

Democracy Deficit and the Deepening Crisis of Corruption in Post-Authoritarian Nigeria

Navigating the Nexus

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Abstract

This essay, which is based on desk analysis, examines and navigates the nexus between the democracy deficit and the deepening crisis of corruption in post-authoritarian Nigeria. It observes that democratic institutions, in place in Nigeria since the termination of the authoritarian order in 1999, have demonstrated limited capacity to minimize the opportunity for corruption, contrary to the expectations in the donor community. The essay concludes that as long as the Nigerian petro-state and extant institutions of democratic accountability, such as the executive branch, remain trapped in a prebendal orbit, political corruption and all its antimonies will remain pervasive in the country.

Keywords: Authoritarianism, corruption, democracy, democratization, prebendalism.

Following the famous “cancer of corruption” speech by Jim Wolfensohn, former World Bank president, about two decades ago, the liberal age-long axiom, that liberal democracy and its institutions once established reduce the incidences of political corruption, began to receive serious scholarly attention.¹ However, as exciting and illuminating as these studies were, a great

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¹ See among others, Torsten Persson et al., “Separation of Powers and Political Accountability,” *Quarterly Journal of Economics* 112 (1997): 1163-1202; Petter Langseth, “Prevention: An Effective Tool to Reduce Corruption,” paper presented at the Global Program against Corruption Conferences, Vienna, December 2, 1999, pp. 2-38, <http://www.unodc.org/pdf/crime/gpacpublications/cicp2.pdf/> (accessed August 10, 2017); Alan Doig, “In the State We Trust? Democratization, Corruption and Development,” in *Corruption and Democratization*, ed. Alan Doig and Robin Theobald (London: Frank Cass, 2000), 1-13; Wayne Sandholtz and William Koetzle, “Accounting for Corruption: Economic Structure, Democracy, and Trade,” *International Studies Quarterly* 44 (2000): 31-50; Hamid Mohtadi and Terry L. Roe, “Democracy, Rent Seeking, Public Spending and Growth,” *Journal of Public Economics* 87, nos. 3-4 (2003):

percentage of them seem to have been skewed toward the experiences of the countries of Latin America, Southeast Asia, and Eastern Europe, to the neglect of democratizing African countries. Yet, since the embracement of the global democratization wave, African countries have remained mired and trapped in the crises of democratization² and political corruption.³ This observed gap in the literature stirs the need for this research.

In the light of the pressing need for such studies, this essay critically examines the capacity of institutions holding democratic accountability in post-authoritarian Nigeria to reduce corruption, with the aim to further deepen the discourse concerning the democracy—corruption nexus in a democratizing society. The essay is partitioned into six sections. This introductory preamble establishes the background and the rationale for the discourse. It is followed by section two, which clarifies and contextualizes the concepts that are germane to this study. This is followed by a review of the literature on the democracy—corruption nexus, which provides the theoretical direction for the essay. The fourth section undertakes a critical assessment of key institutions of democratic accountability in post-authoritarian Nigeria, presenting in fair detail their weak capacity to reduce the incidences of corruption.

The section that follows identifies and explains some of the factors responsible for the democracy deficit and the deepening crisis of corruption in Nigeria. The sixth section concludes the essay. The essay argues and theorizes that the problems of the democracy deficit and the deepening crisis of corruption in Nigeria that result from the incapacities of democratic institutions, especially those charged with public accountability to reduce the incidence of corruption, cannot be divorced historically from the content and character of the democratization project imposed on the country at the inception of colonialism and the undemocratic, neopatrimonial, and rentier character of the Nigerian petro-state.

445-466; Shyamal K. Chowdhury, "Do Democracy and Press Freedom Reduce Corruption? Evidence from a Cross Country Study," *ZEF-Discussion Papers on Development Policy*, no. 85 (Bonn, Germany: University of Bonn, Center for Development Research, 2004); and Cesar A. Calderón and Alberto Chong, *Do Democracies Breed Rent-Seeking Behavior?* Working Paper No. 534 (Washington, DC: Research Department for the Inter-American Development Bank, 2005), 9-11.

² See Michael Bratton and Robert Mattes, *Neither Consolidating nor Fully Democratic: The Evolution of African Political Regimes, 1999–2008*, Afro Barometer Briefing Paper, No. 67 (Accra, Ghana: Afrobarometer, 2009).

³ Morris Szeftel, "Between Governance and Underdevelopment: Accumulation and Africa's Catastrophic Corruption," *Review of African Political Economy* 27, no. 84 (2000): 287-306; Nsongurua Udombana, "Fighting Corruption Seriously? Africa's Anti-corruption Convention," *Singapore Journal of International & Comparative Law* 7 (2003): 447-488; and Adeniyi Basiru, "The Festering Sore of Political Corruption in Africa and Its Implications for Democratic Consolidation," *Africa Insight* 43, no. 4 (2014): 72-80.

Conceptual and Definitional Matters

Even though many concepts might require conceptual dissection, two are of central significance in this essay: democracy and corruption. What is democracy? What is corruption? It must be stressed that it is not an easy task to define them, as the two concepts are, to borrow Williams Gallie's elegant phrase, essentially contested.⁴ This problem is more pronounced with the concept of democracy, which, in spite of its popularity since the end of the Cold War, has defied precision of definition⁵ because of its eclectic nature.⁶ Putting this in perspective, Adam Przeworski et al. aver,

Almost all normatively desirable aspects of political life, and sometimes even of social and economic life, are credited as definition features of democracy: representation, accountability, equality, participation, dignity, rationality, security, freedom—the list goes on. Indeed, according to many definitions, the set of true democracy is an empty set.⁷

Regardless of the contentions about the definitions of democracy, the liberal perspective seems to have been the most popular since the end of the Cold War.⁸ In the liberal sense, democracy is conceived as a political order that limits the power of the state's governing institutions within an established constitutional framework. The *raison d'être* being to secure and protect people's rights against unwarranted interference from the state and its functionaries. In the words of Roy Hague and Martins Harrop, "Liberal democracy is limited government. The goal is to secure individual liberty, including freedom from unwarranted demands by government."⁹ In a similar vein, David Beetham is of the view that "democracy cannot in practice subsist without an autonomous sphere of citizen will, separate from the state."¹⁰ The point is that democracy,

⁴ See Williams Gallie, "Essentially Contested Concepts," in *The Importance of Language*, ed. Max Black (Upper Saddle River, NJ: Prentice Hall Press, 1962), 170.

⁵ Oarhe Osumah, "Democracy and Disorder: Impeachment of Governors and Political Development in Nigeria's Fourth Republic," *Taiwan Journal of Democracy* 11, no. 2 (2015): 164.

⁶ Nathaniel Danjibo, "Can Federal Democracy Manage Identity Conflicts in Nigeria," in *Dynamics of Peace Processes*, ed. I. O. Albert and I. O. Oloyede (Ibadan/Ilorin, Nigeria: John Archers/CPSS, 2010), 52.

⁷ Adam Przeworski et al., *Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990* (Cambridge, UK: Cambridge University Press, 2000), 14.

⁸ See Andrew Coleman and Jackson Maogoso, "Democracy's Global Quest: A Notable Crusade Wrapped in Dirty Reality," *Suffolk Transnational Law Review* 1 (2005): 175.

⁹ Roy Hague and Martins Harrop, *Comparative Government and Politics: An Introduction* (New York: Palgrave Macmillan, 2007), 49.

¹⁰ See David Beetham, "Freedom as the Foundation," *Journal of Democracy* 15 (2004): 61–65.

in the liberal sense, sets the boundary in which the state and the citizens operate. In other words, democracy defines the rights and claims that the citizens make against the state as well as the obligations of the citizens toward the state and its institutions. Theoretically speaking, a liberal democracy is characterized by a diverse array of institutions. Specifically, these institutions include: a constitution, which defines the power of the various organs of government; the electoral system, which stipulates how decision-makers are recruited periodically; rule of law, which institutionalizes due process and legal equality; a system of checks and balances, curtailing executive recklessness and tyranny; an independent judiciary, calling the executive and the legislature to order when the provisions of the constitution are breached; and a free press, which helps to protect the civil liberties of individuals against arbitrariness in the exercise of power.¹¹ Collectively, these institutions characteristically differentiate liberal democracies from autocracies.

However, it is instructive to note that, while these afore-referenced institutions broadly depict the characteristics of an ideal liberal democracy, the proceduralist cum minimalist conception of liberal democracy, for the purpose of this essay, also requires conceptual clarification. Generally, the proceduralist cum minimalist view of liberal democracy conceives democracy through the prism of competitive elections.¹² According to Joseph Schumpeter,¹³ a leading exponent of this school of thought, democracy does not mean that people rule in the real sense; rather, democracy is an institutional arrangement by means of which the people decide issues through the election of individuals. It is in this sense that he defines democracy as the “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”¹⁴

The concept of corruption in literature also conjures up different definitions.¹⁵ Perhaps this is unrelated to the fact that corruption can be contextually and territorially bound.¹⁶ For instance, what is regarded among the Yorubas in Nigeria as “*ebun*” (gift), may be considered corruption in Western societies. Etymologically speaking, the word corruption comes from

¹¹ See Tony Leon, *The State of Liberal Democracy in Africa: Resurgence or Retreat?* (Washington, DC: Cato Institute for Global Liberty and Prosperity, 2008), 5.

¹² Joel D. Wolfe, “A Defense of Participatory Democracy,” *The Review of Politics* 47, no. 3 (1971): 370-389, and P. Schmitter and T. Karl, “What Liberal Democracy Is...and Is Not,” *Journal of Democracy* 2, no. 3 (1991): 75-88.

¹³ Joseph Schumpeter, *Capitalism, Socialism and Democracy* (London: Allen and Unwin, 1976), 250.

¹⁴ *Ibid.*

¹⁵ See Arnold J Heidenheimer et al., *Political Corruption: A Handbook* (New Brunswick, NJ: Transaction Publishers, 1989).

¹⁶ Jens C. Andvig and Odd-Helge Fjeldstad, *Corruption: A Review of Contemporary Research*, Research Report (Bergen, Norway: Michelsen Institute Development Studies and Human Rights, 2001), 4.

the Latin verb *corruptus*, meaning “to break.”¹⁷ This suggests that corruption describes conduct—by an individual or a group—that breaks apart or deviates from the law of a community.¹⁸ Accordingly, a lecturer who deviates from the law guiding his dealings with his students is conceptually corrupt. The point is that corruption is a phenomenon that straddles all levels of social interaction.¹⁹

It is instructive, however, to stress that the political dimension of corruption is frequently deployed and seems to have acquired elevated importance in the discourse about corruption. Linked to the political institutions of a society, corruption is manifested in the abuse of public trust by public office-holders. Indeed, it is in this context that Joseph Nye sees it as “behaviour that deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status.”²⁰ Similarly, Samuel Huntington defines it as the behavior of public officials that deviates from the accepted norms in order to serve a private end.²¹ John Dobel construes it as the betrayal of public position, resources, and power for private gain.²² However, for the purpose of this essay, emphasis is on political corruption, which is defined as the abuse or misuse of public power by elected or appointed public office-holders for private gain.

Democracy—Corruption Nexus: A Theoretical Discourse

Theoretically speaking, the discourse in existing literature concerning whether democracy and its institutions have the capacity to reduce the incidences of political corruption has produced two contradictory perspectives.²³ The first, the liberal perspective, posits that liberal democracy has the inbuilt institutional capacity to reduce official corruption and other abuse of power by those charged with the responsibility to rule society.²⁴ Specifically,

¹⁷ Udombana, “Fighting Corruption Seriously?” 461.

¹⁸ See A. Adeyemi, “Corruption in Nigeria: A Criminological Perspective,” in *Perspectives on Corruption and Other Economic Crimes in Nigeria*, ed. A. Kalu and Y. Osibajo (Lagos, Nigeria: Federal Ministry of Justice, 1991), 2.

¹⁹ Basiru, “The Festering Sore of Political Corruption in Africa,” 73.

²⁰ Joseph Nye, “Corruption and Political Development: A Cost-Benefit Analysis,” *American Political Science Review* 51, no. 2 (1967): 417.

²¹ Samuel Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968).

²² John Dobel, “The Corruption of a State,” *American Political Science Review* 72, no. 3 (1978): 958-973.

²³ See Graf Lambsdorff, *Consequences and Causes of Corruption: What Do We Know from a Cross Section of Countries?* Discussion Paper No. V-34-05 (Passau, Germany: University of Passau, 2005).

²⁴ See Sandholtz, and Koetzle, “Accounting for Corruption,” 31-50; Tomer Blumkin and Mark Gradstein, “Transparency Gloves for the Grabbing Hands? Politics and (Mis) Governance,” Discussion Paper No. 3668, Center for Economic Policy Research (December 2002), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=369543 (accessed August 15, 2017);

Wayne Sandholtz and William Koetzle maintain that, “in a democratic regime, the populace acquires more extensive and effective means of detecting and punishing corrupt practices.”²⁵

Joining issue with Sandholtz and Koetzle, Ararat Osopian is of the view that competition among political parties inherent in liberal democracy acts as a “check” on one other’s behavior, and therefore imposes a sense of accountability that, in the long run, reduces incidences of political corruption.²⁶ Echoing Osopian’s view, Chowdhury posits,

It is in the interest of opposition parties to uncover any of their opponents who are engaging in corruption. Not only does this encourage greater transparency in the political process, [but also] it firmly incentivizes the incumbent government to meaningfully engage in the fight against corruption.²⁷

Drawing from evidence gathered from seventy democracies around the world, Petra Schleiter and Alisa Voznaya found that party competitiveness can reduce political corruption by enhancing the information available and the effectiveness of the choices that can be made by the electorate.²⁸ Similarly, in a cross-national study involving many countries, Hamid Mohtadi and Terry Roe found that countries such as Australia, Austria, Canada, Denmark, Norway, Sweden, the United Kingdom, and the United States, with long histories of liberal democracy, tend to record the lowest levels of corruption in official circles.²⁹

Beyond the checks inherent in electoral and party competition in a liberal democracy, proponents of the liberal perspective are equally of the view that checks and balances among the three arms of government also can reduce the incidence of political corruption in a country.³⁰ Placing this position in perspective, Robert Barro avers that “checks on governmental power are

and Shyamal K. Chowdhury, “The Effect of Democracy and Mass Media on Corruption: An Empirical Test,” *Economics Letters* 85, no. 1 (2004): 93-101.

²⁵ Sandholtz and Koetzle, “Accounting for Corruption,” 42.

²⁶ Ararat L Osopian, “Corruption and Democracy in Brazil: The Struggle for Accountability,” *Journal of Comparative Policy Analysis: Research and Practice* (2013), <https://my.vanderbilt.edu/araratosipian/files/2013/04/BookRevBrazil2013.pdf> (accessed August 10, 2017).

²⁷ Chowdhury, “The Effect of Democracy and Mass Media on Corruption,” 96.

²⁸ Petra Schleiter and Alisa M. Voznaya, “Party System Competitiveness and Corruption,” *Party Politics* 20 (2014): 677.

²⁹ Mohtadi and Roe, “Democracy, Rent Seeking, Public Spending and Growth,” 445-466.

³⁰ See Persson et al., “Separation of Powers and Political Accountability,” 1163-1202; Jean Jacque Laffont and Mathieu Meleu, “Separation of Powers and Development,” *Journal of Development Economics* 64, no. 1 (2001): 129-145; James E. Alt and David D. Lassen, “Political and Judicial Checks on Corruption: Evidence from American State Governments,” Economic Policy Research Unit Working Paper Series (2005), pp. 1-24, <http://www.econ.ku.dk/epru/files/wp/wp-05-12.pdf> (accessed August 14, 2017).

necessary to limit the potential for public officials to accumulate personal wealth and carry out unpopular policies.”³¹ Validating this position with reference to the United States, James Alt and David Lassen examined the impact of checks and balances on the level of corruption in fifty American states and found lower incidences of political corruption in the states with a divided government.³²

In contrast to the foregoing theoretical expositions, the second perspective posits that institutions of liberal democracy, irrespective of their level of maturity, do not necessarily reduce the opportunity for political corruption in official circles.³³ Specifically, Susan Rose-Ackerman is of the view that even consolidated democracies are not short of their own forms of political corruption.³⁴ As she succinctly observes,

it is not necessary to look any further than Newark, New Jersey, and Chicago, Illinois, to find well-established corrupt systems that “compare quite well with those in autocratic systems”. Corruption is common at the local government level in France and Germany and Italy... . South Korea and Japan have all been hit by recent payoff scandals implicating elected politicians.³⁵

Validating this thesis empirically, the United States Institute for Peace (USIP) found in a study of party funding in Italy that members in key positions often have awarded government contracts to companies in return for a large bribe.³⁶ The USIP’s study further notes that other illicit activities occur and that funds for large infrastructure projects frequently are funneled into the party coffers.³⁷ What can be deduced from the works of Rose-Ackerman and the USIP, which are based on empirical data from the United States, Italy, France, Japan, and other advanced liberal democracies, is that these countries—even though in comparison to authoritarian countries they may record lower

³¹ Robert J. Barro, “Determinants of Democracy,” *Journal of Political Economy* 107, no. 6 (1999): 158-183.

³² Alt and Lassen, “Political and Judicial Checks on Corruption.”

³³ See Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences, and Reform* (Cambridge, MA: Cambridge University Press, 1999); Marco Pani, “Hold Your Nose and Vote: Corruption and Public Decisions in a Representative Democracy,” *Public Choice* 148, nos. 1–2 (2001): 163-196; and Mehmet Bac, “Corruption, Connections and Transparency: Does a Better Screen Imply a Better Scene?” *Public Choice* 107 (2001): 87-96.

³⁴ Susan Rose-Ackerman, “The Political Economy of Corruption: Causes and Consequences,” *View Point* 74 (1996): 1-4.

³⁵ Ibid.

³⁶ USIP, “Governance, Corruption and Conflict,” Study Guide Series of Peace and Conflict, 2010, pp. 2-50, <http://www.usip.org/sites/default/files/ETC-D/NPEC/480021.PDF> (accessed August 10, 2017).

³⁷ Ibid.

incidences of political corruption in official circles—have not escaped such wrongdoing. In this context, therefore, it may be inferred that a country's transition from an authoritarian order into liberal democracy, as contended by promoters of the liberal democratic project in the Third World, may not reduce the level of political corruption, and even may “repackage” it in a new form.³⁸

The point to stress is that a transition from an authoritarian order into a liberal democracy does not necessarily ensure a reduction in the level of political corruption in the democratizing country, and may even deepen the crisis of political malfeasance.³⁹ In a study of the impact of democratization on the level of corruption in Indonesia, for instance, Richard Robison and Vedi Hadiz observed that, “when the democratization process began to take hold, rather than decreasing the number of rent-seekers, similar relationships simply emerged in the new political system.”⁴⁰ In the same vein, Michael Rock noted that, in spite of a promising start in Thailand in the 1980s, provincial politicians captured the prime minister's office and the legislature, and the main state institutions were politicized.⁴¹ Interestingly, comparable conclusions have been drawn in studies⁴² of the democracy—corruption nexus in Latin America. In 2012, for instance, Lyn Villagran noted that two-thirds of Latin America averaged in the bottom half of Transparency International's (TI's) Corruption Perceptions Index (CPI),⁴³ and were among the world's most corrupt nations.⁴⁴

³⁸ See Allen Hicken, “Governance and Growth in Thailand,” in *Corruption: The Boom and Bust of East Asia*, ed. J. E. Campos (Manila: Ateneo de Manila University Press, 2001), 163-182, and Richard Robison and Vedi R. Hadiz, *Reorganizing Power in Indonesia* (New York: Routledge Curzon, 2004).

³⁹ Gabriella Montinola and Robert W. Jackman, “Sources of Corruption: A Cross-Country Study,” *British Journal of Political Science* 32, no. 1 (2002): 147-170, and Mozaffar Qizilbash, “Two Views of Corruption and Democracy,” *Review of Political Economy* 20, no. 2 (2008): 275-291.

⁴⁰ Robison and Hadiz, *Reorganizing Power in Indonesia*.

⁴¹ Michael T. Rock, “Thailand's Old Bureaucratic Polity and Its New Semi-Democracy,” in *Rents and Rent-Seeking in Economic Development: Theory and the Asian Experience*, ed. Mushtaq H. Khan and Jomo Kwame Sundaram (Cambridge, MA: Cambridge University Press, 2000), 183-206.

⁴² See Robert H. Dix, “Democratization and the Institutionalization of Latin American Political Parties,” *Comparative Political Studies* 2, no. 4 (1992): 488-511; Terry Karl, “The Hybrid Regimes of Central America,” *Journal of Democracy* 9, no. 5 (1995): 72-86; Kurt G. Weyland, “The Politics of Corruption in Latin America,” *Journal of Democracy* 9, no. 2 (April 1998): 108-121; and Guillermo O'Donnell, “Horizontal Accountability in New Democracies,” *Journal of Democracy* 9, no. 3 (1998): 112-126.

⁴³ The Berlin-based nongovernmental organization, Transparency International, has released its Corruption Perceptions Index (CPI) annually since 1995. It provides graphic information about how countries of the world are “perceived,” based on how their governments handle issues related to corruption. Although it is based on perceptions which may not tally with existential realities and may even be contested regarding the methodology used to gather data, over the last few years, the index has become increasingly accepted as an interesting measure of how countries around the world address matters pertaining to corruption. A high score in the CPI indicates a good rating, while a low score, a poor rating.

⁴⁴ Lyn Villagran, “Latin America Region One of Worst for Corruption,” *Christian Science*

With reference to Brazil, Claudio Ferraz and Frederico Finan deployed the Brazilian audit reports to test whether the possibility of reelection affected the level of rents extracted by incumbent mayors. They found that the mayors with little chance of reelection misappropriated 27 percent more resources than those with a chance of being returned to office.⁴⁵

From the foregoing discussion, it arguably may be posited that political corruption exists in all jurisdictions, whether it is out in the open or hard to identify. However, it would appear to be on the high side in transitional jurisdictions. The 2017 Transparency International CPI seems to support this argument. As this CPI clearly shows, the ten highest scoring countries are established liberal democracies, while the ten lowest scoring countries are transitional countries struggling to consolidate liberal democracy.⁴⁶ Given these statistics, it might be inferred that transitional countries that are attempting to consolidate liberal democracy have large gaping holes in their institutions, a state of affairs that may have contributed to deepening the crisis of corruption in many of them. How has this played out in post-authoritarian Nigeria?

Democracy, Democratization, and Corruption in Post-Authoritarian Nigeria: A Conspectus

On May 29, 1999, after almost fifteen years of military autocracy, the fourth attempt at democratization commenced in Nigeria, perhaps with great hope and expectation that the new order would be remarkably different from the previous attempts which collapsed due to wanton corruption of the political class.⁴⁷ Indeed, prior to this era, the country had a terrible record in the global corruption indices, aside from occupying a pariah status among more advanced nations as a result of the poor human rights records of the various military regimes that superintended Nigerian affairs. In 1996,⁴⁸ 1997,⁴⁹ 1998,⁵⁰ and

Monitor, <http://www.csmonitor.com/World/Americas/Latin-America/Monitor/2012/Latin-America-Region-one-of-worst-for-corruption> (accessed September 12, 2017).

⁴⁵ Claudio Ferraz and Frederico Finan, *Exposing Corrupt Politicians: The Effects of Brazil's Publicly Released Audits on Electoral Outcomes*, Discussion Paper Series IZA DP No. 2836 (2007), p. 17, <http://ftp.iza.org/dp2836.pdf> (accessed August 14, 2017).

⁴⁶ See Corruption Perceptions Index (CPI) 2017, https://www.transparency.org/research/cpi/cpi_2017/0 (accessed January 10, 2018).

⁴⁷ Concerning why the Second Republic in Nigeria collapsed, see Toyin Falola and Julius Ihonvbire, *The Rise and Fall of the Second Republic* (London: Zed Books, 1985), and Richard Joseph, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic* (Ibadan, Nigeria: Spectrum Books, 1991).

⁴⁸ Corruption Perceptions Index (CPI) 1996, https://www.transparency.org/research/cpi/cpi_1996/0 (accessed September 19, 2017).

⁴⁹ Corruption Perceptions Index (CPI) 1997, https://www.transparency.org/research/cpi/cpi_1997/0/ (accessed September 19, 2017).

⁵⁰ Corruption Perceptions Index (CPI) 1998, https://www.transparency.org/research/cpi/cpi_1998/0/ (accessed September 19, 2017).

1999,⁵¹ Nigeria's Transparency International scores were 0.69, 1.76, 1.90, and 1.60, respectively, placing it among the five most corrupt countries in the world.⁵² This ugly statistic probably compelled the first president of the new governmental dispensation, Olusegun Obasanjo, to launch a fight against corruption in official circles, the cornerstone of his domestic policies.⁵³

Obasanjo's successors, including the incumbent, Muhammadu Buhari, also initiated legal and institutional measures to deal with corruption in the country. In the words of Suraj Mudasiru,

The fight against corruption in Nigeria has never been popularized as we have in the Fourth Republic with the inauguration of an Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and other related offences Commission (ICPC) to complement the efforts of the existing institutions of anti-corruption in the country. The aim was to fight the deadly practice to a standstill for the country to progress and join other countries in the developed world.⁵⁴

Such measures, notwithstanding, corruption has remained as pervasive as it was under the authoritarian order.⁵⁵ For instance, of the 176 countries listed in Transparency International's 2016 CPI, Nigeria shared the 136th position with Myanmar, Lebanon, Kyrgyzstan, and Guatemala.⁵⁶ Indeed, between 2012 and 2016, Nigeria's score in TI's CPI did not go above the 28 percent posted in 2016,⁵⁷ although TI's scores between 2012 and 2016 may not present the

⁵¹ Corruption Perceptions Index (CPI) 1999, https://www.transparency.org/research/cpi/cpi_1999/0 (accessed September 19, 2017).

⁵² Transparency International's CPI is measured either in deciles or percentile. Regarding the former, it ranges between 0.00 and 10.00, and in the latter, it ranges between 0 and 100 percent. The range into which a country falls determines the level of corruption. For instance, a country with a score of 8.10 or 81 percent, is perceived to be a good performer, while another with 1.1 or 11 percent is perceived as a poor performer and corrupt. Thus, scores 0.69, 1.76, 1.90, and 1.60 for Nigeria in 1996, 1997, 1998, and 1999, respectively, placed Nigeria in the class of the most corrupt nations.

⁵³ Nuhu Ribadu, "Nigeria's Struggle with Corruption," an abridged and edited version of a presentation to the U. S. Congressional House Committee on International Development, Washington, D.C., May 18, 2006, 1.

⁵⁴ Surajudeen Oladosu Mudasiru, "Democracy, Plea Bargaining and the Politics of Anti-corruption Campaign in Nigeria (1999–2008)," *African Journal of Political Science and International Relations* 9, no. 9 (2015): 341.

⁵⁵ See Oarhe Osumah, "Tonic or Toxin? The State, Neopatrimonialism, and Anticorruption Efforts in Nigeria," *The Korean Journal of Policy Studies* 28, no. 1 (2013): 119-123.

⁵⁶ Corruption Perceptions Index (CPI) 2016, <https://www.transparency.org/news/feature/corruption-perceptions-index-2016> (accessed September 19, 2017).

⁵⁷ Ibid. The country scored 27 percent, 25 percent, 27 percent, 26 percent, and 28 percent for the years 2012, 2013, 2014, 2015, and 2016, respectively.

entire picture. However, statistics emanating from other governance indicators regarding the country during the same period seem to lend further credence to TI's scores.⁵⁸ These verdicts suggest that the level of political corruption has not declined by an appreciable level in "democratizing" Nigeria. This raises the question whether institutions holding democratic accountability are able to reduce the incidences of political corruption in a country.⁵⁹

As touted in the donor community, such institutions, once established in a country after its exit from authoritarianism, ideally have the capacity to impose some limitations on the preferences of political actors. In other words, institutions with democratic accountability that oversee a transition into liberal democracy are perceived in donor circles as offering prospects for advancing probity, responsibility, and transparency in the running of the transitional society.⁶⁰ While these institutions, no doubt, are many, of primary concern in this essay are the institution that oversee elections, the legislature, and the judiciary.

Elections

Elections are the primary institutional mechanism through which the citizens in a liberal democracy, by means of universal adult suffrage, hold the elected political office-holders accountable.⁶¹ Indeed, a well-known verdict in liberal jurisdictions is that dissatisfied electors (citizens) have the right to vote for another party, spoil their ballot, or abstain from voting altogether.⁶² According to this line of reasoning, this leverage (the electorate's power) places pressure on incumbent office-holders to be accountable and to align their interests and policies with those of the voters.⁶³ However, the opposite of the foregoing seems to have been the case in post-authoritarian Nigeria, where it is always a tall task for the electorate to vote out a visibly corrupt incumbent political

⁵⁸ See Afrobarometer, Second Dissemination Event of the Findings of the Afrobarometer Round 5 Survey in Nigeria (Abuja, Nigeria: CLEEN Foundation, 2013), and the Mo Ibrahim Governance Index, "Nigeria Ranks 37th in Mo Ibrahim 2014 Governance Index," <http://businessdayonline.com/2014/09/nigeria-ranks-37th-in-mo-ibrahim> (accessed September 20, 2017).

⁵⁹ Moses Duruji and David Azuh, "The Challenges of Combating Corruption in Nigeria," in *The State in Contemporary Nigeria: Issues, Perspectives and Challenges*, ed. J. Shola Omotola and Ikenna Mike Alumona (Ibadan, Nigeria: John Archers, 2016), 166-185.

⁶⁰ See John Ackerman, "Co-Governance for Accountability: Beyond 'Exit' and 'Voice'," *World Development* 32 (2003): 447-463.

⁶¹ See David Lederman et al., "Accountability and Corruption: Political Institutions Matter," Political Research Working Paper 2708, Policy Research Dissemination Center (2001), pp. 1-39, <https://openknowledge.worldbank.org/bitstream/handle/10986/19420/multi0page.pdf?sequence=1> (accessed September 5, 2017).

⁶² See David Batzilis, "Does Electoral Competition Reduce Corruption? Evidence from Municipality Audits in Greece," *Job Market Paper* (March 17, 2015), p. 32, <http://home.uchicago.edu/~batzilis/jobmarketpaper.pdf> (accessed August 30, 2017).

⁶³ For details on this point, see Lyn Bechuck and John Fried, *Pay without Performance* (Cambridge, MA: Harvard University Press, 2004).

office-holder through the ballot.⁶⁴ The flawed manner in which elections generally have been conducted at all levels in Nigeria over the last few years has hardly provided the country's electorates with opportunities to exercise their inalienable right to change governments that perform below popular expectations.⁶⁵ Indeed, since the country "redemocratized" in 1999, elections, as in the previous republics, have become mere periodic rituals only for the exercise of franchise and not for holding political office-holders accountable to the electorate.⁶⁶

The 2007 presidential election typifies the undemocratic character of elections in Nigeria. The election was so disparaged and ridiculed for its flaws, both within and outside the country,⁶⁷ that the newly elected president, Alhaji Umar Yar 'Adua, lent his voice to the criticism. In his inaugural speech to the nation on May 29, 2007, he declared, "We acknowledge that our elections had some shortcomings. There is a well-established legal avenue of redress, and I urge anyone aggrieved to pursue them [*sic*]."⁶⁸ More worrisome in the 2007 exercise was the seeming weakness of the Electoral Management Body (EMB), constitutionally charged to conduct elections. At a point, it seemed as though the body were an arm of the People's Democratic Party (PDP), the ruling party at the national level from 1999 to 2015.⁶⁹ For instance, in the run up to the election, the chairman of the electoral body, Professor Maurice Iwu, oversaw the jettisoning of the age-long principle of the impartiality of the electoral body by disqualifying one of the presidential candidates, Alhaji Atiku Abubakar, from competing.⁷⁰ Alhaji Atiku Abubakar would have been excluded from the ballot had it not been for the intervention of the apex court a few days before the poll.⁷¹

⁶⁴ See Jibrin Ibrahim, "Nigeria's 2007 Elections: The Fitful Path to Democratic Citizenship," Special Report 182 (Washington, DC: United States Institute of Peace, 2007), and Sylvester Odion-Akhaine et al., "Fair Polls or Foul Polls, the Controversy Goes On," *The Constitution* 11, no. 2 (2011): 116-131.

⁶⁵ Adeniyi Basiru et al., "Nigeria: Consolidating Democracy? A Critical Reflection on the 2015 Presidential Election," *African Journal for Democracy and Governance* 4, nos. 1-2 (2017): 139-164.

⁶⁶ Adigun Agbaje and Said Adejumo, "Do Votes Count? The Travails of Electoral Politics in Nigeria," *Africa Development* 31, no. 3 (2006): 25-44.

⁶⁷ Martins Onoja, "Nigeria's Politics Mired in Corruption and Violence," *Guardian* (Lagos), October 10, 2007, 9.

⁶⁸ Odion-Akhaine et al., "Fair Polls or Foul Polls," 120.

⁶⁹ Festus Iyayi, "Election, INEC and the Problem of Election Mindsets in Nigeria," *The Electoral Journal* 1 (2007): 14-26.

⁷⁰ *Ibid.*

⁷¹ See Attorney-General of the Federation & Ors vs. Alhaji Atiku Abubakar & Ors, S.C. 31/2007 (April 20, 2007), <http://www.nigeria-law.org/Attorney-General/Alhaji%20Atiku%20Abubakar%20&%20Ors.htm/> (accessed August 31, 2018).

The Legislative Side

The legislature is one of the institutions of accountability in a liberal democracy that is vested with a mandate for checks and balances. Indeed, an established axiom in liberal democratic theory is that societal interests are better served and secured when governmental power is balanced among the executive, legislative, and judicial branches of government.⁷² Stated differently, each organ of the government is accountable to the other, within the limit of its allotted constitutional power to stop, watch, and block the actions of other organs.⁷³ Specifically, the logic is that by institutionalizing a system of checks and balances, the legislature, for instance, can curtail the political discretion of members of the executive branch, thereby restraining their ability to indulge in selfish and corrupt practices. In a liberal democracy, the legislature performs the threefold functions of law making, representation, and oversight.⁷⁴ However, while the functions of law making and representation are critical to democratic governance, the oversight function is of concern in this essay. Oarhe Osumah sees legislative oversight as,

the process by which a legislative body takes an active role in understanding and monitoring the performance of government concerning the application of legislation to its other primary functions of law making and public policy formulation, setting budgets, and raising revenues.⁷⁵

Beyond monitoring the executive regarding enforcement of legislation, legislative oversight involves checking all acts of corruption and profligacy on the part of the executive. Section 88 (2b) of the 1999 Constitution for the Federal Republic of Nigeria, for instance, empowers the country's legislatures to "expose corruption, inefficiency or waste in the execution or administration of laws within [their] legislative competence and in the disbursement or administration of funds appropriated by [them]."⁷⁶

Unfortunately, in Nigeria, in spite of the institutionalization of the principle of checks and balances in the 1999 constitution, the legislatures, both at the center and the peripheries of the Nigerian federation, appear to

⁷² See Robert Merkel, "Comparative Constitutionalism and Rights: Separation of Powers—A Bulwark for Liberty and a Rights Culture," *Saskatchewan Law Review* 129, no. 6 (2006): 129-143.

⁷³ Alt and Lassen, "Political and Judicial Checks on Corruption."

⁷⁴ Oarhe Osumah, "Responsibility and Rascality: The Nigerian National Assembly, 1999–2013," *Taiwan Journal of Democracy* 10, no. 2 (2014): 120.

⁷⁵ *Ibid.*, 121.

⁷⁶ Federal Republic of Nigeria, *Constitution for the Federal Republic of Nigeria* (Lagos, Nigeria: Government Press, 1999).

have performed dismally in this area.⁷⁷ Indeed, there have been several documented instances in which members of a legislature have engaged in prebendalism with the executive, rather than protecting the interests of the electorate and the citizenry.⁷⁸ For instance, in the 5th Senate (2003–2007), Mallam Nasir El Rufai, a minister of the Federal Capital Territory (FCT), publicly alleged that the committee responsible for screening ministerial nominees had demanded a bribe of N54 million from him to facilitate his confirmation as a minister.⁷⁹ In the same 5th Senate, the Senate president, Adolphus Wabara, was alleged to have collected a bribe of N55 million from then Minister of Education, Professor Fabian Osuji, to inflate the budgetary allocation to his ministry.⁸⁰ During the 6th National Assembly, the chairman and deputy chairman of the Senate Committee on Power and the chairman of the House of Representatives Committee on Rural Development were charged with alleged complicity in power contracts amounting to N5.2 billion.⁸¹ In the 6th Senate, the committee investigating pension fraud was alleged to have collected a \$3 billion bribe from one of the pension scam suspects.⁸² More worrisome, the legislature itself, which ought to be the vanguard for checking the executive on how it deploys public financial resources, in many documented cases has been enmeshed in corruption of monumental magnitude. Indeed, the situation seems not to have changed in the current 7th National Assembly.⁸³ In 2016, the Hon. Abdulumuni Jibril, the erstwhile chairman of the Appropriations Committee, alleged that the House of Representatives, the lower chamber of the National Assembly of which he is a key officer, “stinks” with corruption.⁸⁴ Joining issue with the Hon. Jibril is the first president of the Fourth Republic, Olusegun Obasanjo, who berates both legislative houses as being an assemblage of thieves and looters.⁸⁵

⁷⁷ See Ibrahim Imam and M. A. Mustapha, “Combating Corruption in Nigeria: The Role of the Legislature Examined,” *The University of Ilorin Law Journal*, nos. 3–4 (2008): 57–79, and Mojeed Alabi and Yinka Fashagba, “The Legislature and Anti-corruption Crusade under the Fourth Republic of Nigeria: Constitutional Imperatives and Practical Realities,” *International Journal of Politics and Good Governance* 1, no. 2 (2010): 1–39.

⁷⁸ See Adeniyi Basiru, “The Politics of Legislative Oversight in the Nigerian Neo-colony, 1999–2007,” in *The Legislature and Governance in Nigeria*, ed. E. O. Ojo and J. Shola Omotola (Ibadan, Nigeria: John Archers, 2014), 79–96.

⁷⁹ Osumah, “Responsibility and Rascality,” 135.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² Chibuya Ukaibe, “7th Senate: How Senatorial, a Year After?” *Leadership*, June 10, 2012, 1.

⁸³ Hassan Saliu and Rafiu Bakare, “An Assessment of the Performance of the 7th National Assembly in Nigeria,” paper presented at the 2-Day National Conference on the Dynamic of Democratic Practice in Nigeria, 1999–2015, organized by the Aminu Kano Center for Democratic Research and Training, Mambayya House, Bayero University, Kano, Nigeria, November 9–10, 2016, 1–26.

⁸⁴ “Jibril: How Budget Fraud, Padding Work,” *ThisDay Newspaper* (Abuja), www.thisdaylive.co/index.php/2016/11/03/jibril (March 11, 2016) (accessed September 20, 2018).

⁸⁵ Victor Awela, “Obasanjo Rubbishes National Assembly, Says It’s an Assembly of Thieves,

The Judicial Sector

Complementing the legislature in a checks and balances system in a liberal democracy is the judiciary, to ensure accountability and by extension reduce the incidences of political corruption. To be sure, like the other two branches of government, the judiciary derives its powers from the country's constitution. Instructively, these powers are vested in the country's court system. For instance, section 6(1)–(6) of the 1999 Constitution for the Federal Republic of Nigeria vests judicial power in the courts.⁸⁶ Functionally, the judiciary has the mandate to interpret the constitution and other laws of the country. In the discharge of the power of interpretation, the courts, specifically, the Supreme Court, can determine whether the acts and omissions of the other two organs are in conformity with the law. Furthermore, in interpreting the grundnorm (the constitution) of the country, the judiciary offers a platform to hear disputes between persons, or between governments, for the purpose of determining issues relating to their rights and obligations.⁸⁷ In criminal matters, only the judiciary is vested with the power to pronounce a person guilty of a crime, and it can impose punishment based on existing laws.

Relying on this power, the court can try to decide cases of corruption brought before it in which the defendants are political office holders. It also can check on corruption in society by rulings on laws and electoral procedures.⁸⁸ However, it must be stressed that in discharging its constitutional responsibilities, in particular checking the corrupt tendencies of the members of the executive and legislative arms of government, the judiciary must be independent, impartial, transparent, and accountable.⁸⁹ Although this requirement seems to be part of the governmental architectures of advanced liberal democracies, in post-authoritarian Nigeria, the judiciary appears to still be struggling to gain its independence,⁹⁰ a situation which has impinged on its integrity and its capacity to fulfill its constitutional duties.⁹¹ Aside from the fact that the judiciary is not sufficiently independent to enable it to fulfill its constitutional functions, including deciding cases involving corruption, within the last few years, members of the judiciary themselves have been involved

Looters," *Information Nigeria* (July 15, 2016), p. 1, <http://www.informationng.com/2016/07/obasanjo-rubbishes-national-assembly-says-its-an-assembly-of-thieves-looters.html> (accessed August 16, 2017).

⁸⁶ Federal Republic of Nigeria, Constitution for the Federal Republic of Nigeria.

⁸⁷ *Ibid.*, sec. 6 (6) (a)-(d).

⁸⁸ See K. Eleja Kehinde, "Combating Corruption in Nigeria: The Role of the Judiciary," paper presented at the 2017 Law Week of the Law Students, Al-Hikmah University, Ilorin, Nigeria, April 10, 2017.

⁸⁹ See Taiwo Osipitan, "Thoughts on Independence and Integrity of the Judiciary," *Daily Independence*, October 13, 2005, 14.

⁹⁰ *Ibid.*

⁹¹ See David Enweremadu, "The Judiciary and the Survival of Democracy in Nigeria: Analysis of the 2003 and 2007 Elections," *Journal of African Election* 10, no. 1 (2011): 114-142.

in all manner of corrupt practices.⁹² The case of Justices Okechuckwu Opene and David Adeniji of the Court of Appeal, offers an illustration. In 2005, they were alleged to have accepted \$100,000 and \$80,000 bribes, respectively, to sell judgment to one of the parties in the 2003 Anambra State Senatorial Election case. The third Justice, Kumai Akaahs, who rejected the bribe, instead delivered a dissenting judgment.⁹³ As a retired Justice of the Supreme Court (JSC), Justice Samson Uwaifo observed in 2005,

Corruption was once thought to be only in the magistracy because of the disturbing way some of the personnel tended to abuse their office... . It gradually crawled to the High Courts and would appear to have had a foothold among a noticeable number of judicial officers there... . Now, there is real apprehension that the appellate court may soon be infested if not already contaminated with some of these vices.⁹⁴

The retired JSC has been quoted *in extenso* to underscore the enormity of corruption in the country's judiciary. Given empirical credence to this claim, a study conducted by the National Bureau of Statistics (NBC), with support from the United Nations Office on Drugs and Crimes (UNODC), found that "Nigerian Courts of law receive the biggest bribes from citizens among all institutions in which corruption is rampant...though bribery in the judiciary was less frequent than in many agencies, it required the biggest transactions."⁹⁵ On October 7, 2016, for the first time in the political history of the country, some high-profile judges were arrested in a coordinated manner across major cities, in a "sting operation" by the operatives of the Department of State Security (DSS).⁹⁶

The foregoing discussions clearly suggest that institutions and actors constitutionally mandated to promote probity, transparency, and accountability in democratizing Nigeria have not been accountable regarding their responsibilities. Rather than discharging their mandates, they seem to have been immersed in a quagmire of political corruption.

⁹² P. E. Obute, "Judicial Corruption and Administration of Justice in Nigeria," in *The State in Contemporary Nigeria: Issues, Perspectives and Challenges*, ed. J. Shola Omotola and Ikenna Mike Alumona (Ibadan, Nigeria: John Archers, 2016), 186-208.

⁹³ Ibrahim Imam et al., "A Call for an Aggressive Legal Solution," *UNIZIK Journal of International Law* 1 (2010): 145.

⁹⁴ "Anti-corruption War: Beyond Idealism," *ThisDay Newspaper* (Lagos), June 4, 2005, 16.

⁹⁵ NBS/UNODC, "Corruption in Nigeria, Bribery: Public Experience and Response," https://www.unodc.org/documents/data-and-analysis/Crime-statistics/Nigeria/Corruption_Nigeria_2017_07_31_web.pdf, p. 7 (accessed October 1, 2018).

⁹⁶ "Raid: We Recovered N270 m, Another Judge Hiding \$2m DDS," <http://punchng.com/raid-recovered-n270m-another-judge-hiding-2m-dss/> (October 9, 2016), p. 1 (accessed January 3, 2018).

Contextual and Predisposing Factors

From the preceding section, it is clear not only that there is a deficit in the practice of liberal democracy in post-authoritarian Nigeria, but also incapacitation and corruption in the institutions constitutionally charged to promote probity, transparency, and accountability, which by extension should reduce the incidences of political corruption. Why this state of affairs? One way to understand the problem is to identify and explain the context and predisposing factors. The first explanatory thesis is centered on the content of the democratization project that was imposed on Nigeria at the inception of colonial rule by external agents.⁹⁷ Liberal democracy and its institutional components, like other Eurocentric social institutions that have become an integral part of Nigeria's socio-economic and political existence, were products of British colonial engineering.⁹⁸ Democracy was introduced to the natives as part of a state-building project and nurtured and teleguided within the framework provided by the colonial state, which itself was built upon an undemocratic and illegitimate foundation.⁹⁹ The grafting of the colonial state over the various autochthonous communities supplanted some of the functional democracies that had existed for centuries. Before the advent of the colonial state in Nigeria, this was the system of government in most communities, although there were a few isolated and documented cases of monarchical autocracies.¹⁰⁰ Indeed, Kwame Prempeh,¹⁰¹ perhaps taking a cue from M. Fortes and E. E. Evans-Pritchard's seminal work on African political systems,¹⁰² submits that the Oyo precolonial political system mimicked a modern parliamentary system, as executive power was divided between the *Alaafin*, as president and head of state, and the *Bashorun*, as prime minister. Decentralized tyrannies, supervised by the colonial state, supplanted the African political systems. Why this model of rule was adopted by the British has been an object of some

⁹⁷ Adeniyi Basiru, "The Images of Political Parties in Contemporary Nigeria," *Ibadan Journal of Sociology* 2 (2015): 93.

⁹⁸ *Ibid.*

⁹⁹ Adeniyi Basiru, "Interrogating Stateness—Democratization Nexus in Nigeria: Issues and Contentions," *Journal of Conflictology* 4, no. 1 (2013): 18, and Shola Omotola, "The State in Democratic Theory: Nigeria in Comparative Perspective," in *The State in Contemporary Nigeria: Issues, Perspectives and Challenges*, ed. J. Shola Omotola and Ikenna Mike Alumona (Ibadan, Nigeria: John Archers, 2016), 28.

¹⁰⁰ David Oyeleye, "Inter-Group Relations and the Struggle for Political Authority in Colonial Nigeria: Ibadan—Ijeshu Relations," in *Nigeria Studies: Reading in History, Politics, Society and Culture*, ed. Akinjide Osuntokun, Victor Ukaogo, and Akachi Odoemene (Glassboro, NJ: Goldline and Jacobs, 2010), 272.

¹⁰¹ Kwame Prempeh, "Presidential Power in Comparative Perspective: The Puzzling Persistence of Imperial Presidency in Post-Authoritarian Africa," in *Hastings Constitutional Law Quarterly* 35, no. 4 (2008): 780.

¹⁰² M. Fortes and E. E. Evans-Pritchard, *African Political Systems* (London: Kegan Paul International, 1987).

exciting studies that are outside the scope of this essay.¹⁰³ The contention, here, is that colonial rule in Nigeria, as in many other colonial territories of Africa, was at the inception of British rule “a school of tyranny and not a school of democracy.”¹⁰⁴ Even by the time the colonial overseers of Nigeria belatedly opted to introduce liberal democracy to the natives, the underlying values of liberal democracy were not easily internalized by the emerging nationalists because liberal values were alien to them.¹⁰⁵ According to Claude Ake,

liberal democracy is a product of a socially atomized society where production and exchange are already commoditized, a society which is essentially a market. It is the product of a society in which interests are so particularized that the very notion of common interest becomes problematic hence the imperative of democracy.¹⁰⁶

While liberal democracy adapted to the European cultural milieu, it took another form in Nigeria and elsewhere in Africa because of the cultural peculiarities and specificities.¹⁰⁷ By the time liberal democracy eventually was birthed toward the end of colonialism, the colonial state still was not democratized or relegitimized in correspondence with the emerging democratic institutions. As a result, an alien culture (liberal democracy) emerged in the dying colony, which was not anchored upon the foundation of a democratic state. In other words, despite the institutionalization of liberal democracy, during the latter part of colonial rule, the state retained its totalistic and absolutist character because no conscious effort had been made to democratize, decolonize, and relegitimize the government.

Aside from imposing liberal democracy whose values were alien to the people, during the dying phase of the colonial enterprise in Nigeria and other African countries, the colonial authorities did not democratize the state. Beyond this, colonial interruption in the lives of the natives left a legacy

¹⁰³ See Walter Rodney, *How Europe Underdeveloped Africa* (Dar-es-Salam, Tanzania: Tanzania Publishing House, 1972), and John Lonsdale and Bruce Berman, “The Colonial State in Kenya, 1895–1914,” in *The Political Economy of Law: A Third World Reader*, ed. Yash O. Ghai, Robin Luckham, and Francis G. Snyder (Delhi: Oxford University Press, 1987).

¹⁰⁴ Rupert Emerson, *From Empire to Nation: The Rise to Self Assertion of Asian and African People* (Cambridge, MA: Harvard University of Press, 1960).

¹⁰⁵ Bhikhu Parekh, “The Cultural Particularity of Liberal Democracy,” in *Prospects for Democracy: North, South, East, West*, ed. David Held (Cambridge, UK: Polity Press, 1993), 156-175.

¹⁰⁶ Claude Ake, “Unique Case for African Democracy,” *International Affairs* 69, no. 2 (1993): 242-243.

¹⁰⁷ On this point, see Archie Mafeje, “Democratic Governance and New Democracy in Africa: Agenda for the Future,” paper presented at the African Forum for Envisioning Africa, Nairobi, Kenya, April 26–29, 2002.

of amorality,¹⁰⁸ which led to corruption in the post-colonial era. Before the arrival of colonial rule on the African social scene, the various communities, irrespective of their level of sophistication, upheld values that frowned on acts of corruption. For example, among the Yorubas, an individual who stole a commodity, irrespective of its value, was deemed to have committed a significant crime not only against the owner of the stolen commodity but also against the community as a whole.¹⁰⁹ Indeed, the punishment of a thief was even more severe if the stolen commodity belonged to the entire community. It was not only the thief who bore the brunt of the community sanction, but the thief's family as well.

Interestingly, during this epoch of Africa's evolution, there was no distinction between private or public stealing, as both were considered immoral and reprehensible.¹¹⁰ Unfortunately, British colonialism liquidated the old social structures and values, and in their stead introduced new ones. This created two conflicting realms: the primordial and the civic.¹¹¹ While the natives regarded the former as sacred and thus related to it with respect, the latter was considered alien, anachronistic, and illegitimate. Simply put, it was considered acceptable to desecrate, loot, and plunder the civic realm to support the primordial one. This development explains the situation in the post-colonial era, in which the state and its numerous institutions have become arenas of corruption in which politicians steal to service the primordial realm.

Amazingly, it was on all these structures that the democratic institutions of the immediate post-colonial era and beyond were erected.¹¹² The undemocratic foundation of the state as well as other detriments created by colonialism remained unchanged after the country's independence. Independence from colonialism, given the background of its arrival, was expected to be markedly different from the old order. Disappointingly, in spite of independence, the perks of colonialism remain fashionable and are further reinforced in the post-colonial states through the instrumentalities of the bourgeois elite. In the words of Ake, despite independence, the autocratic, arbitrary, and undemocratic structure of the colonial state was transmuted wholesale into its post-colonial heir and still defines its nature as an illegitimate and undemocratic entity that is delinked from society.¹¹³ In other words, what Nigerians witnessed after

¹⁰⁸ See Peter Ekeh, "Colonialisms and the Two Publics in Africa: A Theoretical Statement," *Studies in Society and History* 17, no. 1 (1975): 91-112.

¹⁰⁹ Basiru, "The Festering Sore of Political Corruption," 77.

¹¹⁰ Contrary to the positions of some scholars that corruption was culturally ingrained in precolonial Africa, stealing and all forms of corruption were morally reprehensible in Africa.

¹¹¹ Ekeh, "Colonialisms and the Two Publics in Africa."

¹¹² Basiru, "Interrogating Stateness—Democratization Nexus in Nigeria," 20.

¹¹³ Claude Ake, *Democracy and Development in Africa* (Washington, DC: Brookings Institution, 1996), 13.

independence was change without change.¹¹⁴ As Abubakar Momoh explains it in regard to the general African context, “the post-colonial state in Africa was deracialized and Africanized but it was not democratized.”¹¹⁵ Similarly, Crawford Young remarks,

although we commonly describe the independent African polities as “new states,” in reality they were successors to the colonial regime, inheriting its structure, its quotidian routines and practices, and its more hidden normative theories of governance.¹¹⁶

Paradoxically, the post-colonial state generated its own antinomies. The most fundamental was the premium placed on capturing political power for the purpose of wealth accumulation. The reason for this development can be explained. While colonialism lasted, the indigenous elites, now the successor elites, had been marginalized in the entire architecture of capitalist exploitation.¹¹⁷ At the time of independence, they were weak materially and thus needed resuscitation. The new order therefore afforded them the opportunity to recoup what they had lost under colonialism.¹¹⁸ To this end, capturing political power was interpreted as a license for wealth accumulation.

Consequently, the state became an arena of intra-elite struggles for power, as the nascent “democrats,” who had not fully internalized the liberal democratic values of civility and moderation, battled one another to control its soul.¹¹⁹ In the process, politics assumed the character of warfare, and all manner of strategies were deployed as both the ruling and the opposition parties engaged in a fierce battle to capture the state.¹²⁰ In order to survive in the “warfare” environment, the regime in power moved to centralize all authority in the central state, thereby destroying the inherited democratic institutions.

With all democratic institutions that ought to ensure public accountability

¹¹⁴ Adelaja Odukoya, “Democracy, National Question and Legitimacy Crisis in Nigeria: Agenda for National Integration,” in *Society and Governance: The Quest for Legitimacy in Nigeria*, ed. Felicia Oyekanmi and Omololu Soyombo (Lagos, Nigeria: Department of Sociology, University of Lagos, 2006), 247.

¹¹⁵ Abubakar Momoh, “Democracy, De-Democratization and Development in Nigeria,” 3rd Annual Law and Social Development Lecture, Airport Hotel Ikeja, Ikeja, Nigeria, October 25, 2010, 8.

¹¹⁶ Crawford Young, *The African Colonial State in Comparative Perspectives* (New Haven, CT: Yale University Press, 1994), 283.

¹¹⁷ Waziri Adisa, “From ‘Kickbacks’ to ‘Ghana Must Go’: A Discourse on the Political Economy of Rent-Seeking in Nigeria,” in *Fifty Years of Nationhood? States, Society and Politics in Nigeria*, ed. S. Akinboye and M. Fadakinte (Lagos, Nigeria: Concept Publications, 2010), 209.

¹¹⁸ *Ibid.*

¹¹⁹ Basiru, “Interrogating Stateness—Democratization Nexus in Nigeria,” 18.

¹²⁰ Basiru, “The Festering Sore of Political Corruption,” 78.

destroyed or comatose, politics became less routinized and patrimonial, as the head of government—"the father of the nation"—assumed the role of chief dispenser of state patronage, usually to his tiny group of supporters. Favoritism, nepotism, bribery, corruption, and abuse of power ensued.¹²¹ Besides liquidating the traditional structures that for centuries had constituted the bulwark against corruption and other types of malfeasance, colonialism did not nurture democratic institutions that could tame corruption and other forms of antipolitics in the country. To be sure, it nurtured new values which not only redefined politics and government but also society.

Closely related to the legacy of colonial autocracy is the rentier character of the Nigerian state and the nature of the politics that it engenders. The Nigerian petrol state, unlike states that derive huge revenues from taxes, is not really a productive entity but rather a rentier one. As Cyril Obi¹²² notes, the Nigerian state's *raison d'être* is the collection of oil rent—unearned income—that is not related to entrepreneurial, innovative, or meritorious activities. Thus, given its central role in the collection of oil rents, coupled with its nonhegemonic status in relation to contending social forces, the Nigerian petro-state has become an arena for sharing prebends, to the extent that all institutions of the state, including those responsible for honesty and accountability regarding public resources, also have been involved in dividing the "national pie."

Like their forebears during the second republic, since the return of the country to democracy in 1999, government officials straddling the institutions of the state (some of whose conduct was discussed earlier) continue to exploit the instrumentality of the state to service their primordial constituencies. For instance, the legislators at both the center and peripheries have devised various strategies, including budget padding, constituency projects, and so on, to satisfy their personal greed, on the one hand, and the avarice of their constituencies, on the other hand.¹²³

Conclusion

This essay set out to critically examine the capacity of institutions that hold democratic accountability in post-authoritarian Nigeria to reduce corruption. To achieve this objective, it clarified concepts that are germane, sketched out a theoretical framework, reviewed existing literature, and provided an explanatory

¹²¹ Ibid.

¹²² Cyril Obi, "Democratizing the Petro-State in West Africa: Understanding the Challenges," in *Fuelling the World—Failing the Region? Oil Governance and Development in Africa's Gulf of Guinea*, ed. Michael Roll and Sebastian Sperling (Abuja, Nigeria: Friedrich-Ebert-Stiftung, 2011), 62.

¹²³ See Iyabo Oloyede, "Democracy and Corruption: Executive-Legislature Relations in Nigeria's Fourth Republic," in *Challenges of Sustainable Democracy in Nigeria*, ed. Emmanuel Ojo (Ibadan, Nigeria: John Archers, 2006).

framework for understanding the issues behind Nigeria's democracy deficit and the deepening crisis of corruption. From these reviews and analyses, the study noted that the practice of democracy in post-authoritarian Nigeria does not sufficiently conform to liberal democratic requirements. Furthermore, it established that democratic institutions, especially those charged with public accountability and reducing the incidence of corruption, have not lived up to their responsibilities. This is contrary to the view of the donor circle that democratic institutions, especially those with the mandate to provide checks and balances, reduce the incidence of corruption. The essay further explained how the crisis of liberal democracy and its institutions in contemporary Nigeria is rooted in the undemocratic and neopatrimonial character of the Nigerian state, whose foundation was laid under colonialism. A prebendalist culture on which political corruption has thrived over the years was incubated within this colonial structure. The essay concluded that, as long as the Nigerian petro-state and existing democratic institutions remain trapped in the prebendal orbit, political corruption in Nigeria will remain pervasive.