

Economic and Financial Crime Commission (EFCC) and Political Corruption: Implication for the Consolidation of Democracy in Nigeria

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ABSTRACT This paper examines the connection between democratic consolidation and political corruption which is deeply entrenched in the Nigerian society. Although successive regimes had established various anti-corruption bodies to curb corruption, all failed to yield positive results. Most of these anti-corruption bodies have rather reinforced corruption in the country by posing difficulties for the consolidation of democracy. The administration of Olusegun Obasanjo was seen as one that was serious about confronting the menace of corruption through its establishment of the Independent Corrupt Practices and other related offences Commission (ICPC) and the Economic and Financial Crime Commission (EFCC). The little impact which the EFCC had been able to achieve is criticized based on the fact that the arrest and prosecution is patchy, selective, and discriminatory. It is the position of the paper that the manner in which the EFCC operates is antithetical to the ideals, norms and values of democracy. It, therefore, suggests that for democracy to be consolidated in Nigeria, then the body charge with the responsibility of combating corruption should follow due process and fairness at all levels and in all cases. And also the body should be detached from the Presidency for fair, transparent and independent performance.

INTRODUCTION

Nigeria's inability to consolidate her democracy is blamed largely on the high level of corruption in the country. Corruption generally, has eaten so deep into Nigeria's body politics that its practice is seen more like a societal norm than an exception. People have imbibed the belief that hard work, honesty and integrity are not worthy principles since one can do very little to get or earn so much. Thus, corruption pervades all aspects of human life, beginning from the home to both public and private institutions.

Corruption whether political, economic, academic, judicial or bureaucratic impedes the progress of any society where it predominates and is tolerated in on societal relationship. Accordingly, Ribadu, former Chairman of the Economic and Financial Crime Commission, in an address stated that;

Corruption not only distorts competition, hinders economic growth and endangers the stability of democratic institutions, it pulls down the moral foundation of society (This Day Newspaper, February 11, 2007: 12).

The political aspect of corruption which this paper focuses on is one of the issues that has dominated the country and has become a major challenge to Nigerian democratic experience. This is less surprising as several manifestations of political corruption include: the criminal disrespect of electoral laws and rigging of elections at all levels, forgery by political office holders of personal credentials, brazen violation of the rule of law and bureaucratic due process, sitting on files in offices, mindless embezzlement of public funds, etc.

The high level of political corruption has become a major problem that confronts the government and citizens of this nation given its wide spread into all spheres of societal life. This ugly phenomenon has grown to a stage whereby a day hardly passes without the issue of political corruption being displayed on the front pages of newspapers and magazines or broadcast in the electronic media or discussed by people. Even scholarly literature on its societal consequences are very much on the increase.

It is also worthy to note that political corruption has been one of the reasons for the ouster of governments in power. For instance, the reason for the 1966 Coup was largely a result of political corruption. Subsequently, the other military junta that took over power, based on the

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corrupt nature of incumbent government, was also accused of being corrupt. This has been the trend in the country right from the attainment of independence.

As a result of the high incidence of corruption in the Nigerian society, previous administrations have attempted to confront this hydra headed societal monster by constituting several anti-corruption bodies. For instance, the Murtala's regime established the Public Complaints Commission and Probe Panel, to checkmate bureaucratic abuse and malpractices. Others include, the Ethical Resolution of Alhaji Shehu Shagari and the Buhari /Idiagbon's War against Indiscipline.

It is, therefore, not surprising that when the Obasanjo's civilian administration came on board, one of the first policy pronouncement it made was the establishment of two anti-graft bodies: The Independent Corruption Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). These measures were initially commended by large section of the media and public commentators who are aware of the grave challenge political corruption poses to the consolidation of democracy in Nigeria. It is glaring that the prevalence of political corruption in all spheres of Nigerian public life will undermine the principles of democratic government such as accountability and transparency, thereby making the consolidation of democracy an uphill task.

However, the efforts to eradicate corruption become even more problematic and complex when those officials and agencies that were set up to fight corruption, are themselves corrupt. Thus, the paper is tempted to ask the following questions: why have the various anti-corruption agencies of various administrations failed to reduce the menace of corruption? Are the methods applied to confront corruption inadequate? Can the present anti-corruption commission (EFCC) effectively confront corruption as a step to the consolidation of democracy? Lastly, does the role played by the EFCC justify why it was established?

From the above questions, it is glaring that the primary objective of this study is to investigate the role of the EFCC in combating corruption as a necessary step to consolidating democracy in Nigeria. By way of extension, the guiding hypothesis of this research is: political

corruption negates the consolidation of democracy. And that undemocratic and unconstitutional measures and processes of combating corruption will only end up compromising Nigeria's quest for building durable democratic processes and structures.

The paper is organized into five parts: section one is the introduction and statement of problem while section two presents a conceptual overview. The third part examines the relationship between political corruption and democratic consolidation. This is followed by section four which investigates the activities of the EFCC and its implication for democratic consolidation in Nigeria. And finally, the paper concludes with some recommendations and conclusion.

Conceptual Overview

The purpose of this section of the paper is to present and examine extant literature and scholarship on two of the central concepts of the study: the concepts of "political corruption" and "democratic consolidation".

Corruption, according to Collins English Dictionary for Advanced Learners (2001: 339) "is dishonest and illegal behaviour by people in positions of authority or power". Corruption occurs when an official transfers a benefit to an individual who may not be entitled to the benefit, in exchange for an illegal payment (the bribe). By taking the bribe, the official breaks a legally binding promise he gave to his principal or employer (usually the state government or a private company) to allocate the benefits to those entitled to it.

In the same vein, Otite (1986: 12) sees corruption as,

The perversion of integrity of state of affairs through bribery, favour or moral depravity. It involves the injection of additional but improper transactions aimed at changing the moral course of events and altering judgments and positions of trust. It consists in the doer's and receiver's use of informal, extra-legal, or illegal act to facilitate matters.

He went on further to categorize corruption into political, economical, bureaucratic, judicial and moralistic manifestations.

Our focus, however, is on the political manifestation of corruption though political corruption may not have a generally acceptable definition, through the examination of the views of

several scholars we hope to establish some discernable features of the phenomenon.

Political corruption according to Yagboyaju (2005: 72) is:

Any act of a political class, civilian or military, or a highly placed public official, aimed at changing the moral or lawful course of events especially when the perpetrator uses such a position of authority for the purpose of a personal or group interest (such as acquiring wealth, status or power) at the expense of the public interest.

Dike (2003: 153) also supported this viewpoint by locating political corruption at the highest level of political authority. According to him, it occurs when the politicians and other important state decision-makers, whose duties are to formulate and implement policies in the name of the people, are themselves corrupt. It also takes place when public policy formulation and legislation are tailored to benefit political office holders.

In his own contribution to the discourse on political corruption, Gykey (1997: 395) defined it as:

The illegal, unethical and unauthorized exploitation of ones political or official position for personal gain or advantage... thus an act, of misdemeanor perpetrated against the state agencies by a person holding in official position in pursuit of his or her own private profit.

To Gyekye like others before him, political corruption is synonymous to public affairs, fortunes, agencies resources and institutions of the state.

Again, political corruption as an act committed by public officers goes beyond the issue of receiving and giving of bribes alone. It also includes graft, fraud, nepotism, kickbacks, favouritism and misappropriation of public funds. Therefore, the policeman who receives a bribe, and consequently abandons charges against accused person; lawmakers who receives 'Ghana-must-go' bags of Naira to legislate or refuse to legislate on a bill to favour either the Governor or President; the President or Governor who stealthily and fraudulently siphon huge sum of money from the state treasury to his foreign bank account: the contractor who refuses to carry out the construction of a primary school building after collecting mobilization fee from government; and the bureaucrat who favour a less qualified relative or friend for a position while rejecting

candidates with better credentials, are all involved in political corruption.

From the foregoing presentation, we can conveniently identify some areas of convergence in the various scholars conceptualization of the phenomenon of political corruption. Firstly, political corruption is an illegal act as well as an aberration to the norms and ethics that sustain and maintain public (state) institutions and processes. Secondly, political corruption is an act committed by public officials against constitutionally agreed social norms and rules. And lastly, the act is usually committed at the expense of the public. In other words, political corruption always sacrifices public interests at the altar of private interest. With these, identifying political corruption becomes a much easier task.

There is no disputing the fact that corruption, particularly its political manifestation, is the bane of democratic consolidation in Nigeria. It has created legitimacy crisis for several civilian administration as a result of the preserve, lawless and violent ways through which political power was acquired by these regimes. It has also adversely affected the ability of the government in power to fulfill or attain goals for the society.

Invariably, democratic consolidation is about regime maintenance and about regarding the key political institutions as the only legitimate framework for political contestation and adherence to the democratic rules of the game (Ogundiya and Baba 2005: 375). Supporting this view point, Diamond (1999: 62) defined consolidation of democracy as;

...the process of achieving broad (and) deep legitimation such that all significant political actors, at both the elite and mass level believe that the democratic system is better for their society than any other realistic alternative they can imagine.

And in order to achieve deep legitimation, there is a need for series of continuous actions and changes geared toward the replacement of and existing system of authoritarian and undemocratic regime, with one that is participatory and democratic in nature (Adewale 2007: 35). By extension, democratic consolidation, according to Asowaju (2002), "implies the internalization of democratic culture and the institutionalization of democratic 'best practices' by a democratizing polity." It is for this reason that Gunther et al. (1995) categorized the process of democratization into three phases, namely: (i) The fall of the

authoritarian regime (ii) Consolidation; and (iii) Enduring democracy. No specific time frame is however set for the actualization of these different phases.

Again, Diamond et al. (1999: 13) located their discussion on democratic consolidation in the Nigerian experience. They are of the opinion that:

If a transition to democracy is ever to be achieved and sustained in Nigeria, a deeper transition must somehow be affected from prebendalism to real institutionalism, where the legal and constitutional rules function with effectiveness to constrain behaviour. This will require not simply wise and imaginative institutional designs, of which Nigerians have shown themselves imaginatively capable at times, but powerful forces and agencies to enforce them.

The foregoing statement summarizes the enormity of the task of democratic consolidation in Nigeria. It brings out the paradox in the lives of Nigerian political elites who claim to be democrats, yet, engages in such “practices as prebendalism, particularism, favourism, clientalism and others that are authentic to the nature to democratic rule” (Adewale 2007: 36). These are the anti-democratic practices and attitudes which puts a serious question mark on the sustainability of Nigerian democracy.

POLITICAL CORRUPTION AND DEMOCRACY

This section of the paper examines the relationship between political corruption and democracy. It exposes the disharmony between political corruption and democratic governance.

Political corruption as earlier stated is the misuse and abuse of political power for private benefit, that is, personal or group gain. Political corruption usually involves the violation of existing laws and regulations. Political corruption could take two basic forms: one is illegal diversion (extraction) and accumulation of the wealth (resources) of the commonwealth by public office holders. The other form is the unlawful use of the wealth and coercion and instruments of the state for power preservation and expansion (favouritism and patronage politics). This form takes place in political decision making and electoral process. Corrupt accumulation and extraction includes: Bribes “commissions” and fees taken from private sector; fraud and economic crimes; politically created rent-seeking oppor-

tunities; politically created market to favour businesses owned by political elites; off-budget expenditures and transfers; misuse of state financial resources especially security bill to pay-off political godfathers; and extorting monies illegally from the state and private individuals to finance and support party officials and activities. On the other hand, attributes of corrupt means of power preservation includes: buying political support and majorities from other parties and politicians; co-optation and maintenance of patron client networks; buying or bribing the parliament, judiciary and other oversight bodies in order to have favourable decisions and laws; favouritism and patronage in allocation of public resources; buying voters and votes as well as bribing electoral officials (electoral fraud); use of public money for political campaigns; and buying off media and civil society.

The nature, scope and potentials for political corruption may vary from one polity to another, but one central element of the phenomenon is illegality. This is because it is only by reference to legal norms that a basis for a politically corrupt act can be provided (Paul 1997: 6). After all, political corruption tampers on issues of the misuse and abuse of the machinery of the state (including all public offices), its resources, processes and personnel.

Democracy on the other hand, may be described as a form of government under which the people exercise the governing power directly or through representatives periodically elected by them. A state may be termed a democracy if it provides institutions for the expression and in the final analysis, the supremacy of the popular will on basic questions of social direction and policy (Anifowose and Enemuo 1999; Paki and Inokoba 2006: 76). The distinctive elements of democracy include: constitutional rule (or rule of law); conduct of free and fair elections; majority coupled with protection of minority rights; freedom of all citizens within the limits of the law; creating conducive environment for actualizing citizens aspiration; and existence of political parties.

In support of the above tenets of democracy, Heater (1964: 34) asserted that democracy is essentially a method of organizing society politically. He further went on to outline five basic elements without which no community can call itself truly democratic. These elements are:

...equality, sovereignty of the people, respect

for human life, the rule of law and liberty of the individual.

Also of importance, though not stated by Heater is popular participation. Popular participation is the involvement of people of all strata in decision making process of the political system. It is this inclusiveness that portrays democracy as a morally and widely acceptable method of governing a society.

However, the primary interest of the paper is on the role that law plays in the sustenance of democracy. That is, the role the principle of the rule of law plays in the germination, growth and consolidation of the democratic system. Emphasis therefore will be focused on legal principles and structures such as: the supremacy of the law; equality before the law; respect for human rights; existence of independent judiciary as well as independent electoral body. The importance of these conditions in the sustenance of democratic values cannot be over emphasized. Stressing on the importance of the rule of law, Ibaba (2005: 205) asserts that:

The rule of law is important to democratic governance in two ways; firstly, it governs the process of leadership recruitment. The conduct of elections to choose leaders in a democracy is based on clearly spelt out laws. A government is only legitimate when it upholds the enabling laws guiding elections.... Secondly, the rule of law is the basis of democracy and accountability in democratic governance....

The success of democracy as well as its consolidation is hinged on the law. This for the ideals of any democratic state to be strengthened and subsequently consolidated, there is therefore the need to go along with the laws governing any democratic setting (Ibegu 2007: 70).

From the examination of both concepts, we come to a conclusion by saying that while democracy and its consolidation hinge on the adherence to the law, political corruption does the opposite. That is, political corruption strives in an environment of lawlessness.

The existence and prevalence of political corruption in a democratic polity is seen as an aberrant deviation from the norm. This is because democracy as a system of government is rooted in law. The existence of high incidence of political corruption tends to have more serious consequence on democracies more than any other forms of government. This is so because it does more damage to the principles of democ-

racy. Political corruption attacks basic democratic principles notably; the supremacy of the law; the equality of citizens before the law; the openness of decision making (accountability and transparency); the independence of the judiciary as well as electoral body and; genuine popular participation in the selection of political office holders as well as in governance. Political corruption contributes to the delegitimation of the political system in which it takes its root.

There is therefore a strong consensus among scholars that suggest political corruption does no good to democracy. It corrodes the meaning, mechanisms and very essence of democracy. Political corruption breaks the link and people's power to influence collective decisions through speaking and voting, which are the very acts that define democracy (Mark 2007).

By the way of extending the above argument, since political corruption is a deviant behaviour that negates the rules and ideal of democracy, it also poses grave threat to the consolidations of democracy in the country. It is imperative to note that it is the acceptance and full practice of the laws or principles of democracy that can lead to its consolidation. Thus, any act of political corruption that affects these principles could be seen as affecting or having a bearing on the consolidation of democracy.

Though several issues may be seen as obstacles to the consolidation of democracy in Nigeria, political corruption stands out as the most threatening. This is so because it is political corruption that provides room for other anti-democratic variables such as ethnicity to militate against democratic sustenance. Some of the ways in which political corruption frustrates the consolidation of democracy includes: the breach of the rule of law; increase in the poverty level of the citizenry and; political de-participation (or exclusion).

Political corruption is an affront on the supremacy of the rule of law as well as equality of citizens before the law. Democracy is a constitutional system of government that is governed by law. Actions of the state and its officials are expected to be congruent with the laws of the land. Nobody should be above the law no matter the social status. Every one as long as the law is concerned should be treated equally since all citizens are equal before the law. The fundamental rights of all citizens should as well be guaranteed as stated in the law. All these

principles and norms are threatened wherever political corruption has a free play. Political corruption does this by placing some individuals above the law as well as trampling on the rights of some other citizens. This is perpetrated to achieve private and selfish interest. And where the law which is, supposed to be a vehicle for social justice and sustenance of democracy is being weakened or abused for the sake of satisfying the selfish interests of some individuals, the consolidation of democracy becomes difficult, if not impossible to realize.

Another medium through which political corruption threatens democratic consolidation is the part it plays in the increasing rate of poverty in the country. While it is true that political corruption exist in all societies, it is equally indisputable that societies with higher incidence of political corruption are also characterized by higher levels of poverty. Democracy cannot thrive in an environment of abject poverty. It is a system of governance geared towards improving the material well-being of the citizenry. What consolidates democracy is its ability to deliver democratic dividends to the generality of the public. In other words, people want to see in concrete terms the positive relationship between democracy and development. The improvement in the economic and social well being of the citizen is what ensures the citizen's loyalty and identification with the government of the day. This promotes an enduring democratic polity. Conversely, political corruption through its illegal diversion and misappropriation of publicly owned resources to private coffers and businesses creates mass poverty among the people. Under this desperate environment, democracy becomes strange to generality of the citizenry because of its inability to translate to bread and butter issue. This is one of the major reasons for the ailing condition of the Nigerian democracy.

Political corruption also adversely affects democratic consolidation by excluding people from decisions that affect them. Democracy offers citizens a chance and choice of selecting good leaders and rejecting bad ones. But with corruption, political corruption encourages the ugly phenomenon of stolen mandate whereby the individuals occupying various elective offices got there through sheer political fraud and violence in violation of all known electoral laws and regulation. The sovereignty (or power) of the citizenry is hijacked by unscrupulous

politicians through such illegal electoral practices such as bribing of voters and electoral officials, hijacking of electoral materials, manipulation and falsification of electoral figures, threat and the use of violence to intimidate, maim and even kill supporters and sympathizers of opposing parties. Given this scenario of insecurity where votes do not translate to power, citizens become indifferent and apathetic to the electoral process and the operations of the political system in terms of who manages the apparatus of the state. The ultimate result of this is a government that is unaccountable, irresponsible and unresponsive to the needs and aspirations of its citizens. Under this environment, rights are also trampled upon, rules, regulations and laws are broken with impunity while court orders are outrightly disobeyed, especially those not judged in the favour of the government.

Following the above stated effects of political corruption on the consolidation of democracy, it would suffice to say that it is only on the elimination or reduction of the level of political corruption that democracy can be consolidated in Nigeria.

THE IMPLICATION OF THE ACTIVITIES OF EFCC ON DEMOCRATIC CONSOLIDATION IN NIGERIA

The Economic and Financial Crime Commission (EFCC) along with its counterpart anti-graft body, Independent Corrupt Practices and other related offences Commission were originally and officially set up by the Olusegun Obasanjo administration to confront the menace of corruption especially its political manifestation. However, a critical look at the track record and the style of its operations will reveal that the EFCC is not a panacea, rather it has become an instrument in the hands of the presidency to perpetrate political corruption. We shall buttress this assertion by examining the way and manner the anti-graft body handled the impeachment cases of Alamiyeseigha and Dariye. These three cases attest to the fact that the EFCC does not follow due process in performing its functions. The EFCC though did not impeach these governors directly but it however, facilitated the process by ensuring that these governors were impeached.

In the case of Dariye, through the involvement of the commission, six out of twenty-six

lawmakers were able to impeach the former governor as against the two- third (2/3) requirement as entrenched in the 1999 constitution. Similarly, in the case of Alamiyeseigha, the EFCC facilitated the impeachment process by blackmailing and pressurizing members of the Bayelsa State House of Assembly to impeach the speaker and deputy speaker of the assembly who were core loyalist of Alamiyeseigha. To make life difficult for the people of Bayelsa State, the commission froze the state account following the refusal of the officials of the state to impeach the governor. All of these portray the corrupt and lawless way in which the EFCC fights corruption.

Noble as the anti-corruption crusade might be and laudable as some of its achievements might be (especially in the pulling down of some high profile public figures such as Senate presidents, ministers and governors), its practical implementation no doubt creates room for worries and questions. For instance, a situation where the commission picks and chooses only corrupt public officers who are no more in the good book of the president for prosecution is condemnable. A good example of the prosecution of public officers who have fallen out of the former president's favour is the case of Alamiyeseigha. All through the first term he was a friend of the president until when he became staunch advocate of resource control for the Niger Delta. Coupled with his close loyalty to the former Vice-president Atiku who had the ambition of contesting for the presidency in 2007 with Alamiyeseigha speculated as his running mate. The former president who was still nursing the ambition of ruling the country for a third term saw every 2007 president aspirant especially within the ruling Peoples Democratic Party as an enemy and therefore, used the EFCC to deal with all perceived opposition. Alamiyeseigha thus became a victim of the EFCC.

Apart from being used to unlawfully remove "unfriendly" governors, the EFCC and ICPC were also surreptitiously used by the presidency through the instrumentality of the Independent Electoral Commission (INEC) to screen party candidates for various elective offices. In the first instance, screening of contestants by any official agency is illegal as there are no legal or constitutional provisions supporting it. Neither the 1999 constitution nor the Electoral Act 2006 authorised screening or verification of candidates

by the EFCC and ICPC. It was obvious that the PDP under President Obasanjo merely used the EFCC and ICPC to witch-hunt and disqualifies political opponents (Madu-West et al. 2006). This assertion was buttressed by the pressure that was mounted on INEC by the ruling PDP to disqualify the presidential flag bearer of Action Congress (AC) party, Atiku Abubakar, the former Vice President, who had defected from PDP to AC because of the feud between him and his boss, Obasanjo on the latter's third term agenda (Ajayi 2007: 148). However, the EFCC indictment report had earlier been declared illegal by a Lagos High Court.

These and other cases reveal that the establishment of the EFCC was basically meant to fight opposition and political enemies. This, therefore, means that the EFCC is rather used as a political tool for victimization and harassment of political opponents rather than the reduction of political corruption.

The EFCC as an anti-graft body and knowing what corruption entails, is supposed to act according to the law by following due process in dealing with corrupt cases. Indeed, due process was not followed in the impeachment of D. S. P Alamiyeseigha and Mr. Joshua Dariye. Though fighting corruption is a legitimate course, the EFCC in doing this, takes the route of illegality to achieve the anti-corruption objective. In its attempt to remove these governors from office, the EFCC violated all known rules and procedures of the respective state Houses of Assembly as well as Section 188 (containing procedures for impeachment) and Section 308 (the immunity clause).

The various houses of assembly such as Oyo, Ekiti, Bayelsa, and Plateau States that impeached their governors did not do it voluntarily. It was rather as a result of the intimidation, blackmail and threats from the EFCC that compelled them to do so. This role of the EFCC in facilitating the impeachment of governors is not stated in the Act establishing it. All that is stated is the investigation of public officers that are involved in economic and financial crimes. EFCC, even after investigation of any governor, was not authorised by law to interfere with the prosecution of such a governor by the legislators concerned. The legislators are to be given a free hand to carry out their constitutional role. It is, therefore, left for the legislators to decide whether or not to impeach the governor following the report that the EFCC sent to the assembly.

Democracy is a constitutional system of government and to that extent actions of any institution of government ought to be governed by the law. Thus, if EFCC claims to be fighting corruption then it should act according to the law. It can not use lawless and unconstitutional means to arrive at a democratic destination. If the elimination or reduction of corruption by the EFCC is to serve as a vehicle for the consolidation of the country's democracy, then there is the need for the EFCC to follow due process in handling corrupt cases.

CONCLUSION

The study reveals that there is a significant relationship between political corruption and the crisis of democratic consolidation in Nigeria. And because high incidence of political corruption cripples and violates universally accepted traditions, principles, and norms of democracy, it is a major threat to the sustainability of democracy in any polity. The paper was also able to reveal that the institution of the anti-graft agency, EFCC, to tackle the evil of political corruption has even made the issue more complex. A careful examination of the nature of operations and activities of the agency reveals that the EFCC instead of lawfully addressing the menace of political corruption in Nigeria has become a very powerful and vital weapon in the hands of the presidency and the ruling party to blackmail, harass and intimidate political foes. In other words, the anti-corruption agency has become a patient of the very disease it had set out to cure. Thus, it is glaring that EFCC as an instrument of corruption, has become a major threat to the sustainability of democracy in Nigeria.

So what is the way forward? The first step is to de-politicise the EFCC and other anti-graft structures by making them autonomous and independent of politicians particularly the presidency. The anti-graft law urgently needs amendment that will take away the agency from politics and place it under the control of the civil society organizations, trade unions and other apolitical structures. It is our strong belief that the EFCC would have done better if it was not under the firm control of the former president Olusegun Obasanjo.

In addition, the EFCC should be made to operate within the parameters of the law. In carrying out its statutory responsibility it must

be made to be aware of its limits within the law. Laws need not be violated and broken in the name of fighting corruption. The principle of due process must be followed to the letter. This is one major way we can strengthen democracy in Nigeria.

To make the EFCC more robust and effective in its war against corruption, every known legal obstacle and road blocks must be removed. And one major hindrance to the effective operations of the anti-graft agency is the issue of immunity enjoyed by the president, governors and their deputies. All kinds of criminal illegality and atrocities have been committed by these office holders under the legal covering of the immunity clause. This legal instrument has shielded them from investigation and prosecution. This legal privilege which have been severally abused by these office holders must be expunge from the Nigerian constitution so that the EFCC could have free access to these big political heavy weights once they are found wanting. It is our strong belief that the removal of the immunity clause will be a major victory for the fight against political corruption because these office holders control bulk of the resources of the state and they have continued to misappropriate and squandered these resources under their custody.

We should also not forget the role the Freedom of Information Bill could play in the fight against political corruption. The National Assembly should be encouraged or even pressurized by the civil society organizations such as the media, academia, labour unions, student and civil liberty non-governmental organizations, to pass the bill into law so that Nigerian could have access to vital information on governance and policy direction. It is generally believed that this bill will go a long way to make governance a more transparent and responsible business.

To conclude, it is our contention that the monster of political corruption which has crippled and ravaged the Nigerian society especially its quest for sustainable democracy, can only be successfully defeated by a well thought out, independent, robust and multifaceted legal instrument and structure.

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