

POLITICAL LEADERSHIP AND THE POLITICS OF ANTI-CORRUPTION PROJECT IN NIGERIA (1999-2009)

Declan AMARAEGBU

School of Government and International Affairs, Durham University, United Kingdom

ABSTRACT

The object of our discourse in this paper is an appraisal of contemporary policy, academic debate, and a study of the missing perspectives on the political nature of Nigeria's anti-corruption project. It analyzes the critical convergence of interests and calculations in current efforts at anticorruption reform and the tragic flaws of the project. That convergence, quite contrary to advertized intentions, appears programmed to produce a simply decipherable political outcome- how the anti-corruption commissions, especially the Economic and Financial Crimes Commission (EFCC), was overwhelmed to assume the posture of a timid presidential task force tamed to absolute submission. We will analyze EFCC's survival tactics in the midst of competing political interests, evaluate the new anti-corruption consensus against, and finally analyze the policy implications.

Keywords: Political Corruption; Good Governance; Transparency; Accountability; Nigerian Electoral Process; Political Leadership Class

INTRODUCTION

In Nigeria, the anti-corruption campaign remains a project in questionable progress. This hypothesis contrasts sharply with the fact that frequent regime changes which have occurred in the country since Independence has been accompanied by charges of 'unabated corruption, mismanagement of national economy' and promises to introduce transparent governance process. Collier (2000) noted that the pervasiveness of corruption offers individuals little reason to feel remorse about their own behavior because once a society has become corrupt, individual acts of corruption are much less risky.

In developing this work, we begin by identifying the essential anti-corruption policies of the post-military era. Politics in Nigeria is largely defined by contending patron-client arrangement operating along ethno-religious lines and characterized by complex social interests. The route to political power in Nigeria is fraught with corruption and the nation has failed to address the most destructive form of corruption- the corrupt process of acquiring power. Corruption of all descriptions has remained a recurrent feature of contests for public office in the country.

The destructive wave of violence that swept the Niger Delta area and particularly Port Harcourt, Rivers State capital in July and August 2007, are rooted in the corrupt route to power and further underscores the crisis of leadership and democratization in Nigeria (Human Rights Watch, 2008). Human Rights Watch (2007a) exposed the politicians' terrible

political instincts, reveal the corrupt means through which elected officials emerge and document three corrupt dimensions of Nigerian electoral process:

Systemic violence openly fomented by politicians and other political elites that undermines the rights of Nigerians to freely choose their leaders and enjoy basic security; second, the corruption that both fuels and rewards Nigeria's violent brand of politics at the expense of the general populace; and third, the impunity enjoyed by those responsible for these abuses that both denies justice to its victims and obstructs reform (Human Rights Watch, 2007a).

A thesis that can be reconstructed from HRW's statement is that the current fraudulent electoral process is part of 'the corruption that both fuels and rewards Nigeria's violent brand of politics' and that 'systemic violence openly fomented by politicians and other political elites' as well as 'the impunity enjoyed by those responsible for these abuses' play substantial role in obstructing anti-corruption reform. Global Integrity Report (2008) rated the country in the 'weak' category and noted that Nigeria continues to suffer from poor accountability across all branches of government and the civil service. During his presidency, Obasanjo and his 'kitchen cabinet' were believed to have manipulated the EFCC, but the commission's leadership took a number of extraordinary measures to strengthen its bargaining power.

Assessing these developments, we will try to analyze the struggle between contending political forces seeking to use the anti-corruption project to suit parochial interests and the anticorruption bodies themselves, especially the administrators, who wanted their individual and official interests served. Thus, this paper critically explores the EFCC's connection in executing President Obasanjo's political agenda and assesses his concept of loyalty. We argue that the anti-graft project's transition from the apolitical world of fighting corruption to the political terrain of partisan advantage and public relations affirms the conventional wisdom that neopatrimonial preferences are inclined to impede reform and that contextual dynamics are important within the wider motivational inducements associated with neopatrimonial relationships.

NIGERIA'S ANTI-CORRUPTION CAMPAIGN (1999-2009): PREDATORS AND PREYS

The academic or policy debates on the success of anti-corruption policies in Nigeria have been transformed clearly by historical events in the mid-1990s. The 'collapse of the command economies' or what Huntington referred to as 'the third wave of democratization in developing and transitional countries' ushered in an era of structural adjustment and economic reform. It changed the balance of forces and removed any compelling need to support corrupt regimes for national security reasons (Ackerman, 1999). By the new dawn, Huntington (1991) outlined the political settlement where the most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all population is eligible to vote.

With deep connection to Nigeria's military/political ruling class, President Obasanjo, Transparency International (TI)'s founding member and former chairman of its Advisory Council was elected as a reformer. He had made positive impacts as a model for African leadership before returning to power in 1999. He founded the Africa Leadership Forum, a body that has done great quality work in leadership creation and nurturing transparent political process across Africa for many years.

Obasanjo (2003) noted that before 1999, the legitimacy and stability of the state became compromised and this encouraged corruption. His observations revealed the official perception of the poor rating of past administrations' performances in material indices of nationhood.

On assumption of office, Obasanjo (1999) noted that the impact of corruption is so rampant and has earned Nigeria a very bad image. The new dispensation offered by his election gave President Obasanjo an opportunity that was required to re-launch Nigeria to her rightful place in the comity of nations. Thus, the first bill of Nigeria's Fourth Republic and, thus the first bill he presented to the National parliament for consideration was the Corrupt Practices and Other Related Offences Act which was signed into law in June 2000. On September 29, 2000, the Independent and Corrupt Practices Commission (ICPC) was established.

The new ICPC, designed to reflect relevant public and private experience was mandated to employ all available legal means to rid Nigeria of all vestiges of corruption and to promote transparency and integrity in the public and private lives of all Nigerians. It is mandated to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases, to prosecute the offenders (Independent Corrupt Practices and Other Related Offences Commission, 2000). It also has the mandate to review, examine, and enforce the modification of such structures and systems that are vulnerable to corruption as well as to criminalize a wide range of direct and indirect corrupt practices in public and private institutions (Global Integrity Report, 2008).

In 2003, the EFCC was founded. Its first establishment Act of 2002 was repealed by a bill of the national assembly and re-enacted as EFCC Establishment Act, 2004. Its establishment was meant to satisfy one of the conditions of the international Financial Action Task Force (FATF) to remove Nigeria from the list of recalcitrant countries in international financial transactions. Its mandate, among others, was to cause investigation to be conducted into the properties of any person if it appears to the commission that the person's life style and extent of the properties are not justified by his source of income (Economic and Financial Crimes Commission, 2004). That broad mandate would cover such areas as corruption in public office, terrorist financing, oil bunkering and 419 scam. 419 is a section of chapter 38 of Nigerian Criminal Code (Obtaining Property by false pretences; Cheating) that deals with fraud. The scam, also known as advance-fee fraud is a confidence trick where letters or e-mails are sent to different recipients, proposing profitable offers that will pay the intended targets substantially. The scammers use false official documents like government letter headed papers, seals, stamps to make look real. After some time, the target is convinced to advance sums of money inform of taxes, fees, and/or handling charges for the release of the funds.

Its first chairman, Nuhu Ribadu, was seconded to head the commission from the Police force when the agency was created. In October 2005, EFCC scored its first break when Tafa Balogun, former Inspector-General of Police was sentenced to a six-month jail term for corruption (British Broadcasting Corporation, 2005a). Former Senate President, Adolphus Wabara, former Minister of Education, Professor Fabian Osuji and Housing Minister, Mobolaji Osomo were all indicted for corruption (Thisday, 2005). The establishment of the anti-graft commissions was in line with the relevant section of Nigerian

constitution which empowered the national legislature to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it (Constitution of the Federal Republic of Nigeria, 1999)

However, this breakthrough coincided with the first noticeable cracks in the relationship between President Obasanjo and Vice-President, Atiku Abubakar. There were revelations of both men's scandalously corrupt acts. It is believed that in 2006, between both men, vast funds under the control of the Petroleum Development Trust Fund (PTDF) were largely misappropriated for reasons other than legitimate purposes. The above aptly fit what Alatas (1968: 2) described as stealing through deception in a situation which betrays a trust. Atiku used PTDF's funds to advance his personal interests in such firms as Netlink Television and Globacom and also diverted some into local banks. Public funds running into hundreds of millions were paid to a construction company owned by Obasanjo (Thisday, 2006). Both men were linked to the ownership of private Universities, while public ones became relics of a forgotten past. In a lecture delivered at the 5th National seminar on economic crime delivered in Abuja, in August 2006, Falana, a human rights lawyer said:

The granting of licenses by the federal government to President Obasanjo and the Vice President to establish and operate private Universities...is the worst case of abuse of office ever committed by government officials in recent time. Indeed, it is the first time in history that a sitting president and a sitting vice president of any country have established private universities during their tenure of office (Thisday, 2006).

The exposure arose as a result of the bid by Obasanjo to pass a constitutional amendment that would permit him to run for a third term in office. In November 2005, the first amendment proposal was tabled in the Senate. However, there were leaks that Abubakar declared himself against any plans to elongate Obasanjo's rule, after waiting for eight years for his turn to be president. Finally, in May 2006, the senate threw out the move to amend the constitution which would allow Obasanjo seek re-election purportedly after claims that legislators were offered up to 50million naira (over £200,000) in bribe to back the amendment (British Broadcasting Corporation, 2006 a). In September, the PDP expelled Abubakar from the party, and the following month an official report indicted him for corruption. In November, he got favorable judgment from the courts. In December, the opposition Action Congress (AC) nominated him as its presidential candidate for the April, 2007 election. In that election, which was considered enormously flawed, PDP's candidate, Umaru Yar'Adua, was declared winner with over 24.6 million (about 70%) of the total votes cast (International Crisis Group, 2007).

These revelations would come across as a significant, informational contribution and would become a credible baseline for gauging the magnitude of the political leadership's lack of willpower. Two conclusions are evident from the revelations. First, such embarrassing and credible evidence of their many corrupt acts only highlight the political dimension of government's advertised zero-tolerance policy on corruption. Secondly, Abubakar's expectation that he would succeed Obasanjo was a clear expression of his investment in the false 'war against corruption' continuum and this severely humiliated his populist posturing, and, of course, his latter day moralizing.

Between November 2005, when the third-term amendment bill was tabled, and November 2006, when Abubakar was prevented from standing for presidential election on the platform of PDP and contested under the platform of AC, five state governors were removed from office through impeachment. The governors were: Ayo Fayose of Ekiti State, Peter Obi of Anambra State, Joshua Dariye of Plateau State, Rashidi Ladoja of Oyo State, DSP Alamiyeseigha of Bayelsa state. Three of the five (Obi, Dariye and Ladoja) appealed and the Supreme Court overturned the impeachments and restored them to office. Four of the impeached governors belonged to the PDP, and the fifth, Peter Obi of All Progressive Grand Alliance (APGA) managed, through a Supreme Court ruling that overturned the result of 2003 election, displaced Andy Uba, a PDP sitting governor. Opinion is divided whether the impeachments were aimed to reaffirm Obasanjo's zero-tolerant posture or an attempt to harass Abubakar allies and enhance Yar'Adua's rating, who many argue, was hand-picked by Obasanjo. As Collier noted, in corrupt societies each new generation of workers inherits a liability: the expectation that they will behave corruptly. This expectation is self-fulfilling (2000).

The impeachments and EFCC indictments in 2005 and 2006 was preceded by the case of Dariye, former governor of Plateau state in 2004. In May 2004, Obasanjo declared a state of emergency in Plateau state and handed Dariye a six-month suspension order for his inability to effectively manage ongoing religious conflict in his state. While serving the suspension order, Dariye was arrested in London for money laundering (British Broadcasting Corporation, 2007 b). He and his supporters declared that Obasanjo masterminded his arrest. He jumped bail in London, returned to Nigeria and was unsuccessfully impeached and in December, the EFCC indicted him for corruption. Due to his gubernatorial immunity, the courts rejected the EFCC charge and returned him to office.

Another state governor who was a prime target of the EFCC was Alamiyeseigha of Bayelsa State. Like Dariye, he was also initially arrested in London for money laundering charges (British Broadcasting Corporation, 2005b). He was arrested in November 2005, just as the rift between Obasanjo and Abubakar deepened. Seen as Abubakar's strong ally, Alamiyeseigha was impeached in November 2005, and charged with corruption in December (British Broadcasting Corporation, 2005 c). Ladoja, also seen as loyal to Abubakar, was dramatically impeached and the EFCC charged him in January 2006 (Daily Champion, 2006). He successfully challenged the legality of his impeachment in the Supreme Court and was returned to office in December 2006. In October 2006, Fayose, the then governor of Ekiti State was impeached and charged by the EFCC (Saharareporters, 2006a). He alleged political vendetta, arguing that he was a victim of a carefully choreographed malicious slander because of his closeness with Abubakar. Interestingly, neither of them could convincingly prove the falsity of the many counts of corruption tagged to their persons. But, our interest in the present exercise is the political dimension to their travails.

The EFCC finds itself in a delicate position as long as there is public perception that it is a mere political tool. Overwhelming political power is concentrated in the presidency and the executive branch. Therefore, control of the presidency and the governorships is prized above all other offices, creating powerful incentives for politicians and their supporters to win them at all costs (Sklar, Onwudiwe and Kew, 2006). According to Human Rights Watch (2007b), for all of the publicity the Nigerian government's anti-corruption war has generated, its victories have in fact been rather limited HRW's observation is

reflective of a fitting metaphor for Nigerian political leadership challenge. While the EFCC was chasing President Obasanjo's known political rivals, most particularly Vice President Abubakar, (British Broadcasting Corporation, 2006 b) allies of the president were left entirely untouched.

Firstly, Nasir El-Rufai, a senior member of PDP and Obasanjo's Minister of Federal Capital Territory animated the debate by recalling that Yar'Adua's name was on the initial list of corrupt governors compiled by Ribadu's EFCC. It was removed later on because of the intercession of Aliyu Gusau, Obasanjo's national security adviser (NSA) who allegedly argued that Yar'Adua's corruption was not personal, and was productive relative to other venal Governors (El Rufai, 2009). An attempt to differentiate Yar'Adua's brand of corruption as 'productive' from the destructive corruption of 'other venal governors' is an argument that is politically inspired and seem to heighten public anxiety that the EFCC has been transformed into a timid presidential task force tamed to act Obasanjo's scripts.

Obasanjo was maneuvering appropriately for vital political alliances and exploiting in that context, the numerous weaknesses of his political rivals. He devised a number of plans which included convincing practically all the PDP governors to join the presidential race and they all fell for the ploy. By so doing, he ensured that Abubakar, his estranged Vice President, and other possible aspirants had no chance of recruiting these powerful governors to their camp.

El-Rufai identified the investigation of the finances of Governor Peter Odili of Rivers State by the EFCC and his subsequent exclusion from the primaries, and the insistence of Obasanjo and the PDP apparatchiks that Yar'Adua announced him as his running mate in an acceptance speech already prepared for that purpose (El Rufai, 2009) as two significant events that highlighted the political nature of Obasanjo's anti-corruption campaign. It took Ribadu's extra effort to persuade Obasanjo to get Odili off the presidential ticket and replaced by Goodluck Jonathan, former governor of Bayelsa state, whose wife was implicated by the EFCC in the theft and attempted laundering of \$13.5m (Olumhense, 2007).

Secondly, in 2004, Chris Uba, the self-acclaimed 'godfather' of Anambra state politics who 'helped' Chris Ngige win the State's governorship election in 2003, championed the plunging of Anambra state into confusion and disorder when Ngige, the former governor attempted to liberate himself from his political influence. Ngige was removed from office in 2006, but Uba got admitted to the membership of PDP's board of trustees (British Broadcasting Corporation, 2004). Andy, Chris Uba's elder brother served in Obasanjo's cabinet until November 2006. In late 2003, Andy was caught smuggling \$170,000 in cash into the United States on board Nigeria's presidential jet. Andy was charged in a civil suit by American prosecutors. He paid a fine in excess of \$26,000 in an out-of-court settlement (Da Costa, 2006; Saharareporters, 2006b). Despite overwhelming outcry, the EFCC made no real attempt to investigate credible allegations that Obasanjo's aides who were implicated in a massive scheme to bribe members of the National Assembly to support his unsuccessful bid for a third term (Human Rights Watch, 2007a).

CHARACTER OF THE POLITICAL LEADERSHIP: ANALYSIS OF THE STRUGGLE

In the context of the crisis of political leadership and the politicization of an otherwise well intended state policy, it is important to draw attention to Lord Lugard's observation. Here is Lugard, Nigeria's colonial Governor-General (1914-1919), in his treatise, 'The Dual Mandate in British Tropical Africa' in which he declared:

In character and temperament, the typical African of this race-type is a happy, thriftless, excitable person, lacking in self-control, discipline, and foresight, naturally courageous, and naturally courteous and polite, full of personal vanity, with little sense of veracity...

His thoughts are concentrated on the events and feelings of the moment, and he suffers little from the apprehension for the future or grief for the past... He lacks the power of organization, and is conspicuously deficient in the management and control alike of men or business. He loves the display of power, but fails to realize its responsibility. His most universal natural ability lies in eloquence and oratory...He has the courage of the fighting animal, an instinct rather than a moral virtue...Perhaps, the two traits which have impressed me as those most characteristic of the African native are his lack of apprehension and his lack of ability to visualize the future (Lugard, 1926).

The above is more than likely an oversimplification, which tends to debase the issue somewhat by reducing it to a mere craving on the people's part to overcome a complex resulting from the accident of 'race-type.' Yet, as we analyze his thesis further and weigh it against the political events between 1999 and 2009, there can be little dispute that Nigerian leadership class 'love the display of power, but fail to realize its responsibility.' Tignor (1993:176) situated the problem more succinctly when he talked about a considerable amount of bribery, nepotism and the use of personal office for person enrichment in late colonial Nigeria. From the preponderant influence of pervasive corruption, electoral fraud, poverty amidst plenty, to dysfunctional bureaucracy, most of the issues Lugard highlighted embarrassingly reflect the myriad s of complex problems that confronted Nigeria within the period under review. Between 1999 and 2009, there were ample grounds to argue that the Nigerian political elite were precisely the type that is 'lacking in self-control, with little sense of veracity.'

The Nigeria Labor Congress (NLC) and Abubakar Umar, a retired army major and a good governance crusader have both argued that the rhetoric about fighting corruption, as promised by government, has been politicized. NLC remarked that Nigeria needed more thorough, result-oriented and comprehensive measures against corruption at all levels and spheres of life. Umar noted that the fundamental flaw in government's anti-graft project was rooted in poor articulation and political factors:

Mr. President, I must be bold to tell you that nobody believes in your anti- corruption war... Although corruption is fast trickling to the lowest level of government, over 50% of it occurs in the presidency ... In the few instances where your government has prosecuted people for corruption, they invariably turned out to have political disagreements with you (Umar, 2004).

The following specific propositions and ideas can be reconstructed from Umar's thesis: that Nigerians demand a genuine anti-corruption reform, a reform that would convince them to believe in the political system- a system that will produce leaders who will drive popular aspirations at both local and international levels; the well-received EFCC has been deliberately manipulated by the political leadership, so they could preserve the unearned advantage which they have enjoyed since 1999 through fraudulent election; that Nigeria's fraudulent electoral process produces unrepresentative leadership that is corrupt and owe no allegiance to the people and; the anti-corruption project as currently understood and in the context of the existing political economy - to which all the factions, fractions and segments of Nigeria's leadership classes subscribe, renders the project an exercise in futility.

During Obasanjo's first tenure for example, Julius Makanjuola, Obasanjo's cousin and then permanent secretary in the ministry of defense was implicated in the theft of over N400 million (Daily Trust, 2002). In a reciprocal endeavor in the enthronement of a culture of deceit, the former Attorney-General of the Federation (AGF) and Minister of Justice, Kanu Agabi, submitted a case of *nolle prosequi*, a refusal to pursue the charges, on the day an Abuja High Court was scheduled to deliver judgment on that case. Indeed, because of the way the campaign has developed and the way it has been well received by the public, it is easy for people to ignore its political coloration. There is a much more serious dimension to Ribadu's reluctance to prosecute Makanjuola. The fact is Agabi and Ribadu both received career boost under General Abacha's dictatorship. Agabi worked with Abacha as a consultant at the Failed Banks Tribunal (FBT), while Ribadu was police investigator and prosecutor and also served as a member of the FBT. On coming to power in 1999, Obasanjo appointed Agabi as the Attorney-General and he recommended Ribadu for the chair of EFCC.

President Yar'Adua, Obasanjo's successor, pledged to deepen anti-corruption campaign. Yar'Adua used the occasion of his inauguration on May 27, 2007, to make a number of declarations, some of which were weighty and instructive. The President exuded some measure of infectious optimism and declared expectantly, that his government will intensify the war against corruption (Yar'Adua, 2007). To him, it was necessary to encourage responsible, corruption-free leadership and significantly alter the 'nest of corruption' perception of Nigeria in the world.

After their immunity expired in May 2007, the EFCC began charging some of the indicted former governors for corruption. In July 2007, former governors Jolly Nyame (Taraba State), Orji Uzor Kalu (Abia State), Saminu Turaki (Jigawa State), Joshua Dariye (Plateau State) and Chimaroke Nnamani (Enugu State) were arrested by the EFCC and charged for corruption and money laundering. In the same month, former Bayelsa state governor, Alamieyeseigha who had been arrested and prosecuted in December 2005 after being impeached, was convicted. However, in August 2007, Michael Aondoakaa, the new AGF and Minister of Justice challenged the constitutional validity of the independent prosecutorial powers granted to anti-corruption bodies, like the EFCC and ICPC. He averred that the inclusion of such prosecutorial power in their establishment acts was unconstitutional, and as a result, all prosecutions by the anti-corruption bodies would need to be authorized by his office. Aondoakaa's challenge threatened the resilience of the campaign and set off the struggle for EFCC's survival and significance in the new government.

The Yar'Adua administration, through Aondoakaa, displayed an open politicization of the anti-corruption project. He appeared to be obstructing the EFCC's effort to prosecute some former state governors, as well as creating obstacles for the prosecution of James Ibori, former Delta State Governor by the UK Metropolitan Police. This singular act intensified local and international concerns that Nigeria's anti-corruption project was politically biased. It was time for the EFCC to prove its critics wrong and hold its ground at this defining moment. In December 2007, it arrested Ibori and Fayose. Ibori was facing similar allegations in UK courts. Assets worth \$35m in the UK allegedly owned by him have been frozen by a UK court (Last, 2007). On 17th December, 2009, a federal High Court sitting in Asaba, Delta State discharged and acquitted Mr. Ibori of all 179 charges of corruption brought against him by the EFCC. The trial judge, Marcel Awokulehin threw out all the charges against the former governor on the grounds that there was no clear evidence against him.

Ibori was a senior figure in the ruling Party (PDP) and contributed significantly in the 2007 presidential election victory of the late president Umaru Yar'Adua, who died on 5th May, 2010. In April 2010, when the president was seriously ill, the EFCC declared Mr. Ibori wanted on fresh corruption and money laundering charges. He sneaked out of the country but was arrested in Dubai on 12th May, 2010 with the help of the international police agency Interpol. In Dubai, a court ruled that Ibori be extradited to the United Kingdom to face charges of money laundering, credit card fraud and official theft. In April 2011, he was extradited from Dubai to the United Kingdom to face the charges after he lost an appeal against his extradition (British Broadcasting Corporation, 2011).

A quick succession of events led to the forceful removal, demotion, and dismissal of Ribadu from the EFCC and the Nigerian Police Force. Soon after Ibori's arrest, the AGF announced that government was contemplating merging the EFCC, ICPC, and the Code of Conduct Bureau (CCB) because of overlapping functions of the agencies (Daily Trust, 2007). The AGF's plans to establish his influence over the agencies was widely perceived as a methodical attempt to weaken the EFCC by removing Ribadu and leaving the headship of the post-merger anti-corruption project in the hands of the much ineffective chairman of the ICPC or CCB. A week later, Mike Okiro, the Inspector General (IG) of Police ordered Ribadu to proceed to the Nigeria Institute of Policy and Strategic Studies (NIPSS), Kuru, for a one-year training course (British Broadcasting Corporation, 2007a).

In August 2008, Ribadu was demoted two ranks from Assistant Inspector General of Police (AIGP) to Deputy Commissioner of Police, on the basis that the rapid promotion he received under Obasanjo while he worked at the EFCC fell short of police procedure. On the 22nd of November, he was forcefully removed from the graduation ceremony by state security agents, which followed the course he attend at NIPSS. To many, EFCC's end was in sight. His removal from the commission paved the way for the systematic removal of all the commission's investigating personnel who were trained by the UK Metropolitan Police and FBI. He fled Nigeria on exile saying he feared for his life following violent stalking by armed men whom he said attempted to assassinate him (Ribadu, 2009).

From abroad, Ribadu began to take potshots at Nigeria's anti-corruption project, accusing his post-era anti-corruption policy of bias. He noted that the policy in Nigeria is to use all the right, rhetoric-speaking of the need for the rule of law and the

fight against corruption – to cover up their real campaign to completely undo the reform efforts of the previous government. Corruption, he said, makes democracy impossible because it subverts the will of the people (Ribadu, 2009). Interestingly, it was Ribadu's EFCC that the former President Obasanjo used to ban his political opponents in April 2007 election. That singular act poisoned the political landscape and facilitated the agenda of restricting the political space to Obasanjo's allies. The EFCC's failure to compile a genuine list of corrupt public office holders unqualified for public office was the height of the Commission's politically motivated, Obasanjo-induced entry into politics. But Ribadu remained in office as EFCC boss, until the new government, in a complex web of political manipulation, eased him out. On May 25, 2010, the Goodluck Jonathan led federal government reversed Mr. Ribadu's demotion and dismissal and restored his rank of an AIGP. He was granted Presidential pardon but was however retired after the restoration of his rank as AIG. He returned to Nigeria on June 4, 2010. In Nigeria's 2011, general election, he ran for the office of the president under the platform of Action Congress of Nigeria (ACN), but lost the incumbent, Goodluck Jonathan, who was also the ruling party's presidential candidate.

While the facts in Ribadu's thesis remain valid, it may not be value-free because he was outdone in the power struggle in the Yar'Adua administration in the first instance. Ribadu's observations, some argue, draw more from a deep sense of humiliation and personal defeat rather than from a place of honest patriotic intention. Under Obasanjo, Ribadu had personally investigated corruption scandals at the Nigerian Ports Authority (NPA) in 2005. His report indicted Bode George, the former Deputy National Chairman (South) of PDP and chairman of NPA's board from 2001 to 2003 for abuse of office and contracts inflation, but Obasanjo threw the report back in Ribadu's face and he kept quiet.

In August 2008, Ribadu's successor, Farida Waziri, revisited George's indictment which the EFCC gave in 2005. In October 2009, George and five other members of the board he chaired were handed two year jail terms without any option of fine. Ribadu acknowledged George's conviction and argued that George's prosecution is evidence that ultimately, the law catches up with law breakers (USAfricaonline, 2009). But he indicted George in 2005 and remained in office till December 2007, yet George was not charged to court. Under Obasanjo, it is not certain if George would have his day in court. He was a 'big fish' and it was beyond Ribadu's brief to touch such people. This is the trend of the struggle between Obasanjo and the political class in the project- contrary to his claims not to harbor 'sacred cows.'

Even Obasanjo himself was tainted with corruption scandals. Towards the twilight of his administration, Obasanjo had engineered a change of the PDP constitution declaring him as leader once his term expires. As Dowden (2007) noted, Obasanjo makes no secret of his plans to retain power in a different guise. He has become chairman of the board of trustees of the PDP, and from that position he could control nominations for government positions and even policy and strategy. Days before leaving office, he controversially sold off two of Nigeria's three troubled oil refineries to a consortium of investors including Transnational Corporation on Nigeria Plc (Transcorp), a highly favored consortium that has purchased a number of high profile government assets since its formation in 2004 (Human Rights Watch, 2007a). Transcorp had itself been a target of controversy since it became known that Obasanjo acquired 200 million shares of its stock through a 'blind trust'. Atiku's reputation as a former high ranking customs officer is far from being untainted by corruption, and as Obasanjo's vice president he oversaw government's privatization programme where some national assets were sold to top public office

holders, their family members, friends, relations and acquaintances at incredibly low prices. Thus, the view that government was serious and that leaders were committed to the project in the face of weighty revelations lacks strength of conviction (Amaraegebu, 2010:117).

The main factors that appear to have motivated Ribadu were an interest to promote himself and personal determination to build a viable institution within the limits the political environment permitted him. To achieve that goal required adopting practical tactics to buy time to develop an institution that would help him subject all offenders to same judicial process irrespective of status.

Ribadu acknowledged being 'very strategic' about the selection of targets and the timing of investigations (World Bank, 2007). He expected more sincere support from Obasanjo, who promised but could not consolidate the much needed constitutional encouragement that would have removed the constitutional immunity so the EFCC could prosecute incumbent governors and even presidents. Instead, documents prepared by the EFCC on the serving governors became a ready political tool which the President used to intimidate the governors. Governors then, were forced to pay allegiance to Obasanjo or risked being indicted by the EFCC.

In February, about three months leading up to the 2007 elections, the government manipulated the EFCC into selectively pursuing opposition politicians and the President's opponents within the PDP. The EFCC produced a list of 135 candidates and claimed that they were corrupt and thus unfit to run for public office (Human Rights Watch, 2007a). While majority of those indicted were either opposition candidates or individuals within the PDP seen as the President's political enemies, the commission omitted the names of several powerful people within the PDP widely seen as corrupt and whom Ribadu has publicly denounced as corrupt previously (Human Rights Watch, 2007a).

Waziri was sworn in on June 6, 2008. A retired Assistant Inspector General of Police, and Commissioner of the Police Special Fraud Unit, she was armed with the appropriate qualifications and is said to have trained Ribadu (British Broadcasting Corporation, 2008). Those who lost confidence in Ribadu's credibility-deficient EFCC were optimistic that Waziri would alter the status quo significantly (Daily Independent, 2008). In her first three months in office, the EFCC investigated and filed some new cases against some former Governors and Ministers- Michael Botmang (Plateau State), Boni Haruna, (Adamawa State), Ladoja (Oyo State), and Segun Agagu (Ondo State) Daily Trust, 2007).

On June 30, 2008, Fani-Kayode and Borishade, two former ministers of Aviation were arrested by the EFCC. They were indicted by a Senate probe into the 19.5 billion naira (about \$166 million) released by the government to rescue the aviation industry that recorded numerous air tragedies between 2005 and 2006. However, they were released on bail on July 10, 2008. Their bails heightened public suspicion that what Nigerians are usually treated to is a drama of arrest, allegation and then arraignment that are closely followed by the grant of bail (Vanguard, 2008).

On December 18 2008, at an Enugu Federal High Court, former governor of Edo State, Lucky Igbinedion who was accused of stealing more than \$24m through three front companies) was convicted (British Broadcasting Corporation, 2008). The court released Igbinedion and fined him 3.5 million naira (\$23,000) (US Department of State, 2009). He was one of the high profile former governors who worked for Yar'Adua's electoral victory. In 2006, he took advantage of his position as the chairman the then Governor's Forum to convince other state governors who were interested in the presidential race to stand down so that Yar'Adua could be returned unopposed.

FUTURE RESEARCH AND POLICY IMPLICATIONS

Contemporary study into decisions about whether to put former presidents on trial for corruption, and whether to undertake serious research on public sector reforms, appears to be a promising new research (Kjaer, 2004). As Collier (2000) argued, where the public believes that many top people are corrupt, unless the anti-corruption campaign includes the prosecution of some of these people, the public will not take it seriously. The successful prosecution and commensurate punishment of the untouchable, who is perceived as the 'big man', can lead to remarkable transformations capable of encouraging reformers, while at the same time discouraging prospective corrupt intents. Zambia has shown example that former presidents can as well be put on trial for corruption. Such action holds considerable promise for Africa's incipient democracies, and therefore merits study (Taylor, 2006).

Nevertheless, two flaws which we have endeavored to deal with are identifiable in these studies. Firstly, these studies emphasize so much on the choices made by presidents. Kjaer (2004) drew attention to Tanzania's institutional heritage which is influenced by Julius Nyerere's choices. Undoubtedly, the President is a principal actor in Nigeria's political setting, but as can be seen from the analysis here, it is evident that both his person and office is also vulnerable and therefore not immune from intense political pressure. Besides, he was involved in the political games where the tactics and motivations of the other players were equally considered important too. This game is what we have tried to demonstrate between Nigerian politicians and the EFCC.

The games which presidents play with anti-corruption commissions may be important in influencing anti-corruption outcomes. In response to national and international pressures, presidents establish anti-corruption commissions on the understanding they can assert their authority over them. But this may not always be the case, they may bequeath to their successors, institutions that have developed some capacity to function more independently than originally intended.

Research has shown that in a neopatrimonial setting where the electoral process is marred by corruption, tactical considerations define anti-corruption campaigns. In such a circumstance, a real sustained assault on high profile corruption cases becomes difficult if not impossible. Thus, genuine anti-corruption reformers will always have difficulties in countries where many 'big men' have sustained their luxuriant lifestyles on state funds with impunity for far too long. The EFCC definitely have some semblance of legitimacy and it served the purpose of strengthening the President's local and international backing. The commission's legislative input created the opening in which anti-corruption projects may thrive

further than the aims of those who created them, by its chairman's determination to realize his commission's constitutional mandate and thus gradually change the scope of what is practicable within the limits of Nigeria's political setting.

CONCLUSION

For the Nigerian anti-corruption project, the personality of the President determines much of the course and certainly its character. Contrary to the foundation philosophy upon which it was built at origin, Obasanjo paid more attention to the politics of the project than to the basic question of genuine war on corruption. Owing to Obasanjo's interests, two campaigns were engaged in within Nigeria at the time- the first was for the encouragement of transparency and accountability. The second was for the survival of his leadership. A good deal of the campaign effort was diverted into promoting Obasanjo and his leadership. EFCC's efforts were clipped to his size and through much of the campaign reflected his own strengths and weaknesses. This personification of the project and the cloud of illusion, which it created around him, were to persist until he quit power. His politics were, therefore, at once, the making and undoing of the project. Because he was respected and knew this fact too well, he tended to trust only his own views. This fact, coupled with personal ambition blinded him to public perception about the project.

According to Anechiarico and Jacobs (1999: xiii), corruption is a problem and corruption control is a constant challenge for all governments and in the Nigerian case, evidence has clearly identified two contending forces that play out in the politics of the country's anti-corruption project. The answer to the question why anti-corruption efforts in Nigeria has done little to improve the country's credibility index, can therefore, be gleaned from the interplay of contending forces within the great divide –the powerless majority who genuinely want it to succeed and the leadership class who manipulate the campaign to achieve political goals.

Nye (1989) highlighted the importance of efficient institutional framework in the build up to accountability and argued that the inability of government structures to deal with the challenges of corruption is a result of the weakness of their institutions and the fragmentation of power. Leaders should pay attention to building genuine structures that will help to facilitate accountable leadership and responsible citizenry after all, political and economic structures and processes clearly play important roles in determining to what extent corruption can be dealt with (Williams & Doig, 2000).

When the EFCC delved into selective, politically-motivated investigations and indictments, it contaminated the anti-corruption drive and damaged the pro-EFCC consensus. Ribadu's compromises were one of the reasons why the EFCC lost its missionary zeal. If Ribadu had not yielded to the NSA's intercession, Yar'Adua may not have been declared the winner of the April 2007 presidential election, possibly stalling Ribadu's politically motivated removal from the chair of the commission and the continuation of the prosecution of those ex-governors.

REFERENCES

- Amaraeibu, D. (2010). *Analysis of Anti-corruption Policies in Africa: The Cases of Nigeria and Ghana*. Berlin: VDM Publishing House.
- Ackerman, R.S. (1999). *Corruption and Government: Causes, Consequences, and Reform*. Cambridge: Cambridge University Press.
- Alatas, S.H. (1968). *The Sociology of Corruption: The Nature, Function, Causes and Prevention of Corruption*. Singapore: Donald Moore Press.
- Anechiarico, F. & Jacobs, B.J. (1999). *The Pursuit of Absolute Integrity: How Corruption Control Makes Government Ineffective*. London: University of Chicago Press Ltd.
- British Broadcasting Corporation. (2004). Tensions High in Nigerian State. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/4006215.stm>, on September 12, 2009.
- British Broadcasting Corporation. (2005a). Nigeria Ex-Police Chief Jailed. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/4460740.stm>, on October 22, 2009.
- British Broadcasting Corporation. (2005b). Nigerian governor arrested in UK. Retrieved from: <http://news.bbc.co.uk/1/hi/world/africa/4253362.stm> on September, 7, 2010
- British Broadcasting Corporation. (2005c). Governor to be impeached. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/4462444.stm>, on September 3, 2009.
- British Broadcasting Corporation. (2006a). No Third Term for Nigerian Leader. Retrieved from: <http://news.bbc.co.uk/1/hi/world/africa/4986904.stm>, on October 16, 2009.
- British Broadcasting Corporation. (2006b). Obasanjo Accuses Deputy of Fraud. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/5324942.stm>, on September 25, 2009.
- British Broadcasting Corporation. (2007a). Nigeria Anti-Corruption Czar Sidelined. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/7162719.stm>, on October 28, 2009.
- British Broadcasting Corporation. (2007b). UK targets Nigeria's stolen loot. Retrieved from: <http://news.bbc.co.uk/1/hi/world/africa/7015765.stm>, on October 29, 2009
- British Broadcasting Corporation. (2008). New Head for Nigeria Graft Agency. Retrieved from: <http://news.bbc.co.uk/1/hi/world/africa/7404708.stm>, on October 25, 2009.
- British Broadcasting Corporation. (2011). Nigerian ex-state governor James Ibori charged in UK. Retrieved from: <http://www.bbc.co.uk/news/world-africa-13100426>, on May 18, 2011.
- Collier, P. (2000). How to Reduce Corruption. *African Development Review*, 12(2).
- Constitution of the Federal Republic of Nigeria. (1999). 88 (2) (b)
- Da Costa, G. (2006). Nigerian Opposition Leaders Seek Probe of Indicted Presidential Aide. Retrieved from: <http://voanews.com/english/2006-11-08-voa61.cfm>, on October 23, 2009.
- Daily Champion. (2006). Falana, Keyamo Fault Ladoja's Impeachment. Retrieved from: <http://allafrica.com/stories/200601130043.html>, on March 2, 2009.

- Daily Independent. (2008). Farida Waziri Sworn In As EFCC Chairman. Retrieved from: <http://www.nigerianmuse.com/20080606223527zg/nigeria-watch/official-fraud-watch-towards-fraud-free-governance-in-nigeria/farida-waziri-sworn-in-as-efcc-chairman/>, on October 22, 2010.
- Daily Trust. (2002). Anti-corruption campaign and abuse of judicial process. Retrieved from: <http://www.odiousdebts.org/odiousdebts/index.cfm?DSP=content&ContentID=4880> on November 4, 2010.
- Daily Trust. (2007). Nigeria: EFCC/ICPC/CCB - One Merger, Many Questions. December, 22.
- Dowden, R. (2007). *Africa's Barometer*. Time Magazine. Retrieved from: <http://www.time.com/time/magazine/article/0,9171,1609059,00.html>, on April 11, 2009.
- Economic and Financial Crimes Commission establishment Act (2004).Part II (7)B
- El-Rufai, N. (2009). Umaru Yar'Adua: Great Expectations, Disappointing Outcome. Nigerian Village Square. Retrieved from: <http://www.nigeriavillagesquare.com/index.php/content/view/12394/55>, on October 25, 2009.
- Falana, F. (2006). Executive Immunity and the Fight against Corruption. In Proceedings of the National Seminar on Economic Crime, Karu, Abuja, August 22-24.
- Global Integrity Report. (2008). Nigeria. Retrieved from: <http://report.globalintegrity.org/Nigeria/2008>, on October 27, 2009
- Human Rights Watch. (2007a). Criminal Politics: Violence, Godfathers and Corruption in Nigeria. 19(16). Retrieved from: <http://hrw.org/reports/2007/nigeria1007/>, October 15, 2009.
- Human Rights Watch. (2007b). Criminal Politics: Violence, Godfathers and Corruption in Nigeria. 19(16)(A), Retrieved from: <http://hrw.org/reports/2007/nigeria1007/>, on 15 October 2009
- Human Rights Watch. (2008). Politics as War: The Human Rights Impact and Causes of Post-Election Violence in Rivers State, Nigeria. March 20(3). Retrieved from: <http://hrw.org/reports/2008/nigeria0308/>, on October 4, 2009.
- Huntington, S.P. (1991). *Third Wave: Democratization in the Late Twentieth Century*. Norman & London: University of Oklahoma Press.
- Independent Corrupt Practices and Other Related Offences Commission establishment act, (2000) 6(a).
- International Crisis Group. (2007). Nigeria: Failed Elections, Failed State?
- Jackson, R.H & Rosberg, C.G. (1982). *Personal Rule in Black Africa: Prince, Autocrat, Prophet, Tyrant*. California and London: University of California Press.
- Kjaer, A.M. (2004). Old brooms can sweep too!: An overview of rulers and public sector reform in Uganda, Tanzania and Kenya. *Journal of Modern African Studies*, 42(3), 389–413.
- Last, A. (2007). 'Nigerian Ex-oil Governor Arrested' Retrieved from: <http://news.bbc.co.uk/1/hi/world/africa/7141047.stm> on December 14, 2010.
- Lugard, F.D. 1926). *The Dual Mandate in British Tropical Africa*. Edinburgh & London: William Blackwood & Sons Ltd.
- Nye, J.S. (1989). Corruption and Political Development: A Cost-Benefit Analysis. In Heidenheimer, A.J., Johnston, M., Levine, V.T. (Eds.), *Political Corruption; A Handbook* (p. 969). Oxford: Transaction Publishers.
- Obasanjo, O. (1999). The New Dawn: Inaugural Speech by His Excellency, President Olusegun Obasanjo following his swearing-in as President of the Federal Republic of Nigeria in Abuja. May 29.
- Obasanjo, O. (2003). Lecture Delivered at the 10th Anniversary Celebration of Transparency International. Berlin. November, 7.

- Olumhense, S. (2007). Patience Jonathan: Nigeria's Most Powerful Woman. Retrieved from: <http://aderinola.wordpress.com/2007/10/28/patience-jonathan-nigerias-most-powerful-woman/>, September 16, 2009.
- Ribadu, N. (2009). Capital Loss and Corruption: The Example of Nigeria. Nuhu Ribadu's testimony before the US House Financial Services Committee. May 19.
- Saharareporters. (2006a). Fayose and Deputy, Olujimi Impeached, His Whereabouts Still Unknown. Retrieved from: <http://www.saharareporters.com/news-page/breaking-news-fayose-and-deputy-olujimi-impeached-his-whereabouts-still-unknown> on October 2, 2009.
- Saharareporters. (2006b). US Money Laundering Case: Andy Uba settles Out of Court, Forfeits \$26,000. Retrieved on from: <http://www.nigeriavillagesquare.com/articles/omoyele-sowore/obasanjo-s-aide-andy-uba-in-money-laundering.html>, September 26, 2009.
- Sklar, R.L., Onwudiwe, E., and Kew, D., (2006). Nigeria: Completing Obasanjo's Legacy. *Journal of Democracy*, 17(3).
- Taylor, D.S. (2006). Divergent politico-legal responses to past presidential corruption in Zambia and Kenya: Catching the "big fish", or letting them off the hook? *Third World Quarterly*, 27(2).
- Thisday. (2005). Nigeria: Anti-Corruption War, A Political Revolution.
- Thisday. (2006). Presidency Accuses Atiku of Leaking Official Secrets.
- Tignor, R.L. (1993). Political Corruption in Nigeria before Independence. *Journal of Modern African Studies*, 31(2), P. 175-202
- Umar, A.D. (2004). 'The Devil is it, Mr. President:' an open letter to President Olusegun Obasanjo. Guardian .Pp.8 & 9
- USAfricaonline. (2009). EFCC's ex-boss Ribadu commends conviction of Obasanjo's confidant Olabode George. Retrieved from: <http://www.usafricaonline.com/ribadu-obj-confidante-olageorg/>, on November 2, 2009.
- US Department Of State. (2009). 2008 Human Right Report: Nigeria. Retrieved from: <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119018.htm>, on October 30, 2009.
- Vanguard. (2008). Fani-Kayode, Borishade get bail. Retrieved from: http://www.nigeria70.com/nigerian_news_paper/fani_kayode_borishade_get_bail/44892, on December 12, 2010
- Williams, R. & Doig, A. (Eds.). (2000). *Controlling Corruption: The Politics of Corruption (Vols 1-4)*. Chatham: Edward Elgar Publishing Ltd.
- World Bank. (2007). Close-Up on Nigeria's Corruption Fighter, Governance and Anticorruption. Retrieved from: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGOVANTICORR/0,,contentMDK:21288004~pagePK:148956~piPK:216618~theSitePK:3035864,00.html>, on October 1, 2009.
- Yar'Adua, U.Y., (2007). Inaugural address of President of the Federal Republic of Nigeria and Commander-In-Chief of the Armed Forces. Abuja, May 29.

ABOUT THE AUTHOR:

Declan AMARAEGBU

School of Government and International Affairs, Durham University, United Kingdom