AN APPRAISAL OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) IN NIGERIA 2002-2015

BY

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BSU/SS/PhD/09/4694

POSTGRADUATE SCHOOL
BENUE STATE UNIVERSITY, MAKURDI - NIGERIA

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COMMISSION (EFCC) IN NIGERIA 2002-2015

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A DISSERTATION SUBMITTED TO THE POST GRADUATE SCHOOL, BENUE STATE UNIVERSITY, MAKURDI IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF DOCTOR OF PHILOSOPHY (PhD) DEGREE IN POLITICAL SCIENCE

FEBRUARY, 2017
CERTIFICATION

We certify that this thesis titled: AN APPRAISAL OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) IN NIGERIA 2002-2015 has been duly presented by FRANCIS OGBOLE OROKPO (BSU/SS/PhD/09/4694) of the Department of Political Science, Faculty of Social Sciences, Benue State University Makurdi and has been approved by the Examiners.

Supervisorsgebungzeit

1. Prof. Akase Paul Sorkaa
   Signature ………………………
   Date…………………………..

2. Memeb member George-Genyi (PhD)
   Signature ………………………
   Date…………………………..
DECLARATION

I, Francis Ogbole OROKPO with registration number BSU/SS/PhD/09/4694, hereby declare that this thesis is the product of my research and is written by me.

It has not been accepted or presented in my previous academic pursuit for the award of a degree. All authors whose works I used are duly acknowledged by way of references as appropriate.

Francis Ogbole OROKPO                                           Signature …………………

BSU/SS/PhD/09/4694                                             Date……………………….
DEDICATION

This work is dedicated to God Almighty for His mercies.
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First and foremost I am indebted to the Almighty God for the gift of life, good health and means without which this endeavour would have been a mirage. I am also indebted to my supervisors, Prof. Akase Paul Sorkaa and Dr. Member George-Genyi whose constructive criticisms, understanding, insights and vast knowledge of the discipline and of research at this level made the task of writing a lot easier and this work a reality. I reserve very special regards for Dr. Member George-Genyi who also doubled as my Head of Department for her patience and tolerance with me in the course of this research whose intellectual contribution to this work is simply phenomenal.

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Francis Ogbole OROKPO
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<td>Mass Mobilization for Social Justice, Self Reliance and Economic Recovery</td>
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ABSTRACT
The failure of Nigeria to achieve a modicum of development has largely being blamed on corruption. Thus, corruption seems to be the bane of development of the country. Hence, efforts by the democratic administration of President Olusegun Obasanjo to curtail this menace informed the establishment of Economic and Financial Crimes Commission (EFCC) Act 2002. The focus of this study therefore, is on the critical appraisal of the Economic and Financial Crimes Commission (EFCC) in Nigeria from 2002–2015. Data were collected and analyzed using both qualitative and quantitative methods; the methods used in data collection included questionnaires and interviews from a sampled population of 360 respondents which were purposively selected from the study area using the sample size calculator formula. A Likert-type scale was used in designing the questionnaire for data collection. Data were analyzed using simple percentages, tables and figures. The Institutional theory was used as the theoretical framework of the study. It is the finding of the study that there is high level of government interference in the activities of the Commission. The political interference in the activities of the EFCC is based on the fact that it is a political creation and thus continues to pursue aims as dictated largely by the ruling political power in government. The net-result is that the agency has nearly lost public confidence in its ability to perform and to be impartial hence the constant accusation of the government in power using it for political witch-hunt. The study discovered that EFCC requires complete autonomy and a holistic review of the Act establishing the Commission. Empirical evidence from the study also illuminated the fact that the judiciary constitutes a major impediment to the Commission’s anti-corruption fight since inception. The study concludes that a committed anti-sleaze agency in the fight against corruption will not achieve the desired goals without genuine support of the government through exemplary demonstrations of absolute political will. The study therefore recommends amongst others, the need for government to demonstrate appropriate political will to bring corrupt persons, irrespective of their status and political leaning to justice. This will serve as deterrent to others and restore both national and international confidence in the anti-corruption campaign in Nigeria. Finally, caution must be taken in the application of the principle of plea bargain which is alien to the Nigeria legal system.
CHAPTER ONE
INTRODUCTION

1.1 Background to the Study

The belief that corruption, nay economic and financial crimes is a global phenomenon is no longer in doubt. Equally, the notion that corruption is pernicious to the generality of the human race stands unchallengeable. The authenticity of these postulations partly derives currency from the series of war against corruption across the globe. Such wars have been declared either singularly by nation-states or in concert with nation-states in the same way international non-governmental organizations and international political organizations have done; and have continued to do (Orngu, 2006).

Orngu (2006), further asserts that, in November 1997, following the Lima Declaration Against Corruption in Peru, Civil Society Organizations met under the auspices of the Global Coalition for Africa in Maputo, Mozambique and declared corruption a crime against humanity. Similarly, and in quick succession, the Organization for Economic Cooperation and Development (OECD) Anti-Bribery Convention was adopted a month later. In 2003, there was an adoption of the United Nations Convention on Corruption. It was in the same year that the African Union (AU) Convention on Preventing and Combating Corruption and Related Offences was adopted in July at the 2nd Ordinary Session of the Assembly of heads of State and Governments of the AU. For decades, almost all African governments have been consistently grappling with some policies, strategies and institutional frameworks to deal with corruption.

For Nigeria, the legacy of corruption and lack of accountability bequeathed by many years of military misrule continues to be an impediment to the goals of socio-economic development (Akanbi, 2004). Jega (2009) posits that, the period since 1999 has
witnessed an increased number of ethno-religious violence leading to social, economic and political misfortunes. Inspite of her human and natural resources endowment, majority of Nigerians still live in abject poverty. Public institutions are ill equipped and service delivery is poor. The theft of public funds has resulted in serious chaos. Orngu (2006:36), opines that, “Nigeria has acquired all the characteristics of a failed state, and democracy and good governance appear to be the only panacea, hence the birth of the Fourth Republic in 1999”.

Although it is generally believed to be universal as it is found in every human society, corruption is so pervasive in the Nigerian society such that Nigeria in recent years has been ranked by Transparency International in global corruption rating as one of the most corrupt countries in the world. Nigeria is ranked 143 out of 182 countries in Transparency International's 2011 Corruption Perceptions Index (TI, 2014). Over the years, the country has seen its wealth withered with little to show in living conditions of the average human being. It is a nation bestowed with vast human and natural resources. Despite its enormous array of resources, the Nigerian economy has witnessed a period of stagnant economic growth. This has been partly blamed on corruption and gross mismanagement of the country’s vast resources.

Over the years especially during the military regimes, little was done to fight this socio-political malaise. Thus, the anti-corruption efforts of the government during Muhammadu Buhari/Tunde Idiagbon and Olusegun Obasanjo’s administration failed to produce desired results (Agbu, 2003). Some of the policies during these regimes include: decree no. 5 of 1976 for the investigation of the assets of public officers and supported by the Code of Conduct Tribunals and the Code of Conduct Bureau as prescribed by the 1979 Constitution, the Corrupt Practices Decree of 1975, the 1979-1983 Ethical Revolution of Shehu Shagari, the Corrupt Practices and Economic Crimes decree of 1990 and the establishment of a national committee for the fight
against corruption and Economic crimes between 1985-1993 by the Babangida’s regime. However, the fact that corruption is still prevalent and pervasive in the Nigerian society depicts the failure of some of these anti-corruption policies (Agbu, 2003).

Although corruption is a global phenomenon but there are strong suggestions that its adverse effects are felt more severely in developing and transitional economies in comparison to more industrialized countries where social and economic institutions are more strongly developed and the illegal proceeds from corruption are more likely to be re-invested locally (Igbuzor, 2008). Nigeria is frequently cited as one of the leading examples of resource-rich countries in the developing world that is underdeveloped and poverty pervasive after decades of poor governance and corruption. It has regularly featured as one of the world’s most corrupt countries within Transparency International surveys. One case in point is the estimated extent of corruption in Nigeria which gives the figure of stolen public funds outrageously. It has been estimated, for example, that between 1960 and 1999 over $440 billion of public revenue was stolen by public officials (civil servants and politicians) in Nigeria (Ribadu, 2009:2 and Blair, 2005: 51). Several decades of poor governance and corruption have seemingly played a role in exacerbating the levels of socio-economic inequality between a small select group of politicians, public officials and business elites and the mass of ordinary Nigerians. According to World Bank estimates, approximately 80% of Nigeria’s oil wealth is concentrated in the hands of 1% of the population, while over 70 percent of the population live below the poverty line (World Bank 2006).

It was Achebe (1983), who said that anyone who can say that corruption in Nigeria has not yet reached alarming proportion is either a fool, a crook, or else does not live in Nigeria. He further asserted that the situation has come to the extent that keeping an average Nigerian from being
corrupt was like preventing a goat from eating yam. This monumental corrupt practice in Nigeria is very severe and devastating. The menace of corruption in Nigeria has certainly emerged as one of the main impediments to national development. Corruption in the country has caused the country severe losses economically, politically and socially, and these facts are responsible for decayed infrastructure, downturn of the economy, fragile political institution, and steady decline in all indicators of national development (Keeper, 2012). Agreeing with the foregoing assertion, Human Rights Watch (2007:40) stated that Nigeria has some of the worst socio-economic indicators in the world and the overall picture has not improved since the end of the military rule. Corruption midwifed by Nigerian leaders is a social malaise which has accounted for lack of vision and mission by government. Dike (2006), also opines that corruption brings a country no good. Corruption has eaten so deep into the fabric of our society, that no segment can claim immunity from its ugly effects, not even religious bodies. Corruption today is still a deadly disease in Nigeria, and many Nigerians are yet to be free from it. Corruption is found more especially in the government institutions; the executive, the legislature, judiciary, establishments such as the military, police, road safety corps etc and government bureaucracy. Various past and present Nigerian leaders have been indicted for being unashamedly corrupt (Agenda 20:2020). Consequently, corruption has become the biggest challenge militating against Nigeria's democratization march, which has always shown its effects on Nigeria's past and present fragile and fledgling democracy.

Generally, the failure of the country to achieve a modicum of development has largely being blamed on corruption. Thus, corruption seems to be the bane of development in Nigeria. Hence, effort of the democratic administration to curtail the menace of corruption since the return to democratic rule with the establishment of
Economic and Financial Crimes Commission (EFCC) Act 2002 clearly underpins this research study. The focus of this study is on the appraisal of the Economic and Financial Crimes Commission (EFCC), one of the major anti-corruption agencies established in the wake of the return to democracy from 2002 – 2015. Against this backdrop, pertinent questions bordering on what have been the bane of the effective functioning or otherwise of the anti-corruption agency with the burgeoning corruption cases in our democratic dispensation was examined.

1.2 Statement of the Problem

Economic and financial crimes are powerful manifestations of the global organized crime threat. These phenomena manifest in different patterns and dimensions. In Nigeria, economic and financial crime is a generic term, which refers to a number of unlawful practices defined under the Economic and Financial Crimes Act of 2004 and other relevant legislation, which includes corruption, advanced fee fraud (419), drugs and human trafficking, smuggling, tax evasion, fraud and malpractice, illegal oil bunkering, and money laundering. Although conventional crime is as old as the society itself, these phenomena became prevalent and were officially recognized as serious threats to the security, stability and prosperity of Nigeria in the 1980s (Shehu, 2006).

There are many law enforcement or security agencies created by government in Nigeria to meet certain and specific situations or purposes or to deal with various issues and problems of concern to government or on matters bothering on specific law enforcement and security issues. Some of these agencies are: the Nigeria Police force; the State Security Service; National Intelligence Agency; Defence Intelligence Agency; National Drug Law Enforcement Agency;

Of the numerous law enforcement or security agencies in Nigeria, perhaps, the EFCC is one of the most important in terms of the perception of Nigerian public, government, international donor agencies, and the international community. It is for this reason that this important organization captivates the attention of all and sundry and has gingered the need to study it. Thus, the need to take a scientific appraisal, evaluation, assessment and scrutiny of its critical role and how it has met that role in Nigeria bearing in mind that the EFCC is a very important state institution in the fight against economic and financial crimes of corruption.

It has been estimated by the Economic and Financial Crimes Commission in collaboration with the World Bank that from independence in 1960 to 1999, Nigerian public officials have looted or wasted more than $440 billion of public resources. This amount is equivalent to all the Western aid given to Africa in almost four decades and also equivalent to 300 years of British aid for the continent. It is also said to be six times the American help given to post-war Europe under the Marshall Plan for the reconstruction of a devastated Europe in the aftermath of the Second World War (Blair, 2005 & Ribadu 2009:2). The World Bank has estimated that more than US$ 1 trillion is paid in bribes each year and that countries that tackle corruption, improve governance and the rule of law could increase per capita incomes by a staggering 400 percent (World Bank, 2004).

In Nigeria, the anti-corruption campaign remains a project in questionable progress. There has been a global cry and coordinated efforts to tackle this social evil through the creation and implementation of anti-graft laws and policies across nation. The critical problem of this study therefore is to appraise the performance of the Economic and Financial Crimes
Commission from its inception in 2002 to 2015; with a view to ascertaining whether it has being able to meet the aims, missions and vision for its creation. Thus, the study seeks to explain the prevalence of corruption, despite the efforts by successive governments to reduce it. It is against this background that the study appraises the Economic and Financial Crimes Commission in its fight against corruption since inception in 2002-2015.

1.3 Objectives of the Study

The primary objective of this study is to appraise the Economic and Financial Crimes Commission (EFCC), and to evaluate its performance in Nigeria. The specific objectives are to:

a) Examine the causes of economic and financial crimes of corruption and assess the measures adopted by the government to combat it in Nigeria.

b) Assess the extent to which the political leadership has been able to demonstrate and sustained its commitment in the fight against corruption in Nigeria.

c) Examine how far the EFCC achieved the objectives for which it was established.

1.4 Research Questions

This research is guided by the following research questions:

a) What are the causes of economic and financial crimes in Nigeria and the measures adopted to combat corruption in Nigeria by the government?

b) To what extent has the political leadership been able to demonstrate and sustained its commitment in the fight against corruption in Nigeria?

c) To what extent has the EFCC achieved the objectives for which it was established?

1.5 Significance of the Study

Achieving significant results in curbing the incidence of corruption hinges on what is done, how it is done, when it is done and whom it is targeted at. It is obvious that most anti-
corruption strategies in Nigeria have failed to achieve their stated objectives over the years. It therefore requires concerted efforts by all to contribute to the success of this all-important issue on which the survival of our hard earned democracy depends. Such efforts can only be meaningful if they stem from an empirical study in order to support the government to realize the global lofty objective of good governance.

This research unveils problem areas in the implementation of anti-corruption strategies as well as proffer policy recommendations that would benefit both the governments and relevant anti-corruption agencies in their quest for ensuring the consolidation of democracy and good governance in Nigeria. It is the intention of the study to stimulate further investigations into the problem of persistent rise in economic and financial crimes of corruption incidence in Nigeria inspite of efforts by government towards ameliorating them in the country.

The study is expected to be a concerted effort to identify, articulate and highlight the existence, the causes and effects of financial and economic crimes and corruption in Nigeria. The research is expected to be part of data bank for operators as well as policy makers in anti-corruption strategies formulation.

On the intellectual plane, it will contribute to knowledge by adding to the existing literature on this topic and serve as a base for other researchers who would like to carry out further studies in this field of public policy study.

1.6 Scope of the Study

This research is specifically on the appraisal of the Economic and Financial Crimes Commission (EFCC) in Nigeria between 2002-2015. This period is important because it coincided with the beginning of democratic rule after a long period of military interregnum. The choice of this topic is also predicated on the fact that corruption has been a serious threat to
the consolidation of a viable democratic system in Nigeria. The scope of this study basically
searchlight the activities of the EFCC since inception. Undertaking a post-mortem study of how
far the agency has realized its goals becomes imperative.

1.7 Limitations of the Study

This study was limited by time and financial constraint particularly because of the cost
intensive nature of this type of project which requires a lot of finances for execution. Therefore,
the absence of a major research grant poses a great problem. The attitudes of some of the
respondents because of the peculiarity of the research definitely constitute a limiting factor that
the researcher faced in carrying out this study. These shortcomings however, did not affect the
overall result of the research since a detailed method of data collection was employed by the
study and the instrument of analysis that was used definitely ensured objective and qualitative
analysis of the problematique.

1.8 Research Methodology

1.8.1 Research Design

To Appraise the Economic and Financial Crimes Commission 2002-2015, this research
adopts a survey design. It aimed at eliciting accurate and reliable data from the respondents
particularly on the phenomenon under investigation. Hence, interviews were conducted and
questionnaires administered on the study population consisting of both the EFCC staff and
selected political office holders and the academia in the study area. A content analysis of some
related secondary materials was also embarked upon to show a clear understanding of the issue
under examination to discover gaps in extant literature/knowledge which this research seeks to
fill. For this study, this strategy proved most useful to determine the stakeholder’s perception in

The survey design specifies how such data will be collected and analyzed. It is important to state here that the survey research method also provides an effective way of collecting information from a large number of sources through sample taking provision from where inferences can be drawn about the target population. This will help in overcoming the difficulties that would have been encountered in an attempt to study the whole population of Nigeria.

1.8.2 Population of the Study

The population for this study is that of the EFCC offices in Abuja and the residents of Abuja purposively selected. This was purposively selected as a result of the fact that it was difficult to study the entire country given the time and resource availability. The target population for this study comprises staff of EFCC which stood at 2,038 as at December 2014 (ANNUAL REPORT, 2014) and 1,406,239 of Abuja residents (NPC 2006) totaled 1,408,277.

The population of this study thus, is limited to staff selected purposively from the EFCC headquarters in Abuja and literate residents of Abuja. The choice of Abuja as the study location is predicated on a number of parameters among which is the fact that data collected from Abuja are assumed to be representative of the federation because of the conglomeration of persons of diverse socio-economic and political leaning and the headquarters of the EFCC among others and the EFCC staff because they are directly involved in and with the core duties of fighting financial crimes and hence, were in the best position to answer queries that have to do with the core activities of the Commission and also the residents of the study area.
1.8.3 Sample Size and Sampling Techniques

Since it is impossible for the researcher to sample the entire population, the researcher employed a formula propounded by the Researchers Advisors (2006), with the use of sample size calculator to determine her sample size and the number of the questionnaires to be administered to the selected sample. \( n = 1,408,277; \) confidence level: 95%; margin of error: 5.0%; sample size = 384 (See Appendix iv). Consequently, the researcher administered 360 questionnaires while 24 respondents were selected for interview. The essence of these selections was to draw information on both the practical and the theoretical sides of the EFCC’s activities since its inception in Nigeria. These classes of respondents were requested to indicate how well or otherwise they judge the EFCC’s performance with regards to the fight against corruption between 2002 and 2015 and what factors were responsible to the EFCC’s current level of performance.

Consequently, fourteen (14) persons interviewed were used for this study drawing from staffs of the EFCC, civil servants and lawyers who have better informed position about the subject under investigation (See Appendix I for list of interviewees). Furthermore, three hundred and sixty (360) questionnaires were distributed while three hundred and eleven (311) questionnaires were returned (See Appendix iii) for distribution of questionnaires.

The reason for this purposive and convenience sampling techniques is to enable a good number of sample that could produce adequate and valid information for the study. The essence of this purposive selection/sampling is that it allowed the researcher leverage to administer questionnaires and interview people that by experience, training and other such variables are competent to comment on the issues under investigation. The questionnaire was designed in a Linkert-type format because of the problem associated with data collection on issues of corruption.
1.8.4 Methods of Data Collection

In any given study, it may be necessary and desirable to use two or more data collection techniques. One may seek the solution of a given problem by studying its history through an examination of documents often referred to as secondary sources and in determining the present status by field survey called the primary source. Since the study is a survey research, the study therefore made use of the primary and secondary methods of data collection.

Data from books and unpublished theses and journals that basically deal with theoretical and conceptual issues such as corruption, anti-corruption as well as the review of salient theoretical postulations of the institutional paradigm were utilized. These were sourced from Benue State University Library, EFCC Library Karu, Abuja, Annual Reports of EFCC, EFCC News Magazine, newspaper reports; research reports as well as current thinking on institutional theory were sourced from the internet. The personal library of the researcher as well as materials from colleagues was also relied on for this study. The study also made use of information and documents especially on the activities of the Economic and Financial Crimes Commission (EFCC) through their official website. These were critically reviewed, examined and scrutinized in the context of their relevance to the research topic.

1.8.5 Data Analysis Technique

The simple statistical methods such as tabulations and simple percentages were used in analyzing validity of the data collected. Descriptive statistics (mean) is also used to analyse the perception of EFCC in reducing economic and financial crimes of corruption in Nigeria, 2002-2015 with a decision rule of 3.5. Orga (2016) stated that when the responses mean is equal or more than 3.5, it means that respondents’ statement is “accepted” (See Appendix iii). The qualitative data on
appraisal of the EFCC in Nigeria, 2002-2015 were analysed using narrative analysis which involved interactional method.
CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Economic and Financial Crimes: A Conceptualization

The global economy is faced with myriads of economic and social problems that increase in magnitude and dimension daily. Suicide bombings and killings, terrorism and insurgencies, drug trafficking, smuggling, money laundering, systemic corruption etc are some of those crimes that threaten the corporate existence of many countries of the world today. However, crimes that are economic in nature are known as economic crimes. Section 46 of the Economic and Financial Crimes Commission’s Act, 2004, defines economic crimes as “non-violent criminal and illicit activities committed with the objective of earning wealth illegally either individually or in a group or organised manner thereby violating existing legislation governing economic activities of government and its administration and includes any form of fraud, money laundering, smuggling, currency counterfeiting, tax evasion, corruption, embezzlement etc. These constitute the typologies of economic crimes.

The repletion of financial crimes in literature is skewed towards its definition as breach of trusts at the macroeconomic level. Its standard definition is either the abuse of public office or misuse of entrusted trust for personal gains (Transparency International, 2010). At micro level, it may be perpetrated to meet basic needs due to prevalent poverty while greed may be attributed to the abuse of public office and trust for personal gains. Meanwhile, its abhorring nature has lent credence to its popularity in the contemporary literature. Hence, “its conceptualization is intertwined with ideological, moral, cultural and political perspectives” (Otusanya, 2011b: 388). Financial crime has widely been entangled with politics as it is usually conceived in academic literature as either misuse of public office or breach of trust for personal gains by political elites.
Hanna et al. (2011) define it politically to include “a situation where a bureaucrat overtly asks a citizen for a monetary bribe in order to perform a basic, but often illegal, service, such as providing someone with a residency card etc” (p.8). Intrinsic in its essence is the deliberate deprivation of or causing loss to another party for selfish gain. Public recognition and power are usually the instruments possessed by political elites to deprive people of their needs for selfish gains. More so, no any single sector has the monopoly of financial malpractices. Dye (2007) sees financial crime as a behaviour that can occur in both public and private domains. He then defines it to include: “fraud, bribery, political corruption, conflict of interest, embezzlement, nepotism, and extortion. Examples of government operations particularly vulnerable to corruption are travel claims; collection of taxes and customs revenues; administration of procurement contracts; concessions of subsidies, permits, and licenses; hiring, administration of personnel, and payroll systems; privatization processes; petty cash abuse; and e-commerce and Internet credit card transactions”.

The history of economic crimes in Nigeria can be traced back to the colonial era. The consular court system disrupted the traditional administration, which the white colonialists met. In its place was appointed the highly flawed indirect rule under which appointment of personnel was arbitrarily made. Oftentimes, appointees were unknown people, different from the traditional heads and chiefs. Many of the appointed people were of questionable character who often became intoxicated by power, leading them to abuse and misuse of office, including showing favours to criminals. Therefore, the colonial heritage, legal traditions, religion, and geographical factors seem associated with economic crimes and other measures of government dysfunction.

The authors note that in the Post-Colonial Era of the Civilian and Military Regimes, the First and Second Republics were characterised by electoral malpractices, misappropriation of
public funds and corruption. The military and civilian regimes accused each other of corruption and this was the major reason for rejection and takeover of government. Today, it is said that the worst civilian regime is better than the best military regime. The overall implication of this is that the once cherished culture of probity and honesty in public affairs soon yielded place to a culture of graft and the standard of public morality continued to deteriorate, giving way for serious economic crimes (Nwogwugwu & Uzoehina, 2015). Corresponding to the Colonial and Post Colonial Era was an industrial policy known as the Import Substitution Industrialization (ISI) that advocated the replacement of foreign imports with domestic production as an attempt to reduce foreign dependency through industrialized products, thus producing development and self-sufficiency through the creation of an internal market. ISI was gradually abandoned because this strategy appears not to have created the necessary foundation for an industrial revolution as it failed to develop capacities for export manufactures and even failed to produce enough to serve expanding domestic demand (Ogujiuba, Nwogwugwu, & Dike, 2011).

By 1980s, the economy took a different turn, partly due to declining oil revenues, structural indebtedness etc, which precipitated the adoption of the Structural Adjustment Programme (SAP) from July 1986 on the insistence of IMF and the World Bank, of which trade liberalization aimed at the Global South was a major element. It was expected that a liberalized trade regime would stimulate industrial output expansion and enhance a better performance of the economy. However, contrary to expectations that SAP policies would shift production and trade towards outward orientation, the industrial sector seems not to have made any significant contribution to export earnings (Tamuno, & Edoumiekumo, 2012). The SAPs conceived and implemented for West African countries by IMF and the World Bank created loss of jobs and diminishing employment opportunities, reversal of industrial development, exclusion of majority
of the population from vital social and welfare services (especially education and health care) and a fragile state. These developments produced favourable environment for entrenchment of economic crimes witnessed today. Globalisation and indeed information and communication technology that integrated Nigerian economy into the global economy have thus, provided economic offenders with a tool for both committing economic crimes and laundering the proceeds that their acts generate (Swank, 2002).

Fruitful attempts have been made to measure economic and financial crimes. The dominant mode of measurement since the mid-1990s has been perception-based, via cross-national indices drawn from a range of surveys and ‘expert assessments’. Indices such as the Corruption Perception Index (CPI), the Bribe Payers Index (BPI), the Global Corruption Barometer (all produced by Transparency International), the Business Environment and Enterprise Performance Surveys (BEEPS) or other aggregate indicators such as the Control of Corruption element in the World Bank Group’s Worldwide Governance Indicators (WGI), have undoubtedly proved immensely important in raising awareness of the issue of corruption, as well as allowing for detailed cross country comparisons (TI 2009). However, it is now widely acknowledged that such measures are inherently prone to bias and serve as imperfect proxies for actual levels of corruption (Heywood & Rose 2014).

Indeed, measuring corruption has been described as ‘more of an art form than a precisely defined empirical process’ (UNDP 2008: 8). Moreover the lack of an authoritatively agreed upon definition of what counts as corruption remains a serious obstacle to measurement, as in practice specific indicators inevitably (even if implicitly) reflect particular definitions which can be used to support different findings (Hawken & Munck 2009).
Perhaps the key stimulus to the dominant approach to measuring corruption has been Transparency International’s Corruption Perceptions Index (CPI). First released in 1995 and published annually since then, the CPI has become established as the most widely cited indicator of levels of corruption across the world. The CPI ‘captures information about the administrative and political aspects of corruption. Broadly speaking, the surveys and assessments used to compile the index including questions relating to bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and questions that probe the strength and effectiveness of public sector anti-corruption efforts.’ (TI 2010). The CPI is a composite index, calculated using data sources from a variety of other institutions. The CPI, though, has become increasingly controversial. Although widely credited with playing a crucial role in focusing attention on the issue of corruption, the index has none the less been subject to many criticisms both on account of its methodology and the use to which it has been put (Heywood & Rose 2014).

As is explicit in the title of the index, it measures perceptions rather than, for example, reported cases, prosecutions or proven incidences of corruption. This matters because perceptions can influence behaviour in significant ways: for instance, if we believe that all around us people are engaging in corrupt behaviour, which may make us more likely to adopt such practices ourselves. One of the recognized limits of aggregate perception data is that most factors that predict perceived corruption, such as level of economic development, state of democracy, press freedom and so forth, do not correlate well with available measures of actual corruption experiences (Triesman, 2007).

It is clear that corruption as a field of study and work comes with a myriad of different indicators. Indeed, the use of diverse indicators assures a more contrasted assessment and better
available information for researchers and project managers. Furthermore, the large quantity of information gathered in the last years, and the increasing sophistication of theoretical models explaining the causes, effects and remedies of corruption, have also a positive effect in the conception of new indicators (Urra, 2007) and helping to fight corruption.

Furthermore, statistics on Illicit Financial Outflows (IFFs) as a measure of economic crimes was developed by Global Financial Integrity using two known models such as World Bank Residual Model and IMF Trade Mis-invoicing Model. IFFs refer to unrecorded capital outflows that derive from criminal, corrupt (bribery and theft by government officials) and commercial activities (Baker, 2005). Khan & Blenkenburg, (2012), posit that the components of IFFs include proceeds of theft, bribery and other forms of corruption by government officials; proceeds of criminal activities including drug trading, racketeering, counterfeiting, money laundering and terrorist financing; and proceeds of tax evasion and laundered commercial transactions.

Economic crimes have risen in size and magnitude in recent times. Parton, Rajarao and Skalak (2009) observe that economic crime has become a global phenomenon thriving even in a downturn. Cost of cybercrime globally is estimated to be US$ 388 billion for 2011 (Ernesto, 2012), while World Bank estimates that Worldwide bribery totals at least $1 trillion per year, just over 3% of world income in 2002 (Kunicova & Ackerman, 2003).

The types of Nigeria-related financial crime are far too vast to be listed exhaustively, but certain themes keep recurring. Even from a brief survey, it is clear both that the volume of crime is large and that the systems for dealing with it are often inadequate. Most of all, the examples that follow highlight the adaptability of fraudsters, who respond to the closing of one loophole by immediately searching for another. It is important to remember that none of these types of frauds
is unique to Nigeria. In some cases, such as frauds involving e-mails and websites, the ultimate source of the crime is untraceable. In other words, just because a certain type of crime is traditionally associated with Nigeria does not necessarily mean all crimes of this type necessarily have a Nigerian connection (Peel, 2006). Neither should any of the frauds be seen as quintessentially Nigerian in terms of ‘national character’ or some other crude, crypto-racist generalization. Rather, many Nigerians would argue, the prevalence of fraud is a reflection of a turbulent history, weak institutions, grindingly tough social conditions and – perhaps most of all – an economy monolithically focused on oil and the revenues that flow from it. Faced every day with the reality of this pot of huge but inaccessible wealth, many people’s lives are spent scrambling, in all sorts of adaptive and inventive ways, to see if they can get a cut, by whatever means.

2.2 Sources and Causes of Economic and Financial Crimes in Nigeria

Financial crime is a product of the socio-economic and political structures of any society. Often, when the subject is discussed in developing countries especially, poverty, unemployment, greed, weak institutional and moral values, inadequate checks and balances, poor remuneration for civil servants, weak and corrupt criminal justice system, among others, are identified as the immediate causes of financial crime.

Mobolaji (2012) believes that it is either induced by greed or need. It is considered greed when done by the elites to impoverish the vulnerables. Otusanya (2012) extends the discussion of greed to include the economic ties with the developed world, involvement of multinational corporations and top government officials, money laundering through offshore financial centres and other forms of abuse of Information Technology. The need-induced financial crime is perpetrated by the impoverished citizens as they are being denied of their basic needs. Poverty,
lack of adequate health care and other basic facilities could also leave victims with no option than corruption. Corruption of this type takes the form of small size embezzlement, bribery, collusion to defraud organizations and other forms of mean opportunistic crimes. Though, there are no generally agreed reasons for the causes of financial crimes (Dye, 2007), they vary from country to country but majorly, unstable government and institutional faults, lack of good implementation of government programmes and policies, corrupt judicial systems and anticrime institutions, poor remuneration of workers and weak accountability and transparency structures are apparent causes in the developing worlds.

Certain specific socio-economic and political conditions that also facilitate economic and financial crime in Nigeria according to Shehu (2006) could be identified thus:

1. **Greed and Avarice**

Financial crime is a rational choice activity dependent on motivation, opportunity and means. Rather than attaching it to poverty, the financial crime situation in Nigeria, to a large extent, should be attributed to greed and ostentatious lifestyle. Within a neo-capitalist economy, the avidity to wealth in Nigeria is worrisome. On the one hand, such greed and avarice could be blamed on the socio-economic policies of the state which create unequal opportunities for competition to attain social status. The reason why ‘primitive accumulation’ has become the norm in Nigeria today is because there is high level of social insecurity such that a civil imagines how he/she will spend the rest of his/her lifetime after retirement from government service.

The civil servant would be looking out for every opportunity to get money to build a house in his/her village. S/he may not even sleep in the house in the village when on holiday because there are no social amenities for good living like water, access roads, electricity, etc,
which s/he is used to in the cities. Of course, the house may have been built just to identify him/herself with the community. The next ambition is to own another house in his/her local government headquarters or state capital. This is ‘necessary’ because s/he is not sure of where his/her family will run to when any of these houses is set blaze during communal clashes, which are rampant occurrences nowadays. Finally, s/he will aspire to own a retirement house in the nation’s capital (Abuja), or any of the major cities. So throughout his/her service years, there is always the urge to look for money by whatever means to achieve endless desires.

In a different category is a young law enforcement officer, with an ambition to own a car because he needs one to go to work at least since he might be in uniform. Thereafter, he needs to marry and get another car for his wife to take the children to school and for other domestic uses. Note that the school is not close enough to his house for the children to walk to the school. Moreover, the public transport is not efficient and dependable as in the developed societies. Similarly, there are fewer good public health services, so one depends on private and costly health services. All these, apart from other social responsibilities discussed below, are cumulative incentives for greed to amass wealth. Greed is one of the main sources of corruption in Nigeria.

On the other hand, all these factors may not come into play if the basic needs of the citizenry, like education, health services, roads, electricity and water, to mention just a few, were provided by the government. These amenities are scarce not because the resources for them are grossly inadequate but because when these resources are made available, the selfish elite sees it as an avenue for illicit self-enrichment.
2. Poor Reward System

In influential studies have documented the possible impact of a poor reward system on the level and extent of corruption in society (TI, 2003). For purposes of clarity, it is necessary to categorize the reward system into two: individual/private sector reward; and public sector remuneration. With regard to individual reward, the economic system in Nigeria which is based on a superficial free market and competition does not seem to have provided the opportunities for individual self-actualization. Obviously, for one to compete in such a market situation, one must be appropriately empowered or equipped to do so. One way to create such opportunity is through gainful employment, which the government has attempted to provide through programmes such as the National Directorate of Employment (NDE), the National Poverty Eradication Programme (NAPEP), among others. Another, perhaps more important is to provide a level playing field for competitive entrepreneurship. In this way, private sector would be able to absorb a good number of unemployed persons. Unfortunately, it seems these programmes could not significantly improve the unemployment situation in the country, hence the rising wave of crime and criminality. A probable explanation is either that government policies and programmes are not properly implemented or they are themselves sources and products of corruption.

In an ideal free market economy, a strong private sector could play a critical role in combating financial crime. What we have in Nigeria is a ‘parasitic/dependent’ private sector. In other words, the private sector, which is supposed to lubricate the economy, is dependent on government funds and patronage. Subsidies and tax exemptions are granted preferentially to those private sector organizations, which have some connections in government. Indeed, the operation of the private sector in Nigeria raises a more fundamental question of conflict of
interest because most of the private companies are owned directly or indirectly by the same privileged elites either in government or in retirement. Thus, they provide sources and means of rent seeking through government contracts.

Thus, where the markets and economy do not correlate; services are inadequately provided and little or no incentive is given to boost production, it would only exacerbate scarcity and the need to bribe or pay off to obtain services that ordinarily should have been provided without the need to corrupt the system. For instance, the official foreign exchange market is so inefficient that the parallel or ‘black markets’ have now become the providers of needed foreign exchange and this is leading to the continued depreciation in the value of the Nigerian currency. The inefficient tax system, apart from its inability to generate revenue for the government, is also a source of rent seeking by tax officials. With all these, government has not been able to provide a level playing field for competition in the private sector. The public sector remuneration is a major source and possible cause of financial crime in Nigeria. In particular given the low wages of civil servants, law enforcement and judicial officers have little or no safety valve against corrupt practices. Low wages lead to low moral, lack of patriotism, declining productivity and confidence in the system, and above all, the tendency to be corrupt. Inevitably, the level of corruption in the public sector is such that “over the years, Nigeria has established the ‘dubious’ reputation as a place where nothing ever gets done until money changes hands. As a result of this, it has become the country with one of the highest cost of contracts in the world. Projects executed in the country have often attracted costs more than 300 per cent above what obtain in other comparable developing countries” (Buhari, 1998). This practice impinges on the quality of governance.
3. The System of Governance

Financial crime in general and corruption in particular are governance issues because they have to do with basic principles of public service. In Nigeria, evidence suggesting that the type or system of governance has a significant impact on the level and extent of financial crime is legion (Adekunle, 1982). Although there is no consensus among scholars regarding the immunity of any form of government to financial crime, there is an understanding that where the system is dictatorial, unitary, and unaccountable to the voice (civil society), financial crime is most likely to flourish. The military have ruled Nigeria for over 32 years of its 43 years of political sovereignty. Corruption is perceived to have grown under the military more than any other time in the history of Nigeria. Under the military, public administration was subjected to prebendal rules; the rule of law was relegated to the background and the rule of men by decree was extolled.

“Consequently, one of the greatest tragedies of military rule is that corruption was allowed to grow unchallenged, and unchecked, even when it was glaring for everybody to see. The rules and regulations for doing official business were deliberately ignored, set aside or bypassed to facilitate corrupt practices. Instead of progress and development, which we are entitled to expect from those who govern us, we experienced in the last decade and a half, persistent deterioration in the quality of our governance, leading to instability and the weakening of all public institutions... Government and all its agencies became thoroughly corrupt and reckless. Members of the public had to bribe their way through in ministries and parastatals to get attention and one government agency had to bribe another government agency to obtain the release of their statutory allocation of funds” (Obasanjo, 1999).

Apart from official corruption, other financial crimes started to manifest in Nigeria
during the military era. For example, the advance fee fraud problem we are facing today is one of the unintended consequences of the economic deregulation of the 1980s under military administration. This type of sharp practice started to manifest in the second half of the 1980s following the introduction of the World Bank/IMF prescribed Structural Adjustment Programme’ (SAP). The SAP was aimed at restructuring and diversifying the productive base of the Nigerian economy in order to reduce its dependence on the oil sector and on imports. It was also intended to reduce the dominance of unproductive investments in the public sector, as well as increasing the growth potential of the private sector, inter alia. Another related effect of SAP is the devaluation of the Nigerian currency (the naira). At the time SAP was introduced in 1986, seventy kobo (70k) was exchanging for U.S $1; and one naira was exchanged for one British pounds sterling. By the end of December 2003, the exchange rate was about one hundred and fifty Naira (N150: 00) to one U.S dollar ($1), and about N230 to one pound sterling respectively.

This meant not only a devastating depreciation of the currency, but also rapid deterioration in the standards of living, rising unemployment, poverty and increasing rate of crime among others. The phenomenal increase in frauds and malpractice in banks and other financial institutions were also recorded during the most intense period of economic deregulation, especially in the 1980s and 90s. The money-laundering problem, especially with regard to the recovery of stolen funds that Nigeria is currently pursuing is also a consequence of the widespread corruption that took place under military.

Against this backdrop therefore, a possible conclusion is that the military are to blame largely for the financial crime problem in Nigeria. This notwithstanding, it is crucial to ask some pertinent questions, the answers to which might help us arrive at a more objective, and logical assessment of which system of government is to blame for this problem in Nigeria. During the
military era, there were only a few military officers appointed as Ministers for Finance, Petroleum and Energy, Power and Steel; but none was ever the Governor of the Central Bank or Accountant General of the Federation. Presumably these are the ministries and institutions that deal with large sums of money. The civilians in the bureaucracy have always been responsible for the implementation of all government policies and programmes and not the military. It may therefore be plausible to argue that although the military were at the helm of affairs, it is better to blame a kleptocracy (a clique of both military and elite civilians) for the problems Nigeria is facing today.

Nigeria is indeed saddled with a problem of poverty of leadership not that of material poverty. The next important question therefore is what difference have civilian politicians made both during the second Republic (1979-83) and the present fourth Republic (1999-date)? Credible, reliable and influential pieces of evidence suggest that nothing has changed regarding corruption in Nigeria. In fact some commentators believe that the often talked about fight against corruption under the Obasanjo government was a charade citing consequential cases that were not properly dealt with. Inspite of these, however, there is a consensus that ‘the worse civilian government is better than the best military dictatorship’.

4. Economic Deregulation and Privatization Policy

Economic policies in every society have direct consequence for crime in general and transnational financial crime in particular. A cursory analysis of SAP under the past military government, as well as the privatization programme of the present government in Nigeria suggests that deregulation and privatization of public corporations represent major sources of financial crime and of corruption in particular. However, I hasten to note that this is not peculiar
to Nigeria, as Russia had a similar experience in its transition from state-owned to free market economy in the late 1980s and early 1990s. In the unique case of Nigeria, nonetheless, the contradictions between the policies and their implementation strategies on the one hand, and the expectations of the citizenry on the other hand, are just too obvious to support this assertion.

Whereas the government tried to convince the citizenry to see deregulation and privatization as policies and programmes aimed at providing more efficient services and improving their living conditions, the citizens’ experiences are contrary to these palliatives. Most opinions expressed through the media in Nigeria suggest that majority of the masses, including a good percentage of the educated elites, see these programmes as sources of self-enrichment — corruption! In concrete evidence, there is little to show in terms of improved standards of living that these programmes have achieved. One measurable indicator of the impact of deregulation on Nigeria is the continued slide in the value of the naira. Another measurable impact of deregulation and privatization is the continuous rise in the price of domestic petroleum fuel. Nigeria earns an average of $40 per barrel (as at 2005) of crude oil times 2 million barrels per day. This amounts to about $80 million revenue per day. Not in spite of this high earning, but as a result of rent-seeking or corrupt practices associated with the oil industry, the four refineries have collapsed. Without repairing the refineries, the importation of refined petroleum products will continue at higher costs and the burden shifted to the consumers, thus escalating the cost of living.

The importation of refined petroleum products has become one of the conduits or sources of corrupt enrichment by public officials. For instance, seven senior employees of the Nigerian National Petroleum Corruption (NNPC) were dismissed for their involvement in fuel racket that cost the corporation over $108 million between 1999 and 2003. The staff colluded with
marketers in delaying the fuel vessels thereby making the corporation to incur huge demurrage and creating scarcity of the product. They were also found to be tampering with documents, including bills of laden and notice of delivery. Sometimes, the arrival of ships, bringing in fuel was delayed so that as many as 30 ships could line up on the high sea waiting to deliver their consignments. In the process, there was delay in clearance, which compelled the NNPC to pay $26.4 million in demurrage, part of which would go to some officials in that organization. The cost of falsification of the bill of laden, which was $81.59 million, was another trick used (The Guardian April 19 2004).

Related to the above is the issue of Foreign Direct Investment (FDI) and foreign aids as other sources of rent seeking. The pervasive crime situation in Nigeria is perceived as a disincentive for foreign investment and capital flow, yet, statistics on FDI show that FDI are concentrated in the oil sector mainly because it provides immediate turnover and also because it is a source of rent and illicit enrichment. With regard to foreign aids, reliable data on the total value of such aids to Nigeria are scattered, but if the experiences of other countries can be drawn, foreign aid is another source of rent or corrupt enrichment in developing countries. A classic example in recent times is Malawi, where major donors suspended aid to the country due to widespread corruption and economic mismanagement. The European Union (EU) did not only suspend the release of 15 million euros, but also asked for a refund of 7 million euros already disbursed, citing breach of procedures in contract awards as an excuse. In the same vein, Britain withheld about 42 million pounds in development aid to that country (The Guardian Nov 27, 2001).
5. Ethnic and Socio-Cultural Practices

One of the often-cited reasons for the prevalence of financial crime in Nigeria is the complexity of the country as discussed already in chapter one. There is little or no substance in the myth that corruption is a matter of culture, but certain cultural practices inevitably give rise to corrupt practices. The polygamous and extended family system, marriage and naming ceremonies and other festivities are such social practices that exert pressure on the individual in Nigeria to be corrupt. In many ways, these socio-cultural diversities and practices exert or re-enforce pressure on individuals to be corrupt.

On the contrary, it is possible to argue that there are other societies that are equally diverse, if not more diverse than Nigeria, and yet the corruption problem may not be as bad as Nigeria’s. For instance, Nigeria has only one official language (English) compared to South Africa with more than six, yet such complexities do not inhibit things from working out well in South Africa. The problem of financial crime is actually with the individuals rather than institutions. If anything, one would have thought that the religious diversity of Nigeria should be a safeguard against corruption since the predominant religions (Islam and Christianity) both abhor corrupt practices.

In the face of this, the search for a better explanation for the causes of financial crime should go beyond culture and social practices to the wider and specific conditions in which any white collar crime occurs — namely: motivated individual, opportunity, the absence of (in) capable guardian, and of course, the means to commit such an offence and conditions which create all these.
2.3 The Political Economy of Economic and Financial Crimes Control in Nigeria

As with international issues, financial crime control has its own intrigues and politics. Every country in the world has a position on any issue that affects its national interests. Deriving significant wealth from criminal activities, organized crime groups have inevitably become an active non-state participant in the international arena (Shehu, 1997). Nigeria’s position regarding financial crime is therefore obvious: it should not be allowed to smear the good name and credibility of the peoples and government of Nigeria considering the involvement of some Nigerian citizens in these unwholesome activities.

With regard to the international drug problem, every country is classified into either of the following three categories, namely, it is either a (i) producer; (ii) consumer; or (iii) trafficking/transit country. Although Nigeria is neither a producer nor renowned consumer of illicit drugs, yet it is considered a hub for drug trafficking. The allegation is that Nigeria is a transit point of synthetic drugs from South-East Asia to the United States and Europe. Nigeria was de-certified by the US in the drug war from 1994-2001. The certification process, though a unilateral policy of the US Government under the Foreign Assistance Act, tend to have significant consequences for any country that is branded. Being the super power in the global arena, the perception and position of the US on any international issue has tremendous influence.

This notwithstanding, whilst the US reserves the right or prerogative to certify or de-certify any country, one is strongly persuaded to believe that Nigeria’s certification was more or less political in the sense that the de-certification was imposed at the most intense period of drug enforcement in Nigeria (Shehu, 2006). In addition, most of the legislation against financial crime, including the Anti-money Laundering and Advance Fee Fraud Acts were promulgated between 1994-1998.
In the area of money laundering, Nigeria had been blacklisted as a non-co-operative territory in the global fight against money laundering by the Financial Action Task Force (FATF) on Money Laundering for three years in a row 2001 – 2004. The criteria for FATF classification of NCCTs include:

1) Loopholes in financial regulations, e.g. no adequate regulations and supervision and supervision of financial institutions; inadequate rules for licensing and creation of financial institutions; inadequate customer identification requirements; excessive secrecy provisions regarding financial institutions; and lack of efficient suspicious transactions reporting system.

2) Obstacles raised by other regulatory requirements, e.g. inadequate commercial law requirements for registration of business and legal entities; and lack of identification of beneficial owner(s) of legal and business entities.

3) Obstacles to international co-operation, e.g. obstacles by administrative authorities; obstacles by judicial authorities, etc. and

4) Inadequate resources for preventing and detecting money laundering activities, e.g. absence of a financial intelligence unit or an equivalent mechanism.

It could be true that these are the true pictures in Nigeria, but it should however, be understood that as a developing country, there are competing priorities in law enforcement and development as a whole. It would be unfair to expect Nigeria to achieve the same standards with those of the developed societies, especially with regard to new phenomena such as money laundering. Most importantly, Nigeria is not a member of the FAFT, not even an observer, yet a decision is taken by FAFT that is not only binding on Nigeria, but has significant consequences in terms of possible isolation of Nigeria by the international
business community. Similar assessment is conducted by Transparency International (TI) and in what it calls the global corruption perception index, Nigeria has been consistently classified as the most or second most corrupt country in the world since 1996. The initial assumption was that under the military 1996-1999, TI classified Nigeria as such, as a political instrument to promote the return to democracy. But even after the return to democracy and President Obasanjo who was a founding Director of TI at the helm of affairs in Nigeria, that perception has not changed. This clearly means that indeed something is fundamentally wrong with regard to the government’s commitment to stem the tide of corruption, while it may also be that TI’s assessment criteria are questionable.

The community punishment that is visited on all Nigerians on account of the crime of a few unscrupulous or misguided elements is certainly unjustified and therefore unacceptable. This is more so given the fact that without the demand for drugs from the developed world, there would be no need for trafficking; without the demand for sex workers, there will be no need for human trafficking for that purpose; also without the responses of the gullible foreigners, there may be no advance fee fraud. Without the banks in western European countries providing safe havens for illicit wealth, there can be little money laundering in Nigeria. In short, the developed countries have more to do in terms of reducing demand for profit-driven crimes, in order to have a common approach to combating them (Shehu, 2006).

There was not a time when the level of awareness regarding financial crime among Nigerians was higher than under the present democratic government. Hardly a day passes on Nigeria without any mention of the problem of financial crime, particularly corruption, as the main obstacle to development, whether in the official circles, the news media or individual/group discussions. Whilst one is not advocating for any sanctions against Nigeria
for whatever reasons, at the same time, one would have thought that the increasing rate of corruption would warrant other nations who claim to assist Nigeria to sustain its nascent democracy to put pressure on the government to seriously address this problem. Unfortunately, however, they cannot because the proceeds go into their financial systems. With the foregoing, one could see the connection between international politics, financial crime and control.

One dilemma in the fight against financial crime is how to reconcile the respect for human right and effective law enforcement. As a society in transition, this presents a problem to Nigeria because the people have been used to the kind of military approach where offenders have been handled with some sort of ‘iron hand’ before law enforcement could succeed in making any significant impact. Financial crime is of course a bailable offence, even though experience has shown that often when bail is granted to an accused, the matter is as good as concluded. One is not advocating for a draconian approach to crime control outside the purview of the law, but respect for human right must be interpreted vis-à-vis the right of others deprived by criminals. Realizing the consequences of the phenomena of economic and financial crimes on the socio-economic development, security and stability of the society, politicizing the fight against crime would only provide more opportunities to criminals and perpetrators.

The challenging of combating economic and financial crimes for Nigeria as well as the international community are enormous. The causes of economic and financial crimes are contextual, often rooted in a country’s politics, bureaucracy tradition and cultural practices as well as political history. Often, it is assumed that white-collar crime like corruption, drug trafficking, fraud and embezzlement are a reflection of the absence of rule of law.
Democracy with its principles transparency and accountability, which produce good governance, is therefore seen as a panacea. The truth is that none of these forms of criminality recognises sovereignty nor is any system of government immune to them. This poses a lot of difficulties especially considering their global reach.

Economic and financial crime is a reflection of the crisis of political economy, therefore, the greatest challenge facing Nigeria in its economic and financial crimes control effort is to address a critical mass of crosscutting issues, including poverty, unemployment, education, health and social welfare, and the overall performance of the economy, which are all correlates to the pervasive crime situation. Creating the necessary legal framework is indeed the first step in any meaningful effort to combat these phenomena. However, where the law is not enforced or is enforced selectively, and where the institutions and structures created to deal with a problem are not properly funded and equipped, that could create cynicism and even resentment, and ultimately undermine the effort of the government.

2.4 The Legal Framework for Economic and Financial Crimes Control in Nigeria

One major challenge transnational organized crime poses to society is the ability of criminals to adapt and even surpass law enforcement. Whereas criminals transcend national borders to perpetuate their activities, law enforcement in chasing the criminals are obliged to respect international laws, thus constraining their ability to follow criminals speedily and interdict them. Part of the solution to the constraints in international cooperation is the promulgation of appropriate laws at the national, regional and global levels to facilitate effective interdiction of crime. Every transnational crime is a national crime in the first instance; therefore,
the legal approach is to ensure that domestic legislations are comprehensive and enforced to compliment international legal mechanisms.

Nigeria’s legal initiative against transnational organized crimes dates as far back as the colonial era when the Dangerous Drugs Act was enacted in 1935. Even after independence in 1960, this piece of legislation remained to be Nigeria’s tool to fight dangerous drugs. This became inadequate when the problem of abuse and trafficking started to manifest more seriously. Since then and in recent time, one of the major legal reforms aimed at combating the menace of illicit traffic and abuse of drugs is the National Drug Law Enforcement Agency Act No. 48 of 1989. This legislation originated from the UN convention against illicit traffic in Narcotics drug and Psychotropic substances of 1988 (commonly referred to as the Vienna Convention 1988) (Odekunle & Lame, 2001). The Act established the National Drugs Law Enforcement Agency (NDLEA) with wide powers to enforce the law and stem the tide of the problem of trafficking in Nigeria. Whilst the NDLEA act deals with the illicit trafficking, the National Agency for Food, Drug Administration and Control (NAFDAC) act No. 19 of 1993 was subsequently enacted to deal with the problem of abuse of illicit drugs. NAFDAC is responsible for the regulation of illicit drug, especially counterfeiting and other malpractice, which are often for financial gains. NAFDAC’S role is therefore complimentary to that of the NDLEA.

One of the main functions of the law in society is to regulate conduct by allocating responsibilities and punishing violators. The Code of Conduct Bureau and Tribunal Act was enacted in 1989 with a view to setting codes and standards of conduct for public servants in Nigeria. Without going into the details, the Code of Conduct Act establishes the Code of Conduct Bureau and tribunal to maintain a high standard of morality in the conduct of government business and to ensure that the actions and behavior of public officers conform to
the highest standards of public morality and accountability. The functions of the bureau include:
(1) To receive asset declaration by public officers. (2) Examine the assets declarations and ensure that they comply with the requirements of the act and of any law for the time being in force. (3) Take and retain custody of such assets declarations; and (4) receive complaints about non-compliance with or breach of the act and where the bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal. Clearly, this is indicative that if properly administered, the Bureau is a potent instrument of regulating conduct to combat financial crimes. The act prescribes a 10 year jail term for those found guilty. The Act and the Bureau represent an excellent corruption prevention model, only if effectively enforced as is presently being tested on the Senate President Dr. Bukola Saraki.

One important legal instrument for the prevention and control of financial crime in Nigeria is the *Advance Fee Fraud and Other Related Offences Act no. 13 of 1995*. It is crucial to note that before the promulgation of this legislation, section 419 of the criminal code of Nigeria prohibits and prescribes punishment for offences related to obtaining any benefits under false pretences. The offence of 419 derives its name from the criminal code. It was as a result of the inadequacies of the criminal code to effectively tackle the problem of advance fee fraud that the act was enacted. This act is divided into three main parts. Namely, part one defines advance fee fraud and other related offences, namely obtaining property by false pretence, fraudulent invitation, possession of a fraudulent letter, and receipt of letters to constitute an attempt. Other offences under the act include printing of currency and the use of premises to perpetrate this fraud. Part two spells out the jurisdiction to try the offences of 419, i.e. the Federal High Court or the High Court of a State. The penalties for the offence as are spelled out in sections 7 and 8. Part
three deals with investigations and prosecutions of 419 offences, including issues of evidence and trial of in absentia.

A novel provision in the law is the criminalization of obtaining under false pretences both within and outside Nigeria. In other words, unlike other criminal offences which can only be tried in the country where the offence was committed, in the case of this law, if a fraudster obtains benefits outside Nigeria and the matter is reported to law enforcement in Nigeria, the fraudster could be tried in the Nigerian civil court. Equally worthy of mention is the provision for restitution prescribed in section 11 (1). This is an important element of the law which seeks not only to punish, but also to provide some remedies for victims where recovery is possible.

The most important innovation under this law is the fact that a mere possession of a 419 letter or letter of illicit proposal constitutes an offence, so also is the use of any premises for the purpose of advance fee fraud transaction (see section 1 (3 and 4). I. Again, the advance fee law introduces a local dimension of certain practices that could be used by fraudsters to obtain benefits from unsuspecting persons. Although the law did not define what is meant by the use of or “invocation of juju” to obtain under false pretences, juju is understood by majority of Nigerians to mean practices such as the administration of oath or certain fetish practices which compels one to comply with any agreed course of action even if such commitment was made under duress (Laws of FRN). The Advance Fee Fraud Act could be criticized for the use of “intent” to defraud under section 1(2) because intention cannot be measured and there is no sufficient explanation on what constitutes intent and its scope. It has also been criticized as being draconian for the provisions of liability on conviction to 10 years imprisonment without an option of fine (section 1(1-2). With all these comprehensive provisions, however, little has been
achieved in terms of successful prosecutions under this law or any enactment in regard to the 419 phenomenon.

Another legal instrument against financial crime, perhaps with more significant impact is the *Failed Banks (Recovery of Debts) and Financial Malpractice in Banks Act No. 18 of 1994*. Like any piece of legislation, this act has its weaknesses and has been criticized in many ways. The wide powers given to the Nigerian Deposit Insurance Corporation (NDIC) and the law enforcement under the legislation have been criticized. Some commentators believe such wide powers have been misapplied. The most outspoken criticism of the law has been on its implementation rather than the contents or provisions of the law. As a product of a military regime, there was a general perception of the problem of fraud and malpractice and subsequent collapse of banks as a serious economic problem. The approach of the implementers of the law was to view the matter as a sort of ‘serious ailment which required a serious medication’. This approach led to a rigid implementation to the extent that some offenders were detained for longer periods that proscribed by the law. This aspect of investigation procedure has been seriously criticized, especially for violating human rights.

Beyond that, this legislation made significant impact in terms of credible deterrence signals to potential offenders that ‘the law is no respecter of persons, indeed; respect for the law is one of the defining qualities of a good citizen (Abacha, 1996). Pursuant to the various offences created by the Failed Banks Act and its implementation, about 133 criminal cases involving a total of N20.1 billion and $52.5 million have either been prosecuted and disposed of, or pending at the tribunals or under investigation by May 1997 (NDIC Report, 2000). Apart from the direct impact of the act as indicated above, its implementation has also led to a drastic reduction in the amount and number of frauds and forgeries in the banking industry. For example, the total
actual/expected loss in 1995 had dropped to N229.13 million compared to N950.65 million in 1994. In order to ensure that only viable and sustainable banks are allowed to operate, about 35 distressed commercial and merchant banks had been liquidated as at December 2002. The NDIC has since commenced the payment of depositors/creditors to the liquidated banks. Some of the liquidated banks’ assets have been disposed of to augment the payment of the maximum insured deposit of N50,000.00 to insured depositors.

The Anti-Money Laundering Decree (MLD) No.3 of 1995 (now Act) as amended several times originated from the UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. This legislation is by far the greatest salvo against money laundering in particular and financial crime control in Nigeria. The money laundering legislation shares some features with the advance fee fraud legislation discussed above. Without going into the details, one could cite for example, that just like the advance fee fraud law, this legislation criminalizes offences committed outside Nigeria. The act defines money laundering offences to include where a person:

1. Converts or transfers resources or properties derived directly or indirectly from illicit traffic in narcotic drugs and psychotropic substances or any other crimes or illegal act, with the aim of either concealing or disguising the illicit origin of the resources or property or aiding any person involved in the illicit traffic in narcotic drug or psychotropic substances or any other crime or illegal act to evade the illegal consequences of his action, or

2. Collaborates in concealing or disguising the genuine nature, origin, location, disposition, movement or ownership of the resources of property or right thereto derived directly or
indirectly from illicit traffic in narcotic drugs or psychotropic substances or any other crime or illegal act.

Such a person commits an offence under this section and is liable on conviction to a term of not less than 2 years or more than 3 years (Osiniri, 1997).

The scope of the money laundering act is comprehensive and it captures the structural and legal requirements for effective money laundering control. It encompasses the main thrusts of the forty recommendations of the Financial Action Task Force (FAFT) on money laundering.

The Nigeria’s anti-money laundering legislation was first of its kind in Africa. Whilst the enactment of the law was welcomed by the international community, its implementation has been anything but the impressive. Almost a decade after its promulgation, there is no evidence of a successful prosecution of money laundering in Nigeria. In fact, the institutional structures for a diligent and effective financial sector surveillance and law enforcement are still lacking, thus, the skepticism and cynicism with regard to the implementation of the law. Some analysts and commentators have observed that the money laundering act of Nigeria, just like the money laundering laws in many countries, is a ‘window dressing’ (Shehu, 2006).

Inspite of these criticisms of the anti-laundering law, it is one of the courageous measures Nigeria has adopted in dealing with organized crimes. The sweeping powers and penalties outlined in the law are clear testimonies to this assertion. It is unfair to say that the law has not served its purpose as yet. Even other countries that have had such legislation for a longer period cannot claim to have strictly enforced their laws. Apart from the U.S.A, records of successfully prosecuted cases of money laundering are scarce even in countries with more advanced legal systems like the U.K (UK Law Report, 1998).
Other legal initiatives against economic and financial crimes worth mentioning here include *The Counterfeit Currency (Special Provisions) Decree No. 22 of 1984; the Exchange Control (Anti-Sabotage) Decree No. 7 of 1984; the Corrupt Practices Decree No. 38 of 1975; the Dud Cheque Act of 1977; the Banks and Other Financial Institutions Act 1991; the Miscellaneous Offences Act* and many other miscellaneous rules and regulations. These are all made prior to the inception of the present democratic dispensation. The commonest feature in these laws is that they were made under military regimes but adopted during civil rule.

Following the return to democratic civil rule in Nigeria on May 29, 1999, the President, Olusegun Obasanjo, did not leave Nigerians in doubt regarding the commitment of his administration to deal with the problem of organized crime, particularly corruption, drugs, advance fee fraud and related money laundering (Obasanjo, 1999). The president immediately merged his words with action by presenting an Omnibus Bill to the National Assembly (NASS) seeking for a comprehensive law against corruption as well as the establishment of a Commission to enforce the law.

In June 2000, the *Corrupt Practices and Other Related Offences Act* was passed into law leading to the establishment of the Independent Corrupt Practices and Other Related Offences Commission (ICPC), vested with full powers to investigate, prosecute and punish offenders under the law. The Economic and Financial Crimes Control Act 2002 was also enacted, thus, establishing the Economic and Financial Crimes Commission (EFCC). Apparently, the EFCC Act is comprehensive and aimed at tackling the problem from preventive, enforcement and educational perspectives.
2.5 Factors Affecting Effective Enforcement of Laws against Economic and Financial Crimes in Nigeria

The following are some human and institutional factors affecting effective enforcement of economic laws Nigeria. According to Idowu (2009), some of these factors are inherent in the activities of human being which inhibit effective enforcement of economic laws and the most outstanding factors also arises from the activities of relevant governmental authorities, organizations and parastatals which thus inhibits effective enforcement of laws forbidding economic crimes in Nigeria. Some of the factors are here discussed:

a. Individual Personality and the Environment

Individual personality refers to the totality of the psychological, intellectual, emotional and physical characteristics that make up the individual and of which he or she is assessed by others (Webster, 1992). It is the quality, state or fact of being a person. These characteristics may range from being negative or positive in different persons. For instance, a person is known to be of good and enviable personality when he exhibits a good and acceptable behavior, character, conduct and integrity. On the other hand, a person may be adjudged a bad or questionable personality if he is seen to be of bad and intolerable behavior, character, integrity and conduct or when he or she is not physically, mentally or emotionally stable. Within the purview of this study, persons of unquestionable, doubtful and unreliable personality should be adjudged as individuals, who engage in corruption and who have no respect for laws which forbid economic crimes. Many of these persons have the unacceptable traits of human personality and no matter the severity of punishment they suffer, the will still commit economic crimes. Also, the negative personality traits in them
often make them individuals having no respect for law. These are a combination of human factors inhibiting effective enforcement of laws against economic crimes in Nigeria.

The environment is defined as the entire surrounding especially the material and spiritual influences which affect the growth, development and existence of a living being (Webster, 1992). It is also expressed as all conceivable conditions that affect the behaviour and development of living things or the natural world in which people, animals and plants live (Hornby, 2004). The term 'environment' is adopted here as all prevailing socioeconomic, cultural, educational and political circumstances in which people operate in Nigeria. With reference to the issue of personality, Nigerians are operating in social-economic and cultural conditions which encourage people to engage in corruption leaving no respect for laws which forbid economic crimes. For instances, individuals who suddenly become stinkingly rich due to unlawful involvement in corruption, embezzlement of public money, money laundering, stealing, advanced fee fraud, ritual killings etc are not questioned on how they have gotten their wealth. Instead, people rally round them, envy them and continue to look for their favour. This situation further encourages them in their illegal activities so much that laws forbidding economic crimes are often violated with impunity. This prevailing socio-economic and cultural environment is part of the human factors which obstructs effective enforcement of laws against economic crimes in Nigeria.

b. Leadership Question

Leadership is termed the position of a leader or someone who acts as a guide, directing head or a chief in the management of affairs of a nation, society, organization or group of persons (Webster, 1992). It is the act of leading or a condition of looking up to a person as a dependable head. A leader may not necessarily possess the qualities that will
make him a good leader. For instance, a group of people may fall into the mistake of electing greedy, wicked, corrupt and disloyal persons as their leaders. It has been said in certain quarters that the main problem of governance in Nigeria is bad and irresponsible leadership (Beckett & Young, 1997). Opinions have also been held that corrupt, wicked and greedy leaders abound who have no respect for the constitution, the rule of law, human rights and national development. They disobey court orders and flout laws designed to curb economic crimes.

They are individuals who have wielded enormous power in the society that the law enforcement agents are often afraid to get near them not to talk of subjecting their illegal activities to due process and the law. Through their ungovernable conduct and bad examples, they further encourage corruption and disobedience to economic laws thereby, making such laws very difficult to enforce. Bad leaders often use their powers, position and ill- gotten wealth to influence decisions of courts in their favour.

c. Illiteracy

Education, which is the process of teaching, training and learning to improve knowledge and develop skills had been realized over decades as one of the most fundamental factors of development. Education does not end in all activities that take place in the classroom. It also involves the totality of human experience and the degree of versatility in all areas of discipline (Fafunwa, 1974). Illiteracy is a condition in which a person is not only unable to read or write but also unable to know little or much about a particular subject matter. It has been revealed that about 68% of the Nigerian adult and youth populations are illiterates (Transparency International Report 2003).

Two primary requirements must be met before a law can be effectively enforced to
perform its functions in the society. First, the law must be made known to members of the public. Second, members of the public must be properly educated about the reason for enacting the law and the objectives to be achieved by it (Pound, 1935). In Nigeria, two correlations can be identified from the problem of ineffective enforcement of economic laws on the ground of illiteracy. First, there are many illiterate adults and young persons who have heard and still hear hearing of EFCC and ICPC but simply do not know the provisions of the laws forbidding economic crimes and corruption or how the laws are applied. Second, there are many literate individuals in Nigeria who know much about all the legal, administrative and judicial institutions as well as all laws established to fight corruption and economic crimes but intentionally close their eyes and turn deaf ears to them. In all these situations, a good government must not have any alternative to enforcing necessary laws and policies to protect the state and the people.

d. Socio-Cultural Connections and Lawlessness

The socio-cultural and linguistic identities of the people have made it impossible for Nigerians to be clearly separated from one another. The tendency to see one another as the same and to take side or sympathize with the cause of each other is deep-rooted in our affairs and culture. Even in glaring incidents of misconduct, fraud, crime and corruption, perpetrators will still find sympathizers around them. In most cases, people find it difficult to call a spade a spade and express the feeling of utter disgust and outright condemnation of illicit acts no matter whose ox is gored. This development often leads to the non-challant attitude of the people by deliberately keeping mute instead of reporting perpetrators of economic crimes to appropriate authorities. This is a sad situation because in law, it is the information about a crime brought to the attention of the law enforcement agents that can
be used to enforce the law. In this connection, an express provision like section 27 of the ICPC Act which allows a private person to report a corrupt act to the appropriate authority is also needed in the EFCC Act.

It may also look trivial but cognizance must be taken of the invocation of traditional charms, rituals, gods, and goddesses by perpetrators of economic crimes in Nigeria to pervert the course of justice. In most cases, law enforcement officers, investigators and judicial personnel in charge of crimes have lost their lives in mysterious circumstances thereby paralyzing the efforts of the appropriate authorities to enforce economic laws and bring offenders to justice. There have also been cases of physical assault and attempted assassination on law enforcement officers in their attempts to bring perpetrators of economic crimes to book.

Lawlessness can be viewed as a condition where laws do not exist or where they exist but are not obeyed (Hornby. 2004). It is a given circumstance in which people and their actions have no respect for the law. In this respect, people are on their own, they take laws into their hands leaving no respect for the rule of law and due process. The issue of lawlessness as a factor inhibiting effective enforcement of economic laws in Nigeria clearly manifests itself in the following major ways:

a. Deliberate refusal by the people to obey the law,

b. Pretending not to know the law,

c. Knowing the law but intentionally circumventing it to commit crimes,

d. Deliberate refusal to take caution even when warnings emanate from appropriate authorities,

e. Failure to submit to constituted authorities and connivance with criminals to commit
crimes.

No doubt, issues of socio-cultural connections and lawlessness are inhibitory to effective enforcement of laws against economic crimes in Nigeria.

e. Strong Political Hostility and New Techniques

Thus far, the ongoing crusade against corruption and economic crimes has received international recognition and restored people's confidence especially in view of the heavy weight behind the enactment of various laws against economic crimes in Nigeria. However, events have revealed different political hostilities so strong enough to derail the presidency from the path of honour and sincerity in this regard. For instance, so many revelations have come up about the involvement of several political leaders, civil servants, bank officials, police officers, military personnel, parliamentarians and other individuals in numerous corrupt practices and economic crimes in recent time.

Despite the present tempo of war against economic crimes, experience has shown a waive of steady and strong political hostility, vicious attacks, criticisms and political intrigues seriously threatening the efforts of the Presidency and the authorities of the Economic and Financial Crimes Commission.

In fact, some views have been expressed recently that the rot is still deep and enveloping because the battle has been hijacked to settle personal or parochial political scores and that some perpetrators' toes were too big for the presidency and the antigraft agencies to step on (The Punch, March 19, 2007).

The emerging trends of new techniques in money laundering advance free fraud and other forms of economic crimes have contributed to the ineffective enforcement of economic laws in Nigeria. At present, criminals are fast developing new techniques such as internet frauds,
scamming and websites interruptions which have not been properly accommodated in the Nigerian laws against economic crimes.

**f. Worker’s Condition of Service**

Over the years, public officers and workers in private establishments have always been agitating for improved salaries and better conditions of service. The agitations began in the early seventies with the introduction of the Udoji award (Udoji Commission, 1970). Since then, efforts have been made by successive military and civilian governments to increase worker’s salaries and improve their conditions of service. In view of the galloping inflation, scarcities of goods, high standard of living and cost of transport, such efforts have not been able to satisfy the yearnings of the people. Compared to what operates in Britain, America, Canada, Australia, even in South Africa, Nigerian workers are the least paid while their conditions of service are least rewarding. At present, many retired civil servants and armed forces personnel are experiencing poverty because they have not received their gratuities and pensions. Where being paid, such payments have not been regular and sufficient.

In order to escape the harrowing experience of poverty while in service or after retirement, many Nigerian workers have formed the habit of grabbing whatever is grab-able while in service to make for the rainy day. Hence, a lot of people have been forced to engage in corrupt practices, embezzlement of public funds and stealing of public property.

Though this factor may not be considered to be so serious as to lure public officers to commit economic crimes against their code of conduct, the reality of the situation is sufficient enough to debunk this argument. No matter how stiff the laws against economic crimes appear to be, many public officers with poor conditions of service will still engage
in economic crimes. This development will continue to pose serious challenge to the existence, importance and value of such laws in the Nigeria statute books.

g. **Structure and Operation of the Law Enforcement Agencies**

Crimes and criminality have been part and parcel of mankind and human societies (Reid, 1976). In view of the adverse effects of economic crimes on socio-economic growth and development, all nations including Nigeria, have adopted various devices to fight all forms of crimes against humanity and social justice. Giving the unacceptable degree of consequences of foreign exchange scandals, currency counterfeiting, illegal capital transfer, banking/insurance frauds the 2004 corruption perception index by Transparency International rated the country the three most corrupt country in the World (Huberts, 1996); efforts have been made to establish various law enforcement agencies to fight economic crimes, The officers and men of the Nigeria Police force, the State Security Service, Economic and Financial Crimes Commission, Independent Corrupt Practices and other related offences commission as well as other relevant armed forces personnel are usually in charge of operations and enforcement of laws against economic crimes.

It is however, worrisome to note that most of the officers and men of the law enforcement institutions established to fight economic crimes are no longer capable of doing so because of the following basic reasons among others: incompetence/lack of official commitment, gross indiscipline, disloyalty, poor training, low education, poor salaries and conditions of service, inadequate staffing, faulty recruitment policies and corruption. According to (Ribadu, 2004), the principal reason for the failure of our law enforcement agencies is corruption. In fact, it went so bad that in some cases, law enforcement officers were found to be the principal perpetrators of the crime.
The glaring testimony cited by a person of no less a status than the Chairman, Economic and Financial Crimes Commission plus other discouraging snippets of information about the structure and modus operandi of the law enforcement agencies; have lend credence to the public outcry against their incompetence to ensure proper security and effective enforcement of laws against economic crimes in Nigeria.

h. Pitfalls in the Constitution and other Laws

Aside other litany of functions, laws are often made to reconcile the conflicting interest between individuals in the society and to punish criminals for their acts (Denning, 1982). In order to fulfill such functions, the provisions of the Constitution or any law must be unrestrictive and unequivocal to facilitate proper interpretation and application in courts of law. For instance, Section 308 of the Constitution of the Federal Republic of Nigeria 1999 gives immunity to the President, Vice-President, Governor and Deputy-Governor from being arrested or prosecuted for any crime while in office. This provision has been interpreted by some courts of law in Nigeria to shield some chief executives from criminal prosecution (The State v. Iyiola Omisore (2003); Governor Alamieyeseigha of Bayelsa State v. Tciwa (2002); Chief Onu. V. Governor of Delta State (2005); Tinubu v. IBM (2001); Gov. Ayodele Fayosc v. Ekiti State House of Assembly (2006) etc. In the same vein, though sections 143 and 188 of the 1999 Constitution empower the relevant legislative authorities to remove the President/Vice-President, Governor/Deputy-Governor respectively from office for gross misconduct and acts violative of the constitution, many cases abound where these sections have not been utilized to punish chief executives who were perpetrators of economic crimes. Also, act of deliberate refusal to disclose or publicly declare assets in violation of section 11 of the
Fifth schedule to the 1999 constitution by political leaders/public officers constitute a serious set-back to effective enforcement of laws against economic crimes in Nigeria. Cases of aborted impeachment and non-declaration of assets are many in the Nigerian Law Report (Governor Anambra State v. The State House of Assembly (2006); Governor, Imo State v. The State House of Assembly (2006); Governor Ladoja of Oyo State v. The State House of Assembly (2006) Governor Fayose of Ekiti State v. The State House of Assembly (2006); Governor, Plateau State v. The State House of Assembly (2007) e.t c.

It is also important to observe that unlike the Corrupt Practices and other related offences Act 2004 which contains section 27 that gives room for a private prosecution or a private person to report a corrupt act, there is no such express provision in the Economic and Financial Crimes Commission Act, 2004. Even if personal initiative to report persons for economic crimes is impracticable in the Nigerian Socio-cultural setting, such provision ought to be available in the law in case of individuals seriously desirous of ensuring sanity in the course of nation building. On the forefront of these problems is the existence of certain constraints in the provisions of some Nigeria laws of criminal procedure. For instance, section 17 of the Criminal Procedure Act, Chapter C. 41 laws of the Federation of Nigeria 2004, mandates the law enforcement agents to bring a person arrested for a criminal offence before a court of law within 24 hours. In most cases, economic crimes are often complicated in nature thereby requiring more time, energy and patience on the part of the law enforcement agents to investigate. This provision of the law often makes it difficult for police officers and other law enforcement agents to be very thorough in their functions with particular reference to the enforcement
of economic laws (Idowu, 2009).

In like manner, certain provisions in the Nigerian Criminal Procedure Laws like section 382 of the Evidence Act, Cap.E.14, laws of the Federation of Nigeria 2004 as to whether the phrase “entries in Books of account” can be taken to include computer generated statements or print-out now commonly in use in modern economic crimes for the purpose of admitting an electronically generated evidence. Reacting to the decision of the Nigeria Supreme Court on this issue in Yesufu v. ACB (1976), the Chairman of the Economic and Financial Crimes Commission lamented that:

“…the well intended provision of the EFCC Act, 2004 and the Money Laundering Act, 2004 via-a-vis detection, investigation and proof of organized internet crimes may continue to be a mirage…” (Ribadu, 2004).

i. **Tenuous Nature of Judicial Independence and the Bar Factor**

The judiciary is made up of the Bar, the Bench and other judicial officers charged with the day-to-day administration of justice in every nation particularly Nigeria. This organ of government is often called the last hope of an aggrieved person. It is also a body vested with the power of interpreting the laws (Black, 2000). In order to effectively perform this onerous duty, the judiciary must be quite independent in a way that judges are not unduly controlled by the legislature, executives or political leaders in the performance of their functions. They should be able to interpret the law without fear or favour and without any anxiety that they might be removed if their judgments are against the people in power. Over the years, the Nigerian Judiciary has not been quite free in its salient duties. The situation was seriously discouraging during some of the military regimes when judges were unduly sacked for giving judgments against the powers that be.
The inability of the judiciary to effectively enforce the Constitution and other laws forbidding economic crimes is manifested in the following principal ways: granting of injunctions to frivolous groups for dubious ends, unnecessary adjournment of cases, corrupt practices, congestion of cases in courts, delays in proceedings, imprisonment of prisoners under intolerable conditions which make them to be more hardened criminals in the society etc.

In the case of members of the Nigerian Bar, the lawyers ought to abide by the ethics of their profession so that they will always be in a position to conduct their cases in favour of justice and their clients. In many cases, lawyers have been alleged to have colluded with fraudsters to derail the path of justice once their big instructions have been settled. Such derailment often comes by way of deliberately asking for frequent adjournments, refusal to prepare their briefs, misleading courts of law and colluding with criminals to ensure that cases do not go on. While expressing his bitter opinion on this matter, (Ribadu, 2004) said:

"Criminals and fraudsters would often plead with police officers or compromise them to have their cases charged to court... once their cases were filed in court, their lawyers would apply all the punch lines in our criminal justice system to stall the trials."

j. Non-Domestication of International Instruments

No nation can exist successfully as an island on her own. Nigeria is not a only member of the global and several international communities, she is also a signatory to so many international socio-economic, cultural and political instruments aimed at sanitizing the economic and political relations between her and other nations. Few of such international instruments include: the United Nation Charter, the United Nations International Covenant on Civil and Political Rights

The putting in place of the United Nations Convention Against Corruption ought to be seen as a major breakthrough in the efforts of member states especially Nigeria to recover ill-gotten assets and wealth of many Nigerians illegally kept within and outside the nation. It must be noted however, that sufficient domestic legal framework criminalizing corruption, economic crimes and international cooperation are indispensable devices in asset recovery since most of these crimes are now transnational in outlook. It is therefore necessary for Nigerian government to domesticate all relevant international laws against economic crimes already ratified and to muster the support of other international communities to prevail on other nations who have not ratified some of the important conventions to do so. The non-domestication of international instruments on economic crimes and corruption also denies Nigeria courts of the privilege of extending their frontiers of the Nigeria legal jurisprudence to effectively cover issues of corruption and economic crimes.

k. The Role of the Press in the fight against corruption

The press is often regarded as the fourth estate of the realm. In a comprehensive form, the press consists of the radio; television, Internet communication as well as the newspapers and other print media. Its constitutional obligation is to inform, educate and entertain members of the public. In this assignment, members of the press must be guided by their code of conduct, which principally forbids them not to publish unconfirmed information. In other words, speculative journalism must always be avoided.
Experience in Nigeria has shown that most of the economic crime cases are often either, blown out of proportion or not fully reported, not reported at all, or featured with mistakes of facts and figures. At times, economic crime cases before courts of law are reported on pages of newspapers in such a way as to give impression that parties involved are being tried on pages of newspapers. Courts of law are often embarrassed by this development and unless care is properly taken, such publications may mislead judges in effecting proper interpretation of laws against economic crimes. Members of the press must ensure that they carry out their functions within the provisions of the recently enacted press law (Idowu, 2009).

From the foregoing, Nigerians and other important organizations, agencies, and parastatals of government are considered as stumbling blocks for effective enforcement of economic and financial crimes laws and policies in Nigeria.

2.6 The Roles of the Legislature, Judiciary and the Executive in Combating Economic and Financial Crimes

Combating financial crimes whether under the military or civilian administration is a difficult task. Nigeria’s efforts have been limited by the shortage of resources (both financial, equipment and technical capacity); inconsistency in policy and implementation due to regime change and depending on regimes’ perception and priorities; inadequate co-ordination, and above all the lack of political will. However, under a democratic system, these constraints may manifest in different dimensions. We shall attempt to evaluate the efforts by first identifying the specific roles of each of the arm of the government and locating such roles in the context of national financial crimes effort.
a. The role of the Legislature

By nature, the legislature has an obvious role to play to ensure that a strong legal system against corruption is in place at all level of governance (Eddy and Akpan, 2003). This role goes beyond merely passing strictly anticorruption related legislation, as parliaments also set rules governing the political, social and economic activities of the country. It is affirmatively clear that the function of legislation within the scope of the constitutional provisions is exclusively the business of the parliament at the National and State level. A cursory look at the provisions reveals that the parliament enjoys overwhelming power to investigate and expose corruption virtually in every facet of Nigerian policy (Akande, 2000). In the regard, a look through the provisions of the 1999 constitution reveals various substantives matters in respect of which the National Assembly and House of Assemblies have powers to pass law such areas include among others, to the power to conduct investigation, the power to expose corruption and to make law for the peace and good governance of the country.

At different points in time in Nigeria, successive government had taken bold steps to combat corruption through the passage of laws to that effect. In all democracies, the legislature is expected to play an oversight role over the executive by checking its excesses or prodding it to do things in a truly democratic way. The Nigerian Constitution has given the legislature wide powers to make laws for proper functioning of the state and for the maintenance of law and order. The existing legislation on corruption and related areas in Nigeria can be found in different Acts or Statue of which those relevant in curbing corruption include:

(ii) Recovery of Public property (Special provisions) Act 1984
(iv) Money Laundry Act 2003
(v) Economic and Financial Crime Commission Act 2004
(vi) Corrupt Practices (and other relative offences) Act 2003

For any parliament to effectively and efficiently discharge its primary responsibilities, particularly with regards to financial crime control, the parliament must have integrity, must be truly independent, objective and it must have a focus and a proper understanding of its roles under the constitution. Although the inadequacies of the legislature had been covered under the excuse of learning the process of law making, what we have seen in the past few years surpassed the learning process to protecting certain private interests. For instance, the NASS in the process of the promulgation of the Economic and Financial Crimes Act, took about a year to pass the Act into law. To show that the process of making the law was not meticulous, the law was referred back to the NASS for amendment soon after its passage in 2002 and again in 2004. But what is worrisome are some of the proposed amendments to the Act, which ordinarily, the NASS should have envisaged before passing the law or confirming the nominees as members of the commission. Without any intention to go into any controversial issue, the law makers should have made it known from the outset that you cannot form a Commission and bring heads of other law enforcement agencies to oversee the Commission. With the rivalry between and among public institutions, especially law enforcement, and by their regimental set up, it is inconceivable that those other institutions would allow the new one to grow bigger and become more effective than them. Anecdotal evidence suggests that the EFCC is facing this problem already.
b. The Judiciary

The Judiciary has a critical role to play in the area of curbing corruption in Nigeria. This is important in that cases of corruption are heard by the Court upon initiation of action against corrupt officials. Thus, the Judiciary are duty bound not only to see that Justice is done but that it is actually done (Ibrahim & Olokooba 2010). The judiciary is and should remain the pillar of integrity and last hope of those seeking justice. In Nigeria, theoretically, the judiciary is independent, so it is expected to be free, fair, objective, non-partisan, efficient and effective. Empirical studies have revealed that the Nigerian judiciary is inefficient on account of many factors. These include corruption, procedures for the appointment of judges and their conditions of service, as well as poor funding. These reports revealed that the problems of the judiciary are overwhelming and should be situated in the overall socio-economic and political problems of the wider society. Since the judiciary provides the necessary synergy for maintaining law and order, if this synergy is missing, society becomes lawless and criminals have ‘level playing field’ to further undermine the credibility of the judiciary in particular and the stability of the society as a whole (Shehu, 2006).

Whilst it is understood that the investigations and prosecutions are not the responsibilities of the judiciary as it were, recent complaint by law enforcement agencies about the delays occasioned by the granting of frivolous injunctions and stay of proceedings suggest that the judiciary could do better by speeding up criminal proceedings without compromising due process. The legal profession has its unique technicalities and constraints, but the lack of effective administration of justice has given room for cynicism regarding the role of the judiciary in dealing with the problem of financial crime in particular and all other needs for justice.
Thus, the crusade against corruption does not stop at the table of the legislature by merely passing the laws to curb corruption but extends to the judiciary in its inherent power to adjudicate and interpret the constitution.

c. The Executive

The executive is the branch of government responsible for putting plans, or laws into effect. It is apposite to state that the executive (Federal and State) since the inception of democratic governance in Nigeria has exhibited lack of tolerance for corruption in governance. This is shown from the very fact that most of the anti-corruption bills were initiated by the executive, thus supporting their ‘commitment’ to zero tolerance for corruption. The executive branch of government is one of the main focus on the issue of political will to fight corruption in Nigeria. No anti-corruption mechanism or strategy will succeed without strong leadership and political will. Political leadership is required to both set an example and to demonstrate that no one is above the Law (Bello-Imam, 2005).

Political will is therefore a critical and paramount starting point to achieve a sustainable and effective anti-corruption strategy. Political will of leadership, broadly conceived involves leaders in all walks of life. However, the executive branch of government is one of the main focus of the issue of political will to fight corruption in Nigeria. Principally, the executive has the duty to create the necessary conditions for the prevention and control of crime. Even if the right laws are put in place, without the necessary infrastructure, such laws cannot be enforced. Beyond that, it is the duty of the executive to provide for the effective functioning of the systems.
2.7 Corruption: A Definitional Approach

Corruption is a complex phenomenon. It is an ancient phenomenon which can be traced back to pre-biblical times and according to writers from those societies, it was widespread in the ancient civilizations of China, Greece, India and Rome (Lipset & Lenz 2000:112-113). Corruption is a worldwide phenomenon which occurs in developed and developing countries alike. However its manifestations vary considerably from country to country according to the level and style of governance and economic development and a myriad of other factors. Attitudes toward corruption also differ considerably from one culture to another.

The word corruption is originally from the Latin verb *rumpere* which means to break. Etymologically, the word corruption comes from the Latin word “*corrumpo*” which literally means to decompose, or to disintegrate, to loose value, to become putrid and useless. In other words, corruption simply means to loose purity or integrity. Following from the above, corruption means the breaking of a certain code for the personal benefit of the perpetrator (Aluko, 2009:2). The Advanced Oxford Dictionary defines corruption as ‘an act of dishonesty or an illegal behavior aimed at using public office for one’s private gain’.

The lack of specificity, however, of the public interest centred definitions of corruption has continued to generate a lot of criticism from some quarters. For instance, Nye (1967: 416) defines corruption as “behaviour that deviates from the formal duties of a public role” because of private interests or status gains. This definition presupposes the existence of public officials with power to choose between two or more courses of action, and possession by the government of some power or wealth or source of wealth which the public official can take or use to his private advantage. In a similar vein, Khan (1996: 12) defines corruption as behaviour that deviates from the formal rules of conduct governing the actions of someone in a position of public authority.
Other scholars have attempted to define corruption in relation to particular state society relationships and a distinction has been made between grand (political) and petty (bureaucratic) corruption (Doig & Theobald 2000: 13). According to Robinson (1998: 3), a distinction can also be drawn between (1) incidental corruption, that is the individual behaviours of politicians and public office holders, (2) institutional corruption, where institutional cultures of corruption may have grown up around an entire institution and (3) systemic corruption, representing the idea of the embedding of corrupt practices as a way of life within a whole society.

The most prominent definition of corruption, however, is the one used by the World Bank and this is worth exploring in a little more detail given how prominent it has been within discussion of corruption within the development context. The World Bank defines corruption as the abuse of public office for private gains. Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantages or profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state resources” (Agbu, 2003).

Although, this definition may be useful, it is rather too narrow and simplistic because as argued above, corruption is also prevalent in the private sector. Thus, the World Bank definition of corruption does not adequately capture the problem of corruption in the private sector or the role of the private sphere in fostering corruption in the public sector. Consequently, this study argues that corrupt practices do not only occur in the public sector, but they also occur within and between private businesses and individuals in society, with or without the involvement of public officials. For instance, domestic firms, multinational corporations and banks have often been implicated for corrupt behaviour. However, because of the huge economic and political
implications of public sector corruption, more emphasis is often placed on public sector corruption.

Brown and Cloke (2004) point out some further limitations of the World Bank’s definition of corruption. They argue that private individuals gains from corruption are not limited to purely personal and monetary interests and that the abuse of political position (political corruption) to subvert, super-impose, or pursue a particular ideological agenda for personal interest, against the will of the majority of the people, is not adequately considered in the Bank’s definition of corruption. Orngu (2006: 11) however, sees corruption as any act that negates the principles of accountability and transparency, and ethical moral standards in both the public and private sector of the economy.

On the basis of the above definitions, we can recapitulate the basic postulates of corruption thus;

✔ It is deliberate or intentional exploitation of one’s position, status or resources

✔ It may be done directly or indirectly

✔ It is done for personal aggrandizement-whether it is material gain or enhancement of power or prestige or influence.

✔ It is done by violating legitimate or sanctioned or community accepted norms of behaviour.

✔ It is done against the interests of the community or other persons.

What we can deduce from the definition above is that corruption entails any behaviour that deviates from accepted norm especially in the public space. It is any behaviour that goes against established rules, regulations, and established procedures. In short, corruption is unethical behaviour that breaks the law or aids and abets breaking the law. Such behaviour
usually confers undue and/or unmerited advantages on the perpetrator. Such behaviour also expresses the notion of a betrayal of trust especially in a democracy where public office is held in trust for the people (Egwemi, 2012). For the purpose of this study, corruption is conceived as misuse or improper use of power and influence, deliberately and consciously for personal aggrandizement or group advantage. Therefore, corruption connotes the abuse of public roles or resources or the use of illegitimate forms of political power and influence for public or private benefits.

Corruption is a universal menace (Otite, 1986, Lash, 2003). It does not seem to have respect for geographical boundaries, creed, race or ethnicity. However, the scope and scale of corruption varies from one country to the other (Egwemi, 2012). Corruption is widespread in the different tiers and arms of governments and the private sector. It manifests in various forms and in many types of transactions within and across levels of governments, within and between private enterprises of different types and scales of operations, between principal actors in private and public sectors, and within civil society organizations.

The African Development Bank (ADB) in one of its meetings specifically acknowledged the fact that it will be difficult for African countries to expect meaningful and steady economic growth without addressing in a fundamental way, the pervasive incidence of corruption and poverty. The Bank noted that the chronic poverty in Africa, are to a large extent, closely related to corruption, venality and gross abuse of office (Kenneth, 2000:77). Moreover, the April, 1997 annual World Bank Conference still remains one of the most down to earth analysis of the link between corruption and development. The conclusion drawn from this conference revealed that corruption occurs throughout the world but it is of special concern for Africa where rampant
corruption has expropriated the continent’s wealth, leaving little or nothing for its poorest citizens. For instance, Aids has been a major source of more than 30 countries of Africa’s annual budget. For over 40 years, Africa has received over $15 billion of Aid every year (Audu, 2007: 1). But World Bank noted that they may not give grants and loan to countries for project in which corruption is uncovered or cost runs suggest that venality and incompetence is pervasive. 'Between 1960 and now, the World Bank estimated that Nigerian leaders have stolen over $400 billion from the treasury'. This may sound just as figures until you imagine the number of schools such amount would have built and the number of hospitals that would have equipped. Lawal (2007), posit that Africa presents a typical case of the countries in the world whose development has been undermined and retarded by the menace of corrupt practices. A series of reforms have been carried out in all the African countries so as to make the system (African states) efficient and result oriented. However, the anticipated gains of such efforts or reforms have not been visible due to series of factors which include that of corruption. The effects of corruption are felt in the political and social, as well as the economic, spheres. Although the direct costs of corruption may be high in terms of lost revenue or funds diverted from their intended use, the indirect costs in terms of the economic distortions; inefficiencies and waste resulting from corrupt practices are more problematic over the long-term and thus make it more difficult to address.

2.8 History of Corruption in Nigeria: An Overview

Since the creation of modern public administration in the country, there have been cases of official misuse of resources for personal enrichment. The rise of public administration is a major event that led to a litany of ignoble corrupt practices in the country. Corruption, though prevalent, was kept at manageable levels during the First Republic (Achebe, 1966). When did
corruption in Nigeria begin? In the words of a colonial government report of 1947, ‘The African’s background and outlook on public morality is very different from the present day Briton. The African in the public service seeks to further his own financial interest’. The colonial report concluded that only public opinion could deal with corruption. The problem was that there was no responsible public opinion to check corruption in Nigeria.

Pre-colonial Nigeria and period before the amalgamation of the Northern and Southern Protectorates seemed to have been relatively decent and clean. Though the economy was simple and mostly agrarian in nature, corruption was quite nominal. Perverted conducts were few and mostly occurred during native wars, as in the looting of vanquished towns, snatching of wives and spouses especially by the royalty and the war lords etc. Economic transactions were (by barter) through exchange of goods and services and by mutual agreements (Tignor, 1993).

It is generally believed that grand corruption gradually was introduced into Nigeria during the colonial period. This period witnessed western education, new religions, urbanization, monetized economy, formal international trade and exchanges. People were drawn from their traditional religions, beliefs and cultural practices and exposed to material demands and money as status symbol and social security (Ayoola, 2002).

Also, the Indirect Rule system in Southern Nigeria brought with it incidences of public office corruption. Native Court Presidents known as Warrant Chiefs were accused of abuse of office and corruption. They were appointed outside the established traditional community chieftaincy system and misused the new powers invested in them, considering the influence and power these chiefs wielded, all kinds of tricks and activities were exploited to secure and keep such appointments (Chutai, 2004).
The reports submitted by the Secretary of Native Affairs in 1919 and in 1930 on the Aba Women riot attested to the corrupt nature of the Warrant Chiefs’ system. The reports found that applicants merely sought warrants for self-enrichments and profligacy. Same was reported of court clerks and messengers (Afigbo, 1929). A commission of inquiry set up in 1947 by the Colonial Administration into the management of District Councils revealed that there was systemic and widespread corruption in the local government councils as bribes were demanded and extorted for appointments, promotions and contract awards.

As early as 1954 when transfer of political power was gradually shifting to the three regions, the exercise of political power had been tainted by allegations of corrupt practices. One observer described the situation this way: ‘Since the nationalist politicians had gained control of regional state apparatus in the 1950s the exercise of state power was closely linked to the economic advancement of individual, community, sectoral and ethnic interest’ (Forest, 1995).

In 1956 following complaints of corruption, the Foster-Sutton Commission was set up to look into the Affairs of the African Continental Bank Ltd (ACB) said to have been strengthened by the addition of two million pounds of public funds by Dr. Nnamdi Azikiwe who was said at the time to have ‘considerable personal holding’. The Commission found Dr. Azikiwe’s conduct as falling ‘short of expectations of honest and reasonable people’. The nation’s political dawn was looking bleak.

Also the Justice GBA Coker Commission was set up in 1962 to look into the Management of certain Statutory Corporations in the Western Region. It reported incidences of abuse of office, misappropriation and stealing of public funds and property. Sadly those indicted were never prosecuted and did not resign their appointments, but the findings of that Commission and the Government White Paper rejuvenated Western Nigeria and raised
institutions like Wema Bank, National Bank, Wemabod, Cocoa House, Investment House (Forest, 1995).

Before the discovery of Oil in 1956, Nigeria was noted for the production several cash drops such as cocoa, groundnuts, timber, cotton, palm oil etc. These were the main source of our foreign exchange earnings. However, the discovery of oil by Shell changed that bright policy and thinking of our leaders. Unexpected wealth from oil destroyed what used to be a rich and vibrant agricultural tradition. Well, if resources from oil had been managed honestly and transparently, the gains and wealth would have been noticeable in every sphere of Nigeria and the story would have been different (Storey Report, 1953).

The period between 1960-1966 often referred to as the First Republic witnessed the emergence and consolidation of political parties based on ethnic and regional cleavages, this arrangement ensured that parties won elections in their localities or bases through electoral malpractices, violence and intimidation, such as the disruption of election, hijack of electoral officers and materials, stealing of electoral supplies and printing of fake electoral voting cards (Varda, 1981).

Corruption also was widespread in Government through undisguised personal enrichment by political office holders through bribery, fraud, kickbacks, misappropriations and outright stealing. This period saw the emergence of Nigeria in 1960 as an Independent Nation and in 1963 as a Republic. The crucial metamorphosis of the political landscape bestowed on the new and young leadership unexpected power and wealth which sadly, most could not manage and never expected to be called upon to manage. This may explain why most became inebriated and abused office and power flagrantly for personal and selfish gains as Michael Crowther noted:
By the end of 1965, the politicians had earned almost universal contempt for their corruption, profligacy and lack of real concern for those they ruled and who had elected them. National revenue became a political springboard to secure support and repress political opponents. The struggle for control of government revenue administered from the centre became a desperate issue. Widespread corrupt practices especially kickbacks at both the Federal and Regional levels became common place (Ademoyega, 1981).

The General Aguiyi Ironsi Administration upon coming to power after the January 1966 Coup instituted a number of Commissions of inquiry into the affairs of the ousted civil administration. Some of these were inquiries into the Management of the Nigerian Railway Corporation, the Electricity Corporation of widespread corruption, abuse of office and financial recklessness in the administration of the said agencies. That administration was short-lived and could not be properly assessed in the barometer of integrity and transparency. General Yakubu Gowon on assuming power in July 1966 and acting upon the commissions of inquiry report of misuse of power report favoritism, embezzlement of funds, inflation of contract prices, etc instituted the Public Officers (Investigation of Assets) Decree No 5 of 1966 and the Miscellaneous Offences Decree to identify and seize corruptly acquired assets of political office holders. This was lauded but as years passed by, the ‘corrective’ regime soon found itself entangled in the web of corruption more audacious and daring than the politicians they overthrew. Military rulers, Governors and their bureaucrats or ‘super permanent secretaries’ notoriously became brazenly Corrupt (Nwabueze, 1992).

General Murtala Muhammed seized power on July 29th 1975 in the light of open knowledge of corruption by the Gowon Administration, the Government enacted the Corrupt
Practices Decree of 1975 all Governors in the overthrown government were investigated and all except two were found guilty of corruption and consequently had their property seized. The regime was noted for suspensions, movements and outright dismissal of unscrupulous military and public officers (Aluko, 1977). It was Nigeria’s first genuine experiment at ethical revival and cleansing, but the forces and army of corruption was not impressed. They struck back and that regime, the shortest, was truncated by the February 13 1976 coup. However the second in Command (then Chief of Staff Supreme Headquarters) General Olusegun Obasanjo took over power and pursued the administration’s programme till 1979 when he handed over. Corruption was also reported during this period especially in the FESTAC 1977 festival and others, but seemed controlled and inconsequential considering the determined attack against it by that administration (Akinola, 2002).

Quite abashed by the reckless run of corruption during his administration, Alhaji Shehu Shagari lamented: ‘What worries me more than anything among our problems is that of moral decadence in our country. There is the problem of bribery, corruption, lack of dedication to duty, dishonesty, and all such vices’ (Ayoola, 2002). His Administration therefore introduced the Ethical Revolution aimed at moving the nation ‘steadily and permanently in a discernible new direction of self-reliance and dedication to excellence in leadership, in discipline, in orderliness, in hard work, in honesty in morality, in mutual respect and tolerance, along with the submission of our country to God in national affairs and personal pursuits.

Despite these laudable ideas and pledges the Shagari regime became enmeshed in corruption, lack of accountability, electoral fraud, violence and kickbacks. This period witnessed several cases of arson of public buildings to cover up fraud and stolen public funds. Civil servants’ salaries were unpaid in some States for eight to twelve months and in others, there were
threats of salary cuts and by December 1983 when the government was toppled, Nigeria was importing 1 million tons of rice costing Nigeria $300million annually, this provided fertile ground for the military to seize power on December 31st 1983 (Juan de Onis, 1981).

Gen. Muhammadu Buhari took over power on the heels of unchecked corrupt practices in the Shagari government. The Buhari-Idiagbon first broadcast echoed the reasons for intervening. ‘It is necessary to reiterate that this administration will not tolerate fraud, corruption, squander mania, abuse of office or graft, or other such vices that characterized that administration of the past four years’.

The catch phrase was the War against Indiscipline (WAI). Many party stalwarts, Ministers, State Governors and Commissioners of the previous administration were arrested and prosecuted by Special Military Tribunals on Recovery of Public Property Some were imprisoned virtually for life. It was another experiment at instilling integrity and accountability in public life. The administration was the first to imprison foreign exchange offenders and executed drug convicts. Perhaps their undoing was the imprisonment of journalists under the law that forbids the publication of a report or story that may embarrass Government (Vanguard, 2000).

However, in August 1985 General Babangida seized power with promises of an open door policy and respect for human rights. Surprisingly, the regime became credited with authoritarianism, brazen corruption and waste. Though a Structural Adjustment Programme (SAP) was introduced, the activities in government were not reflective of austerity, frugality and modesty. General Babangida released the politicians convicted by the Buhari tribunals and returned most of the seized assets (Ayoola, 2002).

Regardless of his Mass Mobilization for Social Justice, Self Reliance and Economic Recovery (MAMSER) programme, the eight and half years administration became notorious for
profligacy, ‘settlement’, kickbacks, looting of the treasury etc. The General stepped aside in August, 1993 for an Interim Government after annulling the June 12, 1993 elections adjudged to be free and fair. This era witnessed mass emigration and movement of Nigerians to other climes especially to Europe and the US. Nigeria’s currency hitherto stronger than the dollar started falling drastically to the dollar (Anthony, 2002).

The Interim Government was engulfed with the annulled elections crisis. It did not actually find its feet. In October, 1993, it gave way to the administration of General Sani Abacha (1993 - 1998). It is reported that between 2-3 billion Dollars was stolen by this ‘corrective’ Head of State and his family between 1993 and 1998. It was a government that was known more for its silence than what it uttered. A lot of funds were siphoned through doggy contracts and in most cases taken directly from the Central Bank of Nigeria through security accounts maintained for criminal purposes. It is noteworthy that the government introduced War Against Indiscipline and Corruption (WAIC). It set up failed Banks tribunals to recover fraudulent loans. All these were not replicated in the actions of the leadership.

General Abdusalami Abubakar took over power upon the death of Abacha in June, 1998. Efforts to recover stolen funds yielded about $770m with $1.27 billion frozen in foreign accounts. Government also seized assets believed to have been corruptly acquired by the Abacha family and aides and some were even auctioned. Following complaints of financial improprieties against the Abdusalami Abubakar government’s last five months in office, the present administration upon coming to power in 1999 inquired into the affairs of its predecessor. Questions were asked why the country’s foreign exchange reserve was depleted from $6.7b in 1998 to $4b at the end of March, 1999. All contracts awarded and appointments made during the period were suspended. The Christopher Kolade Commission that looked into failed contracts in
its report recommended the cancellation of 1,684 contracts valued at $1.08 billion from a total of 4,072 reviewed. Another 770 contracts valued at $4.6 million were recommended for renegotiating. Government therefore at that stage signaled its intention to restore accountability and probity to governance (Enwerenmadu, 2012). Then the dawn of democracy since 1999 and the situation had not totally changed either.

Nigeria has lost over #38tn through mismanagement, embezzlement and money laundering under successive administrations since democracy returned in 1999, estimates made by SUNDAY PUNCH of May 29, 2016 have shown. The figures were drawn from findings by anti-graft agencies and investigative panel reports on major economic scandals and financial crimes in the country in the last 17 years. The investigation, which covered the Olusegun Obasanjo, Umaru Yar’Adua and Goodluck Jonathan-led administrations, showed that most of the stolen funds have not been accounted for. Of the over #39tn lost in the country’s economy, crude oil theft, official corruption and electoral campaign funding were responsible for a larger percentage of the loss. The exchange rate of #130 to a dollar was used in the conversion of funds under the Obasanjo-led administration while #150 was adopted for those under the Jonathan-led administration, being the average official rates during the tenures.

#3tn – NNPC, NPDC unremitted funds

Former Governor of the Central Bank of Nigeria, Mr. Lamido Sanusi, now the Emir of Kano, Alhaji Muhammadu Sanusi II, had written former President Goodluck Jonathan, accusing the Nigeria National Petroleum Corporation of failing to account for $49bn revenue, which should have been remitted to the Federation Account. He recently said the corporation could only account for $29bn of the ‘missing’ fund. He said some oil companies paid taxes and royalties in oil, and the NNPC sold this oil on behalf of FIRS. “No reasonable explanation for $20bn
(NNPC); $6bn was with Nigerian Petroleum Development Company (NPDC), (a subsidiary of NNPC) that had not got to the Federation Account to date,” Sanusi said. These amounted to $20bn (#3tn) unremitting funds.

#2.3tn – Diverted arms procurement fund

In the course of investigating the alleged diversion of $2.1bn arms cash placed under the Office of the National Security Adviser, then headed by the immediate past NSA, Col. Sambo Dasuki (retd.), the Economic and Financial Crimes Commission had discovered that the total anti-Boko Haram insurgency money diverted by various personalities and agencies was over $15bn (N2.3tn). Dasuki and several ex-military chiefs, including a former Chief of Defence Staff, Air Marshal Alex Badeh (retd.); and a former Chief of Air Staff, Air Marshal Adesola Amosu (retd.), had been quizzed and are currently standing trial on charges relating to the alleged fraud.

#30tn – Oil theft, waivers, others

A former Governor of the Central Bank of Nigeria, Prof. Chukwuma Soludo had in 2015 challenged the then Minister of Finance, Dr. Ngozi Okonjo-Iweala, to give account of the #30tn allegedly stolen under her watch. The former apex bank boss had alleged that the nation was in for a chaotic time as the economy had been grossly mismanaged by the minister. He added that if the prices of crude oil in the international market failed to rebound, Nigeria would face an unprecedented level of economic crisis, with horrible attendant hardships for the citizenry.

“Our public finance is haemorrhaging to the point that estimated over #30tn is missing or stolen or unaccounted for or simply mismanaged,” Soludo said. The ex-CBN chief in a piece entitled, ‘Ngozi Okonjo-Iweala and the missing trillions,’ explained how #30tn was allegedly stolen under Okonjo-Iweala’s watch. He said, “My estimate, madam, is that probably more than N30tn
has either been stolen or lost or unaccounted for or simply mismanaged under your watchful eyes in the past four years. Since you claimed to be in charge, Nigerians are right to ask you to account. Think about what this amount could mean for the 112 million poor Nigerians or for our schools, hospitals, roads, etc. “Soon, you will start asking the citizens to pay this or that tax, while some faceless ‘thieves’ are pocketing over $40m per day from oil alone.” A Federal High Court in Lagos had last week ordered Okonjo-Iweala to account for the #30tn which Soludo claimed went missing under her watch. Okonjo-Iweala has repeatedly denied the allegations, claiming they are politically motivated.

**#8.5bn, #2.6bn – NIMASA frauds**

The EFCC is investigating the current Chief of Logistics, Defence Headquarters, Maj.- Gen. Emmanuel Atewe, for his alleged role in an #8.5bn scam involving the Nigerian Maritime Administration and Safety Agency. Atewe was, until last year, the Commander of the Joint Task Force, Operation Pulo Shield, in Yenagoa, Bayelsa State. The EFCC is also set to re-arraign a former Director-General of the NIMASA, Patrick Akpobolokemi; Kime Engozu and Josephine Otuga, alleged to be Atewe’s co-conspirators. Akpobolokemi is currently standing a separate trial before a Federal High Court in Lagos for an alleged fraud of #2.6bn.

**#17.3bn, #23bn – Diezani’s bribes**

The EFCC is currently investigating and prosecuting some bank chiefs for allegedly helping a former Minister of Petroleum Resources, Mrs. Diezani Alison-Madueke, to launder $115m (N17.3bn) and another $153m (N23bn) during the build-up to the presidential election. Some of the beneficiaries of the funds have been identified, including politicians and officials of the Independent National Electoral Commission.
N3bn– SURE-P scams

The Independent Corrupt Practices and Other Related Offences Commission has begun a probe into the activities of directors and senior officials of the Subsidy Reinvestment and Empowerment Programme. The probe was in connection with #3bn fraud allegedly involving the Federal Ministry of Finance and the SURE-P Graduate Internship Scheme. The SURE-P GIS is a component of the SURE-P domiciled in the Federal Ministry of Finance. The money, it was learnt, was meant to pay the allowances of 17,500 participants for eight months, which never got to them. SURE-P was set up by the government of former President Goodluck Jonathan in February 2012 after nationwide protests followed the hike in the prices of petroleum products. President Muhammadu Buhari scrapped the programme in November last year.

#56bn – Amount spent on COJA

Former President Olusegun Obasanjo was alleged to have spent #56bn on the 8th All Africa Games held in 2003, according to a petition written against him to the EFCC by an anti-corruption group, Coalition Against Corrupt Leaders. In the petition, CACOL alleged that, “When the 8th All Africa Games was held in Abuja in 2003, it was discovered that most of the disbursements made did not deliberately follow the established due process. COJA did not have a ready book of accounts that could be reviewed. Throughout the games, COJA had no way of tracking its costs and encumbrances. “Most of the contracts were found to be inflated, at an average of 500%. For example, boxing gloves cost US$20 in open market for a pair but COJA bought a pair for US$272. The wrestling mat (12 x 12) costs $8,000 but COJA bought it for $34,761, etc. At the end of the day, more than N56bn could not be accounted for by former President Obasanjo; his son, Gbenga; and Amos Adamu, the Executive Director of COJA.”
#2tn – Power sector revamp fund

The Obasanjo-led administration was alleged to have wasted the sum of $16bn (N2tn) on revamping the power sector. The Ndidi Elumelu-led House of Representatives’ Committee on Power, which investigated the government’s spending on the sector, noted that the amount spent did not yield “commensurate result.” The committee recommended that Obasanjo should be called to account for the money.

#300bn – ‘Missing’ fund from works ministry

One of Obasanjo’s close allies before they eventually fell out and ex-Minister of Works and Housing, Chief Tony Anenih, was indicted by the National Assembly for the sum of #300bn missing from his ministry. The missing money was widely believed to have been used to pay off 2003 election “expenses.” In October, 2009, a Senate committee issued a report on its investigation into the use of more than #300bn in the transport sector during Obasanjo’s administration. The committee recommended the prosecution of 13 former ministers, including Anenih, saying he allegedly awarded contracts without budgetary provision.

#56bn – Corruption in the NPA

There is also the Nigeria Ports Authority Board scandal, which the EFCC investigated and unearthed a #56bn fraud by the former members of the board of directors. Obasanjo was accused of failing to institute any process towards recovering the alleged stolen money.

#33bn – Botched Lagos-Kano rail project

There was an alleged mismanagement of $250m (#33bn) initial payment in the rail system contract worth $8.3bn, which was awarded to a Chinese company, China Civil
Engineering Construction Company, but has not taken off. The project, which was expected to kick off in 2006 under a 25-year programme, was awarded by the government, while it had already paid for the first phase of the standard gauge line spanning over 1,315km from Lagos to Kano (PUNCH, May 29, 2016).

This gory picture painted above is an indication of how deeply-rooted corruption is in the fabric of the Nigerian society. Thus, the Buhari-led administration embarked on a mission to recover loot and assets kept in foreign lands. The government also begun mass investigation of financial crimes and prosecution of suspects.

2.9 Contextualizing Corruption, Democracy and Good Governance in Nigeria

The Nigeria people have for long time yearned for the actualization of democratic governance in the country. The quest for durable democracy which span over five decades of our country’s existence as independent Nation has been marked by discontinuities. Indeed, political instability occasioned among others by anti-democratic activities had led to a series of military intrigue which have continuously subverted the evolution of a truly abiding democracy. Nigeria’s history of democratization began in the terminal colonial period partly as a result of nationalist activities. Her independence on 1st October, 1960 marked an important threshold – a transition from colonial diarchy in the late 1950’s to Nigerian civilian rule in 1960, with democratic institutions modeled on the British West minister parliamentary system. The British colonialist bequeathed the young nation at independence and successive Nigeria government had difficulties in tackling the question of unbalanced federalism, regionalism, sectionalism and alienation of the populace from the institution of governance and the major apparatus of state.
The new political elites had the duty of not only institutionalizing the democratic process, but also developing a political culture which would buttress the inherited institutions. There were high hopes of Nigeria emerging as a fertile and large field for the growth of democracy in Africa. Elaigwu (2011), posits that by 1965, however, it had become very clear that the ballot box and the future pleiscetarian democracy had become very bleak. A number of factors according to him, in the system gave these indications; they include:

a. Break-down of the rules of the game of politics which profusely polluted the political stadium (and in absence of avenues for political ventilation) made politics as dangerous for players as well as spectators.

b. Gross misuse of political power,

c. Misappropriation of public funds and widespread corruption among public officers;

d. Imprudent political and economic decisions in allocation of scarce but allocable resources;

e. Erosion of the rights of individuals,

f. Disenfranchisement of the Nigerian populace through blatant rigging of elections;

g. Conspicuous consumption of politicians amidst the abject poverty of the masses; and

h. Excessively powerful regional governments which threatened the relatively weak federal centre with wanton abandon.

Elaigwu (2011), further asserts that by 1965, the first attempt at the use of the ballot box had been punctuated by crisis. Our federal experience had been chequered by the centrifugal pull in all
directions. And in no time, the bullet box (Soldiers) relegated the ballot box (democratic polity) to obscurity, and the parliamentary system was kicked brutally to a fatal future. By 1999, therefore, of Nigeria’s thirty-nine years of existence, the military had ruled Nigeria for twenty-nine years. In essence, the military had become a political power contestant in Nigeria’s political stadium. It can be argued that the bullet box held a far superior sway in the polity than the ballot box. Some members of the political elite have called the military, the ‘‘alternate political party’’.

The present democratic dispensation came to be as a result of the General Abdulsalami Abubakar regime in June 7, 1998 as a result of the death of General Sani Abacha who came to power on the November 13, 1993. General Abdulsalam who ruled for eleven months eventually handed over to a democratically elected government headed by Chief Olusegun Obasanjo on May 29, 1999 in a ceremony marked with pomp and pageantry. Nigerians waited anxiously for this day to usher in an era of democratic practice where prosperity will flourish in the country unabated and unhindered. Although Nigeria seems to have broken free from the firm and pernicious grip of military dictatorship, a democratic process that could yield the desired dividends of democracy is yet to be entrenched (Galadima, 2000).

In retrospect, the democratic quest which started with the experiment of the first and second republic 1960-66 and 1979-83 were rather disappointing as a result of the winner takes all approach to governance, intense ethnic and sectional self-interest, political intolerance and violence, massive electoral frauds and the failure of the political class to forge consensus on several critical and national issues. The history of Nigeria from the first republic to date has shown repeated occurrence of events which seem to be very peculiar to Nigerian politics in both civilian and military rule. The problem is partly corruption and a leadership crisis which explains why good governance has continued to elude us even in the seemingly practice of democracy.
Anger (2011) asserts that the absence of good governance which is clearly seen in the inability of the Nigerian state to live up to its obligation in the social contract, partly explains the lack of unity among the federating units and also why credible elections seem to be impossible even in our fourth trial at democracy. The concept of good governance has always been linked to democratic governance by scholars and most especially by International Financial Institutions like the World Bank and the IMF by which they refer to the exercise of political power to promote the public good or the welfare of the people (Babawale, 2003). The public good to Nwabueze (2008:8) embraces within its ambits the norms and values of a free, just, ordered and law-governed society as well as those of happiness and the good life.

In essence, good governance deals with how those who have the authority of the state make efforts to achieve the goals or the ends of the state – the maintenance of law and order, the provision of welfare for its citizens and the pursuit of national interest. In the global arena, it refers to the process and quality of governance and the role of the civil society and the private sector. Western democracy insists that good governance entails institutions and values. Good governance depicts an ideal. However, to work towards this ideal, individuals, groups, corporate entities and governments must be guided by certain values, norms or principle in their dealings. These principles include participation, equity, rule of law, transparency and accountability as well as the delivery of public services.

The concept of democracy and good governance are not only interwoven, both demand accountability as a principle. Democracy is a means of achieving good governance. Reinforcing the complementarity of democracy and good governance, Sambo (1994) posits that any democratic government that part ways with good governance is not ‘Stricto Sensu’ a democratic government. The attributes of democracy are presumed to be facilitative of good governance
whose abiding parameters are accountability by government officers, transparency in governmental procedures, predictability in government behaviour and expectation of rational decisions, openness in government transactions, free flow of information, freedom of the press, decentralization of power structure and decision making. The expectation is that when these attributes are in a democratic system of government, that system will be conducive to development (Anger, 2011) and for democracy to strive, the World Bank elaborates on four elements of good governance (World Bank, 1992):

a. Public sector management emphasizing the need for effective financial and human resource management through improved budgeting, accounting and reporting, and rooting out inefficiency particularly in public enterprises;

b. Accountability in public services, including effective accounting, auditing and decentralization, and generally making public officials responsible for their actions and responsive to consumers;

c. A predictable legal framework with rules known in advance; a reliable and independent judiciary and law enforcement mechanisms; and

d. Availability of information and transparency in order to enhance policy analysis, promote public debate and reduce the risk of corruption.

From the above conception of ‘good governance’, it is apparent that for a government to be democratic and for governance to be qualified as good, the repositories of power and managers of resources must be accountable to the governed, responsive to the demands of the people and be guided by the principle of rule of law. Good governance is therefore imperative for a durable and viable democratic polity like Nigeria. Even the level of corruption indicates the level of good
or bad governance in a society. Precisely because it diverts public funds to private pockets and has been responsible for virtually all military coups in Nigeria. The absence of good governance in Nigeria is no doubt responsible for the abysmal level of poverty. This is because the leaders have not been able to deliver to the people the dividends of democracy. Thus, over thirteen years of our sojourn in the path of democracy have been watered by blood, littered by wanton destruction, disregard for the rule of law, low level of legitimacy and highly demonstrable lack of accountability and corruption. This calls for the need to correctly evaluate our past, boldly asses the present, so that we can make useful contributions to the glorious tomorrow for generations yet unborn.

Thus, Deakaa (2006), opines that good governance could thrive when the leadership spares no efforts in tackling corruption and inefficiency and enhancing accountability in government. This according to her, will also mean a drastic reduction in the scope distortionary rent-seeking activities; eliminating wasteful or unproductive uses of public funds and indeed the provision of desired domestic security within the polity. Unlike what according to Ekeh (1975) that, most educated Africans are citizens of two publics in the same society. On the one hand, they belong to a civic public from which they gain materially but to which they give only grudgingly. On the other hand they belong to a primordial public from which they derive little or no material benefits but to which they are expected to give generously and do give materially. To make matters more complicated, their relationship to the primordial public is moral, while that to the civic public is amoral. The dialectical tensions and confrontations between these two publics constitute the uniqueness of modern African politics. A good citizen of the primordial public gives out and asks for nothing in return; a lucky citizen of the civic public gains from the civic public but enjoys escaping giving anything in return whenever he can. But such a lucky man
would not be a good man were he to channel all his lucky gains to his private purse. He will only continue to be a good man if he channels part of the largesse from the civic public to the primordial public. That is the logic of the dialectics. The unwritten law of the dialectics is that it is legitimate to rob the civic public in order to strengthen the primordial public.

According to Bakare (2012), if one compares the practice of democracy in Nigeria with other countries in Africa, one would begin to wonder whether it is democracy we have in Nigeria or civilian government with military temperament. Within the context of Abraham Lincoln’s perspective of democracy, it suggests that true democracy should promote responsibility and responsiveness in a given society. It suffices to conclude that accountability is a reflection of good governance. On the other hand, any democratic setting that lacks responsiveness in governance is actually a dictatorial government in civilian camouflage. Sadly, such is the situation of the Nigeria democracy. The people’s opinion is never taken into consideration in the context of the Nigeria democracy. It is believed that sovereignty lies in the hands of the electorate in a democratic setting but the reverse is the case in Nigeria. Government’s policies are meant to be taken hook line and sinker, even though the people cry foul about it. On the other hand, any of the elected politicians that seems to be doling out some “dividends” of democracy is extremely celebrated as if the person is using his personal resources for the so-called good gesture.

It is only in Nigeria that politicians would promise the people heaven on earth as manifesto. Accountability is the last thing most Nigeria politicians would ever consider necessary as far as good governance is concerned. It is quite unfortunate that the freedom of speech is just mere freedom of expression that does not go beyond the ceiling. Yes, the citizens have the liberty to
express their grievances. But the people’s grievances have never moved the government an inch, regardless. However, when the people go extra mile to register their grievances in mass protest the government harasses and intimidates them with military power. Does Nigeria really have democratic government? Yes, on paper it has. But in reality, it is a civilian government with military mindset. Even the judiciary that seems to be the last hope of the poor has been increasingly politicized and infiltrated by desperate politicians in the corridors of power. Consequently, leadership has become a window of opportunity to amass wealth and empty the treasury at the expense of the poor masses (Lawal, 2007).

It is also unfortunate that an average Nigerian does not know what good governance is all about. The suffering in the midst of plenty over the years has increasingly imprinting a mediocre mentality in the psyche of an average Nigerian. Therefore, any incumbent political office holder that throws out some “goodies” to the people in the name of dividends of democracy is seen as a saviour, even though he uses the public funds. This does not negate the fact that good works should be encouraged and appreciated. But in a situation whereby someone is been extremely celebrated and praised for doing the work which he is elected to do, then, there is problem with the citizens’ perspective of what good governance is all about. Good governance is about the welfare of the people but the reverse is the case in the Nigeria’s democratic context. Good governance is all about the welfare of the politicians at the expense of the common man in the street. That is the current picture of the Nigeria democracy.

It, therefore, calls for a serious concern that until Nigerians begin to demand for accountability from their rulers, or else civilian government with military mindset will continue to impoverish the people in the name of transformation agenda. Until Nigerians come to the
realization that sovereignty lies in their hands, the people in the corridors of power will continue to milk the nation’s treasury in the name of economic transformation. True democracy is not about the government but about the governed. Good governance is not about the rulers but about the ruled. The wellbeing of the ordinary citizens is the yardstick for a good government and a robust economy (Bakare, 2012). There is no simple correlation between levels of democracy and levels of corruption. Democracy does not mean automatic struggle against corruption. But democracy over the long run introduces more powerful bodies against corruption. A regime with frequent elections, political competition, active opposition, an independent legislature and judiciary, free media and liberty of expression generates more limits and obstacles to corruption.

Since May 29, 1999, successive regimes have tried to make a rough transition from military rule through civil rule towards a democratic polity. This has been very difficult. There are some positive signs on the horizon. There is no doubt that our tortuous and inchoate democratic journey has experienced major challenges. The challenges may be classified as democratic deficits in the words of Elaigwu (2011). A general assessment of the country’s democratic governance indicates that there are problems facing it. Democracy has a lot of challenges reposed in it as a preferred system of government. First, democracy must make sense to the people. Democracy will run the risk of illegitimacy and unacceptability the very moment people raise doubts about its credibility and capacity as a preferred system of government. Secondly, democracy means little to ordinary citizens (hollow citizenship) if they do not enjoy equal rights and entitlements of citizen’s (Luckham et al 2003). Thirdly, the people must be able to hold the government accountable. The people have to be able to hold on the power of supremacy of the government which is reflective of the republican system of governance.
It is important to point out that the level of corruption has affected the cognitive perception of Nigerians, first about the ability of the state to organize a free and fair electoral contest. Secondly, perception that political appointments are one sure way to wealth and elevation of social status and thirdly, perception that the political office holders cannot be responsive and accountable to the citizens. The impact of this on democratic stability is clear. Electoral contest has become a do or die affair, turning Nigeria’s political milieu to a Hobbesian state of nature-war of all against all characterized by what Ibeanu (2007) aptly described as the “primitive accumulation of votes” or “machine politics”. This, according to him, is to sustain the belief that a legitimate way of securing political office is to steal the peoples’ mandate. The 2006 brouhaha between President Obasanjo and Vice President Atiku Abubakar over corruption is indicative of how high corruption has permeated the Nigeria society.

Over the past 51 years, elections in Nigeria have been very problematic. Most elections have been anything but free and fair. They have been characterized by massive rigging and fraud which have resulted in protests, conflicts and long-drawn court litigations. In fact, after most elections, the courts are usually inundated with electoral petitions and cases, some of which take over three years to decide. The military-conducted elections (1979, 1993 and 1999) have generally been better than the civilian-conducted elections (1963, 1983, 2003, 2007 and 2011). The June 12, 2003 election that was based on a two-party system and the so-called option A4 (open ballot and queuing) system was perhaps the best in the annals of Nigeria’s political history.

In its report on the 2007 election, which was aptly titled “Criminal Politics – Violence, Godfathers and Corruption in Nigeria”, the Human Rights Watch remarked that

“the conduct of many public officials and government institutions is so pervasively marked by violence and corruption as to more resemble criminal activity than democratic
governance... Many of Nigeria’s ostensibly elected leaders obtained their positions by demonstrating an ability to use corruption and political violence to prevail in sham elections. In violent and brazenly rigged polls, government officials have denied millions of Nigerians any real voice in selecting their political leaders. In place of democratic competition, struggles for political office have often been waged violently in the streets by gangs of thugs recruited by politicians to help them seize control of power...Many seasoned observers stated that the 2007 polls were among the worst they had ever witnessed anywhere in the world”.

The same can be said of many other elections in Nigeria. Even though the 2011 polls were adjudged to be better than those of 2003 and 2007, they also left much to be desired, especially at the governorship level. The foundation of democracy is free and fair elections; therefore, we cannot continue to have or tolerate fraudulent elections. In the years ahead, every effort must be made to ensure free and fair elections in order to ensure sustainable democracy in the country because credible politically elected leadership ensure transparency and accountability. Poverty is also a major threat towards enthroning a viable democratic ethos in Nigeria. The founding fathers at independence, no doubts dreamt of a land of plenty. This dream was not far-fetched because of the discovery of the “black gold” in the Niger Delta area some four years before independence (in 1956). However, oil did not generate much wealth for Nigeria until after 1967 because oil prices were low and Nigeria’s production was also relatively low. Nonetheless, the founding fathers took advantage of other natural resources (cocoa, rubber, palm produce, groundnuts, cotton, etc) to generate wealth to lay the foundation for poverty reduction. Following the quadrupling of oil prices in the early 1970s, Nigeria became almost awash with
petrol dollars. Unfortunately, successive governments have failed to use the country’s oil wealth to reduce poverty.

Thus, in spite of the vast oil wealth (and other natural resources) of Nigeria, poverty has remained a nagging problem since independence. The rising profile of poverty in Nigeria is assuming an alarming and worrisome dimension. Nigeria, a Sub-Saharan African country has at least half of its population in abject poverty. (Ojo, 2008). Similarly, Nigeria Poverty Profile 2010 Report a publication of National Bureau of Statistics (2010) reveals that poverty has been massive, pervasive and engulfs large proportion of the Nigeria society. The report noted specifically that between 2004 and 2010, the population of Nigerians living in absolute poverty had risen from 54.7% of Nigerians to 60.9% (or 99,284,512 Nigerians). Abiola & Olaopa (2008) states that the scourge of poverty in Nigeria is an incontrovertible fact which results in hunger, ignorance, malnutrition, disease, unemployment, poor access to credit facilities and low life expectancy as well as a general level of human hopelessness. The nation’s pathetic poverty situation amidst rich resources endowment coupled with efforts to alleviate it has been summarized by Ali-Akpajiak & Pyke (2003:6) as follows:

“All documentation, official or otherwise shows that poverty in Nigeria in all forms is rising at an increasingly fast pace. Nigeria’s social statistics rank it among the worst in South Saharan Africa even though it possesses the greatest natural resources… Given that Nigeria is the seventh largest exporter of oil in the world, these revelations are distressing… The poverty profile of Nigeria does indeed present a very sombre picture of a rich nation in decline”.

Nigeria is among the 20 countries in the world with the widest gap between the rich and the poor. Nigeria has one of the highest Gini index in the world. The Gini index for Nigeria is
50.6; this compares poorly with other countries such as India (37.8), Jamaica (37.3) and Rwanda (28.9) (Igibuzor, 2008:12). Various scholars have attempted to describe factors that have exacerbated the poverty situation in Nigeria. They include among other factors; unstable political history, lack of accountability, mismanagement and corruption, poor policy formation, implementation and evaluation, lack of involvement of the poor, dependence of the economy on oil, poor economic policies and management, poor revenue allocation and distribution, ethnic and religious conflicts, poor infrastructure etc (Orokpo, 2012).

During her visit to Nigeria, Hillary Clinton bemoaned the embarrassing paradox of extreme poverty in the midst of plenty (BBC News 2010). Interestingly, however, whilst acknowledging the impact of the colonial legacy, the devastating civil war and other external factors, which perhaps may have been partly responsible for Nigeria’s continued developmental struggles. She specifically identified corruption and lack of government capacity or mismanagement as the most serious obstacle facing the country. According to Clinton, governance has failed in Nigeria:

"The most immediate source of disconnect between Nigeria’s wealth and its poverty is a failure of governance at the federal, state and local levels. The lack of transparency and accountability that has eroded the legitimacy of the government has contributed to the increase in group violence and agitations against state authority. The fabulous natural resources, the daily exploration of 2 million barrels of oil and the over 300 billion dollars of looted funds are all staggering figures. But they do not tell how many hospitals and roads that could have been built. They do not tell how many schools that could have opened, or how many more Nigerians could have attended college, or how many mothers might have survived childbirth if that money had been spent differently. Despite having the
7th largest oil reserve in the world, according to the UN, over the last 13 years, Nigeria’s poverty rate has increased from 46% to 76%. The increase in religious extremism, militancy and criminality in Nigeria are all problems associated with the degree of social exclusion and the key to lasting solution are effective governance, service delivery and social inclusion” (BBC News 2010).

Poverty index in Nigeria has remained very high despite hugh revenues accruing to the government (Danjibo, 2011); the implication is that Nigeria’s poverty reduction strategies and programs such as the Better Life for Rural Women, People’s Bank, Community Banks, FEAP, NAPEP, the National Economic Empowerment and Development Strategy (NEEDS) and Vision 2020 have largely been ineffective in reducing the incidence, depth and severity of poverty as well as in reducing income inequality. There is therefore the need to fine-tune existing and previous poverty reduction strategies and programs, ensure proper funding as well monitoring and periodic evaluation of results towards providing the dividends’ of democracy.

Ethnicity, from independence, has remained an impediment in the process of nation building in Nigeria and apart from the "divide and rule" tactics introduced into the polity by the British, it has led to the emergence of regional and ethnic leaders and this led to a situation whereby parties at the time of independence were ethnically based. The Action Group (AG) led by Chief Obafemi Awolowo dominated the West, NPC in the North was led by Sir Ahmadu Bello and the National Council of Nigerians Citizens (NCNC) controlled the East under the leadership of Dr. Nnamdi Azikiwe (Sklar, 1983). It can then be said that regional leaders employed ethnic affiliations for selfish reasons. This has brought about political instability as a result of the fact that Nigeria is a heterogeneous society with a high population running into over 140 million people, whereby inter-ethnic rivalry have always heated the polity. It has been
argued that the first military coup of 1966 was ethnically calculated to affect a particular region
and among the reasons alluded to this was the fact that the majority of those that were
assassinated were Northerners (Osaghae, 1998).

Among the various groups in Nigeria, the presence of hostility is rampant and this has
constantly created instability in the polity as a result of nepotism (Nnoli, 1995). Merit and
efficiency are scarified on the altar of ethnic chauvinism. Hence conflict between groups seems
to be the order of the day in the polity rather than the development of a cooperative spirit. The
competitive nature among Nigerian ethnic groups has made census figures questionable because
right from the first population census crisis of 1954 to that of 1962. The Southern ethnic groups
have repeatedly challenged the return of high figures for the North. To resolve the contention,
ethnicity and religion were expunged from the last census exercise in 2006. Ethnicity is therefore
a plague that is prevailing over democratic consolidation in Nigeria as there were calls by the
Christians and other socio-cultural groupings in the polity threatening to boycott the census if
ethnicity and religion were omitted from the list of questions. This is as a result of the fact that
census figures have been a backbone for the hegemonic disposition of a particular group in the
Nigerian federation over the rest in the contest for the control of state power and resources.
Ethnic sentiments have always been employed by both minority and majority ethnic groups in
the pursuit of national resources. The increased ethnic tension that this has brought, has affected
economic development as the climate is considered not investment friendly.

As already noted, ethnicity forms the basis of conflict in Nigeria and it stands to be a
crucial factor to our political emancipation right from independence, attempts to bring together
various ethnic groups have constantly yielded little success. As at today, what we have as states
instead of regionalism came as a result of measures to curb ethnic pandemic and bring about
national cohesion. But rather than resolving inter-ethnic discord, its potential was enhanced (Ojo, 2008). The consequences of ethnic discord are so daunting that it disrupts economic growth by scaring away foreign investors as noted above- as a result of a very volatile environment. Some oil companies have been shut down due to ethnic uprisings in the oil producing areas and this has been a huge economic loss. The values of justice and equity have always been threatened by ethnicity at instances whereby ethnic eruptions were highly prevalent.

Nnoli (1995) states that, "Ethnicity promotes hypocrisy on the question of moral values such as justice and equity". However, it is pertinent to note that various measures have been adopted to regulate ethnic tension. Among these measures are the federal character principles, state creation, local government creation, revenue allocation, and derivation formula, among others but what we should put into consideration is that submissiveness to national loyalty is always compromised (Nnoli, 1995). However, despite these measures ethnicity remains a volatile factor.

Meanwhile, one would argue that religion is about creation and not about destruction and thus, Nigeria as a secular state, should exist mutually in peace and harmony but the reverse is the case. A lot of devastating religious crises have erupted in Nigeria leading to loss of lives and properties in religious volatile State's like Kano and Kaduna (Osaghae, 1998). Different interest groups have at one time or the other employed or deployed religion as a political instrument for their mobilization. What rightly comes to mind are the Sharia issues of the late 1970s and that of present Zamfara state at the early stage of the Fourth Republic. One will see that there exist political undertone's because the Sharia issue has been a political instrument. Religious crises witnessed in Nigeria cannot be said to be totally free from ethnic-cum-political influences. Hence, religious crisis have refused to portray Nigerians as a people that share mutual affection thereby putting governance of the state at risk.

Political violence is another phenomenon in our political terrain and the outcomes have most times been disastrous to national growth. It has brought death to the door of innocent people and a great loss of properties. Political violence has been a disruptive and destructive tool in Nigeria
through its use as a means of contesting for power and recognition between individuals and groups in the society. Violence is the expression of hostility and rage through physical force directed against persons or property. In Nigeria, however, political violence has taken many forms. A good example took place in Anambra State with a political undertone and this has made governance in the state a very tedious affair (Tell, September 22, 2003). There were political crises in other states like Kogi, Ekiti and Akwa Ibom which have affected the process of governance (Tell, June 27, 2005). In addition to these is the assassination of some key political figures which has remained a puzzle to date in the persons of Chief Bola Ige, Marshall Harry, and Adeteru Olagbaju among others (Tell, Feb. 23, 2004).

All these threaten the nation because most of these deaths cannot be attributed to robbery considering the personalities involved but are rather politically motivated killings. A good study of the prelude to the killing of Bola Ige exposes more on the political crisis that occurred in Osun State before his assassination (Tell, September 22, 2003), In all, these situations have left a devastating threat to Nigeria's democracy as exposed and highlighted here. This also affects the development of Nigerian federalism vis-a-vis the unabated internal wrangling, violence, crisis and ethnic and religious factors thwarting our political stability and growth.

Ezioku (2004) in line with the Report of the Political Bureau (1987) highlights some basic constituents and elements for sustaining democracy in Nigeria. These according to him include;

a. The institutions and processes of effective electoral agencies, political parties and their formation, administration and funding
b. Conduct of free and fair periodic electoral processes.
c. Broad based participation by the electorate.
d. Observance of rule of law
e. Protection of Fundamental Human Rights
f. A free and unfettered press
g. A healthy civil society
h. Government based on the consent of the people.
2.10 Nature and Types of Corruption

Corruption is a term that has attracted a lot of definitions and it does seem almost everybody know what the term connote. In its simple form, corruption is the misuse of authority (or one’s position) as a result of consideration of personal gains which may not necessarily be monetary (Ikejiani-Clark, 2001). Corruption could also mean a deviation from acceptable norms, values and standard of a society. Corruption can be classified according to how it is carried out in relation to established rules in administration. There are two types of corruption in this regard. The first is done “according to the rule” where an official receives private gain for doing what he/she is paid to do. The second is done “against the rule” where an official is paid bribe to give services that he/she is prohibited from providing.

Corruption can also be classified according to the scale i. e. petty or survival corruption and grand corruption (Pope, 1996). Petty or survival corruption is practiced by civil servants, who may be grossly underpaid and depend on small rents from the public to feed their families and pay school fees. The grand corruption is practiced by high public officials and it often involves large sums of money. Corruption has also been classified based on the spheres or arena of special activities where it takes place. Statistics on the nature and form of corruption are alarming.

As Achebe (1983:53) puts it, corruption in Nigeria has grown enormously in variety, magnitude and brazenness since the beginning of the second republic because it has been extravagantly fuelled by budgetary abuse and political patronage on an unprecedented scale. Two forms of common corruption from Achebe’s observation can be identified: political and bureaucratic.
According to White (1982) cited in Ikejiani-Clark (2001) bureaucratic and political corruption weaken governance by making policy makers timid in taking bold steps to reduce excesses of citizens or introduce reforms. As Ikejiani-Clark (2001) aptly illustrates this, an official who has taken ten percent of the values of contract awarded by government, would lack the moral courage to question the contractor if he performs below standard. This may explain why most public projects at federal, state and local levels are either unsatisfactorily completed or abandoned altogether or no questions are asked. This type of corruption also known as political corruption is common at the highest levels of government. It is sometimes classified as “state capture” when external vested interests are believed to be illegally meddling with the highest organs of a political system to advance their private interests, which often results in the erosion of the rule of law, economic stability and confidence in good governance. Petty corruption (day-to-day administrative corruption) on the other hand, often involves small amounts of money, such as a civil servant collecting bribes to process a file (UN 2004).

There are various types of activity which have been labeled as corrupt and are used to identify different forms of corruption. Some, for example, may have been categorized on the basis of the sector within which the activity occurs (e.g. the identification of forms of public, private and political sector corruption). These include but are not limited to: bribery, graft, extortion and robbery, patronage, nepotism, and cronyism, embezzlement and kickbacks amongst others. It is interesting to note, of course, that many of these terms themselves are subject to intense definitional debate.

Some researchers have taken a holistic (broader) approach in the discussion of corruption by dividing it into many forms and sub-divisions. These according to Taylor (2010) include;
2.10.1. **Political Corruption**: This takes place at the highest levels of political authority. It occurs when the politicians and political decision-makers, who are entitled to formulate, establish, and implement the laws in the name of the people, are themselves corrupt. It also takes place when policy formulation and legislation is tailored to benefit politicians and legislators (The Encyclopedia Americana, (1999). Thus, it is the use of power by government officials for illegitimate private gain. A state of unrestrained political corruption is known as a **kleptocracy**, literally meaning "rule by thieves". Political corruption is connected to any behavior that violates some formal standard or rule of behavior set down by a political system for its public officials. For example, Nye (1967:419) conceives political corruption to mean an act which “deviates from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private role-regarding influence”. The struggle over resources otherwise known as the “national cake” in the Nigerian society has taken a debilitating dimension permitting all forms of corruption. Every political issue is tied to who gets what, when and how? The idea that the “national cake” is meant to be shared rather than baked, by the various ethnic groups that constitute Nigerian federation provides a fertile ground for the kleptomaniac elites who are obsessed to siphoning the public fund.

2.10.2. **Bureaucratic Corruption**: This occurs in the public administration or the implementation end of politics. It is the kind of corruption the citizens encounter daily at places like the hospitals, schools, local licensing office, police, the various ministries etc. Bureaucratic corruption occurs when one obtains a business from public sector through inappropriate procedure (NORAD; 2000). Bureaucratic corruption, in its popular sense, is the misuse of the power of public office for personal gain in breach of laws that govern public servants and moral
principles. In its basic form, it takes place when a government official demands and accepts bribes or kickbacks in performance of normal duties called for by the office. Bribery, which can be direct cash payments, gifts, or the promise of reciprocity in future transaction, is usually paid either: to gain access to scarce government services, or to avoid the cost of a government service. In less common instances, bribes may be paid to deny rivals access to a government service or to impose inordinate cost on such rivals.

Bureaucratic corruption can, of course, be found in developed as well as developing nations. However, its consequences are particularly more troublesome for developing nations with inadequate or poorly formed socio-political structures and weak economic institutions. As a result of its distortionary effects on resource allocation, entire economies are often severely weakened and debased as important decisions are guided not by prudent public policy but by ulterior agenda. In countries like Nigeria, Mobutu’s Zaire (now The Democratic Republic of Congo), Liberia, and Kenya, bureaucratic corruption accounts for the unabating capital flight and the precipitous decline in real income in the past decade. In the same period, Africa’s share of world trade had declined from 5 percent in the early 1980’s to 2 percent in the 1990s (World Bank, 1997).

2.10.3. Electoral Corruption: This includes buying of votes with money, promises of office special favours, coercion, intimidation, and interference with freedom of election. A good example where this practice is common is Nigeria. Votes are bought, people killed or maimed in the name of election losers suddenly becoming winners in elections, and votes turned up in areas where votes were not cast. Money and gifts are openly peddled, ballot boxes disappear empty and reappear filled with ballot papers, poor people’s children are corrupted by politicians, trained as thugs and fully armed (Ada & Faajir, 2009: 244).
According to Ada & Faajir (2009), there is also judicial, religious as well as academic corruption which has affected the concept of honesty, transparency, integrity and accountability.

Other forms of corruption may include;

2.10.4. Bribery: The payment (in money or kind) that is taken or given in a corrupt relationship. These include “kickbacks”, “gratuities”, “pay off”, “sweeteners”, “greasing palms scratching back” etc (Bayart et al 1997:11). The Oxford English Dictionary defines a bribe as “a reward given to pervert the judgment or corrupt the conduct.” A bribe consists of an offer of money by an outside party to secure desired action from the governmental officials. Bribes can influence the choice of private parties to supply public goods and services and the exact terms of those supply contracts.

This is the offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties. A bribe can consist of immediate cash or of personal favors, a promise of later payment, or anything else the recipient views as valuable.

According to World Bank Report (1997:20) "Bribes can influence the allocation of monetary benefits (for evasion, subsidies, pensions, or unemployment insurance). Bribes can be used to reduce amount of taxes or other fees collected by government from private parties. In many countries, tax bill is negotiable. Bribes may be demanded or offered for the issuance of license that conveys an exclusive right, such as a land development concession or exploitation of natural resources. Bribes can alter the outcome of the legal and regulatory process, by inducing the government either to fail to stop illegal activities or to unduly favor party over another in court or other legal proceeding."
2.10.5. Embezzlement: This is seen as the theft of public resources by public officials. It is when an official of the state steals from the public institution in which he/she is employed. In Nigeria the embezzlement of public funds is one of the most common ways of wealth accumulation, perhaps, due to lack of strict regulatory systems. The fraudulent appropriation by a person to his own use of property or money entrusted to that person's care but owned by someone else. For instance, a clerk or cashier can embezzle money from his employer; a public officer can embezzle funds from the treasury. In embezzlement, an actual conversion must occur and the embezzler must have had the right to possess the item, and used that position of trust to convert the property. Embezzlement sometimes involves falsification of records in order to conceal the theft. Embezzlement becomes much easier if one person is responsible for keeping track of billing, receiving and recording payments as well as managing accounts. Some of the most common methods of embezzlement are the under-reporting of income (especially for income generating public institutions) and the creation of ghost employees (www.wikipedia.org).

2.10.6. Extortion: This is money and other resources extracted by the use of coercion, violence, or threats to use force. It is often seen as extraction from below. (Bayart et al 1997:11). The converse of bribery is extortion, the abuse or threat of power in such a ways to secure response in payment of money or other valuable things. Extortion according to the Oxford English Dictionary "is the act or practice of extorting (defined as either to wrest or wring from a person, extract by torture or to obtain from a reluctant person by violence, torture, intimidation, or abuse of legal or official authority, or – in a weaker sense by importing, overwhelming arguments or any powerful influence) or wrestling especially money, from a person by force on by undue exercise of authority or power."
2.10.7. Favoritism and Nepotism: These are mechanisms of power abuse implying a highly biased distribution of state resources. However, many see this as a natural human proclivity to favour friends, family, and anybody close and trusted. This is a special sort of favoritism in which a public office holder prefers his/her kinfolk and family members. Nepotism occurs when one is exempted from the application of certain laws or regulations or given undue preference in the allocation of scarce resources (NORAD, 2000; Amundsen 1997 and Girling 1997). In this context "is the granting of public office on the bases of family ties. This is a good example of a point where different cultures have very different attitudes towards some forms of corruption.

Collaborating the above, Otite (1986), classifies corruption into five groups: Political corruption, Economic Corruption, Bureaucratic corruption, judicial corruption and moral corruption. Political corruption is manifested in activities connected with election and succession, and the manipulation of people and institutions in order to retain power and office. Economic corruption occurs when business people use corrupt means to pervert the normal institutional regulations, hasten or shorten procedures and get undue advantage or value for goods and services. Bureaucratic corruption involves buying favours from bureaucrats, who formulate and administer government economic and political policies including foreign exchange, privatization exercises, import licenses, taxes etc. Judicial corruption occurs when law enforcement agencies and the courts pervert the administration of justice. Moral corruption occurs when people engage in practices that are morally reprehensible. In some treatments, the various forms of corruption discussed above are classified under broad depictions of grand as opposed to petty corruption. Grand corruption could be described as the abuse of power to promote personal interests (UN 2004).
The African Union Convention on Preventing and Combating Corruption and Related Offences quoted in (Egwemi: 2012), lists acts of corruption to include:

a. The solicitation or acceptance, directly or indirectly by a public official or any other person, of any goods of monetary, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance, of his or her public functions;

b. The offering or granting, directly or indirectly, to a public official or any other person of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for any person or entity, in exchange for any act or omission in the performance of his or her public functions;

c. The offering or granting, directing or indirectly, to a public official or any other person for the purpose of illicitly obtaining benefits for himself or for a third party;

d. The diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his own benefit or that of a third party, of any property belonging to the state or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;

e. The offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person, who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act or refrain from acting, in breach of his duties;
f. The offering, giving, soliciting or accepting directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence is exerted or whether or not the supposed influence leads to the intended result;

g. Illicit enrichment;

h. The use or concealment of proceeds derived from any of the acts referred to in this article; and

i. Participation as a principal, co-principal, agents, instigator, accomplice or accessory after the fact, or in any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this article.

Corruption covers a whole gamut of activities which include but are not necessarily limited to the following:

- Intentional distortion of financial records
- Misappropriation of asserts whether or not accompanied by distortion of statement
- Payments for contracts of jobs not executed
- Ten percent kickbacks from contracts 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 kind to write project for students

➢ Disposal of any government assets without due approval

➢ Auctioning government property to ones self 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


Corruption is a universal menace (Otite, 1986, Lash, 2003). It does not seem to have respect for geographical boundaries, creed, race or ethnicity. However, the scope and scale of corruption varies from one country to the other (Egwemi, 2012). Corruption is widespread in the different tiers and arms of governments and the private sector. It
manifests in various forms and in many types of transactions within and across levels of governments, within and between private enterprises of different types and scales of operations, between principal actors in private and public sectors, and within civil society organizations. Major manifestations and dimensions of corruptions in the country according to ActionAid (2015) report include the following:

a. Inflation of public expenditure:

b. Bribery and extortion

c. Fraud

d. Embezzlement and misapplication of funds

e. Non-remittance or under-remittance of revenue

f. Tax negotiation

g. Diversion of local government allocations

h. Office of the first lady of the president and state governors

i. Crude oil theft or illegal oil bunkering

j. Subsidy scandal

k. Power sector reform

l. The Nigerian National Petroleum Corporation (NNPC) and non-remittance of funds into the Federation’s account pension funds scandals.
2.11 Causes of Corruption

The phenomenon of corruption is ubiquitous and its upsurge is troubling. Yet analysts tend to believe that developed countries are less corrupt than the developing nations. One of them points out that “throughout the fabrics of public life in newly independent states runs the scarlet thread of bribery and corruption” (Wrath and Simpkils 1963). Factually, the growth of corruption in the world and Nigeria in particular could be attributed to multifarious causes. But the question is, why is corruption a viable enterprise in the world, nay Nigeria?

Some development actors like the World Bank, frequently seem to attribute the degree of corruption to the size of the public sector within a country. In a similar vein, Tanzi (1994) asserts that corruption tends to increase with the size of a state and the degree of intervention within the economy, because it is argued that larger states are difficult to monitor and manage in a transparent and accountable manner, while state intervention also creates greater avenues for corruption to flourish. Nevertheless, critics such as Montinola and Jackman (2002), disagree with this assertion, and argue that, the size of government does not systematically affect corruption.

There are then, a whole host of factors which may have an influence on the levels of corruption in a given country at a given time. These include: regulatory barriers to market entry, excessive government control and regulations, low competition amongst private firms, recruitment not based on meritocracy, poor working condition and wages, lack of free media, unethical leadership and nepotism towards family and friends amongst others (Mbaku 2007: 64-68).

From the institutional perspective, corruption can definitely be related to the quality of governance, which constitutes a major thrust of this research. Weak state institutions, characterized by inadequate capacity to manage society, through a framework of social, judicial,
political and economic checks and balances, create a breeding ground for corruption to flourish. In those places, like many African states, where the social stigma attached to corruption is lower, bureaucrats frequently see a position in government as avenue to advance their personal interests and those of their immediate families (Apter 1963), as there are often hardly any effective transparent mechanisms in place to promote checks and balances. In the case of Nigeria for instance, Achebe (1983) reveals ‘that Nigerians are corrupt because the system under which they live today makes corruption easy and profitable and they will cease to be corrupt when corruption is made difficult and inconvenient’. In many African cultures, extended family assistance and high levels of community spirit are other factors, which compel the rich and the employed to render financial assistance and other support to relatives and other members of their community. As a politician, the degree of prestige and influence and political support is determined by the degree of financial status and the level of financial support they are able to supply towards sustaining the needy, as well as donations made toward public projects.

Conflicts of interest may be another factor responsible for the high levels of corruption in Nigeria. For example, conflicts of interest among high level and low level personnel, between ethnic groups, and local communities, this could result from disagreements over public office appointments and promotions. There is a suggestion that Africans frequently give political support on the basis of ethnic allegiance (Nwosu, 1977). As a result, citizens frequently do not condemn corruption if it is carried out by their relatives or someone of the same ethnic background. The causes of corruption vary considerably from one country to another and unsurprisingly difficulties often exist in trying to single out the major factors causing corruption. Similarly, the clouds of ambiguity surrounding the debates over the meaning of corruption are often encountered in discussions over the causes of corruption. There is, however, no question
over the fact that a combination of a range of connected and integrated factors could perhaps reinforce one another to result in higher levels of corruption.

Suffice it to say that the causes of corruption are myriad. Some evidence points to a link between corruption and social diversity, ethno linguistic fractionalization, and the proportion of a country’s population adhering to different religious traditions (Upset and Lenz, 2002). Studies, again have noted also that corruption is widespread in most non-democratic countries, and particularly, in countries that have been branded neo-patrimonial, kleptocratic, and prebendal (NORAD, 2000). Thus, the political system and the culture of a society could make the citizens more prone to corrupt activities. However, let us focus on the fundamental factors that engender corrupt practices in less developed nations like Nigeria.

Some of the factors are;

(i) great inequality in the distribution of wealth;
(ii) political office as the primary means of gaining access to wealth;
(iii) conflict between changing moral codes;
(iv) the weakness of social and governmental enforcement mechanism; and
(v) the absence of a strong sense of national community (Bryce 1921).

The causes of corruption in Nigeria cannot deviate significantly, if at all, from the above factors. However, obsession with materialism, compulsion for a shortcut to affluence, glorification, and approbation (of ill-gotten wealth) by the general public are among the reasons for the persistence of corruption in Nigeria (Ndiutor, 1999).

According to Atoyebi and Mobolaji (2004) the following factors are prominent, in the incidence of corruption in Nigeria.
Low income and high poverty level: Per capita income of Nigeria's as at 2000 was $260, which is lower than the international minimum standard of $370 per annum. Thus the poverty level in Nigeria is high with 74.2% of Nigerians living below the poverty line. It is noteworthy that Nigeria, giant of Africa, is one of the 25 poorest nations of the world. High poverty rate has high positive correlation with corruption, since the ability to resist corruption by the poor is low.

Low morale and cultural ethics: The moral standard in the country is falling. As Nigeria moves from the "Primitive" to 'modern' economy, the incidence of corruption rises. The earlier generations of Nigerians believed that "honesty is the best policy" and children were brought up to protect the name, honour, image and integrity of their families. As years passed by, and value judgment changed, honesty and integrity were relegated to the background.

Determination to beat Red tapism: The administrative bottle necks or protocols are considered as being long and cumbersome, while determination to beat red tapism only results' in corruption. People are determined to achieve their goals without having to go through the due processes, which are considered too long and time wasting.

Survival instinct among the Political Class, economic insecurity: since officials do not know how much longer their power will last. The threat of losing power through political competition. In Africa 'when power is lost, it is lost altogether and permanently, the loser may be killed, imprisoned, probed or exiled. Thus, the contest is not just for spoils but for survival. Hence, if he must leave office, he, prefers an incoming winner who is either his ally or stooge to maintain his freedom or guarantee his survival. In addition, economic insecurity may lead to corruption. A public
officer who is not sure of financial security after retirement will likely be prone to corruption.

- Lack of Transparency and Accountability: In the course of transacting business in both the private and public sectors, corrupt practices are imminent. Nepotism, tribalism and favoritism, lacks of political will make corruption a persistent phenomenon in Nigeria.

- Weak Enforcement Institutions: There are constitutional provisions against corruption and abuse of office (1999 Constitution section 98-116:404), but they are hardly enforced. Hence, the Nigerian populace has lost confidence in the police and the judicial system. Most cases are "settled" out of court or at police stations. It is generally believed that only a fool will permit himself to be charged to court and if charged to court, may be convicted. Since "settlement" is possible at each stage and the offer of settlement in most cases is irresistible to the offered.

- Existence of Mafia: Corruption thrives when the deal can be kept secret. However, if there is at least an institution that can effectively expose illegal secret deals, then corrupt practices become difficult.

- Power of Expectation: Expectation, whether adaptively or rationally, formed has impact on people's thought, perception and behaviour. In a corrupt society, the public expects everybody to be corrupt, while in a honest society an expectation of honest dealings is rampant. Hence, a good behaviour in a corrupt society is seen as arbitrary and vice versa.

Some scholars have argued that poverty is at the root cause of corruption and that without poverty, there would be no corruption. Most people would agree that poverty definitely contributes to corruption. In many poor countries, the wages of public and private sector workers is not sufficient for them to survive. Many people therefore engage in petty corruption to make
ends meet. But poverty can definitely not be the only explanation. If poverty is the only cause, it will be difficult to explain why rich people and rich countries engage in corruptible transactions. It has been documented by recent World Bank estimates of the wealth, which corrupt African leaders have stashed away in European banks stands at several billion US dollars. None of these leaders can be described as victims of poverty. Yet, by plundering national treasuries, these African leaders have unquestionably deepened the poverty of their people (Pope, 1996).

There is also the argument that corruption is part of the culture of many developing countries. This line of argument is mostly pushed by Eurocentric scholars. They argue that:

What is regarded as corruption in Africa is a myth because it is expected that a beneficiary should show appreciation for a favour granted him/her. If a government official offers one a job or contract, the beneficiary would be obliged to show appreciation either in kind or cash to the government official just as he would do to a village chief if granted a land to cultivate crops or build a house. Corruption is a myth because ‘one’s culture’s bribery is another’s mutual goodwill (Brigg and Bolanta, 1992).

But this position that corruption is part of African culture has been criticized by many African scholars, activists and politicians because it is purely Eurocentric. It is clear to any African that the traditional African society frowns at corruption or stealing of anything that does not legally belong to one and there are strong community sanctions for such behaviour. As Maduagwu has argued,

It is mere trivialization of the serious issue of corruption in the modern society for anyone to suggest that corruption or embezzlement of public funds or extortion of money (bribes) from people looking for jobs or contracts or other benefits from government could be
equated to the customary requirement of bringing presents to the chief for permission to cultivate a land and such things (Maduagwu, 1996).

Furthermore, every society has ways of showing appreciation, which is quite different from corruption as we have defined above. In Europe and America, the giving of tips to bar attendants is an accepted way of showing appreciation akin to appreciation shown to a chief, who gives permission for land to be cultivated. Related to the myth of culture is the argument that in Africa, there is allegiance to the extended family and community. As a result, when one climbs up the social and political ladder, he/she is expected to and under pressure to give gifts, money, job and contracts to people of his/her community. Therefore, when people bow to these pressures, they slip into corruption. It must, however, be noted that in any society, there are different kinds of pressures. Succumbing to negative pressures in any society cannot be accepted as a norm.

Another argument that has been advanced by Marxist scholars is that corruption is the method that the capitalist class believed emerged from colonialism which the capitalist uses to accumulate wealth. They argue that inflation of contracts, over-invoicing, collection of kickbacks and buying off of public enterprises at give-away prices are primitive means of accumulation of capital that the emergent bourgeoisie in post-colonial countries utilize. Finally, some scholars have attributed corruption in the African continent to the legacy of colonialism. They argue that the colonial state lacked transparency and accountability to the African people. If there was any iota of accountability, it was to the metropolis in London, Paris, Lisbon or elsewhere but definitely not to African people and institutions. This is why after independence; the post-colonial state and government have remained alien to the African (Igbuzor, 2008).
It is my assertion that, corruption is a problem, which is multifaceted. It is caused by a complex of factors and relations ranging from poverty to greed and primitive accumulation conditioned by colonial heritage.

2.12 The Consequences of Corruption

The general effects of corruption on Africa and Nigerian development are enormous and debilitating. As Kenneth (2000:130) noted; corruption directs resources from the poor to the rich, increases the costs of running business, distorts public expenditures and deters investors. It also erodes the consistency for Aid and humanitarian relief. In Nigeria, corruption has undermined the normal functioning of their social, economic and political systems. Ruzindana also opined that corruption coupled with economic and political mismanagement has led to Africa’s political instability and gross abuse of power. He further specified the numerous effects of corruption as:

“Corruption has led to bad roads and decaying infrastructure, inadequate medical services, poor schools and falling education standards, and the disappearance of Aid and Foreign loans and of entire project without a trace, Ruzindana in (Kenneth 2000: 131).

One of the greatest consequences of corruption on development is the diversion, misapplication and mismanagement of scarce resources. Corruption in Nigeria has led to severe mismanagement, misapplication and diversion of funds. Corruption diverts scarce public resources into private pockets. Corruption is a ravaging virus siphoning a huge chunk of money from the economy of these countries. In Nigeria, for instance, billions of naira have been wasted or diverted into foreign accounts in the execution of some projects. The implication of this is that the scarce resources needed for developmental project are diverted and mismanaged thereby stunting development. Another economic consequence of corruption is that it distorts and
impedes public expenditure. Most sub-Saharan Africa countries have a very poor and distorted pattern of public expenditure. The reason for this persistent inadequacy is traceable to rampant abuse of office and unwillingness to stick to the rules governing public accounting. Another consequence is that corruption increases the cost of doing business. This is done by adding additional cost to business transactions. According to Transparent International (T.I) the cost of doing business in most African countries are incredibly high except in far countries. In sub-Saharan Africa countries, the cost of doing business can rise up to 5 times when compared to other developing regions of the world. T I, in Kenneth, (2000:133).

Another consequence of corruption on development is that it deters foreign investment and creates risky investment climate. Corruption undermines foreign investment. Foreign direct investment enhances development but corruption has hampered its development over the years. Corruption has stunted our economic growth and development. In a country of abundant human and material resources, corruption has ensured that we remain largely poor and unstable. Corruption detracts from the sovereignty of Nigeria and its international standing, especially when foreigners distrust Nigerian nationals for acts that are unspeakable (Ikejiani-Clarke: 1995).

The social consequences of corruption on development include the following: Low international esteem and confidence, it has helped to encourage segregation, ethnic and religious bigotry. Corruption, if not until recently, has reduced to the lowest ebb how countries perceive each other. In the African case, especially under military regimes, corruption has systematically undermined international confidence and reduced the continent to pariah status. This has made Africa’s reputation as a business destination to be constantly low by fostering a negative image for Africa and Nigeria in International community. Corruption has also perverted our value
system and truncated our cherished African traditional norms and values. The new social order has now become the yardstick of measuring social actions (Ocheja, 2012: 223).

The political consequences of corruption on development are numerous and debilitating. On the political platform, corruption poses a serious developmental challenge. It undermines democracy and good governance by flouting or even subverting formal processes. For instance, corruption in elections and in legislative bodies reduces accountability and distorts representation in policy making; corruption in the Judiciary compromises the rule of law and in public administration results in the unfair provision of services. Generally, corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned off, and public officers are bought and sold. It also undermines the legitimacy of government and democratic values such as trust and tolerance. Corruption distorts and prevents legal and administrative rules and procedures. Here, rules are changed overnight by government to achieve desired benefits. It impedes democratic aspirations, and popular participation. Political corruption has largely resulted in the non-execution of projects (Egonwan 1991). It undermines credibility and legitimacy of Africans externally and internally. The seeming non-acceptance of the government of late Yar’Adua by some Nigerian and some members of international community is traceable to fraudulent process that characterized the election that brought him into power. Corruption has also fuelled political conflict and incessant struggles for power. The constant struggle for power is also related to politics of exclusion and marginalization whereby a particular group or a group of political elites virtually excludes others.

Corruption also perpetuates other developmental problems. According to World Bank, corruption helps to perpetuate other developmental problems such as Africa’s huge external debt, malnutrition, illiteracy and social anarchy in the form of violent crime and civil disorder which
are common place in Nigeria. Corruption has a lot of negative impact on every sphere of societal
development: social, economic and political. As Ikubaje, (2004) has argued, corruption is a
global phenomenon and its effects on individual, institutions, countries and global development
have made it an issue of universal concern. According to the Lima declaration, the impact of
corruption include the erosion of the moral fabric of society, violation of the social and economic
rights of the poor and vulnerable, undermining of democracy, subversion of the rule of law,
retardation of development and denial of society, particularly the poor, of the benefits of free and
open competition (Igbuzor, 2008).

Bello-Imam, (2004) on the other hand, has outlined the negative consequences of
corruption to include:

- **Retardation of Economic Growth:** Corruption lowers investment and retards economic
growth.
- **Misallocation of Talent:** Where rent seeking proves more lucrative than productive work,
talent will be misallocated. People will be lured to rent seeking rather than productive
work.
- **Limitation of Aid Flows:** Where corruption is rampant, donor agencies are unwilling to
put in their money.
- **Loss of Tax Revenue:** Revenue is lost through tax evasion or claiming improper tax
exemptions.
- **Adverse Budgetary Consequences:** When corruption is rampant budgeted amounts will
not deliver the required services.
➢ Negative Impact on Quality of Infrastructure and Public Services: When public contracts are procured through a corrupt system, it results in lower quality of infrastructure and public services.

➢ Negative Composition of Government Expenditure: Corruption often tempts government officials to choose government projects less on the basis of public welfare than on the opportunity they provide for extorting bribes. Under such a situation, large projects, whose exact value and benefit are difficult to monitor, usually present lucrative opportunities for corruption.

As the Chairman of Transparency International, Peter Eigen correctly noted, “corruption does not just line the pockets of political and business elites; it leaves ordinary people without essential services such as life saving medicines and deprives them of access to sanitation and housing. In short, corruption costs lives” (Transparency International, 2005). For some decades now, corruption has been a cause for concern because it diverts already limited funds, undermines economic progress, provision of infrastructural facilities and impedes policy changes required for development (Lawal, 2012). Nigeria’s development has been undermined and retarded by the menace of corrupt practices. Ayttey (2002), opines that corrupt government officials sometimes falsify documents for intending to show that government transactions have been made, or contracts executed when in fact there were no such transactions and no contract has been executed.

Transparency International stated that Nigerian leaders are so corrupt that they loot government treasury. It reported that President Ibrahim Babangida during his regime enriched himself to the tone of $5 billion. Maduagwu (1993), listed some of the highlights of Babangida’s corrupt practices as; $200 million siphoned from the Aluminum and Smelter project. N400 million wasted on Better Life project. Huge extra budgeting spending of N186.9 billion naira between 1989 and 1993
Babangida regime is said to be the apogee of corruption in the history of Nigeria. Abdusalam Abubakar administration made mockery of any sense of discipline and probity. The Christopher Kayode panel report revealed that the contracts awarded by the Abdulsalam administration cost Nigeria N635.62 billion. The panel also revealed that the depletion of the foreign reserve which as at the end of 1988, stood at $7.6 billion had shrank to $3.8 billion by May 1999. The Abacha’s loot top the list at $20 billion. Daily Nation (2011), supporting Ukpong (2012), reported that six officials of the pensions office of the Head of service of the Federation in Nigeria embezzled a whooping sum of N5 billion within a short period of time. The list of corrupt government leaders and officers who have duped the country in one way or the other is endless; Honourable Farouk Lawan of the National Assembly was indicted by reported to have accepted bribes of $600,000.

A series of reforms have been carried out to make the system efficient and development oriented but corruption still rears its ugly head (Abba and Anazodo,(2008). Aiya (2007) observed that corruption has hampered development in Africa (Nigeria inclusive). Achebe (1983) asserts that anybody who says that there is no corruption in the country is either a fool, a crook or does not live in the country. Ayittey (2002) is of the opinion that wealth resulting from corruption forms part of capital flight. He goes further to say that, there is monumental corruption in the Military, Judiciary, Executive and the Legislature. Otite (2000), observed that the educational system is not free from corruption. In the Universities and even in the secondary schools, marks are traded like commodities. According to Ukpong, the cost of illegal business in Nigeria is estimated at $100 million or N 14.9 billion annually and that there are 200 vehicles currently transacting illegal businesses in Nigerian territorial waters. What a colossal loss? Corruption slows the wheels of development, and makes the poor get poorer and the rich get richer. This undoubtedly is one of the causes of crime in the country (Nation, Friday December 2, page 7, 2011). The litany of woes of
Corruption in Nigeria is endless (Tokumbo, 1972). Thus Transparency International rated Nigeria as the 147th corrupt country out of the 180 countries, surveyed in 2007, (Guardian, 2006:16), similarly in 2011, the world wide corruption perception ranked Nigeria the 143rd corrupt nation out of 182 in the World (Transparency International 2011).

There are numerous reasons for this new intolerance towards corruption, but most prominent among these reasons are basically economic reasons with consequence on democratic sustainability. Among these reasons is the belief that corruption impedes economic growth (Lambsdorff, 1999); investment. Entrepreneurship and innovation (Mauro, 1995); high and rising corruption has a considerable impact on income inequality and poverty (Guptal et al, 1998). All these result in the overall economic backwardness of the country and are capable of truncating the democratic process.

2.13 An Overview of Anti-Corruption Efforts in Nigeria under the Fourth Republic

Viewing the pattern of governance of the Nigerian State since the attainment of independence in 1960, one can rightly say that corruption has been the bane of Nigerian public administration. A recurring decimal in the exposition of Nigeria’s development dilemma is the recognition of corruption as the most imposing albatross. Almost all facets of the Nigerian economy are haunted by the spectre of corruption. Corruption is the single most potent impediment to Nigeria’s development. There is discernible trajectory in the mutation of corruption. The intensity of corruption in Nigeria is proportionally correlated to the epochal transmutation of its productive forces: from a bouquet of cash crops to oil economy. The fact that the new nationalist leadership had to rely on political power as the means of creating their economic base is a fact of immense significance. It unfortunately created a tendency to make political power the means of accumulation (Ake 1981:125).
Successive governments in Nigeria embarked on various anti-corruption programmes consistently to educate the society at large on the adverse effect of corruption on the economy of the nation and the image of the country in the international scene. Following the pervasive nature and effects of corruption in Nigeria, various government leaderships, either military or civilian, since Nigeria’s Independence in 1960, have developed and adopted various measures and policies to curb this malaise called corruption. These measures, among others, had included setting up of the following:

- Corrupt Practices Decree in 1975
- Public Complaints Commission in 1975
- The Public Officer Investigation of Assets Decree in 1976
- Code of Conduct Bureau in 1979
- Ethical Revolution in 1981
- War Against Indiscipline in 1984
- Corrupt Practices Decree in 1984
- Foreign exchange Decree in 1995
- Money laundering Decree in 1995
- Banks and other Financial Institutions Act in 1991
- National Orientation Agency in 1992
- War Against Indiscipline and Corruption (WAIC) in 1994
- Advance Fee Fraud and other Related Offences Decree in 1995.
- Independent Corrupt Practices Commission (ICPC) in 2000
- Economic and Financial Crimes Commission (EFCC) in 2004 (Amended)
- Advance Fee Fraud, Corrupt, Practices and Money Laundering Act in 2004
Advance Free Fraud and Other Related Offence Act in 2006

Fiscal Responsibility Act in 2010

Nigeria Extractive Industries Transparency Initiative in 2010

Money Laundering Prohibition Act in 2011 etc

It is, however, curious to note that in spite of these measures and the budgetary allocations annually to fight corruption; Nigeria is still deep rooted in corruption. Indeed, the situation is of mind boggling complexity with Nigerians still getting more passionate about anti-corruption war as they feel that the country is rich enough for them to have a decent living if not for the mindless looting of the common wealth through corrupt activities.

From the foregoing, successive governments in Nigeria have put in place several anti-corruption measures and strategies. These measures are indeed facades of genuine measures to promote good governance through the eradication of corrupt practices. According to Mundt and Aborishade (2004:707), each political regime comes to power promising to eliminate the practice and punish offenders, only to fall into the same pattern. Such a scenario qualifies Nigeria, according to Omotola (2006:3), to belong to the category of countries which Jeremy Pope classifies as those whose national integrity system has effectively collapsed. In fact, as argued elsewhere, the problem of corruption in Nigeria seems to have defied solution (Egwemi, 2009).

The Obasanjo’s regime had instituted the anti-corruption campaign with its coming to power in 1999; the government gave legal backing to that through the Anti-corruption Act. First was the establishment of the Independent Corrupt Practices and other related offences Commission (ICPC), and the Economic Financial Crimes Commission (EFCC) as agencies vested with powers to investigate and arraign those indicted over corruption and financial crimes before the court of law. Creating institutions however, does not ensure effective fight against
corruption. According to Mike Stevens, “far from lacking institutions to fight corruption, the strength for the fight against corruption is largely determined by political will of all stakeholders particularly those vested with governance” (Sani, 2000:12).

Under the Obasanjo’s regime, Nigeria was again greeted with a number of incidences of corruption. Among the financial scandals in 1999, was a sum of N850,000 (about $6,000), which was allegedly paid to some Senators in exchange for their votes for Evans Enwerem, President Obasanjo’s choice as Senate President. The Senators had favored Chuba Okadigbo (Vanguard, August 12, 2000:18). The scandal kicked off what has since become the hallmark of the national legislature. Incidentally, neither ICPC nor EFCC had been established then but of course the nation had already been washed by the President’s proclamations, of his war against the same vice (corruption), which he initiated by this single action.

Following the passage of the ICPC bill in June 2000, the nation was again greeted with a number of incidences of corruption. This include: the Identity (I.D) card scam, which involved the late Minister of Internal Affairs, Sunday Afolabi and some Permanent Secretaries, Akwanga and others. The amount involved in that scam was about N 81.4 billion. The Julius Makanjuola’s trial and the withdrawal by ‘noelle prosequi’ by the Attorney General was the outcome of the case of the then Permanent Secretary and Minister of Defense who had embezzled over N 400 million. While the case of Makanjuola was dropped without any cogent reason to the nation (other than he is Obasanjo’s cousin), that of the Identity card scam for several years had remained inconclusive since the death of the chief culprit. Indeed, reports of fraudulent financial transactions in the legislative houses at Federal, State and Local Government levels have remained unprecedented in the history of the nation (Guardian December 13, 2003:B2).
Embarrassingly too, Senators and members of the House of Representatives were equally known to have engaged themselves in physical confrontation over sharing of money. In October, 2004, Isa Mohammed, a Senator from Niger State slapped Iyabode Anisulowo, his female colleague from Ogun Senatorial District over the management of money allocated to the Senate Committee on State and Local Government. Barely one week after that ugly incident, Iquo Inyang and Emmanuel B. Wacha repeated that slapping episode though, this time the slap came from the counter-part. The problem however, remains the inequitable sharing of their loot (Ugwuoke 2006:56).

Also in April 2005, there were reported cases of money being paid into the accounts of Senators by an unknown creditor. The National Assembly source stated that there had been occasions when the Executive had tried to influence the job of the legislature. Further, it was stated that “after they had been coerced into passing the Commonwealth Heads of Government Meeting (CHOGM), they discovered that their accounts had been credited with 250,000 naira each. How this money came about, nobody could tell. There was another “occasion they discovered 1000,000 naira each in their accounts” (Sementari, in Tell Magazine, April 11, 2005:25). Obasanjo’s administration, with its Anti-corruption Agency (EFCC), had looked the other way against all the public demands that the former Works Minister Anenih, should be probed for squandering over N 300 billion (US $2.25) meant for federal road construction and maintenance. No work was done throughout the period. The former Minister, rather than being investigated was promoted to the Chairman Board of Trustees of the ruling party Peoples Democratic Party (PDP). This act elevated corruption to an acceptable level by the President and his party. (Ugwuoke, 2006:57).
In another related event, the privatization programme carried out by the Bureau of Public Enterprises and National Council on Privatization, resulted in huge financial misconducts. The culprit in this case was El-Rufai and all efforts from several quarters including the National Assembly, to probe El-Rufai for the Privatization scandal in NITEL Pentascope deal, Ajaokuta Steel, Debt Buy Back and Sheraton Hotel, yielded no result. It should be noted that the losses incurred in these deals ran into billions of naira. Despite all these scandals “EL-Rufai is still the apple of the President’s eye”. (The Comet, March 31, 2005:6). According to Adeyemo (2010:2):

Intelligence report revealed that 26 out of 36 state governors among other top government officials had been laundering money abroad. For the first time, the EFCC in collaboration with the National Intelligence Agency undertook an investigation of the State Governors of laundering and embezzling millions of dollars. Their findings revealed that eight (8) out of the twenty-six (26) identified had become stupendously wealthy with huge investment in Nigeria and overseas. These eight governors who became the focus of investigation were; Orji Uzor Kalu, Obong Victor Attah, Diepreye Alamieyeseigha, Alli Modu Sheriff, James Ibori, Lucky Igbinedion, Bola Tinubu and Peter Odili.

Suffice it to mention here that the only high profile case which had yielded results by the EFCC/Obasajo’s Anti-corruption campaign was that of former Inspector General of Police, Mr. Tafa Balogun; the former Senate President, Adolphus Wabara; former Governor of Bayelsa state, Diepreye Alamieyeseigha; and former Minister of Education, Professor Fabian Osuji respectively. The anti-graft policies of the Obasanjo’s regime were inherited by the Yar’Adua/Jonathan administration 2007-2015.

From the foregoing, it is obvious that the political will, tenacity of purpose, moral foundation and, stamina was not present on the part of the regime in order to deal decisively with
the issue of corruption. Obasanjo himself was not exonerated in various allegations. For instance, the United States District Court in Portland, Oregon in 2006 announced that after thorough investigation, it seized money believed to have been laundered by President Obasanjo’s Senior Personal Assistant on Domestic Affairs. It was reported that large sums of foreign currency was seized from Mr. Uba who was alleged to have smuggled money into the United States using the Presidential Jet. According to the investigation by the United States Secret Service, the sum of $170,000 (about N25 million at the time) was among the laundered batch of monies smuggled into New York on September 22, 2003 aboard the Nigerian Presidential Jet without the United States Customs and Border Protection knowledge as required by law.

Uba allegedly handed the money to one Lauretta Mabinton, who claimed in court documents that the Presidential Aide was her fiancé and that he gave her the money to take care of his affairs in the United States. Part of the money, $45,487.28 (about N6.5 million) was said to have been used to pay Mabinton’s MBNA credit card account, which was deployed to purchase assorted farm equipment that were shipped to Obasanjo’s farms in Ota, Ogun State (www.dawodu.com/iyanda3.htm).

Further, Obasanjo had other corruption charges trailing him. In 2006, the Chairman of the Transnational Corporation, Dr. Ndi Okereke Onyiuke confirmed speculations “that President Obasanjo held equity share in the company. The President owned between 200 million to 600 million shares in Transcorp” (www.dawodu.com/ayabolu14.htm). This is clearly an abuse of office. Other allegations of corrupt practices are as follows:

(a) The establishment of the N6.5 billion Presidential Library by Obasanjo in his home town, Abeokuta, Ogun State with monies collected from members of the public as the President of Nigeria and currently, the library is being run as his private business.
(b) His establishment of the Bells University of Technology, estimated to worth a conservative estimate of N40 billion.

(c) The resuscitation and expansion of Obasanjo’s farms in Ota, Ogun State and in various parts of Nigeria into multi-billion naira establishment.

The above are evidence that Obasanjo used public office for primitive accumulation of wealth, as well as showed that the EFCC was actually established by Obasanjo to protect his lootings and, prevent his enemies from looting. This is because, the EFCC cannot claim not to be aware of the massive wealth and property acquired by Obasanjo as the President of this country, and still, the agency has remained quiet, while Obasanjo is being celebrated and moves about his businesses without fear (Ukanwa, 2011). Even with these initiatives, Obasanjo’s leadership itself was, bedevilled by corruption of monumental proportion (Dike, 2003). Abada (2003) in this respect too notes that corruption was very much celebrated in Obasanjo’s administration with allegations of corruption in high places. Among these corrupt activities include electoral fraud and corruption as was reflected in 2003 and 2007 general elections, bribery for budget approval by the National Assembly, payment of huge sums of money prior to being confirmed as ministerial nominees by the legislators and use of excessive money during election campaigns etc (Derin, 2007). Monumental corrupt allegations also trailed Obasanjo’s alleged third term bid. Again, the allegations and counter allegations by president Obasanjo and his Vice, Atiku Abubakar reveal that those who were supposed to be fighting corruption were themselves deeply involved in corrupt practices.

Under the leadership of Alhaji Shehu Yaradua from 2007 to 2009, nothing spectacular happened in respect of war against corruption even though he gave indication that his administration was going to continue with the war against corruption (David, 2010). He was
rather accused of not being forceful in his anti-corruption campaign. President Yar’Adua Obasanjo’s successor, pledged to deepen anti-corruption campaign. Yar’Adua exuded some measures of infectious optimism and declared expectantly, that his government will intensify the war against corruption (Yar’Adua, 2007). To him, it was necessary to encourage responsible, corruption-free leadership and significantly alter the ‘nest of corruption’ perception of Nigeria in the world. The EFCC in 2007 began charging some of the indicted former governors for corruption. However, in August 2007, the same government challenged the constitutional validity of the independent prosecutorial powers granted the anticorruption bodies, like the EFCC and ICPC. The government minister of justice took exception to the inclusion of such prosecutorial power in their establishment acts as unconstitutional, and as a result, all prosecutions by the anti-corruption bodies would need to be authorized by the office of the attorney general of the federation. This development weakened the resilient campaign and set off the struggle for EFCC’s survival and significance in the new government.

To compound the President’s problems, the Attorney General and Justice Minister during his tenure was also accused of defending the corrupt instead of helping to fight the menace, of shirking of his responsibilities by not vigorously prosecuting public officers believed to be corrupt, of defending powerful, politically exposed persons (among them ex-governors accused of graft), of frustrating the anti-graft war, of being a cog in the wheel of the EFCC, of interfering in the agency’s work and of interfering in the investigation and prosecution of corrupt people through dubious legal advice.

Inspite of all these allegations, President Yar’Adua went ahead, however to grant the Attorney General and Justice Minister the following requests that he had made:
a) That all agencies involved in the prosecution of criminal offences such as the EFCC and ICPC should report and initiate criminal proceedings with the consent and approval of the Attorney-General of the Federation as specified in relevant sections of the Constitution.

b) That the Attorney-General of the Federation exercise powers conferred on him pursuant of Section 43 of the EFCC Act 2004 to make rules or regulations with respect to the exercise of any of the duties, functions or powers of the EFCC.

The above move was interpreted by many Nigerians as an attempt of the then President and Attorney-General to cage the EFCC which was then prosecuting some former governors for corruption. On realizing this, the Federal Government, within two days, reversed the decision saying while the Attorney-General indeed has powers of oversight over EFCC, ICPC and such bodies, he does not enjoy monopoly of power over initiating prosecution going by a subsisting Supreme Court ruling. With this, the power of the EFCC and ICPC to initiate criminal proceedings without recourse to the Office of the Attorney-General seemed, perhaps to have been restored (Vanguard, August 2007:11). The United States government “perceived his administration as one shielding the corrupt” largely because of his relationship with James Ibori, the ex-convict and ex-Governor of Delta State, “whose activities created the impression that he was above the law” (Igbinovia and Igbinovia, 2014). On his overall impression, Olusegun Adeniyi, former Special Adviser to the late President Umaru Yar’Adua on Communication concluded: “there is nobody to blame but the late president himself” (Adeniyi, 2011:19-38).

Following Yaradua’s death in 2009, GoodLuck Jonathan assumed the leadership of Nigeria. On assumption of office, Jonathan promised not only to continue but to intensify the fight against corruption. Towards this, he retained the anti-graft agencies earlier established by Olusegun Obasanjo’s regime; notable among them are the ICPC and EFCC.
Under his presidency, many commentators have alleged that he has also been shielding corrupt political office holders and public officers instead of fighting corruption. Following the unceremonious removal from office of Mrs. Farida Waziri as the EFCC Chairman on November 23, 2011 by the Nigerian President, Sanusi (2011:22) opined that “like his predecessors in office, President Jonathan is not serious about combating graft in the country because the process that made him Vice-President and later President is embedded in Corruption.” To this, the editorial opinion of The Nation concurred:

The Jonathan Presidency….. has shown more naivety than insincerity in tackling what has been described as the greatest challenge to Nigeria’s development and indeed, her existence. Since inauguration, the current administration has not shown any sign it wants to rein the monster of corruption by any token….. It has become apparent that President Jonathan is either not keen about tackling corruption in Nigeria or has no will to do so. Perhaps both (The Nation, Nov 25, 2011).

Another case in point that dented Jonathan’s image of fighting corruption was the ill-advised, self-serving, political impelled, paternalistic, parochial, insensitive and rather thoughtless granting of presidential pardon by Goodluck Jonathan to a patented and certified international criminal and fugitive offender, ethnic cohort and kinsman Diepreye Lamieyeseigha, on March 12, 2013, a death blow was wittingly, finally, completely and totally delivered on the EFCC, ICPC, CCB, other law enforcement agencies and Government efforts to ever seriously stem and tackle the corruption menace that has been the scourge, opprobrium and odium of the Nigerian states for decades (Igbinovia and Igbinovia, 2014).

As a writer succinctly puts it:
[The pardon] is lethal to Nigeria’s sulking fight against the menace of corruption……. Indeed, Alamieyeseigha pardon-gate has once again brought to the fore the insecurity of the Jonathan administration to fighting the scourge of corruption and fraud in this country….. It amounted to dragging the image of the country to the pre-EFCC days of money laundering, advanced fee fraud and impunity. The sooner President Jonathan decides to eat the humble pie, the better for the country (Maikano, 2013:22)

The Economic and Financial Crimes Commission (EFCC) seems unnecessary and it’s effort to corral the corruption among us futile with this slew of pardons. It will take some time for Nigerians to recover from the rude shock of the uncommon generosity. But if Chief Alamieyeseigha and Bulama could be pardoned, we see no reason why there should be anyone behind bars in this country for fraud and corruption. So in the interest of fairness, the gates of our prisons should be flung open for such prisoners so they can “go and steal no more” (The Nation March, 17, 2013).

Similarly, Transparency International urged the president to rescind the pardon. This decision undermines anti-corruption efforts in Nigeria and encourages impunity. If the government is serious about uprooting public corruption, sanctions against those who betray the public trust should be strengthened, not relaxed. . . President Jonathan should show that he is committed to fighting corruption and endorse the efforts of law enforcement agencies to end impunity for corrupt officials. . . Nigeria’s EFCC has prosecuted and convicted a number of high-profile corrupt individuals since its inception in 2003, but most of them have escaped effective sanctions (TI, 2013).

Various corruption reports, trailed the whole history of Jonathan administration in the scope of pension fund, agricultural project fund, fuel subsidy, Stella Oduah suits, missing 20
billion dollars among others. Jonathan thus lost the election because of his alleged reluctance to
deal with corruption and impunity, especially from government officials. He was so helpless in
the fight that he saw corruption quite differently from what others saw it giving birth to the
phrase “stealing is not corruption”. Indeed, Aminu Tambuwal, Speaker of the Federal House of
Representatives, an arm of Nigeria’s bi-cameral legislature and of the same political party with
the president, famously and publicly accused Jonathan of consistently displaying a “body
language” that encourages corruption (Ekott & Udo, 2013). Mr. Tambuwal said the president’s
penchant for duplicating committees to investigate corruption cases, rather than directing law
enforcement agencies to probe them, showed Jonathan was less committed to curbing abuse of
position. “By the action of setting up different committees for straightforward cases, the
president’s body language doesn’t tend to support the fight against corruption” (Tambuwal,
quoted in Ekott and Udo, 2013).

Since his election and inauguration, President Muhammadu Buhari has made it clear that
the fight against corruption will be a top priority of his government. He has done this effectively
by setting the tone at the top, what commentators has dubbed body language. Setting the tone at
the top is very important in fighting corruption. It is the way that the top leadership will show
from posture, statements and action that corruption will not be tolerated.

Setting the tone at the top is necessary but insufficient to fight corruption in a society
where corruption is endemic because some deviants will continue with corruptible transactions
no matter the tone set at the top. This is why the anti-corruption war in Nigeria must be
comprehensive and well-focused. Secondly, the Buhari administration has set up a Presidential
committee on anti-corruption headed by renowned legal icon, Prof. Itse Sagay. The mandate of
the committee include among other things to formulate a strategy and co-ordinate the ant-
corruption war of the administration ensuring that all sectors of the Nigerian society are involved in the fight.

According to Onyibe (2016:2),

There are three significant and overlapping anti corruption initiatives of government that have become the triggers for the current economic doom and gloom, manifesting in Nigerian streets and cities as fuel queues, high cost of living and massive unemployment amongst the youths. The first is the so called Dasukigate -$2.1b arms funds, allegedly converted into campaign slush funds and the ripple effect. The probe has sent jitters down the spines of both genuine and fraudulent businessmen and women engaged in defense and security sectors of the economy, such that even the non guilty are afraid. That's unsurprising because over three hundred (300) companies that did business with the Office of the National Security Adviser, ONSA are being investigated by the dreaded Economic And Financial Crimes Commission, EFCC led by the fearsome Ibrahim Magu. With such huge number of companies under scrutiny, the apprehension and uncertainty engendered have become contagious to the extent that others are now afraid to continue to do business, so they are adopting a wait-and-see attitude. Secondly, apart from security focused companies involved with ONSA that are being quizzed, oil/gas companies have also been under the gaze of anti graft agencies. With the corruption ridden crude oil for refined products swap contract reviewed by the new minister of state for petroleum resources, Ibe Kachikwu and a new list of crude oil lifting firms drawn up, as well as a new template for importation of refined petroleum products replacing the former procedure, there is bound to be disruptions and the resultant consequence is the fuel queues on the streets. This perhaps explains why Kachikwu, who also doubles as the Group Managing Director of
Nigerian National Petroleum Corporation, NNPC, told Nigerians that he was not a magician who could wave a wand so that the embarrassing fuel queues would disappear overnight. The straight talking Kachikwu’s narrative didn’t resonate well in the political circles. We do not need a sooth sayer to inform us that the disruptive petroleum sector probes were bound to have consequences and barring plans to mitigate such fall outs – like government having strategic reserves of fuel in different locations nationwide-the current fuel shortages were inevitable. The simple truth is that companies (downstream and upstream) accused of short changing Nigerians through shady Oil Swap and opaque production sharing contracts, have been returning their loots and in the process, their treasuries have been running dry such that they are unable to sustain their operations like before. The net result is the downward scaling or complete shutdown of some of the oil companies thereby further compounding the already dire unemployment situation in our country. Same situation applies to importers and marketers of refined petroleum products who were unable to continue with the trade as they found it difficult to service their existing bank loans which were due to unpaid or delayed settlement of fuel subsidy charges by NNPC. Thirdly, in addition to the unsavory outcome and ripple effect of Dasukigate, the debilitating outcome of the probe of the oil sector, and lack of fiscal policy blue print, another policy that has had negative effect on the economy is the mopping up government’s idle funds hitherto kept in commercial banks by ministries, departments and agencies, MDAs, through an initiative referred to as Treasury Single Account, TSA. The policy has resulted in the transfer of three (3) trillion naira into the vaults of the central bank of Nigeria, CBN. Oddly enough, considering the universally acknowledged economic principle of every active one dollar generating about 40 cents, it does matter that a
whooping N3 trillion TSA fund is now sterilized in CBN vaults. While Sterilizing about
N3t in CBN may not be an optimal economic management strategy, going by the
humongous amounts of looted funds said to have been traced to the USA and Dubai,
president Buhari’s government, may have the enviable record of recovering the largest
amount of money stolen by public servants since independence.

Following the emergence of the current regime roughly a year ago and the zestful
implementation of her zero tolerance for corruption as evidenced by her relentless pursuit of
treasury Looters, lots of stolen funds have been recovered and leakages have also been plugged.
In the light of the foregoing, I won’t be surprised if indeed president Buhari declares another
three trillion naira, N3t as recovered loot-including the much talked about General Sanni Abacha
heist, which some countries, particularly Switzerland, have been returning. It may be recalled
that due to public pressure by most telephone callers during the last presidential chat on
broadcast media, Mr President had promised to make public, the amount of money recovered at
the appropriate time which he fulfilled on the 4th of June 2016 in the table 2.13.1 below.

Details of the recoveries, published by the Federal Ministry of Information, showed that
the Nigerian government successfully retrieved total cash amount N78,325,354,631.82,
$185,119,584.61, £3,508,355.46 and €11,250 between May 29, 2015 and May 25, 2016. Also
released were recoveries under interim forfeiture, which were a combination of cash and assets,
during the same period: N126,563,481,095.43, $9,090,243,920.15, £2,484,447.55 and
€303,399.17. Anticipated repatriation from foreign countries totaled: $321,316,726.1,
£6,900,000 and €11,826.11.
The ministry also announced that 239 non-cash recoveries were made during the one-
year period. The non-cash recoveries are – farmlands, plots of land, uncompleted buildings, 
completed buildings, vehicles and maritime vessels, the ministry said (FMI, 2016).

The following is the breakdown of the recovered cash and assets in the table below:

Table 2.13.1

<table>
<thead>
<tr>
<th>Serial</th>
<th>Items</th>
<th>Naira</th>
<th>US Dollar</th>
<th>GB Pounds</th>
<th>Euro</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EFCC Cash at hand</td>
<td>39,169,911,023.00</td>
<td>128,494,076.66</td>
<td>2,355</td>
<td>11,250</td>
</tr>
<tr>
<td>2</td>
<td>Royalties/tax payment to FGN</td>
<td>4,642,958,711.48</td>
<td>40,727,233.65</td>
<td>8,000,000.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ONSA Funds Recovery Account in CBN</td>
<td>5,665,305,527.41</td>
<td>55,988,829.47</td>
<td>8,000,000.00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>VAT recovered from companies by ONSA</td>
<td>529,588,293.47</td>
<td>5,500,000.00</td>
<td>5,500,000.00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>EFCC Recovered Funds Account in CBN</td>
<td>10,267,730,359.36</td>
<td>455,253.80</td>
<td>55,988,829.47</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>ICPC Revenue Collection Recovery in CBN</td>
<td>869,957,444.89</td>
<td>5,500,000.00</td>
<td>5,500,000.00</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Office of the Attorney General</td>
<td>847,907,000.00</td>
<td>9,143,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>8</td>
<td>DSS Recoveries</td>
<td>2,632,196,271.71</td>
<td>3,506,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>9</td>
<td>ICPC Cash Asset Recovery</td>
<td>2,632,196,271.71</td>
<td>3,506,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>78,325,354,631.82</td>
<td>185,119,584.61</td>
<td>3,508,355.46</td>
<td>11,250</td>
</tr>
</tbody>
</table>

Recoveries Under Interim Forfeiture

<table>
<thead>
<tr>
<th>Serial</th>
<th>Items</th>
<th>Naira</th>
<th>US Dollar</th>
<th>GB Pounds</th>
<th>Euro</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cash in bank under interim forfeiture</td>
<td>8,281,573,243.92</td>
<td>1,878,666,364.73</td>
<td>3,800,000.00</td>
<td>133,395.17</td>
</tr>
<tr>
<td>2</td>
<td>Amount frozen in bank</td>
<td>48,159,179,518.90</td>
<td>7,131,369,498.49</td>
<td>605,647.55</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Value of properties under interim forfeiture</td>
<td>41,534,605,398.00</td>
<td>77,844,600.00</td>
<td>1,875,000.00</td>
<td>190,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Value of cars under interim forfeiture</td>
<td>52,500,000.00</td>
<td>9,143,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>5</td>
<td>ONSA Funds under interim forfeiture</td>
<td>27,001,464,125.29</td>
<td>43,771,433.73</td>
<td>55,988,829.47</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Value of assets recovered by ONSA</td>
<td>512,000,000.00</td>
<td>9,143,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>7</td>
<td>ONSA Assets under interim forfeiture</td>
<td>260,000,000.00</td>
<td>9,143,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>8</td>
<td>DSS Recoveries Frozen in Banks</td>
<td>658,929,000.00</td>
<td>9,143,000.00</td>
<td>3,506,000.00</td>
<td>666,649.00</td>
</tr>
<tr>
<td>9</td>
<td>EFCC cash in Bank under final forfeiture</td>
<td>103,225,209.41</td>
<td>17,165,510.00</td>
<td>300,339.17</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>126,563,481,895.43</td>
<td>9,090,243,928.15</td>
<td>2,448,447.55</td>
<td>300,339.17</td>
</tr>
</tbody>
</table>

Source: Federal Ministry of Information (2016)
Obviously, lots of stolen funds have been recovered from the $2.1 billion arms procurement, a.k.a Dasukigate, which is quite commendable; without doubt, the cancellation of the dodgy crude oil swap/opaque production sharing contracts, have plugged the leakages of public funds into the private bank accounts of ‘nefarious ambassadors’ in the oil sector, which is a welcome development; and truly, the mopping up of public funds in MDAs via TSA, has in like manner ensured that our commonwealth has been pried out of the sticky fingers of thieving civil servants, and therefore music to the ears; but the other side of the coin is that the commendable actions listed above, are also by omission or commission grinding the economy of Nigeria to a halt.

It is at this point that balancing the act between anti corruption war and growth of the economy by president Buhari becomes critically important. This is because, it could be the game changer, if a good balance is struck. To determine how Nigeria can walk the tight rope without a disastrous outcome, let us benchmark corruption ridden Chinese and Indian societies—the fastest and second fastest growing economies in the world—against Nigeria, to see if we can learn anything from how they have balanced their anti corruption crusade with economic growth.

2.14 The Imperatives of Good Leadership in the Fight against Economic and Financial Crimes of Corruption in Nigeria

Even though there are arguments that ordinary Nigerian citizens have a role to play in curbing corruption and financial crimes, the argument in this work is that the effectiveness of any fight against corruption can be meaningfully and substantially enhanced where there is good and exemplary leadership with its corollary good governance. In essence, good leadership is very imperative to successfully tackle the issue of corruption or even any other social, political or economic problem for that matter.
Fundamentally, every society needs good leadership to move forward and progress. In essence, for the growth and development of any nation to be realized, it must have the best in its leadership positions as such can only bring about good governance. Indeed, the quality and style of leadership plays key role in the extent to which government of any nation can solve societal problems. Curbing corruption in Nigeria has been very difficult because the dominant leadership style in Nigeria, either at national, state or local government levels, has been the instrumental or selfish type that is mainly concerned about their well-being and that of their cronies to the neglect of the welfare of the ordinary citizens and national growth. In fact it has been such selfish type that dwells much on looting of the government treasury and misappropriation of public fund.

Very sadly, corruption among Nigerian leaders creates or induces corrupt tendencies in the minds of the ordinary citizens. As well, the profligacy of Nigerian leaders may deter the ordinary citizens from developing the sympathy and patriotism to support or champion the efforts of the leadership towards curbing corruption. The common citizens in the circumstance of the pervasive corruption at the leadership levels rather seek every means, legal or illegal, to make his own wealth or in the popular Nigeria slogan have his share of the national cake. Successive leaderships in Nigeria, since independence, made efforts at curbing corruption but very unfortunately corruption had continued to soar by the day. This is attributable to the fact that those in leadership positions and who initiate the efforts at curbing corruption are immersed in corruption themselves, (Abonyi, 2005) Virtually all the past leaders in Nigeria have vacated office much richer than they were before they went into leadership positions (Dike, 2001). And Nigerians, from this, have learnt over the years that their leaders lack a modicum of integrity, honesty and transparency. This perception makes the fight against corruption complex and
difficult. Indeed, corrupt leadership cannot genuinely and effectively, fight corruption. In essence, there are errors in the character of Nigerian leadership that has made the fight against corruption ineffective. As Dike (2001) notes, leaders in Nigeria are of the instrumental type and who lack the desired quality of leading by personal examples that is required for effective curbing of corruption.

Further to the above is that Nigerians as led by corrupt leadership have little chance of becoming virtuous citizens. This is because bad leaders hardly produce good, law abiding and patriotic citizens or followers as citizens are more often than not, motivated to do good and to be patriotic through the good exemplary lives of honesty and integrity of their leaders. The experience in Nigeria since its existence as a sovereign nation is top down direction of corruption. And the scale, manner and impunity of the ordinary citizens, corruption is directly linked to the scale, manner and impunity of the leadership.

Normally, leaders should serve as role models and, in which case, their life styles, values and principles need to be such that they are worthy of emulation by the citizens (Emma, 2008). Indeed, exemplary leadership is required in getting the voluntary co-operation and loyalty of the citizens towards required action by the government. In essence, in solving any given societal problem, leaders are expected to mobilize support and create motivation among the citizens to support polices and action adopted to solve them. This motivation can easily and successfully be gotten through exemplary deeds of the leaders. Indeed, when leaders in Nigeria, serve as role models, they will have the chances of successfully evoking the highest level of commitment from the citizens towards the fight against corruption. As Achebe (1983.26) observes;
The basic problem of Nigeria is the unwillingness or inability of its Leaders to rise to the responsibility and the challenge of personal examples which are the hall marks of true leadership.

He affirms that one outstanding exemplary selfless act by a leader at the top such as unambiguous refusal to be corrupt or tolerate corruption at the fountain of leadership will radiate powerful sensation among the citizens towards eschewing corruption. If such exemplary acts become a regular occurrence or culture within the leadership circles at the nation’s various social political structures, then the common citizens may not need sermons on patriotism nor a special agency or commission to preach against corruption. Certainly, if the leadership is seem to allow the common wealth to be used for general public welfare and benefit; it will reduce the motivation for corruption.

One unfortunate thing about the corruption among the leaders is that their immunity from censure makes the leaders the envy of the ordinary citizens who, unfortunately again, turn them into role models and imitate their acts of corruption. It is the explosion of such corrupt actions among our leaders and the tendency for the ordinary citizens to copy such that brings the whole nation under a climate of corruption and has, as well, made it difficult for corruption to be controlled or curbed (Achebe, 1983).

Very unfortunately, there is a vicious relationship between bad leadership and corruption. This is because bad leadership breeds corruption and corruption breeds bad leadership. In essence, bad leadership causes and is, as well, a consequence of corruption. For instance, in a situation of bad leadership, there are always cases of electoral corruption which enhances the possibility of bad leadership being re-elected or elected. This bad leadership, in subsequent elections, supports and perpetrates electoral fraud or corruption that enhances the possibility of
electing bad leaders and the circle continues. It has been observed that in Nigeria, and following electoral corruption, victory in an election is no more linked to the ability to lead well. Neither is re-election of political leaders linked to their previous performance (Ugwuanyi, 2011). Indeed, political leadership, particularly of the ruling political party in Nigeria, through corrupt manipulation of the state agencies like the electoral commission, the police and the judiciary, has ensured that candidates of their choice, even if unacceptable by the electorates, win in an election. One can imagine the type of leadership that such manipulated electoral process can produce. In fact, it may be mere illusion for somebody to believe that the 2015 general elections and subsequent ones will produce any credible political leadership in the context of the pervasive electoral corruption.

Summarily, corruption in Nigeria appears intractable in the context of bad or poor leadership lacking in exemplary life styles. What Nigeria needs to effectively fight corruption is leadership that would be prepared to lead by good personal examples, that is willing to identify and apply good societal values to leadership and governance, that is willing and able to abhor materialism and greed, that is willing to submit its desires and actions to restraints of orderly conduct and rule of law in recognition of the rights of the citizens to enjoy peace, equity and justice. Indeed, the fight against corruption cannot be effectively initiated or championed by leaders whose moral turpitude leaves much to be desired and cannot easily earn public confidence (Chukwuemeka, et al, 2012).
2.15 Global Legal Instruments and Conventions in the Fight against Economic and Financial Crimes of Corruption

Nigeria is very active and rich in the making of laws and subscribing to international treaties and conventions on economic and financial crimes and anti-corruption in general. The criminalization of corruption is relatively new in the global development agenda. In fact, as recently as the 1970s and 1980s, corruption and anticorruption discussions were not a major focus of development co-operation or within academic studies of development. Furthermore, corruption was frequently condoned in international business transactions particularly when doing business transactions with developing countries (UNODC 2007). The seeming reluctance towards tackling the problem of corruption by the international community is related to the complexity surrounding the definition of corruption. Prior to the early 1980s, corruption was perceived as a crime, unethical behaviour or immoral activity that should be handled by the police at the national level (UNODC 2007). This may suggest why there were no specific international laws and treaties on corruption until the early 1990s.

However, since the mid 1990s, there has been a dramatic increase of international interest in corruption, both in terms of exposing the degree to which corruption exists and in formulating measures by which it could be curtailed (Brown and Cloke 2004). It is the combination of a range of interconnected factors, like the demise of the Cold War era, the expansion of democracy, the increasing free media, the growth in economic and financial globalization, and the spread of free-market economics that seems to have significantly influenced the increasing international interest in anticorruption activities.
Presently, many national and international organizations are taking steps in trying to combat corruption and build more transparent and effective institutions. Nationally, in country after country, efforts are being made to encourage the development of a free press and independent judiciary with more effective criminal justice systems that can investigate and prosecute corrupt individuals and organizations alike. As part of the Good Governance reforms discussed in the previous chapter, over recent years developing countries have been encouraged to create effective auditor general offices and more transparent and accountable revenue collection systems. These reforms have been accompanied by civil service reform and the spread of more transparent public procurement processes. However, while these international efforts in curbing corruption may be commendable, many governments and political officials in developing countries have become increasingly defensive over the global anticorruption debate, because of a widespread perceived sense of imbalance that surrounds the development of these campaigns.

Specifically, critics have argued that the international anti-corruption campaigns appear to have focused more on public and political officials’ bribery in developing countries and transiting countries of Eastern Europe and Central Asia, while bribe givers from the North appear to remain unchallenged. Contemporary scandals of corruption involving some multinational co-operations suggest that an important segment of private domestic and multinational co-operations are involved in bribery (Agbo, 2009). Many multinationals, for example, as discussed in the preceding sections, pay bribes for public procurement contracts in emerging economies. Cases of undue influence peddling by vested interests and attempts at capturing state institutions and regulations by a few powerful corporate entities are numerous (Akhigbe, 2011).
It is important, therefore, according to Tanzi (1995), to recognize that the starting point for any anti-corruption campaign must be to recognize that corruption is a two way street; that is, those who demand bribes and those who pay the bribe. This suggests the importance of both the demand and supply side of corruption, with both sides conspiring to secure their vested interests. Nevertheless, just as much is being done presently to address the demand side of corruption through various anti-corruption reforms already mentioned above, more attention is now also being focused in tackling the supply side of corruption through various international anti-corruption law and treaties. Apart from the United States, which in 1977 passed a law that made it a criminal offence for a company to pay bribes abroad (even if it has led to few legal cases being brought), other international anticorruption instruments designed to primarily address the supply side of corruption since the mid 1990s, have included but are not limited to the United Nations Convention Against Corruption (UNCAC), the OECD Anti-Bribery Convention, the African Convention against corruption and the Council of Europe’s Corruption Law Conventions. Furthermore, a host of other donor agencies (United Nations Development Programme, United State Agency for International Development, United Kingdom Department for International, Asia Development Bank, World Bank and International Monetary Fund) are increasingly incorporating various anti-corruption policy reforms in different levels of development cooperation. Transparency International is the most notable non-governmental organization that has initiated various tools to tackling the problem of corruption. Although, it has no legal powers to criminalize bribery and corrupt behaviours, Transparency International, which came into existence in 1993, is one of the most important anti-corruption organizations, particularly through the publication of its annual corruption perceptions index (Galtung and Pope 1999).
The CPI is a poll of polls, which reflects the perception of different experts and businesses over the degree of public sector corruption in selected countries across the globe. However, as respected as Transparency International may have become, its activities have not been spared from criticism for a number of reasons. For example, TI have been criticized for basing their assessments not on detailed independent research, but rather on the opinions of a narrow group of respondents, who are mainly comprised of international and regional business elites, with some countries reports being based on the opinions of a very limited number of individuals (Heywood 1997:25). Given the notorious difficulties associated with conducting research on corruption, particularly with regards to its definition and measurement, a more thorough and broadly-based investigation into the subject in each country would perhaps help create more confidence in TI’s approach. TI’s CPI has also been criticized on the grounds that it is predicated upon the perceived level of public sector corruption within a given country which means that its approach tends to be very state-centered and supply-focused. However, in response to criticism of this nature, the TI is increasingly attempting to draw attention to private sector corruption. For instance, in 2009, the TI produced a Global Corruption Report documenting details of several corruption risks for businesses ranging from small businesses in Sub-Saharan Africa to multinationals across Asia, Europe and North America (TI 2009). Despite some of the limitations discussed here, the TI has certainly drawn significant international attention to corruption and its measurement. In the wake of the impacts of TI’s initiatives in raising the profile of tackling corruption on the international stage, other anti-corruption instruments have gradually emerged.

For the purpose of assessing the degree of enforcement and impact of these anti-corruption initiatives, it is worth discussing in a little more detail the specifics of some of the major anti-
corruption initiatives that have emerged over this period. Some of these legal instruments, campaigns and conventions that inspired Nigeria anti-corruption drive are discussed as follows:

2.15.1 United Nations Convention against Corruption

At an international level, The United Nations Convention Against Corruption (UNCAC) creates the opportunity to develop a global language about corruption and a coherent implementation strategy, with the purpose of promoting and strengthening measures to prevent and combat corruption more efficiently and effectively; promoting, facilitating and supporting international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and promoting integrity, accountability and proper management of public affairs and public property. Having recognized the need for an international legal framework for combating corruption, the United Nations, in 2001, established an ad hoc committee to negotiate such an instrument (Rajesh 2007). After a series of negotiating sessions, the Ad Hoc Committee, between January 2002 and October 2003, approved the United Nations Convention Against Corruption (UNCAC), which was eventually adopted by the General Assembly on 31 October 2003 (UN 2004). Since the convention was adopted, over 129 member nations have signed it. It represents the most extensive international anti-corruption instrument designed to tackle the complex issue of cross border corruption. The Convention is designed to rest on four cardinal points, which include corruption prevention, the criminalization of corrupt practices, galvanizing international cooperation and asset recovery.

However, this Convention is not without its own limitations. Firstly, since the UNCAC, was first conceived in 2003, many aspects of its originally envisaged articles have been altered and new propositions made by the Ad Hoc Committee through the process of drafting the convention
from start to finish (Rajesh 2007). In this process, a number of very crucial aspects of the provisions have either been excluded or substantially watered down to accommodate the divergent opinions of member states. For instance, the original provision for legislative and policy changes, which called for the funding of political parties in a transparent and accountable manner, was instead replaced by a weaker optional alternative (Rajesh 2007). Similarly, the provision compelling states to criminalize bribery in the private sector was made optional. Unfortunately, the blanket of ambiguity surrounding some aspects of the provisions could potentially result in policy inconsistencies and miss-interpretation of the requirements. Admittedly, a degree of ambiguity may be necessary, to create room for flexibility amongst member states in implementing the obligations as provided by the convention, but the possible abuse of ambiguous language in some vital aspects of the provisions of the Convention cannot be ruled out, which could significantly undermine the original purpose of the anti-corruption convention.

In addition, despite the convention’s potential to combat corruption, particularly with regards to mobilizing and facilitating broad based international action against corruption, there is no transparent review mechanism for the effective implementation and monitoring of its obligations, which perhaps is its most fundamental shortcoming (Heimann and Dell, 2009). An effective mechanism for monitoring the implementation of the provisions as provided by the convention may be desirable for establishing the level of compliance by member states.

The Convention provides a number of obligations on state parties which cover:

a) Preventive measures, such as: developing and implementing preventive anti-corruption policies and practices; ensuring the existence of preventive anti-corruption body or bodies;
strengthening public sector systems and efficiency; codes of conduct for public officials; ensuring appropriate measure to promote public procurement and management of public finances; promoting public reporting on corruption; establishing relevant measures relating to the judiciary and prosecution services; preventing corruption within the private sector; promoting active participation of the society; and ensuring appropriate measures to prevent money laundering.

b) Criminalization and law enforcement, in respect of: bribery of national public officials; bribery of foreign public officials and officials of public international Organizations; embezzlement, misappropriation or other diversion of property by a public official; trading in influence; abuse of functions; illicit enrichment, bribery in the private sector; embezzlement of property in the private sector; laundering of the proceeds of crime; concealment; obstruction of justice; liability of legal persons; participation in and attempting criminal acts; knowledge, intent and purpose as elements of an offence; statute of limitations; prosecution, adjudication and sanctions; freezing, seizure and confiscation; protection of witnesses, experts and victims; protection of reporting persons; establishing specialized institutions; cooperation with law enforcement authorities; cooperation between national authorities; cooperation between national authorities and the private sector; bank secrecy; criminal record; and jurisdiction.

c) International co-operation including extradition; transfer of sentenced persons; mutual legal assistance; transfer of criminal proceedings; law enforcement cooperation; joint investigations; special investigative techniques.

d) Asset recovery: prevention and detection of transfers of proceeds of crime; measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation; special cooperation; return
and disposal of assets; establishment of financial intelligence units and bilateral and multilateral agreements and arrangements.

e) Technical assistance and information exchange: training and technical assistance; collection, exchange and analysis of information on corruption and other measures: implementation of the Convention through economic development and technical assistance.

f) Mechanisms for implementation including Conference of the States Parties to the Convention.

As the secretariat of the Convention, the United Nations Office on Drugs and Crime (UNODC) is building on the framework of the Convention, working with other international and regional bodies to ensure a unified response that maximizes the impact of international assistance.

2.15.2 AU Anti-corruption Convention

The African Union Convention on Preventing and Combating Corruption (AU Anti-Corruption Convention) provides a comprehensive framework and is unique among anti-corruption instruments in containing mandatory provisions with respect to private-to private corruption and on transparency in political party funding. Other strong points of the AU Convention are mandatory requirements of declaration of assets by designated public officials and restrictions on immunity for public officials.

The AU anti-corruption convention also gives particular attention to the need for the media to have access to information.

The obligation of the parties fall into the following categories:

a) Preventive measures: The AU has extensive provisions on preventive measures in the public and private sectors. These include requirements in the public service of declarations of assets and establishment of codes of conduct. Also included are requirements of access to information, whistleblower protection, procurement standards, accounting standards, transparency in the
funding of political parties and civil society participation. It also requires states to establish, maintain and strengthen independent national anti-corruption authorities;

b) Criminalization: The AU Convention calls for criminalization of a wide range of offences, including bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property and contains a broad definition of the term public official. Moreover, it includes offences relating both to public sector corruption and private sector (private-to-private) corruption;

c) International cooperation: The AU Convention also establishes an international cooperation framework, which has the potential to improve mutual law enforcement assistance within Africa. It also provides a framework for the confiscation and seizure of assets; and

d) Follow-up mechanism: The follow-up mechanism provided for in AU Convention Article 22 calls for an Advisory Board of eleven members elected by the AU Executive Council, serving for a period of two years, renewable once. The Board has broad responsibilities for: promoting anti-corruption work, collecting information on corruption and on the behaviour of multinational corporations operating in Africa, developing methodologies, advising governments, developing codes of conduct for public officials, and building partnerships.

In addition, it is required to submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of the AU Convention.

At the same time, States Parties are required to report to the Board on their progress in implementing the AU Convention within a year after the coming into force of the AU Convention and thereafter on an annual basis through reports by national anti-corruption authorities to the Board. Further, States Parties are required to ensure and provide for the participation of civil society in the monitoring process.
2.15.3 ECOWAS Protocol on the Fight against Corruption

This ECOWAS Protocol was adopted by the sixteen members of the sub-regional body in December, 2001 with the objective of strengthening effective mechanisms to prevent, suppress and eradicate corruption in each of the State parties through mutual co-operation. It has not yet been forced.

Just like the AU Convention, the obligations on State parties involve the following:

a) Ensuring preventive measures to combat corruption in the public and private sectors. These include requirements in the public service declarations of assets and establishment of codes of conduct. Also included are requirements of access to information, whistleblower protection, procurement standards, transparency regarding political party funding, civil society participation and establishing, maintaining and strengthening independent national anti-corruption agencies;

b) Criminalizing a wide range of offences, including trading in influence and illicit enrichment. It also includes offences relating to public and private sector corruption as well as the liability of legal persons;

c) It also establishes an international cooperation framework, which has the potential to improve mutual law enforcement assistance within Africa. It also provides a framework for the confiscation and seizure of assets;

d) Follow-up mechanism, in respect of which the Protocol calls for the establishment of a Technical Commission to monitor the implementation at both national and sub-regional levels, as well as gathering and disseminating information, organizing training programmes and providing assistance to State parties.
2.15.4 World Bank and IMF Anti-Corruption Campaigns

Up till the mid 1990s, corruption and anti-corruption were not specifically seen as part of the IFIs development agenda. It was considered a political issue outside of the mandate of the IFIs (Collingwood 2002). However, since the late 1990s, the IFIs have taken several measures to reduce corruption. Borrowing countries have been made to adopt various governance and anti-corruption reforms. These policies evolved in response to the increasingly popular belief that the lack of good governance, misplaced economic policies and endemic corruption were largely responsible for the lack of aid effectiveness. For example, speaking at an anticorruption conference in 1999, the former World Bank president, James Wolfensohn, contended that the industrialized countries were becoming increasingly reluctant to give money for development assistance that might end up in offshore bank accounts (Sweeney 1999) as recently portrayed in the Panama Paper saga.

According to Huther and Shah (2000), the World Bank’s multi-pronged approach for tackling corruption is anchored in four dimensions which consist of: (i) enhancing transparency and accountability within the organization itself (ii) preventing fraud and corruption in the programmes and projects it finances (iii) supporting international and regional initiatives to curb corruption and (iv) helping individual countries develop policies and procedures to combat corruption.

While the first and second dimensions focus on ensuring zero tolerance to corruption within the Bank as an organization, the third and fourth are concerned with corruption as a general policy issue. Since the Bank’s primary responsibility is to promote economic development and reduce poverty in client countries, tackling the issue of corruption as part of its broader framework on governance is central to this effort. The Bank’s anti-corruption strategy is
multi-pronged, but is rooted in its programme of underlying economic and institutional reform (World Bank 2000: 21).

Recently, it has made efforts to move beyond the traditional institutional and administrative approach to encompass recognition of the importance of broader issues like civil society and state relationships, the importance of political culture and traditions and state-private sector relationships. The Bank believes that an effective anti-corruption strategy will rest on five key elements:

1. A Competitive Environment in the Private Sector

   This relates to the degree to which state policy and decision making can be influenced and subverted by powerful elites. The Bank argues that in ensuring a competitive and transparent public sector, key policies like liberalization, corporate governance and the application of regulatory reforms can constrain the ability of powerful interest groups to capture state policies (World Bank 2007).

2. Political Accountability

   Strengthening political accountability involves the establishment of effective mechanisms for constraining and sanctioning erring public officials. This is achieved by enhancing greater competition in politics (vibrant political opposition), monitoring political campaign finance and increasing transparency and accountability in the provision of government information (World Bank 2007).

3. Civil Society Participation

   Over recent years, the Bank has argued that the role of civil society is integral in promoting good governance and anti-corruption campaigns. Civil society organizations can play a unique role in mediating between the government and the public. Since corruption is an
element which occurs in secret, through diagnostic surveys and investigative journalism by the media, civil society organizations can increase public understanding of the magnitude and pattern of corruption, which could form a useful reference point for decision makers.

However, since they are not immune to corruption, it is important that they are subjected to public scrutiny for transparency and accountability purposes (World Bank 2007).

4. Institutional Restraints on Power

This issue refers to the ways in which the structural setting of a state can influence the degree of corruption. A well structured institutional set of restraints and effective anti-corruption mechanisms like an independent and effective judiciary, legislative oversight, enactment of ant-corruption legislature, and effective auditing can promote checks and balances, thus reducing the incentives for corrupt practices (World Bank 2007).

5. Public Sector Management

This primarily consists of reforms that enhance the effective use of public resources and administrative management thereby reducing incentives for corrupt practices, by ensuring professionalism in the civil service; it is frequently connected to decentralization, transparency and accountability initiatives (World Bank 2007).

These policy reform areas may be useful, particularly in terms of trying to ensure more effective management of public resources and administration but they are not without their own limitations both in terms of formulation and implementation (some of which have been well discussed in the preceding sections). For example, Brown and Cloke (2011) argue that despite the potential benefits of some of these initiatives, the problem is that they are firmly located within a "development' mainstream which continues to prescribe deregulation, liberalization
and privatization despite the overwhelming evidence suggesting that, at the very least in some cases, these policies actually increase opportunities for corruption.

It is also important to consider that a more broad based anti-corruption strategy and long-term implementation framework may prove more effective than narrow sets of specific initiatives targeted at selected institutions (UNDP 2004: USAID 2005: 12). In a similar vein, Tanzi, argues that “the greatest mistake that can be made is to rely on a strategy that depends excessively on actions in a single area, such as increasing the salaries of the public sector employees; or increasing penalties and expect results quickly” (Tanzi 1998:30).

Increasingly, there is more recognition amongst development practitioners that generalized economic, legal and institutional reform programmes may not represent the best approach to reducing corruption. According to the UNDP (2004: 6), while considering the usefulness of best practice (decentralization, wage increases for public officials, stiffer penalties etc) in providing guidance, the applicability of these reforms may not necessarily fit with all circumstances, thus, there cannot be established transferable models for fighting corruption.

Similarly, as Brown and Cloke (2004) have argued that, corruption is not limited to rent-seeking and economic advantage, it encompasses a set of much more complex socio-cultural and political issues, suggesting the need for a more comprehensive evaluation of the complexities surrounding the social, political, cultural and economic settings of various countries to fully understand the manifestation of corruption in different contexts (UNDP 2004:8)

Additionally, many of the dominant anti-corruption reforms have also been criticized for working mainly with the executive arm of government and specific anti-corruption government institutions, while failing to adequately address the integral role of civil society, despite the World Bank’s rhetorical shifts in this direction (UNODCCP 1999:9). Anti-corruption reforms
cannot hope to be successful without involving other segments of society. Critics have, for example, used the neo-patrimonial analytical framework, designed by French political scientists working on Africa, to provide an assessment of the political will for implementing reforms (Blundo and Olivier 2006). Their assessment is that corruption (rent seeking) is endemic and deeply rooted amongst many of the dominant elite groups in Africa. Their view is that since these groups benefit from corruption, they often lack the moral and political will to implement effective anti-corruption reforms. Others such as Ruggie (2003), arguing from different conceptual premises, also opine that reforms are often manipulated to promote the political and economic interest of certain elites. Clearly, however, this has developed differently in diverse political settings, evident in the ways in which interventions have been much more effective in some places than others.

The lack of political will to implement anti-corruption reforms, underscores the need to encourage greater participation of civil society groups, political opposition and think tanks within anti-corruption campaigns. This is, as argued above, increasingly being articulated within the World Bank’s good governance and anti-corruption strategies, although it remains to be seen how far these changes in emphasis will go (Webb 2007: 34).

It is Nigeria’s resolve to fight corruption that made her to be signatory to all these conventions.

2.16 Combating Economic and Financial Crimes in Nigeria: An Integrated Approach

Organized crime has become the greatest threat to the international community after the cold war. Nigeria has its own share of the problem. The historical, political, social and economic conditions in Nigeria, especially following the introduction of the economic deregulation and liberalization policies and programmes in the 1990s, have surged both the prevalence and impact
A broader understanding of the nature of financial crime has led those confronted with it to look for more broadly based strategies against it. At the national level, the need for evidence-based, integrated, non-partisan or multi-partisan and all-inclusive, as well as impact-oriented, anti-economic and financial crimes policy and strategy are required. Strategies should be holistic, addressing all of the factors, which facilitate or contribute to financial crime and all of the possible options for measures against it. Policies and strategies must also be integrated in the sense that, once identified, all of the elements of the strategy must be developed and implemented in mutually consistent and reinforcing ways, avoiding conflicts or inconsistencies (Shehu, 2006).

According to Abadinsky (1997), financial crime control strategies should be based on the following principles:

1. **Strategies should be comprehensive and inclusive.** The principle of inclusiveness applies not only to the elements of the policy or strategy, which must address all significant aspects of the problem, but also to the participants and stakeholders involved in efforts and actions against financial crime, and to the elements of the civil society and populations in general, whose vigilance and support for such
measures are critical for their success. The vigilance and support of the civil society are critical, but a distinction must be made between constructive criticism and political opposition.

2. **Strategies should be integrated.** Control policies, strategies and programmes, which successfully bring together disparate elements and stakeholders into a single unit require internal integration to ensure that each part of the strategy and each party to it will work together harmoniously, avoiding inefficiencies and inconsistencies which could weaken the overall impact. It is also important that such policies and strategies be integrated with other major policy agendas of the country, such as those for social and economic development and criminal justice reforms.

3. **Strategies should be transparent.** Transparency as a necessary element of public vigilance is widely advocated as a necessary condition for good governance and the rule of law and as an important element of the fight against financial crime. It is important that control strategies and their implementers lead by example, and the incorporation of transparency as a basic principle also helps to protect the control measures from being themselves corrupted.

4. **Strategies should be non-partisan.** The fight against financial crime is an ongoing effort which will generally transcend the normal succession of political governments, and which therefore requires multi-partisan commitment and support. Since corruption pervades the political structure of many countries, it is also important that partisan politicians considering their support in the fight against it have assurances that their political adversaries also support such measures. Law enforcement must first of all respect the law to be able to efficiently enforce it. Law
enforcement must be fair, courageous, transparent, accountable and effective so as to dispel the accusation of being used against political opponents.

5. *Strategies should be evidence-based.* The success and credibility of strategies will depend to a large extent on the ability of advocates to demonstrate concrete results, not only in reductions in corruption, but against social, political, economic and other criteria. This requires that strategies be based on concrete evidence, both in assessing the needs of each country and setting goals, and in assessing whether those goals have in fact been achieved. Empirical studies have the potentials to guide proper policy formulation and implementation. The problem of economic and financial crimes in Nigeria requires more research.

6. *Strategies should be impact-oriented.* Clear objectives should be set for overall strategies and their constituent elements, but the establishment of objective and measurable criteria against which progress can be tested are also essential. In many cases, these may need to be reviewed periodically in light of experience in the field. The importance of a national economic and financial crimes control policy and action plan cannot be over-emphasized.

In Nigeria, other conditions may also be seen desirable, and in many cases necessary to support successful strategies. These according to Shehu (2006), include:

1. Basic democratic standards: Democratic reforms are often seen as necessary elements of development projects. In the context of national anti-economic and financial crime efforts, basic political accountability is seen as an important control on political corruption. Since such corruption usually involves putting individuals interest ahead of
public interest, the reaction of voters made aware of such abuses deter them, and if they take place allows for the replacement of corrupt politicians in elections.

2. A strong civil society: Generally this includes both the ability to obtain and assess information about areas susceptible to corruption (transparency), and the opportunity to exert influence against corruption where it is found. This includes for a such as free communications media, which in detecting and publicly-identifying financial crime, create political pressure against it, and academic and other sources which can assess the problem, assist in developing countermeasures, and provide objective assessments of whether such measures are effective or not.

3. The rule of law: As many of the controls on corruption are legally based, rule of law frameworks, including such things as effective and independent courts and legislatures are required, both to ensure the integrity with which laws are developed and enacted, and to ensure that they are applied without corruption.

Whilst noting that Nigerians are getting impatient with the pace of action in dealing with these problems, it should be stressed nonetheless, that combating financial crime in general requires, in addition to political will and sincerity, considerable time and resources to produce the kinds of positive impacts expected. Citizens must appreciate that a coalition approach promises to produce such kinds of results. At the international level, it is also understood that many transnational aspects of financial crime exist which cannot be effectively dealt with by countries acting alone, and will instead require measures developed and implemented by the global community as a whole. Therefore, the importance of international co-operation and collaboration cannot be over emphasized. Multilateral institutions, including the United Nations and other regional political and economic groupings such as the OECD, AU, EU, ECOWAS, as
well as development agencies such as the World Bank, the African Development Bank, and so on, have a great potential in providing platforms for organizing collective actions against these menaces (Shehu, 2006).

2.17 Theoretical Framework

Although there are extant competing social and administrative theories that can be applied to a study of this nature, the one the researcher considers suitable and appropriate in analyzing and understanding the problem under investigation is the Institutional theory. The choice of this theoretical paradigm is significant in examining and appraising the Economic and Financial Crimes Commission and anti-corruption agencies in Nigeria. Sociology has also used institutional analysis since its inception to study how social institutions such as the laws or the family evolve over time. The foundational author of this approach is Émile Durkheim, also founder of sociology as a discipline. Its propositions essentially capture the role of the EFCC as an anti-corruption institution in the fight against corruption in Nigeria.

2.17.1. Institutional Theory

Institutions are the building blocks of society, providing the assurance of security, ease of social transactions, and a sense of established order. As such, they feature strongly in the literature of many diverse fields: organization theory, political and economic theory, development theory, etc. Douglass North, a prominent institutional theory scholar, defines institutions thus: ‘Institutions are the rules of the game in a society, or more formally, are the humanly devised constraints that shape human interaction. … Institutions reduce uncertainty by providing a structure to everyday life’ (1990:30). Institutional analysis is that part of the social sciences which studies how institutions—i.e., structures and mechanisms of social order and
cooperation governing the behavior of two or more individuals—behave and function according to both empirical rules (informal rules-in-use and norms) and also theoretical rules (formal rules and law). This field deals with how individuals and groups construct institutions, how institutions function in practice, and the effects of institutions on each other, on individuals, societies and the community at large.

At their simplest, institutions are sedimentations of specific behaviours and supporting structures that make possible or simplify the accomplishment of a given task or set of tasks. By identifying and defining accepted behaviours and imposing ‘penalties’ for behaviours located outside of those boundaries, institutions make it possible for desirable actions to occur more frequently, and the outcomes of those desirable behaviours are the result (Scott, 2001; Reed, 2003). After sufficient time and repetition, those desirable actions become the norm (Green et al., 2009). People do not even think about the rules in the course of carrying out their actions—behaviours sanctioned by the institution simply become taken for granted (Scott, 1991). Institutions vary in size, complexity and formality, from basic rules of driving etiquette, to institutions of government such as tax departments and the behaviours they demand (DiMaggio and Powell, 1991). Once the rules of those institutions are learned, they are taken for granted—just the way things are—and it is difficult to conceive of acting outside of those institutional boundaries. In this way, institutions can be understood as the patterns of behaviour and accompanying ideological structures that govern the performance of specific activities or groups of activities (Barley and Tolbert, 1997).

Institutional theory examines the processes and mechanisms by which structures, schemas, rules, and routines become established as authoritative guidelines for social behaviour.
It inquires into how these elements are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse (Scott, 2004).

Institutional theory is a predominant theoretical tool within the field of organization studies (Suddaby, 2010). Institutional theory has its roots in the scholarly understanding of institutions as monolithic, permanent structures invested with socio-cultural meaning, and governing social behaviours. It was initially used in the 1970s to study what were perceived by scholars as the institutional qualities of organizations: their stability, and the rule-like structures they exhibit which shape and constrain members’ behaviours (Scott, 2008). Institutional theory was subsequently used to examine how organizations and their behaviours acquired myths and meanings which contribute to formal organizational structure, but which are not able to be understood as the products of organizations’ practical demands. The scope of institutional theory has steadily expanded to include its application to the study of how, through institutional pressures, organizations come to resemble each other, how individuals exercise power within institutional environments, and how institutions change. Institutional theorist Roy Suddaby even goes so far as to say that institutional theory has become ubiquitous within organization studies, being applied by default to any and all questions within the field (Suddaby, 2010). Suddaby describes this knee-jerk reliance as organization scholars’ ‘obsession with, and simultaneous trivialization of’ institutional theory (Suddaby, 2010). Nonetheless, institutional theory offers a powerful way to understand organizations, and there are still aspects of institutional theory which are comparatively unexplored.

Institutional theory is a very broad field, and within it there are many different schools of thought, not all of which are compatible. There is debate about how best to study and understand institutions, how they function, and how they come into being, change and dissolve. Tolbert and
Zucker identify the processes of institutional formation as being relatively poorly addressed in institutional theory (1996). In contrast to many other theories of institutions, which focus primarily on the characteristics of institutions, how they work, and how they maintain their equilibrium (Lounsbury, 2003; Scott, 2004; Tolbert and Zucker, 1996), newer institutional theories (in specific neo-institutionalism) are concerned with institutional change and institutional formation (Fernández-Alles and Valle-Cabrera, 2006; Phillips, 2003; Schneiberg and Soule, 2005).

One factor that tends to unify institutional analysis is that structures persist while individuals come and go. Thus, even though individuals appear to be the primary animator in the rational choice version of institutionalism, the institutions in question do appear to enjoy some existence outside of those individuals. This persistence is obviously central to the historical institutionalists, to the point of creating a perhaps excessively static conception of institutionalism. Institutionalism assumes that institutions persist and that they attempt to replicate themselves by socializing new members into the values that define the institution. The important point is that we must understand what motivates political behaviour over time, as well as understanding the more immediate pressures for action and change.

Following from the above two points, institutionalism also argues that structures (institutions) create greater regularity of human behaviour than would otherwise exist and therefore enhance the explanatory and predictive capacity of the social sciences. Even if the rational choice approach depends primarily on individual utility functions and rational calculations based on those utilities the presence of on-going institutions enables the external researcher to predict behaviours and to test hypotheses that might not be possible without the presence of the structures. This is, of course, also the more practical point that Huntington was
making about political development – institutions create the predictable, regular behaviour necessary for a peaceful and effective political system (Peter, 2000).

Institutional theories have become leading and widely shared references in public administration (Frederickson 1999). Because they consider public institutions through three different lenses - as pillars of political order, as outcomes of societal values, and as self-constructed social systems - they offer exciting arenas for academic debates as well as they also provide pragmatic or architectonic principles.

Institutional theory has its own weaknesses. According to Peter (2000), these problems arise because of the multiple understandings of what an institution is, and about the factors that shape behaviour within institutions. One central issue that arises here concerns the source of preferences, and the ways in which individuals and institutions interact in making decisions and forming judgements about “good” policies. On the one hand, March and Olsen argue vigorously that preferences are endogenous, based on the experiences of the individual within the institution. At the other end of an implicit spectrum the rational choice approach argues that preferences are exogenous, and do not change appreciably because of involvement with an institution.

2.17.2 Application of the Theoretical Framework to the Study

The applicability of institutional theory to this study however, is that it enables the researcher to establish the relevance of institutional structures created by government for societal harmony, progress and the eradication of corruption in the system. The essence of this theory to this study is that, the anti-corruption agency, EFCC is seen as an institution set up by the government to perform certain functions in the fight against corruption in Nigeria. How well this agency performs it’s function could go a long way in justifying their establishment, hence, over
the years, various collapses of government both civilian and military had being linked to the menace of corruption which many have regarded as a bane of development in Nigeria despite the existence of many anti-corruption institutions. The Economic and Financial Crimes Commission as an institution is established as an anti-corruption structure to fight economic and financial crimes which could further inhibit or strengthen even our democratic system.

As part of its structural role, the management of the anti-corruption body is expected to live up to expectation in the discharge or performance of its functions considering the high profile nature of the cases handled by the commission. Failure of the EFCC in performing its roles leads to a disorderly system with calamitous effects on the entire system and the nation at large.

Institutional theory thus will assist the researcher to analyse and establish effectiveness and/or ineffectiveness of the EFCC; constraints of the Act that established the anti-graft agency; and its application of standard rules in its fight against corruption in Nigeria since its establishment. Therefore, this thesis is anchored on the institutional theory.
CHAPTER THREE
THE STRUCTURE, FUNCTIONS AND POWERS OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION

3.1. Background to the establishment of EFCC

Before the establishment of the EFCC, Nigeria was in the limelight as a nation of crimes and criminals with a battered international image the world over. Nigeria lost respect among the comity of nations; some foreign investors avoided doing business with Nigeria; foreign governments and business concerns refused to invest in Nigeria and the country was brought low in disrepute. From year to year, the country was ranked at the top of the most corrupt countries in the universe. For example, as at June 27, 2001, Transparency International (TI), ranked Nigeria as the second most corrupt nation in the world after Bangladesh, and in 1999, the country was second only to Cameroon on the corruption index. Similarly, Nigeria was ranked the second most corrupt country in the world after Bangladesh in reports published by Transparency International on 28th August, 2002 and October 2, 2003 (Igbinovia & Igbinovia, 2014).

The pressing need to stem the monumental spate of or pervasive corruption and unbridled incidence of economic and financial crimes in Nigeria and the need to launder the domestic, especially, the international image of the country which was severally battered around the world and its consequential and attendant effect on national development, growth and progress; necessitated the creation or establishment, first of the ICPC in 2000 and secondly, of the EFCC in 2002 (enacted) and 2004 (amended Act) by the President Olusegun Obasanjo administration. The legal instrument backing the commission is the EFCC establishment Act of 2002 and Act 2004 with matters connected therewith. The Act mandates the EFCC to combat financial and economic crimes. The commission is empowered to prevent, investigate, prosecute and penalize
economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including:


The money laundering (prohibition) Act 2004

The money laundering Act (1995)

The advance fee fraud and other fraud related offences Act (1995)

The failed banks (recovery of debts) and financial malpractices in banks Act (1994)

The banks and other financial institutions Act (1991) and miscellaneous offences Act

In addition, the EFCC will also be the key agency of government responsible for fighting terrorism. The bill which established EFCC was passed by the upper and lower houses of the legislature (that is, the Senate and House of Representatives) by 23rd March, 2004 after several debates and amendments. The law seeks to provide for the establishment of EFCC charged with the responsibility of enforcing all economic and financial crimes laws, acts among other things in Nigeria. Its establishment was meant to satisfy one of the conditions of the international Financial Action Task Force (FATF) to remove Nigeria from the list of countries associated with corruption in international financial transactions (Waziri, 2011).

3.2 The Act Establishing the Economic and Financial Crimes Commission

The EFCC (Establishment) Act was enacted in the year, 2002 by the National Assembly. The Act was repealed in 2004 and a new Act came into force as the Economic and Financial Crimes Commission (Establishment, etc.) Act 2004. It commenced operation on April 16, 2003. As earlier alluded to, the EFCC was created to launder Nigeria’s image and sanitize the Nigerian
economic and social environment which was plagued by the menace of economic and financial crimes. The enabling Act has seven parts: Part 1 deals with the creation of the EFCC; Part 11 deals with its functions; Part 111 focuses on appointment of staff and staff regulations; Part IV offences; Part V deals with the forfeiture of assets of persons arrested for offences against the Act; Part VI focuses on the financial provisions of the EFCC while Part VII deals with miscellaneous matters. The foregoing is an overview of the EFCC Act 2004 as it relates to the thesis.

According to the act, there is established a body to be known as the Economic and Financial Crimes Commission (in this Act referred to as "the Commission") which shall be constituted in accordance with and shall have such functions as are conferred on it by this Act.

(2) The Commission-
(a) shall be a body corporate with perpetual succession and a common seal;
(b) may sue and be sued in its corporate name and may, for the purposes of its functions, acquire, hold or dispose of property (whether moveable or immovable);
(e) is the designated Financial Intelligence Unit (FIU) in Nigeria, which is charged with the responsibility of co-ordinating the various institutions involved in the fight against money laundering and enforcement of all laws dealing with economic and financial crimes in Nigeria.

3.3 Composition of the Commission

(1) The Commission shall consist of the following members-
(a) a Chairman, who shall-
(i) be the chief executive and accounting officer of the Commission;
(ii) be a serving or retired member of any government security or law enforcement agency not below the rank of Assistant Commissioner of Police or equivalent; and
(iii) possess not less than 15 years cognate experience;

(b) the Governor of the Central Bank of Nigeria or his representative; and

(e) a representative each of the following Federal Ministries-

(I) Foreign Affairs,

(ii) Finance,

(iii) Justice,

(d) the Chairman, National Drug Law Enforcement Agency or his representative;

(e) the Director-General of-

(i) the National Intelligence Agency or his representative.

(ii) the Department of State Security Services or his representative,

(f) the Registrar-General of the Corporate Affairs Commission or his representative;

(g) the Director-General, Securities and Exchange Commission or his representative;

(II) the Managing Director, Nigeria Deposit Insurance Corporation or his representative;

(i) the Commissioner for Insurance or his representative;

(j) the Postmaster-General of the Nigeria Postal Service or his representative;

(k) the Chairman, Nigerian Communications Commission or his representative;

(l) the Comptroller-General, Nigeria Customs Service or his representative;

(m) the Comptroller-General, Nigeria Immigration Service or his representative;

(n) the Inspector-General of Police or his representative;

(0) four eminent Nigerians with cognate experience in any of the following, that is, finance, banking, law or accounting; and

(P) the Secretary to the Commission who shall be the head of administration.
(2) The members of the Commission, other than the Chairman and the Secretary shall be part
time members.

(3) The Chairman and members of the Commission other than ex-officio members shall be
appointed by the President and the appointment shall be subject to confirmation of the Senate.

3.4 Tenure of Office

(1) The Chairman and members of the Commission other than ex-officio members shall hold
office for a period of four years and may be re-appointed for a further term of four years and no
more.

(2) A member of the Commission may at any time be removed by the President for inability to
discharge the functions of his office (whether arising from infirmity of mind or body or any other
cause) or for misconduct or if the President is satisfied that it is not in the interest of the
Commission or the interest of the public that the member should continue in office.

(3) A member of the Commission may resign his membership by notice in writing addressed to
the President and that member shall, on the date of the receipt of the notice by the President,
cease to be a member.

3.5 Functions of the Commission

The Commission shall be responsible for—

(a) the enforcement and the due administration of the provisions of this Act;

(b) the investigation of all financial crimes including advance fee fraud, Money laundering,
counterfeiting, illegal charge transfers, futures market fraud. Fraudulent encashment of
negotiable instruments, computer credit card fraud, contract scam, etc;

(c) the co-ordination and enforcement of all economic and financial crimes laws and
enforcement functions conferred on any other person or authority;
(d) the adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crime related offences or the properties the value of which corresponds to such proceed;

(e) the adoption of measures to eradicate the commission of economic and financial crimes;

(f) the adoption of measures which include co-ordinated preventive and regulatory actions, introduction and maintenance of investigative and control techniques on the prevention of economic and financial related crimes;

(g) the facilitation of rapid exchange of scientific and technical information and the conduct of joint operations geared towards the eradication of economic and financial crimes;

(h) the examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals, corporate bodies or groups involved;

(i) the determination of the extent of financial loss and such other losses by government, private individuals or organizations;

(j) collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous with those of the Commission concerning -

(i) the identification, determination of the whereabouts and activities of persons suspected of being involved in economic and financial Crimes;

(if) the movement of proceeds or properties derived from the commission of economic and financial and other related crimes;

(iii) the exchange of personnel or other experts;

(iv) the establishment and maintenance of a system for monitoring international economic and financial crimes in order to identify suspicious transactions and persons involved;
(v) maintaining data, statistics, records and reports on persons, organizations, proceeds, properties, documents or other items or assets involved in economic and financial crimes,
(vi) undertaking research and similar works with a view to determining the manifestation, extent, magnitude and effects of economic and financial crimes and advising government on appropriate intervention measures for combating same;
(k) dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving economic and financial crimes;
(I) the collection of all reports relating to suspicious financial transactions, analyse and disseminate to all relevant government agencies;
(m) taking charge of, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to the current investigation and prosecution of all offences connected with or relating to economic and financial crimes;
(n) the co-ordination of all existing, economic and financial crimes investigating units in Nigeria;
(lo) maintaining a liaison with the office of the Attorney-General of the Federation, the Nigerian Customs Service, the Immigration and Prison Service Board, the Central Bank of Nigeria, the Nigerian Deposit Insurance Corporation, the National Drug Law Enforcement Agency, all government security and law enforcement agencies and such other financial supervisory institutions involved in the eradication of economic and financial crimes;
(P) carrying out and sustaining rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria; and
(q) carrying out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act.

3.6 Special Powers of the Commission

The Commission has power to-

(a) cause investigations to be conducted as to whether any person, corporate body or organization has committed an offence under this Act or other law relating to economic and financial crimes;

(b) cause investigations to be conducted into the properties of any person if it appears to the Commission that the person's lifestyle and extent of the properties are not justified by his source of income.

(2) In addition to the powers conferred on the Commission by this Act, the Commission shall be the co-ordinating agency for the enforcement of the provisions of-

(a) the Money Laundering Act 2004; 2003 No.7. 1995 No. 13;

(b) the Advance Fee Fraud and Other Related Offences Act 1995;

(c) the Failed Banks (Recovery of Debt and Financial Mal-practices in Banks) Act, as amended;

(d) the Banks and Other Financial Institutions Act 1991, as amended;

(e) Miscellaneous Offences Act; and

(j) any other law or regulation relating to economic and financial crimes, including the Criminal Code and Penal Code.

3.7 Staff of the Commission

(1) There is established for the Commission a secretariat which shall be headed by the Secretary who shall be appointed by the President.

(2) The Secretary shall be-

(a) the head of the Secretariat of the Commission;
(b) responsible for the administration of the Secretariat and the keeping of the books and records of the Commission;

(c) appointed for a term of five years in the first instance and may be re-appointed for a further term of five years subject to satisfactory performance; and

(d) subject to the supervision and control of the Chairman and the Commission.

(3) The Commission may, from time to time, appoint such other staff or second officers from government security or law enforcement agencies or such other private or public service as it may deem necessary to assist the Commission in the performance of its functions under this Act.

(4) The staff of the Commission appointed under subsection (3) of this section, shall be appointed upon such terms and conditions as the Commission may, after consultation with the Federal Civil Service Commission, determine.

(5) For the purpose of carrying out or enforcing the provisions of this Act, all officers of the Commission involved in the enforcement of the provisions of this Act shall have the same powers, authorities and privileges (including power to bear arms) as are given by law to members of the Nigeria Police.

3.8 Functions of the Various Department or Units of Economic and Financial Crimes Commission (EFCC)

The commission has eleven different complementary units that assist the commission in reaching its objectives, thereby fulfilling its mandate or mission. The functions of the units are;
3.8.1 Administrative/Account Unit

This unit is responsible for providing professional and efficient financial management, administrative and human resources support base to the commission. It provides the following functions:

1. Budgeting, monitoring, recording-keeping and procurement
2. Communication, protocol, personnel matters and security services
3. Developing training needs for the staff
4. Identifying specialized training focused on measures for detection
5. Formulating measures for counting financial and economic crimes
6. Safekeeping of all revenues.

3.8.2 Nigeria Financial Intelligence Unit (NFIU)

This unit is the Nigeria arm of the Global Financial Intelligence Unit (GFIU) domiciled within the EFCC as an autonomous unit. It is responsible for:

1. Receiving and collecting currency transactions reports and suspicious transactions reports and other information relevant to the money laundering and terrorist activities from financial institutions and designated non-financial institutions.
2. Receiving reports on cross-border movement of currency and monetary instruments
3. Analyzing and assessing the information and reports it receives
4. Maintaining a comprehensive financial intelligence data base for information collection and exchange with counterpart fill’s and law enforcement agencies around the world

5. Advising the government and regulatory authorities on prevention and combating of economic and financial crimes

6. Informing financial and business institutions of their obligation and measures that have been or might be taken to detect, prevent and deter the commission of offences and use of the proceeds generated under EFCC establishment Act, 2004.

3.8.3 Operations Unit

This unit is saddled with the responsibility of coordinating the activities of the commission, its primary functions are:

1. To coordinate all other activities of the whole units of the commission

2. To give direction on matters to investigate

3. To keep and update the records on the various activities

4. To prepare progress reports of the commission operations

3.8.4 External Cooperation Unit

This is the unit of the EFCC that is responsible for making arrangement with other organization (Foreign and Local) that desire to synergize with the commission on anti-graft and anti-corruption “war”. The functions of this unit are:

1. To enter into alliance with willing task force that want to fight corruption
2. To represent the commission in all foreign and local agreement

3. To monitor the activities of the commission across the national borders

3.8.5 The Clinic

This unit is the medical unit of the commission. Its functions include:

1. To attend to the medical needs of the personal of the commission

2. To cater for the medical needs of the detainees under the custody of the commission during the interrogational period.

3.8.6 Training and Research Institute

This unit is the human resource development arm of the commission.

It is responsible for the overall development and potential improvements of the senior, intermediate, and junior officers of the EFCC. Its functions are highlighted below:

1. Training and retraining of personnel on the modern technology used in combating economic and financial crimes

2. Developing legislation and monitoring typological and trends of relevant events

3. Preparing annual efforts for the commission

4. Preparing official speeches/papers for the commission

3.8.7 Media and Publicity Unit

This unit serves as the public relations arm of the commission.
This unit is responsible for communicating the level of operations and progress of the EFCC to the public and at the same time sampling the opinions of the people about their perception of the commission’s activities. The major functions of the unit are;

1. To create public awareness about the activities of the commission

2. To run jingles and advertorials on behalf of the commission

3. To publish the activities of the commission through its magazines (EFCC Alert: And Zero Tolerance Magazines)

4. Responsible for all the press briefings originating from the commission

5. Sensitizing the public on the dangers of corruption thus warning them of it.

**3.8.8 Fix Nigeria Initiative (FNI) Unit**

This is the crime prevention initiative unit of the commission. Its major functions are:

1. To advise the government on legitimate measures on economic and financial crimes prevention; and

2. To instruct and advise regulatory authorities like the central bank of Nigeria, stock exchange commission, etc. on prevention and combating of financial crimes.

**3.8.9 Information Communication Technology Unit**

This is the database maintenance and processing arm of the commission. Its functions are;

1. Maintenance of a comprehensive financial intelligence database for information collection, and exchange with counterpart units of the commission
2. Maintenance of a network and link of information with regulatory agencies and law enforcement locally and internationally

3. Giving advice on how to curtail the incidence of cyber crimes

4. Ensuring that personal information under its control is protected from unauthorized disclosure

3.8.10 Legal and Prosecuting Unit

The unit is saddled with the duty of prosecuting the suspects caught forgoing against the Act that established the commission. Its functions are:

1.Prosecuting offenders under the EFCC Establishment Act, 2004

2. Supporting other units by providing the units with legal advice and assistance whenever it is required.

3. Conducting such proceedings as may be necessary towards the recovery of any assets or property forfeited under the EFCC Establishment Act, 2004

4. Performing such other legal duties as the commission may refer to it from time to time.

3.8.11 Inspectorate Unit

This unit is responsible for analyzing suspicious transaction reports from relevant institutions and disseminating intelligence information to law enforcement agencies. The unit functions are:

1. To develop intelligence report

2. To prepare assets profile based on declaration by subject
3. To monitor reports sourcing from within and without

4. To conduct sport-checks where necessary

5. To produce forensic analysis of data provided, as well as studying information from counterpart units.

3.9. Organizational Structure of EFCC

The EFCC is an independent agency headed by an executive chairman under the direction of a board. The chairman is supported by five directors: financial crimes and intelligence, advance-fee fraud and other economic crimes, enforcement and general operations, prosecution and legal counsel, organization and support, and training school. The executive chairman is the chief executive and accounting officer of the Commission. The agency receives support from the presidency, the legislature and the judiciary branches of government. The agency also cooperates with like organizations from other foreign countries to uncover corruption and money laundering activities involving Nigerians. In terms of its structure and organization, the EFCC is committed to containing economic and financial crimes, generating and disseminating effective economic and financial crimes intelligence to assist law enforcement, and inculcating prudential and sincere dealing amongst Nigerians via transparent value system and preventive measure (EFCC, 2004). The organizational structure reflects the major broad activity areas of the commission, namely, economic and financial crimes intelligence, investigation and enforcement, prosecution, crime prevention through mass communication and advocacy, and proactive and reactive execution of anti-terrorism operations. To this end, the Commission has a versatile organizational structure made up of five operation units – investigation, legal and prosecution, research, administration, and training. The

3.9.1. General Structure of the Economic and Financial Crimes Commission (EFCC)
On assumption of office, Lamorde realized the need to create additional Departments and units to enhance the Commission’s activities. In some cases, existing Units were upgraded to Departments. The hitherto Media Unit was upgraded to the Directorate of Public Affairs, which comprises four Units: Media and Publicity, Enlightenment and Re-orientation, Public Interface and media Academy etc (EfCC, 2015). On assumption of office, the present Chairman, Ibrahim Magu, had also established the procurement unit. Thus, the organization structure of the Commission is dynamic and still evolving as new challenges it deemed fit emerge.
CHAPTER FOUR
AN OVERVIEW OF THE LEADERSHIP OF EFCC SINCE INCEPTION

4.1 The EFCC under Nuhu Ribadu

Nuhu Ribadu, a retired Assistant Inspector General of Police (AIG), was the pioneer Executive Chairman of the EFCC. He was appointed in 2003 by former President Olusegun Obasanjo and reappointed for a second term in 2007.

In a “Testimony before the House Financial services Committee” in the United States of America, Ribadu (2009), catalogued the following things as constituting the achievement of the agency during his 5-year tenure:

✓ Building the EFCC into a world-class crime fighting agency with trusted partnership with US and UK agencies.

✓ Before the EFCC was formed, Nigeria had “never secured criminal conviction for corruption charges” But during his tenure, by 2007, the agency had “secured convictions for corruption charges”. Also, by 2007, the agency had “secured convictions in over 275 of the near 1000 cases in the courts”.

✓ The EFCC “paved the way for a far-reaching banking reforms in the country” and for “the consolidation of about a hundred mushroom banks into 25 strong banks”.

✓ The EFCC helped to address the problem in the Niger Delta by making sure “money meant to have gone for development” did not go to very corrupt individuals; and in 2003-2004, almost 100,000 barrels of oil was stolen daily” but by 2005-2006, the EFCC had managed to reduce this to 10,000 per day. The EFCC also secured convictions for kidnappers in the Delta, who were driving the circle of violence and bribery with the oil companies.
The EFCC had helped to initiate statutes to stem corruption in Nigeria.

Furthermore, Bello-Imam (2005), indicated that although the EFCC is in its embryonic years (2002-2005) of existence under Ribadu, it has made a number of significant progress vis-à-vis its mandate based on the following achievement under Ribadu as follows:

- The Commission between May 2003 and June 2004 recovered money and asserts derived from crime worth over $700 million. It also recovered another £3 million pound sterling from the British Government.

- It arrested virtually all the notorious Advance fee Fraud kingpins operating in Nigeria. Out of this number, about 500 suspects are in its custody and most of them are standing trial in the various courts in the country.

- It is prosecuting one of the biggest world fraud cases involving about $242 million arising from a bank fraud in Brazil.

- It has increase the revenue profile of the nation by about 20% due to its activities in the Federal Inland Revenue Services and the seaports.

- It has recovered revenue of over ₦20 billion from fraudsters for the government treasury.

It was not all kudos for Ribadu while he held sway at the EFCC as Executive Chairman; Ribadu was accused of double standard and insincerity in his war against corruption. Many people observed that he went after perceived enemies of his boss, Olusegun Obasanjo while shielding the friends of the former president (Sahara reporters, 2009). The EFCC’s excesses did little to diminish its growing reputation. In 2005 the EFCC successfully prosecuted former inspector general of police Tafa Balogun. He pleaded guilty to failing to declare his assets, his front companies were convicted of money laundering, and the
court ordered the seizure of Balogun’s assets, reportedly worth in excess of $150 million (BCC News, 2005). Even though he was only sentenced to six months in prison, the image of such a powerful political figure being hauled before a court in handcuffs stood in stark contrast to the impunity Nigeria’s political elite had come to take for granted.

The EFCC’s record soon began to lose its lustre, largely because of the apparent political selectivity in its operations. Many of the EFCC’s corruption cases seemed to be pushed forward or derailed according to the political agenda of then-president Obasanjo. Such allegations grew to a crescendo ahead of the 2007 elections, when the agency presented a list of 135 “corrupt” candidates who it said should not run for office. The list was dominated by the president’s adversaries and included none of Obasanjo’s close allies, omitting even the handful of Obasanjo loyalists Ribadu had publicly accused of corruption in the past (HRW, 2008).

Under Ribadu, fear of the EFCC was seen as the beginning of wisdom for political office holders and you could see the impact. Corruption was not eradicated but people looked over their shoulders before carrying out their corrupt activities. Ribadu demonstrated his avowed resolved in the anti-corruption war by taking on the following prominent political figures as seen in table 4.1.1 below.

**Table 4.1.1 Ten Nationally Prominent Political Figures Charged under Ribadu (April 2003 – December 2007)**

<table>
<thead>
<tr>
<th>S/N</th>
<th>DEFENDANT</th>
<th>OFFICE HELD</th>
<th>DATE CHARGED</th>
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*Source: HRW, 2011*
In May, 2007, President Obasanjo, along with many of the state governors, left office having reached their constitutionally mandated two-term limit. Ribadu followed through on his earlier pledge and, in July, 2007, the EFCC filed corruption charges against a handful of the former state governors, who had lost their immunity from prosecution on leaving office. None of the governors was seen as a close ally of Obasanjo or the new president, Umaru Yar’Adua. But this was soon to change.

In December, 2007, the EFCC stunned Nigeria by arresting James Ibori, the powerful former governor of Delta State, in the oil-rich Niger Delta. Ibori had presided over a state that had remained impoverished and dysfunctional under his watch despite massive inflows of oil revenue. Although Ibori was not seen as a close ally of Obasanjo, many Nigerians assumed him to be untouchable because of his close relationship to both Yar’Adua—whose campaign Ibori is widely believed to have financially backed—and Yar’Adua’s Attorney General, Michael Aondoakaa (Ribadu, 2007). The idea that a man as powerful as Ibori could sit in prison awaiting trial gave a momentary new surge of excitement and legitimacy to the EFCC’s anticorruption campaign. But the already beleaguered Ribadu had overplayed his hand, and the move against Ibori sealed the end of his career at the EFCC. Less than two weeks after the EFCC charged Ibori, Ribadu was “temporarily” relieved of his post and sent to attend a ten-month training course at Nigeria’s National Institute for Policy and Strategic Studies (2008). Ribadu’s tenure at the helm of the EFCC was in fact over, leaving him and many other EFCC officials apparently stunned.

After Ribadu’s abrupt removal from his post at the EFCC in January 2008, the Police Service Commission demoted him by two ranks and state security agents forcibly removed him from the graduation ceremony at the training course he had been ordered to attend (Obateru,
The police command then ordered him to report for duty at the police zonal office with jurisdiction over Delta State, James Ibori’s home state. Ribadu challenged the legality of his demotion in court, but when he failed to report to his new post, the Police Service Commission dismissed him from the police force (Reuters, 2008). After several death threats and an apparent assassination attempt, Ribadu left the country in January 2009. But his travails were not over. In November, 2009, the Code of Conduct Tribunal ordered his arrest on allegations that he had failed to declare his assets.

After Goodluck Jonathan was sworn in as president following the death of Yar’Adua from natural causes in May, 2010, and Jonathan’s removal of Michael Aondoakaa as attorney general, Ribadu returned to Nigeria (Muogbo et al, 2010). The Police Service Commission, reportedly under pressure from the presidency, restored Ribadu’s rank and reversed his dismissal from the police force, and the new attorney general withdrew the case against Ribadu at the Code of Conduct Tribunal, without any public explanation (Gambrell, 2010).

4.2 The EFCC under Farida Mzamber Waziri (Mrs)

Farida Mzamber Waziri, (Mrs) retired Assistant Inspector General of Police, (AIG), succeeded Nuhu Ribadu as the Executive Chairman of the EFCC. Mrs Waziri was appointed as the EFCC boss by former President Umaru Musa Yar’adua on May 15, 2008 after a brief interim period under former Ribadu deputy Ibrahim Lamorde. Her many critics allege that she has been ineffective and incompetent. She has also been widely accused of having close relationships with corrupt political figures and of going slow on sensitive cases against powerful political figures. The Guardian newspaper quoted the EFCC chieftain as saying that allegation of corruption against former president Olusegun Obasanjo and some former state governors could not be supported because the files did not exist or they had disappeared (The Guardian, 2009).
Even the EFCC’s critics generally agree that the agency has done a competent job of prosecuting political financial crimes, especially advance fee fraud cases. By March, 2011, the EFCC had arraigned some 1,200 people for advance fee fraud, securing so far more than 400 convictions (Waziri, 2011). That side of the EFCC’s work continued apace under Waziri.

Also under Waziri, the EFCC has shed new light on Nigeria’s scandal-ridden banking sector. In the most highly publicized of several EFCC banking cases brought under Waziri, former Oceanic Bank managing director Cecilia Ibru was sentenced to six months in prison and disgorged an astonishing 190 billion naira ($1.2 billion) after pleading guilty to several counts of bank fraud in October, 2010 (Reuters, 2010).

The EFCC has made important progress in recovering assets that are the proceeds of crime. According to Waziri, since its inception in 2003, the agency has recovered over $11 billion—of which some $6.5 billion has been recovered since Waziri took office in June 2008, most of which was recovered in the Central Bank’s overhaul of the banking sector (Waziri, 2011). Earlier in August 2008, the EFCC under her chairmanship arrested the former National Deputy Chairman (South-West) of the then ruling People’s Democratic Party, PDP, Olabode George and arraigned him alongside four other accomplices on a 163 count charge of corruption amounting to N846 billion while he was the chairman of the board of the Nigerian Port Authority (NPA). Olabode George was tried, convicted and sentenced to a 30 months jail term.

In a paper presented by Warizi (2011), at the United Nations Conference on Least Developed Countries in Istanbul, she opined that the agency, during her tenure, has “vigorously pursued its mandate of investigating and disseminating information to all relevant agencies all over the world on economic and financial crimes.” She claimed that the EFCC recorded successes in several areas of its mandate in the following areas:
The advent of the EFCC impacted positively on the country’s global acceptance by being a turning point in the country’s anti-corruption resulting in attracting foreign investors and laundering the country’s image.

The EFCC recorded several prosecutions and convictions on corruption, money laundering, oil pipeline vandalism and related offences. These prosecutions and convictions include those involving corrupt top public offenders and top government functionaries like a former Inspector General of Police, former Present of the Senate, State Governors, Ministers and Parliamentarians, etc.

The EFCC recovered assets and money worth over $6 billion from officials and their cohorts. The agency is also currency dealing with over 65 high-profile cases and over 1500 other cases in Nigerian Courts. In addition; it secured over 600 convictions including the prosecution of one of biggest fraud cases in the world involving about $242 million bank fraud in Brazil.

The EFCC helped to cleanse and sanitize the Nigerian banking sector through investigation and prosecution of top officials and other for money laundering and other frauds.

The EFCC helped to restore confidence in Financial Institutions and Stock Market. This resulted in the boosting of local and international confidence in the country’s financial sector and led to the country gaining more points in the Transparency International’s global corruption perception index.

The EFCC helped to stem the incidence of bank failures which was rampant in the country leading to the recovery of over $5 billion bad loans.
The EFCC contributed to the success of the 2011 General Elections nationwide which had been adjudged as one of the freest in the nation’s history.

The EFCC encouraged the passage of anti-terrorism laws to stem terrorism financing and money laundering which had portrayed Nigeria in bad light among the comity of nations.

Waziri argued that the number of important cases she has filed compares favourably with Ribadu’s own record (HRW, 2011). As the charts below show, the number of prosecutions targeting allegedly corrupt nationally prominent public officials is higher under Waziri (16 cases) than Ribadu (10 cases).

Table 4.2.1

![Graph showing number of cases by Year and Official]

Source: HRW (2011)
Indeed, the EFCC under Waziri is also epitomized by the arrangement of some prominent political figures as shown in the table below:

Table 4.2.2 Sixteen Nationally Prominent Political Figures Charged under Waziri (June 2008–July 2011)

<table>
<thead>
<tr>
<th>S/N</th>
<th>DEFENDANT</th>
<th>OFFICE HELD</th>
<th>DATE CHARGED</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Nicholas Ugbane</td>
<td>Chairman, Senate Committee on Power</td>
<td>May 2009</td>
</tr>
<tr>
<td>8</td>
<td>Ndudi Elumelu</td>
<td>Chairman, House of Representatives Committee on Power</td>
<td>May 2009</td>
</tr>
<tr>
<td>9</td>
<td>Igwe Paulinus</td>
<td>Chairman, House of Representatives Committee on Rural Development</td>
<td>May 2009</td>
</tr>
<tr>
<td>10</td>
<td>Jibo Mohammed</td>
<td>Deputy Chairman, House of Representatives Committee on Power</td>
<td>May 2009</td>
</tr>
</tbody>
</table>

Source: HRW, 2011

Farida Waziri who served under the Yar’Adua’s administration is adjudged to be more innovative in public relations. It is under the Waziri led EFCC that Nigerians saw annual publications of the cases under investigation, including those inherited from Ribadu. More names
were mentioned, lots of cases in the courts with few convictions. Even with the apparent paradigm shift in the fight against corruption under her, there was no much conviction and/or sentences recorded as against the number of individuals accused of corruption. Waziri, in 2011 acclaimed to have recovered the sum of $11 billion (Abah, 2012). On November 23, 2011, Farida Waziri was unceremoniously removed and replaced with Ibrahim Lamorde by President Goodluck Jonathan.

4.3 EFCC under Ibrahim Lamorde

Following the exit of Mrs. Farida Waziri, Mr. Ibrahim Lamorde, a former Director of Operations and Acting Chairman of the agency, was appointed by President Goodluck Jonathan as the Commission’s Chairman. He was confirmed as Executive Chairman of the EFCC by the Nigerian Senate on February 15, 2012. A few weeks later, the police Service Commission in its 26th plenary session elevated him to the position of Deputy Commissioner of Police (DPC) from his previous position as Assistant Commissioner of Police (ACP) ((Igbinovia & Igbinovia, 2014).

Unlike his predecessors, Lamorde was a recurring face at the anti-corruption agency. He is said to be the only one to have twice served as director of operations and acting chairman of the agency. Lamorde was a member of the pioneer officers drafted from the Nigeria police that midwifed the EFCC under the leadership of Nuhu Ribadu (Akor, 2013).

Mr. Lamorde further highlighted the successes so far recorded by the Commission to include “Robust enforcement of economic and financial crimes, anti-money laundering law, routing of notorious ‘419’ and engendering renewed inflow of Foreign Direct Investments (FDI)”While stating that the EFCC’s mandate is not limited or influenced by tribe, creed, status or affiliations, he said the Commission had been actualizing its mandate of nation-building
through a number of activities, including enforcement, receipt of complaints, investigation, prevention, enlightenment and advocacy training. He added that as an anti-graft agency, the EFCC has also ensured restitution for victims of economic and financial crimes, locally and internationally (Lamorde, 2015).

Lamorde, according to a source, was almost certainly handicapped by the circumstances of his predecessors, being witness to what happened after they left office, may have caused the perceived low performance of the commission under his watch. As a serving police officer who had concerns about his career trajectory, he may have had cause to ponder before stepping on the toes of Politically Exposed Persons, (PEPs) who are said to perpetuate a large percentage of financial crimes in the country. Lamorde’s quest to prosecute some politically exposed persons came with its baggage, as many petitions and protests followed the recent investigations and prosecution of some former governors and top government officials.

He was also alleged to have looted a whopping N1 trillion recovered proceeds of corruption, an accusation that kick started a probe by the Senate, which invited Lamorde to explain. The Senate, shortly after he was removed from office, postponed the hearing. The decision to launch a full-scale investigation on Lamorde started after one George Uboh appeared before the Senate Committee on Ethics, Privileges and Public Petitions on August, 23 where he alleged that Lamorde looted about N1trillion. In his petition to the Senate, Uboh said the fraud allegedly dates back to Lamorde’s days as the Director of Operations of the EFCC between 2003 and 2007, as well as an acting Chairman of the commission between June, 2007 and May, 2008, when the then chairman of the anti-graft agency, Mr. Nuhu Ribadu, was away for a course at the National Institute for Policy and Strategic Studies, Kuru, Jos (The Sun Oct, 8, 2015). Uboh also
alleged that the EFCC had not accounted for “offshore recoveries” and that over half of the assets seized from suspects are not reflected in EFCC exhibit records.” He further accused Lamorde of conspiring with some EFCC officers and external auditors “to operate and conceal a recovery account in the Central Bank of Nigeria (CBN) and excluded the balances from your audited financial statements between 2005 and 2011.” Around October 12th, 2015, Lamorde sued The Sun Publishing Company, owners of The Sun Newspaper, for allegedly publishing a false story about him, asking for N1 billion damages. Lamorde argued that the story published by the newspaper that he was being investigated for embezzling N1 trillion, allegedly being money recovered by the EFCC from corrupt public officials was false. In the statement of claim, Lamorde said the allegations made by the defendant are untrue and actuated by malice, making him subject to numerous telephone calls from professional colleagues, international donor agencies, multinational organizations, relations, friends and religious leaders expressing disgust and contempt at his alleged disgraceful, unpatriotic conduct (Lamorde, 2015). Although the Senate has postponed its investigation into the matter, the EFCC had carried adverts in newspapers ‘setting the records straight,’ on the allegations. Lamorde was however, asked to proceed on terminal leave on November 9, 2015 ahead of the expiration of his tenure in February 2016.

4.4 EFCC Under Ibrahim Magu

Ibrahim Magu is a deputy commissioner of police and the newly appointed acting chairman of the EFCC on the 9th of November, 2015 following the removal of Ibrahim Lamorde. Mr. Magu was one of the early recruits into the EFCC by Mr. Ribadu and seen by his peers as an incorruptible and courageous officer and made the head of the sensitive EGU, a unit in charge of investigation of senior public officials. His stature will easily deceive you, but he is one of the
toughest interrogators the anti-graft commission has had in its history — one that even former governors under investigation specifically begged not to be interrogated by.

One of the hardest trails currently beclouded in Nigeria is that of tracing the terrorism financing flow. Ibrahim Magu attended anti-money-laundering courses with the FBI, and anti-terrorism, combating the financing of terrorism courses with the US Department of Justice and the Department of Homeland Security. This background will allow him to create a pathway in tracing the financial transactions meant for sponsoring terrorism-related activities. Little did Magu know that he was only preparing to become the country’s anti-corruption czar.

Magu was feared more than Ribadu, who was removed as the anti-graft czar in controversial circumstances in 2007 by the late President Umaru Musa Yar’Adua. Ribadu was understood to be a victim of power play as Yar’Adua political associates, led by James Ibori, former governor of Delta state, sought to castrate the agency. Ibori is currently serving a jail sentence in the UK. Not only was Ribadu removed from the commission through a controversial re-posting and an order to proceed to the National Institute for Policy and Strategic Studies (NIPSS), his core team was effectively dismantled. Ibrahim Lamorde, who was removed by President Muhammadu Buhari as EFCC chairman, was posted to Ningi, Bauchi state, while Magu was sent to Delta state, Ibori’s territory. It was a cynical posting and there were fears that it was a deliberate plot to get rid of him.

This needs to be put in its proper context. Magu was one of the officers who investigated Ibori and came up with the indictment that was used against him in court. The eventual weakening of EFCC was linked to this particular case, and posting Magu to Delta was bound to be seen as not just humiliation but also an indirect sentence to live in fear. He eventually spent only three weeks in Delta and was later given another posting, and at some point attempts were
made to retire him from the police so that he does not raise his head again. Ribadu, his erstwhile boss, was dismissed from the force at the height of his struggles as he engaged the powers that be in a public spat. The federal might ended his career abruptly, although former President Goodluck Jonathan converted his dismissal to retirement in 2010 after Ribadu won a court case. Magu, meanwhile, was in the wilderness of his life, unable to fit into the proper police force as his talent and training were being wasted in routine police duties. For a long time, he remained an assistant commissioner of police without any hopes of being promoted. Fortune smiled on him when Lamorde was appointed EFCC chairman by Jonathan in 2011. Lamorde brought Magu back into the EFCC, and the Borno-born officer began to find fulfillment again (Alkasim, 2015).

Magu, apart from the Ibori’s case, was also involved in big investigations, including the Halliburton bribery scandal. No government has acted on the report which indicted top government officials. The corruption allegations were related to the natural liquefied gas project which came under intense international scrutiny, with the US government handing out indictments and heavy fines. Recently, Magu was appointed by the government of Buhari to investigate the purchase of arms by the armed forces under the previous administration.

The 14-man panel is investigating how some of the retired military chiefs spent the votes for arms while they were in office. The panel, inaugurated by Babagana Monguno, the national security adviser, was asked to investigate, among others, $466.5m contract to weaponise six Puma helicopters by Jonathan administration; N3billion contract for the supply of six units of K-38 patrol boats to the disbanded Presidential Implementation Committee on Maritime Security (PICOMSS) and theft of over €200m by PICOMMS, including the purchase of two private jets. Other allegations were: the $9.3m cash-for-arms deal seized by South Africa; whereabouts of $1billion loan approved by the 7th senate for arms purchase to fight Boko Haram; what became
of unaccessed N7b budget for the military and the contract for the rehabilitation of the Military Reference Hospital in Kaduna.

The revelations from these deals may be the starting point for Magu’s EFCC. Expected to receive tremendous support from President Mohammadu Buhari whose anti-corruption credentials aided him to power, Magu’s tenure has become a threat to the oil cabals, unscrupulous politicians, duplicitous business people and corrupt public officials. Under him, the EFCC looks poised for a return to the days of Ribadu. As it is popularly called, Dasukigate or bazaar seems to be the litmus test for the new EFCC boss. According to the New EFCC boss, the Commission would leave no stone unturned in ensuring that all those implicated in the diversion of the arms cash would be made to face the full weight of the law. According to him, the Commission had resolved to break the corruption chain in a fair, accountable and transparent manner in line with international best practices and doing so, it has investigated a total of 1,881 cases within 2015. Out of this figure, 280 cases were filed in courts and 78 convictions were secured (Awosiyan 2015).

The EFCC under Magu must prove to Nigerians that it is ready to chart a different path. It must take cognizance of the fact that a critical factor for the success of the anti-corruption campaign is its ability to secure convictions. Nigerians are weary of reading about trials on the pages of newspapers only for the suspects to be allowed to go home. They are also weary of the EFCC giving soft landing to those who ought to refund whatever they have stolen and still go to jail. Securing the convictions of so-called big men and women is the litmus test of whether the EFCC under Magu would remain on vacation or it would actively be on its duty post to fight corruption.
Table 4.4.1


<table>
<thead>
<tr>
<th>Year</th>
<th>Petitions Received in the EFCC</th>
<th>Petitions Investigated</th>
<th>Cases under Prosecution</th>
<th>Convictions Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>220</td>
<td>17</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>2004</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>2005</td>
<td>2001</td>
<td>263</td>
<td>88</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>3138</td>
<td>196</td>
<td>437</td>
<td>91</td>
</tr>
<tr>
<td>2007</td>
<td>3672</td>
<td>183</td>
<td></td>
<td>53</td>
</tr>
<tr>
<td>2008</td>
<td>3301</td>
<td>123</td>
<td>330</td>
<td>74</td>
</tr>
<tr>
<td>2009</td>
<td>3967</td>
<td>2863</td>
<td>221</td>
<td>64</td>
</tr>
<tr>
<td>2010</td>
<td>6782</td>
<td>2399</td>
<td>206</td>
<td>68</td>
</tr>
<tr>
<td>2011</td>
<td>7737</td>
<td>2606</td>
<td>417</td>
<td>67</td>
</tr>
<tr>
<td>2012</td>
<td>4914</td>
<td>3962</td>
<td>502</td>
<td>87</td>
</tr>
<tr>
<td>2013</td>
<td>6089</td>
<td>4453</td>
<td>485</td>
<td>117</td>
</tr>
<tr>
<td>2014</td>
<td>4941</td>
<td>3228</td>
<td>388</td>
<td>126</td>
</tr>
<tr>
<td>2015</td>
<td>NA</td>
<td>280</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>46,762</td>
<td>20,013</td>
<td>3,546</td>
<td>913</td>
</tr>
</tbody>
</table>

Source: EFCC Anunual Reports 2003-2015

Table 4.4.1 shows that the EFCC secured a total of 913 convictions in the period under study. If the number of convictions is unprecedented, the success recorded in the area of assert recovery beggars description. Surely, the Commission cannot be clinking glasses yet over these levels of prosecutions and convictions. For instance, for the almost four years Lamorde
supervised the EFCC, it is not on record that it was able to secure the conviction of any top politician with the appropriate sanction. Yet, this was the time that billions were stolen with frightening regularity. While it neglected to probe and jail the big politicians, the EFCC was busy hounding the little thieves such as Internet fraudsters; the petty 419ners (see Appendix v & vi). It was only in the last six months that the EFCC woke up and it was busy trying to prosecute some people. This was correctly interpreted as a desperate move by Lamorde to secure a renewal of his tenure (The Guardian, Wed 23 Dec 2015).

4.5 EFCC Successes Recorded in the Fight Against Corruption: An Overview

Punishment prescribed in the EFCC Establishment Act range from combination of payment of fine, forfeiture of assets offence. Conviction for terrorist financing and terrorist activities attracts life and up to five years imprisonment depending on the nature and gravity of the imprisonment. The commission has been able to and is still recording success in the following (but not limited to) areas. So far, several convictions have been recorded on corruption, money laundering, oil pipeline vandalisms and related offences. Assets and money of well over $6.5 billion have been frozen and seized from corrupt officials, their agents and cronies. According to Adebanjo (2009), the following successes have being recorded by the EFCC:

a. Reorganization of Critical Agencies of Government

EFCC has led the drive to clean up and reorganize key agencies and institutions of government in Nigeria. The Commission’s work has led to the change of leadership of the most critical agencies such as the Nigeria Police, the Customs and the National Drug Law Enforcement Agency (NDLEA). The EFCC under the new leadership is driving necessary reforms of these vital agencies in order to stem out corruption from them.
b. Prosecution and Conviction of Corrupt Top Public Officers

The Commission has successfully prosecuted and secured convictions against top government functionaries, including the former chief law enforcement officer of the nation, the Inspector-General of Police (IGP). Investigation by EFCC has caused the removal from office and prosecution of a president of Senate, a governor, ministers, parliamentarians, chief executives of banks, etc. It must be added that former governors who had a free for all go at corruption when they were in power are now having it tough with the commission. Since the post May 2007 period the commission has arraigned ex-governors and secured the conviction of some.

c. Setting up Machinery for Monitoring Activities in the Oil Industry and Prevention of Illegal Bunkering

EFCC is vigorously addressing the nagging problem of illegal oil bunkering and pipeline vandalism in the Niger Delta Region. Over 10 convictions on pipeline vandalism have been recorded, 25 trailers (instrumentalities of crime) seized and confiscated and accounts of beneficiaries blocked.

d. Recovery and Return of Proceeds of Advance Fee Fraud (419) Crime

The fight against Advance Fee Fraud (419) and identity theft has been aggressively pursued, leading to the prosecution and conviction of kingpins including the celebrated $242 million case involving a Brazilian bank. Much of the amount has been recovered and returned to the bank in Brazil. The EFCC also recovered and returned the sum of $4 million to a victim of 419 in Hong Kong and has seized and returned over $500,000 to sundry US citizens. It is in the process of returning $1.6 million (already blocked) to a victim in Florida.
e. Setting up of the FIU and taking action against Terrorist Financing

The fight against money laundering, terrorism and terrorist financing has heightened with the establishment of the Nigerian Financial Intelligence Unit (NFIU) by the EFCC. This has helped in the detection of Suspicious Transactions in financial institutions. EFCC is coordinating the implementation of the National Strategy Plan Against Money Laundering and Terrorist Financing. This has no doubt impressed the Financial Action Task Force (FATF) of the G8 whose review team only recently concluded an on-site visitation to the country with a view to assessing her level of compliance in order to have her de-listed from its list of Non-Cooperating Countries and Territories (NCCTs). Nigeria is fully in compliance with the UN Convention against corruption and UN Resolutions on terrorism and terrorist financing particularly Resolution 1247. EFCC maintains a database of terrorist groups, individuals, non-governmental organizations (NGOs), etc, and she constantly keeps a weather look on them.

f. Capacity Building for Law Enforcement and Judicial Officials

Capacity building is a key in the fight against graft. EFCC has responded by establishing a state-of-the-art Training and Research Institute in Karu, Abuja, for the training of its officials. EFCC has also assisted through donor agencies with the training of judges handling cases of corruption, money laundering and other financial crimes. This has helped to reduce the trial cycle-time.

g. Cleansing of the Banking Sub-sector

EFCC has contributed to the sanitization of the banking sector through investigation and prosecution of Chief Executives and other officials for Money Laundering and other frauds. Bank failures which were rampant in the past have now become a thing of the past.
Although the looting of the treasury has not stopped, the international community has praised the Nigerian government through the work of the EFCC for putting in place a mechanism for arresting the issue of corruption in the country. Though under the administration of Chief Olusegun Obasanjo and Goodluck Jonathan (and to an extent under the current administration), the Commission is said to be a political tool that is used to intimidate political opponents and the enemies of the regime. The EFCC in its high profile conviction cases has proven to the world that it is out to rid the country of corruption and promote national development which corruption has hindered in the country.

4.6 Challenges facing the EFCC in the Fight against Corruption in Nigeria

Among the many challenges of the EFCC, is the claim of immunity from arrest and prosecution by the president, vice president, and governors and their deputies by the EFCC. Many state governors and their legal defense lawyers have interpreted the provisions in subsections 308(1) and 308(2) of the immunity clause of the 1999 Constitution as giving absolute immunity from criminal prosecution while in office. As a result of this institutional and legalistic argument, it has been difficult to prosecute these governors and also the vice president and the president while in office. This claim of immunity is absurd because it was not the intention of the framers of the constitution to allow elected officials to steal and plunder the nation’s wealth. However, although claiming immunity under subsection 308(1), governors can be prosecuted under civil law as provided by subsection 308(2).

The significant delays, frustrations, and waste of resources in the current prosecution regime constitute another challenge facing the EFCC. It has become an art for defense attorneys to ensure that financial crime cases do not continue, and substantive cases are never tried on their merits. Defense attorneys can delay and prolong cases by a tactic of applying for stays on
proceeding. Where such application is not granted, the defense attorneys accuse the judges of bias and therefore grounds for application to transfer their cases to other judges.

Similar to the above challenge is the problem of congestion and the slow pace of court proceedings caused by an insufficient number of courts and judges and antiquated manual recording system.

Of equal importance is the cyber nature of financial crimes. This has created a jurisdictional challenge and increased the costs of investigation and prosecution. The digital revolution has collapsed traditional physical boundaries and therefore altered the territorial jurisdiction for the prosecution of cyber crimes. Associated with this jurisdictional problem is the challenge posed by the increasing costs of prosecuting these cases, which run into millions of naira.

Furthermore, the EFCC faces the challenge of the inadequacy of the existing procedural laws in Nigeria that question the evidential status and admissibility of computer and electronically generated documentation. In fact, the Nigerian legal procedural system has not kept pace with evidential value of information generated by the cyber revolution.

Finally, the EFCC faces the challenge posed by instability and continuity in leadership. By the end of 2007, Alhaji Ribadu was ordered to proceed on study leave and replaced by Ibrahim Lamorde in an interim capacity and on May, 2008, Farida Waziri was appointed as the Chairman of EFCC and subsequently replaced by Ibrahim Lamorde again in controversial circumstance. Another change of guard recently brought in Ibrahim Magu presently at the hem of affairs. This incessant turnover changes in leadership driven by partisanship without sufficient cause might and do jeopardize the efficacy of the Commission.
CHAPTER FIVE
AN APPRAISAL OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION’S
ACTIVITIES IN NIGERIA (2002 – 2015)

5.1. Data Presentation

This chapter presents and analyses the bulk of data sourced from the field using the research method stated in chapter one. Though a part of the views and ideas presented here were sourced from observations and the interview of various stakeholders, the major part of the analysis is hinged on information gathered through the questionnaire instrument administered.

A total number of 360 questionnaires was administered, out of which 311 was returned valid. This represents about 86.3% response rate. This response is adequate for analysis and generalizations on the issue (s) under investigation.

The bulk of data generated in this study was analyzed using quantitative and qualitative/descriptive statistical tools such as percentages, mean, frequencies and tables among others. Also, interviews by the researcher and the ones conducted by the EFCC with certain key stakeholders were extrapolated to give vent to the analysis of the questionnaires where necessary.

The volume of very useful and indispensable secondary data used in this study made a content analysis very imperative.

Deductions and inferences were reached for better understanding and clearer explanations of the findings, and then recommendations were made. See Appendix iii for detail statistical analysis of the Questionnaires. The foregoing analyses were drawn from details of Appendix iii.
5.2 Analysis of Data

Table 5.2.1 Political will and the fight against corruption in Nigeria

<table>
<thead>
<tr>
<th>Statements</th>
<th>SA</th>
<th>A</th>
<th>UND</th>
<th>D</th>
<th>SD</th>
<th>Mean</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is lack of political will by government to</td>
<td>186</td>
<td>53</td>
<td>19</td>
<td>36</td>
<td>17</td>
<td>4.1</td>
<td>Accepted</td>
</tr>
<tr>
<td>reduce corruption</td>
<td>60%</td>
<td>17%</td>
<td>6.1%</td>
<td>11.6%</td>
<td>5.5%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field survey, 2016

There appears to be a common sense of agreement amongst respondents from table 5.2.1 that corruption is prevalent in Nigeria because the society tolerates it. Commenting on the commitment of the political class in the anti-corruption fight, Festus Keyamo in an interview opined that “well I think politicians would always be politicians. What you hear most of the time are political talk. Some promising to fight corruption, some said they are still mapping out strategy to fight corruption. Politicians are just mouthing corruption nothing more”.

This is also surely related to a number of other factors already highlighted in the preceding sections of the work, such as ethnic and religious sentiments and the lack of patriotic disposition of many Nigerians toward the state. According to Kogbara (2010: 1), too many Nigerians (whether rich or poor and irrespective of their religious inclinations) have indifferent attitudes toward corruption in Nigeria. Kogbara further suggests that corruption is widespread and the phenomenon is not only tolerated but also admired because of the degree of moral decadence in Nigerian society, where success is more valued than integrity and high morals.

While poverty and poor condition of service may perhaps influence public officials to engage in corrupt practices (particularly lower ranking public officials), this may be different from the experience of top ranking public officials. The greedy tendencies of high ranking public officials, encouraged by the poor state of transparent and accountable mechanisms in Nigerian’s
public service has been linked to a lack of political will as alluded to by 60% of the respondents which is perhaps also related to the character of the Nigerian state and the role of godfatherism in Nigeria’s political space. Also weak public institutions, characterised by a lack of transparency, accountability and effective monitoring control system, constitutes some of the major factors responsible for the endemic nature of corruption in Nigeria. Apart from the Buhari military regime, until 1999 when Obasanjo took over as a civilian president, Nigeria had never witnessed a serious and committed political commitment from the highest tiers of government to combat corruption (Akhigbe, 2011).

Table 5.2.2 Government Interference and the Granting of Underserved Pardon to People Convicted by EFCC

<table>
<thead>
<tr>
<th>Statements</th>
<th>SA</th>
<th>A</th>
<th>UND</th>
<th>D</th>
<th>SD</th>
<th>Mean</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is government interference in the anti-corruption fight of the EFCC</td>
<td>152</td>
<td>36</td>
<td>62</td>
<td>46</td>
<td>15</td>
<td>3.8</td>
<td>Accepted</td>
</tr>
<tr>
<td></td>
<td>48.9%</td>
<td>11.6%</td>
<td>20%</td>
<td>14.7%</td>
<td>4.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The granting of underserved pardon to people convicted of corruption by the government weakens the fight against corruption</td>
<td>145</td>
<td>95</td>
<td>32</td>
<td>21</td>
<td>18</td>
<td>4.0</td>
<td>Accepted</td>
</tr>
<tr>
<td></td>
<td>50%</td>
<td>30.5</td>
<td>10.2%</td>
<td>6.8%</td>
<td>5.8%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source, field Survey, 2016

Table 5.2.2 clearly indicates that there is serious interference of government in the activities of EFCC with a mean score of 3.8 also with majority of the respondents of the opinion that the granting of underserved pardon to convicted people by the EFCC weakens the fight against corruption in Nigeria. Alluding to this, The Nation, 2008 asserted that “there can be no denying the fact, though that the EFCC under Mr. Ribadu has acquired notoriety for witch-hunting the political enemies of the ancient regime and trampling on the civil rights of suspects. He was the arrowhead of the most brazen and insidious assault on federalism when the agency
was being used to destabilize states where the governors constituted an opposition to former President Olusegun Obasanjo”. Apart from complaints of intolerance and high-handedness, there were also accusations of selective hounding of individuals by the EFCC on political grounds but under the guise of advancing the course of the anti-corruption campaign.

Disagreeing with the view of government interference, Olaolu Adegbite, EFCC’s Director of Operations opined “nobody interferes with what we are doing at the EFCC. Unfortunately, the perception is there that somebody is trying to influence EFCC, that is a sad falsehood and we don’t know where that is coming from. If anything at all, the higher level of government has been supportive of our activities. It is a national problem and we are bold enough to have the courage to take this on”.

In sum, taking the stock of the anti-corruption policies under both the President Obasanjo and President Yar Adua’s administration, Enweremadu (2010) opined that the fight against corruption under these regimes were not too impressive but were marked by inefficiency, vindictiveness, unseriousness and politicization as reflected in the views of the respondents in the table above. Moreso, with the ill-advised, self-serving, political impelled, paternalistic, parochial, insensitive and rather thoughtless granting of presidential pardon by President Goodluck Jonathan to Diepreye Alamieyeseigha and Bulama, on March 12, 2013, dealt a big blow on the EFCC and other law enforcement agencies in their effort to stem and tackle the corruption menace that has been the scourge, opprobrium and odium of the Nigerian State for decades (Igbinovia & Igbinovia, 2014).

Thus, Maikano (2013), opined that “the pardon is lethal to Nigeria’s fight against the menace of corruption……. Indeed, the Alamieyeseigha pardon-gate has once again brought to the fore the insincerity of the Jonathan administration to fighting the scourge of corruption and
fraud in this country….. It amounted to dragging the image of the country to the pre-EFCC days of money laundering, advanced fee fraud and impunity.

In a purely structural sense the EFCC is deeply vulnerable to the whims of the presidency. The commission’s chairman enjoys no security of tenure and can be removed by the president at will, without any form of consultation or approval from the National Assembly. The political pressures brought to bear on the EFCC have at times been enormous.

Table 5.2.3 EFCC being Selective and Partisan in its Anti-Corruption Campaign

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<tr>
<th>Statements</th>
<th>SA</th>
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<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFCC is selective and partisan in its anti-</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3.6</td>
<td>Accepted</td>
</tr>
<tr>
<td>corruption campaign</td>
<td>124</td>
<td>72</td>
<td>24</td>
<td>56</td>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>40%</td>
<td>23%</td>
<td>7.7%</td>
<td>18%</td>
<td>11.3%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source, field Survey, 2016

Table 5.2.3 indicates the perception that EFCC is selective and partisan in its anti-corruption campaign over the years. Commenting on the view that EFCC is selective in its operation, Olaolu Adegbite, EFCC’s Director of Operations in an interview maintained that, “some of our citizens are very imaginative and the culture of melodrama has taken over almost the entire national culture. The sad thing is, when people say we are selective in what sense? Nobody has been able to point out a single case where someone was wrongly prosecuted. Or are you now saying because you belong to an opposing side of the government, you have an immunity to commit crime? Whether one is with or against the government, once a crime is committed, EFCC will go after you. That argument does not fly”.

The EFCC under the leadership of Ibrahim Magu seems poised towards redeeming the image of the Commission but with pockets of accusations from the opposition party of being too hard on them. Over the years, most Nigerian government anti-corruption campaign exercises
which have been implemented have tended to have been grossly politicised and highly selective (Lawson 2009) including the EFCC since its establishment.

Table 5.2.4 Corruption Reduction, Fiscal Transparency and Accountability Improvement since Establishment of EFCC

<table>
<thead>
<tr>
<th>Statements</th>
<th>SA</th>
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<th>Mean</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption has declined since the establishment of EFCC in 2002</td>
<td>59</td>
<td>46</td>
<td>8</td>
<td>76</td>
<td>122</td>
<td>2.5</td>
<td>Rejected</td>
</tr>
<tr>
<td>Fiscal transparency and accountability has improved since the establishment of EFCC</td>
<td>86</td>
<td>48</td>
<td>12</td>
<td>89</td>
<td>76</td>
<td>2.9</td>
<td>Rejected</td>
</tr>
</tbody>
</table>

Source: Field Survey, 2016

Respondents from table 5.2.4 rejected the proposition that corruption had reduced since the establishment of EFCC in 2002 with a mean score of 2.5 on the low side while respondent also disagreed that fiscal transparency and accountability has improved since the establishment of EFCC.

According to Egwemi and Saliu (2010), the country’s poor corruption record is due to lack of transparency, good governance and accountability. They noted that even though the Obasanjo’s administration was credited with the setting up of such anti-corruption agencies as the EFCC and ICPC, the administration was still mired in series of corrupt practices. They observed that several scandals like the Tafagate, tenure amendment bribe allegation, budget bribe, the PTDF report, Mantu and Hajj scandal, the Nitel-Pentascope Management Contract scandal, the SOLGAS and Ajaokuta Steel scandal and TRANSCORP saga among others were awesome revelations of deep seated political corruption in Nigeria at a time that the EFCC holds strong sway.
His successor, President Yar’Adua did not help matters. Critics allege that, as a product of corruption, he paid lip service to the fight against corruption even though he was not personally a corrupt leader. All these resulted in a further deterioration in Nigeria’s ranking from 60th position in 2007 to 51st in 2008 and 45th position in 2009. The situation does not seem to have improved since the establishment of EFCC in 2002 as indicted in the Nigeria’s corruption perception index by Transparency International above.

In fact, Nigeria has become a case where money corrupts, and corrupts absolutely. There are rumors that corruption has so permeated the judiciary and legislature such that the needed “checks and balances” in a democracy no longer exist. Even the media has become a victim of corruption and there are rumors of politicians bribing newspaper editors not to publish unfriendly reports about them in their newspapers (Ogundiya, 2009).

Osundare (2012), rightly posits that;

Corruption is the fastest-growing industry in Nigeria today. It is the real money-spinner, the oil which lubricates the engine of Nigeria’s politics and economy, a sine qua non in business deals, a desideratum for advancement in all spheres. Come to think of it. How/what would our politics be without corruption? If our electoral processes were less corrupt, how would judges on the Election Petition and Appeal Court get a few ‘gifts’ to secure them in their retirement? What about the lawyers who rake up their billions from litigating cases that should have been determined in the polling booth? How would the Distinguished Senator and Honourable Rep. live up to their billing as lawmakers of the Federal Republic of Nigeria without securing millions of naira from acts such as anticipatory approvals, or incidents such as Lawangate or Hembegate? If you are in the
aviation sector, how can you boost your profit margin if you refuse to bribe oversight officers and inspectors whose duty it is to pass your rickety, octogenarian airplane as eminently air-worthy and litter the Nigeria sky with flying coffins? If you are a banker, how can you join the big league of billionaires without cooking the books, proliferating unsecured loans, liquidating your bank and running away with the money while hundreds of depositors perish from the stress engendered by your fraud? Yes, indeed, corruption is Nigeria’s most viable industry, the largest employer of labour, engenderer of an economy that knows no recession. In obodo dike Nigeria, corruption pays; it pays handsomely...

And this is why we no longer blush . . . .

According to Human Rights Watch Report (2008), Nigeria has earned well over US$ 223 billion in oil revenues since the exit of the military rule in 1999 (HRW: 2008, p 137). Subsequently, by March 2008, the country’s anti-graft watchdog EFFC conducted what is considered a high profile corruption probe into the conduit of Nigeria’s ‘spoil politics’ in the past 50 years. The report indicates that Nigeria in the last five decades has earned nearly half a trillion dollars in oil revenue; an amount pundits argues dwarfed the total international aid to the whole of sub-Saharan Africa. Despite this huge oil revenue, an investigation by (Africa Confidential, 1999), also revealed that almost 70 percent of the population wallows in the vortex of abject poverty and despair. Ironically, the blossoming oil wealth has not reflected in the standard of living of the great majority of the population. Today, across Nigeria, public services have deteriorated and poverty is growing, sharpening ethnic divisions and fostering an ever shriller parochial politics in which ethnic groups’, clans and sub-clans battle for the shrinking national cake (Africa Confidential: 1999). Thus, corruption, had taken an unprecedented stature,
assuming an alarming cultural dimension and frustrating all attempts at effective economic growth and a descent expression of development.

The logic and pervasiveness of patron-client networks, as well as the deeply entrenched culture of domestic capitalist accumulation and resource distribution portrays the very nature of struggle for the spoils in Nigerian politics (Omeje: 2004, 2006:478). Therefore, the ‘rentier’ state status of the Nigerian state as well as its post-colonial politics of prebendalism has in fact become the dominant and defining characteristics of the state. In that, successive governments have mismanaged the oil wealth, ‘salting it away in foreign bank accounts rather than investing in education, health and other social investment and mismanaging the national economy to the point of collapse’. This phenomenon, however, has rendered the state as an institution unpopular, lacking legitimacy and domestically threatened because of the parochial interests it represents vis-à-vis its failure to deliver national development. The absolutist, predatory and personalist monopolization of state power has deepened the crisis of the post-colonial Nigerian state (Lewis: 1996).

For instance, after eight years of what was perceived as Nigeria’s longest and most uninterrupted democratic transition; former president Olusegun Obasanjo earned himself the tinted image from the Nigerian press as the most bizarrely corrupt leader in Nigeria’s history. This is largely not far-fetched from the startling revelations from the senate probe of the country’s power sector in February 2008 that starkly discovered that the ex-president ‘aided and abetted’ the misappropriations of about $16 billion spent by his administration on the sector. Yet, Nigerians barely live with steady electricity supply for eight hours in a day (Vanguard Newspaper, March, 2008). The Senate Committee on Power’s probation of the Obasanjo’s regime was to open the door for stunning ramifications of his eight years of chronic politics of
looting. Besides, corruption pervaded all levels of government during the past eight years of the Obasanjo’s administration. Meanwhile, Nigeria’s government earned an estimated $223 billion during his eight years due to rising oil revenue in the international market but evidently, the country lost a minimum average of $4 billion to $8 billion annually to corruption; a figure that equate between 4.25 percent and 9.5 percent of Nigeria’s total GDP in 2006 (HRW:2007). Thus, since the establishment of EFCC, neither corruption, transparency and accountability had improved but rather the plundering of the commonwealth of the people as revealed in the recent revelation of the Armsgate etc.

In an interview, a Civil Servant, Alh. Modu Uba opined that “it is very difficult to measure the extent to which corruption have ameliorated since the establishment of EFCC but however, with some of the high profile cases and some prosecution secured by the Commission over time, and some mechanisms put in place like procurement units, it has become difficult to fragrantly abuse public office as it used to be. With the EFCC performing a sort of oversight on government agencies, one can still assert with all sense of responsibility that it is no longer business as usual thus a marginal improvement on accountability and transparency in government business”.

Notwithstanding, the establishment of the EFCC had to some extent helped to restore Nigeria’s tainted image in the international community and had helped to put in check, the involvement of so many Nigerians in economic and financial crimes.
Table 5.2.5 International Collaboration and the EFCC Anti-corruption Fight

<table>
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<tr>
<th>Statement</th>
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</tr>
</thead>
<tbody>
<tr>
<td>International collaboration by EFCC help in reducing corruption</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3.5</td>
<td>Accepted</td>
</tr>
</tbody>
</table>

Source: Field Survey, 2016

Table 5.2.5 indicates that respondents believed that international collaboration by the EFCC is pivotal to the war against corruption judging from the fact that corruption has an international dimension. In law enforcement, no agency can stand alone. Just as sovereign nations are interdependent and thrive on robust bilateral and multilateral relationships, so are law enforcement organizations. Indeed organized crimes have grown in sophistication and reach, that it usually straddles multiple nations, demanding the resources and skills of multiple agencies from diverse jurisdiction to resolve. The EFCC over the years of existence has had the good fortune of enjoying the confidence and collaboration of leading law enforcement organizations around the world. Among them are the Federal Bureau of Investigation (FBI), the Metropolitan Police, the UK Serious Organized Crimes Agency (SOCA); the Dutch and German Police (ZT, 2013). Cooperation has come in the form of exchange of intelligence, joint operation and training. Between 2006 and 2010, the European Union—the EFCC’s largest donor—provided US$23.5 million of assistance to the agency. Foreign law enforcement agencies, such as the US Federal Bureau of Investigation and the London Metropolitan Police, have also trained key EFCC investigators.

The FBI has trained officers of the Commission both in Nigeria and in the US. A few of the Commission’s staff have attended the detective course at the prestigious FBI Academy. Ronke Onyeneyin, Senior detective who was at the FBI National Academy between September and December 2012 narrates her experience: “I participated in a wide range of leadership
development and social programme that allowed me to share ideas and on the job experience with others. Each session included approximately 250 officers who take undergraduates and graduate courses in law, the behavioural Sciences, Forensic Science, leadership development, communication etc. according to her, apart from the knowledge gained, it also provided her the rare opportunity of meeting and networking with law enforcement officers from around the world. “Now with just a phone call, I can get help in solving some complex cases by calling some of my course mates or tutors” she declared.

The EFCC is fostering both international and domestic collaboration to help fight corruption in Nigeria. Working in collaboration with the NNODC and other stakeholders, the NFIU successfully maintained a viable international and domestic cooperation between Nigeria and relevant bodies/countries. On the international scene, the Commission through the unit fostered relations with several countries in Africa and South America. The NFIU received a total of 53 requests from other FIUs in 24 countries as well as provided 34 spontaneous disclosures. Out of the 53 requests, 39 have been resolved while action on the remainder is still ongoing. Conversely, the NFIU made 57 requests to 31 countries and made one (1) spontaneous disclosure (EFCC ANNUAL REPORT, 2014). Alluding to the effort of EFCC at the international level, Jaganathan Saravanasamy, Inspector General, Indian Police Service and Head, Anti-corruption, Interpol says that “Interpol Anti-corruption Organization recognize the prominent role being played by the EFCC in the fight against corruption. It is one of the very few ACAs that has successfully recovered and brought back proceeds of corruption held in other international jurisdictions”(ZT, 2014).

According to Adebanjo Abidoun, a Research Officer with the EFCC in an interview, “the EFCC remains a major anti graft body in Nigeria that has earned the confidence and
applause of the international community on Nigeria’s fight against corruption, EFCC Act is
defective in the areas of asset recovery from abroad of corrupt Nigerians and there is need for
domestication of international treaties and conventions to bring domestic laws into line with
international anti-corruption standards thus strengthening the synergy between the EFCC”

Table 5.2.6 Judicial Injunctions and the EFCC anti-corruption Crusade

<table>
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<tr>
<th>Statements</th>
<th>SA</th>
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<th>SD</th>
<th>Mean</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial injunctions</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>4.1</td>
<td>Accepted</td>
</tr>
<tr>
<td>granted accused corrupt persons frustrates corruption cases</td>
<td>162</td>
<td>88</td>
<td>5</td>
<td>38</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>52%</td>
<td>28.2%</td>
<td>1.6%</td>
<td>12.2%</td>
<td>5.8%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Survey, 2016

Table 5.2.6 shows respondents concurrence that judicial injunctions granted accused corrupt persons frustrates the fight against corruption. Our courts are replete with so many court injunctions skewed in favour of accused persons. In an interview, a Research Officer with EFCC, opined that “most of these injunctions are serious indictment on the judiciary and defense counsels in an attempt to frustrate the fight against corruption, hence making the Commission to spend more time and money to secure counter injunctions especially in high profile cases over the years thus resulting in issues on infringement of fundamental rights and even in some cases disobedience to court orders as perceived by some persons”.

According to The Nation May 01, 2016, Four high court judges in the Federal Capital Territory (FCT) are currently under the radar of the Economic and Financial Crimes Commission (EFCC) for allegedly frustrating the probe of high-profile corruption cases. The judges are said to have developed a penchant for going soft with suspects who approach their courts to stop their trial for corruption by EFCC. Their courts have thus become an attraction for suspects who want
to frustrate their trials. The EFCC recently lodged a formal complaint of alleged misconduct against Justice M. N. Yunusa (Federal High Court) with the National Judicial Council (NJC). He was alleged to have been bribed with N225, 000 by a Senior Advocate of Nigeria (SAN), Mr. Rickey Tarfa.

Table 5.2.7 Autonomy of EFCC and the Review of the EFCC Act

<table>
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<tr>
<th>Statements</th>
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</tr>
</thead>
<tbody>
<tr>
<td>EFCC requires total autonomy to operate effectively</td>
<td>174</td>
<td>89</td>
<td>12</td>
<td>22</td>
<td>14</td>
<td>4.2</td>
<td>Accepted</td>
</tr>
<tr>
<td></td>
<td>60%</td>
<td>28.6%</td>
<td>3.9%</td>
<td>7.0%</td>
<td>4.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>There is need for the review of the EFCC enabling ACT</td>
<td>138</td>
<td>86</td>
<td>9</td>
<td>46</td>
<td>32</td>
<td>3.8</td>
<td>Accepted</td>
</tr>
<tr>
<td></td>
<td>44.4%</td>
<td>27.7%</td>
<td>2.9%</td>
<td>14.8%</td>
<td>10.3%</td>
<td></td>
<td></td>
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</tbody>
</table>

Source: Field Survey, 2016

Table 5.2.7 clearly shows that 88.6% of the respondents would prefer that adequate autonomy be granted to the EFCC to operate while 224 respondents representing 72.1% opts for the review of the EFCC enabling Act which is assumed is pivotal towards repositioning the Commission to perform its functions without undue interference from certain quota. Thus, Human Right Watch puts it even more bluntly that “one of the EFCC’s greatest weaknesses is the lack of independence and susceptibility to political pressure” (Tell, 2011:33).

The 2004 EFCC Act has 47 Sections which aimed at addressing the menace of economic and financial crimes in the country (see Appendix ix for EFCC Act). Commenting on the EFCC Act, Iginovia&Iginovia (2014), asserts that certain Sections of the Act like Section 2(i) (a) and 2 (i) (a) (ii), Section 12(1), 8 (4&5) needs to be amended respectively. Arguing further, he asserts that Section 2(i) (a) and 2 (i) (a) (ii) which states that the Commission shall be headed by a Chairman who shall be the Chief Executive and Accounting Officer and who “shall be a serving or retired member of any government security or law enforcement agency not below the rank of
Assistant Commissioner of Police or equivalent”. Similarly, according to the Act, even though the Chairman of the EFCC is a serving Police Officer, once she/he was appointed as Chairman of the EFCC, she/he ceases to take orders from the Inspector-General of Police. She/he is responsible to the President of Nigeria who appointed him/her and can only remove the Chairman in accordance with the provisions of the Act. These provisions are not only problematic but also ridiculous in the extreme. Given the enormous and “almighty” powers ceded to the EFCC Chairman under Section 6, a junior Police Officer so appointed can undermine the discipline and authority of Senior Officers in the parent security or law enforcement agency. This scenario, conflict and anomalous situation played itself out between 2006 and 2007 when the pioneer Chairman of the EFCC (Nuhu Ribadu) (then Assistant Commissioner of Police) effected the humiliating and embarrassing arrest of his Police boss, the Inspector General of Police (Tafa Balogun). It is believed that the EFCC, under the laws setting it up when compared or juxtaposed with the Constitutional provisions which gave birth to the police, makes the EFCC an inferior organization to the Police. Because the Police is a creation of the Constitution while the EFCC is a creation of an Act.

The Act also stated that the person who occupies the position of the Chairman “shall be a serving or retired member of any government security or law enforcement agency not below the rank of Assistant Commissioner of Police or equivalent”. This according to Igbinovia & Igbinovia (2014),

completely restricts the quality of personnel or individuals that could serve in that capacity or that could have been available to the EFCC to render qualitative and expert service. Talent is not the exclusive preserve of law enforcement and security agencies or a monopoly of its rank and file. The work of the Chairman of the EFCC, as spelt out in the
enabling Act, involves basically the coordination of the work of the agency, gathering/analyzing intelligence and synthesizing and utilizing them to achieve agency goals and objectives. These are tasks which can be done by many trained professional and experts who do not necessarily have to be serving or retired security or law enforcement personnel. Indeed, EFCC work is more of research and intellectual (intelligence) based than physical, raw power and enforcement prowess. In sum, the whole work of the EFCC centres on the coordinating ability, intellectual and intelligence know-how and on the intellectual enterprise of the Chairman. A close study and scrutiny of the heads of directors of the American FBI, CIA, DCI and NSA over the years would reveal that many of those appointed into these positions have professional academic backgrounds. The occupants of these positions represented and continues to be represented by the best minds that are available to the country and not because they had any law enforcement or security backgrounds. One does not necessarily need to be serving or to have served or retired from the police or other security agencies to be an expert or professional in security or law enforcement matters. Henry Kissinger (1968-1975), Zbigniew Brzezinski (1977-1981), Condoleezza Rice (2001-2005), among others, are University Professors with academic backgrounds who at various times served as National Security Advisers (NSA) to the various Presidents of the United States. Structurally and operationally, the Director of the FBI, CIA, and DCI are all under the Office of the NSA; just as the Chairman of the ICPC, EFCC; the Director-General of SSS, DIA, NIA; and the Inspector General of Police, etc, are structurally and operationally under the Nigerian NSA. Appointment of the Chairman of the EFCC should, therefore, be open to all talented, brilliant, competent and qualified Nigerians who could do the agency proud, make it good and move it forward.
Another ambiguous portion of the Act is Section 3(2) and 4 which state as follows:

3(2) A member of the Commission may at any time be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or if the President is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.

4. Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.

The above-quoted Sections appear to give unlimited power to the President who can hire and fire the EFCC Chairman and replace members of the Commission when vacancy exists at any time. These Sections also confer on him the power to certify any Commission member as unable to discharge his duties or to accuse such a member with “misconduct” based on his (the President) wimps and caprices to the detriment of the nation. When the above Sections are combined with the powers of the Commission in Section 6, it becomes clear, why over the years (2004-2015), Nigerian Presidents have been accused of misusing the EFCC to pursue their political agenda and haunt politically perceived enemies; and why successive Chairmen of the EFCC (who appear to have unlimited powers, next only to that of the Nigerian President), abuse those powers arrogantly. These Sections according to Igbinovia & Igbinovia (2014), defeat the noble intentions of the law and the EFCC Act. Furthermore, the enabling Act [sections 2(2), 3(2,3) and 8(1)] not only places the EFCC under the President, it also makes the agency to be subject to and dependent on government and the political order in its operations with attendant negative consequences. The law or Act establishing the EFCC must be amended to guarantee its independence and give it bite to be able to function optimally in congruence with the views of the majority of the respondents in the table above.
Table 5.2.8 EFCC Operations and other Anti-Corruption Agencies

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<thead>
<tr>
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<th>Mean</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFCC is working at cross-purposes with other anti-corruption agencies because they are involved in the same assignment</td>
<td>130</td>
<td>74</td>
<td>6</td>
<td>58</td>
<td>43</td>
<td>3.6</td>
<td>Accepted</td>
</tr>
</tbody>
</table>

Source: Field Survey, 2016

The figures on table 5.2.8 clearly suggest that there is no adequate inter-agency collaboration in EFCC thus resulting in the clamour for the merger of EFCC and other anti-corruption bodies at a point in time. A plausible explanation for this may not be far from the hidden animosity between the EFCC and some of the agencies over what are generally regarded as the pride of attention and support given to the former by the government and conflict of roles in the execution of anti-corruption campaign (Akor, 2013). More profound, perhaps, has been the role-conflict between the EFCC, ICPC and the CCB. Related to this is the fact that the EFCC takes on too much tasks outside its mandate, while is short-staffed, overstretched, spread-thin over the country and is saddled with too much workload, most of such self-imposed and self-impelled. A former Attorney General of the Federation and Minister of Justice Kanu Agabi (SAN), under whom the EFCC was established does not believed that the EFCC was working at cross-purposes but rather opined in an interview that, “when crime is as rampant as it is in our country you need many institutions to combat it. The EFCC was not set up because the ICPC was not doing well. The ICPC was doing well and, is still doing well; yet we need more institutions to fight the crime. We don’t have to collapse them into one body. Why? It’s like collapsing the police, the navy, the army, the air force, the fire service, into one body. We need more specialized law enforcement institutions”. Commenting on the areas of inter-agency collaboration, the Chairman of ICPC Ekpo Una Owo Nta in an interview asserts that “the mandate of EFCC and ICPC are self complementary. ICPC is looking at basically abuse of office and you cannot have abuse of office that will not dovetail into financial issues, that will not dovetail into economic issues which is the purview of the EFCC. So we do a whole lot of collaboration and we have now instituted a regular meeting of heads of agencies and that includes the Code of Conduct Bureau .... We look at matters that come in, the ones that are
strictly in areas of EFCC I send to EFCC, when ICPC matters come to EFCC they send it over to us. And some that are purely administrative in nature we send it to the Public Complaint Commission”. The EFCC in the spirit of inter-agency collaboration and information exchange has disseminated to different agencies about 232 cases in the year 2014 alone while the Commission received 4, 914 petitions in 2014, it transferred 1,082 representing 21.9% to sister agencies in the spirit of inter-agency collaboration (Annual Report, 2014).

Similarly, the government, the police and other security agencies often also work at cross-purposes with the EFCC. A case in point was when the government and the police were accused of shielding the ex-Speaker of the House of Representative from arrest in June, 2011 for alleged graft.

The Nation June 4 (2011), noted “it was learnt that all attempts by the EFCC operatives to gain access to him were resisted by a detachment of policemen, including, some members of the Police Mobile Force. But the EFCC operatives laid siege to the Asokoro residence overnight with Bankole holed up inside. It was gathered that were it not for restraint, the EFCC operatives and policemen attached to Bankole were (about to be) engaging in shoot-out following insistence by the operatives to gain entrance…. the intervention of (the Inspector General of Police) was said to have strengthened security around the (ex) Speaker with the EFCC displeased about the development.

Suffice it to say that the constant bickering between the EFCC and other sister agencies boils down to the fact that there is ample evidence of unhealthy rivalry, undue duplication of functions and competition.

Table 5.2.9 Plea Bargain and EFCC Anti-Corruption Fight

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<th>Statement</th>
<th>SA</th>
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<tbody>
<tr>
<td>Plea bargain is an impediment in the successful prosecution of corruption cases by EFCC</td>
<td>120</td>
<td>36%</td>
<td>62%</td>
<td>17%</td>
<td>21.2%</td>
<td>46</td>
<td>15%</td>
</tr>
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</table>

Source: Field Survey, 2016
Table 5.2.9 shows respondents slightly divided on the acceptability or otherwise of the plea bargain by the EFCC in prosecuting accused persons. This is not unconnected to the fact that it is a somewhat novel concept in our legal lexicon and its applicability raises more questions and concerns than answers. Plea bargain is the practice involving negotiation between prosecutor and defendant and/or attorney or lawyer, which often results in the defendant’s entering a guilty plea in exchange for the State’s reduction of charges, or in the prosecutor’s promise to recommend a more lenient sentence than the offender would ordinarily receive.

Defending the Commission’s experience with plea bargain in an interview, Ibrahim Lamorde said, “the truth about it is that considering the condition we have in our court, considering the cost of litigation, whether we like it or not, it has become part of our criminal justice administration. I think what need to be done is to guide against arbitrariness”. In the same vain, the Head of Administration of EFCC, Emmanuel Akomaye in an interview opined that, “if a man has been charged to court and he says I want to plea guilty to the offence you have charged him, in other words, I don’t want to waste the resources of the state, the time of the prosecutor; I want to plea guilty, will you say the prosecutor should say no?”.

The EFCC has been employing plea bargaining to the extent that the Nigeria public seems to be losing confidence in the ability of the agency to fight crime without fear or favour.

The perception of many Nigerians is that the process is grossly abused to the detriment of efforts to stem graft. Under the process, the rich and powerful go relatively scot-free with their loot while the poor and powerless get stiff prison terms. The official position of the EFCC with regard to the agency’s curious adoption of plea bargaining has been expressed by the EFCC’s former Head of Media and Publicity. Writing in the Sunday Sun of October 23, 2011 he asserts that “even the contentious issue of plea-bargaining is not an EFCC construct. It is an issue of
global jurisprudence and the local criminal justice system is only adopting it as a practical way of mitigating the effects of corruption on the polity”.

Plea bargain has never been part of the Nigerian legal system. This point was eloquently made by the Former Chief Justice of Nigeria, Hon. Justice Dahiru Mustapha. It was the Economic and Financial Crimes Commission (Establishment) Act No. 1 of 2004 that first established the procedure as a possibility in Nigeria.

The EFCC Act provide as follows:

Subject to the provision of section 174 of the Constitution of the Federal Republic of Nigeria, 1999 (which relates to the power of the attorney General of the Federation to institute, continue, take over or discontinue criminal proceedings against any person or in any court of law, the Commission may compound any offence punishable under the Act by accepting such sum of money as it thinks fit, not exceeding the maximum amount to which such person may be liable if he had been convicted of that offence.

The offences referred to under these provisions are those punishable under the EFCC Act and the section does not therefore apply to general criminal trials in Nigeria. The offences listed under the Act include offences relating to financial malpractices offences in relation to terrorism, offences relating to public officers retention of abuse of office as well as offences that relate generally to economic and financial crimes. The word “compounding” of offences as used in the Act refers to the power of the Commission to drop some of the charges if the defendant is prepared to give up such sum of money as the commission may deem fit in accordance with the Act.

A closer examination of this provision will reveal several pitfalls. First, it does not provide any definite guidelines as to the basis for adopting the procedure under section 14(2) of the EFCC Act. It is left at the discretion of the Commission. It is submitted that the discretion is too wide and could be open to abuse. Second, the aspect of the same provision which empowers the commission to accept any sum of money “As it thinks fits, not exceeding the maximum
“amount to which that person would have been liable if he had been convicted under the Act” is a blanket cheque to the officers for so much stolen in exchange of secret gratifications.

The EFCC has applied this procedure in every many high profile cases. In the case of Former Inspector General of Police, Mr. Tafa Balogun, the EFCC adopted this procedure and the accused was jailed for only six months. It has been hinted that the procedure was adopted by the Commission in the trial of Emmanuel Nwude and Nzeribe Okoli who were charged for defrauding a Brazilian Bank. The EFCC also extended the practice to the case Chief D.S.P. Alamieyesigha who was docked on corruption charges. Furthermore, a Federal High Court in a most laughable manner imposed a paltry fine of N3.5M on Governor of Edo State who was charged with stealing billions of naira from the public on December 28, 2008. He was further served to 12 years imprisonment on six count charge of corruptly enriching himself while he was governor. The sentence was to run concurrently and because he had remained in custody for two years, he was released under a plea bargain agreement. In the case of Mrs. Cecelia Ibru, a Former Managing Director of Oceanic Bank, she accepted to forfeit the assets worth over N150 Billion which she fraudulently acquired by her office. As a result of a plea bargain agreement, she received a light punishment of six months imprisonment. The most recent and rabidly criticized case was that of one Mr. John Yakubu Yusuf on January, 2013, who got a punishment of two years imprisonment or the option of a fine of seven hundred and fifty thousand naira (N750,000,000) under a plea bargain agreement with the EFCC after stealing several billions of naira from the pension fund (Eze & Eze, 2015). The puzzling thing in all these sentence however, is that the general public is kept aloof as to what was stolen and what was recovered from the thief so as to justify the pious sentences.
For plea bargain to serve any useful purpose in the war against corruption, it is expected that a corrupt public officer who intends to benefit from the procedure should be prepared to confess his deeds and give all and not some or a little of what that person has stolen as verified by the Commission. In a word of caution during an interview, Barr Abdul Ayuba advised thus “Though it is used within the context of recouping large sum being embezzled in the name of ‘half bread is better than nothing’ care must be taken to ensure that there are no attendant abuses”.

Table 5.2.10 EFCC and Fundamental Human rights of Accused Persons

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<tbody>
<tr>
<td>There is often violation of the fundamental human rights of accused persons by the EFCC</td>
<td>104</td>
<td>91</td>
<td>10</td>
<td>60</td>
<td>46</td>
<td>3.5</td>
<td>Accepted</td>
</tr>
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</table>

Source: Field Survey, 2016

Table 5.2.10 indicates that 192 respondents (62.6%) are in agreement that EFCC often violets the fundamental rights of accused persons under her custody. This is not unconnected with litany of cases of violation of right of accused persons in our court rooms. A legal practitioner Ejeh Theophilous in an interview at the Federal High Court Abuja observed that, “a perusal into the Act establishing the EFCC does not envisage the abuse of the right of accused, thus the manner by which the EFCC go about prosecuting their cases no doubt impinged on the fundamental rights of the accused persons in most cases since most of the cases are high profile in nature”.

Thus, the provisions of Section 27(4) and 28 are instructive for the negative effects they portend for the fundamental human rights of Nigerians and the presumption of innocence until an accused is pronounced guilty in a court of law:
Section 27(4) States...“whenever the assets and properties of any person arrested under this Act are attached, the Commission shall apply to the Court for an interim forfeiture order under the provisions of this Act”.

Section 28 states “Where a person is arrested for an offence under this Act, the Commission shall immediately trace and attach all the assets and properties of the person acquired as a result of such economic or financial crime and shall thereafter cause to be obtained an interim attachment order from the Court”.

The import of this patently unjustified, unwarranted and fragrant violation of suspect’s rights is far reaching and disconcerting. They inflict legal tyranny on the citizen: An arrested person’s assets and properties are “attached” or seized or forfeited before (“thereafter”) the Court are approached to legalized the illegality (the “interim forfeiture or attachment”) and not the other way round. In whatever way the provisions are looked at, the suspect or “person arrested” is in no win situation: he is deemed to be partially guilty until the Courts decide otherwise. Thus, a lawyer Barr Abdul Ayuba in an interview observed that “this anomaly needs to be resolved through an amendment of the EFCC Act so as to give the EFCC a human face in its operation and the issue of undue detention of accused persons in EFCC facility run contrary to the law as it violets the fundamental human rights of the persons concerned”.

Thus, EFCC is constantly accused of disobeying court orders in respect of criminal cases. For example, in a case involving the prosecution of some ex-bank directors, the agency shunned the court order issued by a judge ordering it to immediately release an ex-bank director from detention pending the final determination of a fundamental right suit filed before the court. The agency had also, during the tenure of Nuhu Ribadu, as Chairman, displayed this same brazen violation of the rule of law. This criticism became much more pronounced when information emerged that one of its high-profile detainees, Maurice Ibekwe, a member of the Federal House
of Representatives, had died in its custody (ThisDay, 23 March 2004). Little wonder, Daily Sun, 23 May, 2011 tagged the events as “persecution” not prosecution.

Table 5.2.11 Human and Material Capacity of EFCC and the Fight against Corruption

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<tr>
<td></td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>There is need for adequate human and material capacity by the EFCC in the fight against corruption</td>
<td>135</td>
<td>116</td>
<td>8</td>
<td>30</td>
<td>22</td>
<td>4.0</td>
<td>Accepted</td>
</tr>
<tr>
<td></td>
<td>43.4%</td>
<td>37.3%</td>
<td>2.6%</td>
<td>9.6%</td>
<td>7.0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Survey, 2016

The mean score of 4.0 in table 5.2.11 is an indication that majority of the respondents wants the EFCC to be adequately equipped in human and material capacity to enable it fight corruption head-on. The staff strength of the Commission as at the end of 2014 was 2,038 out of which 1,343 are regular, 689 on secondment, 4 on contract while 2 appointed. From the foregoing, 34% of the staff are seconded (Annual Report, 2014). From the foregoing, EFCC has 1, 343 core officers who are validly on the payroll. The Commission has almost 700 police officers who are claiming money from a payroll that is meant for the hiring of staff for the EFCC, including ghost workers masquerading as police officers. Several questions are still yearning for answers. First, why does EFCC need almost 700 police officials who are earning money from two statutory institutions (Nigerian Police Force and EFCC)? Why are these Police officers appointed Directors and Assistant Directors in EFCC, while retaining their positions in the Police? Why can’t the funds be used to create jobs and hire more than 600 graduates if EFCC really needs that number to perform its tasks? Are the policemen offering any value to EFCC or are they not deepening corruption within the ranks of EFCC? (Emem, 2014).

According to Joseph Simon an EFCC Operative, “though I am not in the position to properly comment on this matter, but the fact remains that we needs additional hands because of the
dynamic nature of our operations and for adequate coordination of activities. At times the task could be overwhelming because of the lean number of operatives who are at the fore front of the fight. In terms of materials for operations, the Commission is not faring bad in that area but we definitely needs additional hands to boost our capacity to deliver on our mandate”.

Due to the inadequacies of the Commission in human and material resources, the Chairman of the Commission Ibrahim Magu during his 2016 budget presentation at the Senate requested the support of the National Assembly to recruit additional 750 staff of different cadres in its effort to fight corruption effectively. Magu also argued the National Assembly to approve N220million for the purchase of operational vehicles.

To further boost the operation of the Commission, a total of N18,888,531,636 billion was allocated to the Anti-graft agency in 2016 budget which is significantly higher than the N10,472,982,781 it got in 2015, perhaps in fulfillment of President Buhari’s promise to increase funding to Anti-corruption agencies in order to enable them effectively tackle the menace of corruption in the country. According to the details of the budget, total recurrent expenditure is put at N10,402,357,919 billion, while capital expenditure is N8,485,173,717 billion as against last year’s N8,722,658,981 and N1,750,323,800 for recurrent and capital expenditure respectively (2015, 2016 Annual Budget Breakdown).

Table 5.2.12 The Judiciary and EFCC Anti-Corruption Fight in Nigeria

| The judiciary constitutes a major impediment to the EFCC anti-corruption fight since inception | 146 47% | 138 44.3% | 4 1.3% | 15 4.8% | 8 2.6% | 4.3 Accepted |
| There is a need for special courts for corruption cases in Nigeria | 128 41.1% | 112 36% | 12 3.6% | 46 14.8% | 13 4.1% | 4.0 Accepted |

Source: Field Survey, 2016
From table 5.2.12, respondents are of the opinion that the judiciary and the courts constitute major problem the war against corruption in Nigeria. The EFCC has often also indicated that the country’s judiciary system had impaired and continues to impair its work and slowed down its operations making the agency to be unable to be pro-active.

In his submission, Honorable Jagada Adams Jagaba former Chairman House Committee on Drugs, Narcotics and Financial Crimes in an interview advocated on the issue of special courts on corrupt cases, “we not just need special courts; we need even special judges that need to be trained so that corruption cases don’t take time. They say, justice delayed is justice detained. The processes we have in the conventional courts now are too loose. There are loopholes that lawyers can actually capitalize on to drag matters”

The EFCC Act grants jurisdiction to both federal and state courts to try EFCC cases. According to the EFCC Act, special judges or courts should be designated to hear corruption cases, and these proceedings should be “conducted with dispatch and given accelerated hearing.” (See EFCC Act, sec. 19 (2)(b). Section 19(2)(c). Despite these provisions, many of the EFCC’s cases have made little progress in the courts. With the exception of the Lagos State court system, no other state courts or judges in the federal system are designated to hear the corruption cases—and even in Lagos State the designated judges still have to hear cases involving other matters on their docket. Most Nigerian courts are burdened with an antiquated physical and legal infrastructure that renders them extremely slow and inefficient. With the notable exception of the Lagos State court system, rules of evidence and procedure have for the most part been left practically untouched since colonial rule, with absurd results—most state courts, for example, still lack a formal mechanism to admit electronic documents into evidence. Many judges must take their own notes in longhand while, in the words of one judge, they “sweat and choke” in
stiflingly hot courtrooms—hobbling the speed of any proceedings. The judiciary, including appellate courts, also strains under the burdens of an excessive caseload. These and other factors conspire to create extraordinary delays (HRW, 2011).

As Ricky Tarfa, a prominent lawyer who has defended several former governors accused of corruption by the EFCC and was himself once the subject of an EFCC investigation, puts it, “A defense counsel has to take advantage of anything that might benefit his client.” If faced with an unfavourable case, he said,

I will advise my client not to rush to judgment. The laws are skewed in favor of an accused person … once he’s granted bail he can drag out his trial forever. This is compounded by the fact that judges are bombarded with work, have no modern facilities, and no good assistance (HRW, 2011).

These delays are not all inevitable. Section 40 of the EFCC Act purports to foster speedier trials in EFCC cases by barring judges from stopping trials to wait for appeals to be decided. In theory, this provision is one of the most potent procedural weapons the EFCC has at its disposal. But EFCC officials say that many judges have simply refused to adhere to section 40, viewing their wide discretion to decide such matters as a constitutional guarantee that cannot be curtailed by legislation. The EFCC Act also grants trial judges broad powers to take appropriate measures to ensure speedy trials and avoid delays in EFCC cases, but with some exceptions the courts have not made any apparent use of those powers.

Courts in Nigeria have stood up to roll back abuses of government power more frequently and effectively than any other institution. For example, courts stripped 12 ruling party governors of their seats after Nigeria’s fraud-riddled 2007 elections. But Nigeria’s vast judiciary is a mixed bag, and some courts have been tainted by allegations of corruption or succumbing to political influence. For example, the reputation of Nigeria’s court system took a beating in February 2011
when Ayo Salami, the president of the federal Court of Appeal, publicly accused Supreme Court chief justice, Aloysius Katsina-Alu, of trying to pressure him to decide a key electoral petition in favour of the ruling party (Soniyi, 2011). Thus Rotimi Jacobs (SAN) in an interview averred that “you don’t just condemn judges and then leave out lawyers, and you also don’t blame lawyers without looking at the law. The step I think we need to take is in the area of law reforms. Our laws are not serious enough to fight corruption. We struggle to fight cases in court and we are frustrated because the laws are bad. So we must do something on law reforms. If we have good laws, then there must be good people to enforce it”.

5.3 Discussion of Findings

The findings reached and discussed in this sub-section is a product of the bulk of secondary and primary data gathered and analyzed to answer the research questions. The study *inter alia* has the following findings:

1. It was established from the study that lack of political will to reduce corruption by the government constitute major challenges in the fight against corruption in Nigeria. This position is supported by data on table 5.2.1 were 60% of the respondents are of the opinion that there is lack of political will by government to reduce corruption in Nigeria. The findings corroborated the view of Ikubaje (2006), who argued that corruption in Nigeria is so pervasive and serious that it is the epicenter of all development crises. Also weak public institutions, characterized by lack of transparency, accountability and effective monitoring control system, constitute some of the major factors responsible for the endemic nature of corruption in Nigeria.

Apart from the Buhari military regime, until 1999 when Obasanjo took over as a civilian president, Nigeria had never witnessed a serious and committed political commitment
from the highest tiers of government to combat corruption (Akigbe, 2011). Clearly, one of the observations strongly articulated in this thesis is the general lack of political will and commitment of successive Nigerian governments for dealing with the problem of corruption. This re-enforces the argument of Achebe (1985) that “Nigerians are corrupt because the system under which they live today makes corruption easy and profitable and that they will cease to be corrupt when corruption is made difficult and inconvenient, thus the Nigeria problem is the unwillingness and inability of its leaders to rise to the responsibility, to the challenge of leadership by example”. Leadership is indeed crucial in the fight against corruption in Nigeria. It is the findings of this research that there is a need for anti-corruption activities in Nigeria to develop more effective awareness and enlightenment campaigns in order for citizens to known about the socio-economic and development impacts of corruption. Such campaigns must be targeted toward instilling attitudinal changes and re-orienting Nigerians on their civic rights and moral responsibilities to facilitate change. Given the level of illiteracy in Nigeria, such campaigns would have to go beyond the conventional print media to include radio programmes and lectures in public places like the market and religious centres. The social media (such as the use of the internet and other mobile technology for sharing and discussing information) is another effective tool that is increasingly changing the way people engage with each other. These types of tools are particularly useful for sharing alternative opinions and information that encourages collaboration in a socially and politically hostile environment, accessing groups who are often excluded by the conventional media outlets and mobilizing and building coalitions amongst like-minded individuals and organizations (see: UNODC 2004). However, major disadvantages
include a lack of access to computer networks amongst many Nigerians, particularly the majority of the poor rural dwellers who are mostly illiterate.

2. It is also the finding of the study that there is high level of government interference in the activities of the EFCC with 48.9% and 11.6 strongly agree and agree while over 80% of the respondents with a mean score of 4.0 indicating acceptance of the proposition that the granting of underserved pardon to people convicted of corruption by the government weakens the fight against corruption by the EFCC and even other anti-corruption bodies. Also in table 5.2.3 with a mean score of 3.6 majorities of respondents agreed that EFCC is selective and partisan in its anti-corruption campaign. The political interference in the activities of the EFCC is based on the fact that the EFCC was a political creation and thus continues to pursue aims as dictated by the ruling political power in government. The net-result is that the agency has lost public confidence in the ability of the agency to perform and to be impartial hence the constant accusation of the government in power using the EFCC for political witch-hunt. This also drew support from literature in which Lawson (2009), adduced that over the years, most Nigerian government anti-corruption campaign exercises which have been implemented have tended to have been grossly politicized and highly selective including the EFCC since its establishment.

3. It is also the findings of the work that corruption has not declined since the establishment of EFCC neither has fiscal transparency and accountability improved with the establishment of EFCC. Respondents were unanimous in their views on this. This view is not unconnected with the spate of corruption cases that littered the entire landscape of Nigeria in recent times despite the presence of the EFCC. It is the findings of the research that the establishment of the EFCC had to some extent helped to restore Nigeria’s tainted
image in the international community and had helped to put in check, to some extent, the involvement of so many Nigerians in economic and financial crimes. Thus, the creation of the EFCC had helped to curtail, stem and reduce the incidence of the malfeasance in the country and launder the country’s image to a large extent.

4. From the study, it was discovered that EFCC requires complete autonomy and a holistic review of the Act establishing the Commission. Over 80% of respondents strongly agree and agree that the EFCC requires total autonomy to operate effectively while respondents with an accepted mean score of 3.8 positioned that the Act establishing EFCC ought to be reviewed. The Act establishing the EFCC had constituted impediments to the smooth, efficient and effective operations of the organization as earlier alluded to and this has stifled the agency’s performance. Some ambiguous portions or sections of the Act would have to be amended to give the agency more bite and enhance even its autonomy to operate without the undue interference from certain arms of government. It is also the findings of the study that that there is no adequate inter-agency collaboration in EFCC thus resulting in the clamour for the merger of EFCC and other anti-corruption bodies at a point in time as indicated in table 5.2.8 with 65.6% of the respondents with an accepted mean score of 3.6 strongly agree and agree that the EFCC is working at cross-purposes with other agencies in the discharge of their responsibility. A plausible explanation for this may not be far from the hidden animosity between the EFCC and some of the agencies over what are generally regarded as the pride of attention and support given to the former by the government and conflict of roles in the execution of anti-corruption campaign (Akor, 2013). More profound, perhaps, has been the role-conflict between the EFCC, ICPC and the Code of Conduct Bureau (CCB). Related to this is the fact that the
EFCC takes on too much tasks outside its mandate, while is short-staffed, overstretched, spread-thin over the country and is saddled with too much workload, most of it self-imposed and self-impelled. Hence the need for the EFCC to understand the provisions of their mandate in the Act establishing it and work within its boundaries.

5. The findings also revealed that respondents were almost divided on the acceptability of the use of plea bargain in the prosecution of corruption cases by the EFCC in Nigeria. With a mean score of 3.5 though accepted shows that respondents are not too comfortable with the introduction of that concept into our legal system. The EFCC has been employing plea bargaining to the extent that the Nigeria public seems to be losing confidence in the ability of the agency to fight crime without fear or favour. The perception of many Nigerians is that the process is grossly abused to the detriment of efforts to stem graft. This position is in tandem with views in literature that before the procedure is evoked in corruption cases, what was stolen must be conclusively verified. For any defendant to benefit from the procedure, he must be prepared to return all that he stole, the defendant should only be discharged and not acquitted. He should be disqualified from holding any public office for life. Where he is a public officer, he should be dismissed from that public office ((Eze & Eze, 2015).

6. Another finding of this study is the fact that the EFCC often violates the fundamental human rights of accused persons with a mean score of 3.5 and 33.3% of the respondents strongly agree to that while 29.2 agree also. This is because of the way and manner through which accused persons are hulled into EFCC facilities for questioning or interrogations and denial of access to defence counsels, seizure of passports and other travelling documents and denial of access to medical attention. It is on records that the
EFCC is also battling with so many fundamental human right cases instituted against it by accused person’s court.

7. Another major finding of this research is the unanimous position of respondents for the need for adequate human and material capacity for EFCC in the fight against corruption. With a mean score of 4.0 and over 80% of the respondents agreeing that the EFCC should be adequately equipped. Laying credence to this, the EFCC itself noted in it 2014 Annual Report that “our challenges in 2014 are a reflection of the terrain in which we operate. Funding remains an issue that needs to be tackled. The instance where officers working on a case are delayed unnecessarily due to lack of funds is undesirable. Our inability to cater for witness needs also affects the progress of our investigations. Training is the foundation for efficiency........ our funding challenges limited the number of courses we could afford to send our officers on. In addition, corruption is a dynamic crime and we must remain one step ahead of the perpetrators, if we are to win the anti-corruption war. There is therefore a constant need to train and retrain not only our officers engaged in prosecution and investigation, but also our officers in specialist roles in administration (Annual Report, 2014:95-96). It is also the findings of the study that the staff strength of the Commission as at the end of 2014 was 2,038 out of which 1,343 are regular, 689 on secondment, 4 on contract while 2 appointed. From the foregoing, 34% of the staff are seconded (Annual Report, 2014). From the foregoing, EFCC has 1,343 core officers who are validly on the pay roll. The Commission has almost 700 police officers who are claiming money from a payroll that is meant for the hiring of staff for the EFCC, including ghost workers masquerading as police officers. Thus, the need to
engage enough regular cadets into the EFCC, operational vehicles and adequate training to position it like other law enforcement agencies becomes imperative.

8. Finally, it was discovered from the study that the judiciary constitutes a major impediments to the EFCC’s anti-corruption fight since inception. Judiciary has generally not helped matters as cases alleging serious corruption and other economic and financial crimes have frequently been allowed to drag on in the courts indefinitely. For instance, former EFCC chairman, Waziri, has blamed the perceived inefficiencies that have come to characterize the present activities of the EFCC on the shortcomings of the Nigerian Judiciary. “The effects of anti-corruption efforts are felt only when a man has been sentenced and you see him being taken into prison and he gets to prison and people see it. Nigerians' faith in the anti-corruption war can only get a boost when corrupt top public officials are sentenced and jailed for criminal offences. In Nigeria top public officials facing trial act like political heroes. You see people taken to court and they are smiling and waving as if they are political heroes. Meanwhile they are being arraigned for criminal cases and they are waving like Mandela. Frivolous injunctions, being granted by some courts is inimical to the nation's justice system” (Waziri, Sahara Reporters, 2009)

The extract above, is an illustration of one of the biggest challenges facing anticorruption efforts in Nigeria today. Corrupt government officials, in collaboration with their lawyers, appear to have perfected the art of delaying justice by utilizing the technicalities of procedures of the conventional courts, as provided for by the Nigerian constitution (Oko 2005: 17). Expressing worry over the foregoing challenge, the EFCC Chairman, Ibrahim Magu at a dialogue between the agency and key Civil Society Organizations
(CSOs) in Lagos said “While many lawyers have assisted the cause of the EFCC, there are a number of others that are working against efforts to tackle the Nigerian corruption problem. Many including very senior lawyers have continued to lend their skills and expertise to crooks to steal our money and thereafter, help them to launder same” (This Day, 18 Feb, 2016).

Although, the 1999 constitution contains several provisions to curb the abuse of power and combat corruption, some of the constitutional provisions have had the effect of protecting some public officials from criminal prosecution relating to the practice of corruption. Apart from the immunity provisions of section 308 of the constitution, the fundamental rights provisions on due process and fair hearing have been employed as defence mechanisms by persons accused of corruption (Onakoya, 2010). Indicted corrupt officials are quick to claim their constitutional rights by remaining silent. All of this has made it a difficult task for prosecutors to discharge the burden of proving their case beyond reasonable doubt, since the accused is presumed innocent until the court determines otherwise. Similarly, investigations of corrupt cases are being undermined by the frivolous expert injunctions being granted to corrupt officials, restraining the anti-corruption commission from even investigating certain individuals and corporate bodies like the then Governor of Rivers state Sir Peter Odili. It is against this backdrop that President Muhammadu stated while speaking at a town hall meeting with Nigerians living in Ethiopia that, “On the fight against corruption vis-à-vis the judiciary, Nigerians will be right to say that is my main headache for now” (Vanguard, Jan 31, 2016).
Consequent upon these findings, the last chapter (chapter six) deals with summary, conclusion and recommendations that would proffer solutions to the identified problems and the major contribution of the work to knowledge.
CHAPTER SIX
SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Summary

The Economic and Financial Crimes Commission was established to fight Economic and Financial Crimes of corruption. Democracy was restored in Nigeria in May 29, 1999, with the election of the civilian government under the leadership of President Olusegun Obasanjo. One cardinal programme of the Obasanjo administration was the fight against corruption and waste in the public service. This, he demonstrated by putting in place mechanisms to deal with the problem by establishing two anti-graft bodies, first the ICPC in 2000 and the EFCC in 2002.

As at 2003, Nigeria was regarded as a non-compliant country to the Financial Action Task Force (FATF) of the G8. Nigeria was listed as one of the 23 Non-Cooperating Countries and Territories (NCCTs) FATF of the G8 in 2003. What this meant was that Nigeria is a safe haven for money laundering and Terrorism Financing. This explains the establishment of the Economic and Financial Crimes Commission in 2002. The EFCC Act (2004) mandates the Commission to investigate, prosecute and prevent Economic and Financial Crimes in Nigeria. The Commission is also the designated Financial Intelligence Unit (FIU) of the Country and is the Coordinating Agency for the enforcement of the Money Laundering (Prohibition) Act 2000, The Advance Fee Fraud and Other Related Offences Act 1995, The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act, The Banks and Other Financial Institutions Act 1991, Miscellaneous Offences Act, and any other law or regulation relating to Economic and Financial Crimes.

The EFCC is a very important state institution in Nigeria poised towards fighting the menace of economic and financial crimes which had plagued the country for years, corrupted the people, damaged the image of the country and stunted national development, growth and
progress. Despite the importance of this state institution, not much effort have been made by researchers to undertake an in-depth scientific study of the agency or has serious attempt been made to assess, evaluate, appraise the organization as a whole or a searchlight on its performance or role in the Nigerian polity. This is the focus of this thesis. The research therefore, explored in detail the performance of the agency since inception highlighting achievements, challenges and constraints which have impeded and vitiated the performance of the agency since its establishment from 2002-2015.

6.2 Conclusion

The incidence of corruption and issues surrounding its fight has been a regular concern across the globe. But unfortunately, the circumstance and perhaps the peculiarity of the Nigerian case is that of political will and leadership to rid this most populous black nation of corruption. Corruption in all its ramifications is severe and has permeated Nigerian society. The prevalence and preponderance of corruption activities dates back to the early independence period, but since the 1980s it has burgeoned to unprecedented proportion.

Corruption occurs primarily when there is a failure of established institutions and the lack of capacity by these institutions to manage frameworks of social, judicial, political, and economic checks and balances. In trying to understand the ramifications and severity of corruption in Nigeria, we have noted that although a clinical understanding of the causes of corruption and its widespread nature requires an application of all the perspectives for the explanation of the causes of corruption, the institutional theory offer deeper insights into the systemic nature of corruption.

The thesis thus, appraised the activities of the EFCC in the war against corruption in the country. The study reveals that there are many reported but uninvestigated and non-prosecuted
cases of corruption in all segments of the society with intimidating facts and figures to buttress each case of corruption. Most unfortunately, the Nigeria’s leaders, top government functionaries, public and private sectors etc. are deeply involved in corrupt practices, thereby, lacking the moral courage to curb the excesses of their subordinates. The study also reveals that the Economic and Financial Crimes Commission is accused of being heavily influenced by the executive arm of the government in the war against corruption. There is a serious outcry of partiality, intimidation, lack of rule of law, selective prosecution of suspected or indicted political criminals; political persecution characterized the activities of the anti-corrupt agency and lack of independence. The implications of these findings are that the war against corruption is weakly fought; the system breeds more corrupt persons since nobody shows genuine concern in the fight. The Economic and Financial Crimes Commission became captive and political tool of the Presidency over the years to fight perceived ‘enemies’ of the government.

Expressing scepticisms on the performance of the EFCC, Obijiofor (2012:19), averred that:

“What would it take to rouse officials of the Economic and Financial Crimes Commission (EFCC) from snoozing while the nation is soaked in repugnant cases of corruption by parliamentarians, public office holders and celebrated businessmen and women? Ever since it was established … the EFCC has pointed to its ambitious goals as an indication of its commitment to the fight against corruption. However, the EFCC’s achievement record is poor…. The extent to which the EFCC’s has lived by or adhered to its mission statement remains a contested topic in the public sphere. The EFCC has had a chequered history right from its early days. It is not a pretty history by anyone’s evaluation…. After many years of
poor performance influenced by the self-serving interests and questionable integrity of the past and present…, the EFCC has never seen reason to be compelled to justify its existence. An anti-corruption agency that is funded and supported with tax payer’s money must live up to public expectations and the key directives for which it was established”

This sarcastic assessment is an indication that it is not yet ‘uhuru’ for the EFCC in its fight against corruption as alluded to in the previous chapter. However, it is instructive to note that individual leadership influences on public institutions is premised on lack of strong and stable institution of governance. The solution to this dysfunctional administrative trend is to build a virile institutions of governance through which policies and programs of government will be independently pursued. Thus, EFCC was created against the backdrop of previous failed schemes to combat corruption and the need to repair Nigeria’s image to attract foreign investment. Until Nigeria produces a patriotic and committed leader (an impeccable President) to lead in the battle against the menace, the current war is a colossal waste of national resources. A committed anti-sleaze agency in the fight against corruption will not achieve the desired goals without genuine and holistic support of the government through exemplary demonstrations of absolute political will.

6.3 Recommendations

The following recommendations are based on the findings of this research and the objectives of the study as stated in chapter one. It therefore, recommends the following:

Government should address the issue of poverty and inequality in Nigeria by making life more meaningful for the masses and the public servants/bureaucrats in particular, so as to dissuade them from corrupt tendencies. The government should as well build an upright work force in the public sector for accountability and transparency. There should also be a total administrative reform and good governance, encompassing public accountability to ensure that
the people are held accountable for their behaviours to serve as a deterrent to corrupt practices. Further, any civil servant who connives or conspires with political appointees to commit or engage in any form of corruption should also be investigated and prosecuted by the anti-graft agencies.

There is also a need for anti-corruption activities in Nigeria to develop more effective awareness and enlightenment campaigns in order for citizens to known about the socio-economic and development impacts of corruption. Such campaigns must be targeted toward instilling attitudinal changes and re-orienting Nigerians on their civic rights and moral responsibilities to facilitate change.

It is also recommended that the EFCC and the government must be seen to demonstrate appropriate political will to bring corrupt persons, irrespective of their status and political lining to justice, so that it will not be business as usual. This will serve as deterrent to others and restore both local and international confidence in the anti-corruption campaign in Nigeria.

There is a need to amend the Act that established the body so that it can be an independent body and not under the whims and caprices of the presidency. This will not only go a long way in reducing political and government interference in the activities of the commission but also make the public have confidence in the operations of the commission. A review of the Act establishing the Commission will also help the EFCC to function optimally without fear or favour and enhance its independence of the Executive arm of government thus ensuring that the appointment of the Chairman be removed from the Presidency and placed in the National Assembly as recently seen in the senate rejection in confirming the appointment of Ibrahim Magu.
There is also need for the review of Section 153 of the Nigeria Constitution which lists out Federal Commissions in Nigeria with the inclusion of EFCC. Also Section 3(2) of the EFCC Act which gives the President the unilateral power to hire and fire any member of the Commission and Section 43 of the same Act which empowers the Federal Attorney-General to make rules for the operations of the agency needs to be amended accordingly to enhance the independence of the Commission from the whims and caprices of the political class.

There should be a concerted and coordinated approach and streamlined partnership between the EFCC and other agencies of government involved in the fight against corruption to avoid overlap and ensure a result-oriented networking so that it does not work at cross-purposes as is currently the case with other similar agencies such as ICPC, Police, NDLEA and the CCB as alluded to in the findings. Thus, there should be vigorous inter-agency cooperation, coordination and collaboration instead of competition.

The application of the principle of plea bargain which is alien to the Nigeria legal system must be used with caution so as to avoid the attendant abuses therewith. The researcher recommends the views that, “before the procedure is evoked in corruption cases, what was stolen must be conclusively verified, for any defendant to benefit from the procedure, he must be prepared to return all that he stole, the defendant should only be discharged and not acquitted. He should be disqualified from holding any public office for life. Where he is a public officer, he should be dismissed from that public office” (Eze & Eze, 2015).

With the barrage of accusation against the EFCC for violation of human right of accused persons, it must be repositioned and be seen to respect human rights, due process and obedience to court orders in the performance of its mandate.
The EFCC needs to improve in the area of manpower. It requires well trained personnel, and not only law enforcement officers (State Security Service [SSS] personnel, policemen) who can easily detect fraud, especially in the banking industry where the commission’s impact has not been thoroughly felt. Staffers of the commission should be exposed to modern methods of detecting fraud through regular training and refresher courses. Thus there is need to strengthen and deepen the quality and quantity of its personnel to make their presence felt across the length and breadth of Nigeria and abroad. Akin to this is the need for increased funding from the government.

The EFCC must as a matter of urgency sever its over-dependence on the Police force as seem in the findings where almost 700 of its staff are seconded from the Police force. It must be serviced wholly by its own staff except where services of experts like Senior Advocates of Nigeria (SANs), Forensic experts etc, are needed for prosecution of cases. The Police have a poor image and corruption profile with the Nigerian Public. The EFCC can do without this polluting and contaminating influence (Igbinovia & Igbinovia, 2014).

It is also recommended that appropriate legislation be put in place to ensure that special courts be set up with all the appurtenances of law to ensure that justice is speedily and quickly dispensed, and judgments rendered swiftly, thus removing all unnecessary legal technicalities that prolong unnecessary trial of accused persons in corruption cases. To enhance EFCC prosecution of offenders, some aspects of the agency’s enabling Act would have to be amended especially in areas that borders on abuses of preliminary objections, interlocutory application and deliberate delay of the judicial process. It is cheering to know that President Muhammadu Buhari has just inaugurated National Prosecution Coordination Committee (NPCC) saddled with the responsibility of prosecuting high profile corruption and criminal cases in the country (This Day
May 28, 2016). It is in my opinion that this is a step in the right direction as this could be fully graduated to Special Corruption Courts in the long-run to boost the fight against corruption in Nigeria.

6.4 Contribution to Knowledge

As a major contribution to knowledge, this study seen to be more scientific and superior to similar studies because it is empirical and scientific in nature. The outcome of this study also differ from the outcomes of other studies in the sense that the mere existence or operation of an intervention agency like the EFCC does not automatically confirms corruption amelioration, a paradigm that has dominated the thinking of many within official or government circle for a very long time. This research has focused on how institutional weakness, character of the ruling class, moral deficiency etc influence the realization of anticorruption projects as well as analyzing the effectiveness of the anti-corruption policies in Nigeria. The thesis has taken a new and different approach from the growing consensus among the body of policy formulators, researchers and scholars regarding the relevance of laudable government institutions for promoting political, social and economic progress.

This thesis has contributed to theory-building and practical understanding on the funding and relevance of durable political and social institutions. Going through the work, the reader would doubtlessly discover that the thesis has performed an important task by attempting to focus public discourse on a subject that generates so much interest among peoples of various backgrounds.

The study as an Appraisal of EFCC since 2002-2015 also enables us identify certain variables as factors militating against the success of anti-corruption agencies in Nigeria over the years against popular postulations. With insight from field work, it is evident that policies that have good intentions are often implemented in a way that generates further controversies. The
ways some cases are handled are anything but satisfactory. The thesis takes a categorical stand by suggesting reviews of existing legal and institutional frameworks.

This work has added to the understanding of how challenging the task of combating corruption is in a society where it is 'prohibited' but tolerated. Indeed, this thesis also offers readers an insight into how difficult it has been to fight economic and financial crimes of corruption in Nigeria and in effect it is significant in its attempt to document and chronicle that troubled era of remedial attempts in Nigeria’s bid to tackle this menace.

It is the contribution of this study that societies that win the war against corruption are those whose citizens put in place the necessary institutions and mechanisms to close gaps and opportunities that encourage its occurrence. With facts and clearer perspectives, this thesis has contributed to the understanding that national institutions in Nigeria do not operate in a vacuum. They function in a milieu where the affluent call the short. Many who find themselves in positions of authority see little wisdom in not acquiring wealth, more so since even if they breach the law, they could explore their 'connections' for a viable soft landing. The study provided convincing proof on the clandestine moves made by highly placed political figures to ensure the continued embezzlement of public funds by usurping the judicial system.

Finally, the study succeeded in making theoretical and empirical contributions to the study of economic and financial crimes of corruption and anti-corruption agencies in Nigeria which is an addition to the field of Public policy and Public Administration in Political Science.
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ThisDay March, 23 2004.


Dear Respondents

INTERVIEW GUIDE

I am a Postgraduate student of the School of Postgraduate Studies, Department of Political Science, Benue State University Makurdi. I am conducting a research titled: An Appraisal of the Economic and Financial Crimes Commission (EFCC) 2002-2015.

This study is undertaken as part of the requirements for the award of a Doctoral degree (PhD) in Political Science.

Be assured that all information given will be treated with strict confidentiality and used for the purpose of this research only.

I would be very grateful if you kindly answer the questions contained herein.

The very best of sincerity and your cooperation is solicited please.

Thanks for your anticipated cooperation.

Yours Sincerely,

Orokpo, Ogbole Francis
### Part A

**Demographic Data**

1. **Gender**
   - Male [ ]
   - Female [ ]

2. **Occupation**
   - EFCC Staff [ ]
   - Political elite [ ]
   - Civil servant [ ]

3. **Educational Qualification**
   - Secondary Education [ ]
   - Tertiary Education [ ]

---

**Interview Questions**

1. What do you think is responsible for the high rate of corruption in Nigeria?
2. Do you think the EFCC has been able to reduce corruption to a reasonable extent?
3. What is your perception of the seriousness of corruption in Nigeria?
4. There are allegations of the existence of corruption among officials of the EFCC, how true would you say such allegations are?
5. Do you believe the school of thought that the EFCC is selective and partisan in its anti-corruption campaign?
6. How adequate and effective would you say that the EFCC’s anti-corruption mechanisms are?
7. What would you identify as the core challenges to the EFCC’s fight against corruption?
8. Is there adequate collaboration between EFCC and other international bodies in the fight against corruption?
9. Are there cases of government interference in the anti-corruption stance of the EFCC?
10. Would you say so far the objectives of the EFCC is been achieved?
11. Is EFC working at cross-purposes with other anti-corruption agencies because they are involved in the same assignment?
List of Interviewees

1. Ibrahim Lamorde, Former EFCC Chairman  (Extracted)
2. Olaolu Adegbite- EFCC Director of Operations (Extracted)
3. Ronke Onyeneyin – EFCC Senior Detective (Extracted)
4. Ekpo Una Owo Nta – ICPC Chairman (Extracted)
5. Emmanuel Akonaye – EFCC Head of Administration (Extracted)
6. Kanu Agabi (SAN) former AGF (Extracted)
7. Rotimi Jacobs (SAN) EFCC Lawyer (Extracted)
8. Festus Kayemo Lawyer (Extracted)
9. Hon. Jagada Adams Jagaba – Former House Chair, House Committee on Drugs, Narcotics and financial Crimes (Extracted)
10. Adebanoji Adeniyi - EFCC Research Officer, EFCC Academy Karu Abuja, 20th April, 2016
12. Ayuba Abdul Esq, Federal High Court Abuja, 16th March 2016
13. Ejeh Theophilus Esq, Federal High Court Abuja, 16th March 2016

See Appendix (vii) for extracted interviews
Appendix ii

Faculty of Social Sciences
Department of Political Science
Benue State University Makurdi
2\textsuperscript{nd} December, 2015

Dear Respondents

QUESTIONNAIRE

I am a Postgraduate student of the School of Postgraduate Studies, Department of Political Science, Benue State University Makurdi. I am conducting a research titled: *An Appraisal of the Economic and Financial Crimes Commission (EFCC) 2002-2015.*

This study is undertaken as part of the requirements for the award of a Doctoral degree (PhD) in Political Science.

Be assured that all information given will be treated with strict confidentiality and used for the purpose of this research only.

I would be very grateful if you kindly answer the questions contained herein.

The very best of sincerity and your cooperation is solicited please.

Thanks for your anticipated cooperation.

Yours Sincerely,

Orokpo, Ogbole Francis
Demographic Data

1. Gender
   a. Male [ ]
   b. Female [ ]

2. Occupation
   a. EFCC Staff [ ]
   b. Political elite [ ]
   c. Public servant [ ]
   e. Others

3. Educational Qualification
   a. Secondary Education [ ]
   b. Tertiary Education [ ]

SECTION B

Instruction: Please tick (√) the appropriate box to indicate the extent of your agreement with the following questions:

Strongly Agree (SA), Agree (A), Undecided (UND), Disagree (D), Strongly Disagree (SD)

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<th>Statements</th>
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<th>A</th>
<th>UND</th>
<th>D</th>
<th>SD</th>
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<td>Poverty and inequality constitutes a major cause of corruption in Nigeria</td>
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<td>7</td>
<td>There is government interference in the anti-corruption fight of the EFCC</td>
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<td>The granting of underserved pardon to people convicted of corruption by the government weakens the fight against corruption</td>
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<td>9</td>
<td>EFCC is selective and partisan in its anti-corruption campaign</td>
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<td>10</td>
<td>The frequent change of leadership of the EFCC impedes the realization of its mandate</td>
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<td>11</td>
<td>Corruption has declined since the establishment of EFCC in 2002</td>
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<td>12</td>
<td>Fiscal transparency and accountability has</td>
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275

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<td>improved since the establishment of EFCC</td>
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<td>The integrity of the successive leadership of the EFCC constitute a major challenge in the fight against corruption</td>
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<td>14</td>
<td>International collaboration by EFCC help in reducing corruption</td>
</tr>
<tr>
<td>15</td>
<td>Judicial injunctions granted accused corrupt persons frustrates corruption cases</td>
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<td>16</td>
<td>EFCC requires total autonomy to operate effectively</td>
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<td>There is need for the review of the EFCC enabling ACT</td>
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<td>18</td>
<td>EFCC is working at cross-purposes with other anti-corruption agencies because they are involved in the same assignment</td>
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<td>19</td>
<td>Plea bargain is an impediment in the successful prosecution of corruption cases</td>
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<td>There is often violation of the fundamental human rights of accused persons by the EFCC</td>
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<td>There is need for adequate human and material capacity by the EFCC in the fight against corruption</td>
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<td>22</td>
<td>The judiciary constitutes a major impediment to the EFCC anti-corruption fight since inception</td>
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<tr>
<td>23</td>
<td>There is a need for special courts for corruption cases in Nigeria</td>
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Thank you.
Appendix iii

Statistical Analysis of Questionnaires

Number of Questionnaires administered and retrieved

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<td>3</td>
<td>Public Servants</td>
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<td>4</td>
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Source: Field Survey, 2016

Questionnaire Analysis: Linket Scale

Strongly Agree (SA), Agree (A), Undecided (UND), Disagree (D) and Strongly Disagree (SD)

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<td>3</td>
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<td>The frequent change of leadership of the EFCC impedes the realization of its mandate</td>
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<td>International collaboration by EFCC help in reducing corruption</td>
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<td>Judicial injunctions granted accused corrupt persons frustrates corruption cases</td>
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<td>EFCC requires total autonomy to operate effectively</td>
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<td>60%</td>
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<td>3.9%</td>
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<td>There is need for the review of the EFCC enabling ACT</td>
<td>138</td>
<td>44.4%</td>
<td>86</td>
<td>27.7%</td>
<td>9</td>
<td>2.9%</td>
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<td>EFCC is working at cross-purposes with other anti-corruption agencies because they are involved in the same assignment</td>
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<td>21.5%</td>
<td>74</td>
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<td>Plea bargain is an impediment in the successful prosecution of corruption cases by EFCC</td>
<td>120</td>
<td>36%</td>
<td>62</td>
<td>20%</td>
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<td>6%</td>
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<td>There is often violation of the fundamental human rights of accused persons by the EFCC</td>
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<td>33.4%</td>
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<td>There is need for adequate human and material capacity by the EFCC in the fight against corruption</td>
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<td>The judiciary constitutes a major impediment to the EFCC anti-corruption fight since inception</td>
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<td>47%</td>
<td>138</td>
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Source: Field Survey, 2016
To get the Mean using the first question for example:

\[ 141 \times 5 = 705 \]
\[ 78 \times 4 = 312 \]
\[ 37 \times 3 = 111 \]
\[ 46 \times 2 = 92 \]
\[ 9 \times 1 = 9 \]

Total = \[ \frac{1229}{311} \]

Divide by the total respondents i.e. 311

\[ \frac{1229}{311} = 3.9 \] which is the mean for question one in table one above.

Percentage = \[ \frac{141 \times 100}{311} = 45.3\% \] for table above

N.B: Decision Rule is 3.5 Accepted while below 3.5 is Rejected
Appendix iv

Required Sample Size

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<th>Population Size</th>
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