

## J4A's anti-corruption work in Nigeria



Code of Conduct Tribunal Headquarters, Abuja

Corruption is rife in Nigeria partly because of the limited ability of the government to track the financial activities of its 'prominent' citizens and bring to book the corrupt. Strong cultural and tribal allegiances also aid the continuation of corruption; the belief that I 'owe my people' is one that can be found within every group in Nigeria. The effect of corruption on the poor and vulnerable is especially noticeable as they are the ones unable to pay the demanded bribes and as a result are not able to access needed services.

Nigeria has made some progress in its fight against corruption: in June 2006, Nigeria was removed from the Financial Action Task Force (FATF) list of non-cooperating countries with respect to combating money laundering; in 2007, the country was accepted into the prestigious Egmont group of Financial Intelligence Units - FIUs (The Egmont Group is a network of FIUs operating across the world; it provides a platform for FIUs to share information, expand international cooperation and supports members in the implementation of their anti-money laundering regimes). Despite progress, Nigeria continues to be regarded as one of the most corrupt countries in the world.

### The Federal Ministry of Justice (FMOJ)

- acts as the lead prosecutor of anti-corruption and anti-money laundering cases in Nigeria;
- ensures that cases are not withdrawn on the basis of political considerations using the AG's constitutional fiat;
- coordinates policy on mutual legal assistance and extradition between Nigeria and other countries.

### The key players in the Nigeria anti-corruption effort:

#### The Economic and Financial Crimes Commission (EFCC)

- investigates and prosecutes all aspects of financial and economic crime.

#### The Code of Conduct Bureau (CCB)

- sets out a code of conduct for public officers;
- receives and maintains details of public officials' asset declarations.

#### The Code of Conduct Tribunal (CCT)

- adjudicates matters arising from breach of work ethics for public officers set by the CCB.

#### The Independent Corrupt Practices and Other Related Crimes Commission (ICPC)

- investigates and prosecutes corruption and fraud in the public sector;
- undertakes asset recovery.

#### Nigerian Financial Intelligence Unit (NFIU)

- receives currency transaction reports and suspicious transaction/activity reports from financial institutions.

#### The Technical Unit on Governance and Research (TUGAR)

- acts as secretariat of the Inter-Agency Task Team (IATT) on anti-corruption;
- coordinates with the FMOJ to ensure anti-corruption and associated policies are disseminated and implemented.

#### The Special Control Unit against Money Laundering (SCUML)

- monitors, supervises and regulates the activities of all "designated non-financial businesses and professions" (DNFBPs);
- receives and processes details of all cash transactions above the current threshold for transfer internationally.

## In this issue:

### **Sam Saba, Chairman of the Code of Conduct Bureau (CCB), speaks on the Impact of Corruption on the Governance of a Nation:**

The impact of corruption on governance is a worldwide phenomenon. Recent events in the world have shown that there is no nation, no matter how wealthy or powerful, that can claim to be totally immune from the ravages that corruption wrecks. The only difference between the rich and poor nations is a matter of degree.

The degree of development of a nation is the product of not just sound economic policies but also compliance by political leaders and public citizens with laws, rules and regulations, as well as operational codes of conduct. Corruption has been identified as one of the most corrosive predicate crimes faced by any nation. It has for example drastically undermined democratic institutions and the electorate's trust in the executive. This has ultimately presented a very high threat to political stability. It also embodies a significant obstacle in the fight against organised crime and the efficacy of the justice system.

Corruption and the governance of a nation have an antagonistic relationship. There is no ambiguity in this because acts of corruption do not allow for any meaningful attempt at utilising nature's gifts to the state for nation-building.

I share in the view of the utilitarian school of thought which believes that the state is meant to promote the greatest happiness of the greatest number. This implies that the state exists essentially to provide the citizens with freedom from poverty, freedom from servitude and a quality of life where they are able to live and realise their full potentials without fear of injustice and tyranny of the few. Corruption undoubtedly is one of the greatest challenges of our time, a challenge that not only leads to impoverishment and loss of life but also threatens the stability of the State.

In many nations, funds meant for public development have been diverted into personal use. This has resulted in some nation's lack of basic amenities such as power, pipe borne water, roads and health facilities, as a result, conducting business becomes very expensive and economic activities damaged.

This is what has today spiraled into poverty, unemployment, crime, militancy, violence and recently, terrorism on a global scale. A corrupt state creates a vicious circle in which governance loses its authority and ability to govern for the common good. It makes it possible for critics to be silenced, for justice to be subverted and for human right abuses to go unpunished. When corruption reigns, governance becomes expensive and threatened. This, in my opinion, is true of any corrupt nation.



Sam Saba, CCB

### **Civil Society Legislative Advocacy Centre (CISLAC)**

CISLAC, a non-governmental, non-profit legislative advocacy and research organization, works towards bridging the gap between the legislature and the electorate. The organisation trains and enlightens civil society on its role in policymaking, the responsibilities of the legislature, and its responsibility in acting as a voice for the people. CISLAC's goal is to make legislature accessible and responsive to all. The organisation works in various areas including anti-corruption, human rights, gender equality, and security and conflict management.



### **How Corruption Affects the Poorest and Most Vulnerable in Nigeria: A Civil Society Perspective**

*Corruption cuts across persons, faiths, religious denominations and political systems; it affects young, old, man and woman alike. Corruption is a global phenomenon and not new in governments, societies and political systems. For Nigeria, it seems that corruption has assumed epidemic proportions, contributing immensely to the poverty and misery of a large segment of the Nigerian population.*

*Corruption in Nigeria affects the general society, but disproportionately affected, are vulnerable groups, including the poor, women, the physically challenged, indigenous people who are very often forgotten to roam in their own worlds in search of water and fauna for their cattle.*

*As endemic corruption thrives in Nigeria's public and private sectors, the poor and disadvantaged groups are exposed to a double violation. First they are denied the opportunity to make a decent living and fend for themselves and their dependents, and suffer life-long consequence. The absence of social amenities required to live a decent life is in itself life threatening.*

*Where these amenities exist, the demand for bribes in order to access justice, health care, public housing, education, or law enforcement increases vulnerability and makes poor citizens easy prey for corrupt individuals and ready victims of the systemic rot in our public institutions. Bribery is heavier on the purses of the poor.*

*Corruption has become a great impediment to Nigeria meeting important development goals such as the Millennium Development Goals (MDGs) and the Nigerian Vision 20:2020 as it diverts national wealth and capacity to deliver key infrastructure that would support socio-economic development.*

This article was contributed by Uche Hilary-Ogbonna, Senior Policy and Legal Advocacy Officer, Civil Society Legislative Advocacy Centre (CISLAC), Abuja

Transparency International (TI) and the World Bank define corruption as **the misuse of entrusted power for private gain.**

### Examples of Nigeria's Corruption:

- Politicians using money as an incentive to be elected into government positions and then using those positions to amass huge amounts of wealth that should otherwise have been spent on education, health, etc;
- Organisations (government, private, non-profit) inflating budgets on proposals;
- Security personnel demanding bribes - the police man at an illegal check-point demanding a N20 bribe;
- Clerks at the hospital asking for a little 'something' before registering / attending to a patient;
- Teachers insisting that students buy their books or hand-outs before being registered for the course;
- Court officials holding back files and delaying the judicial process...

### Anti-Corruption: What is J4A doing?

The Justice for All (J4A) programme is supporting the Nigerian government in its efforts to combat corruption in Nigeria by working with anti-corruption institutions so that they are better equipped to detect, investigate and prosecute corrupt acts so that financial gains can be translated into better access to justice, education, health services, safety, and security for poor and marginalised citizens.

The anti-corruption component of J4A will work with Nigerian Anti-Corruption Agencies (ACAs), Anti-Money Laundering Agencies (AMLs) and Asset Recovery Agencies (ARAs) to ensure that they are more coordinated and strategic in their approach to the prevention, investigation and prosecution of corruption and money laundering cases.

J4A seeks to address the issue of corruption in Nigeria through the adoption of a three-pronged approach, namely:

- enhancing the capability, accountability and responsiveness of anti-corruption agencies;
- strengthening prevention capabilities of anti-corruption agencies and
- improving national and international coordination and cooperation of anti-corruption agencies.

J4A will also introduce work to address the impact and practice of corruption at lower levels, particularly in its work with the police and the lower courts.

*We will develop an anti-corruption war that relies on forensic evidence, well-trained personnel and that is free of unnecessary controversies. We will ensure that the nation's anti-graft legislations are designed to make corruption unattractive.*

### President Goodluck Ebele Jonathan (President of Nigeria)

#### Key inception phase activities and progress

During J4A's inception phase, a series of activities were undertaken to map and assess ACAs in order to develop evidence-based understanding of the agencies' mandates, responsibilities, competencies, and capacity;

- meetings were held with key anti-corruption institutions;
- baseline data was collected;
- legislations relating to *anti-corruption*, *anti-money laundering* and *asset recovery* were identified and analysed to determine the relationships between laws and any responsibilities placed upon specific institutions;
- an action plan to enhance intelligence sharing among law enforcement agencies as well as domestic and international cooperation was developed;
- work commenced with the Code of Conduct Bureau (CCB) to develop an institutional strategy plan and with the Nigerian FIU to draft the Anti-Money Laundering & Combating the Financing of Terrorism (AML/CFT) National Strategy;

Reports on the sector highlighting gaps, overlaps, and linkages, with recommendations on how to strengthen the ACAs were produced at the end of the inception phase. The implementation phase of the programme which is expected to start in the last quarter of this year will take forward some of the recommendations in the various inception phase reports and strategy plans.

According to the Global Corruption Barometer 2010:

- 63% of Nigerians reported paying a bribe within the last year for some public service;
- 73% of Nigerians say that the level of corruption in the country has increased in the last 3 years;
- 46% of Nigerians report that the government's current actions against corruption are effective.

Transparency International's *Global Corruption Barometer* (the Barometer) is the only worldwide public opinion survey on views and experiences of corruption. As a poll of the general public, it provides an indicator of how corruption is viewed at national level and how efforts to curb corruption around the world are assessed on the ground. It also provides a measure of people's experience of corruption.



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## Recent Events

### Community Paralegal and Mediation Schemes in Enugu State

Some communities in Enugu State will benefit from J4A's work in establishing community mediation and paralegal schemes. Working with CSOs in Isi-Uzo and Enugu East Local Government Areas, community members will be trained and supported to provide free mediation, legal information and assistance to people living within the communities. These schemes will serve as a way of providing free legal aid to the poor, especially the vulnerable and women.

Mediation is a process by which disputants submit themselves voluntarily to a third party to help achieve a mutually acceptable outcome to their dispute. Mediation is less expensive than the formal justice system and usually leads to more rapid resolution.



### Review of the Prisons Service Standing Order

In December 2010, the Federal Justice Sector Reform Coordinating Committee, as one of its activities under J4A's inception phase, sought approval for the review of the Prisons Standing Order which came into operation in June 1961.

In February 2011, the review committee set up the Controller General of the Nigerian Prisons Service met in Kaduna with support from the Federal Ministry of Justice. In March 2011, with support from the J4A programme, the committee met again to continue the review. The committee completed a draft in September 2011 that will be presented to the Controller of Prisons soon.



### Post election conference in Abuja

A post election conference to evaluate the conduct of police officers and other security agencies during the 2011 elections was held on the 28<sup>th</sup> of June 2011 in collaboration with the CLEEN Foundation. Participants came from the Police, Civil Society groups, government agencies, office of the National Security Adviser (NSA) as well as donor agencies such as the European Union (EU), Open Society Initiative for West Africa (OSIWA) and the MacArthur Foundation.

Civil Society Organisations (CSOs) supported by J4A to monitor the conduct of security agencies during the elections reported an impressive progress. The majority of CSOs mentioned that there was a great improvement in the conduct of security agencies during the 2011 elections compared to other elections and this was only marred by the post-election violence. Panel discussions were held on: strategies for providing efficient support for elections security in Nigeria and for effectively supervising election's security in Nigeria. The conference ended with participants making re-commendations to curb election violence and malpractices.



In the last J4A newsletter (Issue 2, July 2011) we reported that the Prison Act Amendment Bill had been passed by both houses and was awaiting the President's assent. This information is incorrect. The Bill is currently before both houses of the National Assembly.

For more information on any of these articles or the J4A Programme, please contact:

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