



NIGERIAN JOURNAL OF PUBLIC SECTOR MANAGEMENT (NJPSM)

ANTI-CORRUPTION INITIATIVE IN NIGERIA AND GHANA: A **COMPARATIVE PERSPECTIVE**

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Abstract

A few decades ago, most Africa nations had no doubt about the necessity of mechanism for fighting corruption. The reason for this was because corruption has become an issue of major political and economic relevance in recent years. This study examines the dimensions of corruption in Nigeria and Ghana. The efficacy of Anti-Corruption Initiative in these two West African countries is dissected. The study employed a content-analysis methodological approach while state theory was applied. This is justified because it is among the few theories that can conveniently match our topic. It is posited that anti-corruption institutions in both countries has been undeniably essential agent in the fight against corruption; and the legislation of both countries could not grant extra, constitutional, powers to anti-corruption institutions which will help than overcome obstacle to speedy access to justice. The major recommendations are; there is urgent need for mental transformation on the part of government of both countries; more effort are to be put into credibility build up for some public institutions; the process of hiring the leadership of anti-corruption institutions should be both transparent, consultative based on qualification and reliability; the activities of the anti-corruption institution need to be reported without being edited by government; and international sponsors, collaborators and assistance should use the records of anti-corruption commission actions in promoting accountability and as a condition for any financial sponsorship.

Keywords: Anti-corruption, Mechanism, Institutions, and Accountability

Introduction

A comparative study of anti-corruption initiatives between countries is very important to the existence of any given state because it helps the state to evaluate itself and improve

on what it has, in terms of structure, functions and operations. The goal of comparative analysis is to encompass the major political similarities and differences between countries. The task is to understand the nature of constraints and variability which characterizes the world's governments, bearing in mind the

A Journal Publication of the Department of Public Administration, Federal University Wukari, Taraba State Volume 6 Number 1 **February** 2023

national and international contexts within which they operate (king et al, 1994). The concept of corruption is not new but its academic study is primarily a late twentieth century phenomenon. Scholars have advanced various reasons for the increasing study of the subject. For Ackerman (1999), the end of the cold war "changed the balance of forces and removed any compelling need to support corrupt regimes for national security reasons". Similarly, Marguette (2005:54) depicts the postcold war era as an era of political significance by setting it in the framework of the social impacts caused by the expiration of the ideological warfare, and thus, a new beginning. In this regard, her opinion was that the end of the cold war was most significant in "the collapse of commands economics", and the promotion of a new political order that would be sustained by entirely new and re-defined ideological alignments. Others like Doig and Theobard (2000) present a broader argument pertaining the dismantling of Soviet economic system, the increase of chains or economic interdependence in the advanced democracies, and the growing rate of global

poverty, political developments that came with this historical epoch "changed the way all donors approached foreign aid". Robert and Doig (2000: xi) postulate that, before this historical development, "corruption was seen by donor bodies as something regrettable but inescapable," and its study was not thought to be worthwhile. When the wave of political change that blew across Africa, Asia and Latin America generated the creation of new democracies in the nineties, this was held to

have exposed the adverse effects of corruption. This development affected the attitude of the Western nations, multinational firms, international financial institutions and even those moderate scholars who had before now, been less critical both of international bribery and corruption in the developing world. This new understanding opened all manners of enquiry and study into a subject that had previously been viewed as largely controversial and political.

In 2000, and 2002, the Federal Government enacted of Nigeria the Independent Corrupt Practices and other Related Offences Commission (ICPC) and Economic and Financial Crime Commission (EFCC) respectively which sought criminalize "a wide range of direct and indirect corrupt practices in public and private institutions (Global Integrity 2004). The aim was to ensure a clean public administration system in recognition that such bodies are usually created in environments where regular already existing public service organizations fail to control the spread of corruption and to show the country's intention to be responsive to popular demand for good governance. In Ghana, the government embarked on the Anticorruption strategy and Public Sector Management Reform Programme. commitment strengthened the Serious Fraud Office (SFO) which was established by Act 466 of 1993. It was established to monitor, investigate and, in collaboration with the Attorney General's office, prosecute offenders involved in financial crimes. The SFO, civil society organizations, coalition members and the Commission on Human Right and

Administrative Justice (CRAJ) were all involved in the anti-corruption campaign. Their aims were "the building of coalitions between governments, the private sector and civil society network in collaboration from regional and international bodies in support with development partners" (ministry of finance, Government of Ghana 2000.23).

In one of its briefing papers, the Afrobarometer, using the result of an opinion poll it conducted in 2002, it noted that apart from Tanzania and Zimbabwe, "perceived corruption is highest in Ghana and Nigeria..." (Afrobarometer 2002). That too, indicates the relatedness of the countries antecedents. They have long histories of military regimes and the two most prominent players in the West Africa politics. The socio-political sub-regional experiences of Nigeria and Ghana highlight the complex nature of corruption in both countries and show that corruption in public service is common among them.

Nigeria and Ghana are former British colonies and are both multi ethnic and nationstates that had different historical, linguistic and cultural backgrounds but were brought together by colonialism. The countries immediate post-colonial administration, like other developing nations sought to employ constructive government actions to facilitate the process of quick economic growth. According to Blunt (2010:27), the growth of the public sector in Ghana and Nigeria appear to be based on no consistent plan other than that of expanding state- controlled industrialization regardless of cost. The similarities in both countries socio-political and historical antecedents account for one of the

reasons both countries are appropriate for this study.

The state of corruption in Nigeria and Ghana has been categorized as endemic. Corruption has also been identified as one major obstacle to national growth and development of the Nigerian and Ghanaian economies. The establishment of anticorruption institutions such as Independent Corrupt Practices and other Related Offences Commission (ICPC) in 2000, and Economic and Financial Crimes Commission (EFCC) in 2003, after the Financial Action Task Force on Money Laundering (FATF) named Nigeria amongst the twenty three non-cooperative countries frustrating the effort of international community to fight money laundering (EFCC) Act (2002) 2003. In Ghana, there was the establishment of an independent Commission on Human Rights and Administrative Justice (CHRAJ) under the 1992 constitution, the Serious Fraud Office (SFO) by an Act of parliament in 1993, and civil society groups were also mobilized to push for clubs on corruption under the aegis of Ghana Integrity Initiative (GII). The establishment of various Anti-Corruption Institutions has brought tremendous positive change in the status of corruption in both countries. In spite of this, there are some inadequacies emanating from the structural and operational patterns of these anti-corruption institutions. This situation informed the need for the investigation in the activities of these organizations.

A Journal Publication of the Department of Public Administration, Federal University Wukari, Taraba State Volume 6 Number 1 **February** 2023

Overview of Corruption

Various scholars and analysts of varying intellectual orientations have at different times and occasions advanced a plethora of definitions on the concept corruption. No doubt these definitions are interesting. We shall subsequently examine some of these avalanches of definitions. Though, it is noted that, defining the concept corruption is often not easy despite its daily usage. It is often hindered by the problem of objectivity and the fact that discussions on corruption generate emotions rather than shade light on the matter itself.

The word corruption is derived from the Latin word "corruptus," which means "corrupted" and, in legal terms, the abuse of a trusted position in one of the branches of power (executive, legislative and judicial) or in political or other organizations with the intention of obtaining material benefit which is not legally justified for itself or for others (Sumah, 2018. 64). In accordance with the Russian legislature (Federal Law FZ-273, 2008), corruption means abuse of official position, giving and receiving bribes, abuse of authority, commercial bribery or other illegal use by an individual of his/her official position contrary to the legitimate interests of society and the state in order to obtain benefits in the form of money, valuables, other property or services of a property nature, other property rights for himself/herself or for third parties, or illegal provision of such benefits to the specified person by other individuals; as well as the commission of these acts on behalf of or in the interests of a legal entity.

The Norwegian researcher Amundsen offers a more comprehensive definition of corruption. Amundsen (2000: 2) has defined corruption in the following words;

- a) This is a cash payment in a transitive relationship;
- b) A misappropriation of public funds;
- c) An economic fraud or deception;
- d) Extracting money or other resources from disadvantaged individuals through coercion, threats, or even violence;
- e) Natural human inclinations in favor of friends, relatives, or someone close and trusted in the process of resource allocation or in the political process.

The above definition captures specific and important areas of the subject matter, to UN Reference Document on the International Fight against Corruption (UN Declaration, 1996), the concept of corruption is considered as a set of acts (crimes, offenses) of public servants (officials) that consist in the selfish use of their power (official rights and powers, position, opportunities, status) for personal gain, for the benefit of third parties or groups, and leading to moral corruption in the power structures. This definition is apparently all encompassing capturing some of the relevant ingredients. As a result, corruption is most generally understood as abuse of power for personal gain, as well as the bribery of individuals and their venality (Fedorina, 2014). Thus, corruption usually refers to the use by an official of his authority and the rights entrusted to him for personal gain, which is contrary to the rules established by law. The problem of defining corruption is related to the fact that, in general, corruption is a process that accompanies any exercise of state power and

does not belong to any particular type of political regime. It is also not related to the development of any specific country, but can be applied to a very wide range of human behavior (Afanasyeva, 2019: 895-908), as well as to state institutions at different levels. Based on this, it can be assumed that it is impossible to develop only one generalized and indisputable definition of political corruption, which is reflected in the numerous forms of bribery, the relativity of norms and law, as well as in the ambiguous boundaries between public and private law.

Types of corruption

Like identifying the definition of corruption, its typology is also a challenge: the research literature is full of a variety of corruption classifications. For instance, according to the scale of the crime, corruption is divided into large and small types.

Thus, corruption on a particularly large scale occurs at the highest levels of the political system (Kuzovkov, 2010), such as the participation of the president, ministers and other senior officials, and therefore involves significant payments.

Small-scale corruption occurs at low levels, such as administrative divisions where citizens apply for services (Kuzovkov, 2010). In turn, minor corruption can be divided into cases of separate corruption, official and institutional, which is carried out directly in favor of the interests of officials.

There is also a distinction between 'systemic' and 'systematic' corruption.

Systemic corruption is a product of weak administrative systems and a lack of control institutions, thus affecting the system (Sheverdyaev, 2016). On the contrary, systematic corruption, considered as organized crime, occurs when activities that pursue private interests undermine the very structure of the political system or can be seen as the result of political manipulation of economic interests (Rimsky, 2004). In any case, the problem of institutional corruption seems to be one of the main threats to state security.

In this regard, it can be concluded that the versatility of the application of the term 'corruption' has led to the existence of a number of classifications. In addition, the diversity of approaches to the study of corruption can be explained by the spread of this phenomenon in various spheres of human activity, which has revealed the need for its study by representatives of various specialties (economists, political scientists, sociologists, psychologists, lawyers). In turn, this can somehow manifest itself in the onedimensionality of the provided classifications and the presentation of only a few signs of the phenomenon under study (Akhmetova, 2008), which does not claim to comprehensively reflect the types of acts of corruption.

The researchers classify corruption according to the degree of participation of authorized persons in the distribution of resources into civilized and political.

Progressive or civilized corruption assumes that officials indirectly participate in the distribution of profits by entrepreneurs (Akhmedov, 2003), and the state recognizes the phenomenon of corruption through its resolution (Akhmetova,

2008). In this case, political corruption is understood as an act in which state and public figures and politicians are the participants

(Verbin, 2003). Within the framework of political corruption, attention is drawn to the allocation of corruption in the field of public administration, parliamentary corruption, acts of corruption in enterprises and during elections (Proyava, 2012). In these cases, the actions are aimed at the possible use of the resources of civil servants and influence on their decision-making, as well as promoting the interests of selected groups in the adoption of legislative norms or vote buying during the elections (Zyryanova,

2014).

Corruption activities can also be distinguished by the types of socioeconomic relations, which allows researchers to divide the nature of corruption into 'western' and 'eastern' forms (Dobrenkov, 2009). Thus, the 'Western' corruption should be understood as a kind of market for corrupt services, in which the parties enter into a one-time purchase and sale relationship. In other words, the 'Eastern' corruption denotes a certain system of regular relations, closely connected with such social ties as family, professional, and corporate relations.

In any case, the most attractive objects of corruption acts, as a rule, are state projects and tenders, business activities of relatives of officials, state mechanisms of institutional influence (Kuzminov, 2002). It seems logic that the socio-economic sphere faces the most frequent manifestations of corruption. The corruption schemes also affect shadow areas of the economy.

Universalizing the typologies of corruption, the phenomenon of corruption can be classified into four types, based on the field of activity: by subject composition, by the

object of influence, by the nature of the impact on the regulated relations, and by its scope or size (Golubovsky and Sinyukova, 2015: 240, Laptev, Kovarda and Shatunova, 2014: 384, Satarov, 2013:105, Zenyuk and Mlinetsky, 2016:22)

According to the object of influence, corruption can spread in the executive authorities; in the legislative branch; in the judiciary; in local government bodies; in commercial and non-profit organizations. According to the nature of the impact on the regulated relations, an act of corruption may be followed by: civil law violations; criminal offences; administrative and disciplinary offenses; abuse of public status (nepotism, lobbying and protectionism, providing official information to third parties). By its scope or size, corruption can manifest itself at the national level, operating within the same country and the same legal system; at the regional level; at the international (international) level, covering several states at once.

Accordingly, the structure of corruption can be determined by the subject composition of high-level corruption involving politicians and government officials at the federal level, involving the adoption of laws and decisions at the highest level; grass-roots corruption, which manifests itself in the direct interaction of a person with representatives of local self-government bodies; special corruption that occurs in non-governmental organizations

Causes of corruption

Political and economic environment

The phenomenon of corruption is strongly influenced by the political and economic environment. The more is the

A Journal Publication of the Department of Public Administration, Federal University Wukari, Taraba State

Volume 6 Number 1 February 2023

economic activity in the country regulated and limited, the higher the authority and the power of officials in decision making and the greater the possibility of corruption, since individuals are willing to pay or offer payment in order to avoid restrictions. A great potential for corruption is especially there where the officials are under the regulation given the opportunity to decide on the basis of discretion (Sumeh, 2018:66)

The level of corruption is also affected by the monetary policy. Goel and Nelson (2005:121) in their research found a strong link between monetary policy and corruptive activity in the States.

The States that have a well-regulated financial sector, not a lot of informal economy or black market are also less corrupt than those where the opposite is true. They also find that there is less corruption in the countries with higher economic and political freedom. Dimant (2012) puts it well in his claim that the level of efficiency of public administration determines the extent to which corruption can find fertile soil and sprout. Such efficiency is determined by the quality of the regulations and permits, since ineffective and unclear regulations help to increase the level of corruption in at least two different ways:

- 1. The artificially created monopoly of power that enables civil servants to obtain bribes is based on their superior position and embedded in the system.
- 2. On the other hand, however, ineffective and unclear regulations cause inhibition and therefore encourage natural persons to

pay bribes in order to speed up the bureaucratic procedure.

Corruption is also strongly influenced by the low salaries of public administration employees (state officials), who are therefore trying to improve their financial position by receiving bribes, and consequently, the socioeconomic situation of the government officials also affects the phenomenon of corruption. This is demonstrated also by Allen, Qiant and Shen (2015:121) in their study where they find that corruption arises because agencies, institutions and the government can no longer control corruption effectively due to underpaid officials, which is a problem especially in the developing countries, where they do not have the sufficient tax revenue to properly reward the local officials. However, low wages are not the only cause of corruption; the poor state of the public administration, which is consequence of political "overcrowding" of officials, due to which loyalty usually prevails over professional standards, also strongly affects the corruption. As an important factor influencing corruption, some authors also indicate satisfaction with the work done by officials—the more they are dissatisfied with their work or place of work, the higher the degree of corruption, which is confirmed by Sardžoska and Tang (2009:495) in their studies. The mentioned authors find that the private sector has higher ethical values, in particular those that affect satisfaction with work, than the public sector and is therefore less unethical (especially regarding thefts and corruption). Indirectly, Svenson(2005:19) also affirms this and states that in principle, the salary level of civil servants affects the receipt of a bribe (the higher it is, the smaller the chance that the

person will act corruptly). However, he continues on that a higher salary also strengthens the negotiating power of the official, which leads to higher bribes and he also states that, on the basis of existing research, it is very difficult to determine whether a higher salary causes less corruption, which means that the level of salary is not a decisive factor, but merely one of many.

The economy is unfortunately largely dependent on politics and often reflects the rule of law; various options for eliminating competition are exploited, and bribery is just one of the possible weapons in the struggle to gain a job. At the same time is the mentality of the economy sometimes: "The cost of a bribe is only a substantial business cost, an integral part of the contract," or "Even if we stop the bribery, our rivals will not, so we must bribe in order to remain competitive, "or" bribery and misleading behaviour are not really crimes, they are just part of the old business practice. They are part of the game and everyone does it." On the other hand is the point sometimes simply the "lubricating" of the bureaucratic wheel by the private sector to do certain things faster or easier.(Sumeh 2018)

The political influence of corruption is also manifested through the proverb: examples are attractive! If the top of the politics (government, parties and leading politicians) is corrupt, then corruption shows at all levels, and this evil at the same time spreads among the ordinary population, as nobody trusts the institutions or the rule of law.

Professional ethics and legislation

Lack of professional ethics and deficient laws regulating corruption as a criminal

offense, and the prosecution and sanctioning of it are also an important cause for the emergence and spread of corruption. A great influence comes also from the ineffective sanctioning of corruption, which increases the possibility of continuing the corruptive actions of those involved, creating at the same time a strong likelihood that others will join in the corruption due to this inefficient sanctioning. The sole lack of professional ethics is a particular issue, as the administration requires different amounts of time to develop or change its ethics and professional standards, which is well known in transition countries (in some, ethics and professional standards changed overnight and approached the equivalents in the developed democracies, and in some, they remained the same as in socialism).

It is precisely in the transition countries that the "softer" acts of corruption are often considered to be acceptable and justifiable. Therefore, due to lack of professional ethics in some countries that otherwise manage illegal corruption well, there is nevertheless a widespread form of legal corruption. Corruption also generates a lack transparency and a lack of control by supervisory institutions. Therefore, where there is insufficient legal basis or sufficient political will to control, which enables a nontransparent functioning of both politics and economy, corruption flourishes. Corruption is also affected by the extensive, non-transparent or incomplete legislation, where laws can be interpreted in different ways (for the benefit of the one who pays).

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The Notion of Gift-Giving

In his work, The Blurring of the Threshold and the Metamorphosis of the Debasement of Public Life; Olurode (1990:26) argues that in most societies gift giving is valued is reciprocal and takes different forms. In most African cultures, gift giving is an expression of traditional hospitality and represents symbol of appreciation. International businessmen have used it as an excuse to effect corrupt payments to corrupt government officials on the excuse that "it is an acceptable business habit within the receiver culture" (Jeremy 1995:71). But there is dissimilarity between the African cultural model of appreciation expressed by gift giving and an intentional manipulation of the tradition for corrupt intentions. The gesture of gift giving is not necessarily bad but the purposes for which these gestures are intended will make the difference between benevolent good and harmful vice. Gifts, noted (EFCC, 2006) could interfere with the ethics of prudence, sound judgment and hinder due process. When a gift is meant to affect your judgment and hinder due process, it ceases to be a gift and that raises the issue of underdevelopment, which we shall turn to next.

The Underdevelopment Argument

The BBC report of 2013 stated that;

> Corruption is illegal in Africa, but everywhere it is woven deep into the fabric of everyday life. From the bottle of whisky slipped under the counter to speed a

traveler's way through customs, to presidents and ex-president living away beyond their declared means, it results in an assumption that no business will ever get done without a present changing hands Corruption is causing in Africa more than \$14bn dollars a year, increasing the cost of goods by as much as 20%, deterring investment and holding back development.

What the report above implies is that, in an underdeveloped society, "Civil service employees' view public services as opportunity for self-enrichment (Mbaku 2005). In an underdeveloped polity, according to Myrdal (1970:414) a bribe to a person holding a public position is not clearly differentiated from the gifts, tributes and other burdens sectioned in traditional pre-capitalist society or the special obligation attached to a favour given at any social level. In a related sense of reasoning, Conrad (1990:99) assert that, the degree of a nation's development is a crucial factor that always comes to mind when corruption in the society is being discussed: "It needs to be understood that where the administrative process itself is underdevelopedeven with the best will in the world, illegal behavior is not easy to detect".

Consequences and Control Measures of Corruption

The effects of corruption in the public service in Africa are diverse and excruciating especially on the poor and the vulnerable. It affects all facets of our national life (Security, Health, Education, Economy, Politics etc).

Initiative (2007:3) asserts that, in the political realm, corruption undermines democracy and legitimacy of government by subverting formal process. In so doing, it seriously reduces the trust and confidence of people in their institutions or indigenous governments.

Corruption has quantifiable and unquantifiable cost in public accountability in particular and economy in general. Otite (1982:16) postulate that, corruption is antidevelopment because it increases operational costs and reduces profits and benefits, it is antigovernment by creating distrust of bureaucrats and other corrupt functionaries hence' it constitutes social obstacle to the execution of projects; it weakens a government by making policy makers timid in taking bold steps to curb excesses of citizens or to reform the system; its costs act as a discouragement to incentives and entrepreneurship; and it creates unwillingness to make sacrifices such as the payment of taxes or the practice of compulsory savings schemes found necessary for social development in a situation where citizens become cynical and where immoral and self-seeking bureaucrats and political rulers display their ill-gotten wealth.

From the foregoing discussion, it can be argued that the misplacement of our value together economic system with mismanagement and political instability in Africa help to enthrone corruption in public offices. These negative values, as Ochiagha (1997:15) observes, "have become so perverse in the overt and covert behaviours of our people today that both the young and the old carry on as if their negative behaviors are equivalent to positive ones.

Scholars like Ali (2007:511), Braibanti (1960:170) as well as the African Development Bank (2006) suggested strategies to control corruption. Ali (2007) suggested strategies for compulsory public declaration of assets and liability by all classes of public servants, inclusion of anti-corruption clauses in all public contract agreements, and adoption of the Chines and Saudi Arabain models for punishment (execution) of corrupt officials. Braibanti (1960) suggested for the societal value reorientation, creation of alternative means of employments, sincere political commitment; precision of investigative and sanction device, and strong judiciary and legislature to restrain bureaucratic excess. The ADB (2006) offers more encompassing strategies to control corruption as: sustained political will and leadership committed to fighting corruption; strengthening institutions; prudent financial management; legal and judicial reform; strong legislature; vibrant civil society organization; international collaboration. It is worthy to note that whatever strategy is adopted as an antidote, it should target the root cause of corruption in the particular country under study.

Anti-Corruption Initiatives in Nigeria and Ghana

Anti-Corruption Initiatives in Nigeria

Transparency International (2007:xix) argued that the major component that motivates anti-corruption projects is to push for laws that criminalize different aspects of corruption". Almost all of the military regimes in Nigeria enacted decrees that sought to do

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this. The first military rule of General Ironsi promulgated the public officers (Investigation of Assets) Decree No.5 of 1966. General Gowon's regime (July 29, 1963 – July 25, 1975) promulgated an anti-corruption decree known as the Corrupt Practices Decree 38 of 1975. Generals Murtala/Obasanjo era (July 25, 1975 - September 30, 1979) set up an Assets Investigation Panel to investigate the assets of Military Administrator, state Federal Commissioners, and other officials. Under their regime, the Corrupt Practice Decree No.39 of 1975 was also enacted. General Buhari and Idiagbom (December 31, 1983 -August 27, 1985) warned that their regime "will not tolerate kickbacks, inflation of contracts, forgeries, fraud and abuse of office" (Guardian 1984).

General Babangida's regime (August 27, 1985 – August 27, 1993) introduced the Code of Conduct Tribunal in 1989 to hear corruption cases. When General Abacha overthrew the Interim National Government (ING) and assumed power (November 17, 1993 – June and 1998), he published the Justice Kayode Esho report on anti-corruption. He instituted the failed Banks Tribunal and promulgated the Advance-fee fraud and other related offences Decree no. 13 of 1995 in an attempt to sanitize the polity.

In the second republic, Shagari's NPN-led Civilian government (October 1, 1979 – December30, 1983) launched the "Ethical Revolution in November 1982 to curb corruption. As a result, government "included a Code of Conduct for public servants in the 1979 constitution and... established a Code of Conduct Bureau to enforce the prescribed behavior (Diamond, 1995). Encouraged by the

initial zeal and enthusiasm that usually accompany electoral victories, the democratic-led government which was installed on May 29 1999, passionately advocated the need to deconstruct and ultimately set Nigeria's quest for accountability on a path of transformation from the paradigm that had for long defined the country's political system. The then president Obasanjo (1999:15) noted that the impact of corruption is so rampant and has earned Nigeria a very bad image and sought to fight it in a manner that had not been followed before.

The Independent and Corrupt Practices Commission (ICPC) was inaugurated on September 29th, 2000 with its objectives contained in section 6 (a – f) of the commission's document. According to the section, it shall be the commission's objectives to:

Where reasonable grounds exist for suspecting that any person conspired commit or to has attempted to commit or has committed an offence under this Act or any other law pro0bhibting corruption to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offenders.

Examine the practices, systems and procedures of public bodies and where in the opinion of the commission, such practices, systems or procedures aid or facilitate fraud or corruption to

direct and supervise or review any of them.

Instruct advice and assist any officer, agency or parastatal on ways by which fraud or corruption may be eliminated or minimized by such officer, agency or parastatal.

Advise heads of public bodies of any change in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the commission thinks fit to the reduce the likelihood or incidence of bribery, corruption, and related offences.

To educate the public on and against bribery, corruption and other related offences.

Enlist and foster public support in combating corruption.

Two judges in each State of the Federation and the Federation capital Territory Abuja were designated to strictly hear corruption case (ICPC Act, 2000).

Another dimension to fight against corruption by the Nigeria government was the establishment of Economic and Finance Crimes Commission (EFCC) Act of 2004 with the following special objectives as contained in part III of the commission document:

i. The commission has power to;
Cause investigations to be conducted as
to where any person, corporate body or
organization has committed an offence
under this Act or other law relating to
economic and financial crimes.

Cause investigations 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.

In addition to the powers conferred on the commission by the Act, the commission shall be the coordinating agency for the enforcement of the provision of:

- The money Laundering Act 2004; 2003
 No.7, 1995 No. 13;
- The Advance Fee Fraud and other Related Offences Act 1995;
- The Failed Banks (Recovery of Debt and Financial Mal-practices in Banks) Act, as amended;
- The Banks and other Financial Institution Act 1991, as amended;
- Miscellaneous offences Act; and any other law or regulation relating to economic and financial crimes including the criminal code and penal code, (EFCC Act, 2004).

In order to complement the efforts of EFCC, promote transparency and engender due process in Nigeria, the democratic government in February, 2004 also established the Nigeria Extractive Industry Transparency Initiative (NEITI) Bill. It functions as the Nigerian subset of a global initiative aimed at following due process achieving and transparency in payments by Extractive Industry Companies to government and government-like entities. In accordance with its mandate, NEITI was created to attain some

set objectives among which include: "to eliminate all forms of corrupt practice in the determination, payments, receipts and posting of revenue accruing to the federal government from extractive industry companies (NEITI 2004).

There were also other policy initiatives that government employed to prevent corruption including the Budget Monitoring and Price Intelligence Unit (BMPIU) or Due Process, whose objectives among others are on public procurement. BMPIU established in June 2003 was administered under the office of the principal secretary to the president. It was an executive creation and as such lacked legislative input.

Anti-Corruption Initiatives in Ghana

The prevalence of corruption in Ghana since independence, despite government's efforts, is as a result of "the structural decay bequeathed by decades of rent-seeking politics of the country's political elites (CDD-Ghana 2000:6). In his famous Dawn Broadcast of 1961, Nkrumah made it clear that government concerned probity about was accountability. Panels of enquiry that were set up after military interventions in 1966 and 1972 to probe the activities of elected leaders proved that the quest for change by Ghanaians was consistent. Sadly, the frustration of Ghanaians and their wish for an end to corruption were the adventurous military exploited by personnel that overthrew governments. Rather than adopt sincere intervention strategies, these subsequent regimes applied politically motivated strategies aimed at humiliating the previous regime in order to gain political

support to entrench themselves in power (Attackora, 2004). Their justification for intervention was to shift blame to some elements that looted state treasury while themselves, a new set of solders went for same public treasury with vengeance. With his revolutions in 1979 and 1981, Jerry Rawlings executed some Former Heads of state and Ministers on the grounds that they abused the public office (General News 1995). His Provisional National Defense Council established the National Investigation Committee (NIC) whose job was to root out corruption and other economic offenses.

John Kuffor, Ghana's 14th president was sworn in on January 7th 2001 and declared Zero Tolerance for corruption as his government's anticorruption action plan. Having been persuaded by that logic, he assured the people that his action plans would include strengthening a couple of anti-corruption institutions that will make it nearly impossible for corruption to be perpetrated. In July, 2003, he created the Office of Accountability (OoA) to oversee the performance of various government functionaries. In January 2004, the parliament passed the public procurement law. The purpose was to regulate the country's various public procurement procedures and also to bring public procurement guidelines to international standards. In the area of public sector management, government passed legislation to strengthen the independence of the Central Bank. Other public institutions and measures were put in place. However, in this work, two main policy instruments, the Serious Fraud Office (SFO) and the Commission for

Human Rights and Administrative Justice (CHRAJ) will be examined.

The new democratic government in Ghana under the legislative Act 466 of 1993 established Serious Fraud Office (SFO) in 1993 with the following objectives:

- i. to investigate of any suspected offence provided for by law which appears to the Director on reasonable grounds to involve serious financial or economic loss to the state or to any state organization or other institutions in which the state has financial interest.
- ii. to monitor such economic activities as they consider necessary with a view to detecting crimes likely to cause financial and economic loss to the state, and
- take such other reasonable measure to prevent the commission of crime which may cause economic loss to the state.

It has a duty to cooperate with such international agencies with the aim of achieving the purposes mentioned above (SFO ACT, 1993).

The Commission on Human Right and Administrative Justice (CHRAJ) was established by an Act of Parliament under Ghana's 1992 constitution. Its establishment is part of the 1992 transition from single-party authoritarian rule to a constitutional democracy with the following objectives:

i. To investigate all instances of alleged or suspected corruption

- and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General resulting from such investigation.
- ii. to issue subpoenas requiring the attendance of any person before the commission and the production of any document or record relevant to any investigation by the commission, and;
- iii. Investigate allegations as to whether a public office holder has contravened or has not complied with the constitutional provisions on Code of Conduct for public officers as contained in Chapter Twenty-four of the constitution (CHRAJ, 1993).

General Outcome

Anti-Corruption reform under both countries are on course but cannot be said to be highly affective. Their reforms do have potentials to reduce corruption appreciably in the near future, but adjustments needs to be made in the reform process. While prioritizing objectivity, strict adherences to due process mechanisms are essential for the success of the campaign. The position of this study is further reinforced by another study by Heritage Foundation and Ford Foundation published under Index of Economic Freedom (IEF). In the report, Nigeria and Ghana's economies categorized under 'Depressed' and 'Most Unfree' categories respectively. Nigeria scored 4% and ranked 146th out of 157 countries listed. In Africa, the only country that was

below Nigeria was Zimbabwe (IEF 2006). Ghana scored 3.29 and bagged the 105th position. In addition to available information from the organizations, in Nigeria, the recurring revelation of high profile corruption cases tell an eloquent story. In Ghana, the low level outbreak of high profile corruption issues is an indication that the project is taking roots. However, the two countries have done positive things in the efforts to curb corruption that cannot be denied. Between 2000 and 2004, the

perception of corruption among public officials came down as opposed to what it used to be previous years.

TI's 2005 report showed that Nigeria moved within a year from third position in 2004 to sixth position, fourteenth position in 2006, thirty-second positions in 2007 and forty-ninth position in 2008 as the most corrupt nation in the world as presented in the table below

Table 3.1 Nigeria Corruption Perception Index

Year	CPI	CR	RCR
1999	1.6	2	98
2000	1.2	1	90
2001	1	2	90
2002	1.6	2	101
2003	1.4	2	132
2004	1.6	3	144
2005	1.9	6	152
2006	2.2	14	142
2007	2.2	32	147
2008	2.7	49	121

Source: Transparency International and World Bank report on Nigeria (1996 – 2012). CPI=Corruption Perception Index, CR=Corruption Rank, RCR=Relative Corruption Rank.

In Ghana for instance, as reported by Ghana Anti-corruption Coalition (GACC) and National Anti-corruption Action Plan

(NACAP,2011), there are governmental anticorruption agencies like the Commission on Human Rights and Administrative Justice

(CHRAJ), Ghana Journalists Association (GJA), Economic and Organised Crime Office (EOCO), Institute of Economic Affairs (IEA), Audit Service (AS), Judicial Service (JS), Attorney General's Department (AGD), Ghana Revenue Authority (GRA), Ghana Police Service (GPS), Financial Intelligence Centre (FIC), Public Procurement Authority (PPA) and Parliament. The Ghana Integrity Initiative (GII), Forum of Religious Bodies (FORB), Private Enterprise Foundation (PEF), Centre for Democratic Development, Ghana (CDD) and many others form some of the non-governmental and private anticorruption institutions. The Corruption Perception Indexes (CPI) on Ghana by Transparency International has indicated that Ghana has always performed below average, scoring below 50 out of 100 points over the past years (TI, 2002-2013). Ghana ranked 63rd earning a minimal 46 points out of 100 performing less than six other African countries(TI,2013). Ghana had a relatively poor performance in the index Economic Freedom (2010) report scoring 39%.

In Ghana it has been estimated that as much as 10% of the total expenditure on infrastructural projects is committed annually to bribery and corruption (Short, 2010). In Ghana, the situation is changing because in a society where corruption was once encouraged and rewarded while the uncorrupted ones were regarded as dumb gyimi (Idiot or Fool) now the corrupt ones are increasingly looking over

their shoulders in fear for example, in 2001, at the Accra Fast Track Court, Youth and Sports Minister Mallam Yusif Isa was sentenced to "a four years jail term, fined 10 million cedes (US\$1,300), and ordered to refund within one month \$46,000 he had stolen, or in default serve additional years for stealing and causing financial loss to the state (Sarpong, 2006). According to the World Wide governance indicator on the control of corruption, Ghana recorded progress from a score of 39.8 in 1996 (indicating the 50th percentile) to a score of 53.4 (representing the 75 percentile) in year 2000 which was before the beginning of Kuffour's administration. There was however a decline in the country's scores between the period from 2002 (49.7) to 2005 (49.1), and then an increase again from 2006 (58.7) to 59.5 in 2009 (chart 3.1). When one therefore compares the country's performance in 1966 to 2009, one sees an increase in scores from 39.8 to 59.5 respectively.

90 80 70 Percentile Rank 60 50 40 30 20 10 0 2009 1996 1998 2002 2003 2004 2005 2006 2007 2008 2000

CHART 3.1: Ghana 1996 – 2009 Aggregate Indicator: Control of Corruption

Source: World Bank 2009 in Agbele 2011.

The above presented evidence from Nigeria and Ghana shows that the anti-corruption institution in both countries has been undeniably essential agent in the fight against corruption.

Theoretical Framework

This study adopts the theory of the state. The state expresses the Unity of Various Institutions in society which crystallizes the total class relations in that society. These relations are domination and subordination (Ekekwe, 1986:1). According to Miliband (1969:49), what the state stands for is a number of government institutions which together constitute its reality, and which interact as part of what may be called the system. Other constituent elements in the state include the bureaucracy, the coercive apparatus, and the judiciary and lower levels of government that exist in the formation.

Liberal scholars posit that the state is a neutral institution that balances competing interests between elite groups. Looking at the state through Westphalian thinking, its raison d' être is to serve as the supreme guarantor of security for a populated territory. In Max Weber's term, the state is that organization that, supposedly, claims a monopoly on the legitimate use of physical force within a given territory which may include the armed forces, civil service or state bureaucracy, courts and police. Laski (1961:1) sees the state as "the crowing point of modern social edifice and its character reveals it as a method of imposing men" principles of behaviour which regulates the lives of men.

Tenets of the State Theory

The major tenets of the state theory include the following:

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- I. It alone has the right to exercise force to compel obedience to its orders. It may impose any penalty, including imprisonment, deportation or death, as it chooses on its citizens.
- II. It is an all-inclusive association, that is, all departments of life are at least potentially under its control while no other association caters for more than a limited department of life. All other organizations and activities within the national frontiers are subordinate to the state.
- III.It is compulsory for everybody, and not voluntary, like other associations. Everybody must belong to a state. He joins one willy-nilly at birth and he cannot withdraw from the state he can from other associations. No individual can ioin another state or even reside within its territory without obtaining the permission of the state.
- IV. The basis of the state is territorial. that is. its jurisdiction includes everybody who was born in a certain of territory stretch continues to reside there is automatically subject to its laws.
- V. It has permanence while other associations are not

- permanents. They may rise, disappear, and reemerge, unite and separate with ease. The state does not have these attributes. The state because of its rigid, unbroken coercive framework of political law, has a permanence and fixity that destiny wishes it from all other association (Maclver, 1966:22).
- VI. It has complete independence and sovereignty. The state is the ultimate source of legal competence. In principle, it is absolutely sovereign. Sovereignty means supremacy and may be defined as the power of the state to make laws and enforce them with all the means of coercion if cares to employ. It has two aspects, internal external. and Internally, it means the power to make and enforce laws upon subjects and associations within its area of jurisdiction. Externally, it means independence of foreign control.

Application of the Theory to the Study

The relevance of this theory to the study is that it is among the few theories that can conveniently match the topic of this study and also explain the realities on ground as regards why corruption and the need for effective anticorruption initiatives. Consider the state with (parliamentary) and non-elected elected (military) rulers in many countries of Africa, Asia and Latin America. The states exercise their powers through government ministries. Parastatal bodies enforce their rules and regulations through the colonially structured judicial systems, the policy and ultimately the armed forces (Fadahunsi 1982). These states have also created institutions for controlling corruption and the general economic system. Institutions like anti-corruption organizations, central or reserve banks, rural and industrial development banks, marketing boards, etc are direct means by which the state authorities exercise direct control over the economy. Fiscal and monetary policies are also designed for indirect control of the activities of the socalled entrepreneurs in the private sectors of the economy. And in an essentially capitaliststate system the role of the state is pervasive and therefore critical to the control of corruption at all levels of activities.

The power of the state is therefore felt by all the leading actors in the pro-corruption and anti-corruption arena. Third world countries, according to Beenstock (1975:22), during the past three decades can rightly be attributed to the policies that have been these governments. pursued by implementing socio-economic policies the role of corruption-basing decisions on illegal and dishonest acts has varied from one state to another. In states where the leaders are corrupt, the whole society becomes inevitably ridden with corrupt practices. Offering bribes has thus become a way of life. In state where the elites, especially the top political leaders, have remained morally disciplined and honest, corrupt practices are considered social aberrations or a carry-over of some traditional practices which in our model will not constitute part of the analysis.

Recommendations and Conclusion

Having studied several anti-corruption institutions of Nigeria and Ghana, we identified some problem areas hence the following recommendations.

There is urgent need for the mental transformation on the part of government of both countries. A mental change requires a new perception and a change of behaviour or ideas and values in the public service. In most African nations, the strength of character and restraint required to manage public office is lacking. Without cultivating and sustaining the right principles and mindset required of an orderly society, fighting corruption will amount to nothing. Therefore, the precondition for reducing corruption is the assumptions of power by leader with reformist administration that is willing, interested and capable of pursuing a public-oriented anticorruption policy.

As argued earlier, government anticorruption policies are not entirely useless but more efforts are to be put in credibility buildup for some of the public institutions, consequently, assessing the state of current framework will help governments to determine whether and how they would improve the procedure for dealing with corruption cases. Government should solicit participation of Community Based Organizations (CBOs) and Non-Governmental Organizations which are often better placed to identify patterns of corruption and suggestions for possible qualified personnel.

The process of hiring the chairman should be both transparent, consultative based on qualification and reliability. Conditions of appointment, tenure and removal should be clear, with guarantee of independence so that political, religious or tribal sentiments will not influence his sense of judgment. Staff remuneration should include a good welfare package so that qualified and competent individual will be attracted. As a matter of priority, anti-corruption institutions should be provided with enough funding and other logistics allow it undertake to responsibilities effectively. Activities of the anti-corruption institutions need to regularly reported, without being edited by government. Its findings should be made public in an easily accessible from those persons whom the bodies find culpable for committing or directly encouraging or permitting diversion of public funds should summarily be tried in the law court.

Again, the international sponsors, collaborators and assistance should use the records of anti-corruption commission actions in promoting accountability as a condition for any financial sponsorship. So, international collaboration in the areas of training, technical assistance and logistical support should be provided to those nations who demonstrate a solid record of objectivity and impartiality. It will be helpful if they will possible, devise a means of monitoring and evaluating the activities of anti-corruption institutions on regular basis. This will enable other countries to design their own policies in response to the

problem. They could as well benefit from the perspectives of those who view the problem from a global dimension.

In both countries, the anti-corruption institutions are mandated to seek approval from the AGF before initiating prosecutions. presupposes lack operational of independence and slows the speed of prosecutorial process. Thus, sponsors should be willing to publicly condemn, those steps taken by government to undermine the institutions independence and action. When sponsors are willing to deny financial and logistic support to the commissions that are silent in the face of known corruption cases involving high profile public officer, it will help put both the government and the institutions on their toes. If the sponsors provide greater support for regional personnel trainings as well as international, there will be chances for experiences from different backgrounds to be shared and exchanged.

This study has assessed anti-corruption initiatives in two West African countries (Nigeria and Ghana). Out of the two countries, Ghana appears to have been more proactive. The World Bank (2006:3) in a study report, Engaging the Fragile states, characterized and listed Nigeria in the category of a fragile state alongside Burundi, Afghanistan, Somalia, etc. In the report by its Independent Evaluation Group (IEP), the bank notes that fragile states are characterized by significant corruption break down in the rule of law, absence of mechanisms for generating legitimate power and authority, weak policies and institution. Each of the characteristics enumerated by the bank is well represented in

Nigeria. Ghana may not be in the league of states with abundant government resources for development, but she does not have fractured relations among societal groups and not listed. In TI's 2007 Corruption Perception Index, (C.P.I), Nigeria bagged 147th position and scored 2.2% while Ghana was in the 69th position and got 3.7%. Also, in the UNDP's (2007) annual human development index report', out of 136 countries, Nigeria was ranked in the category of Low Human Development and bagged 120th position while Ghana was ranked in the category for Medium Human Development and got the 101th position. The result of three rounds of Afrobarometer public opinion survey (1999-2007) shows a sharp drop of perception of corruption among public office holders in Nigeria and Ghana. The study set out to find out if lack of autonomy hindered the strategies in combating corruption in Nigeria and Ghana. The study sought to also find out if inadequate funding negatively affected the anti-corruption initiative in both countries. Findings from the study shows that, action against corruption in both countries has intensified over the last decade with the development of several anticorruption initiatives including establishments and institutional reform programmes and harmonized efforts with emerging international initiatives, unquestionably, there has been relatively better performance compared to most of their peers on the African continent

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