

## Economic and Financial Crimes Commission's (EFCC) Performance in Combating Corruption in Nigeria: Buhari's Administration in Perspective (2015-2020)

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**Key words:** Corruption, financial crimes, money laundering, advance fee fraud, embezzlement

**Abstract:** Corruption remains a cankerworm that has continued to hinder genuine efforts towards development in Nigeria. Several efforts have been put in place to curb the menace but it still manifests in various forms. This study was carried out to specifically examine the extent to which the EFCC has reduced money laundering in Buhari's regime; to find out the extent to which the EFCC has reduced cybercrimes in Buhari's regime and to assess how the EFCC has reduced the incidences of embezzlement of public funds in Buhari's administration.

The study was anchored on Deterrence theory espoused by Cesare Beccaria in 1764. The study adopted content analytical technique to analyze data for the study. The study revealed the following among others that the EFCC has not significantly reduced money laundering in Buhari's regime; that the EFCC has demonstrated commitments towards reducing cybercrimes in this regime and that the EFCC has not significantly reduced incidences of embezzlement of public fund in Buhari's regime. The study concluded that development will continue to elude our country as long as corruption continues to ravage the polity. The researcher therefore, recommended among others that the operatives of the EFCC should always carry out thorough investigations in order to win more cases of money laundering.

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## INTRODUCTION

Corruption remains an ill wind that blows no country any good. It has assumed the status of a universal problem as it has continued to pose a serious challenge to countries in the world. The only difference is that its prevalence, gravity and persistence differ from country to country<sup>[1]</sup>. In the same vein, Rex<sup>[2]</sup> submitted that there is no society without corruption. He added that the United States despite her level of development has Foreign Corrupt

Practices Act and the Federal Bureau of Investigation. In the United Kingdom, there is Serious Fraud Office (SFO) regardless of her high level of civilization<sup>[2]</sup>.

Nigeria is abundantly blessed by nature with valuable material and human resources. The country makes billions of dollars from its oil and gas industry in each financial year<sup>[3]</sup>. Yet, the country is confronted with several developmental challenges. There is still extreme poverty, weak economy, dilapidated infrastructure, terrorism and organized crimes which are now the order of the day. In

specific terms, in 2018, about 87 million citizens of Nigerians live on <1.90 US dollar per day thereby making Nigeria a country with the highest number of people languishing in extreme poverty<sup>[4]</sup>. Unemployment rate has significantly increased reaching a provisional high of 23.2% in the third quarter of 2018<sup>[5]</sup>. Other indicators that lay bare the precarious situation in the country include the obvious fact that about 60% of the population is without public power supply, 13.5 million children are not enrolled into school and around 58,000 women die from childbirth each year<sup>[6]</sup>. The country's power supply and educational system are as underdeveloped as its healthcare system and its dilapidated road infrastructure require urgent attention<sup>[3]</sup>.

The above bleak situation has been largely blamed on corruption which has denied Nigeria the developmental capital to bring about enduring development. Aluko<sup>[7]</sup>, views corruption as an anti-social behaviour bestowing improper benefits contrary to legal and moral norms and which vitiates the capacity of authorities to improve the living conditions of the people. Corruption has now become endemic in the country as it is practiced in both the low and high places. It has reached to a point where an incorruptible person is despised and called all sorts of names by his colleagues, immediate community and family members. Corruption takes the following forms: embezzlement of public funds, fraud, bribery, money laundering at home and abroad, clientalism, favouritism, nepotism, etc.

Successive administrations in Nigeria have expended some reasonable efforts to tackle the monster headlong with little or no success. For instance, General Murtala Mohammed during his military interregnum came up with War Against Corruption which no doubt led to the public service purge of 1976. General Obasanjo in 1977 introduced Jaji Declaration as part of measures to tackle the ignoble culture of corruption, bribery and indiscipline in the country. In 1984, Major General Muhammadu Buhari-Idiagbon launched an anti-corruption scheme codenamed War Against Indiscipline whereas General Sani Abacha in 1996 introduced the War Against Indiscipline and Corruption. One may not be wrong to describe the foregoing measures as scratch on the surface of the menace. This is because regardless of the existence of those anti-corruption programmes, corruption continued to dent the image of the country at the global stage. It was within the period that Nigeria acquired a reputation as one of the most corrupt countries in the world as the Transparency International in her Corruption Perception Index (CPI) in 1996 ranked the country the most corrupt state in the world<sup>[8]</sup>.

However, the most ambitious efforts towards the war against corruption in Nigeria were undertaken by

President Olusegun Obasanjo via. the establishment of the Independent Corrupt Practices and other related offences Commission and the Economic and Financial Crimes Commission (EFCC). The Economic and Financial Crimes Act was enacted in December, 2002 and the Economic and Financial Crimes Commission was subsequently constituted in line with the Act in 2003<sup>[9]</sup>. In the words of Omyema *et al.*<sup>[10]</sup>, the EFCC Act gives the commission one of the most comprehensive anti-corruption mandates in the country and places it as an agency at the centre of Nigerian anti-corruption eco-system with robust law enforcement powers with regard to all laws proscribing economic and financial crimes. According to the EFCC establishment Act 2004, Part II (6) which repealed the 2002 Act, the commission was set up to among other things.

Investigate all financial crimes including advance fee fraud, money laundering, counterfeiting, ill charges transfer, future market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam, etc.

The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority.

The adoption of measures to identify, track, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crimes related offences or other properties, the value of which corresponds to such proceeds. Under Section 7(1), the commission was equally empowered to:

- Cause investigations to be conducted as to whether any person, corporate body or organization has committed any offence under this Act or other laws relating to economic and financial crimes
- 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 resources or sources of income

Of all the forms of corruption that the commission was set to tackle, this study is concerned with the extent to which the anti-graft agency has gone in reducing or better still eliminating financial crimes from the shores of Nigeria. Financial crime is any kind of criminal conduct relating to money or financial services or markets including offences involving fraud, dishonesty, money laundering, terrorism financing, embezzlement, misappropriation of fund, etc.<sup>[11]</sup>.

In spite of the existence of the commission, there have been incidences of financial crimes. Cases abound of money laundering where development capitals were

stashed into foreign banks. There have been cases of projects and programmes abandonment which dot the nooks and crannies of our country perhaps, due mainly to embezzlement of public funds earmarked for them by both the low and high profile political figures. Cybercrimes have continued to hold sway among the youths leading to unprecedented frauds within and outside Nigerian shores. Specifically, between 2005-2015, it was revealed that about 182 billion US dollars left the country illegally<sup>[12]</sup>. Acts of corruption have become systemic as every sector and institution of Nigeria has been infested with the monster, hence, denying the country requisite resources necessary to advance development in all facets of her economy.

When finally, Buhari who pledged to take decisive actions against corruption was elected as the Nigerian president in 2015, a large segment of the population saw his emergence as a dawn of a new era. The administration hit the ground running by introducing some policy measures to curb corruption and instill transparency and accountability in public financial management. Some of the measures include the adoption of Treasury Single Account (TSA), whistle blowing policy as well as the rejig of the EFCC via. appointment of Mr. Ibrahim Magu. It is worthy of note that in every forum President Buhari attended, he was seen to always condemn acts of corruption in strong terms and his body language was equally suggestive of his anti-corruption posture. Apart from the foregoing measures, there have been in place the public Procurement Act 2007 and the Fiscal Responsibility Act 2007 geared towards ensuring prudent management of the nation's resources, greater accountability, transparency and fairness in fiscal operations and awards of contracts. Unfortunately, some corrupt elements are accused presently of using them to retire costs incurred in arbitrary awards of contracts.

There is no doubt that the EFCC has made some giant strides in the fight against corruption, especially financial crimes through convictions of corrupt elements and recoveries of looted assets in the period under review. According to Akpan and Eyo<sup>[13]</sup>, the Acting Chairman of the EFCC, Mr. Ibrahim Magu in presenting his scorecard, revealed that between May 2015 and October 2017, the commission has recovered the sum of N738.0 billion or 29 billion US Dollars. It has frontally attacked advanced fee frauds and its online version (cybercrimes) and equally beamed its searchlight on money laundering as well as misappropriation and embezzlement of public funds among others.

As laudable as the above measures and achievements appear, opinions are still divided that financial crimes are still prevalent in the country and that the Buhari's administration has demonstrated lopsidedness in the fight

against the monster as only opposition members or those who appear to be very critical of the regime who are within the All Progressives Congress (APC) fold are singled out for prosecution by the anti-graft agency (EFCC). Moreso, Thabo Mbeki submitted that money laundering from Africa had increased from 50 billion US dollars in 2015 to 80 billion US dollars per year and that the share of Nigerian funds was by far the highest<sup>[14]</sup>. There was a corruption case involving the former Secretary to the Government of the Federation, Babachir Lawal, who was accused of being complicit in grass cutting contract fraud to the tune of N554 million<sup>[15]</sup>. According to Ade and Oladimeji<sup>[16]</sup>, the report of the Presidential Investigation Panel indicated that the former EFCC boss, Ibrahim Magu could not give proper account of missing 332 out of the 836 recovered properties in March, 2018. In addition, the panel alleged that recovered properties were taken over by some top EFCC officials or sold to Magu's friends and cronies at give away prices. It was equally revealed by the panel that Magu was unable to account for interest accumulated from N550 billion cash recovered between 2015 and 2020<sup>[16]</sup>. In the Niger Delta Development Commission (NDDC), there have been cases of accusations and counter accusations between the Niger Delta Minister, Senator Godswill Akpabio and the former Acting Managing Director of the NDDC, Nunieh over mismanagement of the commission's resources<sup>[17]</sup>. It was also alleged that Nunieh and Pondei spent a whopping sum of N81.5 billion in five months January-May, 2020<sup>[17]</sup>. The foregoing are indications that incidences of corruption are still showing an upward trend in the country. Again, there has not been remarkable improvement in the CPI ranking by the Transparency International in the period under study. It is against this backdrop that this study assesses the EFCC's performance in combating financial crimes in Nigeria with particular reference to Buhari's administration (2015-2020).

## **MATERIALS AND METHODS**

**Objectives of the study:** The main objective of this study is to assess the EFCC's performance in combating financial crimes in Nigeria with Buhari's regime (2015-2020) as a point of departure. However, the study sought to achieve the following specific objectives:

- To examine the extent to which the EFCC has reduced money laundering in the Buhari's regime
- To find out the extent to which the EFCC has reduced online Advance Fee Fraud/cybercrimes in Buhari's regime
- To assess how the EFCC has reduced the incidence of embezzlement of public funds in Buhari's administration

### **Conceptual clarifications**

**Concept of corruption:** Corruption happens to be a relative concept; it varies over time and place. Put differently, what is perceived as a corrupt act in one society might not be seen as such in another society. However, the concept of corruption denotes behaviour or actions that go against societal or organizational acceptable pattern of behaviour purposely for personal gain or those of one's relatives or associates/cohorts.

It is important to stress that corruption lacks a single universally acceptable definition but the point remains that it is viewed as an insidious crime. A peep at scholarly definitions of the concept will suffice here. According to Aluko<sup>[17]</sup>, corruption is an anti-social behaviour bestowing improper benefits contrary to legal and moral norms and which vitiates the capacity of authorities to improve the living conditions of the people. Implicit in the foregoing definition is the fact that corrupt act is a misnomer which goes against both moral and legal principles and at the same time hinders public officials from meeting the yearnings and aspirations of the people. However, what seems to be lacking is the idea of "gain" on the part of the perpetrators or allies. In a similar vein, Black's Law Dictionary cited in Akpan and Eyo<sup>[13]</sup>, defined corruption as the impairment of a public official's duties by bribery. Here, we can appreciate the damage done by corruption on public officials. It beclouds their sense of reasoning, so that, their actions become insensitive or unresponsive to the public that they are charged to serve. Now, the issue of gain "bribery" has been highlighted.

Ikejani-Clark<sup>[18]</sup> looked at the concept from two perspectives viz individual view and systemic approach. From the angle of an individual, corruption is seen as the entry or gaining of positions of power and trust by dishonest persons. As a result of their dishonesty, they tend to go contrary to prevailing norms of official conduct. On the part of systemic approach, corruption is perceived as a situation where wrong-doing has become a norm and the standard acceptable behaviour in the organization. This view appears to align with the situation in Nigeria as corruption has been deeply rooted in the psyche of every Nigerian, so that, an incorruptible man is vilified or cajoled by his colleagues or even his family members. It is along this reasoning that Vladimir<sup>[3]</sup>, argued that corruption has permeated every level of society, from high level politicians and civil servants to the security forces, business people as well as the country's poorest citizens.

According to Hope<sup>[19]</sup>, corruption is the use of official positions or titles for personal or private gain, either on an individual or collective basis, at the expense of public welfare, in disobedience to established rules and ethical considerations and through the direct or indirect participation of one or more public officials be they

politicians or bureaucrats. What is prominent in this definition is the use of one's position to make gains at the expense of people's well-being.

From the foregoing analysis, we could safely define corruption as the use of one's position either in the public or private entity for personal gain or those of one's relatives or cohorts. Corruption inspires people to go against established official rules/ethical principles to fraudulently enrich themselves at the expense of public good.

It is important to note that corruption takes many forms according to the United Nations Convention against Corruption (UNCAC) such as bribery, embezzlement, theft, fraud, extortion, abuse of discretion, favouritism, nepotism, creating or exploiting conflicting interests and improper political party donations<sup>[9]</sup>. Overtime in Nigeria, corruption has acquired some metaphorical allusions such as "long leg", "bottom power", 'chop I chop', 'kick backs', 'scratch my back', 'man know man', "ten percent" which are now euphemisms for corruption in the country.

**Theoretical framework:** This study adopted Deterrence theory espoused by Cesare Beccaria in 1764 in his treatise "On Crimes and Punishment". The main proposition of the theory is that individuals choose to obey or disobey the law after carefully weighing the gains and consequences of their actions. Beccaria<sup>[20]</sup>, argued that as people are rationally self-interested, they will not commit crimes if the cost of committing crimes prevail over the benefits of engaging in the ugly acts. He equally maintained that since punishment is intended to prevent crime in the society, it (punishment) will become unjust when their severity exceeds what is necessary to achieve deterrence.

Beccaria and other classical theorist believed that individuals are rational beings who have freewill to guide their own decisions. Enough emphasis was placed on publication of laws, so that, people may know what they represent. It is assumed that individuals will be discouraged from committing crimes if the punishment is swift, certain and severe.

Wright cited in Ibeogu<sup>[21]</sup>, elaborated the theory. According to him, deterrence theory of punishment has two key main assumptions namely: that specific punishment imposed on offenders will "deter" them or dissuade them from engaging in further crimes and that fear of punishment will discourage others from committing similar crimes. In situation where there is no deterrent measure, a criminal could benefit from committing more crimes and adopt illegal methods to suppress law enforcement. It is important to stress that defaulters are not the focus of the attempt at behavioural changes but rather punishments are meted out in the public in order to dissuade other individuals from

indulging in deviant or criminal acts. The bottom line of deterrence theory is to prevent crime from occurring or reoccurring. It is not all about rehabilitating individuals, instead it is concerned principally with taking them away from indulging in criminal acts. In other words, the theory instills in the individuals the consequences of their actions.

The relevance of this theory stems from the fact that the establishment of the EFCC was a bold attempt to dissuade Nigerian citizens as well as residents from engaging in corrupt acts. It is believed that punishments that are meted out to corrupt individuals both in low and high places could possibly deter other would be offenders from engaging in similar acts. However, this has not been the case in Nigeria as some corrupt people appear to enjoy undue protection from powers that be, hence shielding them from punishments that they ought to receive. This situation has no doubt encouraged corruption instead of deterring it. Therefore, for the EFCC to effectively deter people from corrupt tendencies, there should be political will on the part of the Nigerian government to allow the commission free hands to undertake her onerous responsibilities. This will certainly assist the anti-graft agency to achieve her main mandate prevention of corruption and its manifestations in both our public and private life.

#### **Corruption and development in Nigeria: An overview:**

The term development has been subjected to various interpretations. It has been viewed from different perspectives ranging from economic, political, cultural to social perspectives. However, from any angle that one decides to look at it, development implies a positive change and transformation in the socio-economic, political and cultural conditions of any given society. It is in line with the foregoing viewpoint that Nnadi<sup>[22]</sup> conceived development as the totality of economic and social transformation which results in broader outlook, higher standard and quality of life, political awareness, economic opportunities and self confidence in a people. Obikeze and Obi<sup>[23]</sup> conceptualized it as a comprehensive change or transformation in cultural, educational, economic, social and political fields to improve the living condition of the greater majority. It is important to emphasize that development efforts have people at the centre stage. This means that such effort must have the overall well-being of people as their principal aim.

There is no gainsaying the fact that corruption is antithetical to development. It vitiates any efforts directed towards achieving enduring development. Nigeria which has been eulogized as the giant of Africa has been brought down to its knees by this monster called corruption. Vladimir<sup>[3]</sup> argued that Nigeria could be one of the richest countries in sub-Saharan Africa as she rakes in billions of

US dollars into the state coffers each year courtesy of her abundant oil and gas deposits. Yet, the country is confronted with complicated developmental challenges.

In specific terms, corruption has been fingered as being responsible for infrastructural decay in the country. It is not out of place to state that a good number of Nigerian public infrastructure such as road networks, power supply, water supply, educational facilities, healthcare delivery, etc. are in a very bad shape begging for urgent attention. The funny thing is that each year certain huge budgetary allocations are earmarked for each of them but at the end of the budget cycle there would be nothing to show for it. This existential reality points to the direction that such huge allocations are often swindled among political leaders with their colluding contractors. Ugoani<sup>[24]</sup> lamented that corruption in the power sector cannot be quantified in Naira and Dollar. He disclosed that despite the billions of dollars pumped into the sector in last sixteen years, the country was yet to record any meaningful improvement in power supply. According to Anuforo<sup>[25]</sup> immediately after the exit of President Obasanjo, there were public outcries that power sector should be investigated to unravel how over 12 billion US Dollars reportedly spent to upgrade power infrastructure was stolen and embezzled by politicians who manned the power ministry. WHO<sup>[6]</sup> stated that about 60% of Nigerian population has not been connected to electricity grid and that 13.5 million children do not attend school. No one needs a soothsayer to appreciate the fact that corruption is at work.

Emmanuel<sup>[26]</sup> revealed that over 8000 projects that require over N5 trillion to complete have been abandoned without anyone held to give account of such monumental corruption. Some public enterprises were privatized partly due to corruption. Our roads have remained death traps with series of road crashes due mainly to their deplorable conditions.

Poverty has become the hallmark of Nigeria partly because of corruption. It is disheartening to state that Brook Institute in 2018 ranked Nigeria as the poverty capital of the whole world. In the same vein Ugoani<sup>[24]</sup> estimated that over 70% of Nigerians live below the poverty level. The WHO<sup>[27]</sup> reported that in Nigeria people still die from vaccine preventable diseases as well as malaria, diarrheal disease, acute respiratory infections. Continuing, it stated that malaria contributes to some 30% of child mortality in under five children. According to the report, maternal mortality and under five child mortality are 630 per 100,000 live birth and 124 per 1000 live births, respectively. Poverty has been on the rampage because the amount of funds earmarked to carryout investment into the nation's economy are often embezzled or misappropriated or laundered by political leaders, leading to high rate of unemployment. Akwagiram<sup>[5]</sup>

revealed that unemployment rate has risen to a provisional high of 23.2% in the third quarter of 2018. Corruption may be blamed for blinding the government against investment in industries which holds the promise of revolutionizing the economy for the prosperity of the teeming population of Nigeria.

The precarious security situation in Nigeria is equally blamed on the menace of corruption. Today, insurgency, terrorism, farmers-herders clashes, bandit attacks, kidnapping, armed robbery, child trafficking, etc. have become the order of the day. Most of the security issues occur because of frustration-aggression hypothesis whereby due to alarming corruption in the country the youths are denied basic necessities of life thereby leaving them with no other option than to engage in acts of criminalities. Nwagboso<sup>[28]</sup> argued that security challenges in the country are associated to bad governance occasioned by corruption as government has consistently failed to address such factors as poverty, unemployment and inequitable distribution of wealth among ethnic nationalities which have resulted in anger, agitations and violent crimes against Nigeria.

Moreso, huge amount of money allotted to the fight against insurgency in the Northeast has been misappropriated or outrightly embezzled. Dasuki gate becomes instructive here. The sum of \$2.1 billion released by the Central Bank of Nigeria (CBN) to former National Security Adviser (NSA) to former President Goodluck Jonathan, Col. Dasuki (Rtd) for arms purchase was allegedly diverted and/or shared among Peoples Democratic Party (PDP) stalwarts and their cohorts as money for campaigns during the 2015 presidential elections. Supposing that the above sum was invested in security architecture during the period under review, the former President Goodluck's administration could have reasonably degraded insurgency and terrorist activities particularly in the Northeast and by extension other geopolitical zones in the country.

Similarly, security votes which means government allowances paid to political stakeholders in order to counter unexpected security challenges have been subjected to series of abuse. As the security votes are allocated to recipients who are not required to give account on how the funds were expended, it has provided strong incentives to divert the funds to other purpose even as security challenges keep piling across the country.

In area of our electoral process, corruption has set in to undermine the integrity of the process. Currently, one may not be wrong to argue that exchange of money determines the outcome of general elections in Nigeria. Abah and Nwoku<sup>[29]</sup> submitted that most of the regular and adhoc staff of the Nigerian Electoral Empire (INEC) see their appointments as great opportunity to enrich themselves, especially during election periods as they

connive with desperate politicians after financial inducements to manipulate election figures in their favour. In the words of Onah<sup>[30]</sup>, vote buying an act of corruption has become a major electoral issue in Nigeria. He went further to submit that political office seekers resort to vote buying from vulnerable electorates to achieve their political objectives.

**EFCC and the fight against corruption under Buhari's administration:** The Economic and Financial Crimes Commission (EFCC) was established precisely in April 2003 following the enactment of the EFCC Act (2002). It is the sole responsibility of the EFCC to combat economic and financial crimes in Nigeria. EFCC publication unit according to Nsirim and Onyige<sup>[31]</sup> defines economic and financial crimes as non-violent criminal and illicit acts engaged in with the objective of earning wealth illegally either individually or in a group or in an organized manner thereby contravening existing legislation regulating the economic activities of government and its administration. Emechele<sup>[32]</sup> submitted that economic and financial crimes take the following forms money laundering, manipulation of records, abuse of office, misappropriation and diversion of funds, over-invoicing, smuggling, illegal arms deals, foreign exchange malpractice, counterfeiting of currencies, theft of intellectual property, open market abuse, false declaration, bribery, embezzlement, tax evasion, fraudulent trade practice. Financial crime is any non-violent offence which is committed by or against an individual or corporate body or public institution which lead to a financial loss. According to Frunza<sup>[11]</sup>, financial crime is any kind of criminal conduct relating to money or financial services or markets including offences involving fraud, dishonesty, money laundering, terrorism financing, embezzlement, misappropriation of fund, etc.

In the addition, to the functions assigned to the anti-graft agency by the Act establishing it, the commission was equally charged with the mandates to enforce the following laws:

- The Anti-Money Laundering Act 1995
- The advance fee fraud and other related offences Act 1995
- The Failed Banks (Recovery of Debts) and Financial Malpractice in Banks Act 1994
- The Banks and Other Financial Institutions Act 1991
- The Miscellaneous offences Act

The commission as soon as it was inaugurated swung into action with arrests and prosecutions of some high profile politicians, syndicate groups, bank officials, private investors and individuals who were adjudged to have acquired their wealth illegally through corrupt means. Agbu<sup>[33]</sup> revealed that within two years of her

Table 1: Record of investigation/Convictions (2005-March 2011)

Class of cases	No. of convictions	No. under trial	No. under investigation
Politically Exposed Persons (EPS)	360	75	105
Advance Fee Fraud ((AFF)	428	789	445
Money Laundering (ML)	15	163	26
Cyber Crime/Internet Fraud	137	476	186
Total	616	1,503	762

Waziri<sup>[34]</sup>

Table 2: Operational activities of EFCC (2010-2015)

Years	Petitions received	Petitions transferred to sister agencies	Petitions rejected	Petitions investigated	Cases prosecuted	Convictions
2015	5,979	1,178	1,401	2,662	462	103
2014	4,941	1,082	631	2,512	388	126
2013	6,089	1,027	609	2,883	485	117
2012	4,914	707	245	2,062	502	87
2011	7,737	2,385	2,746	2,606	417	67
2010	6,782	2,477	1,767	2,399	206	68
Total	36,442	8,856	7,399	15,124	2,460	568

EFCC<sup>[35, 36]</sup>

operation, the EFCC was able to recover >N100 billion (US \$757 million) and arrested >500 persons for money laundering. In 2006, the commission was reported to have received 4,200 petitions on corruption cases, investigated 1,200 petition and charged 406 corruption cases to court<sup>[37]</sup>. Between 2010 and 2014, the EFCC recovered a total of N65.3 billion (US \$360 million) while in 2015, it recovered N141.9 billion (US \$715 million)<sup>[10]</sup>.

Table 1 shows the records of convictions, trails and investigations of corrupt elements suspected to have illegally enriched themselves through money laundering, advance fee fraud as well as cyber crime/internet fraud. We could observe from the table that 36 politically exposed persons were convicted, 428 persons were also convicted of Advance Fee Fraud. Moreso, 15 money laundering cases were successfully concluded and offenders convicted while 137 internet fraudsters were convicted in the period under review by the commission.

Table 2 above shows that between 2010 and 2015, the EFCC has successfully investigated a total of 15,124 petitions representing 41.5% of all petitions received (36,442). The table also reveals that 586 convictions were secured representing 3.75% of the investigated cases and finally a conviction rate of 23% against the 2,460 cases instituted in the courts of law. The commission revealed that for 2013, 2014 and 2015, 76%, 81% and 78% of convictions were secured within 3 years, respectively. It is interesting to note that greater majority of the convictions are classified as low or mid-level economic and financial crimes such as Advance Fee Fraud (obtaining by false pretence, criminal conspiracy, criminal breach of trust, forgery, employment scam) compared with low level of conviction arising from grand embezzlement of public funds, illegally dealing in petroleum products and money laundering. Prosecutions

involving politically exposed persons are rarely concluded within three years in court. At this juncture, a graphical presentation of the achievements of the EFCC under President Muhammadu Buhari was undertaken to expose the effectiveness or otherwise of the commission in fighting corruption (financial crimes) in the country.

One of the celebrated cases of the commission was the arrest and prosecution of Col. Sambo Dasuki (Retd) over alleged diversion of the sum of US \$2.1 billion earmarked for arms purchase needed for counter insurgency and terrorism particularly in the Northeast Nigeria. The above sum was alleged to have been shared among PDP stalwarts for 2015 presidential election campaigns. However, it was revealed that some individuals connected with the arm purchase saga opted for plea bargain leading to recovery of part of the looted public funds and assets from them<sup>[38]</sup> while other suspects who opted out of the plea bargain arrangement were arraigned before different courts across the country. According to Ogundepe<sup>[38]</sup>, the commission has equally secured both interim and final forfeiture order from the courts. In another development, the commission in 2017 through a Nigerian court successfully secured order to seize laundered 21 million US dollars from Diezani Alison-Madueke's bank accounts and the forfeiture of 56 houses valued at nine million US dollars<sup>[39]</sup>. The EFCC was reported to have already seized land and real estate worth 44 million US dollars from the former Petroleum minister allegedly bought with the proceeds of corruption.

The commission had continued to arrest corrupt politicians and freeze whatever properties which are believed to have been acquired through fraudulent means. The commission have arrested and seized property belonging to the following persons Haruna Momoh, former managing director of PPMC, a subsidiary of the

Nigerian National Petroleum Corporation (NNPC), Ibrahim Shema (former Governor of Katsina State), Chief Mrs. Patience Jonathan, former Nigerian First Lady, Ayodele Fayose, former Governor Ekiti State. In the case of Shema, the commission seized his three mansions over his alleged involvement in a N74.6 billion fraud. The former Acting Chairman of EFCC, Ibrahim Magu stated that about 407 properties were confiscated with 126 final forfeiture and 281 under interim forfeiture between 2015-2018. Among the forfeited properties were filling station, land, real estate, jewellery, automobiles, petroleum products, etc.<sup>[40]</sup>.

The commission appears not to be all that successful in the arrests and prosecution of former governors. Isuwa and Olasanmi<sup>[41]</sup> lamented that almost all former state governors are presently under investigation and/or facing prosecution for gross misappropriation of public funds by the anti-graft agencies including the EFCC. They added that most of the prosecutions against former governors are pending at interlocutory stages with little or no progress with regards to conclusion of the substantive corruption charges. Specifically, out of about 31 former governors only two, Dariye and Nyame have been recently concluded with convictions which have been affirmed by the court of Appeal<sup>[41]</sup>.

In the areas of Advance Fee Fraud as well as cybercrimes, the agency has been applauded in several quarters for their effectiveness. It was revealed that EFCC arrested about 263 suspects for cybercrime-related offences in 2019 while 111 of them had been convicted and were serving various jail terms<sup>[42]</sup>. In another report Oladayo<sup>[43]</sup>, said that the Ibadan Zonal Office of the EFCC could be re-christened anti-cybercrimes commission as it has continued to smoke out cybercriminals from their hiding places across the zone. He maintained that the zonal head of EFCC Ibadan, Friday Bello revealed that the commission within a year secured 171 convictions, 167 of which are cybercrime offenders. In addition, according to the zonal head, the commission impounded 56 automobiles and 14 houses and recovered N211,134,927; US \$136,289; £2000 and £765 from the offenders.

In the Southeast zone, the former Acting Chairman of the EFCC represented by Enugu zonal head, Usman Imam highlighted milestones of the commission's fight against cybercrimes and its collaboration with the United States Federal Bureau of Investigation. He stated further that the zone had achieved the following: securing 66 convictions, recovery of N213,850,230; US \$10,600 and seizure of several buildings and vehicles from January to September 2019<sup>[44]</sup>.

Meyaki<sup>[45]</sup> submitted that the EFCC has gone into automatic mode to dismantle criminal enterprise of computer/cyber-fraudsters. He further revealed that a co-ordinated operation of the commission with the FBI

Table 3: The convictions by the EFCC between 2015 and 2020

Years	Convictions
2015	103
2016	109
2017	189
2018	315
2019	1281
2020	243
Total	2,240
Isuma <sup>[46]</sup>	

tagged "Rewired" resulted in the arrest of 167 suspected cybercriminals and recovery of US \$169,850 and N92 million including exotic cars, plots of land in choice areas of Lagos and property in Abuja during the operation within 3 weeks. The commission reported that it uncovered US \$43,449,947, £27,800 and N23,218,000 cash in a private residence located at Osborne Road, Ikoyi Lagos State. The recovered funds which were suspected to be proceeds of illegal activities were on June 6, 2017 ordered forfeited to the federal government by a Federal High Court in Lagos.

In a related development, the former Acting Chairman, Ibrahim Magu at a media briefing to mark June 12, 2020 Democracy day reeled out the success story of the commission in the last five years. He disclosed that the commission secured no fewer than 2,240 convictions and recovered at least N980 billion for both the federal and state governments, adding that it has seized several property believed to have been acquired through fraud such as estates, ships, petroleum stations, schools, hotels, shopping malls, private jets, jewellery, mansions and exotic cars from corrupt but powerful Nigerians<sup>[47]</sup>. The breakdown of the convictions is shown in Table 3.

From Table 3, it could be observed that the EFCC under Mr. Magu recorded higher conviction of cases when compared with his predecessors. It could be clearly seen that the commission recorded the total of (2,240) convictions. However, the commission had the highest convictions in 2019 as it was able to record a total of (1281) convictions.

### Criticisms against EFCC in the fight against corruption in Nigeria:

Notwithstanding the above laudable achievements by the commission, it has been criticized for being a veritable tool in the hand of the government in power to punish opposition and perceived or imagined enemies. A typical example was the refusal of the Buhari's government to direct the EFCC to investigate several petitions written against top members of his political party (APC) such as Mr. Rotimi Amaechi and Mr. Babatunde Raji Fashola over allegations bordering on acts of corruption. Instead, those figures were appointed into his cabinet as ministers thereby shielding them from prosecutions<sup>[48]</sup>. Moreso, the composition of Buhari's cabinet in his second tenure calls the regime's determination to fight corruption into



question. The newly appointed ministers include some individuals suspected of corruption such as Gods will Akpabio. When his nomination was announced, the EFCC refused to respond to press enquiry about corruption investigation against him and wife<sup>[49]</sup>. In a related development, Rex<sup>[2]</sup> stated that Bola Tinubu, the leader of the All Progressive Congress (APC) who used bullion vans to allegedly move some huge amount to his Ikoyi residence during the 2019 General Elections had not been arrested nor prosecuted by the commission. There are several other cases to prove the above point but the above are just a tip of the ice berg.

The commission has been accused of media trial and that its structure is said to be vague and ill-defined, so that, it creates room for little or no accountability. The foregoing could be buttressed with the travails of the former Acting EFCC boss in the hands of the Presidential Investigation Panel. The panel had reported that Mr. Magu could not give account of the interest arising from the N550 billion recovered from corrupt elements in the country. The commission under Magu was accused of disposing recovered assets/properties to his friends and cohorts at give away prices. Worst still, some recovered properties were not accounted for.

Again, the cases of corruption in the NDDC points to the fact that the commission is busy pursuing opposition members as well as those who are seen to be critical of the Buhari's regime while government appointees in various ministries, departments and agencies are quickly plundering government resources by engaging in series of acts of corruption.

## RESULTS AND DISCUSSION

From the critical analysis of extant literature, it was found that the EFCC has not significantly reduced money laundering from the shores of the country. This development may not be unconnected with inadequate investigations by the operatives of the commission as well as their inability to prove their cases in the courts of competent jurisdiction. This finding agrees with the position of Dania who regrettably stated that the commission seems to have lost cases of money laundering in courts due mainly to lack of painstaking investigation, lack of equipment, lack of adequate trained personnel, lack of strategic preparation and prosecutions. According to Akpan and Eyo<sup>[13]</sup>, the Transparency International (TI) released a report which shows that the anti-corruption war of Buhari's government remains a policy document. They added that the critics of Buhari's anti-corruption war argued that the methodologies for implementing the corruption warfare are not only faulty but also whimsical and selective. Essien<sup>[50]</sup> revealed that PDP senators have argued that the anti-corruption war was targeted at PDP members. They argued that the unlawful arrests and

detention were aimed at silencing main opposition party in the country and to compel their members to defect to APC so as to enjoy relative peace and freedom from any form of prosecution. The foregoing allegation could be affirmed by the pronouncements credited to former APC chairman, Mr. Adams Oshiomhole who publicly and very obviously offered PDP members willing to join his party immunity from prosecution for crimes committed<sup>[51]</sup>.

The study equally found that the EFCC has to a large extent demonstrated serious commitment towards reducing online advance fee fraud in the Buhari's regime. There has been cases of arrest, detention, prosecutions and convictions of cybercriminals in the period under review. In the words of Onyema *et al.*<sup>[10]</sup>, it was revealed that vast majority of prosecutions and convictions could be classified as low or mid-level economic and financial crimes such as advance fee fraud compared with convictions from grand embezzlement of public funds, illegally dealing in petroleum products and money laundering. The successes recorded in cybercrimes could be attributed to the fact that perpetrators are young people who do not have enough financial muscles and political connections to fight back. However, this is not to say that the cases of cybercrimes have been stemmed as the perpetrators devise several strategies and tactics which always prove very difficult for the commission to detect.

On the part of embezzlement of public funds, the EFCC has not significantly reduced the incidence of the corrupt act. Public officials still engage themselves in the embezzlement of public funds. These funds are oftentimes earmarked for provision of public utilities but the corrupt officials usually divert the huge sum to their private pockets while at the same time claiming to have completed such projects. It is against the foregoing backdrop that Osipitan and Odusote<sup>[52]</sup> maintained that the fight against corruption in Nigeria is a fight against an oligarchy with immense resources to fight back thereby leading EFCC to fail in the successful prosecution of top government officials. However, this finding agrees with Onyema *et al.*<sup>[10]</sup> who concluded that the EFCC has not recorded high level convictions from grand embezzlement of public funds. This finding is a truism in view of the fact that the perpetrators of the financial and economic crimes usually deploy the proceeds from the corrupt acts towards winning their cases, especially based on technical grounds. For instance, out of about 31 former governors being prosecuted by the EFCC only two, Dariye and Nyame have been recently convicted<sup>[41]</sup>.

## CONCLUSION

There is no gainsaying the fact that corruption is an ill-wind that blows no country any good. It has continued

to work against any committed efforts towards inducing national development. Nigeria is not an exception. The monster has remained a cog in the wheel of progress and development in the country. Thus, the humongous level of underdevelopment which we have continued to contend with as a state. Major General Muhammadu Buhari (Retd) was overwhelmingly voted into power with the hope of dislodging the taproot of corruption in the shores of Nigeria. Unfortunately, the administration appeared to have been beclouded with political consideration in the fight against corruption, so that, some people within the corridors of power are perceived as sacred cows who are more or less untouchables. As a result of the foregoing disposition by the government in power, the EFCC has not been able to holistically wedge unrelenting war against financial crimes from both the opposition and ruling parties in the country, hence, the accusations of being selective that have continued to reverberate among members of opposition parties. However, this study maintains that the EFCC has not significantly reduced money laundering and grand embezzlement of public funds among high profile figures in the country. This may be due to political consideration or inadequate investigations, thereby, resulting to the insignificant number of convictions recorded from those fronts. The commission has been applauded for her success stories with respect to her committed fight against online advance fee fraud/cybercrimes in the country. It is important to emphasize that all hands should be on deck if we are determined to fight corruption to a standstill in the country.

### RECOMMENDATIONS

Based on the findings of this study, we make bold to recommend as follows: the EFCC should devote more time and efforts towards investigations in order to come up with undisputed evidences necessary to win more cases of money laundering in the courts of law. In addition, the commission should sustain its alliance with other crime fighting agencies in other countries to cross fertilize ideas on measures to control corrupt acts across international boundaries.

As cybercriminals devise different strategic to defraud unsuspecting members of the public, the EFCC should try as much as possible to be some steps ahead of them through training and retraining programmes on cyber security.

The government of President Buhari should demonstrate unwavering political will for the EFCC to fight embezzlement of public funds particularly among high profile figures. The commission should be allowed to be independent to do its jobs.

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