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THE PHILOSOPHY OF UNITED NATIONS,
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COMPLICITY OF THE INTERNATIONAL
COMMUNITY: SEARCH FOR A CULPRIT*

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ABSTRACT

Corruption in Nigeria has become such a sickening and systemic phenomenon, defying the expansive legal framework and administrative measures in combating it over the years. However, foreign complicity in the entire build-up of this scourge that is threatening the continued existence of Nigeria as a Nation State is one area that those with sympathetic disposition to the plight of the common man in Nigeria have not given any serious thought over the years. Thus, by doctrinal approach, this paper explored attitude of some developed economies in fuelling the inferno of corruption and found that unless this derogatory attitude to the values upon which the United Nations were built is checked, International Community would have contributed to Nigeria becoming a failed State. The paper found that domestic measures to combat the scourge of corruption will avail nothing as long as foreign complicity is not checked. The paper pointed International Community to a new dimension of foreign complicity in form of property development investment of corruptly acquired funds and thus recommended that in the spirit of the philosophy of the United Nations, International Community should combat foreign complicity in fuelling corruption more seriously, to avoid the regime of failures that informed previous world wars. The paper recommended that apart from International anti-corruption surveillance, foreign countries that contribute to corruption in any member nation of the United Nations should be made to forfeit their investment in such a country, including unguarded loans granted to corrupt Nations.

Key Concepts: *Philosophy of United Nations, Corruption, Complicity and Culprit.*

Introduction

The volume of legal and administrative framework as measures to combat corruption in Nigeria point to a rather long history of efforts to stem the scourge of corruption in the country, and yet, with little or no remarkable result to show for all the huge investment of successive administrations in this behalf.¹ Over the years, it appears that the growth of corruption has been ahead of anti-corruption measures, thus resulting in the inability of the system to measure up to the evolving sophistication of corrupt practices in each dispensation.² This explains why every aspect of the Nigerian body polity is pervaded by moral, economic, political, bureaucratic and electoral corruption, with unimaginable level of corruption in the political party system and structure, the media, the Judiciary, the Legislature and all aspects of the Nigerian economy, including the petroleum sector, trade-related and industrial sector, financial sector, security sector and even the anti-corruption agencies, all of which seem to steadily drive Nigeria to the *precipe* of a failed State.³

However, having regards to the volume of cases bordering on money laundering before Courts of various countries against some Nigerian corrupt public officials and reports of foreign investment of large volumes of corruptly acquired wealth by serving and ex-public officials in the Nigerian public and private sectors,⁴ it appears that Nigeria needs to do more, to identify foreign partners in crimes with Nigerians. This is in line with domestic and International Criminal Policy on reaching out for those engaged in some form of complicity, either as accessory before or after the facts in corruptly looting foreign wealth, with a view to discouraging corruption, the monster that has taken captive every aspect of several nations, including Nigerian National life.⁵ The significance of this paper was borne out by the need to draw attention of International Community to the philosophy of United Nations on unity of Member States, to ensure better life for humanity, as a measure to garner cooperation among

¹ Major anti-corruption laws in Nigeria include:

- a. Independent Corrupt Practices and other Related Offences Act, 2000.
- b. EFCC Establishment Act, 2004.
- c. Advanced Fee Fraud Act, 2006.
- d. Money Laundering (prohibition) Amendment Act, 2012.
- e. Miscellaneous Offences Act.
- f. Code of Conduct Act.
- g. Nigerian Extractive Industries Transparency Initiative Act.
- h. Freedom of Information Act, 2011.
- i. Fiscal Responsibilities Act, 2016.
- j. Penal Code, laws of the Federation of Nigeria, 2004.
- k. Criminal Code, laws of the Federation of Nigeria, 2004.
- l. Banks and other Financial Institutions (Amendment) Act 1991.
- m. Failed Banks (Recovery of Debts) and Financial Malpractices in Banks (Amendment) Act, 1994.
- n. Several administrative initiatives of the Buhari Administration for Accountability in the Nigerian Financial sector.

² Most of the anti-corruption laws in Nigeria came as reaction to corrupt practices and not as pre-emptive measures.

³ P. Matthew, 'A New Taxonomy for Corruption in Nigeria' <<https://carnegieendowment.org>> accessed on 13-08-2020.

⁴ Global Witness, 'International Thief-Thief' <[https://www.globalwitness.org/banks>i...](https://www.globalwitness.org/banks/i...)> accessed on 04-08-2020.

⁵ F. Kutu, 'African Universities and Fighting Corruption' <[https://qz.com.africa>the-music-of-fel...](https://qz.com.africa/the-music-of-fel...)> accessed on 13-08-2020.

Member States against this scourge that has capacity to degrade and demobilize the lofty ideals upon which the United Nations were built.

Conceptual Clarification

For clarity, it is imperative to explain the framework within which some of the core concepts in this paper have been employed. To avoid duplicity however, only corruption and philosophy of the United Nations are clarified at this point, while the rest concepts are explored in the main body of the discussion.

Corruption

Corruption may be a global phenomenon but its definitive manifestations are usually understandable within the social context of each society. However, in its general context, it is defined as an anti-social behaviour conferring improper benefits away from established legal and moral norms of each society, which undermines capacity of constituted authority to meet expectations of the populace.⁶ It is a means of private diversion that determines political climate of each dispensation because wealth, howsoever it is amassed, speaks volumes on who dictates political climate of each dispensation in African society, Nigeria in particular.⁷ This is why corruption is defined to include bribery, fraud and other related offences, including any action or commission initiated by any member of an organization against the rules, regulations, norms and ethics of the organization, the purpose of which is to meet the selfish end of such member.⁸

According to International Monetary Fund and World Bank, it is the abuse of public office for private gains; an anti-social behaviour contemning improper benefits, contrary to legal and normal norms undermining capacity of constituted authority to secure the welfare of her citizens.⁹ To Gray and Kaufmann, Corruption include bribery and corrupt acts necessarily involving at least, two persons and other malfeasances that a public official can carry out alone, including fraud and embezzlement.¹⁰ In its intrinsic workings therefore, corruption manifests in form of abuse of office and privileges, low level of transparency and accountability, inflation of contracts, misappropriation, advance fee fraud, collection of illegal toll, drugs and arms-smuggling, and the like.¹¹

In Nigeria, it is cloned in various local expressions like financial malpractices, *egunje*, dash-dash, gratification, brown envelopes, palm greasing, ground softening, settlement, below the table, appeasing the gods, undocumented payment, *kick-back*, shady deals, 10% load, secret-secret and the like.¹² It manifests in government activities by appropriation of public assets for

⁶J.L Tarek; 'Physiological and Behavioural Patterns of Corruption' <<https://www.researchgate.net/publication>> accessed on 08-08-2020.

⁷*Ibid.*

⁸ Corrupt Practice and Other Related Act, 2000, section 2.

⁹ S Osoba, 'Corruption in Nigeria, Historical Perspective' Rev. Afr. Pol. Econ. 23 (69) 317 and 386.

¹⁰ C.W. Gray; D. Kaufmann, 'Corruption and Development-International Monetary Fund' <<https://www.imf.org/pdf/gray>> accessed on 08-08-2020.

¹¹ K.O, Amah 'Effect of Corruption in Nigerian Economy: A Critical View' <<https://ideas.repec.org/hur/ijarbs>> accessed on 13-08-2020.

¹² A.E.Obeyeln, 'Effects of Corruption and Economic Reforms on Economic Growth...in Nigeria' <<https://www.afdb.org/knowledge>> accessed on 08-08-2020; A.Ogbonnaya, 'Effect of Corruption in Nigerian Economy: A Critical View' <hrmars.com>hrmars-papers>Effe...> accessed on 08-08-2020.

private use, embezzlement of public funds by politicians and high ranking civil and corporate servants. It manifests in the running of every aspect of national economy as in the case of fake drug manufacturing and importation, adulteration of foods, drinks and cases of piracy and fraud at all levels of national life.¹³ It also trails several forms of illegal, unethical and unauthorized exploitation of natural resources of the nation and grossly too, in the electoral system in form of electoral manipulations and other irregularities.¹⁴ Its spread to every aspect of the nation's life, including politicians, law enforcement agents, civil and public servants and even organized and liberal labour sector justifies description of corruption as a systemic vice, especially in Nigeria where even religious organizations are as soiled in this vice as any other sector.¹⁵

In Nigeria, corruption has so overwhelmed and damaged what used to be referred to as African cultural value of every one being responsible to all, or communal living, to the extent that honesty in any public office has become irrational, thus crippling all anti-corruption measures.¹⁶ Indeed, corruption has become so endemic that even at family level, children habitually and tactically ask for gratification as pre-condition for carrying out their normal domestic chores. This is the endemic extent of corruption in the Nigerian body polity that is the subject of inquest in this paper.

Philosophy of United Nations

The ugly consequence of man's inhumanity to man arising from the way the Second World War was prosecuted definitely played into the long standing philosophical principle of human rights as a nature-endowed, imprescriptible and indivisible right.¹⁷ The atrocities of Nazi Germany and the beastly horror of the regime during the war directed attention to the nexus between outrageous behavior of a government towards its own citizens and aggression against other nations of the world.¹⁸ It brought to the fore the need for effective protection of human rights as an essential condition for international peace and progress, stressing that as long as human rights are respected, democracy is secured and danger of dictatorship and war is remote.¹⁹ It was in pursuit of this that the UN Charter imposed obligations on member States to universally guaranteed and encourage the protection of human rights, in fulfillment of the ideal for which the Allied Powers went to war.²⁰ That was why the UN Charter took a stride in reaffirming faith in fundamental human rights, in the dignity and worth of the human person; in the equality of rights of men and women and the nations, large or small, as part of the measure for promoting human rights for all, without distinction as to race, sex, language or religion.²¹

¹³ Ogbonnaya, *op.cit.*

¹⁴ *Ibid.*

¹⁵ P.S.Ubi, 'Corruption, Institutional Failure and Economic Development in Nigeria' <<https://www.researchgate.net/publication>> accessed on 14-06-2020.

¹⁶ L.U.Odo, *op.cit.*

¹⁷ O.N. Ogbu, *Human Rights Law and Practice in Nigeria: An Introduction* (CIDJAP, 1999)36.

¹⁸ L. Oppenheim, *International Law: A Treaties* (Longman Group, 1970) 737; Ogbu, *op.cit* at 35

¹⁹ See Preamble to the Charter. See also Ogbu, *op.cit* at 36

²⁰ Article 1(3) of the United Nations Charter (hereinafter referred to as, UN charter)

²¹ *Ibid*

In further pursuit of human rights universalization, the Charter also mandated the UN General Assembly to “initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms”.²²This philosophy informed the preamble of the United Nations Charter stating that:

We the Peoples of the United Nations Determined

To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish condition under which justice and respect for the obligations arising from treatise and other sources of International Law can be maintained, and to promote social progress and better standards of life in larger freedom

And For These Ends

To practice tolerance and live together in peace with one another as good neighbors and to unite our strength to maintain international peace and security, and to ensure by the acceptance of principles and institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

In pursuit of this philosophy, Article 1 of the Charter states purposes of the United Nations to include:

- 1. Maintenance of International peace and security.*
- 2. Development of friendly relations among nations towards strengthening universal peace.*
- 3. International cooperation in solving economic, social, cultural and humanitarian problems and to promote respect for human rights and fundamental freedom without any form of discrimination.*
- 4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.*

From the foregoing, it is obvious that United Nations is primarily about ensuring “the dignity and worth of the human person”, promotion of “social progress and better standard of life”, promotion of the spirit of tolerance and “togetherness in peace with one another as good neighbours”, “promotion of the economic and social advancement of all peoples”, unity and friendly relation towards maintenance of International peace and harmony. Therefore, what the founding fathers of the United Nations meant, in the view of this paper, was that in the spirit of International solidarity, no member nation should engage in acts derogatory to the purposes and

²² Art.13(b) and 55(c), UN Charter

philosophy of the United Nations as endorsed in the Charter. In this regard, article 2(6) of the Charter provides that the organization shall ensure that even non-member States act in accordance with principles of the union, towards international peace and security. Incidentally, the five permanent members of the Security Council, constituting the most powerful organ of the United Nations constituted the founding fathers of the union, overseeing the crafting of the charter.²³ Beyond this, these countries have also remained effective members of the club of the developed world whose complicity in the scourge of corruption forms the subject of this paper.

The Scourge of Corruption in Nigeria

A cursory look at the volume of anti-corruption laws and administrative measures toward stemming the tide of corruption in Nigeria would lead to the irresistible conclusion that its resilience is not about insufficient legal framework.²⁴ The question that thus calls for resolution is how to unravel the factors strengthening this monster that has taken captive every private and public servant in Nigeria, and how to determine the extent of complicity in this ugly trend, and to stern them.

The issue of how corruption may be conceptualized as a human right violation does not require much effort to identify, at least in its vicious circle manifestations. For instance, where as it is common in Nigeria, genuine drug purchase is corruptly compromised, the right to life or good health of members of the public is threatened or violated;²⁵ right to education is violated where funds meant for education are embezzled;²⁶ right to work is violated where nepotism, tribalism, sectionalism and bribery displace qualification;²⁷ right to adequate standard of living is compromised where occupiers of public office allow their personal interest to influence their judgment on the quality of medical care, education, water, power, housing and several other rights under International Covenant on Economic, Social and Cultural Rights.²⁸ This is the scenario playing out in the Nigerian Niger Delta Region where, despite billions of dollars allocated to infrastructural, social, educational and economic developments of the region, no visible development can be shown for such huge investment because of corrupt misappropriation by the managers of the Niger Delta Development Commission, in conjunction with the Ministry of Niger Delta Development over the years.²⁹

Without engaging in unnecessary controversy in this respect, it is the humble view of this paper that approaching this issue from the perspective of failure of “State obligation to

²³ They include, Britain, America, China, Russia and France.

²⁴ B. Ibidolapo ‘The anti-corruption legal framework and its effect on Nigeria’ <<https://www.mondaq.com>> accessed on 13-08-2020.

²⁵ T. Aworinde, ‘Covid-19 Exposes Nigeria’s Wobbling Healthcare System’ <<https://healthwise.punchng.com/covid...>> accessed on 09-08-2020.

²⁶ M. Page, ‘A New Taxonomy for Corruption in Nigeria’ <<https://carnegieendowment.org/news-tax...>> accessed on 09-08-2020.

²⁷ E. Osam, ‘Sectoral Analysis of Corruption in Nigeria’ <<https://www.researchgate.net/publication>> accessed on 09-08-2020.

²⁸ O. Nwankwo, ‘Impact of Corruption on Economic Growth in Nigeria’ <<https://www.researchgate.net/publication>> accessed on 09-08-2020.

²⁹ D.E. Agbibo; B. Mariangwa, ‘Corruption in the Under-development of the Niger Delta in Nigeria’ *Journal of Pan African Studies*, vol.5 no.8, December 2012.

protect,”³⁰ corruption may be regarded as the gravest instrument of human right abuses than any other factor. For instance, none of the State obligations in article 2(1) of ICESCR, including obligation “to take steps”, “to achieve progressively the full realization of the rights in the treaty” and to take steps against “discrimination of any kind” can be attained where corruption dominates execution of government policies. Indeed, in the circumstance where article 2(1) of ICESCR makes State obligation subject to “available resources”, an exit path is created for a corrupt government to decline performance under the guise of non-availability of resources. Where available funds are misappropriated on “white elephant” projects or fictitious “security projects”, it is difficult to fathom how a corrupt government would engage in “all appropriate means” as in article 2(1) of ICESCR to ensure that the rights guaranteed under this treaty are secured. Therefore, looking at the financial index of Nigeria as a nation and the intractable surge of corruption despite extensive network of legal framework on anti-corruption, it is obvious that the inability to meet the standard of ICESCR is not as much with lack as much as the endemic scourge of corruption, which adopted a cancerous posture, for which the vulnerables of the Nigerian society are the worst for it.³¹ Even in the so-called search for democratic ideals in Nigeria, there is unimaginable level of corruption in the political party system, the media, the legislature and all aspects of the economy, including the petroleum sector, trade-related and Industrial sector, infrastructural network, power sector, financial sector, security sector and even the realm of anti-corruption agencies, all of which seem to steadily drive Nigeria to the *precipice* of the status of a failed State.³²

This explains why there is impunity everywhere.³³ Indeed, the level of insecurity point to survival of the fittest, where the rich pay the police and all other national security personnel for their security while ordinary Nigerians are maimed, deformed, murdered, kidnapped and decapitated on daily basis, as if to redefine the rule of law in Nigeria.³⁴ Before now, the Nigerian government saw the Boko Haram insurgents as the only challenge but as things are now, it is obvious that Nigeria is going through a period of national emergency where the common man no longer feels safe to pursue his business to secure his livelihood. School children and students now feel unsafe to go and return from school; neither are hospitals and healthcare centres safe anymore.³⁵ In the face of such insecurity, it is difficult to fathom whatever has become of Nigeria’s undertaking ‘to take steps to ensure’ protection of these rights and the prohibition of any person from destroying any of the rights enshrined in article 3, 5, 7, 11 and several others of the ICESCR.

³⁰ In line with article 2 ICESCR.

³¹ Agbiboa, *op.cit.*

³² L.U, Odo ‘The Impact and Consequences of Corruption on the Nigerian Society and Economy’ *International Journal of Arts and Humanities* vol.4(1) S/no.3, 13th January, 2015 <<https://dx.doi.org/10.4313/ijah.v4il.13>> accessed on 14-12-2019.

³³ Amnesty International, ‘Nigeria: Horrific Reign of Impunity by SAR makes Mockery of Anti-torture Law’ <<https://www.amnesty.org/news2020/06>> accessed on 13-08-2020.

³⁴ J. Campbell, ‘Nigerian Violence and Impunity’ <<https://www.cfr.org/blog/nigerian-vio...>> accessed on 13-08-2020.

³⁵ *Ibid.*

A visit to Nigerian hospitals would greet anyone with infrastructural decay, pointing to total abandonment.³⁶ Most of the buildings of General hospitals put up in the colonial era or during the immediate aftermath of independence in 1960 have either totally collapsed or their roofs caved in, yet, desperate people that cannot afford private clinic services still risk going to such hospitals, mostly manned by improperly trained personnel.³⁷ Where there are qualified doctors in government health centres in local communities, they are either converted to personal clinics of such doctors or they use them as opportunity to refer patients to their personal clinics within the community.³⁸ In most government hospitals and clinics, where their pharmacy department dispense drugs, it is almost a foregone conclusion that such drugs are the personal, profiteering drugs, of the dispenser, most of which are usually fake drugs.³⁹ The alternative is that the doctors prescribe drugs to patients with specific instruction to procure them from nearby patient medicine stores, either owned by the doctors or pharmacist of the hospital.⁴⁰

In the sphere of education, the standard is virtually compromised from primary to all levels of education for corrupt purposes.⁴¹ Primary school children either sit on the bare floor or under trees for lessons by teachers who, having not received salaries, in some cases, up to one year running, run around to promote their personal businesses during school hours, to earn a living instead of teaching the children.⁴² At the senior secondary school level, their exit exams are a show of shame where some centres, usually regarded as “miracle centres” are run for success at a fixed cost.⁴³ For this failure, almost every community or organization owns unregistered nursery/primary schools which parents divert their children and wards to, at least for better basic education.⁴⁴ This is the apologetic situation that Nigerian leaders prefer to fight, half-heartedly.

Only in July 2020, anti-corruption insignia of the present administration in Nigeria was punctured and rubbished when Ibrahim Magu, the arrow-head of anti-corruption agenda of Buhari’s administration was caught in a web of high level corruption of multi-billion stature.⁴⁵ For the records, when the President presented Magu to the Senate for screening to that office, the Directorate of State Security (DSS) a Federal Government Intelligence Agency answerable to the President had indicted Magu as failing integrity test for the post of Chairman of Economic

³⁶ O. Onwujekwe; A. Odii; C. Mbachu, et al ‘Corruption in the Nigerian Health Sector Has Many Faces: How to Fix It’ <<https://theconversation.com/corruption>,...> accessed on 13-08-2020.

³⁷ R. Hadi, ‘Corruption in the Nigerian Health Sector: Time to Right the Wrongs’ <<https://www.ganji.com>> accessed on 13-08-2020.

³⁸ T. Meina, ‘Nigeria Case Study, underlining priorities for Policy Makers’ <<https://hsgovcollab.org/sites/files>> accessed on 13-08-2020.

³⁹ *Ibid.*

⁴⁰ Hadi, *op.cit.*

⁴¹ G.O. Samuel, ‘How Corruption is Affecting Basic Education in Nigeria’ <<https://iaccseries.org/blog/how-corruption>,...> accessed on 13-08-2020.

⁴² P.S. Torulagha, ‘The Corrosive Effect of Corruption on Nigeria Educational System’ <www.ganji.com>NEWS7987> accessed on 13-08-2020.

⁴³ M. Kirya, ‘Education Sector Corruption: How to assess it and ways to address it’ <<https://www.U4.no/publications/educa>,...> accessed on 13-08-2020.

⁴⁴ Samuel, *op.cit.*

⁴⁵ O. Adeshokan, ‘Nigeria’s EFCC Boss Suspended from office following Secret Tribunal’ <<https://www.theafricareport.com/nigeria>,...> accessed on 13-08-2020.

and Financial Crimes Commission (EFCC).⁴⁶ As if to repackage the same candidate, the President re-presented Magu as his nominee for that office, to the Senate. And for the second time, the DSS reported that he lacked integrity to occupy that office but quite surprisingly, the ‘anti-corruption’ president of Nigeria chose to retain Magu as ‘Acting Chairman’ of the said commission for five years, amidst protestations of the legislature and the Nigerian public, until recently when the Attorney General, prompted by Press reports of massive corruption, recommended removal of Magu.⁴⁷

Surprisingly again, the President resorted to a face-saving measure by setting up a panel to ‘investigate the fraud’ instead of handing his right hand man to the law enforcement agencies for scrutiny and possible prosecution. In Nigeria, administrative and judicial panels are known to be successive government measures for covering up fraud, to pacify spontaneous public outcry against heinous corrupt practices.⁴⁸ Here again, Nigerians are in no doubt that the Magu panel is another ploy to kill and bury another fraud on the economy; and by inference, a measure to leave the people’s quest for any form of human rights in the doldrum.

Indeed, by the way the fight against corruption plays out, it is obvious that from the Executive to the Legislature and even up to the Judiciary that is supposed to be the last hope of the common man and rule of law, they have all been compromised. Up and until now, for instance, Nigerians are yet to be told how the Court in Nigeria found James Ibori, the former Governor of Delta State not culpable for charges of corruption leveled against him and subsequently, the culprit virtually pleaded guilty to charges arising from the same trend of facts, before a Court in the United Kingdom.⁴⁹ Beyond Court trial, it is obvious that the Federal Government treatment of those the Court system tries to convict justifies expression in Nigeria that “dogs don’t eat dogs”. For almost every conviction of all major political players in the last decade, they hardly had time to settle down in prison to serve their terms before the Presidents, their kind, for cheap political gains granted them pardon, to a heroic welcome of those who benefited from their corrupt administration.⁵⁰ This way, trial and conviction of corrupt officials in Nigeria is perceived as a mere political smoke-screen, at the pleasure of the party in power, to the detriment of basic human rights of the common man. This setting, no doubt, shows the nexus between corruption, under-development and abuse of human right in such an inseparable manner, resulting in the present emasculation of the Nigerian State and in the near future, dragging Nigeria to the political precipice of a failed State.

⁴⁶ T.H. Adebayo, Senate rejects Magu as EFCC Chairman’ <<https://www.premiumtimesng.com/news>> accessed on 13-08-2020.

⁴⁷ I. Uwugiaren; K. Nweze; C. Okocha, ‘Nigeria: Hunter is Hunted , Presidential Panel Investigates Magu’ <<https://ajjafrika.com/stories>> accessed on 13-08-2020.

⁴⁸ In Magu’s case, he was removed from office following a secret presidential inquiry whose reports were never made public outside news paper reports that Magu was being interrogated by DSS following his removal from office by the President. See W. Ukpe, ‘DSS Invites EFCC’s Acting Chairman, Ibrahim Magu for Questioning’ <<https://nairametrics.com/2020/07/06/j...>> accessed on 13-08-2020.

⁴⁹ D. Thomas, ‘Nigeria: How Ibori was convicted in UK-EFCC’ <<https://allafrica.com/stories>> accessed on 14-07-2020.

⁵⁰ T. Cooks, ‘Nigeria President Pardons Ex-Governor Convicted of Graft’ <<https://www.renters.com/article/Nigeria...>> accessed on 13-08-2020.

This explains the description of corruption in Nigeria as a systemic problem because, driven by human instinct for survival, everyone in the system, including all sectors of government, the national army and even the religious sectors throw decorum to the wind to grab “something from the *National cake*” in the spirit of “if you cannot beat them, join them”.⁵¹ Corruption at such level beats the concept of nationalism hollow and drive collective interest of the society only to a future that never arrives. For instance, the Niger-Delta struggle was originally said to arise from the neglect of the people of that region and truly so, the region lacks roads, standard housing for the rural population, hanging to unproductive farm lands and waters populated by exploitation of their petroleum resources by the Nigerian government, in concert with Multi-national oil companies.⁵² In response to what looked like the people’s quest for better life, the Nigerian government set up the Niger-Delta Development Commission, with mandate to provide and secure social, economic and infrastructural developments of the region.⁵³ Following this also was the creation of a Federal Ministry for Niger-Delta Development with budget like any other ministry within the Republic of Nigeria, to ensure robust Federal presence in the region.⁵⁴

As if to ensure that indigenes of Niger-Delta region would be more sensitive to the needs of their people, the Federal Government adopted a policy of these two organizations being chaired by indigenes. Quite unfortunately however, and inspite of billions of Dollars invested in this region through the NDDC and the Ministry, the region has nothing tangible to boast of in the last twenty years of the Commission.⁵⁵ Only in July 2020, the nation was rattled by a scam of billions of naira corruptly appropriated as between the Minister of Niger-Delta Affairs and the Commission.⁵⁶ In response, there was a smoke-screen investigation by the Nigerian Legislature, whose reports Nigerians know traditionally, will never bring forth any result.

Quite painfully however, Nigerians had expected, in vain though, that as it is the practice in the civilized world, a serving Minister being investigated for misdeeds would honourably step aside until he clears his name, but not in Nigeria. As expected the so-called anti-corruption Nigerian President left the Minister in office, with all ministerial powers at his disposal, by which he granted all kinds of self-justification interviews in press conferences even before charges against him were ventilated.⁵⁷ In the end, while corruption thrives, the right of the common populace in Niger Delta and Nigeria at large to good shelter, health services, basic education, employment and all other rights endorsed under ICESCR to which Nigeria subscribed are eroded by corrupt practices, by just a handful of individuals.

⁵¹ Matthew, A New Taxonomy, *op.cit.*

⁵² Amnesty, International, ‘Nigeria: Decades of Neglect, years of waiting’ <<https://www.amnesty.org/afr44>> accessed on 13-08-2020.

⁵³ Hereinafter referred to as *NDDC* established by the Obasanjo administration in the year 2000.

⁵⁴ Announced by the then Nigerian President Umaru Yar’Adua on 10th September, 2008 <<https://www.nigerdelta.gov.ng>> accessed on 13-08-2020.

⁵⁵ Gbajabiamila, ‘NDDC Has Failed Niger Delta’ <<https://www.premiumtimesng.com/news>> accessed on 13-08-2020.

⁵⁶ K. Ebiri, ‘Outrage over fraud, rot in NDDC, Niger Delta’ <<https://m.guardian.ng/news/outrage-o...>> accessed on 13-08-2020.

⁵⁷ W. Ukpe, ‘NDDC Probe: House of Reps to sue Akpabio for Perjury’ <<https://nairametrics.com/2020/07/23/>> accessed on 13-08-2020.

In a country where the Executive, Legislature and Judicial arms of government are corruptly soiled, one would have expected the Nigerian armed forces to salvage the already apologetic situation but no. The manner in which the so-called war on terror against the Boko-Haram Islamic insurgents has been fought in the last decade point to nothing but irredeemable hold of the demon of corruption upon everything about Nigeria, including the Military.⁵⁸ In the most demoralized State of the Nigerian Armed Forces, Government gives impression that they are “on top of the situation” by deploying several half trained soldiers to the war front without arms, despite several billions of dollars allocated to arms purchase.⁵⁹ The end has been total operation failures and loss of Nigerian Soldiers to a common sectoral armed outfit that has run before Chadian army, a far less trained army.⁶⁰ Again and again, government fooled the Nigerian populace by declaring that the insurgents had either been defeated or decimated but with every unfolding year, Nigerians have discovered that the insurgents only dissolved into all the forests in Nigeria and wreaking havoc upon the populace, either under the cover of Fulani Herdsmen or clannish contention over farmland.⁶¹ In each of the clashes that resulted in the total wiping away of some communities, burning of houses, maiming and decapitation of women and children, the dastardly acts were prosecuted by arms that can now virtually be purchased across the counter, in a country with laws that prohibit private or unlicensed possession of arms. In some of these cases, government complicity was alleged with lame-duck denial and yet, without any pro-active measure to arrest this ugly trend.⁶²

Complicity of International Community

The depth of corruption and its disastrous consequences upon every facet of the Nigerian nationhood, including the resultant level of poverty in Nigeria has over the years been of International concern, especially as the World Bank, International Monetary Fund (IMF) and Amnesty International have consistently decried the situation in the last two decades.⁶³ So much literature abounds internationally on the grip of corruption upon every public sector in Nigeria and involvement of both public and private sectors on the corrupt mismanagement of available financial resources.⁶⁴ At various times, Nigeria had to pursue and set in motion machinery for the recovery of her wealth stolen and stashed up in some of the developed or more advanced economies; and to nib situations where foreign loans were applied to some fictitious or *white elephant* projects as a ploy to corruptly divert such funds to private pockets.

⁵⁸S. Salem, ‘Corruption in Nigerian Military Benefits Boko Haram’ <<https://www.voanews.com/africa/repo...>> accessed on 13-08-2020.

⁵⁹D.F Banini ‘Security Sector Corruption and Military Effectiveness: The Influence of Corruption on Counter measures against Boko Haram in Nigeria’ <<https://www.tandfonline.com/doi/full>> accessed on 13-08-2020.

⁶⁰*Ibid.*

⁶¹ A. Ibrahim; M. Eckel, ‘In The Home of Peace, A Siege of Fear’ <<https://www.voanews.com/index-en>> accessed on 13-08-2020.

⁶² B. Chuks, ‘Entrenching Impunity: Federal Government Complicity, Human Rights Abuse and Corruption’ <<https://www.hrw.org/nigeria1007/6.htm>> accessed on 13-08-2020.

⁶³ Y. Akinpelu, ‘How Transparency International assessed Nigeria’s Corruption Level’ <<https://www.premiumtimesng.com/news>> accessed on 13-08-2020.

⁶⁴ Premium Times, ‘Corruption Worse in Nigeria, New Transparency International Report’ <<https://www.premiumtimesng.com/news>> accessed on 13-08-2020.

Quite painfully, the International Community is complicit in the plight of Nigerians for three main reasons. Firstly, Nigeria's wealth stolen by the corrupt oligarchy are stashed in foreign banks and investment houses which wealth the foreign countries plow into the growth of their own economy, at no cost to them.⁶⁵ Secondly, even when the world, including World Bank and the International Monetary Fund (ITF) cry foul over endemic and systemic nature of corruption in Nigeria, yet these multinationals continue to grant loans as suicidal pills to successive Nigerian governments for *white elephant* projects that they know would only be corruptly plowed back to the lending nations.⁶⁶ And then, the issue of insecurity perpetuated by some unfair capitalist nations and arms traffickers that dump all kinds of arms on Nigerian soil even when they know that a lot of them would be applied to securing corrupt agenda.⁶⁷ All these constitute what this paper describes as complicity of the developed economies in the issue of corruption that Nigerians don't seem to know how to contain.

This is what brings this paper to its significance regarding what such economies and international lenders stand to gain in such dire capitalist deals, in a globalized world where downfall of one nation could cause ripple effect, internationally. Beyond this is whether such attitude reflect the philosophy informing the birth of the United Nations that is supposed to be the platform upon which all member nations should operate. From instances of corrupt laundry of public funds by General Sani Abacha to those of Alamiyeseigha of Bayelsa State, Joshua Dariye of Plateau State, James Ibori of Delta State and several others with obvious complicity of countries that were suppose to frown at heinous deprivation of the common man by corrupt practices, it was expected that International Community, with particular reference to those with lending outfit should roll out more stringent process for lending to corrupt nations and a more copious and circumspect watch against money laundering or transfer howsoever, especially where corrupt nations like Nigeria are involved.⁶⁸

By the report published by Global Witness, it is obvious that "by taking money from corrupt Nigerian governors.... Barclays, NatWest, RBS, HSBC and UBS helped to fuel corruption and entrench poverty in Nigeria" even when these same banks had been involved in funneling such corrupt loot by the former Nigerian dictator, Sani Abacha. Incidentally, there has hardly been any proactive measure against this unfortunate behaviour by the UK banking regulator, the *Financial Services Authority*.⁶⁹

⁶⁵ Global Witness, 'British Banks Complicit in Nigerian Corruption, Court Documents Reveal' <<https://www.premiumtimesng.com>> accessed on 13-08-2020.

⁶⁶ C. Olisah 'DMO Discloses Facts About Chinese Loans to Nigeria, States Terms of the Loans' <<https://nairametrics.com/2020/0620>> accessed on 13-08-2020.

⁶⁷ C. Freedom, 'How Weapons Smuggled by Turkish Criminals are Fuelling a deadly herder-farmer conflict in the Sahel' <<https://www.telegraph.co.UK/weapons.s...>> accessed on 13-08-2020

⁶⁸ Global Witness, *op.cit* at 65; Olalekan, F; 'World Bank Becomes Nigeria's Single Largest Creditor as loan Increases' <<https://nairametrics.com/2019/04/24>> accessed on 13-08-2020.

⁶⁹ *Ibid.*

According to Palmer, a campaigner with Global Witness, British

*Banks are quick to penalize ordinary customers for minor infractions but seem to be less concerned about dirty money passing through their accounts.... Large-scale corruption is simply not possible without a bank willing to process payment from dodgy sources, or hold accounts for corrupt politicians.*⁷⁰

The campaigner lamented the situation where British Banks facilitate “corruption in Nigeria, a country where more than half the population are still without access to clean water” which he said “undermines British development aid that fills gaps created by poor governance and failing State services”.⁷¹

As if to relocate corrupt loot from Western Countries and the United States of America because of their measure of surveillance, the looting team in Nigeria now seem to find a softer landing in the Arab World where Dubai, in the United Arab Emirates (UAE) has particularly been fingered as “an alluring destination for investing corrupt gains” and where “billions of dollars are siphoned away to the detriment of both prosperous and struggling economies and societies”.⁷² This, according to the report is because “Dubai... exercises minimal oversight and has few legal or logistical obstacle to transferring large amounts of cash or purchasing property” that thus account for several properties linked to politically exposed persons or their family members, associates and suspected proxies in Nigeria.⁷³

As earlier mentioned, the avowed resolve of some nations and lending outfit to lend money to Nigeria despite the outcry internationally that such funds are usually corruptly misappropriated gives cause for concern. For instance, Nigerians are yet to know the drive behind China’s resolve to grant loans to Nigeria over and over, with stringent conditions when China knows that a corrupt, non-prudent country like Nigeria may never be able to repay, without the consequence of multiplying the woes of the already impoverished Nigerian populace.⁷⁴ While it is assumed that in a capitalist world as exist today, every Nation’s national interest may permissively take precedent over all others but it is the position of this paper that an over-drive of such policy could drive nations of the world back to the events that fueled the Second World War and the birth of the United Nations. Indeed, such mindless pursuit of national interest over the UN Charter reaffirmation of faith in fundamental human rights, in the dignity and worth of the human person; in the need to “promote social progress and better standard of life in larger freedom” seem to take the world back to the pre-world war era, spelling doom for the world.

It is disturbing that the Universal Declaration of Human Rights (UDHR) along with International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) dealing with specific rights put individual rights in the center but today, it appears hypocritical that the same individuals whose rights were supposedly secured are

⁷⁰ R. Palmer, British Banks Complicit in Nigerian Corruption, Corrupt Documents Reveal’ <<https://www.premiumtimes.com>> accessed on 13-08-2020.

⁷¹ M. Page, ‘Dubai Property: An Oasis for Nigeria’s Corrupt Political Elites’ <<https://carnegieendowment.org/dubai-p...>> accessed on 13-08-2020.

⁷² Page, *Ibid.*

⁷³ *Ibid.*

⁷⁴ Olisah on Chinese Loans, *op.cit.*

now being psychologically, emotionally and physically brutalized without any concerted effort to arrest the situation. And this, without any pro-active measure by International Community to stem the tide even as some of the situations degenerate into crisis situation.⁷⁵ In the situation where the vulnerables of the society are bereaved of all that the Bill of Right stands for, through corruption and all other vices, it is difficult to locate sincerity of International Community, taking cover under the need to ensure sanctity of each State, in a globalized world where all other Nations catch cold whenever any country sneezes.

In Nigeria, like other Criminal Law Jurisdictions all over the world, those caught in the web of some complicity in crime are as culpable as principal offenders, whether as accessories before or after the facts.⁷⁶ This is in realization of the fact that ideas of certain crimes could abort or miscarry where participants know there are no available hands to manage proceeds of their crimes. It is for this reason International Community should stand up to the challenge, to hold culpable, foreign nations that encourage corrupt practices in member states of the United Nations, especially where corrupt acts are geared towards defeating the philosophy of the United Nations and all that the Organization stands for.

In the spirit of the need to unite for “tolerance for peace with one another as good neighbours”; the development of “friendly relations among nations towards strengthening universal peace; for international cooperation in solving economic, social, cultural and humanitarian problems; towards “the promotion of the economic and social advancement of all peoples” as pivot of the UN Charter, it is the position of this paper that the developed economies must not take advantage of the vulnerable, corrupt States especially where to do so could disharmonize actions of nations in the attainment of the overall philosophy behind the United Nations.

Summary and Recommendations

This paper approached the issue of corruption, a terminal vice defying all known legal and administrative measures in Nigeria from the background of complicity of some countries and organizations that grant unguarded loan facilities to Nigeria for corrupt purposes, or accept investment of corruptly acquired Nigerian wealth in foreign banks or property development outfits. The paper found that although corruption has adopted an endemic and systemic outlook in Nigeria but foreign complicity has contributed in no small measure, in recent impunity that defies all known legal and administrative measures.

The paper found that having regards to the ugly antecedents of corrupt transactions with Nigerian officials in the past, attitude of such countries or Organizations must be reckoned as deliberate and fashioned to under-rate the Nigerian nationhood. The paper lamented the debilitating effect of corruption on every aspect of Nigeria’s nationhood that is fast driving the country to the status of a failed State and concluded that the International Community needs to do more to arrest the scourge before it does irreparable damage to the Nigerian nationhood. Accordingly, the paper recommends as follows:

- a. That in the spirit of the philosophy of United Nations, International Community needs to do more to combat this vice that is fast threatening existence of Nigeria as a Nation State.

⁷⁵ As in the case of Nigeria and several African Countries.

⁷⁶ R. Buxton, ‘The Extent of Criminal Complicity’ <<https://www.jstor.org/stable/2471111>> accessed on 13-08-2020.

- b. That the International Community should adopt sterner measures against countries and International organizations that encourage corruption in Member States of the United Nations through unguarded lending they have reason to know by the antecedents of such Nations would be applied to corrupt projects that may spell doom for the people rather than improving on their lots.
- c. That international community should not only mount pressure on countries and Organization that are implicated in corrupt investment of corrupt wealth in their finance houses and property developments but they should be made to forfeit their funds and investments as reparation to the damage done to the economies of the vulnerable nations.

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