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Corruption and Military Rule in Nigeria: An Over View 1966-1999

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Introduction- In the discussion of such a topic as corruption which is a perennial subject of global concern one may start by defining some important terms in the topic.

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Corruption and Military Rule in Nigeria: An Overview 1966-1999

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I. INTRODUCTION

In the discussion of such a topic as corruption which is a perennial subject of global concern one may start by defining some important terms in the topic.

Corruption is an act done with an intent to give some advantage inconsistent with official duty and the right of others. The act of officials or fiduciary person who unlawfully or wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to his duty and the rights of others.¹

Corruption has never been condoned by any legal system. Official corruption is legislated against in our statute books and the military is not as exception in the regards. For example section 98 of the Criminal Code provides² : inter alia, "that any person who being employed in the public service, and being charged with the performance of any duty by virtue of such employment not being a duty touching administration of justices, (a) corruptly asks, receives, or obtains any property or benefit of any kind for himself or any other person on account of anything done or omitted to be done or afterwards done or omitted to be done by him, in the discharge of his office, or corruptly gives, confers or procures or attempt to procure or promises or offers to give confer, or to procure or attempt to procure, to upon or for, any person employed in the public service, or to upon, or for any other person any property or benefit of any kind on account of any such act or omission on the part of the person so employed is guilty of a felony, and is liable to imprisonment for seven years".

II. EXTORTION BY PUBLIC OFFICERS

Section 99 of the Criminal Code provides: "Any person who being employed in the public service, takes or accepts from any person, for the performance of his duty as such officer, any reward beyond his pay and emoluments, or any promises of such reward is guilty of a felony, and is liable to imprisonment for three years."

On assumption of powers in most third world countries where they did military on their part have

always portrayed a Messianic and idealistic image of themselves. For example, Late Major Patrick Chukwuma Kaduna Nzewgwu on announcing his coup on January 15 1966 said among other things: my dear countrymen no citizen have anything to fear as long as that citizen is law-abiding. Our enemies are political profiteers, windlers, the men in high and low places that seek bribes and demand ten percent, this that seek to keep the country divided permanently so that they can remain in office as ministers and VIP of waste, the tribunals, the nepotistic, those who make the country big for nothing before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds".³ Nzewgwu dispelling rumor about the tribal characteristic of the punch and its victims, emphasized and reiterated that the aim of the coup was to establish a strong, united and progressive nation free from corruption and internal strife.

These lofty idea was shortlived as the coup was hijacked by senior military adventurists, who put paid to the young officers' aim. The history of the nation was to take a different shape. The nation witnessed orchestrated corruption that made the reason why Nzewgwu seized power a mere child's play.

Not much could be said about the short-lived regime of Ironsi that followed Nzewgwu's putsch, though it tried to lay down the parameters of addressing the problem of corruption in Nigeria. The Gowon era which lasted for about nine (9) years witnessed corrupted in such an unprecedented scale that would have made Nzewgwu shudder in his grave. Government hoped to lay down guidelines and a new standard for the conduct of public officers in this country.⁴

Mohammed's purge was not limited to state governors alone it spread to the judiciary, the police, the civil service, some parastatals and even the Universities. Several public officers were dismissed for corrupt practices, or retired with or without benefits. For redundancy or similar reason. At the end of the great purge, at least 100,000 workers were dismissed from the civil service for corrupt practices.⁵ Some of the dismissed may have been wrongly done, but on the whole, Mohammed's purge was reckoned by the majority of Nigerian has salutary effect on public life in Nigeria, albeit only temporarily, as it did not deter the

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¹DeLux Black's Law dictionary, sixty edition page 345.

²Cap 77 LFN, 1990.

³Makers of Modern Africa: Profiles in History Published by Africa Limited first Edition page 473.

⁴Ibid p. 68

politicians of the second Republic from engaging in massive corruption.

III. THE BUHARI/IDIAGBO PERIOD

Gen Mohammed Buhari claimed that his regime was an off-shoot of the Murtala Mohammed/Obasanjo regime. He tried to restore sanity to the Nigerian society and attempted to wipe out corruption from our period life in Nigeria (i.e before the coming of Babangida) Buhari, like Mohammed presumed all the political office holders in the second republic guilty of corruption until they proved otherwise. He dumped them all into detention and set up numerous Tribunals both at the Federal and State levels to probe them. The findings which emerged from the Tribunals were shocking.

Under Decree 3 of 1984 (Recovery of public Property) which took retroactive effect from September, 1979 many were found guilty of several counts whose jail terms totaled hundreds of years, in addition to forfeiture of some and refund of the ill-gotten sum of money. Under the slogan WA (War Against indiscipline) Buhari and his deputy Idiagbo attempted to bring sanity into the Nigerian society by force.

IV. THE BABANGIDA YEARS (1986-1993)

The efforts of Murtala Mohammed and Muhammadu Buhari were undermined by the Babangida Regime. Not only did the regime encourage corruption, but pardoned corrupt officials convicted by his predecessors and returned their seized properties. The inglorious regime officially sanctioned corruption in the country and made it difficult to apply the only potential measures (long prison terms and seizure of ill-gotten wealth) for fighting corruption in Nigeria in the future.⁶ Worse still, Babangida reversed the dismissal by Mohammed and promulgated a Decree which not only restores the ranks of the dismissed erstwhile military governors, but also returned their seized assets.

Right from the outset Babangida sent signals that his intention was to release all the politicians who had been detained or jailed by Buhari, in order to buy popularity. He however later set up a Judicial Tribunal which reviewed then cases of the jailed politicians on the assumption that Buhari's action was an excessive exhibition of zealotry.⁷ Based on the recommendations of the Judicial Tribunal, the Babangida regime reduced the sentences of more than 50 convicted former public officials and acquitted 12 completely⁸ distribute largesse to cronies. By 1991, Babangida had appointed

altogether at least 70 governors, some of whom were redeployed from one State to another. When one adds these to frequent changes of his ministers, members of his Armed Forces Ruling Council (AFRC) and the proliferation of institutions such as MAMSER, DFFRI, Better Life Programme, Center for Democratic Studies, National Council for Intergovernmental Studies- all in order to give job to the boys one begins to visualize the volume of corruption during the Babangida regime. Some of the apologists of Babangida have given us an insight into his attitude towards corruption.

"it would appear that Babangida humane disposition worked against any aggressive vigorous and ruthless was against all forms of corruption in the society... there seem, to have been an underlying philosophy, if you like, thinking, within then corridors of power n that these are "legitimate and legal loopholes" that can be exploited by public officers to make money and ensure their conform and that of their families after public office. After all, it really makes no sense for a top public officer to retire into a life of want or "socio – economic oblivion" especially when it is recognized that the same officer would have during his tenure made a good number of contractors millionaires or at least "thousand naires". Would it be morally wrong for such an officer to accept gift of cars or house given by favoured contractors or companies in a competitive bid for contract? From experience, most Nigerians would call that officer a fool, should he reject such offers and finally come out of public life, in deed of a car or a house."⁹

Under the looter in chief Babangida the Mobutu syndrome of "take what you need but don't take everything and get caught", became entrenched in public life.

V. THE ABACHA YEARS

Under Abacha who came to office in 1993, corruption and stealing walked on four steady, sure legs. The monstrosity of the Abacha fraud machine had bewildered the nation: Nigerians were appalled at how Abacha ran the country's treasury and economy like his own personal estate. Abacha was corruption personified. After the equally, unsavoury reign of Babangida, Nigerians thought that the worse over. Abacha changed that so much that just a years after he came into office as Head of the junta, creative Lagos school children drawing from the failed promises, and track record of looting and plundering, soon found a praise, an acronym that defined the man "Afeter Babangida, Another Criminal Has Arrived" (ABACHA). The late general lived this acronym to the fullest.

⁵Anthony Kirk- Greerv and Donglas Rimmer, Nigeria since 1970: A political Economic Outline, London Hondder and Stronghton, 198, p. 11.

⁶Corruption and Democratization in Nigeria: Published by Freindrich Ebert Foundation (1996) Chapter2, Nigeria in Search of Political Culture: The political Class Corruption and Democratization by M.O Moduagwu (p. 17)

⁷Dickson Agedah, corruption and the Stability of the Thirds Republic, Lagos Perceptions Communication, 1993, p. 26

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⁹Agedah, op cit p.48.

Abacha, his cronies and his family ran an extensive corruption business that has all the looks of the Italian La Costra Mafia. His cravings for political power was matched only by a greed that often bordered on the bizarre and macabre. Under Abacha in order to perpetuate corruption, state apparatus were relegated into the background and they lost autonomy. Key ministries like petroleum, sold minerals, fiancé, works and housing, transport, industries and parastatals operated under the nose of the Abacha presidency. Ministers were utterly powerless if they did not join the fraud roller coaster'. By this time Abacha's three eldest children were already into the family business, in what seemed like a chapter straight out of Indonesia's Suharto's corruption guide book. As President of Indonesia, Suharto helped his family build an extensive business empire based on government contracts and patronage. As Head of Nigeria's Military junta, while it lasted those who wanted a taste of Nigeria's rich pudding only had to tap on Abacha to succeed.

Abacha's late son Ibrahim provided contracts for many. Until he died in a plane crash in 1996, Ibrahim was evidently Abacha's business arrowhead handling discussion with the many contractors that bombarded Aso Rock. He also had another role: the channeling of family investments. When Ibrahim died, these roles devolved on Mohammed (currently facing murder charges) and so some extent, Zainab the third child and first daughter. The children had no clear cut corporate roles. What mattered was making in cash at whatever cost to both treasury and country. And the deal looked pretty easy. They faced stealing, it was subcontracting, over invoicing, importation and beer faced stealing. It was fraud incorporated. Through a well engineered scheme Abacha successfully crippled the Nigerian economy in order to make for his family and cronies.

By the time the late dictator died the "Times" of London reported that he and his family were worth some 3.5 billion pounds sterling or \$5.6 billion (\$ 476 billion)¹⁰. This is just about a little less than the total value of Nigeria external reserve put at \$7 billion last year but which sources say had been dipped into to make for a shortfall in oil revenue expectations due to reduced oil price.¹¹ Sources hint that the Abacha family may indeed be worth about \$ 8 billion or more (at least some \$ 700 billion). At this Abacha, in under 5 years as Nigeria's maximum ruler, bested the worst of Africa's tribe of thieving dictators Mobutu Sere Seko who ate the height of his 3 decades' rule, had the unique record of having lent part of his loot back to his country. Mobutu was worth a mere \$ 3.5 billion according to a French magazine "Levenement du Jeudi".

VI. THE PERIOD OF ABDULSALAMI ABUBAKAR

Over the years, the conduct of Nigerian's military juntas has proved that looting the national treasury is largely the exclusive preserves of the comrades in arms. However, during Abacha's time he extent of the involvement of ministers and civilian appointees left Nigerian dumbfounded. When Abubakar stepped into Abacha's shoes and radiated some innocence, many Nigerians though perhaps his regime would be different from those of his rapacious predecessors. How regime would be different from those of his rapacious predecessors. How wrong they were! It has since become obvious that even as the junta pretended to be inquiring into alleged stolen billions under Abacha, the new helmsman positioned himself, friend and military colleagues for the next round of raiding the public treasury. And it did not take a long time for hints of something gone awry to emerge.

A few weeks after Abubakar became head of the junta, about \$50 million was discovered to be missing by the national economic intelligence Committee, NEIC led by Professor Samuel Aluko. The head of the junta chose to cover up this 'early morning' shock. In order to make up for the missing millions, Abubakar who had just arrived from a tour of Britain, United States and France at the time, hurriedly embarked on another tour of some West African States. Sources said this provided a perfect explanation to cover up the missing million. In the end, it was said that the missing amount was used to offer assistance to needy neighbouring African countries.¹² What became clear to discerning insiders was that another era of kleptomania had got off to a well packaged start, with Abubakar himself playing a central role. Already an ugly picture was emerging, indicating that a lot of brasshats in Aso Rock were capitalizing on the head of the Junta's weakness to perpetuate fraud. And as it is customary with every military junta, several tribes of over light millionaires were being made through inflated contracts, outright diversion of public funds, allocation of choice oil blocs and fraudulent allocation of money under the pretext of officialdom. The tactics for looting are many and varied but what appeared most outstanding is that, given short span of this junta, a lot of spurious contracts were awarded. Some of the spending spree are under listed below.

- Reuters New agency reported, that about N60 billion would be spent by ministries in 26 days.¹³
- When Abacha died the external reserve was \$7 billion. But went down to just \$ 4 billion.¹⁴
- The contract for CBN headquarters building in Abuja was reportedly awarded for about N15 billion,

¹⁰Tell, May 17, 1990 (p. 21)

¹¹Ibid (p.22)

¹² Tell, May 17, 1999 (p.21)

¹³Ibid (p. 22).

while that of the Defence Headquarters is put at 2Nbillion

- d. For the Nigeria '999 Lucrative contracts were given to some members of the junta to supply telecommunications equipment worth \$50 million.¹⁵

The various military governors under Abubakar were no better, those in the so called lucrative states also dipped their fingers into the treasury of such States. For example, the so called wonder boy of Lagos Buba Marwa, to most Lagosian is simply a crafty cheat who blindfolded the people through populist programmes while "fraudulently" enriching himself with little or no suspicious.

One can sum up the position of what transpired during military rule in Nigeria in the words of Professor Sam Aluko "when a national gives its rule to the military, the national is finished. When a soldier captures a city he loots it. When a soldier captures a country what do you expect?. He loots it"

VII. PECULIAR NATURE OF THE MILITARY WITH REGARDS TO CORRUPTION

Military rule by nature is characterized with arbitrariness. By virtue of the fact that they are not accountable to anybody or representatives such as parliament or National Assembly makes them vulnerable to all sorts of abuses. The consequence of which is corruption. Corruption flourishes in a situation of unaccountability, and is exacerbated by absolute discretion. Corruption grows like cancer and pushes whatever limits there may be if there are no limits and controls. A corrupt regime is the one most likely to abuse human rights in order to repress the accountability and transparency which would reveal the dishonesty of the culprits. These appear to be the fate of Nigerian which have had to be under one form of military administration or then other for almost 29 years out of 39 years of political independence.¹⁶

VIII. EFFECTS OF CORRUPTION

1. It discourages industry and honesty. This clearly affects productivity and therefore development.
2. Corruption, especially in form of bribery adds to cost, increase prices and reduces the capacity to purchase. This is had for the economy.
3. Corruption leads to leakages in the economy. It therefore does not make for effective planning and subsequently it affects the quality of life.
4. Corruption introduces distortion in the society. It makes some to become excessively rich while others, usually the¹⁷ majority poor. This in turn distorts consumption patterns which is not in the

national interested. It also introduces distortion in the polity as only the affluent shows some degree of patriotism.¹⁸ The military years exhibited all the above tendencies even in an more massive scale than postulated by the learned writer.

IX. EFFECTIVE OF CORRUPTION UNDER THE MILITARY

The major effect is that military rule with its unabated corruption brought untold poverty and mystery to Nigerians. A country which at a particular time paid civil servants wages for the Caribbean could no longer meet its waged demands.

- i. Development as earlier stated became hampered by corruption... in 1984, ten years after the oil boom, per capital income of average Nigerians was no higher than that of 1974.
- ii. In 1980 the economy declined at a rate of 0.4% annually.
- iii. In 1990- Nigeria was the 17th poorest country in the world. Despite Oil wind fall, the per capital income was lower than those of India and Kenya (same year \$12billion gulf war oil windfall was unaccounted for).
- iv. In 1996 Human Development Report (UNDO) ranked Nigeria 137th out of 174 in its index of development
- v. Declining Oil Revenues 1997 (\$12 million) 1998 (\$19 million) 1999 (\$ 8million). Estimates of Abacha's cash worth £3.8 billion of \$ 5 billion¹⁹ Whatever the country had lost in terms of development subsequently became those of the looter and their fellow adventures in power.

A few examples will reveal the position that what those officials during military rule have stashed away are more than the spending of some states in Nigeria.

1. Lagos State 1998/1999 capital expenditures = N3.4 billion Jeremiah Unseni N4 billion.
2. Total Health Budget 1998/99 = N35million. \$400 million (N35billion) found in one of Abacha's Accounts.
3. Total amount recovered from Abacha's friends (Gwanzo and Co) = N68billion. Almost equivalent to the budget of 36 states. NEPA needs N9.6 billion to restore Egbin Thermal Station. Universities went on strike for 7 months for N 3.billion.
4. Ajaokuta debt buy back N2billion. In excess of all that PTF has spent in all 3 years of its existence to pay up all bills and wages etc.²⁰

of Corruption on Political Reform and Economic Recovery of Nigeria organized by the Nigerian Institute of Advanced Legal Studies, Lagos on the 31st March, 1999.p. p.7.

¹⁸ Professor J.F. Akingbade: "Corruption

¹⁹ Professor J.F. Akingbade: "Corruption in the Civil, Society: The Rule of Students Body, Non Government Organizations: Academic, Religion organizations the general popular.

²⁰Ibid (p.7)

¹⁴Ibid (p.23)

¹⁵Ibid (p.234)

¹⁶Ibid (p. 2 25)

¹⁷Olukayode Taiwo: "Corruption in the Civil Society: The Rule of Institutions" Paper presented at a two-day round table on the impact

Another sad aspect of the effect of corruption on the nation are the existences of abandoned projects all over the nation. Most of these projects are internationally financed and while they are not

completed the loans keep on accruing interests while some are totally cancelled by the financing institutions. The following chart is a breakdown of major ADB projects in Nigeria as at October 1996.

X. ADB PROJECTS IN NIGERIA AS AT OCTOBER, 1996

| S/ N | PROJECT | YEARS OF APPROVAL | AMOUNT IN MILLION | % OF DISBURSEMENT | STATUS |
|------|---|-------------------|-------------------|------------------------------|--|
| 1 | ANAMBRA/Enugu Rural Infrastructure Project | 1989 | \$122.55 | 63.70 | Inadequate counterpart funding unsatisfactory performance local contractor |
| 2. | Edo/Delta water supply project | 1990 | \$188.11 | 100.04 | 75% complete loan exhaust with cost over |
| 3 | Ibadan water supply project | 1986 | \$39 | 75.96 | Mixed |
| 4 | Forestry development project Ondo/Ogun | 1986 | \$104 | 38.12 | Inadequate local counterpart contribution |
| 5 | Nigeria Agricultural ^ Co0operative Bank NACB institutional strengthening project | 1992 | \$69.15 | 66.81 | Poor management/irregular audit reports and quarterly progress reports. |
| 6 | Savanna sugar Rehabilitation | 1991 | \$68.7 | 5.52 | |
| 7 | Hadejia Valley irrigation | 1991 | \$55.26 | Notice of cancellation given | |
| 8 | Forestry Resources Study | 1993 | \$40.8 | 26.84 | Default in Implementation |
| 9 | Bacita Sugar Expansion | 1989 | \$101.22 | 78.51 | On going |
| 10 | Plateau State Water supply | 1991 | 14.1 | 49.87 | |
| 11 | Bauchi State Health | 1990 | \$33.855 | 100 | 85% completed loan exhausted with cost overruns |
| 12 | Bauchi township water supply | 1988 | \$67.425 | 100 | Completed satisfaction |
| 13 | Kwara /Kogi/Niger Health project | 1991 | \$19.62 | 65.34 | Inadequate counterpart funding |
| 14 | Multi- State health service rehabilitation Kebbi/Ondo/Ogun | 1992 | \$82.89 | 6.10 | inadequate counterpart funding |
| 15 | River State Rice | 1991 | \$2.07 | 72.46 | Loan cancelled notice given |
| 16 | Line of credit to Nigeria Industrial Development Bank | 1989 | \$120 | 84.91 | |
| 17 | River Basin Irrigation Planning Study | 1992 | \$5.52 | | Loan cancelled October 1996 being inactive |
| 18 | Animal vaccine and drug production | 1992 | \$0.78 | | Loan cancelled October 1996 being inactive |
| 19 | Ibadan- Ilorin High way | 1994 | \$1.17 | | Unsigned canceled in 1996 |
| 20 | Industrial Exports Support | 1993 | \$2.25 | | Loan cancelled in may 1996 government request |
| 21 | Bank Note and Security paper | 1994 | \$85.59 | | Unsigned cancelled in 1996 |
| 22 | Gombe Water Supply | 1994 | \$76.65 | | Unsigned loan cancelled in May 1996 |

Source: New swatch, October 19, 1991

Of the 22 projects covered by this chart only was successfully completed. All the others are marred by the irregularity or the other and it is safe to conclude

that the projects will not be completed or will be complete at excessive cost to development. A principal unseen factor in all these projects, the multinational

companies or their local subsidiaries handling the usually technical projects and the international consultant usually appointed by the multilateral lending agency²¹.

S earlier indicated the sad commentary is that whether or not these loan are profitable the country is obliged to pay back because loans of multilateral agencies are regarded as senior debts which cannot be written off²². The country has to source foreign exchange which could be put to more productive use to service loans on failed projects. Little wonder then that the president of the World Bank said recently that there is a strong positive relationship between corruption and economic growth²³. He also confirmed that the country with high corruption levels which fails to do something about it risk being perpetually out of the world economy.²⁴ Under the military the worst charters have come to the forefront on the state apparatus and the nation has become impoverished by this unfortunate disaster.

XI. CONCLUSION

The country is just shedding of the yoke of militarism and kleptocracy which has plagued us for a long time. While one should appreciate the various efforts of the Obasanjo regime to start on a clean state' the fact remains that the army had always and did operate with willing civilian collaborators some of who have inroaded themselves into this present administration. The government should take more concrete steps to stamp out the cancer of corruption.

The current anti-corruption bill presented to the National Assembly by the President is a welcome idea. However, a long term and positive position should be taken by the government to deal with corruption. Corruption, like the armed robber is not a spirit, to sue a popular radio and television jingle. It can be tackled not by the use of law only but also by the total reform of the political and economic orientation of the society in Nigeria for example there are basic factors which fuel. For corruption. One of this mediocrity. The placement of square pegs in round holes in vital areas of Nigeria's pubic service in the name of federal character has fuelled corruption as mush as any feeling of insecurity because the mediocre and incompetent public officer will gratify self and cronies to stay in office at all costs to ensure a position which isa constantly in need for excellence. In the process excellence is frustrated and development stultified.²⁵

There is a need for re-orientation of the society at large, a public awareness programme. It may do the country a lot of good if the campaign starts from public institutions. The period of a wasted generation" by the army as Professor Wole Soyika put it has imbibed into children and youth and almost everyone a culture of corruption and hence graft. That is nothing goes for nothing. Though it is very important that those who used their position to plunder the country's resources should be dealt with as it is being currently pursued, a long term measure need to be put in place. The country should wake up from the problem created by past military kleptocracy to face the next millennium and create a country for which coming generations can be proud of. While a totally corruption free society is an impossible or utopian task, we can join countries such as Bostwana where it has been reduced to the barest minimum. This will create an atmosphere for meaningful growth and sustained development.

²¹On the Impact of external loans on development see Bolaji Owasanoye "Development and External Loans Paradox of Incompatible". Nigerian Current law Review (995) at p. 110

²²See generally, Ayua and Owasanoye External Debt and financial Management in Nigeria Institute of Advanced Legal Studies 1997

²³ Guardian Wednesday, March 17, 1998 at p. 29

²⁴ibid

²⁵ Bolaji Owasanoye, Corruption an Enemy within (p.15)