

## **CORRUPTION IN THE NIGERIAN PUBLIC SERVICE: A CASE STUDY OF ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)**

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**ABSTRACT:** This paper synthesizes the assessment of anti-corruption strategies adopted by previous administrations in Nigeria, and the effectiveness of Economic and Financial Crimes Commission (EFCC). Factors militating against the effectiveness of EFCC were identified, and solutions proffered. Corruption in education was also noted. The administration of some heads of state before the establishment of EFCC were discovered to fuel corruption, while some administrations proved to have adopted Gandhian approach to fight corruption; they recorded success but were not sustained because their efforts were found to have been frustrated by their succeeding administrations. The results of the frustrations lead to the establishment of EFCC which is an institution to tackle corruption during democracy. Finally, it was revealed that the achievement of EFCC's mandates is low. Towards anticorruption strategies and the effectiveness of EFCC, recommendations were suggested. It is believed that if the recommendations were fully implemented, balanced development is inevitable.

### **1 Introduction**

Corruption has been widely perceived to be the major factor militating against development in many countries. The United Nation Convention against corruption states that corruption undermines democratic institutions, retards economic development and contributes to government instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law, and creating bureaucratic predicaments whose only reason for existence is the soliciting of bribes. According to Ibidolapo (2016), corruption is the scourge of most underdeveloped, developing and to a considerable extent, the so-called developed countries. The outright misappropriation, conversion, diversion and theft of public funds and resources, has left

Nigeria with a damaged reputation and a negative perception of being a mismanaged and dysfunctional country. It has hindered the citizens from enjoying a quality life that can be achieved when there is balanced development.

Corruption has become a common phenomenon in every society nowadays and the negative effect it has on the political and socio-economic structure of a country can be hardly over emphasized. There has been a global outcry and collective effort to tackle this social ill through the implementation of anti-graft laws and policies across the world. As the fight against corruption continues, other nations have been successful in their quest to limit the level of corrupt practices while others are still lagging behind. Nigeria is a country where the government can easily be defined as "by the corrupt, of the

**Olaleye Olapujo Ibidolapo**

corrupt, and for the corrupt.” Corrupt practices in Nigeria emanates from the family. Examples of this is when parents take their children to school heads so as to get their children admitted; such parents go to the extreme of paying examination malpractice (machinery) for their children. Another example is when female students offer themselves for sexual intercourse in exchange for marks, and employments. Also, officials, lecturers in higher institution of learning are also engaged in various scandals just to name a few.

In order to check corruption tendencies in Nigeria, anti-corruption strategies were set up by previous administrations, but it seems to be inefficient because of the present surge corrupt scandals. The inefficiency of anti-corruption strategies in Nigeria can be confirmed by the recent report by Transparency International (TI) that the situation of corruption in Nigeria has become worsened, coupled with the decreasing state of human and institutional development. This study is carried out to examine the effectiveness of anticorruption strategies put in place by previous administrations in Nigeria and focusing on the mandate of the Economic and Financial Crimes Commission (EFCC). This study also takes into account the metamorphosis of corruption during the pre-colonial, colonial, and post-colonial era in Nigeria. It is believed that this study is capable of giving a plausible result.

## **2 Conceptual Clarifications 2.1**

### **Development and Governance**

#### **2.1.1 Development**

According to Akpakpan (1987) and Wilson (2005), development is a process of improvement in the general welfare of the entire society which is usually manifested in the various aspects of the life of the society such as reduction in the level of unemployment; reduction in the extent of personal and regional inequalities; reduction in absolute poverty; rise in real output of goods and services and improvement in techniques of production; improvement in literacy, health services, housing

and government services; improvement in the level of social and political consciousness of the people; greater ability to draw on local resources (both human and material) to meet local needs; and reduction in pollution and/or environmental degradation. For there to be a balanced development, it means development must cut across all the listed indicators in their correct proportion without deficiency of any indicator. The major catalyst for balanced development is good governance, as there is a global quest for good governance.

#### **2.1.2 Governance**

Governance is a generic term that refers to the manner in which organizations interact with their key stakeholder groups in order to achieve their goals. In the public domain, the concept of governance or public governance refers to governments' goal-oriented interaction with various stakeholder groups from the public (Adeniran, 2016a), for-profit and non-profit sectors in democratic decision-making processes, public service delivery and development activities (Anttiroiko and Valkama, 2005). According to United Nation Development Programme (UNDP) (2007), governance is broadly referred to as the exercise of power through a country's economic, social, and political institutions in which institutions represent the organizational rules and routines, formal laws, and informal norms that together shape the incentives of public policy-makers, overseers, and providers of public services.

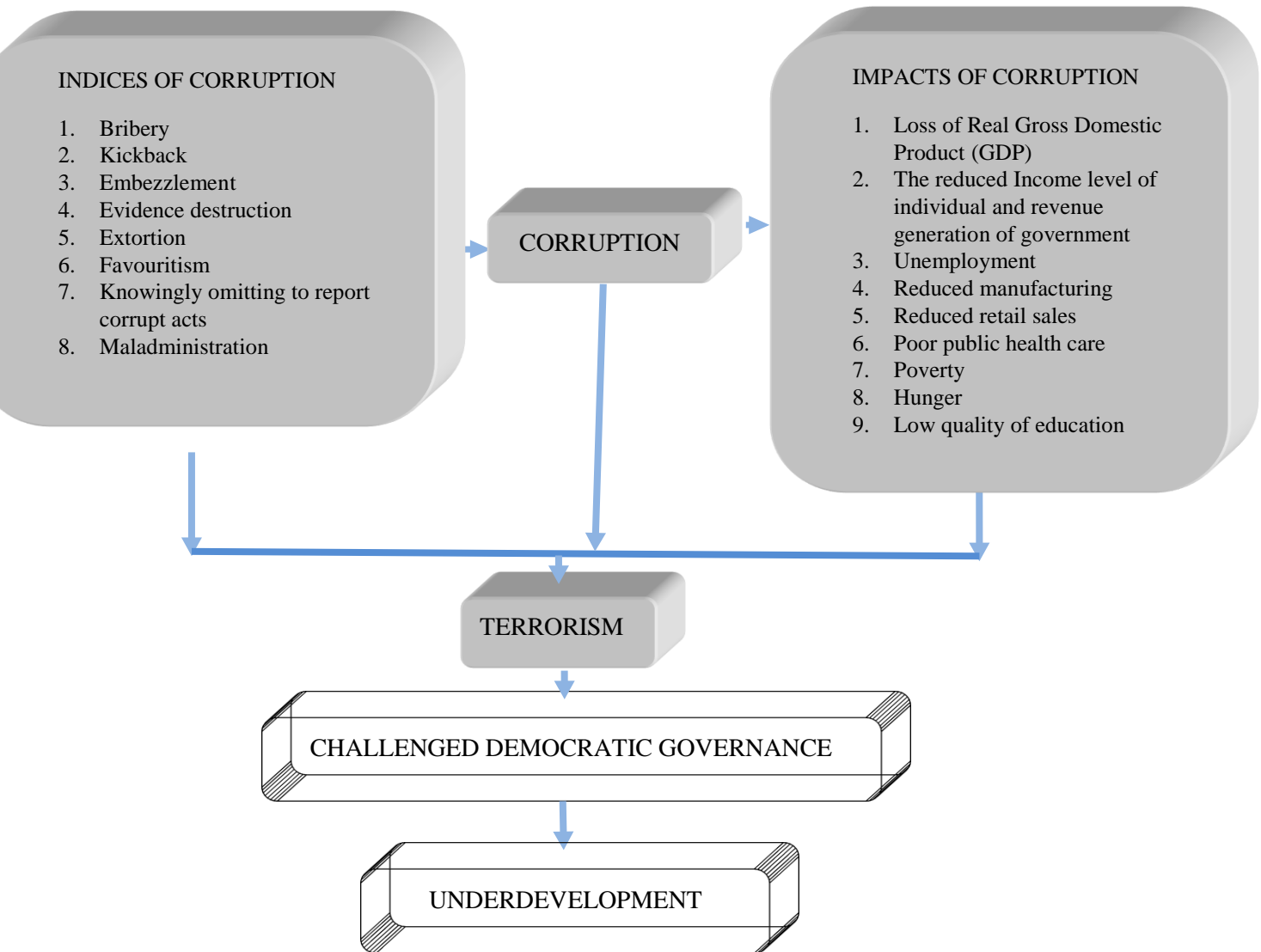
#### **2.1.3 The Import of Balanced Development from Good Governance**

Good governance became the reducible criteria for assessment of Nigerian government under the 1999 Constitution, due to the negative effect of the military rule, the activities of civil society and the pressures of international financial institutions such as the World Bank, International Monetary Fund (IMF) and UNDP (Nwabueze, 2005). Good governance is, among other things, participatory, transparent and accountable, effective and equitable,

and it promotes the rule of law. It ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources (Olu, 2012). The worse situation of a country is attained when corruption is prevalent in the entire system. Corruption in Nigeria has wings and no more wheels. As the nation grows, the corrupt practices also grow to invent new methods of cheating the government and public. Political, bureaucratic, corporate and individual corruptions in Nigeria are great concerns. Corruption in Nigeria leads to promotion and not prison as it is very

difficult to catch the so-called big sharks. Terrorism is inevitable as currently witnessed in Nigeria. Also, terrorist acts can also be used to positively bring about political change.

Corruption is a great hindrance of good governance as it results to ineffective service delivery in public institutions or organizations. When there is corruption in public organizations, the following symptoms are evident: lack of trust, inconsistency, high variation, disrespect, bias decisions, and so on. Figure 1 shows the flow-chart analysis of how corruption leads to terrorism, lack of democratic governance, and underdevelopment.



**Figure 1:** Pictorial view of how corruption leads to terrorism, undermine democratic governance, and underdevelopment.

## 2.2 Corruption

It is quite obvious that the definition of corruption differs widely as what might be considered corruption in one country, might be considered as an acceptable practice in another country. 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 advantage and 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 revenue (World Bank, 1997). The International Monetary Fund (IMF) defined corruption as the abuse of authority or trust for private benefit: and is a temptation indulged in not only by public officials but also by those in positions of trust or authority in private enterprises or nonprofit organizations

**Olaleye Olapujo Ibidolapo**

(Wolfe and Gurgun 2000). Corruption is defined as an arrangement that involves an exchange between two parties (the demander and the supplier) which (i) has an influence on the allocation of resources either immediately or in the future; and (ii) involves the use or abuse of public or collective responsibility for private ends (Salisu, 2006). It was stated in the anti-corruption policy of Norway (2010) that everybody would probably agree that bribes, extortion, and the practice of demanding sexual favours in a change of services, are highly unethical acts that must be termed as corruption.

According to Transparency International, corruption is the abuse of entrusted power for private gain. Corruption occurs in many forms such as bribery (when someone improperly provides goods or services against some form of improper compensation); kickback (a form of bribery, where someone involved in a purchasing process is getting a reward from the supplier for placing an order of goods or services); embezzlement (theft of resources for own use); evidence destruction (irregular destruction, removal or abuse of records); extortion (the act of obtaining something by force, threats or undue demands); favoritism (the unfair favoring of one person or a group at the expense of others including nepotism which is favoritism shown to relatives); knowingly omitting to report corrupt acts (deliberately omitting or refusing to report or act upon reports of any such irregular or dishonest conduct); maladministration (also referred to as financial misconduct in handling or reporting of money, financial transactions or other assets). The definition of corruption according to Transparency International was adopted in this study as it seems to be elaborate.

## 2.2.1 The Perspective of Corruption from Underdevelopment

In the beginning of World War II, there had been little concern on the cause of underdevelopment, but at the end of World War II, the developing countries struggled to improve their living standards. This struggle made the newly independent countries,

industrializes countries and the United Nations to rally round and tried to promote development through the following means; among are: by applying the measure of technical know-how through the assignment of experts; expansion of education; and the development of infrastructure. In an attempt to make this a reality, the process to fight underdevelopment was supposed to be spear headed by the developed countries to lead the way by showing the developing countries the secret behind their growth, this instead made way for some of this giant capital countries to exploit the developing nations (Day, 2011). Hence, there is a wide gap between develop and less develop countries. Underdevelopment, according to the Marxist school, is when nations seeking to develop come into contact with Western developed countries, and as a result become parasitized (Furtado, 1971). Underdevelopment is pictured from the absence of trade that leaves the economy of the developing countries isolated to the rest of the world. The concept of underdevelopment is more like an active process by which the global lesser-developed nations are exploited by their contact with an abusively capitalist group of already developed nations. Without sharing view with the Marxist, one can agree with this definition, since it is derived in the concept of the nation and of the state that some groups of people are collectively referred to as “developed” and others are collectively referred to as “underdeveloped”. It is actually entirely irrelevant which nation and which state they belong to, although public and private infrastructure is what generally gives rise to this misconception (Foster-Carter, 1979). The situation of exploiting the developing countries by the developed countries is referred to as corruption (foreign corruption). Apart from the corruption caused by the developing countries through exploitation, the management and standards of operating or driving the developing country’s economy is quite less as individuals in developing countries are involved in various corruption scandals.



## 2.2.2 Historical Overview of Corruption and Anti-corruption Strategies in Nigeria: Pre-Colonial, Colonial, and Post-Colonial Era

According to Austine and Charles (2013), corruption in Nigeria can be traced as far back as the early precolonial times (autocratic and authoritarian rule of the British colonialists). During the pre-colonial times, the colonialists aided and assisted by monopoly trading firms took over the Nigerian people's sovereign powers and presided over a fraudulent and corrupt accumulation system. These involved unequal terms of trade between the colonialists and Nigerian workers; including very low subsistence wages, exorbitant taxation and exclusive monopoly rights of exploitation granted to British and other European firms over Nigeria's mineral and other natural resources. Furthermore, the colonialists played smartly by appointing several politically influential and important members of the ruling class to key positions as directors, agents, distributors and representatives in the major foreign businesses. These individuals (Nigerians) were made ministers and chairmen of parastatals with powers to award contracts for public projects, issue licenses; award scholarships etc. The position they held opened the opportunity to new forms of corrupt and substantial capital accumulation (Ogbeidi, 2012; Okonkwo, 2016; Ibidolapo, 2016).

In addition, the various pre-colonial societies had set up institutions or policies that were pre-set to fight corrupt practices. For instance, the Yoruba Alaafin stood to commit suicide or be banished on any event of gross abuse of his office (Ezenwaji 2000). This act essentially checked the Alaafin (the head traditional political Yoruba Society) from corrupt practices and he himself was to ensure that his officials were not corrupt. In the Igbo societies, uprightness was the watchword of all the people. Even at this, for fear of any possible abuse of office, the Igbo political system did not repose authority on a single individual (Nwaodu, Adam, and Okereke, 2016). In the North, the Emir was checked by the

collective efforts of his officials against corrupt practices (Nwaodu, 2012) The Sharia Laws were the standard for all the faithful including the emir and its punishments abound for corrupt acts.

In the early years of the British rule, there were complaints that emirs and chiefs were difficult to trust with money among other corrupt acts and very quickly the administration issued a proclamation on how to deal with it, which was essentially that corrupt officers would have their appointments terminated and go to jail. Detailed accounting and auditing guidelines were also circulated to assist and warn all officers (Falola, 1998). They were also traditional anti-corruption bodies like the police, and the courts. Despite the traditional anticorruption approaches, corruption did not end after colonization and has continued from independence to present times. It has spanned several decades across variant regimes and governments; from the military to civilian governments. Nnamdi Azikiwe, Nigeria's first Head of State, during his time as premier of the Eastern Region, was investigated by the Foster-Sutton Tribunal<sup>7</sup> for his involvement in the affairs of the defunct African Continental Bank. Under the code of conduct for ministers, a government official was required to relinquish his holdings in private businesses when he assumed public office. The Tribunal believed that Mr Azikiwe did not cut off his ties to the bank when he became a minister, but he continued to use his influence to further the interests of ACB (Dudley, 1973; Ogbeidi, 2012; Okonkwo, 2016; Ibidolapo, 2016).

The First Republic led by Nnamdi Azikiwe and Tafawa Balewa was marred by widespread corruption. Government officials looted public funds with impunity. Federal Representatives and Ministers flaunted their wealth with reckless abandon. These events led to the first coup of 1966 which was a direct response to the corruption. The Ironsi regime tried to go after government officials that looted and misappropriated public funds; however, this zeal died with the Gowon coup that

ended the Ironsi government and freed politicians that were held in detention (Ogbeidi, 2012; Okonkwo, 2016). The newly elected leaders continued with the looting spree showing that the military leaders were not different from the ousted politicians when it came to corruption (Ogbeidi, 2012). General Yakubu Gowon ruled Nigeria at a time the country was experiencing unprecedented wealth from the oil boom of the 1970s. The Gowon regime was equally entangled in deep-seated corruption. There were many reports of unaccountable wealth and misappropriation by his military governors and other public office holders. These events led to another coup that installed General Murtala Mohammed's regime. This coup was amongst other things, an attempt to end corruption in the public service. General Murtala Mohammed began by declaring his assets and asking all government officials to follow in his footsteps. He probed past leaders and an investigation panel found ten of the twelve military governors that served under the Gowon regime guilty of corruption. The guilty were dismissed from military service and forced to give up their ill-gotten wealth (Ogbeidi, 2012). General Murtala Mohammed was assassinated 6 months into his regime (Ibidolapo, 2016). General Obasanjo took over and did not continue the anti-corruption crusade in the same vein. He transferred power to civilians and President Shagari was elected president in 1979. The Shagari government brought with it, the resurgence of corruption. During Shagari's period, corruption was more prevalent because of the excess funds available. Shagari was considered to be a weak leader and could not call his governors and ministers to order. Under his regime was the case of Alhaji Umaru Dikko (transport minister), who was alleged to have mismanaged about ₦4 billion of public funds meant for the importation of rice (Ogbeidi, 2012; Ibidolapo, 2016).

On 31<sup>st</sup> December 1983, General Muhammadu Buhari led a coup that seems to have rescued the

economy from the grip of corrupt politicians under the Shagari government. The Buhari regime's anti-corruption crusade was brutal and barely showed respect for Human Rights or the rule of law. Buhari set about restoring discipline, integrity, and dignity to public life. Corrupt officials and their cohorts were brought to book under this regime. But General Badamosi Babangida's regime brought a halt to the movement against corruption and impunity was business as usual; corruption reached alarming levels and became institutionalized in the system. This trend of momentous corruption and the casual approach to its eradication was continued throughout the Babangida and Abacha regimes. The Abacha regime was particularly characterized by wanton greed, impunity and total disregard for the wellbeing of Nigerians. Babangida and Abacha's families, their friends and associates looted Nigeria recklessly. It was estimated that the embezzlement of public funds and corruption proceeds of General Abacha and his family amounted to approximately USD 4 billion (International Centre for Asset Recovery, 2009; Ogbeidi, 2012). The anti-corruption fight seems to have a change of direction during the democratic regime led by General Olusegun Obasanjo when he took office as President in May 1999. His government in an attempt to strengthen existing anti-corruption laws established two anti-corruption institutions; the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). The ICPC was inaugurated on 29<sup>th</sup> September 2000 by the Obasanjo administration. The Commission was established to target corruption in the public sector, especially cases of bribery, gratification, graft, and abuse or misuse of public office. The EFCC was established in 2003 and unlike the ICPC was set up to investigate people from all sectors and not just corrupt public officials (International Centre for Asset Recovery, 2009).

## 2.2.3 Dynamics of Corruption

According to Ashok (2012), corruption is not manifested in one single form, but it typically takes at least four broad forms:

**I. Petty, administrative, or bureaucratic corruption**

Many corrupt acts are isolated transactions by individual public officials who abuse their office by demanding bribes and kickbacks, diverting public funds, or awarding favours in return for personal considerations. Such acts are often referred to as petty corruption, even though, in the aggregate, a substantial amount of public resources may be involved.

**II. Grand corruption**

This is the form of corruption whereby theft or misuse of vast amounts of public resources by state officials, usually members or people associated with the political or administrative elite.

**III. State or regulatory capture and influence peddling**

State capture is the collusion by private actors with public officials or politicians for their mutual, private benefit. In this form of corruption, the private sector captures the state legislative, executive, and judicial apparatus for its own purposes. State capture coexists with the conventional (and opposite) view of corruption, in which public officials extort or otherwise exploit the private sector for private ends.

**IV. Patronage, paternalism, clientelism, and being a team player**

This form of corruption occurs when officials use their official position to provide assistance to clients or colleagues with the same geographic, ethnic, or cultural origin so that they receive preferential treatment in their dealings with the public sector, including public sector employment.

**2.2.4 Impacts of Corruption on National Development: Evidence from other Countries and Nigeria**

Many studies have identified that corruption is a global phenomenon. Although statistics on corruption are often questionable, the data suggest that corruption accounts for a significant proportion of economic activity (Ashok, 2012). Examples are in Kenya, public expenditures noted by the controller and auditor general in 1997 amounted to 7.6 percent of GDP; in Latvia a recent World Bank survey found that more than 40 percent of households and enterprises agreed that corruption is a natural part of our lives and helps solve many problems; in Tanzania, service delivery survey data suggest that bribes paid to officials in the police, courts, tax services, and land offices amounted to 62 per cent of official public expenditures (Ashok, 2012). According to Tapales (2001), in the Philippines, the Commission on Audit estimates that \$4 billion is diverted annually because of public sector corruption. A 2004 World Bank study of the ramifications of corruption for service delivery concludes that an improvement of one standard deviation in the corruption index leads to a 29 per cent decrease in infant mortality rates, a 52 per cent increase in satisfaction among recipients of public health care, and a 30–60 per cent increase in public satisfaction stemming from improved road conditions. Studies also show that corruption slows growth, impair capital accumulation, and reduce the effectiveness of development aid, and increases income inequality and poverty (Tapales, 2001; Ashok, 2012; Adeniran, 2018). Corruption slows GDP growth and adversely affects capital accumulation, public infrastructure, and health services. It lowers the quality of education and reduces the effectiveness of development aid and increases income inequality and poverty (Gupta, Hamid, and Erwin, 2000). Not surprisingly, there has been a growing global movement to condemn corrupt practices which is a movement that has resulted in the removal of some national leaders. In addition, many governments and development agencies have devoted substantial resources and energy to fighting corruption in recent years.



Despite these efforts, however, it is not clear that the incidence of corruption has declined perceptibly, especially in highly corrupt countries. Bribery is often the most visible manifestation of public sector corruption; it harms the reputation of and erodes trust in many countries.

According to African Development Magazine (2016), the Former World Bank vice-president and former Minister of Education Oby Ezekwesili stated that more than \$400 billion of Nigeria's oil revenue has been stolen or misused by corrupt leaders. Oby Ezekwesili further state that more than 20% of capital expenditure ends up in private pockets annually. The huge amount of money was earmarked in the national budget to combat terrorism in Nigeria. In 2011, 2012, 2013, 2014, and 2015, the total expenditures earmarked for security in approved budgets were about ₦920, ₦924, ₦923, ₦923, and ₦934 billion respectively (Joshua, 2015; Adeniran and Owoeye, 2018). These huge funds for security have denied capital projects in education, health, agriculture, transportation and other significant sectors that needed more attention (Adeniran and Owoeye, 2018). Despite the huge funds pumped into combating terrorism, the rate of terrorist acts in Nigeria seems increasing since the year 2011. It is obvious that corruption is quite evident in the disbursement of security funds as not all the security funds allocated to combating terrorism are used, some were diverted for personal use.

Corruption in Nigeria leads to promotion and not prison as it is very difficult to catch the so-called big sharks. Corruption in Nigeria has wings, not wheels. As the nation grows, the corrupt practices also grow to invent new methods of cheating the public, most especially the masses or citizens that fall in the low social strata. Political, bureaucratic, corporate and individual corruptions in Nigeria are great concerns. According to Ashok, (2012), over the years, several reasons have been cited by various scholars regarding the sustained existence of corrupt practices leading among them is its nexus with

political corruption, lack of accountability and low regulatory controls. Others have suggested a rigid bureaucracy with an exclusivist process of decision making in an overly centralized government. In Nigeria, corruption has a moral (ethical), legal, and social dilemmas. The moral or ethical dilemmas form the basis of frustrations and consternation amongst all people across societies. A scenario of moral and legal standpoint is an example of Nigerian Police officers that collect bribe from a driver of a stolen vehicle trying to drive the vehicle to a point of resale. The moral perspective this action would be justified, however, at the time, the law forbids vehicle theft. In this case, an illegal action was moral in most regards. The bribe created the breach for the moral act to occur, which likely would not have been the case. Arguably, to reach this end without the bribe would be even more moral. The bribe acted as the tipping mechanism for global moral action that was illegal in the country. The perpetrators (high profile corruption cases) are involved in massive fraud and looting. Restitution will surface to many Nigerians who are being denied of salaries, pension, gratuities, healthcare system, education, roads, pipe borne water, electricity, transportation, general infrastructure and long-term investments, and quality life which will enhance overall national development (Iroja, 2016). In an ideal situation, when quality infrastructures are being provided, it will open up opportunities for direct and indirect employment.

It is important to note that all the listed dynamics of corruption persist in Nigeria, that is why it is difficult to tackle corruption in the Nigerian system. Hence, there is a need for more realistic and strict anticorruption policy strategies. A policy is an attempt by the government to address issues by instituting laws, regulations, decisions, or actions that are pertinent to a particular problem (Adeniran, 2016b) such as corruption. Therefore, corruption must be addressed and resolved by its policy. The efficiency of sustainable anti-corruption policy in Nigeria signifies that the policy is analytically

based, economically sound, politically acceptable, socially credible, environmentally sustainable, and technologically achievable, for the realization of zero tolerance of corruption, which will directly or indirectly result to zero level of terrorism, facilitating sustainable peace, enhancing democratic governance, and achieving overall national development (Adeniran, 2018). **3 Policy Strategies** Policy is generally a response to the needs of a society, and this is what makes its statements flexible and dynamic. Based on the values of a society, the policy outlines what society wants, how it wants it and how to go about it. In a parallel way, policy involves the public and private endeavors, but governments are often the most involved in the policy process since they either own or manage many components in a nation's system. It should be noted that policy is expected to be enacted, rigid and become law for all people and policy statement will be flexible such that the statements are subjected to periodic modifications and amendments (Celia and Ernesto, 2006; Adeniran, 2016c Adeniran *et al.*, 2017). **3.1 Overview of the Anti-corruption Strategies in Nigeria**

There are indications that the Nigerian government has been curbing corruption for a long time, which lead the Federal Government of Nigeria to set up anti-corruption strategies. These strategies or mechanism has been employed to curb corrupt practices in Nigeria. These strategies are classified into: Institutional model; Legislative model; and Dual system approach (Nwobashi and Anthony, 2017; Gashinbaki, 2017; Adeniran, 2018). Institutional model started in 1977 with the object of a gage declaration by the then Head of State, Gen. Olusegun Obasanjo; then followed ethical revolution of President Shagari in 1981; War Against Indiscipline by Gen. Buhari in 1984; National Orientation Movement by Gen. Babangida in 1986; Mass Mobilization for Social Justice by Gen. Babangida in 1987; War Against Indiscipline and Corruption by Abacha; the Independent Corrupt Practices and Other Related Offenses Commission

(ICPC) in 2000; the Economic and Financial Crime Commission in 2002 by President Obasanjo (Nwobashi and Anthony, 2017; Adeniran, 2018). For the legislative model, Anti-corruption legislations have been codified in several relevant sections of the Criminal Code and the Penal Code Ordinance. Also, available is the Miscellaneous Offenses Act of 1985. One surprising thing is that anti-corruption legislations have not fundamentally and substantially changed except the old laws are always like old wine in a new container which attracts slight modifications and new agencies assigned to handle it (Gashinbaki, 2017; Adeniran, 2018).

The following legislation is in place and geared towards the fight against corruption Nigeria. Relevant sections of the criminal code and penal code; miscellaneous Offenses Act, 1985; the National Drug Law Enforcement Agency Act (NDLEA) of 1988; Code of Conduct Bureau and Tribunal Act, 1990; Banks and other Financial Institutions Act, 1991 (amended in 2002); Money Laundering Act of 1995 (amended in 2002 and 2004); Foreign Exchange Act of 1995; Failed Bank (Recover Debts) and Financial Malpractices in Banks Act of 1994 (amended in 1999); and Advance Fee Fraud (known as 419) and other Related Offenses Act of 1995 (Nwobashi and Anthony, 2017; Adeniran, 2018). The dual system approach of anticorruption involves the interface of government institutions/agencies with civil societies/pressure groups and individuals. A coherent relationship between the systems is expected to contribute maximally towards curbing corruption practices in Nigeria. Even though there are no exact statistics on the number of civil society groups in Nigeria, they play a pivotal role in the fight against corruption even though the synergy between the civil society and government agencies is lacking in Nigeria (Nwobashi and Anthony, 2017). Recently, in a bid to bulk corruption trend as a result of the inefficiencies of civil society and government agencies, Nigeria's ministry of finance recently

decided to try a new approach by empowering the citizens to report corruption-related offences (Whistle Blowing Policy). The hope was that Whistle Blowing Policy would provide established agencies like the EFCC with actionable tips to track and recover stolen government funds (Yemi, 2017). Yemi further state that the policy seems to be working as there were various recovering as stated by Nigeria's Minister of Information, Lai Mohammed. It is pathetic to note that the efficiency of Whistle Blowing Policy as at present is not clear; also, it seems as if the policy of dead because it lacks monitoring.

### 3.2 Summary of Anti-corruption Strategies in Nigeria

Prior to Obasanjo's administration, there were different variations in the anti-corruption framework. There were the anti-corruption tribunals set up by past Heads of State; the War against Indiscipline by the Buhari regime and many commissions set up in a bid to tackle corruption crimes. Those efforts as mentioned earlier did little or nothing to curb the plague of corruption. Apart from the anti-corruption tribunals, and War against Indiscipline that is set up to tackle corruption crimes, the magnitude and gravity of crimes led to the establishment of the Independent Corrupt Practices Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), and other major laws that deal with corruption in Nigeria. The Economic and Financial Crimes Commission Establishment is the focus of this study because it is currently the most visible and prominent anti-corruption enforcement agency in Nigeria as revealed by Ibidolapo (2016).

### 3.3 The Economic and Financial Crimes Commission (EFCC)

The EFCC Act was first enacted in 2002 and re-enacted in 2004. The Bill for the 2004 version was passed into law on the 23<sup>rd</sup> March 2004 by both the House of Representatives and the Senate. The then president, Chief Olusegun Obasanjo assented to the bill on the 4<sup>th</sup> June 2004, thereby culminating into

the enactment of the Bill into an Act of the National Assembly. It was consolidated along with other enactments in the 2004 and 2010 editions of the Laws of Nigeria. The Act has 47 (forty-seven) sections, divided into seven parts. The seven parts cover the following topics: establishment of the Economic and Financial Crimes Commission etc, (sections 1-5); functions of the commission (sections 6-7); staff of the commission, (sections 8-13); offences (sections 14-27); forfeiture of assets of persons arrested under this act (Sections 27-34); financial provisions (sections 35-37); and miscellaneous provisions (sections 38-47) (International Association of Anti-Corruption Authorities, 2012; Babatunde, 2017).

The Act provides for the establishment of the commission of the economic and financial crime charged with the responsibility for the enforcement of all economic and financial crimes laws in Nigeria, among others. Section 7(2) vests the commission with the power to coordinate the enforcement of the following legislation: Money Laundering Act, 1995; Advance Fee Fraud and other related offences Act, 1995; Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act, 1991, 2007; Banks and other Financial Institutions Act, 1991, 2007; and any other law or regulation relating to economic and financial crimes including the Criminal and Penal Code. The offences created by the Act form the basis for the fight against official corruption by successive regimes at the federal level. The offences include terrorism financing, false information in financial crimes, economic and financial crimes with clearly specified penalties which include forfeiture provisions. The Act also provides for the establishment of special units, etc., Special duties of the Units, Offences relating to Financial Malpractices, Offences in relation to terrorism, Offences relating to false information, Retention of proceeds of a criminal conduct, Offences in relation to economic and financial crime and penalties, and Jurisdiction and special powers of the Court. The Federal High Court exercises sole

jurisdiction in relation to the provisions of the Act (Babatunde, 2017).

The Act makes comprehensive provisions for forfeiture of assets illegally acquired with proceeds of crime, the provisions are Forfeiture of property, Foreign assets, Forfeiture of passports, Property subject to forfeiture, provisions at the forfeiture of property and Seizure of property. Others are: Disclosure of assets and properties by an arrested person, etc., Investigation of assets and properties of a person arrested for an offence under this Act etc., Interim forfeiture order, Final order, Final disposal of forfeited property, Offences in relation to forfeiture orders, Consequences of an acquittal in respect of assets and properties,

Freezing order on banks or other financial institutions, Funds of the Commission, Accounts and audit, Annual report. Other provisions cover: Power to receive information without hindrance, etc., Protecting informants and information, etc. and the penalty for false information, Appeals against interlocutory rulings, etc., Immunities, General savings, Interpretation, Short title, Regulations, Schedules and Repeal of Act No.

5, 2002 (Babatunde, 2017).

#### **4 Empirical Review**

Corruption is one of the greatest challenges facing Nigeria today, and this seems hindering sustainable development as it has negatively affected the nation's socioeconomic life (increasing poverty level, unemployment), and has negatively affected the suitability of Nigeria's environment (weakening human strength and natural resources). The following studies were reviewed empirically to complement the recommendations that emanates from this study. In view of this, Ughorojeh (2008) examined religion and the challenges of democratic governance in Nigeria and posited that while all successive governments have been time and care to identify and condemn the evil corruption plaguing the Nigerian economy, not much efforts have been made to combat it. Olaleye et al. (2012) posits that until we place the onus on public officers to justify

their wealth, we will not get there. They further recommended that we should emulate the Asian countries where corruption attracts death penalty. The fight against corruption has to be taken seriously. It is the inability of our leaders to implement the law that is the problem. Those who are stealing us blind are not more than 5000. If Ghana could sacrifice 13 lives, we can afford to sacrifice them too for the rest of us to have peace. God even sacrificed his son to redeem the world. Odey and Ashipu (2013) conducted a study on ethical transformation and value reorientation in Nigeria from the religious perspective. They noted that most of the policies made by the Nigerian government are still altered by the custodian of power and authorities in the state. Richard and Ene (2015) explored the legal framework for the fight against corruption and offer some reform measures for the reduction of corruption in the Nigerian polity and to increasing accountability in the public sector. Their study recommends that anti-corruption agencies in Nigeria should be strengthened and linked with other international anti-corruption bodies like Transparency International (TI) to build capacities and monitor international collaborators towards corruption free society. They also emphasized on accountability which requires that elected and unelected officials in government account for their performance to the public or to their duly elected representatives. Once accountability measures are implemented, public officials will be under the scrutiny of the populace and will be less likely to engage in corruptible acts. Nwaodu, Adam, and Okereke (2016) historically explored the anticorruption war in Nigeria and specifically zeros it to review EFCC's role in this war. They adopted a methodology style of narrative textual case study (NTCS), which is a research method that sources the required quantitative and qualitative secondary data on the phenomenon of study from secondary sources. Their study finds that EFCC has made some successes but is being hindered by political, administrative and judicial



bureaucracy from efficient performance, and recommends that transparency should be enshrined into all aspect Nigerian political and administrative system and extant anti-graft laws be reviewed, harmonized and strengthened to enhance the effectiveness of fight against corruption and breach of corporate governance ethics by those holding political and non-political positions in Nigeria.

## **5 Issues Surrounding EFCC and Solutions**

### **5.1 Issues Militating against the Effectiveness of EFCC**

The major problem of the EFCC, judged by the acts of omission and commission, is that the commission appears to lack complete independence. The commission seems to be influenced by politics and high authority and could not discharge its duties without interferences. Due to the fact that the commission has close proximity to the Presidency, there is a tendency for their powers to be used as tools of victimization, persecution and prosecution of perceived enemies of whichever administration is in power (Folarin, 2012; Olapujo, 2016). It is pertinent to note that despite institutional model, legislative model, and dual system approach of anti-corruption strategies in Nigeria since 1977, the level of corruption in Nigeria keeps rising; this might be as a result of having the old laws or slight modification of the old laws.

Another issue is the provision of immunity from prosecuting certain elected officials. The immunity placed on certain public officers handicapped the commissions from prosecuting the offenders. These personalities are the president, Vice-president, Governors and Deputy Governors. For instance, 1999 constitution of the federal republic of Nigeria section 308 (1) options (a) (b) (c) opines; “No civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office”. (Ibidolapo, 2016; Adeniran, 2018). This can be counter-productive in the fight against corruption, as it mostly protects the highest looters of public funds. Most times when the corrupt officials that are

covered under the immunity clause in 308 are out of public office, it is often too late to prosecute as evidence is lost, witnesses die or are otherwise unavailable, and the statute of limitations can come into play (Ibidolapo, 2016). Also, sentencing also seems to be disproportional in corruption cases, high profile individuals who are convicted of corruption, seem to get little or no time in prison while low-income individuals attract heavier sentences while others seem to get away with more stupendous cases of corruption. excessive bureaucracy is the level of official delay given to issues that should not have taken such a long time to deal with. Issues that would ordinarily take two days officially to treat and pass on the next level of processing would take more than three months to handle. This is common in the legislative and judicial system. Lack of skills, technical know-how, and poor staff training of the commission’s personnel is another issue. The Federal Government of Nigeria lacks strict monitoring in implementing good policies. The lack of strict monitoring leads to the inefficiency or the gradual death of Whistle Blowing Policy which reigned for some time in this present administration. The immunity placed on all executives that have handicapped anti-corruption agencies from prosecuting the offenders. Other issues hindering the efficiency of EFCC are the systemic disorder, issues from the judiciary, lack of societal cooperation, and plea-bargaining (Ibidolapo, 2016).

### **5.2 Solutions to Issues Militating against the Effectiveness of EFCC**

The following solutions are suggested as way-out for the efficiency of EFCC and other anti-corruption strategies embarked upon or to be embarked upon by present and future administrations. There is need for complete autonomy of EFCC and the introduction new laws with more strict punishment and strict monitoring on implementing the new laws. It is important to note that if high corrupt officials/individuals know that when convicted, they have the option of paying by facing more strict punishment instead of being imprisoned, they will

shun corruption. Furthermore, there is need for timely investigation and prosecution of corruption cases by anti-corruption agencies and judiciary. The need for continuity of government developmental plan and action, and this should be backed by the constitution, and periodic assessment of public institutions regarding the level of corruption cases. Also, establishing capacity-building for the employees of anti-corruption agencies by partnering with Universities and private institutions is another way out. In addition, top political leaders in Nigeria should set themselves as role models for civil servants, and deny themselves of commercial ties, demonstrate high work ethics, and avoid any behavior that could be construed as an abuse of their office, and showing zero tolerance for corrupt behavior. The term immunity should be totally removed so that an incumbent office holder can be checked and need for reinvesting the proceeds recovered from corrupt individuals in the development of major infrastructures that will boost the economy.

## 6 Conclusions

This study has critically assessed the effectiveness of anti-corruption strategies during the pre-colonial, colonial, and post-colonial eras, and the efficiency of EFCC. It is therefore concluded that despite various anti-corruption strategies, corruption is perceived to be prevalent in Nigeria; this signifies that anticorruption strategies put in place are not effective. Corruption occurs in the social, political, economic, administrative, and environmental spheres of Nigerian system which militate against the achievement of sustainable or balanced development. The anti-corruption strategies in Nigeria are not working because of the combination of following reasons: weak legislature and judiciary; lack of new laws to replace the old ones; lack of strict punishments like death sentence; lack of total adherence to formal rules; retaining members of old administration into a new administration as a result of political cluelessness; nature of electoral system such that election is done from top to bottom; not

allowing the empowered agencies to discharge their duties independently; and so on. In order to have workable anti-corruption strategies in Nigeria, anti-corruption discipline must starts from the top officials; election process must be restructured; new laws with strict punishment must be enforced; committee should be set up to evaluate and find lasting solution; anti-corruption agencies must discharge their duties independently without interference from executive, Federal and state legislatures should be given to Professors in higher education such that the money attached to such positions will reduce by 90%, and the quality of standards will increase, and there should be strict monitoring, periodical and unannounced assessment of all public and private institutions. **7 Competing Interest**

There was no potential conflict of interest was reported by the author.

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