

SOME CONTEMPORARY ISSUES IN GOOD GOVERNANCE IN NIGERIA

Delivered by

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I feel greatly privileged to stand before this august assembly to deliver the annual lecture of our esteemed Association. When I was approached to deliver this year's lecture, I had no hesitation accepting, particular as my topic was expected to revolve around the issue of good governance. Many of you will probably be familiar with my column in the Nigerian Tribune which I wrote until about two years ago, and which dealt mostly with issues of good governance, excerpts from which have now been published as a book with the caption *Leadership Failure and Nigeria's Fading Hopes*. I am therefore on familiar territory when it comes to the subject of good governance in Nigeria, which is why I have chosen as the caption for this lecture, **some contemporary issues in good governance in Nigeria**.

BAD GOVERNANCE UNDER THE FACADE OF DEMOCRACY

There is now a global acceptance that democracy and good governance are essential to the sustainable economic development and political stability of a nation. Unfortunately, these two vital necessities have continued to elude our country since the onset of military intervention in the polity in January 1966, resulting in the near total sensation of development and the promotion of increasing national instability. While some semblance of democracy seems to have returned since 1999, this has not been accompanied by good governance. The key players in the polity, having become conscious of the global resentment of military invention in national politics, have been content to hide under the veneer of democracy to intensify their predatory governance, confident that any military truncation of their rule will be universally condemned and secured by the proverbial docility and timidity of our people which makes a spontaneous revolt most improbable.

WHAT IS GOOD GOVERNANCE?

At this juncture, I should clarify what I mean by good governance. From the extensive literature on the subject, I will paraphrase good governance as the extent to which a government is accepted as legitimate, seen as accountable in its conduct, effective in the management of public resource, responsive to its citizens, able to formulate appropriate policies and implement them effectively, deliver

service, create an enabling policy environment for productive activities and maintain law and order, justice and equity.

WHY GOOD GOVERNANCE HAS BEEN ELUSIVE

In the light of the paraphrase, it cannot be contested that we have been under successive bad governments since 1966. Why has this been so? I have, in this lecture identified five reasons, which are:

- (1) The self-inflicted, prohibitive cost of governance,
- (2) The wide prevalence of corruption in the polity, and the attendant destruction of our value system,
- (3) The chained and poisoned mindset of our people, leaders and followers alike,
- (4) The pollution of the political and electoral processes, effectively shutting the door against competent and inspired leadership, and
- (5) Some miscellaneous constitutional issues.

Each of the above identified factors is worth a lecture by itself, but because of the time constraint for this lecture, I shall limit myself to an exposition of only the first two, namely the cost of governance and corruption and the attendant destruction of our values.

THE SELF-INFLICTED, PROHIBITIVE COST OF GOVERNANCE:

PROFLIGACY AND SIZE OF GOVERNANCE.

Let us start with the issue of the prohibitive cost of governance. Government, as we know, requires funding for all its development activities. The first duty therefore of any government committed to providing good governance is to effectively manage its resources. A government that spends most of its financial resources on consumption will surely lack the means to deliver good governance. That is the position of our government today.

If we examine the 2011 budget of the federal government finally passed by the national assembly in May this year, we shall see that the estimated revenue of the government, based on a benchmark price of \$75 per barrel of crude oil is N3.27

trillion, while the total recurrent expenditure is N3.34 trillion. This shows that we plan, as a nation, to spend more on recurrent expenditure than our total anticipated revenue, we will therefore have to borrow, not only to finance capital expenditure, but also to fund part of our recurrent budget. I consider this as irresponsible financial management. This was the main thrust of Abubakar Atiku's criticism of the budget, in a letter to President Jonathan on January 2, 2011 in which he described the 2011 proposed budget as a recipe for disaster. Although his criticism then was on the original budget proposal which Jonathan had, submitted to the assembly in December 2010, both the finally passed budget and the original proposals feature the same anomaly.

Unfortunately, given the pre-election political climate of the time, Atiku's alarm did not get the attention it deserved. It is, however noteworthy that the President's own much acclaimed Finance Minister, Dr. Okonjo Iweala, while appearing before the Senate for confirmation of her appointment on July 6 this year, also described the current budget as tantamount to the government living above its means, concluding that it was not good for development. Wasteful expenditure by the presidency, which alone consumes close to 1.5% of the national revenue, reflects the profligate disposition of governance.

One of the factors leading to bloated recurrent expenditure of the government is its size. There are too many superfluous parasitic staff in the presidency. Within the cabinet, we have more than 40 Ministers overseeing 29 Ministries, whereas the entire continental government of the United States has only 15 Secretaries, equivalent to our Ministers. The bureaucracy within each ministry is also over bloated. A visit to any government office will reveal that many people on the staff really have no work to do and most are under-employed. Unnecessary travels, exorbitant expenses and the lack of effective control over the number of personal staff of top public officials and on the number and use of official vehicle are significant drains on government resources.

When it comes to over-staffing, the parastatals and other extra ministerial departments are even worse. Many of them perform duplicated functions while several now serve little or no public good. Their drain on the nation's resources is far too large compared to their limited useful output.

A RAPACIOUS NATIONAL ASSEMBLY

The National Assembly is particularly guilty of selfishly squandering a large chunk of the nation's resource. For example, in the president's original budget proposal of December 2010, a provision of N111.76 billion was made for the lawmakers. By the time they passed the appropriation act in March 2011, they had jerked up this provision to N232 billion, an increase of 109%. In like manner a provision of N120 billion for them in the amended bill in May 2011 was jerked up to N150 billion, simply to be able to fund what is now derisively known by the public as their jumbo allowances, over which they are usually prepared to hold the budgeted ransom until the president accedes to their wish.

Estimates of how much a lawmaker makes per annum, including these jumbo allowances, range from N240m for a simple senator {that is, not a principal officer} and N204m for a simple member of the House of representatives, as given by Prof. Itse Sagay to N182m and N127m respectively as given by Messrs Meribe and Adeniji. In the discussion that follows, I shall adopt the figures by the latter, who also went further to compare Nigerian Legislator's earnings with those of legislators of other countries. While a simple Nigerian Senator earns the equivalent of \$1.2m per annum, his USA counterpart earns only about \$181, 000, the UK member of parliament, only about \$104,000 and an Indian MP about \$24,000. For a reference the USA president, Mr. Barrack Obama earns only \$400,000 per annum, just a third of the bumper package of Nigerian Senator. It is relevant to examine our lawmakers' emoluments in the context of the income level of the people who they claim to represent.

If Nigerian workers finally succeed in getting a minimum monthly wage of N18,000, then a simple senator's annual pay will come to about 840 times that of the minimum paid Nigerian worker, whereas the corresponding ratio in the US is roughly 11 and in the UK, about 4.5. The result of these jumbo salaries and allowances is that the National Assembly alone gulps about 7% of the nation's total revenue.

PROFLIGACY AT THE STATES LEVEL

All that has been said about the huge costs of running the presidency, the federal bureaucracy and the national assemblies also apply respectively to the governor's offices, the state government bureaucracies and the state assemblies. The creation of many states, each of them with the full bureaucracy complement as the former regions, has been one of the major factors responsible for bloating the cost of governance nationwide. The former Western Region was administered by one premier, eight ministers and one civil service. Today, the same area is governed by eight governors, over 250 commissioners and eight different civil services, each of which even now carries more staff than the single civil service of the former Eastern Region. The governor of each state has practically absolute powers to deploy the resources of his state as he wishes with much funds being fraudulently siphoned away through phantom security votes. A look at the budget of these states will reveal the, like the federal budget, their recurrent commitments exceed their total anticipated revenues.

THE PREVALENCE OF CORRUPTION THROUGHOUT THE POLITY:

EXTENT OF AND LACK OF WILL TO FIGHT CORRUPTION

Another most important impediment to good governances is the wide prevalence of corruption within the polity, which is aggravating poverty and depriving the nation of much needed resource for development. It is estimated that between \$380b to \$400b of Nigerian money was stolen by our various for development. It is estimated that between 1999 and now, our leaders have further stolen, by the best estimates, at least ten times the earlier figure, given that, for the greater part of the earlier period, stealing was done by a very few, and since it was not condoned by the officialdom or the society, those who stole did it most cautiously. Since 1999, however, the lack of political will on the part of the various governments to bring corrupt people to justice has fostered a climate of impunity and encouraged the vice to spread like a bush fire. The new attitude of officially tolerating corruption first became evident in 2002 in a 421m naira fraud case involving one Dr. Makanjuola, a former permanent secretary in the ministry of defence. The case was charged to court but the accused was set free following the filling of a Nolle Prosequi by the Attorney General.

Between 1999 and 2007, many governors were indicted by the EFCC for corruption but could not be prosecuted because of their constitutional immunity. Thus, after 2007, when many of the indicted governors had left office, it was expected that a rash of prosecutions and convictions would follow, but this has not been. Where indicted governors have been charged to courts, the cases have either been stalled in the courts or the judgments delivered have been incongruous with the offences they were charged with.

Not less than a dozen former governors who have charged before various courts after 2007 still have their cases stalled in those courts. Such former governors include Jolly Nyame, Ayodele Fayose, Chimaroke Nnamani, Orji Kalu, Boni Haruna, Joshua Dariye and Rashidi Ladoja. In almost all the cases, and other cases involving high profile public figures, or politically exposed persons (PEP's) for short, the public is invariably fooled by the high drama surrounding their sensational arrests and arraignment, that justice will be meted out to them, but as soon as they have been granted bail, the cases go to sleep. The trial of the late Chief S.M. Afolabi and four others since 2003 over the \$214m ID card scam has lingered on in the court since then and it is almost certain that the immediate past speaker of the House of Representatives, Mr. Dimeji Bankole, will follow the same pattern.

The few persons who have been convicted got ridiculous "slap on the wrist" sentences. Tafa Balogun, the former Inspector General of Police, got just 6 months for swindling the police of billions of naira. Alamiyeseigha got 2 years for laundering several billions of naira; but was virtually released to go home after sentencing, supposedly allowing for the time he had spent in detention. Lucky Igbinedion was merely fined N3.5m, without any prison sentence after pleading guilty to stealing over \$24m.

The above were at least charged to court, unlike several other bribery and corruption scandals involving known prominent personalities, but which are yet to be charged before any court of law. These include the \$180m Halliburton bribes, the \$6m Willbros bribe scandals, the \$17m Siemens bribe scandal, and the N648m scandals involving a former speaker of the House of Representatives, Madam Etteh. Others are the \$16 billion power contract scams, the privatization scandals, the N38 billion COJA scandals of the 8th All African Games and the swindles associated with the several turn-around-maintenance contracts of our petroleum refineries.

The government's two anti-corruption agencies, the ICPC and the EFCC have been seriously hamstrung in their operations by the lack of political will to make them effective. Succeeding presidents have always been long on rhetoric but short on demonstrated commitment to fight corruption. Obasanjo dangled the EFCC like the sword of Damocles over his perceived political enemies, but sat on reports indicting his political friends. With such reports, he forced the withdrawal of some leading but indicted aspirants of his anointed candidate, Alh. Umaru Yar'Adua. After Yar'Adua came to office, these financiers naturally became untouchable, in spite of their mind boggling levels of corruption.

A glaring example of the lack of political will to fight corruption is provided by the Halliburton bribe scandals. Two separate reports have been submitted on the scandal, the first to late president Yar'Adua in 2009 and the second to President Jonathan in 2010, each containing details of those involved, yet till date, no action has been taken. Not surprisingly, the list of those involved reads like a list of who's Nigerian Politics, Containing several former heads of state. It is not only the executive arm of government that has hamstrung the EFCC in its anti-corruption duties.

CORRUPTION IN THE JUDICIARY

The bar and the bench have made themselves unscrupulous allies of corrupt PEP's in the quest of the latter to escape justice. For example, a complicit judiciary, working in cohort with the former Attorney general. Mr. Aondoakaa, stretched the ethics of the legal profession to the point of national embarrassment to make sure Ibori could not be convicted in Nigeria courts in spite of the weighty allegations against him. These days, we very often hear judge's granting perpetual injunctions restraining the EFCC from arresting or even investigating an alleged treasury looter. Mrs. Waziri had cried out several times that her agency was being frustrated at the courts by judges and lawyers.

For examples, on June 8, 2010, at her second anniversary in office, she loudly complained at a press conference in Abuja that 40 PEP's have been charged to court by the EFCC for looting various tiers of government of over N230b, yet none of the cases is making any progress in the courts. One cannot but agree with the judge of the Southwark Crown Court in London, Mr. Christopher Hardy, who, in delivering

judgment in August last year in a money laundering case involving the sister and the mistress of Mr. James Ibori, noted that the Nigerian judiciary has been usurped.

Indeed our judiciary has not only usurped, it has also been infected with the corruption virus. The reports of Justice Kayode Esho's panel of 1994 and the subsequent Justice Babalakin's panel of 2002 revealed the face of corruption in the judiciary and led to the sack of about 28 judges. It would now appear as if the judiciary which was the subject of Justice Kayode Esho's probe in 1994 was a very saintly one compared to today's judiciary. A report of a 2007 survey on crime and corruption in Nigeria conducted by the EFCC and the National Bureau of Statistics, with the support of the United Nations Office on Drugs and Crime showed, among other findings, that "the Nigerian courts of law receive the biggest bribes from citizens among all institutions in which corruption is rampant.

The election tribunals have in particular created what Major General Ishola Williams (Rtd), Chairman of Transparency International, has described as gold mines for tribunal judges, many of whom he alleged have become millionaires. This view was corroborated by Chief Afe Babalola (SAN), during his presidential address at the 2010 president's dinner of the Chartered Institute of Arbitrators Nigeria, following which Justice Kayode Esho, also speaker at the occasion, added that "in fact, those of us who have, passed through the yoke of being judges, what we hear outside shatters us because they are not just millionaires as we are told billionaires"

I have referred earlier to how our judges impose ridiculously short sentences on convicted super-looters, while passing very severe sentences on ordinary citizens involved in much lesser crimes. Justice, it seems, has now become purchasable in our courts, creating a strange rapport between mega thieves and judges. The recent conflict between the immediate past Chief Justice, Justice Katsina Alu and Justice Ayo Salami, erstwhile president of the Court of Appeal and the rather questionable actions of the NJC on the matter, are indicative of the extent of corruption in our judiciary.

CORRUPTION IN THE MEDIA

Perhaps some brake would have been applied to the levels of corruption in the three arms of government if we had a more vibrant press committed to probity and accountability in governance. Unfortunately, and for various reasons, the media have fallen short of expectation in the performance of their role. Firstly, the poor and often delayed wages of journalists make them dependent for survival on gratifications from some of the most corrupt individuals who they should ordinarily scorn. Secondly, the poverty level in the country limits newspaper circulations to uneconomic levels making publishers dependent on advertorials from governments who they are therefore hesitant to offend. Thirdly, many practitioners, like most of their fellow Nigerians are very timid, unwilling to stick out their necks to probe the excesses of government, for fear of arrest and persecution. The media have therefore in practice imposed a sort of censorship on themselves which even the recent passage of the Freedom of Information Act is not likely to remove too soon. Many leading journalists are more than willing to offer themselves as promotion agents to the very people who are routinely milking our nation dry, in return for gratification.

CORRUPTION IN THE LARGER SOCIETY

The corruption that has engulfed the four estates of the realm has spread like a virulent cancer to the entire populace, down to little children. If there is any one culture that binds all Nigerians today, it is the culture of bribery, corruption and cheating. Money has become our national idol and must be acquired without any qualms as to the means. The culture of hard work and honesty with which many in this hall were brought up, right from their childhood days at GCI has been supplanted with that of quick wealth with minimum toil. So, as politicians loot the national treasury, bankers loot their bank vaults and people in different positions of trust and responsibility corruptly exploit those positions for personal enrichment. Even the children cheat massively in their examinations, funded by their parents and assisted by teachers and supervisors who want to make some quick money.

With the society so totally corrupted, to be caught in the act of corruption is no longer a stigma. Publicly paraded looters get a lot of sympathy and are often embraced as local heroes and idolated rather than jailed and ostracized. In the midst of such large scale personalization of national wealth with impunity, how can we have the resource to provide good governance, and where in lies the incentive for any leader to seek to provide same?

ANY FUTURE FOR NIGERIA?

The inescapable conclusion from the scenario I have painted above is that unless the twin problems of the cost of governance and corruption, and other problems which time has not allowed me to expatiate on in this lecture are tackled with all seriousness, Nigeria will continue to move inexorably towards a failed state. Because of all these problems and the failure to address these, we have become, 51 years after independence, a laughing stock to the world. A nation very richly endowed but with majority of her people abjectly poor; a nation whose government can no longer provide essential services for her people; a nation that has negligently permitted its infrastructures to collapse and cannot rebuild them because of corruption and incompetent, selfish leadership; a nation that contributes next to nothing to the global stock of good and yet is one of the most avid consumers of the most luxurious goods that other nation produce; a nation fast approaching the state of anarchy through a large scale, poverty induced breakdown of law, order and security; a nation which, regretfully, has now become a living testimony to the incompetence of black leadership. Soon, Nigerians will be thrown into unfathomable deprivation by being made to pay for the incompetence and corruption of their leaders, through the removal of so called fuel subsidy.

How can we get out of the woods in respect of profligate recurrent government expenditures and unbridled corruption, which are the immediate concerns of this lecturer? At this junction, many of the remedies which have been prescribed over the years are worth repeating.

PRESCRIBED REMEDIES

In respect of the bloated expenditures of governments, the often repeated remedies include the reduction in the number of staff in the presidency and governor's offices; abolition of the security vote; the abolition of jumbo allowances to legislators and a number of ministers and ministries; more efficient utilization of staff; rationalization of the number of parastatals; curtailing the frequency of travels, seminars, retreats and workshops; reduced estacodes and other traveling perquisites of public officers and the maintenance of strict controls over the number and use of official vehicles.

At the sub-national level, the six geo-political zones should become the federating units and only they should have full cabinets, while the present states should revert to the status of provincial administrations with only skeleton staff. Demands of minorities within existing states who feel cut off from their kith and kin should be accommodated through boundary adjustment rather than creating new states for them.

The solution to the corruption problem is simple if there is the political will and that is to punish corrupt and shame the corrupt. The president must position himself to be able to do this by setting a high personal standard of discipline, probity and accountability. We must reform our judicial system to dispense criminal justice swiftly and equitably and do away with the obnoxious, alien practice of plea bargaining. We must remove from the constitution, the clause granting immunity from prosecution to the president and governors while in office. The need for special courts for the speedy trial of corruption cases has become very compelling.

Culprits of corruption offences must be stripped of any chieftaincy titles or national honours that they hold and be ostracized from all official public functions after their release from prison. All public officers, including judges and legislators should be made to declare their assets annually, and have such declared assets verified. Citizens should be encouraged to blow the whistle against any public officer suspected to be living beyond his or her legitimate income. Legislators must be barred from awarding contracts.

All the remedies proposed above are not new. They have been canvassed to ruling governments repeatedly over the years. The 2005 National Political Reforms Conference made similar recommendations. Our leaders are simply too deeply involved to want to effect any change. It is interesting that instead of thinking of ways to reduce corruption, the president is pushing for a single tenure for the president and governors, a measure that will in fact, increase corruption. A single tenure obviates the need for the executive to give account of his stewardship for re-election purposes and effectively grants him a free license to loot as much as he chooses, while in office. Let us hope that it will not require an Arab spring type of offensive by the people to compel change.