

# **Corruption in the Public Service of Nigeria: A Nation's Albatross**

The  
**3rd FELLOWS' LECTURE**  
of the  
**Nigerian Institute of Advanced Legal Studies**

Presented by

**Professor D.A. Ijalaye SAN; FNIALS; FNSIL**



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**Nigerian Institute of Advanced Legal Studies**

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A Nation's Albatross

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Professor D. A. HABIBUSAN, FNALIS, FNSAL,  
Emerita Professor of Law,  
Obafemi Awolowo University,  
Ibadan



The Nigerian Institute of Advanced Legal Studies  
P.M.B. 11229, Lagos, Nigeria

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*Emeritus Professor of Law,  
Obafemi Awolowo University  
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## Foreword

In a critical examination of corruption in the Public Service and its debilitating effects on Nigerian Society, Professor D. A. Ijalaye examines some of the causes of corruption and efforts at dealing with the problem.

His nostalgic allusion to the not so distant past (certainly within living memory), when Nigeria's Public Service, as typified by the University at which he taught, was near utopian - and largely corruption free, elicits questions as to when and why things went awry. It also provides a background for his obvious discontent with the present situation.

The vivid illustrations of the dramatis personae and mechanisms of corruption, in their simplicity and ironic pervasion of virtually all facets of life and governance, not only demonstrate how deeply engrained in the fabric of the society the cankerworm of corruption is, they show a more disturbing tendency towards complacency by many about the malaise. And here lies the greatest threat of all - the potential for corruption to continue to eat at the heart of cherished values and all that should matter to the nation.

A key issue examined in the lecture is corruption that occurs at the public/private sector interface. The lecturer notes, rightly, that the activities of the private sector often promote corruption in the Public Service to the detriment of all.

Three issues - namely: plea bargaining which has recently begun to feature in criminal justice administration, particularly in relation to the trial of politicians, unduly stringent bail conditions as well as election rigging which has since assumed alarming

proportions, are further identified as key indicators and facilitators of corruption in Nigeria.

The lecturer observes that the establishment of two major Institutions specifically directed at addressing the problem in the last few years, their activities as well as the successes they have so far recorded, suggest that maintaining the tempo would go a long way in stemming the tide of corruption.

In the final analysis, Professor Ijalaye returns to the fundamental role of high ideals and values and the need to enthrone them as a panacea to the problem. According to him, the preferred role of the leadership at all levels must be, to lead by example. There must also be continuous societal disapproval and ostracism of persons known to have embezzled public funds. These would, in the lecturer's view, help to emphasise and celebrate those positive values and strides (he identifies many!) which some Nigerians have exhibited and made in different aspects of life.

The NIALS Fellows Lecture Series was instituted to provide a platform for critical examination of current and relevant themes as part of a vibrant research tradition. In this lecture, the guest lecturer, the distinguished Emeritus Professor lays bare, in very simple and lucid language and style, a nation's albatross – "*Corruption in the Public Service*" and possible suggestions for tackling it. It is our hope that in the quest for enduring national development, this lecture will be a major contribution to efforts at eradicating the cankerworm.

**Professor D. A. Guobadia**

**Director-General**

**3<sup>rd</sup> July 2008**

## **CORRUPTION IN THE PUBLIC SERVICE OF NIGERIA: A NATION'S ALBATROSS**

### **Introduction**

It is said that the two key words 'Public' and 'Service' simply define the role which those who belong to this body (i.e. Public Service) have to play. They are expected to render honest, efficient and loyal service to the public which provides the funds from which their emoluments and later their retiring benefits are regularly paid. They hold their positions in sacred trust which makes them accountable for public funds and property placed under their control.<sup>1</sup>

Discussion of this subject matter must of necessity include an examination of the meaning of the composite word "Public Service" both at the Federal and State levels. Fortunately, Section 318 of The Constitution of The Federal Republic of Nigeria, 1999 contains a comprehensive definition of "Public Service."

According to Section 318 of the 1999 Constitution, "Public Service of the Federation" means the service of the Federation in any capacity in respect of the Government of the Federation, and includes service as -

- (a) Clerk or other staff of the National Assembly or of each House of the National Assembly;
- (b) Member of Staff of the Supreme Court, The Federal Court of Appeal, The Federal High Court, The High Court of the Federal Capital Territory ... or other courts established for the Federation;
- (c) Member or Staff of any Commission or authority established for the Federation by the Nigerian

Constitution or by an Act of the National Assembly;

- (d) Staff of any Area Council;
- (e) Staff of any statutory corporation established by an Act of the National Assembly;
- (f) Staff of any educational institution established or financed principally by the Government of the Federation;
- (g) Staff of any company or enterprise in which the Government of the Federation or its agency owns controlling shares or interest; and
- (h) Members or officers of the armed forces of the Federation or the Nigeria Police Force.

In the same 1999 Constitution, "Public Service of a State" means the service of the State in any capacity in respect of the State and includes service as:

- (a) Clerk or other Staff of a House of Assembly;
- (b) Member or Staff of the High Court, the Sharia Court of Appeal, the Customary Court of Appeal or other courts established for a State by the Constitution or by a House of Assembly;
- (c) Member or Staff of any Commission or authority established for the State by the Constitution or by a House of Assembly;
- (d) Staff of any Local Government Council;
- (e) Staff of any corporation established by a law of a House of Assembly;
- (f) Staff of any educational institution established or financed principally by a government of a State; and



- (g) Staff of any company or enterprise in which the government of a State or its agency holds controlling shares or interest.

It is pertinent to emphasise that the paragraphs dealing with the definition of "Public Service" at the Federal and State levels extend to the Staff of any Company or enterprise in which the Government of the Federation or of a State (or any of their Agencies) owns controlling shares or interest. In other words, the constitutional definition of public service therefore includes some companies or bodies in the private sector.

What is more, the examination of corruption in the public service must inevitably include service in the purely private sector because both sectors cannot in reality be treated in isolation since both of them are complementary. Hence an eminent scholar has rightly commented *inter alia*:

"(The) emphasis on public sector probity does not seem to recognize the complementarity of both the public and private sectors of the same integral society, in the light of which we should know that the attitudes and habits in one sector are bound to affect and influence attitudes and habits in the other sector.

Therefore, if we attempt to clean up The Public Sector ... without correspondingly doing the same to the Private Sector, the cankerworm will continuously be contaminating the Public Sector with the attendant

continuation of corrupt habits, in as much as it is impossible to insulate the Public Sector from the Private Sector. Hence the two must be cleansed together. It is therefore clear that the offence of corruption must be defined to cover behaviour in both the private and public sectors, in as much as probity in both sectors is essential to a healthy society."<sup>2</sup>

It takes two to have a quarrel. As a matter of fact, people in the private sector invariably corrupt officials in the public sector. It follows therefore that an all-embracing approach must be adopted in the consideration of corruption in Nigeria which by and large, is a recent phenomenon.

By accident of history, I was born into a Nigerian Society that was predominantly free of corruption. Simply put, the Nigerian society in which I grew up was one in which there was complete mutual interest and trust amongst the citizenry and corruption was therefore virtually non-existent. To illustrate this point, farmers exhibited their farm products on road sides somehow labeled with prices and buyers bought from such farm products and paid for them by dropping the appropriate amount of money into the containers provided for the purpose. Subsequent buyers did like wise and the farmers collected the total amount realized at the end of each day without losing any part of the proceeds to thieves. This was a near perfect society with which I was quite familiar during my youthful years.

Interestingly, this excellent state of affairs existed in the University of Ife (now eponymously known as Obafemi Awolowo University) between 1967 and 1968. At that

time, Newspaper Vendors left their papers unattended to and buyers bought the Newspapers of their choice and paid the appropriate amount which they dropped in the containers provided for the purpose. The vendors collected the proceeds at the end of each day and there were no complaints of any theft.

It is therefore disturbing to note that things have changed drastically in the country in recent years. This aforementioned beautiful and near Utopian society has completely eluded us since corruption has now eaten very deep into all the facets of life in the country thereby lending credence to the Latin maxim – *Corruptio Optimi Pessima* (The corruption of the best is the worst of all).

An eminent Nigerian novelist has correctly observed that corruption in Nigeria has passed the alarming and entered the fatal stage.<sup>3</sup> In support of this view, the Nigerian Tribune of Tuesday 4<sup>th</sup> June, 1996 carried a banner headline titled – “Nigeria Tops in Corruption”. In this publication, Nigeria was described as the most corrupt country in the world. This pronouncement was based on a publication in a recent survey carried out by the Executives of Transparency International, a multinational corporation based in Germany. A report compiled by the Corporation also named Pakistan, Kenya and Bangladesh as other countries where international business was perceived as being badly affected by corruption.

In the interview with the BBC on Monday, 3<sup>rd</sup> June, 1996, a spokesman for the Corporation, Jeremy Pope, indicated that corruption was worst in Nigeria due to the complete absence of leadership on the corruption issue. He lamented the lack of accountability and transparency in business transactions in Nigeria pointing out that in Tanzania, its leader, President Benjamin Mkapa, publicly