

Appraisal of Economic and Financial Crimes Commission (EFCC) in the Fight Against Corruption in Nigeria (2007-2017)

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Abstract: It is no longer news that corruption has in absolute term undermined development efforts of successive administrations in Nigeria, hence the low level of development in every critical sector of her economy. This study was undertaken to critically examine the activities of the anti-graft agency (EFCC) in the fight against corruption in Nigeria (2007-2017). To realize this lofty objective, content analytical method was adopted as data were predominantly generated from the secondary sources. The study adopted structural functionalism theory expounded by Talcott Parson in the 1930's. The study revealed among other things that the commission has continued to contend with outdated criminal and penal codes which are out of tune with present criminal realities in the country and that the conventional courts have always delayed trials of corrupt cases brought before them by the commission and that EFCC has remained a tool in the hands of successive regimes to witch-hunt their perceived and imagined enemies. It is therefore, against the above obvious revelations that we recommended as follows among others that the commission should be truly made independent so as to carry out independent actions in the discharge of its constitutional mandates that the criminal and penal code be reviewed to be in accord with minimum global best practices and that a special court to try corruption and other related cases should be set up to encourage speedy justice system. These measures if judiciously implemented are believed to assist the commission to win the fight against corruption in the country.

Key words: Corruption, anti-graft agency, appraisal, embezzlement, misappropriation, judiciously

INTRODUCTION

Nigeria is a country with about 180 million population. The country is richly blessed by nature with numerous valuable material and human resources. A country with such huge natural potentials is believed to rank among the leading economies of the world. However, it is rather unfortunate that the country is ranked among the poverty stricken countries. There is a near consensus among notable scholars that about 70% of the Nigerian population currently wallow in abject poverty as they live below poverty line. Apart from that meaningful development has continued to elude us as every sector of Nigerian economy has consistently shown visible signs of underdevelopment. Inflation has been showing an upward trend; major institutions have continued to manifest signs of weakness as insecurity and the like have taken a dangerous dimension.

Attempts have been made by concerned members of the public to locate the root cause of the above parlous condition. Thus, several factors have been implicated but chief among them is corruption. Corruption is seen by Osoba (1996) and Aluko, 2009 as "an ant-social behaviour

conferring improper benefits contrary to legal and moral norms and which undermines the capacities to improve the living conditions of the people. Corruption has remained the most intractable problem confronting Nigeria, since inception. It has vitiated any committed attempt to introduce far reaching development initiatives in the country (Egwemi and Usman, 2010; Saliu and Aremu, 2004).

It needs to be emphasized that corruption is a universal problem which has posed serious challenge to all known countries in the world. The only difference is that the prevalence, gravity and persistence of the menace differ from one country to the other. Expectedly, the effects of corruption are usually very negative. Corruption undermines good government, fundamentally distorts public policy, leads to misallocation of resources, harms the organized private sector and hurts the poor (Nwaobi, 2006; Waziri, 2011), argued that corruption is the biggest killer disease in Africa. She added that apart from distorting key macroeconomic indices, corruption ensures that basics such as medicare, water, schools, roads and other infrastructure are unavailable. It has led to a deplorable and depressing image of our country among

the comity of nations especially during the military era. It has to be noted that every coup executed then by the military in the country has been in the name of stamping out the disease called corruption. Unfortunately, the cure often turned out to be worse than the disease (Okeke, 2003).

Corruption has been traced to colonialism. Nwagwu (2012) maintained that it is one of the colonial legacies bequeathed to the post independent Nigerians. This cankerworm has continued to assume a pervasive dimension as it has permeated the various aspects of our socio-economic and political lives, corroded our moral fabric and threatened the stability of our country.

Although, the incidence of corruption in Nigeria has been high, its climax was reached in 2004 when a global non-governmental organization, Transparency International (TI) ranked Nigeria in its Corruption Perception Index (CPI) as the second most corrupt nation in the world (132 out of the 133 countries surveyed). It went further to report that the level of corruption and other related crimes in Nigeria attracted an annual loss of US\$25.76 billion dollars and on a daily basis a loss of about US\$70.58 billion to the national economy.

Several worthwhile efforts have been put in place as measures to fight the scourge in the past. General Murtala Mohammed introduced war against corruption which undoubtedly resulted in the public service purge of 1976. The Jaji declaration of 1977 was also a measure adopted by general Olusegun Obasanjo to fight the culture of corruption, bribery and indiscipline in the country. General Muhammadu Buhari-Idiagbon in 1984 launched an anti-corruption programme popularly known as war against indiscipline and General Sani Abacha in 1996 introduced his own version of anti-corruption programme known as the war against indiscipline and corruption. These measures notwithstanding, corruption was still wrecking havoc on the image of our great country among the comity of nations.

However, the administration of former President Olusegun Obasanjo in a concerted effort to reclaim the battered image of Nigeria at the global stage deemed it expedient to frontally tackle the hydra-headed monster via the establishment of the Economic and Financial Crimes Commission (EFCC) in 2004. The commission was empowered to investigate and enforce all laws against economic and financial crimes in all its ramifications and sanitize the system. This study is therefore, an academic masterpiece principally concerned with the critical assessment of the roles of EFCC in the war against corruption in Nigeria between 2007, 2017.

MATERIALS AND METHODS

Theoretical explication: This study was anchored on the structural functionalism theory propounded by Talcott Parson in the late 1930's. One of the assumptions of this theory is that certain functional requirements must be satisfied if a society is to survive. Put differently, there should be existence of functional subsystems to ensure the survivability of the society. The subsystems are expected to perform their functions credibly. Functions by way of definition are the contributions that a given item or subsystem makes to maintain and sustain the whole. The society is therefore, composed of certain arrangement of parts (structures) or subsystems which undertake various responsibilities (functions) in a co-ordinated and independent manner so as to achieve societal goals and objectives (Ugwuja, 2016). Structural functional theory has been recognized as one of the most creative attempts aimed at ensuring deeper understanding of the societal process which invariably leads to societal progress and sustainability.

The relevance of the theory is that the Nigerian state is made up of variegated structures charged with performance of one function or group of functions with intent to enhance the survival of the country. One of such structures is the EFCC established to wedge untiring war against the monster-corruption. The extent to which the commission performs its assigned responsibilities creditably will to a large extent assist in reducing the incidence of corruption to the barest minimum in the country. In other words, the effective performance of EFCC in the discharge of its assignments will encourage and sustain the survival of Nigeria in areas of development because it has been argued that corruption has been the bane of development in the country. However, we are not unmindful of the fact that there are some other structures such as the Nigeria Police Force, Army as well as ethnic sentiments and other factors that consistently make or mar the smooth operations of the EFCC in the discharge its numerous herculean assignments.

RESULTS AND DISCUSSION

Conceptual analysis: Just like every other concept in social sciences, corruption has received various explanations and definitions from scholars drawn from Political Science, Psychology, Public Administration and even from the religious circle to mention but a few. As a result an effort to define corruption no doubt appears as a mere rehash of already existing conception of the

phenomenon. Be that as it may, no matter the angle from which one views the concept, it generally connotes the misuse of official position or position of trust for private gains or benefits. In a lay man's understanding, corruption implies deviation from approved pattern of behaviour in order to obtain personal gains in any social relations.

It is necessary at this point for us to examine the views of other notable scholars on the concept. To Lipset and Lenz, corruption is perceived as an attempt to secure wealth or power through illegitimate means for private gain at the expense of the public. Etymologically, corruption is originally derived from a Latin verb "rumpere" which literally means to break. From the above, corruption implies the breaking of established code of conduct for personal gain of the perpetrator. It is in this sense that Osoba (1996) defines it as "an anti-social behaviour conferring improper benefits contrary to legal and moral norms and which undermines the capacity of authorities to improve the living conditions of the people". Wilkins (1970) sees corruption as behaviour which is different from or conflict with the standards which are accepted as normal within a group or social system. Sprott quoted by Ikejiani-Clark (1995), opined that the concept of deviance implies the concept of order. We have at the back of our minds the notion of a social system with its normative regulations and deviance is the departure on the part of participants from culturally expected rules of conduct.

Rose-Acknerman (1978) conceives corruption as "practices of a public functionary which deviates from the formal duties of a public role because of private regarding pecuniary or status gains." Ikejiani-Clark (1995), approaches the concept from two perspectives individual approach and systemic view. From individualistic view, corruption is the entry or gaining of position of power and trust by dishonest persons. As dishonest persons they go astray from the prevailing norms of official public behaviour. On the other hand, systemic corruption is seen as a situation where wrong-doing has become a norm and the standard of acceptable behaviour necessary to achieve organizational goals according to notions of public responsibility and trust has become the exception rather than rule. Nye defines corruption as "behaviour that deviates from the formal duties of a public role (elective or appointive) because of private regarding (personal, close family, private clique) wealth or status gains" (Nye, 1967).

From the foregoing definitional presentation, we could vividly understand that corruption implies deviation from acceptable standard of behaviour in one's position or official position in order to gain undue advantage either

for oneself, relatives or cohorts. In Nigeria, corruption has been entrenched so, deeply in almost everyone's psyche such that it has become systemic. It has reached to a point when an incorruptible person is treated with scorn and despised by his colleagues and even his immediate family members as "never do well". In brief corruption is any behaviour that goes contrary to established rules, regulations and established procedure. It is a behaviour that breaks the law or aids and abets breaking the law and such behaviour confers undue favours or advantages on the perpetrator. There are some metaphorical allusions such as "long leg", "bottom power", "chop I chop", "kick backs", "scratch my back" which are euphemisms for corrupt behaviour in Nigeria.

Forms of corruption: Corruption as an abnormal conduct that deviates from approved pattern of societal acceptable behaviour has various forms and shapes in which it manifests. Apart from bribery and treasury looting, corruption is perceived when there is a deliberate bending of rules in a given system to extend favours to friends or witch hunt enemies. However, these are some forms in which corruption present itself in any position of trust in Nigeria.

Bribery: This means the payment in cash or kind which is given or taken in a corrupt relationship. It manifests in the following forms kick backs, pay offs, sweeteners, greasing of palms, etc.

Extortion: This implies the extraction of money and other resources through the use of force, violence, coercion or threat of use of force. In Nigeria, law enforcement agencies have been blamed repeatedly for the corrupt acts. The security agents in most occasions extort money from motorists who ply our major roads. The most agonizing aspect of the matter is that even when motorists or accused persons have satisfied all the necessary requirements with evidence to back up their claims, the security personnel always coerce them to part with their hard earned money. This has remained the norm and no one seems to have solution to the despicable acts.

Outright stealing: This type of corruption exists everywhere in the world. Onaiyekan (2007) stated that stealing will always be part of human society, so long as there are some elements who at all times try to take what does not belong to them. Stealing has various forms in which it appears in Nigeria. They include pilfering, armed robbery and fraud (deceiving and duping people of their hard earned wealth otherwise known as 419). It needs to be pointed out that at the global stage, the image of our

country has been terribly bartered by activities of Nigerian fraudsters who specialize in deceiving and duping unsuspecting members of the public particularly foreigners of their valuable resources.

Official corruption: Elected and appointed officials as well as employees in both public and organized private sector organizations usually indulge in this form of corruption. It is no longer news that employees of both public and private sector organizations manipulate their records with intent to divert what does not belong to them. We have continued to receive reports on countless cases of embezzlement, misappropriation, diversion, etc., of funds or resources involving employees of such organizations. It is now a norm for a public official to unlawfully use official stationery and other equipment for private purpose. There have been cases of diversion of government labourers for private work; absconding from government work during office hours for private work; abuse of government properties. The list is endless. We have other forms in which official corruption manifests. They include but not limited to the following tampering with contract documents and payment vouchers, inflation of contract terms, misuse of Estacode allowance and fraudulent acquisition of import license. All these forms of official corruption have become a norm in Nigeria to extent that if a public official decides to avoid the corrupt acts, he is often looked down upon as a nonconformist or a misfit in the workplace even among his relatives. This however, explains why almost every public and private sector employee enriches himself/herself illegally in his/her official capacity.

Political corruption: This implies the misuse of political power for personal gain. Nigerian political office holders have been accused of various forms of political corruption. Political corruption involves weak electoral commission, highly manipulated law enforcement mechanism and easily influenced judiciary. Others include inflation of election results, election rigging, deprivation of winners from weak political parties and bad governance. It is pertinent to note that when the political system is corrupt, rules and regulations are usually set aside as discretion is stretched beyond its limits. Public resources and other valuables are fraudulently disposed of at the whims and caprices of political office holders. Public servants have been accused of conniving with political office holders to milk the country dry. Money laundering and other high profile corrupt acts have been linked with our political office holders who oftentimes stash such huge funds usually in hard currency to foreign banks. This form of corruption is believed to be

responsible for the sorry state of development in the country as huge budgetary allocations intended to induce worthwhile development are diverted to serve private ends. In Nigeria, corruption covers a whole gamut of activities which include the following among others:

- Intentional distortion of financial records
- Misappropriation of assets whether or not accompanied by distortion of statement
- Payment for contracts of jobs not executed
- Ten percent kickbacks from contract awarded
- Intentional loss of receipts and mutilation of account documents
- Insertion of fictitious names in the payment voucher and the amount involved paid to unauthorized persons
- Using government official letter head paper to order for goods for private use purporting that it belongs to government
- Paying public cheques into private account for any reason best known to the officer
- Paying twice the cost of item(s) using the same document
- Leaving ex-employees on the pay roll and collecting the said amount for private use
- Charging the public or students unauthorized fees that are not utilized for the supply of any material for the institution
- Doctoring marks for students for personal reasons
- Asking and receiving cash or material before approving projects
- Having carnal knowledge of opposite sex before transacting business
- Receiving cash or in kind to write projects for students
- Disposal of any government assets without due approval
- Auctioning government property to oneself at little or no cost
- Dolling money to people to allow you stay in an office for another term
- Over-inflating the cost of items purchased for the public
- Diversion of worker's salaries and allowances for personal use (Agenyi and Ameh, 2009)

Causes and implications of corruption: A lot of factors have been identified to encourage people to soil their hands in corrupt acts. Some of these factors are inherent in the individual in question while many others are external to him or her. Internal factors are those behavioural tendencies that predispose one to

engage in corrupt dealings. Such factors are greed, self-centredness, ethnocentrism, etc. External factors are those environmental factors that induce or encourage people to indulge in corrupt activities. For instance, weak institutions, poor incentive system, etc.

Meanwhile, Babalobi (2008) posited that corruption is caused by the following outlined factors weak government institutions, poor pay incentives, lack of key anti-corruption tools, ineffective political processes, culture and acceptance of corruption by the populace, absence of effective political financing, poverty, ethnic and religious differences and resource scramble. Osoba (1996) and Dike (2008) corruption has continued to rear its ugly head as a result of the following factors among others inequality in the distribution of wealth; political position as the main means of gaining unfettered access to wealth; conflicts between changing moral codes; weakness of social and governmental enforcement mechanisms and absence of a strong sense of national community.

The impact of corruption has been negative. Igbuzor (2008) argued that corruption has a lot of negative implications on every sector our national life social, economic and political.

However, a somewhat comprehensive negative effect of corruption was precisely given by Bello-Imam to include.

Retardation of economic growth: He maintains that corruption reduces investment and retards economic growth.

Misallocation of talent: He argued that when rent seeking proves more effective and lucrative than productive work, talent will no doubt be misallocated. People will tend to rent seek instead of working hard.

Limitation of aid flows: Where corruption has assumed a disturbing dimension, donor agencies or development partners may be forced to withdraw their financial aid. In other words they will be unwilling to put in their money.

Loss of tax revenue: Huge sums of revenue are lost through tax evasion or claims of improper tax exemption.

Adverse budgetary consequences: When corruption is rife in an economy, budgeted amounts usually do not deliver required services.

Negative impact on quality of infrastructure and public services: When public contracts are secured through corrupt means, it leads to poor quality of infrastructure and public services.

Negative composition of government expenditure:

Corruption usually tempts government officials to choose public projects less on the basis of public welfare than on the opportunity they provide for extorting bribes. In this circumstance, large projects (white elephant projects) whose exact value and benefits are difficult to monitor usually present lucrative opportunities for corruption.

From the foregoing analysis, we could understand that corruption has remained the bane of development in Nigeria. It has left ordinary people without life saving services such as access to quality healthcare and deprives them access to good sanitation and housing. That explains why Igbuzor (2008) argued that “corruption costs lives”.

EFCC as a veritable instrument to combat corruption in Nigeria:

Sequel to alarming rate of corruption and bad image it has created about Nigeria in both continental and global stage, the administration of Chief Olusegun Obasanjo vowed to confront the monster head on. To this end in his inaugural speech he declared a total war against corruption, insisting that there would not be “sacred cows. Nobody no matter whom and where would be allowed to get away with the breach of the law or the perpetration of corruption and evil” (Adelagan, 2008). To make good his pledge to the nation, he sponsored an executive bill which was subsequently, given accelerated hearing and passage by the National Assembly hence instituting the Economic and Financial Crimes Commission (EFCC) in 2002. The EFCC Act of 2002 was re-enacted in 2004. Apart from the sincere determination of President Olusegun Obasanjo to fight corruption in Nigeria, it was believed that the decision to enact the EFCC Act was in response to pressure from the Financial Action Task Force on Money Laundering (FATF) which named Nigeria as one of the 23 countries that do not co-operate with international community’s effort to wage war against money laundering (Waziri, 2011). The commission was set up with the following mandates to achieve among others.

Enforcement and the due administration of the provision of the EFCC (Establishment Act, 2004). The investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal charge transfers, future market fraud, fraudulent encashment of negotiable instruments, computer credit. The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other persons or authority. The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crimes related offences or the properties the value of which correspond to such proceeds. The

Table 1: Record of investigations/convictions (2003 March, 2011)

Class of cases	No. of convictions	No. under trial	No. Under investigation
Politically Exposed Persons (EPS)	36	75.00	105
Advance Fee Fraud (AFF)	428	789.0	445
Money Laundering (ML)	15	163.0	26
Cyber Crime/Internet Fraud	137	476.0	186
Total	616	1.503	762

Waziri (2011)

adoption of measures to eradicate the commission of economic and financial crimes, etc. (EFCC 2009). The commission is empowered to investigate the properties of any person if it appears to it that the person's lifestyle and extent of the properties are not justified by his source of income. If proved guilty, the person's property should be confiscated by the federal government of Nigeria.

EFCC in the fight against corruption in Nigeria (an appraisal):

The commission immediately after its establishment swung into action by launching crack down on some politicians, bank officials and some private investors who were suspected to have amassed wealth illegally through corrupt dealings. Thus, as at November 2004, EFCC prosecuted over 100 cases in court while 300 others were then at various stages of investigations (EFCC, 2004; Agbu, 2004), averred that within two years of its operation, the commission had recovered more than ₦100 billion (US\$757 million) and arrested more than 500 persons for money laundering.

It will be expedient at this point to highlight some laudable achievements of EFCC in its avowed efforts to stamp out corruption from the shores of Nigeria in the period under review. One of the celebrated achievements of the EFCC was the arrest and subsequent prosecution of Chief Bode George and other five suspects (Aminu Dabo, Olusegun Abidoye, Abdullahi Tafida, Zanna Maidaribe and Sule Aliyu) on a 163-count charge (truncated to 68-count charge) bordering on alleged misappropriation of Nigeria Ports Authority (NPA) funds and inflations of contract cost to the tune of ₦85 billion. Eventually, Chief Bode George was convicted and accordingly sentenced to two and half years in prison. Another, ground breaking achievement of the commission was the arrest and investigation of a business mogul, Cecilia Ibru, the former managing director of defunct Oceanic Bank Plc. It was revealed during investigation that the suspect fraudulently amassed wealth and without adherence to standing rules granted credit facilities to questionable organizations and cronies. Consequently, Ibru was charged to court on allegations that border on illegal acquisition of properties and shares of different companies and granting of loans without adequate security. The commission applied for a court order to confiscate all those illegally acquired properties which

Table 2: Political exposed persons standing trial and contested at the 2007 and 2011 Polls

PEPs standing trial	As at 2007 polls	As at 2011 polls
PEPs standing trial and contested election	14	15
Ex-governors standing trial, contested and won	7	2
Ex-governors standing trial, contested and lost	0	7
Other PEPs standing trial, contested and won	7	3
Other PEPs standing trial, contested and lost	0	12
Total	28	39

Waziri (2011)

was granted (Nwagwu, 2012). The commission in an interesting move dared some members of the National Assembly when it arrested and prosecuted Hon. Godwin misappropriated with impunity there is a growing Ndudi Elumelu, Senator Nicholas Ugbane, Hon. Jibo Mohammed and six others on a 130-count charge bordering on defrauding the government to the whooping sum of ₦5.2 billion from the Rural Electrification Agency (REA). Regrettably, no concrete legal action was taken against them (Nwagwu, 2012).

The former chairman of EFCC, Mrs. Farida Waziri once reeled out the achievement of the commission under her watch. Her presentations are shown in Table 1 and 2.

Table 1 shows record of convictions, trials and investigations of criminally minded individuals in Nigeria who had engaged in various kinds of criminalities ranging from money laundering, advance fee fraud, to cyber crime/internet fraud.

Table 2 shows the number of politically exposed persons who contested elections in Nigeria at 2007 and 2011 polls standing trials arising from suits instituted by the EFCC. The above information was as presented by the former EFCC chairman, Mrs. Farida Waziri (Table 3).

Table 3 presents in clear terms the huge amount of money recovered from corrupt individuals from the country from June, 2008 to March, 2011 as revealed by Mrs. Farida Waziri, the former chairman of the Economic and Financial Crimes Commission (EFCC).

She went on to say that with the development of "Eagle Claw" software, the commission was able to carry out a radical revolution in the war against cyber crimes in the country. She disclosed that about 1,200 scam e-mail addresses and websites were identified and shut down while 18 syndicate leaders had been arrested and tried (<http://www.thenationonline.ng.net/web2/articles/33343/1/efcc.../page1.html>). The

Table 3: Showing recoveries from June, 2008 March, 2011

Sectors	Naira (₦)	US dollars (\$)
Banking sector	₦650 billion	\$4.3 billion
Taxation	₦3.5 billion	\$23.3 million
Local business/firms	₦15 billion	\$10 million
Multi-national penalties	₦36 billion	\$240 million
Others (forfeitures, AFF, etc)	₦135.5 billion	\$903.3 million
Total	₦975 billion	\$6.5 billion

Waziri (2011)

commission has aggressively sensitised the general populace and politically exposed persons on the ills of corruption. Whereas hitherto, public funds are understanding of its negative impact. Most importantly, the cliché that “EFCC is watching” has continued to gain grounds. There has been a gradual reduction in corrupt practices that were hitherto accepted and taken for granted (Waziri, 2011). The commission has carried out comprehensive sanitization of banks. This was premised on the realization that banking and financial institutions are fertile grounds for laundering and flight of ill gotten wealth.

Anti-corruption Handbook, revealed the following achievements of the EFCC: receiving over 5000 petitions, investigation of 2,103 cases of which 306 are under prosecution; more than 2000 persons were arrested and above 100 corrupt elements were convicted. The assets and cash recovered were valued at several billions of US dollars. In 2015, statistics had it that the worth of the property recovered by the EFCC was about ₦11 billion (www.thetidesnews online.com).

To show that nobody is above the law, the commission had at one point or another arrested and prosecuted some serving and non-serving governors in the country. They include: Dieprieve Alamiyeseigha (Bayelsa), Joshua Dariye (Plateau), Ayo Fayose (Ekiti) while others are still under investigation Murtala Nyako, Ali Modu Sherrif, Dieprieve Sylva, etc. Their offences ranged from corruption, money laundering and other related offences (Nwosumba, 2016).

The commission was applauded for its successful arrest, prosecution and conviction of the former Inspector General of Police for six months jail terms on grounds that he stole N17 billion of police fund which was siphoned through seven of his companies (Nwosumba, 2016). Ekpo *et al.* (2016) disclosed that EFCC has indicted and arrested top government officials of the Jonathan’s administration who were allegedly involved in the US\$2.1 billion arms purchase scandal. They maintained that some adamant ones like Colonel Dasuki (former National Security Adviser) and Olisa Metu (former Publicity Secretary of the People’s Democratic Party) were tried and remanded on several count charges. In his submission, Shittu (2016) argued that the

appointment of Mr. Ibrahim Magu as the chairman of the commission resulted in the dramatic change in the character of the commission in its war against corruption as it has gained increasing confidence of the rank and file. He further stated that public perception about the commission has positively changed with the realization that it is no longer business as usual as EFCC has continued to record significant convictions and successes in several fronts. He outlined the successes of the commission under Mr. Ibrahim Magu to include the following A former Director-General of the Nigeria Maritime Administration and Safety Agency, Raymond Temisan Omatseye (5 years for ₦5 billion contract scam); a lagos court registrar, Mrs. Rosulu Idowu Oluronke (10 years for US\$8.4 million); a former chairman, Ogori/Magongo local government area of Kogi State, Gabriel Daudu (154 years for ₦1.4 billion fraud); ex Adamawa Commissioner for Local Government Affairs, John Elias Babani (10 years for ₦51.5 million); George Uboh (3 years for selling vehicles belonging to the defunct Police Equipment Fund). The EFCC according to him secured a court order to extradite a former Managing Director and Chief Executive Officer, Nigerian Security Printing and Minting Company (NSPM), Ehi Okonyomon to the United Kingdom (UK) to face charges of corruption and money laundering on the ₦750 million polymer bribery scandal. It has equally secured another order to extradite a Nigerian fugitive, Franca Asemota to the United Kingdom (UK) for prosecution for trafficking minors. He added that there are on-going investigations, arrests and trials of suspected corrupt elements in various courts with some of the suspects volunteering to return state funds because they know that EFCC under Magu would not compromise. Consequently, huge amount of money valued at several billions of Naira and US dollars have so far been recovered successfully (Shittu, 2016).

The recently introduced whistle-blowing policy has added vigour to the anti-corruption war as so, many whistle blowers have volunteered and still volunteering information on state assets and funds fraudulently swindled by unscrupulous elements who have served and those who are still in the service of government. Within a space of some months, the policy has significantly paid off as some mind boggling amount of stolen state funds have been recovered from areas they were hidden and in some occasions the stolen funds were abandoned by the corrupt officials at some unimaginable locations. We may not go in details because the whistle blowing policy is outside the scope of this study.

Nevertheless, EFCC despite its laudable achievements has come under serious attacks by critical

and keen observers. The commission has been criticized for being a tool in the hands of the executive arm of the federal government to punish or witch-hunt its enemies and perceived or imagined enemies. The above criticism appears to be true in view of the way and manner the government in power deploys the commission to achieve its ulterior or mundane aims. The government of the day uses the commission in most cases to carry out massive arrests, investigations and prosecutions of high profile figures who might have had disagreement with the regime in power as well as those who do not belong to their political parties. A case in point was the refusal of the federal government led by President Muhammadu Buhari to investigate several petitions written against top members of his political party (APC) such as Mr. Rotimi Amaechi (former Governor of Rivers State) and Mr. Babatunde Raji Fashola (former Governor of Lagos) bordering on acts of corruption. Instead, the president has appointed them into his cabinet as ministers and as such shielded them with interesting portfolios (Ekpo *et al.*, 2016). Also, some obviously corrupt members of the former ruling party (PDP) immediately they cross carpet to the ruling party (APC) are swiftly shielded from arrest and prosecution by the EFCC. This ugly development may have explained why countless notable members of PDP especially those suspected to have defrauded government of valuable resources to defect to APC for protection. Another point to buttress this fact is the recently instituted presidential investigative Panel headed by the Vice president to investigate corrupt acts levelled against the suspended Secretary of Government of the Federation, Engr. David Babachir Lawal (i.e., allegation of breach of Nigeria's law in handling contracts awarded by the Presidential Initiative for the North East, PINE) and the Director-General National Intelligence Agency (NIA), Ambassador Ayo Oke (over the huge cash recently discovered in a residential apartment at Osborne Towers, Ikoyi, Lagos) instead of allowing EFCC to perform that function which is statutorily allotted to it. This anomaly is not only associated with the Buhari's administration; it has remained a recurrent decimal in every administration in the country. For instance, Chief Olusegun Obasanjo (former President of Nigeria) deployed the commission to incapacitate and harass his enemies both real and imagined. The commission was arbitrarily used to crush any individual who constituted stumbling blocks to realization of his hidden agenda. It was alleged that the commission was part of the numerous weapons deployed by President Obasanjo to fight for his unsuccessful third term bid. However, President Goodluck Jonathan appeared not have appreciated the importance of the

commission in assisting him to achieve his second term bid in office as he woefully failed in deploying the anti-graft agency to fight his perceived or imagined enemies or opponents hence, his abysmal performance at the polls in 2015 presidential election.

The commission has also been accused of performing its duties with outright disregard to rule of law and infringement on the fundamental human rights of accused persons. The case of Colonel Dasuki (former National Security Adviser to President Goodluck Jonathan) becomes instructive here. Several court rulings had granted him bail but the commission had blatantly refused to release him. He has been unlawfully detained even beyond the constitutional maximum number of days for an accused to languish in detention.

It has been argued that so long as the commission remains the investigatory and fund recovery agency, it may fail in its daunting efforts to uproot corruption in Nigeria. It is believed that recovery of stolen funds from corrupt public officials is not a fight against corruption but rather a fight against the manifestations of corruption. This could culminate in public officials adopting more stringent measures aimed at covering their tracks while at the same time milking the country dry (Ekpo *et al.*, 2016).

The structure of the EFCC is said to be vague and ill-designed such that it creates room for little or no accountability. It is ironical that it is this agency that President Buhari hopes to depend to fight corruption a halt in the country. To buttress this point, the immediate past chairman of EFCC, Mr. Ibrahim Lamorde was dismissed by Buhari in 9, 2015 for allegedly diverting ₦1 trillion of recovered funds (Ekpo *et al.*, 2016). Also, the red chamber (Nigerian Senate) in January, 2016 summoned the current Acting chairman of EFCC, Mr. Magu to appear before it and give financial statement of total amount recovered since his assumption of office. This suggests that the institution established with principal aim to combat corruption is unfortunately not transparent but also corrupt.

EFCC has come under heavy criticism for being selective in its war against corruption in the country. In other words, there are some "sacred cows", "untouchables" who cannot be arrested, investigated and prosecuted. Unarguably, EFCC had at one point or the other arrested and prosecuted Grange, Wabara, Alamesiegha, Dariye, Fayose, Atiku, Tafa Balogun, Cecilia Ibru, Olisa Metu, etc. but it has failed to bring any of our former presidents (both military and civilian) to book for purpose of giving account to numerous cases of corruption levelled against them from several

quarters. Finally, what appeared to be more worrisome in recent time is the persistent use of media by the commission to try any public officials accused of corruption. The use of media trial has in most cases resulted in defamation and character assassination of the accused before the general public. This practice is therefore a complete negation to the Nigerian constitution which provides that an accused person is presumed innocent unless proven otherwise by a court of competent jurisdiction. This ugly development has once stalled the trial of Colonel Sambo Dasuki wherein the court demanded a written apology from the EFCC for engaging in media trial of the case which is already in court.

The commission has been repeatedly been accused of playing to the gallery. It is always pointed out that suspects are arrested, investigated and brought to court with so much fanfare and thereafter the case appears to wither away (Waziri, 2011). The commission has blamed the development on structural weaknesses in the administration of justice in Nigeria. Officials of the Commission have put a defence that EFCC is not a judicial body and indeed should not be a judicial body and that its functions are limited to investigation, filing charges in court and thereafter diligently monitoring the prosecution of the case.

Be that as it may the commission through its commitment and hardwork has recorded some laudable achievements in its anti-corruption war. Currently, we observe that the incidence of official corruption has shown a downward trend. Moreso, the once terribly bartered image of the country at the global community is gradually being reclaimed unlike what obtained prior to establishment of the commission. Furthermore, the country's rating in Transparency International's list of corrupt countries has continued to show remarkable improvement.

Challenges of EFCC in the fight against corruption in Nigeria: A lot of factors have continued to work against the smooth operation of EFCC in its war against corruption in Nigeria. The challenges among other include.

There has been absence of requisite favourable legislative framework necessary to achieve success in the anti-corruption war in the country. The enabling laws failed to make provision for a special court to try cases of corruption and financial crimes. The regular court in Nigeria is notable for its sluggishness in the prosecution of cases brought before it. It is believed that when a special court is established for trial of corruption

and other related cases, the ratio of convictions in high profile cases and the resultant multiplier effect on the anti-corruption war will be significantly enhanced. There is a challenge of absence of a non-conviction based assets forfeiture law. Indeed, the barometer for measuring the seriousness of any country in the fight against corruption is the enactment of this all-important legislation. It is rather unfortunate that Nigeria has no such legislation and concerted efforts made to introduce it proved abortive. Now, if the commission could recover the huge sums of money in the absence of the law it will certainly do better when the law is introduced or enacted.

Another obstacle to the war against corruption by the commission is poor funding and weak capacity building programmes for its staff. It must be emphasized that the fight against corruption is very expensive and requires huge funding by the authorities. It should equally be accepted that investigation of specialized economic crimes can only succeed where the officers of the commission are suitable and adequately trained.

Nigerian outdated laws have constituted a serious impediment to the fight against the monster in the country. For instance, the Nigeria's Evidence Act that was enacted in 1945 is out of tune with modern day commercial realities. Again, electronically generated evidence is not admissible and it makes the job of establishing criminality of a financial crime a very difficult task. Furthermore, the Penal and Criminal Code of Nigeria is over 50 years old and was perhaps drafted when lesser crimes were committed in the country. The effect of the foregoing is that not all crimes are recognized and the sanctions contained in the outdated laws are insufficient.

There is a challenge of non-cooperative attitude of certain countries. In most cases, some countries have not been very cooperative in the retrieval of stolen funds and it seems that peculiar national interest guides them in cooperating with the commission. A United Nations (UN) report has shown that about US\$148 billion is annually stolen from Africa by political leaders, the business moguls and civil servants with the collusion and connivance of banking industries in Europe and other developed economies (Waziri, 2011).

Other challenges as precisely outlined here include weak administrative structure and absence of career path for commission's officers; poorly motivated workforce and unnecessary political interference from government; culture of impunity and lack of political will in the fight against the national malaise as well as loopholes in the administration of justice which make corruption cases difficult to prosecute.

CONCLUSION

Corruption has remained a cankerworm that stalls any attempt at development. It has been recognized at the bane of Nigerian development. Huge sums of fund appropriated to revamp core sectors of the Nigerian economy are usually swindled fraudulently by unscrupulous individuals who have served or still serving in various official capacities in the country, hence the unprecedented underdevelopment which stares us in the face.

The war against corruption should not be left to government alone. All hands must be on deck. There is urgent need for both the political elite and the led to abhor corruption in its entirety and aid/encourage the anti-graft agency, EFCC in its avowed resolve to dislodge the stronghold of corruption from our national life for overall sustainable national development. However, we make bold to recommend as follows.

There is an urgent need for total institutional overhaul of the anti-graft agency so that it will be truly independent from political manipulation. This will no doubt enable the commission to carry out independent actions in the discharge of its statutory responsibilities.

There should be intensification of public enlightenment on the dangers of corrupt practices. This will go a long way to engender value re-orientation and subsequently assist considerably in the reclamation of the bartered image of the country at the international stage. In addition, penalties for corrupt practices should be upwardly reviewed to deter would be criminals from engaging in such distasteful acts.

There should be political will on the part of Nigerian political leadership to stamp out corruption from the country. This becomes imperative in view of the fact that the commission cannot effectively perform its assigned duties if there is no strong political will in that direction.

It has been widely acknowledged that motivation spurs workers to put up reasonable effort in the performance of their official functions. To that end, the staff of the anti-graft agency should be given insurance cover and other incentives to induce them to perform their functions to the best of their abilities.

A special court that will expeditiously try corruption cases should be set up by the government. This is necessary in view of the sluggishness and apparent delays usually witnessed in the conventional courts in the course of trying corrupt cases in the country.

The cherished traditional values of transparency, hardwork, high moral standards, discipline, love,

neighbourliness, etc. should be introduced in the school curriculum and also form part of our national ethics and values.

The legislatures in the three tiers of government in Nigeria should be on alert and alive to their oversight functions so as to check the excesses of the executive arm of government in the award and execution of awarded contracts. There should be no "sacred cow" in the fight against corruption. Anyone no matter how highly placed who engages in the illicit acts of corruption should squarely face the wrath of the law.

The commission should be absolutely guided by the Nigerian constitution and other relevant laws in the course of discharging its statutory assignment. This will definitely reduce to the barest minimum the abuse of human rights by the commission in the process of arrest, investigation and detention of accused persons.

The government should endeavour to review all outdated criminal laws in keeping with the modern day realities. The situation where someone who had been convicted of siphoning government funds valued at billions of Naira or US dollars is sentenced to jail terms of two years or less should be stopped through the review.

The non-conviction based assets forfeiture law should be enacted to aid in the recovery of stolen public assets especially from sitting public officials who are protected by constitutional immunity.

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