

The Economic and Financial Crimes Commission and The Fight Against Corruption in Nigeria: An Appraisal

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Abstract- Apart from oil which contributes about 95% of Nigeria's foreign exchange, the country is also known for good soil for agriculture which could make it a force to be reckoned with in the continent. However, widespread perpetration of economic and financial crimes like advance fee fraud (419), money laundering, cybercrime, banking fraud, yahoo and recently yahoo+ and endemic corruption have had severe negative consequences on Nigeria, including decreased direct foreign investment. In spite of enabling laws enacted before Nigeria's democratic dispensation and the relevant institutions to administer them, fraudulent activities still thrived unabated in the economy. The theory of this study is hinged on the public choice theory that is concerned with the individuals' interests and preferences that model ones' behaviour in taking rational decision. The methodology of the study is qualitative in nature as data were collected from secondary sources through articles in journals, textbooks, conferences, and other internet materials. The data were analysed using content analysis. The paper has shown that rather than fighting corruption, the activities of EFCC has become increasingly complicated as a result of the corrupt practice fused in the system. The paper concludes that in order to overcome Nigeria's challenges, there is need for strong and successful public policies developed from progressive ideas. There is also the need to consciously transform social values as well as institutions that work as enabling environments for corruption. The paper finally recommends that the Federal as well as all tiers of government should ensure they stamp out corrupt tendencies by ensuring that all political office holders render selfless service to the society and fishing out and punishing corrupt officials by the anti-corruption agencies in the country. Also, it is recommended that the Federal government should show commitment to the fight against corruption in Nigeria by amending the EFCC Establishment Act

so that it can be an independent body and not under the whims and caprices of the presidency.

Index Terms- EFCC, Fight, Corruption, Nigeria, Appraisal

I. INTRODUCTION

Nigeria is one of the world's leading oil producers and has a variety of mineral resources, the diversity of its vegetation and climate holds great potential for producing rich combination of agricultural products and, indeed, endowed human resources. Apart from oil which contributes about 95% of the country's foreign exchange (KPMG, 2019), the country is also known for good soil, which contributes to the successes in agriculture as well as a conducive weather for tourism and other natural activities and is always referred to as 'the giant of Africa' by many. Notwithstanding these endowments, the country has not been particularly successful in using its resources for the general good and sustainable development due to perceived endemic corruption that has pervaded its polity.

Several years of military misrule and mismanagement had weakened the economic management processes and institutions in Nigeria. There was no transparency and accountability in government (Public Sector) and private sectors and Nigeria became notorious for endemic corruption which resulted in the inability of government to deliver services to the Nigeria public. Most private companies both in the oil and non-oil sector have constantly evade taxes and have collide with officials to evade custom duties and payment of taxes. In addition, widespread perpetration of economic and financial crimes like advance fee fraud (419), money laundering, cybercrime, banking fraud and endemic corruption have had severe negative consequences on Nigeria, including decreased direct foreign investment in the country. Consequently, the Economic and Financial Crimes Commission (EFCC)

was established as one of the mechanisms for the prevention, investigation and prosecution of corrupt practices and economic and financial crimes in the public and the private sector.

According to the Human Development Index (HDI) Report 2011, Nigeria ranked 142nd below Mauritania, Congo, Cameroon, Togo, Kenya, Ghana, and obviously, South Africa and all of the North African countries, despite the fact that Nigeria generates a far greater income than many of these countries combined. Corruption touches virtually every aspect of Nigerian life, from the millions of scam e-mail messages sent each year by people claiming to be Nigerian officials seeking help with transferring large sums of money out of the country, to the police officers who routinely set up roadblocks, sometimes every few hundred yards, to extract bribes of 20 naira from drivers.

One of the major challenges that Nigeria faced over the years is the issue of corruption and its debilitating ancillaries, including bribery, graft, fraud, manipulations, indiscipline and nepotism. It has become so deep-seated that it has stunted growth in all sectors of Nigerian life and has become the primary cause for its socio-economic backwardness. This bequeathed an abnormal legacy of prebendal politics on the nation (Seteolu, 2004) gravitating and manifesting in different ways at one time or the other, from “contractocracy” (1960s to 1980s), “settlementocracy” (mid 1980s to mid-1990s) to “kleptocracy” (1990s to date) (Elite Writes Project, 2020).

According to Ajaero (2004) in Ugwuaja, (2016), our politicians are also not exempted in this financial crime as people see politics as a short cut to becoming a millionaire because those voted into power use it as an opportunity of looting the public funds, diverting them to their personal account instead of providing the people with dividends of democracy. Bajo (2004) in Ugwuaja, (2016), on the other hand asserted that corruption has continued to be a destructive element in the government of Nigeria and the perception of the country in the community of nations. It therefore, has resulted to a lot of problem, including loss of government revenues, brain drain, electoral

malpractices and absence of law and orders as well as security challenges in the country.

Economic Commission for Africa (2010), reported that corrupt practices, especially those perpetrated by political elite, have led to the diversion of state revenues into personal use, inequitable distribution of wealth, widespread unemployment and the erosion of moral values on the African continent. In fact, this made Agbiboa, (2014) to state that corruption is one of the main obstacles to development in Africa. Since independence, Nigeria has witnessed one type of corruption or the other, especially as it concerns financial misconduct at both the local, state and federal government levels. However, the magnitude, the effort and brazen at which corruption is now being committed to every meaningful citizen and foreigners are alike (Ugwuaja, 2016). Unfortunately, successive governments have in many ways claimed to fight corruption but they have always come out worse than the previous state in corruption rating.

The embarrassing rate of corruption up to the late 1990s earned Nigeria a place in the top-ten of the world’s most corrupt nations in the Transparency International Perception ranking index (2000). Nigeria moved to number six from the second position (T1, 2005) six years after the first ranking, demonstrating the impact of the drive of the anti-corruption crusade. Empowered by the Corrupt Practices and Other Related Offences Act of 2000, the ICPC was formed on 29 September as an apex body not under the control of any person or authority to fight corruption and other related offences (ICPC, 2006). To boost the anti-corruption war and cover up the inadequacies of the ICPC, the EFCC was set up in 2002 to tackle economic and financial crimes, including international and advance fee fraud (419) for which Nigerians were infamously known globally, and money laundering (EFCC Act, 2002).

II. STATEMENT OF THE PROBLEM

The issue of corruption continues to elude Nigeria ever since our Independence. It is affecting the entire population both at the grass roots up to the political leaders. Even the insane people in the country could recognize the havoc caused by corruption. Evidence abounds that the rate of corruption especially financial crimes like advanced fee fraud (419) and money

laundering committed in Nigeria is alarming. Nigerians are treated with suspicion in all business dealings. Majority of honest Nigerians suffer as the result. In regards to this, Hassan (2004) in Elite Project Writers, (2020), opined that the Federal Government should try to implement an intensive programme of eradicating the menace of corruption in the country. This is because, it has the political will to achieve this objective. The most relevant effort is the creation of EFCC.

III. CONCEPTUAL CLARIFICATION

Concept of Corruption

Corruption has been described or defined severally in many ways by different authors. According to Tanzi (1998) in Adenike (2013), corruption is the intentional noncompliance with arm's length relationship aimed at deriving some advantage from this behavior for oneself or for related individuals. However, not all acts of corruption result in the payment of bribes. What is regarded as corruption depends on the actors, the profiteers, initiators as well as how and where it takes place. It also depends on the existing laws and regulations guiding certain actions in certain environments. Corruption is a complex phenomenon rooted deep in both our bureaucratic and political institutions. It can be equated to cockroaches and seen as one which has coexisted with human society for a long time and remain one of the problems the world's developing economies. Corruption can be seen as a phenomenal global problem existing in varying degrees in different countries (Agbu, 2001). According to Dike (2005), corruption is not only found in democratic and dictatorial politics, but also in feudal, capitalist and socialist economies. Christian, Muslim, Hindu, and Buddhist cultures are equally bedeviled by corruption and this practices are not an issue that just begins today; but the history is as old as the world (Lipset and Gabriel, 2000). Some countries define corruption in the broadest and comprehensive form while others see it on the narrow definition of the term. Irrespective of how a society perceives the definition of corruption, it is a deterrent to the economic growth and development of a society hence a stumbling block to its progress.

Theoretical Framework

There are many theories that can be adopted to explain the concept of corruption and the fight against corruption in Nigeria. However, this study focused on the public choice theory as propounded by Buchanan, Tullock and Olson as seen in Udama (2013).

Modernization theory

One of the theories of corruption is the modernization theory. According to Adefulu (2007) as cited in Iyanda (2012), one of the theorists of modernization cited by Huntington 1968, observed that: the process of economic and political development in modernizing societies tends to breed inequality, political instability and corruption which may be defined simply in terms of the use of public powers to achieve private goals. Modernization theorists is believed to be the causes of large scale and incidence of corruption and corrupt practices in pre-colonial African states. This can be seen in terms of the logical patrimonialism as well as main proposition common to all the theories of corruption. Despite the presumed benefits of mixed government as reported in Adefulu (2007), the incidence of corruption in Africa is seen as in the outcome of the behaviour of public officials which deviates from the accepted norms, and which also signifies the absence of effective political institutionalisation that makes it difficult for officials to divorce their public roles from private ones, thus prompting them to subordinate their institutional roles to exogenous demands.

Public Choice Theory

The theory was propounded between 1950 and 1960. The major proponents of the theory are James Buchanan, Gordon Tullock, and Mancur Olson (Udama, 2013) and Olujobi and Olujobi (2020). Public Choice theory centres on individuals' interests and preferences which model ones' behaviour in taking rational decision. This often churns out pre-determined goals for such individuals through optimal maximization of every utility. The theory is useful for a better understanding of corruption. It allows one to predict consequences of corruption, since most anti-corruption laws are enacted with sanctions for noncompliance. The theory supports this study by emphasising that individual is responsible for both his

actions and the consequences of his actions. In the upstream petroleum context, the theory is concerned with corrupt government officials who attempt to make the most of their utility in the sector through. The public choice theory is therefore apt for this study which gives citizens and the nation a choice at which direction it wishes to take in its development.

Contextual Study of Corruption in Nigeria

Nigeria has over the years, been characterized largely by ineffectiveness and inefficiency. The situation is however, not different in other African countries. Fatile (nd) noted that high-level corruption has been identified as being responsible for Nigeria's underdevelopment and growing crimes rates. Of recent, the case of the Chairman of the defunct Pension Reform Task Force, Abdulrasheed Maina has filled the air space with his extradition from Niger Republic to face charges of corruption while heading the Team. Also, the Ag. Chairman of the EFCC was removed due to cases of corruption as well as many high court judges were arraigned in court for one misdemeanour or the other. It is also instructive to note that the government and the Nigerian citizens have not been totally committed to introducing and implementing measures that can prevent or drastically reduce the extent and consequence of corruption in the country. Even though efforts have been made to enact laws and put in place regulations to curb corruptions in Nigeria. On the contrary, every Nigerian government since 1975 introduced elaborate laws and programmes, only for officials to turn such programmes into fertile opportunity for corrupt practices and enrichment. Consequently, there has been a geometrical growth in the rate of corruption in the country (Alemika, 2002).

Nigeria's external image suffered setbacks as it consistently remained the world's second most corrupt nation in the world in 2000, 2001 and 2002 (T1, 2005). In 2005, it moved to the sixth position, showing "improvement" but obviously still among the most corrupt nations of the world. This development earned Nigeria a stigma in the international community at the national and individual levels-nations of the world became reluctant to invest in the country for fear of fraud, leaders' accounts overseas investigated and frozen, nations refusing Nigerians traveling documents like visa, and Nigerians living overseas

perpetually harassed by security agents, closely watched and overly discriminated against (Okogie & Nnoli, 2005 in Elite Project Writers, 2020).

Nigeria has suffered from cases of corruption since the period of military rule. It is alleged that the late Head of State General Sani Abacha stole over \$3 million during his reign between 1993 to 1998. At the dawn of democratic rule in 1999, cases of corruption emerged barely a year into the administration of Chief Olusegun Obasanjo as President of Nigeria. It was discovered that governors from Alamiyeseigha to Dariye, Ministers, members of the security agency as well as members of the National Assembly and other political office holders have in the past four decades believed to have stolen or misspent \$400 billion in government money, most of it the profits from Nigeria's oil reserves (Polgreen, 2005). In the same vein, Okonjo-Iweala (2018) reported that "in the five years of General Sani Abacha's rule of Nigeria from 1993 to 1998, the military dictator, his family, and his associates are estimated to have looted \$3 billion to \$5 billion of public assets and transferred much of this money abroad".

Just recently, there are also cases of arms deal scam, oil subsidy, pension reform scams and even the EFCC who is supposed to be in the forefront of the fight against corruption has not been left out in cases of corruption with its former Ag. Chairman, Ibrahim Magu being accused of corrupt practices and of recent, the newly appointed Chairman, Abdulrasheed Bawa being accused of some corrupt practices in his former office. Several other corruption cases abound which have contributed to make Nigeria the poverty capital of the world as well as ranked 144 out of 180 countries in the world while Somalia ranked 180 and Denmark ranked 1st, according to the Transparency International.

The criminal justice system in Nigeria has been in travails with numerous problems and difficulties making the administration of justice difficult and problematic (Dike, 2008). Corruption, which is seen as widespread in the nation at large, has caused mishap to the administration of the criminal justice system. The activities of Economic and Financial Crime Commission (EFCC), has become increasingly complicated as a result of the corrupt practice fused in

the system (Ethelbert, 2016). Series of corruption-related activities have been recorded since the inception of EFCC (Ekpo, Chime & Enor, 2016 in Elite Project Writers, 2020) and there are evidences of pervasive corruption in the numerous patterns of their administration of criminal justice in Nigeria which stem from fraud offenders/victims (Balogun, 2016 in Elite Project Writers, 2020) explaining how EFCC operatives demand bribes and large cut to how their operations are guided by political motivation which shows the extent corruption has infested the judicial administration of justice of Nigeria's apex corruption fighting body (Agbaje, 2012 in Elite Project Writers, 2020).

Brief History of the EFCC

The EFCC was established by an act of parliament on December 13th 2002 by the Federal Government. They began full operation in 2003. It has support from the presidency, the legislature, security and law enforcement agencies in Nigeria. The commission is primarily charged with the responsibility of eradicating all the economic and financial crimes such as: Advanced fee fraud, money laundering, counterfeits, future market fraud, fraudulent encashment of negotiable instrument, computer credit card fraud, contracts scam, embezzlement of public funds and illegal acquisition of company shares which do not exist to investors.

The EFCC Establishment Act (2002) mandates the EFCC to combat financial and economic crimes and the Commission is empowered to prevent, investigate, prosecute and penalize economic and financial crimes. Also, the EFCC is charged with and has been investigating cases of abuse of office, diversion of public funds through fraudulent award of contracts, tax fraud, illegal bunkering, terrorism financing, capital market fraud, cybercrime, banking fraud, etc. The EFCC has a mission to curb the menace of corruption that constitutes the clog in the wheel of progress; protect national and foreign investments in the country; imbue the spirit of hard work in the citizenry and discourage the crave for ill-gotten wealth; identify such ill-gotten wealth and confiscate them; build an upright work force in both public and private sector of the economy; and contribute to the global war against financial crimes and terrorism

financing; the advent of the EFCC has impacted positively on Nigeria's global acceptance being a turning point in the country's anti-corruption crusade.

The EFCC has since inception been headed by four substantive Executive Chairmen and two Ag. Chairmen. The first Chairman of the Commission is Mal. Nuhu Ribadu who held sway between 2003 and 2006 when he was nominated to attend the Senior Executive Course of the National Institute for Policy and Strategic Studies (NIPSS), Kuru after falling out with the 'powers that be'. The former Chairman Nuhu Ribadu was thereafter demoted from the rank of an Assistant Inspector General (AIG) to Deputy Commissioner of Police (DCP) (Nigeria World, 2008). Mr. Ribadu was succeeded in 2007 by Mr. Ibrahim Lamorde who was the then Director of Operations. Mr. Lamorde held sway between 2007 and 2008 in acting capacity. The tenure of Lamorde also saw controversies that trailed the tenure of Ribadu continuing with accusations of favouritism and operational ineptitudes. Mrs. Farida Mzamber Waziri was appointed substantive Chairman of the EFCC in 2008 to 2011. In a twist of faith, Mrs. Waziri's tenure was not renewed and Mr. Ibrahim Lamorde was further appointed to Head the Commission, this time on full time bases between 2011 to 2015. Mr. Ibrahim Magu succeeded Mr. Lamorde in 2015 and his tenure saw him not passing the Senate screen twice as presented by Mr. President for confirmation as substantive Chairman due to what they say is his failure of 'integrity test' arising from two conflicting letters written on him by the Department of State Services (DSS). He was suspended in July 2020 and a high-powered Committee headed by retired Justice Ayo Salami to probe allegations leveled against him by the Minister of Justice, Mr. Abubakar Malami. President Muhammadu Buhari also approved that the EFCC Director of Operations, Mohammed Umar Abba, should take charge and oversee the activities of the Commission pending the conclusion of the investigation and further directives. Mr. Magu was relieved of his appointed on 24th of February, 2021 with the appointment of Mr. Abdulrasheed Bawa.

Under the chairmanship of Mal. Nuhu Ribadu, the EFCC addressed financial corruption by prosecuting and convicting a number of high-profile corrupt individuals, ranging from Nigeria's former chief law

enforcement officer to several bank chief executives. By 2005, the EFCC arrested government officials including the former governor of Bayelsa State, Chief DSP Alamieyeseigha. In September 2006, the EFCC had 31 of Nigeria's 36 state governors under investigation for corruption. By 2008, the EFCC began an investigation of the very influential daughter of the former Nigerian President, Senator Iyabo Obasanjo-Bello for receiving N10 million (\$100,000), stolen from the Ministry of Health. The former Health Minister and her deputy were also put on trial and eventually removed from office for stealing over N30,000,000 (\$300,000) from the ministry's unspent funds. Recently, it is also reported that the EFCC has investigated former governors of Zamfara and Imo States as well as other party chieftains on cases of corruption.

The EFCC has made unprecedented arrests of retired and serving officers, politicians, governors, speakers of state legislative assemblies, bank and company chiefs, etc, and recovered looted funds. It has also secured the conviction of several suspected including former governors and well as captains of industry. There are however, a huge number of persons and groups with questionable wealth who have not come under the organizations' scrutiny, thus heightening speculations that the anti-corruption war is selective and a ruse (Elite Project Writers, 2020).

Challenges faced by EFCC in the Fight Against Corruption

As a problem of justice delivery, the poor leadership in the EFCC justice system has hindered the low performance of criminal justice administration (Abdullahi, Wakili & Mudashiru, 2015 in Elite Project Writers, 2020). The leadership of the EFCC is considered ineffective and lacks the confidence to fight corruption (Nwoba & Nwokwu, 2018 in Elite Project Writers, 2020). Rather than fighting corruption, corruption has engulfed the leadership which makes them lack integrity and worth not even "one penny" (Enweremadu, 2011 in Elite Project Writers, 2020). Regardless of the countless cases that the EFCC is currently prosecuting both in and outside the courts, there is a widespread belief that the disposition and manifestation of the leadership of the commission is politically motivated to favour the

parties in power and against the opposition parties (Omoroghomwan, 2017 in Elite Project Writers, 2020, Dike, 2008). EFCC is seen as a tool to silence the voice of the oppositional party's members through instigating and invoking corrupt cases and charges against them.

Institutionally, the criminal justice system has been termed to be full with "technocrats" who are incompetent to manage judicial prosecution. The EFCC has always been criticized for its penchant for high-profile arrests and public "invitations" of prominent suspects to come in for questioning before a criminal investigation was complete (Ohiorhenuan, 2015, in Elite Project Writers, 2020). But the majority of these high-profile personalities are never punished because of their lack of investigative skills to secure evidence-based prosecution of the offender and couple with the pervasiveness of politically motivated arrest in the commission (Ogunesan, 2015, in Elite Project Writers, 2020). Having these problems to contend with, the question that provokes inquiry is to what extent has the activities of the EFCC affected prosecution and the administration of Justice in Nigeria?

Ugwuaja, (2016) observed that some officials of EFCC do not show enough commitment to their duty. In some case where it is obvious that some people engaged in dubious activities and make wealth from these acts, the staff of the EFCC do not easily bring them to book due to their personal preferences and values. This does not augur well for fight against corruption in Nigeria and it has also continued to embolden those in privilege positions to continue to perpetrate acts of corruption. It was also found out that the characters of the society also help to inhibit the effectiveness and efficiency of the Commission in pursuit of its mandate. which means that the level of failure recorded outweighs the amount of success achieved so far. Therefore, the success recorded by EFCC is not enough to say that the Commission has succeeded in its mandate of fighting corruption in Nigeria.

The institutional weaknesses of the EFCC are the first set of brick walls in Nigeria's fight against corruption. The institution, by its acts of omission and commission, appear to lack complete independence.

The seemingly ineffective EFCC can prosecute but appears incapable of penalizing offenders and its close affinities with the presidency have made it to appear like instruments of state coercion and victimization of perceived and real enemies of the administration (Folarin, 2009). In the same vein, Folarin (2009) further stated that the above scenario is made credible by the perceived selective investigations and prosecutions by both commissions, particularly in handling cases of corruption involving politicians and those in the private sector who condemn federal government policies or opposed to the aborted third term bid by former President Olusegun Obasanjo. Among those who were in the Federal government's white list until they took side in the opposition camp in one way or the other, are Tafa Balogun, Fabian Osuji, Alamieyesegha, Joshua Dariye, Bola Tinubu, Orji Uzor Kalu, Mike Adenuga and Ibrahim Babangida and Abubakar Atiku (The News, 2006; Ganagoh, 2006). The EFCC and the entire anti-corruption machine seem to overlook corrupt cases and corrupt persons and groups until they begin to oppose the president on his policies and personal decisions affecting governance (Jason, 2006).

Dike (2008) further noted that the issue of certain ignored or "closed" or "forgotten" cases of alleged corruption especially the allegations by Nasir El-Rufai, Minister of the Federal Capital Territory (Abuja) that two senators close to Obasanjo, Deputy Senate President Ibrahim Mantu and Senate Majority leader, Jonathan Zwingina asked him for a bribe of #54 million to secure approval for appointment appear consigned in the waste bin of history. Again, the whereabouts of recovered Abacha loots declared by the Presidency since 1999 to date are not known nor can what it has been used for be ascertained (Folarin, 2009). Also, the Gulf War oil windfall of 1991 made under General Ibrahim Babangida's regime, which cannot be traced to date, is an obvious case of embezzlement that neither the EFCC nor ICPC has investigated or shown any willingness to take up. Moreover, there are also the copious cases of jumbo contracts, "white elephant" and abandoned projects between 1976 and 1983 that are no longer mentioned (Folarin, 2009).

The tough stance against corruption being depicted by the EFCC can be said to be a mere political

showmanship as most regimes in the country can be said to be a child of corruption. It has thus become apparent that the Act establishing the EFCC is not capable of curbing corruption in Nigeria since the administration that established the institution cannot be said to be corrupt free. And there is no way the operations of the EFCC could have any credibility in a situation in which those who should have been their prime targets are being shielded from prosecution by a corrupt state.

Efforts at Fighting Corruption in Nigeria

There have been efforts by successive administrations to curb economic and financial crimes in Nigeria and these efforts are either strangled due to inadequate enabling laws and regulations or neglected for apparent lack of commitment on the part of stakeholders to fight the menace. However, successive governments promulgated the under-listed laws aimed at providing a legal framework to combat these crimes:

- a. The Miscellaneous Offences Act, 1985
- b. The National Drug Law Enforcement Agency (NDLEA) Act, 1989
- c. The Advance Fee Fraud (otherwise known as 419) and Related Offences Act of 1995
- d. The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act of 1996
- e. The Banks and other Financial Institutions Act of 1991
- f. The Foreign Exchange (Miscellaneous) Offences Act of 1995
- g. The Money Laundering Act of 1995 (now repealed by MLPA, 2004)

In spite of these enabling laws enacted before Nigeria's democratic experience and the relevant institutions to administer them, fraudulent activities still thrived unabated in the economy. Former President Olusegun Obasanjo responded positively to the yearnings of Nigerians and the International community by taking the following proactive and responsive approach and created some institutions to fight against corruption in Nigeria. They are:

- i. Establishment of the Anti-Corruption Commission
- ii. Creation of the Due Process Office in the Presidency

- iii. Corrupt Practices and Related Offences Act of 2000
- iv. Establishment of the EFCC in 2002.

Apart from the former President Obasanjo administration, other subsequent administrations have also made several efforts in curbing cases of corruption in the polity. The present administration of President Muhammadu Buhari set up committees such as the Federal Government Committee for the recovery of stolen assets headed by Chief Obono Obla, SAN, the Chief Itse Sagay, SAN led Presidential Advisory Committee Against Corruption (PACAC) all in an effort to reduce cases of corruption in the country.

The EFCC Act was a major departure from the past enabling laws for fighting economic and financial crimes in Nigeria, in terms of powers, functions and responsibilities. Besides, the EFCC enjoys collaborative assistance from international law enforcement agencies in the United States and across other countries such as; the International Police (INTERPOL), Federal Bureau of Investigation (FBI), and the United Nations Office on Drugs and Crimes (UNODC). The Economic and Financial Crimes Commission is charged with the responsibilities to among others; enforcement and administration of the Act in the overall context of preventing, detecting, investigating and prosecuting all cases of economic and financial crimes in Nigeria. It is also charged with the responsibility of enforcing other laws and regulations relating to economic and financial crimes including; Money Laundering Act of 1995 (now 2004); Advance Fee Fraud (otherwise known as 419) and other Related Offences Act of 1995; Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act of 1996; Banks and other Financial Institutions Act of 1991; and the Miscellaneous Offences Act, 1985. In addition, the Commission is the key agency of government responsible for fighting terrorist financing.

It can be noted however, that as laudable as the intentions of government in putting in place institutions and laws meant to curb corruption are, the enforcement of these laws has left much to be desired. In fact, with the various reform efforts of the government in tackling corruption after years of

independence, Nigerians still harbor the mentality that public money belongs to no one and that any person who has access to it should convert it into his or her personal use.

Discussion and Way Forward

Nigeria is still grappling with the problems of bad governance goes to show the level of non-accountability and ever-present manifestation of crude corruption that is open, naked, undisguised and yet legally untameable because of the system. It has shown that many of the anti-corruption efforts are part of the liberal reforms that are based on the assumption that corruption is an individual act or personal misuse of public office for private gain. It points out that as laudable as the intentions of government in putting in place institutions and laws meant to curb corruption, the enforcement of these laws has left much to be desired. In fact, the various reform efforts of the Nigerian government are of limited value because they fail to take into account much of the dynamics that support corruption in the country. Thus, people now regard the law as mere rhetorics, meant only to be enforced when breached by the poor. While successive administrations have taken steps to control corruption, these efforts have not yielded the much-desired goals to deter those in authority from corruption in the country.

Fawole, (2013) noted that there are varieties of corruption as they manifest in Nigeria, which include: political, bureaucratic, private, public, materialistic and non-materialistic corruption, petty corruption and grand corruption, systemic and non-systemic corruption, etc. According to him, grand corruption, otherwise known as “State Robbery” in the public sector is the main problem in Nigeria. It should also be noted that other varieties of ‘State Robbery’ are falsification of contract figures through inflation, over-invoicing, periodic upward reviews of contract sums, a practice that still goes on in MDAs; contract splitting, an offence for which Chief Olabode George, a People Democratic Party Chieftain who was Chairman of the Nigeria Port Authority (NPA) went to jail; fraud, graft, misappropriation and misapplication of funds; payoffs and contract kickbacks; and several others such as profiteering, shadiness, prolificacy, distortion, doctoring, falsification, etc (Fatile, nd).

Experiences in Nigeria also seem to support the view that political and administrative malfeasance feed on each other (Abu, 2007). Also, the over centralization of authority as well as under or over-elaborations of rules of authority is a major contributory factor to governmental corruption in Nigeria. The evil of corruption at the highest level distorts competition by denying the public access to competitive market place (Pope, 1996). Great inequality in the distribution of national wealth and the reliance on political office as the primary means of gaining access to wealth and the conflict between changing moral codes, weakness of social and governmental enforcement mechanism as well as the absence of strong sense of national community have been identified as major causes of corruption in Nigeria. In fact, corruption in Nigeria has resulted to a reduction in the quality and quantity of goods and services available to the public as reflected in poor infrastructures, poor quality of education standards, poor health facilities and high cost of living as well as rising social insecurity. On the aspect of political development, corruption has often led to the inability of the nation to develop and consolidate its democratic practice as excessive corruption has often led to erosion of government legitimacy, defective

There is the need for greater transparency in the management of public funds by public office holders as well as the need for a more robust political will and commitment from the judiciary as well as governments at all levels, including bureaucracies at various levels of governance in the country.

Overcoming Nigeria's challenges requires strong and successful public policies developed from progressive ideas. These ideas serve as catalysts for the right actions, results and overall positive change. It can therefore be concluded that there is a need to consciously transform social values as well as institutions that work as enabling environments for corruption. The leadership has enormous responsibility in controlling corruption and restoring the hope to the citizenry through good governance. The political system and the culture of the Nigeria society have made the EFCC more prone to failure as some of the factors that made up the culture of the Nigerian society include an inequality in distribution of wealth as well as political offices as the primary

means of gaining access to wealth. There is also the conflict between changing moral codes and the absence of a strong sense of national community. These factors have therefore contributed in no small measure to the weakness of social and governmental enforcement mechanisms of the EFCC.

CONCLUSION

It can be safely said that corruption is the most serious developmental challenge to Nigeria as it is driven by official tolerance for illicit enrichment, concentration of wealth and economic power in the hands of a few, blending of political and economic interests and total dependence on Crude Oil for income. Corruption undermines democracy and good governance in the country and is also a threat to the security of human lives as thousands of lives are lost annually in Nigeria due to poor road and transport infrastructure, poor healthcare services and poor security and social services generally. It is believed that corruption is prevalent in Africa and Nigeria in particular due to the absence of strong institutional and legal frameworks to combat it. The very serious impact of corruption on socio-economic development of any Nigeria has continuously received the attention of the international community as several instruments have been drafted and adopted to combat corruption. There are in existence several institutions and a large body of legislation aimed at addressing the problem of corruption. Notwithstanding these instruments and legislations corruption remains a cankerworm of monumental proportions that has eaten very deep into the fabric of the nation.

RECOMMENDATIONS AND IMPLEMENTATION STRATEGIES

In the light of the foregoing, the following recommendations and implementation strategies are proffered:

Recommendation One

The Federal as well as all tiers of government should ensure they stamp out corrupt tendencies in the public.

Implementation Strategies

- i. The Federal and all tiers of government to ensure that all political office holders render selfless service to the society
- ii. The federal as well as all tiers of government to ensure that all officers involved in acts of corruption are fished out and punished by the anti-corruption agencies in the country
- iii. The EFCC to be empowered to go after anybody that is perceived to be engaged in corruption and sharp practices in the country

Recommendation Two

The Economic and Financial Crimes Commission should prosecute cases of corruption in Nigeria.

Implementation strategies

- i. The Economic and Financial Crimes Commission to ensure that all those accused of corruption are investigated and prosecuted
- ii. The Economic and Financial Crimes Commission to partner with other anti-corruption agencies in the fight against corruption in Nigeria
- iii. The government, at both federal and state levels, to stare clear of the activities of the EFCC in order for the agency to be fully independent and to be able to fight corruption with a mind devoid of prejudice and interference

Recommendation Three

The Federal government should show commitment to the fight against corruption in Nigeria.

Implementation Strategies

- i. The National Assembly to amend the EFCC Establishment Act so that it can be an independent body and not under the whims and caprices of the presidency.
- ii. The Federal Government to enhance the budgetary allocation of the EFCC to enable it adequately fight corruption,

- iii. the Federal Government to strengthen the judicial system and provide the needed supports for it to dispense justice without fear or favour.
- iv. The federal government to ensure that the EFCC is headed by a dynamic leader that will provide the needed leadership for the fight against corruption in Nigeria
- v. The Federal Government to provide adequate motivation, training and recruit competent investigators and prosecutors for the EFCC
- vi. The EFCC to ensure that it does not renege on its promise especially as it regards rewarding whistle-blowers in order to motivate the people to expose corruption and unscrupulous elements in the country.

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