corruption through systems and procedures of public bodies
3. To educate and enlighten Nigerians against corruption in order to restore national value and integrity
4. To instruct, advice and assist any officer, agency or parastatals on ways by which fraud or corruption may be eliminated or minimized by such officers, agency or parastatals, and
5. To enlist and foster public support in combating corruption.

From the responsibilities of the commission highlighted above, it can be seen that the commission has diverse unfettered powers to any alleged commission of any offence stipulated by the Act or any other law that make corruption an offence, a conspiracy to commit such an offence and even mere attempt to commit those offences could be investigated upon and, in deserving cases, the Anti-corruption Commission would prosecute the offender(s).

However, it has been discovered by the general public through series of interview granted by the commission's former chairman, Hon justice Mustapha Akanbi (rtd) that the commission has been suffering from financial constraints. This singular factor has adversely affected its performance and tends to ridicule it before the Nigerian public. The challenges facing the ICPC that make it not be inactive are therefore discussed below.

Challenges of Independent Corrupt Practices and Other Related Offences Commission (ICPC)

It is pertinent to note that Nigerians have been stigmatized by our immediate neighbors and the international community due to high incidence of corruption, indiscipline and fraudulent practices that now rule our lives. This is informed due to series of challenges hindering ICPC to restore sanity and inculcate national value orientation into the country. These challenges are discussed below:

1. Inadequate Fund of the Commission: Insufficient funding of the commission makes it difficult for it to perform effectively. There are other agencies like Code Of Conduct Bureau, Public Complaint Commission and so on, that were in existence before the establishment of Independent Corrupt Practices And Other Related Offences Commission (ICPC) which was charged with the responsibilities of probing and persecuting corrupt practices by public officers. Decades after being in existence, lack of appropriate funding coupled with leadership inefficiency has rendered those agencies irrelevant with the scheme of things. It was as a result of other inability to perform well and mal-administration that led to the establishment of ICPC as the apex body saddled by law with the responsibility of fighting corruption and other related offences in Nigeria. Unfortunately, Nigerians were almost discouraged going by the poor performance of ICPC which its management attributed to inadequate funding. In view of this, no organization can achieve its stated objective without adequate fund to execute its programme. For maximum benefits to be derived from the activities of ICPC by Nigerians, the present administration of President Umaru Yar'adua must be ready to demonstrate enough political will in granting total financial autonomy to the commission for it to be effective and efficacious. This is to avoid what happened to similar agencies that were in existence before ICPC and as well to prevent unnecessary interference from any arm of government, especially the executive.

2. Attitude of the Judiciary: Another important challenge facing ICPC is lackadaisical attitude of the judiciary in Nigeria. Meaningful progress will be made if the government can take the bull by the horn and fight the rot in judiciary by embarking on total reforms in the judicial sector. The federal government should be pragmatic enough in emulating countries like Ghana, Kenya, Britain and other advanced countries which had gone through similar experiences. It was revealed that cases of corrupt practices that happen to go to court of law in Kenya spend maximum of 90 days as stipulated by law (Musa, 2006). This will prevent the deliberate adjournments that are usually associated with such cases in a corrupt environment like ours.

In his reaction to this challenge, the chairman of ICPC, Hon. Justice Emmanuel Ayoola had issued a warning to members of the bench to desist from deliberate asking for adjournment of cases just to buy time (New Nigerian, 2005). The question is what happened to the cases of corrupt practices alleged to have committed by former speaker of House of Representative Olubunmi Etele, then former minister of health Adenike Grange and many others that have been tactically buried. There is indication that all these cases and others have got swept under the carpet, all on account of inefficiency of the judiciary. Then how can we restore value into the society in which the judiciary is moribund and ineffective?. The above position was also corroborated by the paper presented by the former chairman of EFCC Mallam Nuhu Ribadu in 2004 titled *Obstacle to Effective Prosecution of Corrupt Practices and Financial Crimes in Nigeria* where he argued tenaciously that judiciary must wake up from its slumber for Nigeria to achieve a corrupt free society (Newswatch, 2004).

3. The Nexus between Corruption and Democracy: Another important challenge of the ICPC in curbing corruption in Nigeria is the perception and activities of some demagogue politicians in Nigeria about democracy and corrupt practices. Akanbi (2003) stated that it has been observed the world over that undemocratic governments, by the very fact, that their powers do not derive from the people, provide a fertile breeding ground for corruption since the hallmark of such administration is lack of transparency and accountability. Corruption in turn engenders mismanagement of resources, which results in under-development, poverty and chaos in the polity. In such despotic circumstances, the press is not free and therefore flagrant abuses of human rights become the order of the day. Democracy on the other hand, offers the possible institution of a government that is both responsive and responsible to the people. A government that derives its legitimacy from the people is expected to conduct its affairs on the platform of transparency and accountability. It is through this fact that corruption can be curtailed and at the same time, the activities of government be translated into good governance. However, the relationship between corruption and democracy is noticeable in government transparency that is becoming an increasingly important topic in both stable and new democracies, and the task of measuring the level of corruption in public office, as the

corruption perception index (CPI) by Transparency international is becoming of great value. Most societies have a certain degree of corruption permissiveness, with some of them being on the average more likely to justify corrupt practices than others. In newly democratic countries, corruption may be seen as part of the inherited practices from old authoritarian regime and government has the implicit and explicit tasks of fighting it. Furthermore, stable democratic institutions and corruption are expected to be negatively related, but at first, this relationship sounds as if it is solely the rule of law, part of a democratic society, which prevents corruption. What about support for democracy and corruption permissiveness as cultural traits?

In Nigeria, it has been observed that Corruption permissiveness is positively related to support for democracy and to interpersonal trust, and this make our politics to be extremely dirty and encompassed with avalanche of violence. Many aspirants to political office in Nigeria cannot raise on their own the substantial and colossal resources usually necessary to compete in the country's violent and corrupt political system. As a result, in many parts of Nigeria, successful candidates are often those who are "sponsored" by the wealthy and powerful individuals, whose power stems not just from wealthy but from their ability to deploy violence and corruption to manipulate national, state or local political systems in support of the politicians they sponsor. In return, they demand a substantial degree of control over the governments they help brings into being . In view of this, corruption undermines democratic institutions and distorts electoral processes. Nevertheless, Corruption and democracy seems antagonistic, not just for the fact that democratic institutions increase government transparency-, " but also because corruption permissiveness at the citizen level is negatively related to support for democracy.

4. The Absence of High Level Political Will: The third challenge of the ICPC in combating corruption in Nigeria is regarded as the absence of the political will by the high level government. This explains the reason why little attention is being paid to appropriate implementation of the ICPC Act which was designed to bring about a corrupt free society. Even with the establishment of ICPC and its sister commission; EFCC, Nigeria's corruption epidemic is continuing irresistible. Despite record-setting government revenues in recent years, corruption and mismanagment remain a major cause of Nigeria's failure to make meaningful progress in improving the lot of ordinary Nigerians.

To add insult to injury, public revenues are not only stolen and misused, but often pay for the services of political thugs and weapons behind the political violence. Infact, many high political office holders in Nigeria are far more accountable to powerful and violent political godfathers who sponsor them than they are to the electorates. This pose a great threat to the anti-corruption crusade in Nigeria.

5. Lack of Autonomy: The lack of an authoritative lead organization, with a specific mandate, to exercise institutional surveillance and persecute the suspect independently, without the government intervention is a major challenge of the ICPC in Nigeria. Apart from the fact that ICPC was not funded independently, it has not been empowered to carry out its responsibility independently as Federal government does intervene in its operation. Moreover, it is pertinent to note that a key instrument for preventing corruption is to have an independent anti-corruption commission, sufficiently funded and adequately empowered to investigate and prosecute misconduct of public officials in the handling of public resources without the undue influence of the Federal government.

Recommendations

Nigerians has in theory, the solutions in the book to tackle indiscipline and corruption and then restore undiluted national value and sanity into the polity ,but like other issues such as poverty, insecurity e.t.c bedeviling the nation, implementation of laws are the *Achillees Heel* (a vulnerable point)of the society (the Guardian, 2002)

It may not be well known to many Nigerians that almost every regime acknowledges the incidence of corruption and indiscipline in our national lives since the quest to wipe it out by the short-lived regime of late General Murtala. In the name of turning Nigerian into a corrupt free society characterized by value system, ethics, social justice and equity, the nation has experimented with many policies. It has tried the Judicial Commission of Enquiry, the Code Of Conduct Bureau .It had wrestled with the Public Complaints Commission to no avail .Also it fiddled with the Mass Mobilization For Social Justice and Economic Recovery (MAMSER), and the National Orientation Agency (NOA) but corruption and indiscipline instead blossomed .Then War Against Indiscipline

(WAI) was introduced without any tangible success. Now the immediate past administration has introduced an Independent Corrupt Practices Commission which seems to be crippling in restoring sanity and wiping out corruption in our society. It is pertinent to note that any society faced with the challenges of corruption will continue to find ways to break the circle. It is therefore instructive that to tame the surge of corruption and indiscipline in Nigeria, the general population should be re-orientated to a better value system. This is because Nigerians have for long been living on the *survival of the fittest and grab- whatever-comes-your -way* mentality (Dike, 1999). The Independent Corrupt Practices Commission (ICPC) needs to wake up from its slumber and swings into actions for proper and effective value orientation. The following specific recommendations are therefore offered for ICPC to curb corruption in Nigeria and restore sanity into the polity;

1. The Re-Orientation of the Nigerian Youths: ICPC should start

with the re-orientation of the Nigerian youth, who are regarded as the leaders of tomorrow to a good value system in its bid to fight against corruption and indiscipline. In fact the recent world values surveys has a lot attitudes and values information, which notes a relationship between value and corruption (World Value Study Group, 1994). ICPC should do this through mass media, symposium, seminar, rally, conferences e.t.c. Preaching the gospel and practice of virtue is the ultimate solution to behavioral change and reduction in corruption, to do this successfully in Nigeria, the government slogan of zero tolerance to corruption should not be a mere political rhetoric. It should be put into practice by prosecuting all the known corrupt political leaders in the society, as they contribute in making the youth inchoate law inoperable.

2. Adherence to Ethical Standards: Also to restore national value orientation in Nigeria, adherence to ethical standards in decision making must be the foundation of the nation's policies. Without ethics in the conduct of the affairs of the nation, the apparent wars on corruption by ICPC in Nigeria will not be successful. In other words, any money budgeted towards national value orientation in Nigeria is going to be crushed or squandered. Nigeria has to fortify the institutional checks and balances among the country's major forces and the separation of powers within the government (Dahl, 1998). That is to say the country has to make sure those entrusted to execute the war on corruption are men and women of virtues.

Armed with ethic and virtue, the nation should set out to reduce personal gain to corrupt behavior with tough penalties on the culprits. Making tough rules with vigorous enforcement can deter corrupt practices. One of the reason for the upsurge of corrupt activities in Nigeria and the deterioration of values is that many Nigerians have not had the chance to live under the rule of law, as the society has since independence, been under the claws of the military for better part of our history as a nation. As De Bono (1990) notes in his book, *Future Positive*, law and order are a basic part of the fabric of society. Society needs to give a high priority to this aspect of life.

3. Political Will: It is appropriate to emphasize the importance of high level political will to formulate and implement good and enforceable policies towards restoring national values and controlling the menace of corrupt practices. And these policies should be reviewed periodically to close any loopholes and to catch up with the event in the society. Most importantly, there should be direct, clear and forceful support of the highest political authority. In other words, there should be a pragmatic political will to fight corruption and restore sanity in Nigeria in order to have an active and sustainable society.

4. Virtuous Leadership: This suggests to a leadership with an embodiment of moral virtue and excellence. It is universally acknowledged that for societies to prosper, the leadership must abide by certain ethical attributes that can be broadly identified as civility and commonality. It is therefore, expected of the leadership of ICPC to have a sense of empathy, integrity and honesty of purpose towards a vision, tolerance and ability to listen to dissenting opinions.

5. Adequate Funding of the Commission: Last but not the least, a key instrument for curbing corruption in Nigeria is to properly fund the ICPC for effective performance. This would enable the commission to prosecute misconduct of public officials in handling of public resources and prevent money-laundering without any means of enticement.

Conclusion

The task of stemming the tide of corruption in the country cannot be successfully executed by the ICPC alone. There is a need to foster the public into actively participating in the crusade against the menace of corruption. And as such the war against corruption should begin with our collective resolve to be disciplined. But what is important now is the political will to fight corruption and restore value system in our country. Above all, Nigeria cannot be seen as secure, conducive and free until the people's human right are respected and protected by the government.

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