CORRUPTION IN NIGERIA AND THE ROLE OF EFCC IN COMBATING CRIME (1999-2010).

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DEDICATION

This work is dedicated to the Almighty God, the king of kings, who saw me through this work and to my father whose invaluable guidance and advice has brought accolades and strength. Finally, unto Mrs. Judith E. John whose show of love, benevolence and understanding remains unprecedented.

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ABSTRACT

The incidence of corruption is said to be institutionalized in Nigeria's chequered history. This stems from the realities that since gaining independence in 1960, corruption has remained an incurable disease in the nation's polity as successive administrations in the country had been found wanting in this area. The problem of Nigeria is simply a failure of leadership. The political elite seem to have lost their bearing in qualitative leadership for a nation deeply entrenched in corrupt practices like Nigeria. To this effect, it is obvious that our enemies are the political profiteers, the swindlers, the men in high and low places that demand for bribes and 10 percent of contract awards. They are those that corrupt our society and put the country back by their words and actions.

Consequently, this work will attempt to take a holistic analysis of these danger and the corruption scourge in our society. The paper will examine corruption in our national life, its inherent dangers to both our national and international image, assess the efforts by different administration in the country to combat it. It will focus essentially on the role of Economic and Financial Crime Commission (EFCC) under the Obasanjo and Yar'Adua administration to control or simply put fight corruption in Nigeria.

CHAPTER ONE

1.0 INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Corruption is a universal issue or term not particularly to the Nigerian state. It has been a household name even from the colonial era. And has made steady and seemingly an unstoppable “progress” up to the present day. It is the single most destructive menace which accounts for the deplorable state of affairs in many aspects of our national life. It has distorted the economic wellbeing of the nation via monumental waste, and misallocation of our God given resources and brought to bare the increasing agitation for external aid.

In one of his recent publications, Achunike (2006:163) quoting Chuta traced corruption in Nigeria from the pre-colonial to the colonial and self government era. He further traced it to the first republic up to the different periods of military era, and in the second and third republics. In the past decades, greater segment of the population have learned and tested corruption in Nigeria.

Nigeria presents a typical case of a country in Africa whose development has been undermined and retarded by the menace of corrupt practices.

To say that corruption has eaten deep into every aspect of the Nigerian society is to affirm the obvious (Lawal and Tobi, 2002:1). This can be inferred from the revelations of probe panels that have characterized the various Nigerian government or regimes.

From independence, series of reforms have been carried out in the public service so as to make the public bureaucracy more efficient and result oriented.

However, the anticipated gains of such reforms have not been visible due to series of factors which include that of mega corruption.

In 1999, following the successful disengagement of the military from active politics, president Olusegun Obasanjo who won the 1999 presidential election, set up the independent corrupt practices (and other related offences) commission (ICPC) and the Economic and Financial Crime Commission (EFCC) to arrest offenders of corrupt practices which according to the president has hindered local and foreign investment in the country.

These two institutions have for some years ago swung into action in the pursuant of their mandate. However, the EFCC's actions have generated mixed reactions from a cross section of Nigerians (The Tell, 2005).

It is in the view of these conflicting arguments and the rising profile of corruption in Nigeria that it becomes imperative to examine corruption in Nigeria and the role of EFCC from 1999-2010 covering the Obasanjo and Yar'Adua administrations.

1.2 STATEMENT OF THE PROBLEMS

Corruption in Nigeria is not a new phenomenon neither is it a new trend in the polity. Over the years, Nigeria has caused the state a global embarrassment, as Nigeria at a time has been ranked as one of the most corrupt nations of the world by Transparency International (TI) in its corruption index (Okoli 2003:38, TI 1997 corruption perception Index Press Release).

Nigerian public sector is characterized by widespread financial fraud ranging from embezzlement, payment for jobs not done, over involving, double debiting, inflation of contract figure, diversion of public funds, money laundering and release of money without approval or authorization (Okafor 2003). Public officers in Nigeria, according to Onwubiko (2007:37) deliberately circumvented transparency, probity and accountability. Due process in the management of public resources was relegated to the background.

In response to the spate of corruption which has battered the economy and foreign image of Nigeria, president Obasanjo established ICPC and EFCC in 2000 and 2003 respectively, to wage relentless war against corrupt practices (Ribadu, 2006).

The EFCC began operation in 2003 with Nuhu Ribadu as its maiden chairman since then, the commission has been involved in some investigations, arrest and prosecutions of some public and private individuals as well as recoveries of some stolen assets etc.

There has been some allegations that the EFCC is partial in the selection of those to be tried and convicted because some culprit still go unpunished. In view of this, this study intends to verify the actual role of EFCC.

Against this backdrop, some fundamental questions become imperative.

i. Did the operation of EFCC from 2003 to 2010 reduce the rate of corruption in Nigerian public sector?

ii. Did political interference in the operation of EFCC hinder the fight against corruption in Nigerian public sector?

iii. Does the provision of immunity clause for some certain public officers strengthen EFCC's fight against corruption in Nigerian public sector?

1.3 OBJECTIVES OF THE STUDY

A research is informed by some achievement. The specific and concrete desired achievements at the end of research underscore its objectives. Thus, the success of a research is assessed in terms of whether those empirical things hoped for had been actualized (Obasi, 1999:96). This research intends to:

i) Determine whether EFCC since inception till date has been able to reduce the rate of corruption in Nigerian public sector.

ii) Examine if the presidency's interference in the operation of EFCC hindered the fight against corruption in Nigeria public sector.

iii) Find out whether the removal of immunity clause for some public officers will strengthen the EFCC's fight against corruption in Nigerian public service.

1.4 SIGNIFICANCE OF THE STUDY

According to Obasi (1999:98) significance of the study is the value or contribution, which the research is going to make to existing knowledge or the solution the research is going to provide towards ameliorating a particular problem or concern.

In view of the above, this research has got both theoretical and practical relevance and contributions. Theoretically the research closes the existing gap in knowledge about the activities of EFCC since inception till date in the fight against corruption.

It identifies the fundamental problems and challenges of EFCC as an institution and practically proffers recommendation on how to reposition EFCC so as to ensure genuine fight against corruption.

1.5 SCOPE AND LIMITATION OF THE STUDY

The scope of this work is bureaucratic corruption which refers to the sphere of administration within the purview of government. It limits itself to the activities of EFCC in curbing corruption in Nigerian public service, particularly under the administrations of president Olusegun Obasanjo (1999-2007) and Umaru Musa Yar'Adua (2007-2010).

The constraints and challenges of this research lies on limited resources (finance), time and difficulties in interviewing some key stakeholders in the Nigerian politics such as the president, Governor, Leaders of National Assembly and the chairman of EFCC owing to very rigorous security protocols.

CHAPTER TWO

LITERATURE REVIEW

2.1 NIGERIA: A HISTORICAL PERSPECTIVE

Nigeria in pre-colonial times that is before 1900 was described as a mere geographical expression. This is because there was at the time no single entity called Nigeria but a geographical area consisting of several diverse tribal, ethnic, cultural, political, economic and religious backgrounds (Nwokedi 2006:3).

Before the beginning of the 20th century, the nation known as Nigeria consisted of nothing more than different tribes and kingdoms, that were not only autonomous but self governing (Olisa, Okoli and Nwabufo, 1990:187). The events that happened towards the end of the nineteenth century changed all this and brought unfolded with them the phenomenon known as colonialism.

The establishment of the British presence and control over Nigeria was not achieved in a day. It was a gradual process that took place over a period of almost two centuries. The British connection with the vast territory later known as Nigeria began as far back as 1553 when explorers arrived on the coast of West Africa, and began trading with indigenous people, a trade which later on paved way for the trans-Atlantic Trade in human beings (Ibezim, 1998).

In 1861, the British conquered and annexed Lagos. By 1900 when British took full colonial and administrative responsibility for modern Nigeria, the country comprised three different territories. The colony of Lagos, the protectorate of Northern Nigeria, and the protectorate of the Southern Nigeria, each territory had its own government and separate administration.

But in 1906 and 1914, two notable and landmark changes occurred. First, the colony of Lagos and the protectorate of Southern Nigeria were amalgamated to form one territory known as Southern Nigeria plus the amalgamation of the Southern and the Northern Nigeria in 1914 to form what is today known as Nigeria (Olisa, Okoli, & Nwabufo 1990: 158).

Lagos was designated the seat of government with sir Fredrick Lord Lugurd as the first colonial Governor General of Nigeria. He was later replaced by Sir Hugh Clifford in 1919. other successors include Bourdillon (1939), Arthur Richard (1946), Marcpherson (1951), Littleton (1954) and the last colonial Governor James Robertson who handed over to Dr. Nnamdi Azikiwe of Nigeria in 1960 (Ibezim, 1998:165).

Since independence, Nigeria has practiced different systems of government starting from the inherited British administrative structure and system of government to military and at present presidential system.

The Nigeria state had long period of military rule and socio-economic and political crises. Today, the nation is faced with problems of endemic corruption in the public and private sectors. This social virus hinders the development of the nation since independence bedeviled by incessant misappropriation of public funds by public officers.

2.1.1 Geographical Location

Nigeria, now known as the Federal Republic of Nigeria according to Nwokedi (2006:6) has an area of 913, 072.64 sqkm. Its greatest length from East to West is over 1,120km and from North to South 1040km.

Nigeria is bounded on the North by the Republic of Niger and Chad, on the West by republic of Benin, on the East by the Republic of Cameroon and on the South by the Gulf of Guinea.

Its population is over 140 million people with an annual growth rate of 2.8% spread over 250 ethnic groups and two major religion Islam and Christianity (Ogbodo & Ezeala, 2008).

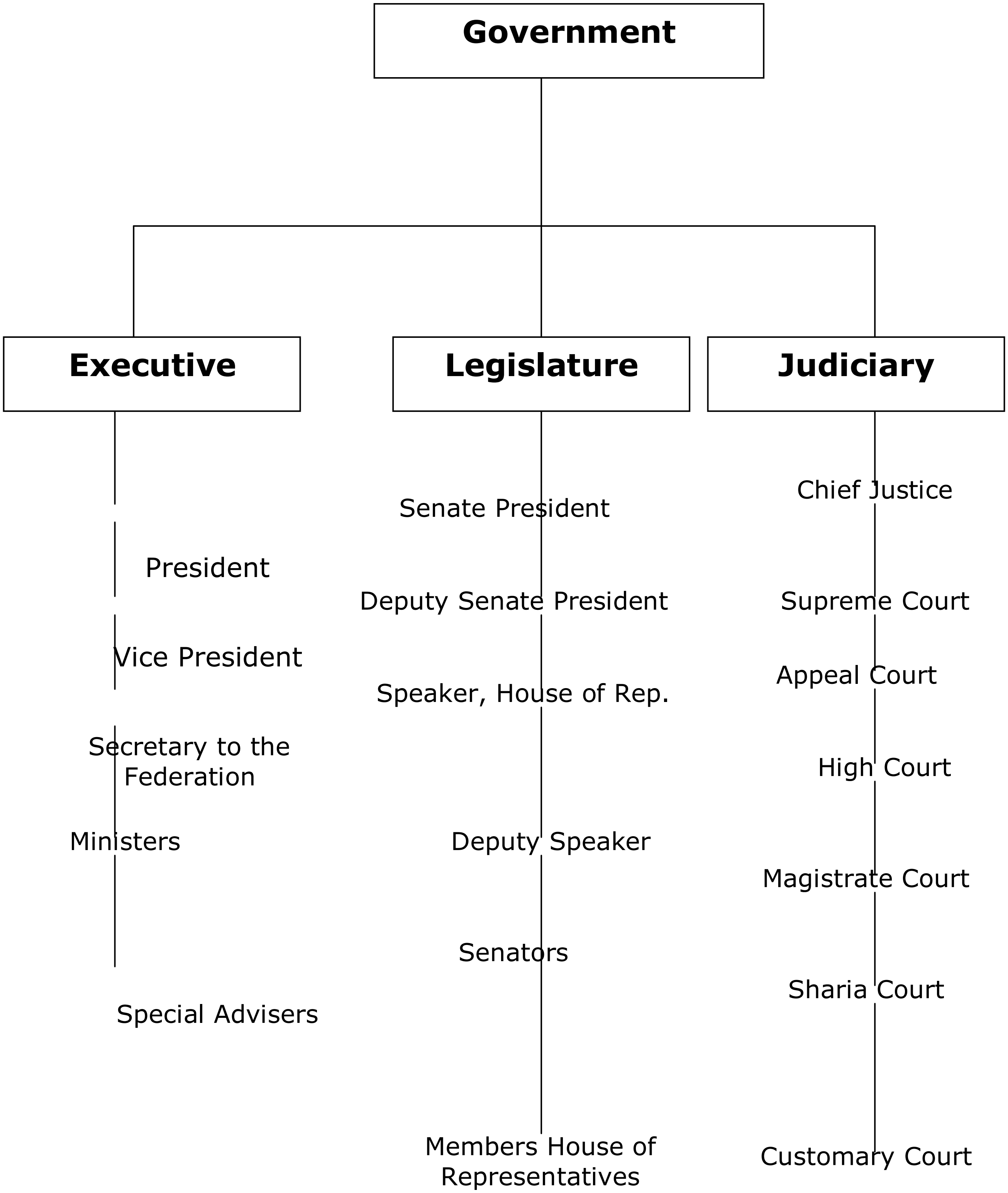
2.1.2 Socio-Political Organization

Nigeria is a federation of 36 states with Federal Capital Territory (FCT) in Abuja. The Federation has three tiers of government: the Federal Government, the State Government and the local government. The constitution provides for 774 local government councils.

The president heads the Federal Government as the first tier of government in Nigeria, functions of government at the federal level are provided in the ministries known as federal ministries, each ministries is headed by a minister. The federal legislative organ is known as the National Assembly which is bicameral in nature: the senate (upper house) and the house of representative. The both houses are made up of 109 and 306 members respectively. The senate is headed by a senate president, while the house of representative has a speaker at the helm of affairs. Also at the Federal level is the judiciary. The Supreme Court is the apex court, headed by the Chief Justice of the federation (Ogbodo and Ezeala, 2008).

The state government is the second tier of government in Nigeria, each of the chief executive of the state. Functions of government at the state level are similar to that of the federal government with few changes in nomenclature where necessary, with a unicameral legislature (House of Assembly) which is headed by a speaker.

The local government as the third tier of government in Nigeria is headed by an executive chairman. Functions of government at the local government level are divided into departments and each department is headed by a supervisor or Head of Department. Nigeria states are grouped into six geopolitical zones; south west, south east, south south, north central, north east and north west. Below is a diagrammatical structure of government arms at the federal level.



Source: Ogbodo & Ezeala, 2008

2.1.3 Economy

Nigeria prior to independence has its mainstay of the economy in agriculture which was more of subsistent peasantry than commercial though it was the major revenue source of the country.

At independence, the country was the 40th richest in the world (the vanguard, 2005:9). This necessitated why many countries of the world envied her following the believe that with its endowment, the nation in a matter of time would be the economic giant of Africa and beyond (The comment, 2005:36).

Sequel to the discovery of oil in commercial quantity in Nigeria at Olobiri in the present Bayelsa State in 1956 by Shell BP, the economic base of the nation began to tick towards petroleum production. Oil and Gas reserves in Nigeria are put at about 2.2 billon barrels and a trillion cubic feet respectively.

Production level is about 2.2 million barrels per day (bpd) and 2 billion cubic feet per day. 95% of its foreign exchange earnings and 70% of government revenue plus 40% of GDP (Gross

Domestic product) all accrues from the sales of oil and Gas ali of which comes from the Niger Delta region of the country. (http://www.bpeng.org/ICGIBIN/publication/ Presetation/presentation/strengthening Refine sector).

The discovery of oil and gas caused a neglect of agriculture thereby creating food crises, unemployment and spread of crimes. The manufacturing industry has not in any rate improved and the nation solely depend on foreign advanced nations of the world to import the country's needed products. Even agricultural products are today imported from countries that once imported such from Nigeria in the good old days of Nigeria's economy.

The petroleum industry has not fared well. Between 1965-2008, the country cannot boast of more than four refineries that operated sub-optimally as result of neglect, poor maintenance, corruption, lack focused leadership, vandalism to mention but few.

A special committee set up by the Federal Government in 2000 to review the supply and distribution of petroleum products in Nigeria, frowned at the sorry state of our refineries and the petroleum sector. In its report, the committee observed that the four refineries had been afflicted by accidents, maintenance and operational problem that have negatively affected the output and the ability to meet domestic demand (Federal Government of Nigeria, 2000:7).

In fact, Nigeria's economy, which is now a mono-economy, is in shambles. This has affected the level of socio-economic and political development. Crimes occasioned by unemployment and deplorable state of the standard of living are rampant. Indeed, the poor state of social infrastructure and spread of corruption and armed robbery are not unconnected with the poor state of Nigeria's economy.

2.2 DEFINITION OF CORRUPTION

There is no doubt that much has been written and debated on corruption. In the Nigerian case for instance, under the erstwhile Obasanjo and the Yar'Adua led administrations corruption assumed centre stage in her national discourse.

Some of the topical issues usually raised include the various forms of corrupt practices. The concept of corruption has also attracted much attention from different scholars. Much of these works focus on the origin, nature, style as well as the effects of corruption in Nigeria etc.

Some writers say that corruption is endemic in all governments and that it is not peculiar to any continent, region and ethnic group. It cuts across faiths, religious denominations and political systems and affects both young and old, man and woman alike. Corruption is found in democratic and dictatorial politics, feudal, capitalist and socialist economics. Christian, Muslim, Hindu and Buddhist cultures are equally bedeviled by corruption. And corrupt practices did not begin today; the history is as old as the world. Ancient civilizations have traces of widespread illegality and corruption. Thus, corruption has be ubiquitous in complex societies from ancient Egypt, Israel, Rome and Greece down to the present modern societies (Lipset and Lenz 2000, pp 112-113). This does not however, mean that the magnitude of corruption is equal in every society.

Corruption has broadly been defined as a perversion or a change from good to bad. Specifically, corruption or corrupt behaviour involves the violation of established needs for personal gain and profit (Sen 1999, p. 275). Corruption is efforts to secure wealth or power through illegal mean, private gain at public expense, or a misuse of public power for private benefit (Libset & Lenz, 2000, p. 112-114).

In the same vein, Nye (1967: 416-27) defines corruption as behaviour which deviates from formal duties of a public role/elective or appointive because of private interest-regarding personal, close family, private clique etc. It is a behaviour which violates rules against the exercise of certain types of (duties) for private (gains) regarding influence. This definition includes such behaviour as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of astrictive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private uses (Banfield 1961). To the already crowded landscape (Osoba 1996 as cited by Dike 1999:2) adds that corruption is an anti-social behaviour conferring improper benefits contrary to legal and moral norms, and which undermine the authorities to improve the living conditions of the people.

Corruption has long been identified as the bane of most political and economic problems in societies, prompting Khan (1996) to assert that it is an act which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private-regarding motives such as wealth, power or status in the society. While Otite (2000) in his own attempt at defining corruption, states that "corruption is the perversion of integrity or state of affairs through bribery, favour or moral deprivation". He further states that corruption takes place when at least two parties have interacted to change the structure or processes of society or the behaviour of functionaries in order to produce dishonest, unfaithful or defiled situations".

A careful study of the presentation of Otite shows that corruption transcends bribery but includes "treasury looting and also the deliberate bending of rules of the system to favour friends or hurt foes. It is clearly an evidence of absence of accountability, law and order.

But Kalu and Yemi (1999) in their presentation believe that corruption refers to the conscious and well planned act by a person or group of persons to appropriate by unlawful means the wealth of another person.

In other words, corruption could simply mean an act undermining the rules governing an organization or individual conduct in a position of trust in furtherance of ones personal interest as against the interest of the public.

An updated version of corruption with the same elements as that given by Nye is the definition by Mushtag (1996:12) who says that corruption is 'behaviour that deviates from the formal rule of conduct governing the actions of someone's in a position of public authority because of private motives such a s wealth, power or status.

Mydral (1968) noted that where political opportunities are sure, corruption occurs as people use wealth to buy power and where economic opportunities are few, corruption occurs when political power is used to pursue wealth.

Social corruption is conventionally understood as an integrated element of clientelism. Clientelism often implies an exchange of material benefits but cannot reduce because cleintelism has a wider cultural and social implication. Cleintelism, nepotism, ethnic and other favouritism are all variants of corruption and there is a large area of overlap.

According to Stuart (1997); Diog & Theobald (2000:3) political or grand corruption takes place at the highest levels of political authority. It is when the politicians and political decision makers who are entitled to formulate, establish and implement the law in the name of the people are themselves corrupt.

Jena-Francois (1986, 1991, 1995, 1998) argues along the lines that corruption in Africa is closely associated with neo-patrimonial and clienteles and that the basis for the entrenched corruption in Africa is mainly due to the lack of distinction between public and private. He further argues that in Africa, the historic development of the state differs from that of Europe; while in Europe, the institutionalization of the state has passed through patrimonial rule to legal-rational mode of authority, but in Africa, we have witnessed an exportation-importation of bureaucratic structures that have been patrimonalised by its agents.

From the political science perception or perspectives of the understanding of corruption, Diog & Theobald (2000) understand it as caused by political systems that are deficient in democratic power-sharing formulas, checks and balances, accountable and transparent institutions and procedures of the formal and ideal system of democratic governance.

Similarly, Graff (1999) observes that widespread corruption is seemed as a symptom of a poorly functioning state and as a failure of ethical leadership, democracy and good governance.

Fredrick (1989) also supports what has become the basic and practical argument on corruption that it can only be reversed by democratizing the state.

Mydral (1968) also looks at corruption as being caused by incomplete or unfinished process of modernization as the remaining “traditionalism” of modernizing countries.

According to Gould (1983) systemic corruption was held to be a cultural, moral and historical problem, but by the 1990s. It has clearly become a political and institutional problem as well. In addition to corruption bearing most heavily upon the poorest sections of the society, who bears the ultimate cost of the distortions and deprivation as a result of corruption, it is in general terms believed that the effect of corruption of politics is that corruption renders the state incapable, incapacitated and important.

Theobald (1990) argues that notwithstanding arguments showing positive effects of corruption, the general picture suggest widespread condemnation.

Blundo & Oliver de Sardan (2002) argues that corruption is largely a clandestine or concealed practice with strong normative undertones similar to other phenomena like large scale and petty crime, paralleled to black market activities and drug trafficking.

In the event of the foregoing, it is apt to state, that the disdain for corruption is clearly felt mainly on ground of morality. There is no doubt that it inflicts some sorts of adverse effects on any society where it exists and persists until such society is purged of its immorality.

2.3 ORIGIN OF CORRUPTION IN NIGERIA

The sate of corruption and its attendant effects on our social system may have prompted many to ask where, how and when did this dreaded monster come about so eminently in the Nigerian polity?

A cursory look at the colonial days reveal that as far back as 1947 Africans were reported to have got a penchant for corrupt tendencies as the memorandum by the Nigerian Government of January 1947 observed "The African's background and outlook on public morality is very different from the present day Briton. The African in the public service seeks to further his own 'financial interest' this singular fact has characterized the Nigerian public service, hardly would you find any public servant in Nigeria not advancing his personal/financial interest.

Investigations into corrupt practices had begun as far back as the late 1940s with several commissions of inquiries constituted for it, even prior to independence.

Today, reports of corruption at the grassroots are been turned in on a daily basis. Five years to Nigeria's most revered independence, the colonial government reported widespread corruption in Igbo-Etiti District council barely eighteen months into the establishment of the council in May 1954. The inquiry report has it that the conduct of the council's affairs had become a public scandal public indignation was widespread and strong" (Inquiry report on Igbo-Etiti).

Okonkwo (2005) states that, the report on Igbo-Etiti District council revealed that there was systemic corruption in the appointment and promotion of staff and in the awarding of contracts. Bribes of ₤80 to ₤100 were demanded for unnecessary appointments.

The brother of the secretary to the District council was hired above a more qualified applicant. In one case, a man paid a ₤400 bribe to secure a post and was never refunded his money when he did not get the job.

Contractors routinely paid ten percent of the value of the contract as bribe (A practice which has not been abated in Nigeria presently). The contract were not awarded to the lowest bidder or to the most experienced or competent persons.

Similarly, Okoli (2003:17-18) narrates the experience Augustus Adebayo had as an Assistant District Officer (during the colonial era) in Benin. A junior clerk in his office, who had a duplicate key to his office table drawers, gained access to his case files, and the notes he prepared for each case. By a very diligent study of these notes, the junior clerk was in a position to know the likely verdict in each case. He would then approach the party in whose favour the notes points, and demand favour (bribe), ostensibly on behalf of the Assistant

District Officer, so that he (the Assistant District Officer) could give judgement in his favour. The litigant, without suspecting the move…would do as requested.

Corruption in Nigeria from it inception was not limited to mere clerks and peasants but also embroiled the high and mighty in the Nigerian society. For instance, in 1956, Dr. Nnamdi Azikiwe the then premier of the Eastern Region was investigated for corrupt practices in his involvement in the affairs of African continental Bank (ACB). The Foster-Sulton tribunal felt that Zik did not severe his connections to the bank when he became a minister. The Tribunal believed that Zik continued to use his influence to further the interests of ACB and therefore found him guilty of corruption (Okonkwo 2005, Okoli 2004: 251).

Obafemi Awolowo, the first premier of Western region, was also fund guilty of corruption by the cooker commission in 1962 following his involvement in a loan scam (ww.africachained.blogspot.com).

Okonkwo (2005) also noted that the first republic was marked by widespread corruption as government official looted public funds with impurity e.g K.O. Mbadiwe and Chief F.S. Okotie-Eboh.

The astronomical level of corruption in the country accounted for the widespread rejoicing in the country shortly after the January 15, 1966 maiden military coup in the country. Other personalities and top ranking politicians of the first republic such as Ahmadu Bello, the Sarduana of Sokoto, Samuel Akintola, Ribadu, and R. Njoku , Chief Dafe, then chairman of the board of Nigerian Airways, Dr. Ikejiani, Chairman of the Nigerian Railway corporation were not immune to corruption (see the report of inquiry into the affairs of NPA, NA and NRC 1960-65). So then, who is immune?

The successive military regimes in Nigeria did not fare better in their attempt to curb corruption rather they all fell headlong into the same menace which they rationalized as the very reason for their intervention in politics and governance.

It is from this point of monumental and flagrant display of corrupt practices by our erstwhile post colonial leaders that most our today's politicians keyed-in to entrench and perpetrate themselves in official corruption. A leaders influence, they say is a leading influence. Therefore, it is not surprising that we were where we are today.

2.4 TYPOLOGIES OF CORRUPTION

Some studies have taken a holistic (broader) approach in the discussion of corruption by diving it into many forms and sub-divisions. These are:

(i) Political corruption

(ii) Bureaucratic corruption

(iii) Electoral corruption

Political Corruption: This takes place at the highest levels of political authority. It occurs when the politicians and political decision-makers who are entitled to formulate, establish and implement the laws in the name of the people, are themselves corrupt. It also takes place when policy formulation and legislation is tailored to benefit politicians and legislators. Political corruption is sometimes seen as similar to corruption of greed as it affects the manner in which decisions are made, as it manipulates political institutions, rules of procedure, and distorts the institutions of government (NORAD, ch. 4, jan. 2000; the encyclopedia Americana, 1999).

Bureaucratic corruption occurs in the public administration or the implementation end of politics. This kind of corruption has been branded low level and street level. It is the kind of corruption the citizens encounter daily at places like the hospitals, schools, local licensing office, police, taxing offices and other government offices etc. bureaucratic petty corruption, which is seen as similar to corruption of need, occurs when one obtains a business from the public sector through inappropriate procedure (See NORAD, ch. 4, 2000).

Electoral corruption includes purchase of votes with money, promise of office or special favours, coercion, intimidation, and interference with freedom of election (Nigeria is a good example where this practice is common. Votes are bought, people are killed or maimed in the name of election losers and as winners in elections and votes turn up in areas where votes were not cast).

Corruption in office involves sales of legislative votes, administrative, or judicial decision or government appointment. Disguised payment in the form of gifts, legal fees, employment, favours to relatives, social influence, or any relationship that sacrifices the public interest and welfare, with or without the implied payment of money is usually considered corrupt (The Encyclopedia Americana, 1999).

Other forms of corruption include;

(a) **Bribery:** The payment (in money or kind) that is taken or given in a corrupt relationship. These include kickbacks, gratitude, gratuities, pay-off, sweeteners, greasing palms etc (Bayart et al 1997, p. 11, Wikipedia encyclopedia).

(b) **Fraud:** It involves some kind of trickery, swindle and deceit, counterfeiting, racketing, smuggling and forgery (ibid: 11).

(c) **Embezzlement:** This is theft of public resources by public officials. It is when a state official steals from the public institution in which he/she is employed. In Nigeria the embezzlement of public funds is one of the most common ways of economic accumulation, perhaps, due to lack of strict regulatory systems (ww.africa.economic.analysis.org).

(d) **Extortion:** This is money and other resources extracted by the use of coercion, violence or threats or use of force. It is often seen as extraction from below (the police and custom officers are the main culprits in Nigeria) (Bayart et al 1977:11).

(e) **Favouristism:** This is a mechanism of power abuse implying a high biased distribution of state resources. However, this is seen as a natural human proclivity to favour friend, family and any body close and trusted.

(f) **Nepotism:** This is a special form of favouratism in which an office holder prefers his/her kinfolk and family members. Nepotism, (which is also common in Nigeria), occurs when one is exempted from the application of certain laws or regulations or given undue preference in the allocation of scarce resources (NORAD, ch. 1, Ch.2, & ch.

4, Jan 2000, Amundsen, 1997, Girling 1997; also see Fairbanks, jr. 1999).

2.5 CAUSES OF CORRUPTION

Why is corruption a viable enterprise in the third world, nay, Nigeria? The causes of corruption are myriad; and they have political and cultural variables. Some evidence points to a link between corruption and social diversity, ethno-linguistic fractionalization, and the proportions of country's population adhering to different religious traditions (Lipset and Lenz, 2000). And studies notes also that corruption is widespread in most non-democratic countries, and particularly, in countries that have been branded neo-patrimonial, kleptocratic and prebendedal (NORAD 2000). Thus, the political system and culture of a society could make the citizens more prone to corrupt activities. However, we shall focus on the fundamental factors that engender corrupt practices in less developed nations, including Nigeria. Some of the factors include:

1) Administrative delays

2) Clumsy handling of corruption cases,

3) Great inequality in distribution of wealth

4) Political office as the primary means of gaining access to wealth;

5) Inefficient judicial system

6) Conflict between changing moral codes;

7) The weakness of social and governmental enforcement mechanisms; and

8) The absence of a strong sense of national community (Bryce, 1921, Sharma and Sadana, 2008: 770-780).

The causes of corruption in Nigeria cannot deviate significantly, if at all, from the above factors. However, obsession with materialism, compulsion for a shortcut to affluence, glorification and approbation (of ill-gotten wealth) by the general public, are among the reasons for the persistence of corruption in Nigeria (Ndiulor, march 17, 1999).

Other factors are poor reward system and greed, Nigeria's reward system is, perhaps the poorest in the world. Nigeria is a society where national priorities are turned upside down;

hard work is not rewarded, but rogues are often glorified in Nigeria. As Aurther Schlesinger said of America in the 60s, our (the) trouble (with Nigeria) is not that our capacities are inadequate. It is that our priority-which means our values are wrong (Dike, 1999:982). And peer community and extended family pressures, and polygamous household are other reasons (Onalaja & Onalaja, 1997). The influence of extended family system and pressure to meet family obligations are more in less developed societies. Lawrence Harrison acknowledged that the extended family system is an effective institution for survival, but notes that it posses a big obstacle for development (1985:7).

2.6 THE EFFECTS/ BENEFIT OF CORRUPTION

The effects of corruption on a nation's socio-political and economic development are myriad. The negative effects impact economic growth as it, among other things, reduces public spending on education (Mauro, 1997; and 1995). Lip set and Lenz note that effect on growth, is in part, a result of reduced level of investment, as it adds to investment risk (2000).

Despite the immoral aspect and pernicious effects of corruption, some scholars have argued that corruption can be beneficial to political development or “political modernization” (Pye, march 1965). Political modernization or development means growth in capacity of a society’s governmental structures and processes to maintain their legitimacy over time (presumably in time of social change) by contributing to economic development, national integration and administrative capacity, and so on (Nye 1967). It is also noted that scandals associated with corruption sometimes have the effect of strengthening a value system of a society as a whole (Gluckman, 1955).

In addition, some writers have noted that corruption may help to ease the transition from traditional life to a modern political life. Some have argued that the vast gap between literate official and illiterate peasant, which is often characteristic of the countryside, may be bridged if the peasant approaches the official bearing traditional gifts or their (corrupt) money equivalent. In this respect, McMillan (1961), points out that “a degree of low-level corruption” can soften relations of officials and people’. And shills (1962) notes that corruption can humanize government and make it less awesome’ these observations are common occurrences in Nigeria where communities pay political visits to their Governors, commissioners and top civil servants with cows, wines, cola nuts and money stuffed in “Ghana must go (bags)” in other to get them attend to their local problems.

The apparent benefits of corruption notwithstanding, we are here mainly concerned with the evils of corruption. Any right thinking person in Nigeria where ubiquitous corruption has ravaged the society will find it impossible to agree that corruption is beneficial, no matter how plausible it may be.

2.7 THE EVILS OF CORRUPTION

Many studies have been conducted that show the evils or consequences of corruption. And corruption has taught Nigerians a dangerous and wrong lesson that it does not pay to be honest, hardworking and law-abiding. Through corrupt means many political office holders acquire wealth and properties in and outside Nigeria; and many displays their wealth but the society does not blink. This has made politics a big business in Nigeria, because anything spent to secure a political office is regarded as an investment, which matures immediately one goes into office (The Guardian, July 14, 2002).

Corruption wastes skills as precious time is often wasted to set up unending committees to fight corruption, and to monitor public projects. It also leads to aid foregone. Some foreign donors do not give aid to corrupt nations. For instance, the international organizations like the Word Bank, the council of Europe and Organization of American states have all followed suit. Corruption is politically destabilizing, as it leads to social revolution and military takeovers. Most post-coup rationalizations" in less developed worlds point to corruption.

The General Buhari's post-coup broadcast to Nigerians in 1983 is a case in point (Welch, Jr. 1987). Thus, corruption discourages honest effort and valuable economic activities; and it breads inefficiency and nepotism. It leads to possible information distortion a sit cooks the books; and a high level of corruption can make public policies ineffective (Sen, 1999:135, hall, 2002).

Above all, corruption can tarnish the image of a country. As we have seen, Nigeria suffers more than most nations from an appalling international image created by its inability to deal with corruption and bribery see tables 2.1,2.2 and 2.3.

2.8 FIGHTING CORRUPTION IN NIGERIA

Some human ailments could require many doses of medicines to be treated. Similarly, the menace of corruption which has eaten deep into the fabric of Nigeria, would require all the necessary medicines to effectively control it. In other words no single and simple remedies will do it; and the problem cannot be solved over night, because, as we have noted, corruption has been ingrained into the fabric of the society. Nigeria has, in theory, the solutions in the book to tackle corruption; but like other issues (poverty, etc) bedeviling the nation, implementations of the laws are the Achilles heel (a vulnerable point) of the society (the Guardian, July 10, 2002).

It is appropriate to emphasis the importance of good and enforceable politics towards controlling corrupt behaviour. And policies should be reviewed periodically to close any loophole and to catch-up with events in the society. Toward this, Robert S. McNamara, former presidents of the World bank and ford Motor Corporation, has argued that for any campaign against corruption to be successful in sub-Saharan Africa, certain characteristics should be common in the plans against corruption. His suggestions on how to control corruption in the region include to:

1) Require direct, clear and forceful support of the highest political authority; the president or prime minister.
2) Introducing transparency and accountability in government functions, particularly in all financial matters.
3) Encourage a free press and electronic media to forcefully report to the public on corrupt practices in the society;

4) Organize civil society to address the problems of corruption brought to light by the process of transparency and the activity of the media;

5) Introduce into government, watch-dog agencies-anti-corruption bureaus; inspectors general, auditors general and ombudsmen (government official appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials, etc)-which will identify corruption practices and bring them to public attention.

6) Minimize and simplify government regulations, particularly those involving the issuance of licenses, permits and preferential positions, thereby restricting opportunities for rent seeking by corrupt means.

7) Insert anti-bribery clauses in all major procurement contracts and with the assistance of both international financial institutions and bilateral aid agencies insist that international corporations, biding on African procurement

contracts, accept such clause and the penalties associated with their violation.

8) Introducing similar anti-bribery clauses into contracts relating to privatization of government enterprises and the development of natural resources.

9) Ensure that enforcement is predictable and forceful; and

10) To criminalize the acts of briery; prohibit the deduction of bribes for tax purposes; and erect barriers to transfer to western financial institutions of financial gains derived from corrupt practices (United States Information Agency, Nov. 19 1997).

Other steps authorities could take to control corruption include;

11) Declaration of Assets**:** The state should require that all high-level Nigerian officials (president, ministers, legislative officers, central bank governor, State Governors, police and custom chiefs, military Generals and a whole lot of high level public officers both elected and appointed), sign a statement granting permission to

banks (both local and foreign), real estate or investment house to disclose any personal assets they may hold. Breaking this veil of secrecy, it has been argued, is crucial if assets declarations are to be verified and accountably enforced (http://www.africaeconomicanalysis.org).

12) Withholding of Aid: international donors (the IMF and World bank) can be helpful by cutting off completely distribution of assistance to any country marked for high level corruption.

13) Scrutiny for sources of income: As was pointed out above, scrutinizing individual depositors of huge sum of money, by financial institutions for sources, would go along way of curbing looting of national treasury by civil servants.

It has been reported that the commonwealth of Nations have started work on a program that would make it difficult, if not impossible for banks and other financial institutions to accept monies looted from the national treasury of a commonwealth member nations. The former scribe of the commonwealth of nations, Chief Emeka, Anyaoku, disclosed this at Obosi (Anambra state) in January 1999 (the Guardian, Jan. 2, 1999. the organization of African Union (OAU), which recently changed its name to African Union (AU), should emulate other international organizations to work toward stamping out corruption and dictatorship from its midst. And ensure its full compliance by its member countries. Thus, if done would have mitigated corruption to a large extent within the African sub-region.

2.9 THE ESTABLISHMENT OF ECONOMIC AND FINANCIAL CRIME COMMISSION (EFCC)

Corrupts practices could be traced back to three decades ago in Nigeria. It was most profound during the military regimes of over 29 years out of 49 years of her nationhood since independence successive military regimes stifled human rights, free press, the rule of law and imbibed a free reign culture in the administration of government business.

The outcome was a national mess replicated in poor economic management, ethnic conflicts, total insecurity and capital flight. However, this is not to say that it was only the military regime that was embroiled in corruption. Cases abound to prove that the various civilian governments the country had indulge in one form of corruption or the other (Ribadu, 2006).

Prior to 2003 when the EFCC was established, the nation has lost billions of naira to corrupt public officials who misappropriated public fund. This notwithstanding the various laws and decrees against corruption as well as agencies and tribunals to prosecute offenders. The Murtala/Obasanjo administration promulgated corrupt practices Decree of 1975 and the public officers Decree No. 5 of 1976. The Buhari administration (1984-85) initiated War Against Indiscipline while the Babangida regime came up with corrupt practice and economic crime Decree of 1990. In 1994, the Abacha administration established the Indiscipline, Corrupt Practices and Economic Crime (Prohibition) Decree).

The 1979 constitution made provision for code of conduct Bureau which the 1999 constitution retained. Section 15 of 1999 constitution empowers the state to abolish all corrupt practices and abuse of power. As a derivative from the 1979 constitution, the 1999 constitution established a code of conduct Bureau for public officers to make them responsible, devoted, honest and objectives in the discharge of their duty. According to sections 6, 8 and of the fifth schedule, part (1) of the 1999 constitution, the code of conduct was mandated to monitor and administer the rules while a code of conduct tribunal was put in place to try and punish officers who violate the law or code of conduct.

Ironically, all these successive administration could not manage or combat the menace of corruption which their various decrees and laws claim to address. Rather, they were engrossed and neck-deep in it as depicted by their various antecedents/legacies of their administration, what an absorb situation.

Furthermore, the criminal code section 98-115 and the penal code of the 1999 constitution of the Federal Republic of Nigeria provided punishment for people fund guilty of bribery and corruption. The fight against corruption and waste in the public service was one of the programmes of the Obasanjo administrations (199-2007). For the pursuit of these objectives, his administration established two major anti-graft institutions; the independent corrupt practices (and other Related offences) commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) in 2000 and 2003 respectively (Ribadu, 2006).

The EFCC was established by the EFCC Act of 2003 which in 2004 was amended by the National Assembly, the federal legislative body. The act according to Mr. Nuhu Ribadu the commissioners maiden chairman, was established to address corruption and money laundering and in response to the Financial Action Task Force (FATF) concerns about Nigeria's Anti-money laundering and combating the financiers of Terrorism (AML/CFT) law (Ribadu, 2006).

2.10 STATUTORY INSTRUMENT OF EFCC

The commission as it is currently constituted is headed by a retired Assistant Inspector General of Police (AIG) Mrs. Farida Waziri. For administrative convenience, six key units are located in the office of the executive chairman, which include the following;

1) The commission secretary, who is responsible for administering the Board and Commission Secretariat.

2) Special Assistant who is immensely knowledgeable and experienced officer appointed by the commission, to support the executive chairman in the execution of the commission's functions that cannot be adequately covered by the line department. He is a generalist with good knowledge of management and considerable interpersonal skills, which will help him effectively carry out the duties and responsibilities.

3) Special Assistant II: he is charged with the responsibilities of supporting the executive chairman in administrative matters, representation in important official activities, activity follow-up and the execution of special assignments as may be delegated by the executive chairman from time to time.

4) Media and publicity Unit: Makes and maintains image of the commission. It is also responsible for spearheading the convening and management of focused campaign aimed at instilling the virtues of good and honest behaviour and the prevention of the perpetration of economic and financial crimes and criminals behaviours. It demonstrates the futility of criminal tendencies by celebrating the success of the reinforcement campaigns undertake by the commission in the execution of its statutory function by developing propagating case studies

5) Audit and compliance: The watchdog of the commission.

6) Anti-terrorism Unit: A special unit aimed at detecting and dealing with terrorism and terrorist tendencies among the populace. Its location in the officer of the executive chairman demonstrates its sensitivity and seriousness. It is both an intelligence unit, forming part of the commissions FIU along with the financial crimes intelligence and

advance fee fraud and other economic crimes intelligence, and a unit capable of acting on the intelligence generated.

The EFCC establishment Act, 2004, elaborated more on the membership of the commission. According to the Act, the commission shall consist of the following members:

a) The Governor of the central Bank of Nigeria or his representative.

b) A representative of the following ministries viz: foreign Affairs, finance and justice.

c) The chairman, National Drug Law Enforcement Agency or his representative.

e) The registrar-general of the corporate Affairs Commission or his representative.

f) The Director-General, securities and exchange commission or his representative.

g) The managing Director, Nigeria Deposit Insurance Corporation or his representative.

h) The commissioner for insurance or his representative

i) The Post Master-General of the Nigeria Postal Service or his representative.

j) The chairman, Nigeria Communication Commission or his representative.

k) The comptroller General, Nigeria immigration Service or his representative.

l) The comptroller General, Nigeria customs service or his representative and

m) The Inspector General of Police or his representative.

n) Four eminent Nigerians with cognitive experience in any of the following; finance banking, law or accounting.

It is important to note that members of the commission, other than the chairman and the secretary, shall be part time members. The chairman and members of the commission other than ex-officio members shall be appointed by the president, and the appointment is subject to conformation by the senate. The chairman and members of the commission other than ex-officio shall hold office for a period of four years and may be reappointed for another four years' tenure and no more.

A member of the commission may at anytime be removed by the president for inability to discharge the functions of his office(whether for infirmity of mind or body or any other cause or for misconduct or if the president is satisfied that it is not in the interest of the commission or the interest of the public that the person may resign his membership by notice in writing addressed to the president and that members shall, on the date of the receipt by the president, cease to be member. And such a vacancy is filled by appointment of a successor to hold office for the remainder of the term of his predecessor, so however, the successor shall represent the same interest as his predecessor. The commission may make standing orders regulating its proceedings or those of any of its committees.

2.11 THE ORGANIZATIONAL STRUCTURE OF EFCC

The EFCC is an inter-agency commission comprising a 22-member board taken from all Nigeria Law Enforcement Agencies (NLEAs) and regulatory bodies.

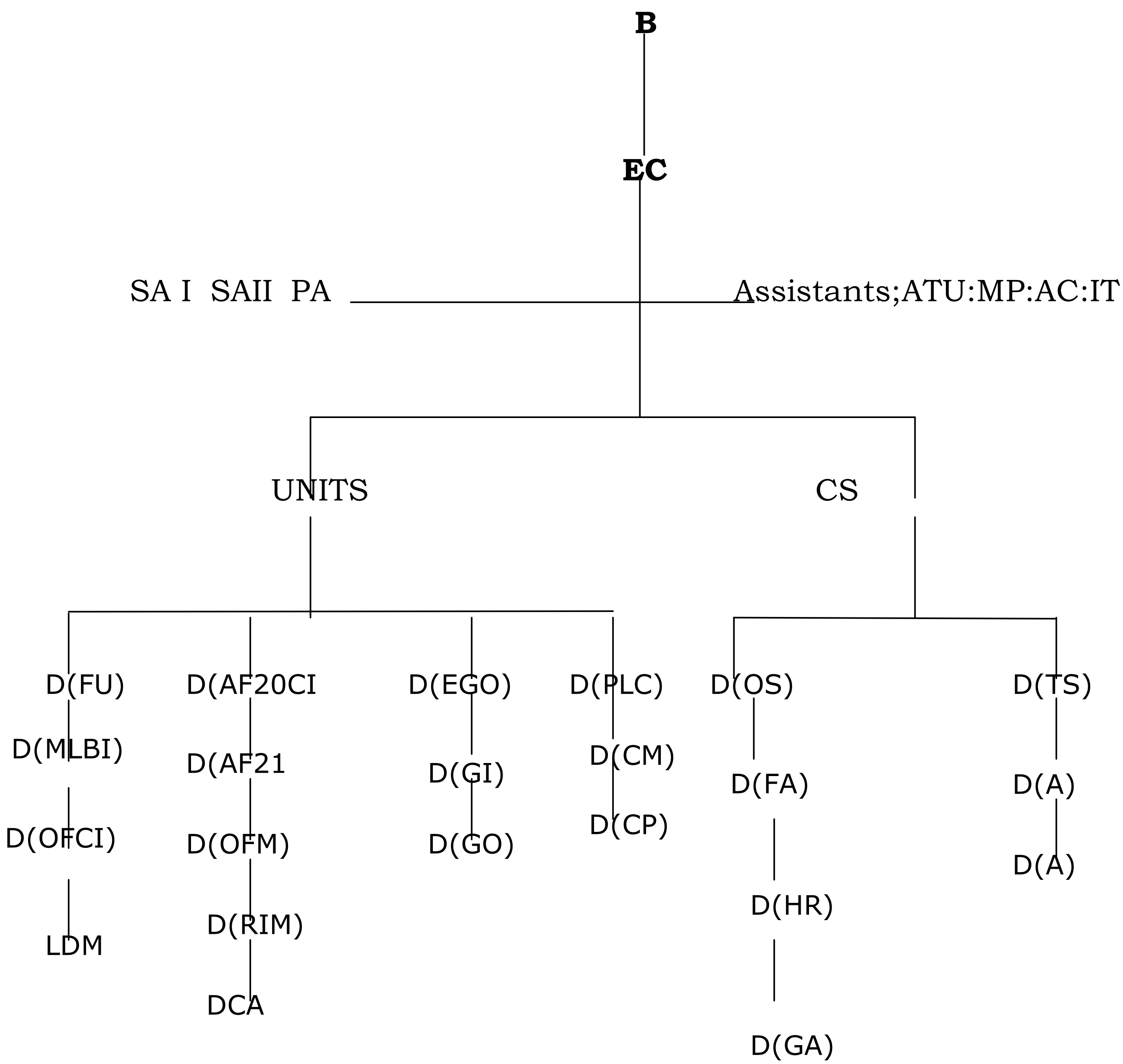
The organizational structure consists of a centralized headquarters and an array of reporting zonal offices in the initial instance. Administrative hierarchy emanates from the Board to the Executive chairman, to the line of directors (in the case of organizational support and training school, from the executive chairman, to the commission secretary, then to the line Directors), the Deputy Directors to Assistant Directors, to principals to senior, etc, down to the career ladder to lowest staff in the commission. The Executive chairman is supported by a commission secretary who is responsible for secretarial administration and to her assigned corporate duties. This hierarchy also defines the career path for individual progression and development within the commission. In addition to the vertical hierarchy, horizontal associations are also envisaged in the commission to allow for proper collaboration through the creation of work teams and meeting and project groups.

In all cases, authority could be delegated but its associated responsibility remains vested in the delegating part to ensure accountability for the deliberate action or inaction.

The reporting format in the commission respects the established administrative hierarchy indicated above (under authority and responsibility) and establishes a zonal office. The organizational design maintains a load structure at both head office and zonal offices, emphasizing the need for cooperation and collaboration between departments.

The structure of the commission is made up of six Directors, at the headquarters, and zonal Directors at the designated zonal offices. This is in addition to the essential support units in the office of the Executive chairman and those overseen by the commission secretary. The table below shows that organogram of the commission.

2.12 STRUCTURE OF EFCC



Positions

B	=	Board
EC	=	Executive Chairman
CS	=	Commission Secretary
SAI	=	Special Assistant I
SAII	=	Special Assistant II
PA	=	Personal Assistant
ATU	=	Anti-Terrorism Unit
MP	=	Media and Publicity
AC	=	Audit and Compliance
IT	=	Information Technology
D(FCI)	=	Director Financial Crime Intelligence
D(AF20Cl)	=	Director Advance Fee Fraud and Other Economic Crimes Intelligence
D(EGO)	=	Director Enforcement and General Operations
DCPLC)	=	Director Prosecution and Legal Counsel
D (OS)	=	Director Organization Support
D(TS)	=	Director Training School
D(MLBI)	=	DD (Money Laundering and Bank Intelligence)
D(AF2I)	=	DD (Advance Fee Fraud Intelligence)
D(GI)	=	DD (General Investigation)
D(CM)	=	DD (Civil Matters
D(FA)	=	DD (Finance and Accounts)
D(A)	=	DD (Academics)

D(DFCI)	=	DD (Other Fraud and Miscellaneous Offences Intelligence
D(GO)	=	DD(General Operation)
D(CP)	=	DD(Criminal prosecution)
D(HR)	=	DD (Human Resource)
D(A)	=	DD(Administration)
D(RIM)	=	D(research Information Management)
D(GA)	=	DD(General Administration)
LDM	=	Library Centre Administration.

Source: http://www.dawodu.com/arch/inkefccact 2002

2.13 OPERATIONAL GUIDELINES

The Economic and Financial Crimes Commission established by the Economic and Financial Crimes Commission (Establishment) Act of 2004, as a body corporate to enforce law and administer the provisions of the Act. It is a "designated financial intelligence unit (FIU) in Nigeria with the power to coordinate the various institutions involved in the fight against money laundering and enforcement of all crimes deadly with the economic and financial crimes in Nigeria", (Ayoola 2006:36). The commission's board statutory duties and responsibilities cover dealings with economic and financial crimes, as well as combating terrorism and terrorist tendencies. The mandates of the commission with respect to its functions of combating economic and financial crimes include the following;

(a) Investigating all financial crimes

(b) Coordinating and enforcing all economic and financial crime laws conferred on any other person or authority in Nigeria.

(c) Identifying, tracing, freezing, confiscating or seizing proceeds derived from terrorist activities, economic or financial crimes.

(d) Taking deliberate measures to prevent the commission of economic and financial crimes

(e) Coordinating preventive and regulatory action including introducing and maintaining investigative and control techniques or the prevention of economic and financial crimes

(f) Facilitating rapid exchange of scientific and technical information and conducting joint operation with collaborators aimed at eradicating economic and financial crimes.

(g) Collaborating with government bodies within and outside Nigeria in carrying on functions analogous with those of the commission concerning the following:

(i) Identification, determination of the location and activities of persons suspected to be involved in economic and financial crimes.

(ii) Movement of proceeds and/or properties derived from the commission of economic and financial or other related crimes.

(iii) Exchange of personnel or experts

(iv) Establishment and maintenance of system for monitoring international economic financial crimes and for identifying suspicious transactions, as well as the person involved in them.

(v) maintaining data, statistics, records and report on persons, organizations, proceeds, properties, documents or other items or asset involved in economic and financial crimes.

(vi) undertaking research and similar works to determine the manifestation, extent, magnitude and effects of economic and financial crimes and advising government on the appropriate intervention measures to adopt for combating them.

h) supervising, controlling, coordinating all the responsibilities, functions and activities relating to the ongoing investigations, and persecution of all offenders connected with or relating to economic and financial crimes in consultation with the Attorney-General of the federation.

i) Coordinating all existing economic and financial crimes units in Nigeria

j) liaising with the office of the Attorney-General of the federation, the Nigerian customs service, and all government security and law enforcement agencies, including other financial regulatory and supervisory institutions in the eradication of economic and financial crimes.

k) Dealing with matters connected with extradition, deportation and mutual legal or other assistance with respect issues involving economic and financial crime between Nigeria and other countries.

l) collecting, analyzing and disseminating reports relating to suspicious financial transaction to relevant government agencies.

m) carrying out such other activities considered necessary or expedient for the full discharge of all or any of the functions conferred on the commission under the EFCC Act, 2004.

In addition to those basic functions enumerated above, the commission has been bestowed with special powers that enable it enforce specific laws relating to economic and financial crimes which include the following;

(a) Investigating persons suspected of breaching the provision of the EFCC Act, 2004.

(b) With a view to ascertaining whether any person has been in offence under this Act or in the process of any such offences, cause investigation to be conducted into the properties of any person if it appears to the commission that the persons lifestyle is not justified by his source of income.

Fawehinmi (2007:44) made some elaboration on this thus "If the lifestyle of anybody cannot be found within the context of his income, the EFCC is given the power to invoke the criminal code and the penal code to ensure the fight against economic and financial crimes in this country". Also part II (2) of the Act provides that the commission is also empowered to enforce the following special laws:

i) The money laundering Act, 1995

ii) The Advance Fee-Fraud and other Fraud Related Offences Act, 1995

iii) The failed Banks *Recovery of Debts) and Malpractices in Bank Acts 1994 and as amended.

iv) The banks and other institutions Acts, 1991 as amended.

v) The miscellaneous offences Act, and

vi) Any other law or regulations relating to economic and financial crimes in Nigeria.

More so, the commission was also given the Anti-terrorism mandate. The Act creating the EFCC therefore saddles the commission with responsibility for combating terrorist activities in Nigeria in addition to its mandate for dealing with economic and financial crimes. The closeness and interrelatedness of the crimes such as the need to launder funds in order to finance terrorist activities, makes it possible for EFCC to execute the additional mandate as a matter of course.

For effectiveness, “the commission strategically located an Anti-Terrorism Unit (ATU) in the office of the Executive chairman as a special unit and charged it with the twin responsibility of detecting and combating terrorism and terrorist tendencies within the country” (Ribadu, 2006:7). He went further to illustrate that the ATU is both an intelligence unit (FIU) along with its financial crimes intelligences, advance fee-fraud and other economic intelligence department, and enforcement.

For expertise and excellence in combating terrorism, the commission adopted both proactive and reactive approaches. It plans to activate intelligence gathering capacity to detect and monitor funds being channeled to suspected terrorist organizations to enable the commission deal with the advent of terrorist strikes. It also plans to develop the necessary national readiness to deal with terrorists' activities during and after its advent by expeditiously fishing out the culprits and doing an effective post-mortem of their plans , strategy, and activities with a view to tracing and dealing with any observable pattern and sequence that presents possibility of recurrence.

The commission's enabling Act also makes provision with respect to the offence of terrorism and how it shall be punished. Each of the following offences for instance, attracts life imprisonment for the culprit. The related offences covered by the law include:

(a) Willfully providing or collecting from anyone directly or indirectly, to perpetrate an act of terrorism;

(b) Committing or attempting to commit, participate or facilitate the commission of a terrorist act;

(c) Making funds, financial assets, or economic resources or participate in the commission of a terrorist act.

2.14 ACHIEVEMENT OF EFCC

Whether critics like it or not, there is no gain saying that EFCC has done little or nothing with regards to its mandate.

It is crystal clear today, in this country that the "fear of EFCC is the beginning of wisdom" therefore every Dick and Harry have in there own interest stopped the known popularity show of stolen wealth and have chosen the low life profile instead.

Undoubtedly, never in the country's contemporary history has one single person been able to present the reality that "the rich also cry" to the generality of Nigerians. With the advent of EFCC, however, no longer was crime the exclusive pre-occupation of the ordinary Nigerian, as the rich and affluent had sought to make the populace believe , in fact, so far, the commission has proven that no ground is too hallowed or sacred to thread upon.

The commission has recorded some achievement in its fight against corruption and other unethical practices in Nigeria. The erstwhile chairman of the commission Mallam Nuhu Ribadu, revealed that the commission recovered money and properties worth over N500 billion from corrupt public officials and individuals. In addition, the commission has got 35 convictions through the prosecution of corrupt public and private person (Ezeani, 2006:405). In the same vein, Mrs. Farida Waziri, the commissions incumbent executive chairman responding to accusation of non performance on the 14th of January 2010, stated that she has got over 200 imprisonment following cases emanating from its inception to its logical conclusion with over eighty cases pending in count across the country, both high and low profile cases in just two years. Source:

Rhythm 93.7 P.H news bit of January 14:2010. E-mail news ph@rhythm 93.7.

Bellow are high profile cases in various courts in the nation instituted by EFCC for various offences ranging from alleged theft, money-laundering, embezzlement, cyber-crime of various sort to high level fraud otherwise known as 419 etc involving the following persons.

According to a press release posted on the commission's website (www.efccnigeria.org) as at February 13, 2010, they have all been arraigned before various judges of the federal high court across the nation, standing trial for various offences.

These include:

1)	Ayo Fayose	-	Former Ekiti State Governor
2)	Adenike Grang	-	Former Federal Minister of Health
3)	Joshua Dariye	-	Former Plateau state Governor
4)	Saminu Turaki	-	Former Jigawa State Governor
5)	Orji Uzor Kalu	-	Former Abia State Governor
6)	James Onanefe Ibori		Former Delta State Governor
7)	Lucky Igbenedion		Former Edo State Governor
8)	Iyabo Obasanjo B.		Serving Senator

9) Gabriel Aduku Former Federal Minister of Health
10) Rev. Jolly Nyame Former Taraba State Governor
11) Chinaroke Nnamani Former Enugu State Governor
12) Michael Botmang Former Plateau State Governor
13) Roland Iyayi Former FAAN Managing Director
14) Nyesom Wike Serving Rivers State Chief of Staff
15) Eider George Austrian Business Man
16) Kenny Martins Former Chairman Police Equipment Fund
17) 13 Filipinos charged for oil bunkering
18) 6 Ghanaians charged for oil bunkering
19) Patrick Fernadez Indian Business man
20) Babalola Borishade Former Federal Minister of Aviation
21) Boni Haruna Former Adamawa State Governor
22) Femi Fani-Kayode Former Federal Minister of Aviation
23) Prince Ibrahim Dumoje Police Equipment Fund
24) Rasheed Ladoja Former Oyo State Governor
25) Four Senior Zenith Bank Managers
26) Malam Nasir El-Rufai Former FCT Minister
27) Senator Nicholas Ugbane Serving Senator
28) Hon. Mohammed Jibo
29) Hon. Paulinos Igwe

Aliyu Abdulahi Serving Federal Permanent Secretary

Samuel Ibi

Simon Nanle

Lawrence orekoye

Kayode Oyedeji

A. Garba Jahun

All in the rural electrification case

B. Sokan Mollkat Mutfwang

Michael Aule

Andrew Ekanobi-Alldirectors

Alexander Cozman-MD Intermarket Ltd

All in the UBEC case involving an American company and some government officials.

Ransome Owan

Mr. Abdurrahman Ado

Abdulrasak Alimi

Onwuamaeze Illoeje

Mrs. Grace Eyoma

Mohammed Bunu

Abimbola Odubiyi-Nigeria Electricity regulatory commission case where the chairman and six other commissioners corruptly enriched themselves.

30) Tom Iseghohi

Mohammed Buba

Mike Okoli-(GM &Managers of transcorp Group Plc)

31) Albert Ikomi-Retired Permanent Secretary and his firm satellite town development company Ltd.

32) Yuguda Manu Kaigama-chairman Taraba state civil service

33) Chief Joe Musa-DG national Art Galley

34) Olusegun Ogumba
Chinedu Obi
Operagu Elizabeth
Kweku Tandoh (All Directors of NGA)

35) Dayo Olanguyi-Ex secretary National Commission for Mass Literacy, Adult and Non Formal Education

36) Joshua Alao, Alice Abang, Jubrin Waguna, Ahmed Abubaka, Shehu Abdullahi, Dr. Victoria King-Nwachukwu, Adamu Khalid, Moses Oseni, Francis Awelewa & Bashir Suleiman

37) Hamman Bello Hamman,-Ex CG Customs, Hannatu Suleiman, Popular Foods Ltd & Silver Maritime Striping Coy Ltd.

38) Innocent CHuka Okonkwo-former V.C IMSU, Uchechi Nwogu & Wilfred Uwakwe

39) Mrs. Cecilia Ibru-former CEO Oceanic Bank

40) Bartholomew-Former CEO Union Bank PLC Bassey Ebong, Henry Onyemem & Niyi Albert Opeodu 9Ex-Directors, UBN).

41) Raymond Obieri-former chairman intercontinental bank PLC

42) Hyacinth Enuha, Ikechi Kalu, C.A. Alabi, Samuel Adegbite, Sanni Adams, Sabastain Adigwe, Peters Ololo-Falcon Securities Ltd.

43) Okey Nwosu, Alex Nkechor, Ex Bank Manager,

44) Ebi Odeigah & GMT Securities & Assets Nig. LTD.

This fit is equally a major break through in the fight against corruption in Nigeria.

2.15 CHALLENGES/CRITICISMS OF EFCC

The incessant court injunctions got by individuals (indicted) to frustrate and stop the commission from doing its official duties as stipulated by the establishment act is a major challenge.

For instance, on April 6, 2006, it was noted by a national tabloid that the plan by the EFCC to arraign the erstwhile power and steel minister, Alhaji Basher Dalhatu before an Ikeja High Court was frustrated by a federal high court judge, justice Ibrahim Auta who ordered the commission not to arrest or arraign the former minister before any court (This day, Vol. II, No. 4002, page 2 of April 6, 2006). The case is the same with Dr. Peter Odili former Rivers State Governor with several others across the nation.

The activities, operations and efforts of EFCC is obvious, manifesting in the arrest, prosecution and punishment of the culprits since inception. Despite the seemingly great achievements in the fight against corruption in Nigeria, certain factors have limited the efforts of the commission. Factors such as immunity, politics and manipulation retarded so much the activities of the EFCC.

The immunity placed on certain public officers hinders and handicapped the commission from prosecuting the offenders. These personalities are the President, Vice President, Governors and Deputy Governors. For instance, the 1999 constitution of the Federal Republic of Nigeria, section 30&(1), options (a),(b),(c) opines,

(a) No civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office.

(b) A person to who this section applies shall not be arrested or imprisoned during that period either on pursuance of the process of any court or otherwise; and

(c) A process of any court requiring or compelling the appearance of a person to whom this section applies, shall not be applied for or issued; provided that in ascertaining whether any period of limitation has expired for the purposes of any proceedings against the officer.

Subsection (2) holds that the provision of subsection (1) of this section shall not apply to civil proceedings against a person to who this section applies in his official capacity or to civil or criminal proceedings in which such a person is only a normal party. Then subsection (3) pointed out the personalities to whom this applies thus:

> This section applies to a person holding the office of president or vice president, Governor or Deputy Governor, and reference in this section to "period of office" is a reference to the period during which the person holding such is required to perform the function of the office.

With the above constitutional provisions, the power of the EFCC is limited because the above-named personalities stand unpresecutable and unpunished by EFCC while in the office. Onabanjo & Sawyer (2006:34) further explained that "the supreme court has ruled that whereas the Governors cannot be prosecuted in office, they can be investigated". So, public officers afore-mentioned can only be investigated while in office.

Critics of the commission accuse it of being selective in the execution of its mandate. They argue that only political enemies and critics of the government are prosecuted by the commission.

Moreso, the EFCC's role is short of indictment and declaring anyone guilty as it was the case with the Nuhu Ribadu led administration. This, the commission has done time without number. This fact was corroborated by Ibrahim Babangida when he stated thus: "I know the only body that adjudges you guilty or indicts is the court, so, I will be unfair to accept what anybody (EFCC) said, as such allegations still remain allegations until proven beyond reasonable doubts in a court of competent jurisdiction" (Daily Sun, Vol. 3 No. 816, Oct, 3rd 2006).

There are cynicism over the tail coat of EFCC, with many analyst describing it as a lap-dog of the ruling People's Democratic Party (PDP), especially the presidency. The problem, simply put, dwell on the EFCC baring its fangs only at out-of-favour associates and political enemies of the president.

For instance, Obasanjo was quoted as saying in one of his political visits to Ondo State, that for his erstwhile minister of housing and urban development, Dr. Olusegun Mimiko to have flouted his orders by jumping the PDP ship and choosing to contest the generational stool in his native Ondo State on the platform of the Labour Party (LP), he Mimiko will be visited by the EFCC (THE SOURCE, Vol. 20, No. 19 of Feb, 19 2007).

In other words, if the former minister had heeded his entreaties not to contest the polls, it would have been needles to send the EFCC on his trail. A similar incident played out in Maiduguri when the former president declared that Governor Ali Modu sheriff would be visited by the EFCC as well as a number of cases.

It is simply on this premise, that the former Vice President Alhaji Atiku Abubakar declared in one of his numerous interviews granted the cable Network News (CNN) penultimate the 2007 presidential election thus: "EFCC is basically a tool in the hands of the government of president Obasanjo to haunt perceived political opponents".

It is against this backdrop, which prompted THE SOURCE magazine in its editorial to opine: "The EFCC is President Obasanjo's political police". THE SOURCE, 19, Feb, 2007.

This lack of confidence in the government's anti-corruption drive may be because of what Effective Business Survey Nigeria Ltd (EBS) an independent research organization described as the selective way in which the government through EFCC investigates, arrests and prosecutes corrupt public officers. In a recent poll by the organization, 51 percent of the respondents scored the EFCC low, while 39 percent believed otherwise, with 10 percent undecided (Uche 2006:22). Also, the US government through one of its envoys in Nigeria expressed similar feelings from the American government, at a recent weekly media briefing. Michael L. McGee said that merely arresting people connected with financial crimes is not enough proof of the country's seriousness to combat corruption, according to him, “when you have hundreds of cases that were brought and you have thousands of people that were investigated and you have one conviction, what does that tell you?” (See The Tide News Paper, 19, Feb. 2007).

2.16 HYPOTHESES

Hypotheses are tentative proposition to the problems meant to be solved which shall be accepted or rejected at the end of the analysis of the generated data (Obi 2005:19). In other words, they are guesses which guide the researcher in the search for solution to the problem under study. It is also seen as a statement of definitive relationship between at least one independent and one dependent variable that is empirically verifiable (Anugwom 2004).

Based on the available relevant literature on corruption and the fight against it, particularly as it concerns the Obasanjo- Yar’Adua administration and EFCC, the following hypotheses are put forward to be tested.

1) The operation of EFCC under President Olusegun Obasanjo and Yar'Adua did not reduce the rate of corruption in Nigerian public sector.

2) Presidential interference in the operation of EFCC demobilized the fight against corruption in Nigeria.

3) The provision of immunity clause did not influence the performance of EFCC.

2.17 THEORETICAL FRAMEWORK

Hardly do we discuss and analyse concepts meaningfully in the social science without linking them to or understanding them from some theoretical viewpoint or orientation. Corruption is a concept which lends itself to theoretical orientation. Thus, the theoretical framework adopted in this research is the structural functionalism championed by Victor A. Thompson (modern organization), Philip Selznick (Leadership in Organization), Demerath and Peterson (systems change and conflict), and popularized by Charles Perrow (complex organizations) (Okoli, 2004:21). It is also known as structural-functional Approach.

The theory is based on the assumption that for function to be performed there must be structure and vice versa. On the other hand, efficient decision-making and implementation depends on the structure through which they are performed. The sociological theory takes into cognizance the environmental impacts on organization as it affects the attainment of its objectives. Its assumption is that a structure is set up to perform some goals and the achievement of the goals depends on the efficiency of the structure. In the context of this research, this theory will examine the institutions of EFCC with a view to exposing how decisions are reached and implemented by the agency. The relationship between the institution ad political agencies particularly the presidency will be exposed to verify its independence.

2.18 APPLICABILITY OF THEORY

The applicability of the structural functional theory in the analysis of issues in this work is premised on its basic assumptions. The theory presumes that a structure exists to perform assigned functions, and that the capability of this structure to effectively perform its function is influenced by its environment. In this way, the structural functional analysis will examine the structure of the EFCC, its constitutionally assigned functions, its capability in the discharge of these functions and the environmental influences.

Through this analysis, the operations of the anti-corruption agency will be evaluated with a view to ascertaining its performance, and challenges so as to proffer solution for better performance.

2.19 OPERATIONALISATION OF CONCEPTS

The Key Concepts to be operationalized are:

Public Sector: This refers to areas of administration that is within government control.

Corruption: This refers to any act or behaviour that is aimed at giving or receiving undue advantage. It may be material or immaterial i.e. (cash or kind).

CHAPTER THREE

METHODOLOGY

As a result of its nature, this study has been based on survey research method. Education of the role of EFCC and corrupt practices as well as the feelings of Nigerians. Of all the research methods known to us, we feel that survey research would prove most useful in taking up existing documents and literature on the relevant issues. Thus, the following research design would be adopted.

3.1 SELECTION OF LOCATIONS

We are next faced with the issue of whether to select our respondents from all the 36 states of Nigeria or to have a representative sample. The first alternative, obviously, is not easy to handle. Hence, we will adopt a representative sample.

For purpose of cost and convenience, we would adopt the selection of a sample of representatives in the entire federation since the differences among individual performance are not so remarkable as to necessitate an evaluation in all the states. Out of the 36 states including Abuja the federal capital territory (FCT). Representatives from a sample of 10 states would be selected for the study, they are; (a) Kogi (b) Benue (c) Rivers (d) Oyo (e) Lagos (f) Akwa Ibom (g) Enugu (h) Abia and (i) Bayelsa.

The sampling technique adopted was a purposive technique. And in doing this, reductions of cost as well as reflection of regional or geographical spread were considered. For example, it become convenient to choose Benue and Kogi than Narasarawa and Kwara both all of which are in the north of the country but at the same time select Lagos and Oyo rather than Edo or Delta, so as to ensure that one of the states locations comes from the old western region. This again guided the selection of Enugu rather than Anambra in the old Eastern Region.

3.2 POPULATION OF THE STUDY

The study population includes 10 (ten) Nigerian leaders in different walks of life i.e., those in political authority, parastatals/council/boards, academic institutions, industries/ business enterprises, medical institutions, administration and traditional authority. Other areas include the armed forces, religious activities and the judiciary. In addition to the leaders themselves, other well meaning individuals will bare their mind concerning the subject matter.

3.3 METHOD OF DATA COLLECTION

The methods of generating data adopted in this work include primary and secondary data. The primary data shall be gathered through the use of questionnaire.

The secondary data will be sourced through books, internet publications, magazines, journals and electronic media as well as daily newspapers

3.4 SAMPLE AND SAMPLING TECHNIQUE

A sample size of 430 representatives will be purposively selected from a stratified target population. The stratification was adopted to reflect the various characteristics of the population hence the study is based on survey research with a purposive sampling technique. The selection of representatives from each of the stratum will be purposive so as to choose representatives that have adequate information on the subject matter.

3.5 VALIDATION OF INSTRUMENT

The validation of the data collecting instrument is expected to be at 95% level, this is because the instruments will be pre-tested. Moreover, the questionnaire will be given to persons with good knowledge of the research topic.

3.6 ADMINISTRATION OF THE INSTRUMENT

The principal instrument for the data collection for this study will be the questionnaire. The questionnaire will be designed with regard to the problems of the study and with particular reference to the hypotheses to be tested. The researcher will administer the questionnaire personally to the sample chosen (respondents) with a letter of introduction.

3.7 METHOD OF DATA ANALYSIS

The methods of data analysis used in this study will be simple arithmetic summation and frequency distribution showing the number of responses. Also, percentages will be used to analyse the responses, to an interpretable form so that the variables could be understood. Finally, chi-square technique (method) will be employed to test the hypotheses raised/postulated in this work.

CHAPTER FOUR

4.1 DATA PRESENTATION AND ANALYSIS

In this chapter, we present and analyse the data based on the questionnaires and interviews granted. The pattern and methods of distribution of the questionnaires as well as the information gathered via the interviews were carried out under a proper and well organized arrangement.

From the 430 (four hundred and thirty) questionnaires distributed, five (5) questionnaire on return were not properly filled, fifteen (15) copies were never returned, and 10 (ten) of them were returned blank. This leaves us with a total of 400 (four hundred) questionnaires from which we did our analysis and inferences.

At this point, we now focus on proper analysis of the data from the field of study.

4.2 SECTION B: CORRUPTION IN NIGERIA AND THE ROLE OF EFCC

This section analysis the data generated through the questionnaire. It is presented both in percentages and chi-square research tools respectively. These will be used to test the various hypotheses raised in the event of this research.

Hypothesis 1: The operation of EFCC under President Olusegun Obasanjo and Yar'Adua did not reduce the rate of corruption in Nigerian public sector.

Table 4.1.1

Nigerian Public Service is ridden with Corruption

Responses	No. of Respondents	Percentage %
Strongly Agree	340	170
Agree	40	20
Disagree	20	10
Strongly Disagree	0	0
Total	**400**	**100**

Table 4.1.2:

Corruption in Nigeria affects the socio-political and economic live wire of the nation.

Responses	No. of Respondents	Percentage %
Strongly Agree	318	79.5
Agree	82	20.5
Disagree	0	0
Strongly Disagree	0	0
Total	**400**	**100**

Table 4.1.3: Corrupt officials/individuals in Nigeria are often prosecuted.

Responses	No. of Respondents	Percentage %
Strongly Agree	76	19
Agree	64	16
Disagree	100	25
Strongly Disagree	160	40
Total	**400**	**100**

Chi-Square = X^2

Note that each item in strongly agree (SA), Agree (A), Disagree (D) and Strongly Disagree (SD) on the questionnaire is awarded 4 points, 3,2,and 1 point respectively.

So each score for each of the categories is the multiplication of the designated mark by the number of items responded.

Table 4.1.4

Item	**SA**	**A**	**D**	**SD**	**Total**
1	1360	120	40	0	1520
2	1272	246	0	0	1518
3	304	192	200	162	858
Total	**2936**	**558**	**240**	**162**	**3896**

Table 4.1.5

Item	SA	A	D	SD	Total
1	Cell 1 1360(1145)	Cell 4 120(218)	Cell 7 40(94)	Cell 10 0(63)	1520
2	Cell 2 1272(1143)	Cell 5 246(217)	Cell 8 0(94)	Cell 11 0(63)	1518
3	Cell 3 304(647)	Cell 6 192(123)	Cell 9 200(53)	Cell 12 162(36)	858
Total	**2936**	**558**	**240**	**162**	**3896**

Note that the figures in the (X^2) table above in each cell is referred to as the observed frequency whereas those in parenthesis is the expected frequency. The expected frequency is computed for each cell by multiplying the row total of each cell by the column total and divided by the entire contingency or grand total.

From the chi-square table, chi-square (x^2) can be computed thus:

$$X^2 = \Sigma \frac{(of-ef)^2}{ef}$$

Where; of = observed frequency

ef = expected frequency.

$$\therefore X^2 = \frac{(1360-1145)^2}{1145} + \frac{(1272-1145)^2}{1143} +$$

$$\frac{(304-647)^2}{647} + \frac{(120-218)^2}{218} + \frac{(246-217)^2}{217} +$$

$$\frac{(192-123)^2}{123} + \frac{(40-94)^2}{94} + \frac{(0-94)^2}{94} + \frac{(200-53)^2}{53} +$$

$$\frac{(0-63)^2}{63} + \frac{(0-63)^2}{63} + \frac{(162-36)^2}{36}$$

$= 40.3+15+182+44+4+39+31+94+408+63+63+441$

$\mathbf{X^2 = \underline{\underline{1424.3}}}$

Decision Rule

Reject HO should X^2 calculated is greater than X^2 tabulated (critical X^2) at 0.05 level of significance.

To find/determine the critical value of X^2 we first of all determine the degree of freedom.

df = (r-1)(c-1)

= (3-1) (4-1)

= 2x3 =6

X^2 table value = **10.64**

The degree of freedom of 6 cross-checked at 0.05 level of significance in the X^2 table of value gives us **10.64**

Hence, calculated value (X^2) = 1424.3

Critical value = 10.64

It is therefore imperative to reject the stated null hypothesis (Ho) since X^2 calculated is greater than X^2 critical value and accept the alternative hypothesis. That is to say, the operation of EFCC under President Olusegun Obasanjo and Yar'Adua reduced the rate of corruption in Nigerian public sector.

Hypothesis 2: Presidential interference in the operation of EFCC demobilized the fight against corruption in Nigeria.

Table 4.2.1

Government interference in the activities of EFCC in Nigeria is unprecedented.

Responses	**No. of Respondents**	**Percentage %**
Strongly Agree	170	42.5
Agree	120	30
Disagree	70	17.5
Strongly Disagree	40	10
Total	**400**	**100**

Table 4.2.2

The government interferes in the operations of EFCC by influencing court decision, inhibiting arrest/prosecution of corrupt officials and lack of adequate findings.

Responses	**No. of Respondents**	**Percentage %**
Strongly Agree	50	12.5
Agree	100	25
Disagree	120	30
Strongly Disagree	130	32.5
Total	**400**	**100**

Table 4.2.3

EFCC combats corruption in Nigeria through Dialogue, investigation/prosecution in the presence of government interference.

Responses	No. of Respondents	Percentage %
Strongly Agree	260	65
Agree	80	20
Disagree	0	0
Strongly Disagree	60	15
Total	**400**	**100**

Table 4.2.4

Do you think that EFCC has played a significant role in fighting corruption in Nigeria?

Responses	No. of Respondents	Percentage %
Strongly Agree	40	10
Agree	88	22
Disagree	132	33
Strongly Disagree	140	35
Total	**400**	**100**

Chi-Square

Table 4.2.5

Item	**SA**	**A**	**D**	**SD**	**Total**
1	680	360	140	40	1220
2	200	300	140	130	770
3	1040	240	0	60	1340
4	160	264	264	140	828
Total	**2080**	**1164**	**544**	**370**	**4158**

Table 4.2.6

Item	**SA**	**A**	**D**	**SD**	**Total**
1	Cell 1 680(610)	Cell 5 360(342)	Cell 9 140(159)	Cell 13 40(109)	1220
2	Cell 2 200(385)	Cell 6 300(216)	Cell 10 140(101)	Cell 14 130(69)	770
3	Cell 3 1040(670)	Cell 7 240(375)	Cell 11 0(175)	Cell 15 60(119)	1340
4	Cell 4 160(414)	Cell 8 (264(232)	Cell 12 264 (108)	Cell 16 140 (74)	828
Total	**2080**	**1164**	**544**	**370**	**GT 4158**

$$\therefore X^2 = \Sigma \frac{(of-ef)^2}{ef}$$

$$X^2 = \frac{(680-610)^2}{610} + \frac{(200-385)^2}{385} + \frac{(1040-670)^2}{670} +$$

$$\frac{(160-414)^2}{414} + \frac{(360-342)^2}{342} + \frac{(300-216)^2}{216} +$$

$$\frac{(240-375)2}{375} + \frac{(264-232)^2}{232} + \frac{(140-157)^2}{157} + \frac{(140-101)^2}{101} +$$

$$\frac{(0-175)^2}{175} + \frac{(264-108)^2}{108} + \frac{(40-109)^2}{109} \quad \frac{(130-69)^2}{69} +$$

$$\frac{(60-119)^2}{119} + \frac{(140-74)^2}{74}$$

8+89+204.3+156+0.9+33+49+4.4+9+15+175+225.3+44+54+29.2

+59

= 1155.1

Decision Rule

Reject Ho should X^2 calculated is greater than X^2 tabulated (critical X^2) at 0.05 level of significance.

To determine the critical value of X^2 we first of all determine the degree of freedom df = (r-1) (c-1)

= (4-1) (4-1)

= 3X3

= 9

X^2 table value = **14.68**

The degree of freedom of 9 cross checked at 0.05 level of significance in the x^2 table of value gives us 14.68

Hence, calculated value (x^2) = 1155.1 and critical value =14.68 we therefore reject the null hypothesis (Ho) in acceptance of the alternative since the X^2 cal. is greater than the X^2 table value. That is to say, presidential interference in the operation of EFCC did not demobilize the fight against corruption in Nigeria.

Hypothesis 3

The provision of immunity clause did not influence the performances of EFCC

Table 4.3.1:

The provision of immunity clause increases corruption in Nigeria

Responses	No of Respondents	Percentage %
Strongly Agree	148	37
Agree	60	15
Disagree	108	27
Strongly Disagree	84	21
Total	**400**	**100**

Table 4.3.2

Immunity clause aid EFCC's fight against corruption.

Responses	No of Respondents	Percentage %
Strongly Agree	0	0
Agree	10	2.5
Disagree	110	27.5
Strongly Disagree	280	70
Total	**400**	**100**

Table 4.3.4

The fight against corruption in Nigeria cannot succeed because EFCC's staff are themselves corrupt and lawless.

Responses	**No of Respondents**	**Percentage %**
Strongly Agree	120	30
Agree	100	25
Disagree	80	20
Strongly Disagree	100	25
Total	**400**	**100**

Chi-square
X^2

Item	**SA**	**A**	**D**	**SD**	**Total**
1	592	180	216	84	1072
2	0	30	220	280	530
3	160	30	200	250	640
4	480	300	160	100	1040
Total	**1232**	**540**	**796**	**714**	**GT 3282**

Table 4.3.6

Item	SA	A	D	SD	Total
1	Cell 1 592(402)	Cell 5 180(176)	Cell 9 216(260)	Cell 13 84(232)	1072
2	Cell 2 0(199)	Cell 6 30(87)	Cell 10 220(129)	Cell 14 280(115)	530
3	Cell 3 160(240)	Cell 7 30(105)	Cell 11 200(155)	Cell 15 250(139)	640
4	Cell 4 480(390)	Cell 8 300(171)	Cell 12 160 (252)	Cell 16 100 (226)	1040
Total	**1232**	**540**	**796**	**714**	**GT 3282**

$$X^2 = \Sigma \frac{(of-ef)^2}{ef}$$

$$X^2 = \frac{(592-402)^2}{402} + \frac{(0-199)^2}{199} + \frac{(160-240)^2}{240}$$

$$\frac{(480-390)^2}{390} + \frac{(180-176)^2}{176} + \frac{(30-87)^2}{87}$$

$$\frac{(30-105)^2}{105} + \frac{(300-171)^2}{171} + \frac{(216-260)^2}{260}$$

$$\frac{(220-129)^2}{129} + \frac{(200-155)^2}{155} + \frac{(160-252)^2}{252}$$

$\frac{(84-232)^2}{232} + \frac{(280-115)^2}{115} + \frac{(250-139)^2}{139}$

$\frac{(100-226)^2}{226}$

X^2 90+199

+27+21+0.09+37.3+54+97.3+7.4+64.1+13+34+94.4+238+89+70.

2 = 1135.79

Decision Rule

Reject Ho should X^2 calculated greater than X^2 tabulated (critical x^2) at 0.05 level of significance.

To determine the critical value of X^2 we first of all determine the degree of freedom.

df = (r-1)(c-1)

= (4-1)(4-1)

= 3X3

= 9

$\therefore X^2$ table value = 14.68

The degree of freedom of 9 cross-checked at 0.05 level of significance in the X2 table of value gives us 14.68

Hence, calculated value (X^2) = 1135.79 and critical value = 14.68

We therefore reject the stated null hypothesis (Ho) in acceptance of the alternative hypothesis. That is to say, the provision of immunity clause did influence the performance of EFCC.

4.3 DISCUSSION OF FINDINGS

Hypothesis 1: The operation of EFCC under President Olusegun Obasanjo and Yar'Adua did not reduce the rate of corruption in Nigerian public sector.

This research has shown that corruption in Nigerian public sector under the duo of President Obasonjo and Yar'Adua has been curtailed to some reasonable extent by the operation of EFCC.

This is informed by the fact that the advent of EFCC in Nigeria today, is the beginning of wisdom to many public officers. It is evident in the numerous arrest and prosecution of many big wigs politicians and public office holders. In an interview granted by Dr. Johnson Ishmael and Chief Eket Ephraim, both admitted that corruption has assumed a normal pattern of life in Nigeria, a way of getting “every thing” done, a norm in the land and rendered the Nigerian state a non delivery state. Denied the Nigeria people the beauty of good governance where bureaucracy and other institutions of government became dishonest, ineffective and highly centralized. This as a matter of fact, has already been identified with all administrations in Nigeria since independence in 1960.

As earlier mentioned in the study, the erstwhile chairman and the incumbent of the commission have summed up the commission’s achievements thus; over N500 billion and properties recovered from corrupt public officials.

Over 200 convictions have be secured following cases emanating from its inception to its logical conclusion and

over eighty cases pending in court across the country, both high and low profile cases (see Ezeani, 2006; 405, Rhythm 93: 7

PH news bit of January 14 2010 interview granted by Mrs. Farida Waziri, e-mail rythm93.7newsPh).

It is obvious from the foregoing, that the operation of EFCC has stemmed the fast increasing rate of corruption in Nigeria and in her public sector.

Hypothesis 2: Presidential interference in the operation of EFCC demobilized the fight against corruption in Nigeria.

In view of the hypothesis number two raised in this research, available data show that the presidential interference in the operation of EFCC has not demobilized the fight against corruption in Nigeria.

It will be out of place to opine that EFCC's operation has been demobilized due to presidential interference.

For instance, inspite of the undignified effort of the former minister of Justice and Attorney General of the Federation Mr. Akase Michael Aondoakaa to stifle the operation of EFCC in order to free former Governor of Delta State Chief James O. Ibori, as noted by (The News online April 5, 2010). These efforts have proven abortive as Ibori, is currently in the travail of EFCC, facing trials both in the Diaspora and at home.

In the same vein, the likes of Chief Bode George, a chieftain of the Peoples Democratic Party and a close ally of former president Olusegun Obasanjo, whose influence at a time knew no bound, has been convicted at the orders of a competent court of law via the EFCC's persecution. The list of prosecuted and those undergoing prosecution by EFCC is endless with some well known public officials and politicians currently undergoing trials (see the achievements of EFCC in chapter 3).

Others worthy of mention are the dismissed bank chief executives undergoing trial in various courts across the country.

Again, the commission has secured funding agreements/partnerships with a number of international organizations that are willing to commit their resources to ensure corrupt free Nigeria.

This is indeed a testimony that the operation of EFCC has not been demobilized courtesy of presidential interference.

Hypothesis 3: The provision of immunity clause did not influence the performance of EFCC.

Hypothesis three has also been rejected sequel to the research findings.

The provision of section 308 of the 1999 constitution of the Federal Republic of Nigeria, which stipulates immunity from criminal or civil prosecution against some public officers, constitutes a hindrance to the performance of EFCC and therefore rejects this hypothesis. “The provision of immunity clause did not influence the performance of EFCC”. Available data demonstrate that the removal of this clause will strengthen the performance of the anti-corruption agencies.

The implication of this provision is that the anti-corruption agency, EFCC, shall not through any court process require or compel the appearance of any person to whom this section applies no matter what changes and evidence against them so long as they occupy the office.

Undoubtedly, the immunity clause constrained the performance of EFCC in fighting corruption perpetrated by these officials immuned by the constitution. It was on this account that Gani Fawehinmi (2007), states that corruption in government is seemingly inspired by immunity of the chief executives. In an interview, Mrs. Judith Okpanachi stressed that most of the past governors who were declared corrupt by the EFCC were not prosecuted owing to this immunity clause. This provides opportunity for them to enjoy the looted public treasure with impunity during the period of their tenure in office. Some of the governors prior to the expiration of their tenures devised means of using the authority of their offices to cover up the traces and evidence of their corrupt practices. This manipulation by the governors made it difficult for EFCC to secure diligent prosecution of the officer now that they are out of power.

The constraint caused by the immunity clause has caused agitation from some quarters for the removal or amendment of the clause to ensure that when there are irrefutable evidence of corrupt practices against any of these public officers, there should be prosecution. It is only this measure that will deter the officers from indulging in corruption. In fact, the introduction of immunity clause opened the leeway for corruption to the extent that it ate very deep into the psyche of those in position of public trust.

Corruption cases need not delay and the nation cannot afford to wait for corrupt public officers to enjoy their corrupt enrichment within the period of their offices, while the public suffers the consequences of their actions.

CHAPTER FIVE

SUMMARY, RECOMMENDATION AND CONCLUSION

5.1 SUMMARY

Without any doubt, corruption has sunk deep into the Nigerian fabric and according to Achebe (1998:46), "anyone who can say that corruption in Nigeria has not yet become alarming is either a fool, crook or else does not live in this country".

Corruption has therefore, become part of our daily life. This is so because the situation most Nigerians found themselves in today makes corruption easy and a worthwhile venture.

When good and responsive governance prevails, corruptions tend to recede. Not many Nigerian youths think that hardwork pays nowadays. Equally, not many think that honesty is worth trying.

Job is no longer done in the country because it gives satisfaction or a sense of fulfillment. Corruption and bribery have made nonsense of the joy which is derived from doing one's job satisfactorily. From the gateman to messenger and the office clerk, bribery and corruption of all sorts are the passwords. Even the high ranked public office holders and bureaucrats are not to be spared.

Nigerian public sector has been characterized by corrupt practices which affect the socio-economic and political development of the natural resources endowed country. The external image of the country, as a result of increasing corrupt practices, has been so much battered that every Nigerian appears to be a corruption agent. In a bid to rescue the country from these negative effects of corruption in Nigeria, the government of President Olusegun Obasanjo in 2003 established the Economic and Financial crimes commission to wage relentless war against corrupt practices. This commission in its operation made some efforts in combating the monster; corruption, by investigating, arresting and prosecuting some Nigerians that were indicted of corrupt practices. However, analysis of available data demonstrate that despite the resounding efforts of the commission, under the chairmanship of Nuhu Ribadu and Farida Waziri, to achieve its set objectives, corrupt practices among public officers continue to prevail. Thus, the operation of the commission did not achieve much considerable reduction in the rate of corrupt practices among the public office holders. There has been increasing evidence of corrupt enrichment among high ranking public officers in the Executive, the Legislature and the Judiciary. Although, this is not to say that the commission's effort in combating crime was a fruitless venture, as there are some reasonable evidence of dwindling efforts of the scourge to thrive in the polity.

Moreover, analysis of available information demonstrate that the EFCC's efforts in combating corruption were constrained by politicians particularly the presidency. The president's power to appoint the chairman and members of the commission weakened the commission's autonomy. The implication is that the chairman and members are to be loyal to the person or persons that appointed them at least to show gratitude. There are cases of selective prosecution of political officers particularly to those perceived to be opposed to the political ambitions of the presidency. The president, at times for obvious political reasons, intervened in the operation of the commission either to destroy his political opponents or save his political associates. As a result, corruption thrived among the political associates of the president, thereby hindering the fight against corruption in the public sector.

Also, it has been demonstrated that the provision of section 308 of the 1999 constitution which gives immunity to some public officers weakens the strength of EFCC. This provision, which preclude the governors, deputy governors, the president and vice president, from civil or criminal prosecution for any offence within the period of their offices incapacitates the EFCC in investigating, arresting and trial of such officers even when evidence of corrupt practices abound. In view of the protection offered them by this section of the 1999 constitution, the affected public officials, as shown in this work, take liberty in looting public treasury at the expense of the country. Hence, our strong convictions that the removal of section 308 strengthens the performance of EFCC and deters the affected public office holders from corrupt engagement.

5.2 RECOMMENDATION

Corruption is a social virus that does not benefit any society positively. The need for effective fight against it in Nigerian public sector makes these recommendations imperative.

First and foremost, our political leaders should develop zero tolerance attitudes to corruption. There should be sincerity among the leaders in the fight against corruption. Selective prosecution of corrupt officials or the use of anti corruption agencies as tools for political ambition should be strongly detested. The economic and financial crimes commission should be granted autonomy from political manipulation. This can be achieved by ensuring that the president or politicians do not have overbearing influence in the appointment of the chairman and members of the commission. The situation as it presently exists in the EFCC Act make the commission prone to political interference from presidency. Also, the requirement that the commission receives instructions from the president in discharge of its duty should be expunged from the EFCC Act. There is need for an independent body consisting men and women of proven integrity to see to the appointment of the commission's members.

Moreover, the judicial system in Nigeria should be strengthened to make prosecution of corrupt public officers less cumbersome. The present judicial system causes delay and creates opportunity for such corrupt officers to continue to enjoy their ill gotten wealth. Apart from that, the judiciary should consist of men and women of proven integrity who cannot compromise to the pressure of public offices on corruption trial. Also there is need to establish an economic and financial crime court to handle speedily cases of corrupt charges to avoid loss of evidence often created by the delay in litigation process in ordinary courts. This proposed court should consist of experts in financial and economic crimes detection, experts and men of proven character from the judiciary and other relevant bodies.

Finally, the immunity clause of section 308 of the 1999 constitution should be expunged from the constitution to provide a level playing field in the fight against corruption. No individual no matter the position is more important than the other.

5.3 CONCLUSION

Corruption indeed has permeated the entire fabric of the nation; health, trading, education and sports etc.

The aiding and abating of corrupt practices in Nigeria is normally unjustifiable. Even those purported leaders are not helping matters. There attitude and style of governance breeds corruption because they themselves are the epitome of corruption (Lawal and Tobi 2002:6).

Corruption is a cankerworm that bedevils Nigeria's socio-economic and political life. The effect of the social virus on demostic and foreign image of Nigeria is regrettable. Despite the promise of Nigeria's past leaders to tackle corruption in our public sector headlong, the monster remains unabated. The establishment of EFCC in 2003 to wage relentless war against corruption did not help matter despite its efforts. The rate of corruption in Nigerian public sector has not in any way reduced based on available statistics. This is not unconnected to political interferences from politicians, particularly the presidency in the operation of the commission. The effect of this interference is selective prosecution of public officers. Also, immunity clause as provided by section 308 hinders the performance of EFCC by precluding it from prosecuting some public officers.

In effect, there is need to strengthen the operation of EFCC and the fight against corruption through the removal of immunity clause, complete autonomy of EFCC, strengthening of the judicial system and establishment of economic and financial crimes court.

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PART ONE

(1) Name of your organization:…………………………………………….

(2) Your profession:………………………………….

(3) Your position/rank in the organization:…………………………….

(4) How long have you worked with this organization?

2-5 years ☐ 6-9 years ☐ 10 and above ☐

(5) What is your age bracket 15-25 years ☐ 25-35 ☐
35 – 45 ☐ 45 and above ☐

(6) Se-Male Female

PART TWO

TICK (√) (SA) for strongly Agree
(A) for Agree
(D) for Disagree
(SD) for Strongly Disagree

(7) Nigerian public service is ridden with corruption

SA ☐ A ☐ D ☐ SD ☐

(8) Corruption in Nigeria affects the socio political and economic live wire of the nation.

SA ☐ A ☐ D ☐ SD ☐

(9) Corrupt officials/individuals in Nigeria are often prosecuted

SA ☐ A ☐ D ☐ SD ☐

(10) Government interference in the activities of EFCC in Nigeria is unprecedented.

SA ☐ A ☐ D ☐ SD ☐

(11) The government interferes in the operations of EFCC by influencing court decision, inhibiting arrest/prosecution of corrupt officials, lack of adequate funding

SA ☐ A ☐ D ☐ SD ☐

(12) EFCC combats corruption in Nigeria through Dialogue, investigation/prosecution devoid of government interference.

SA ☐ A ☐ D ☐ SD ☐

(13) Do you think that EFCC has played a significant role in fighting corruption in Nigeria?

SA ☐ A ☐ D ☐ SD ☐

(14) The provision of immunity clause increases corruption in Nigeria. SA ☐ A ☐ D ☐ SD ☐

(15) Immunity clause aid EFCC's fight against corruption.

SA ☐ A ☐ D ☐ SD ☐

(16) Corruption will cease in Nigeria if the immunity clause is amended. SA ☐ A ☐ D ☐ SD ☐

(17) The fight against corruption in Nigeria cannot succeed because EFCC's staff are themselves corrupt and lawless.

SA ☐ A ☐ D ☐ SD ☐

APPENDIX I

CORRUPTION PERCEPTION INDEX (THE TOP 10 AND BOTTOM 10 COUNTRIES

Table 2.1 **Table 2.2** **Table 2.3**

1998		2001		2003	
Country	**Rank**	**Country**	**Rank**	**Country**	**Rank**
Denmark	1	Finland	1	Finland	1
Finland	2	Denmark	2	Iceland	2
Sweden	3	New Zealand	3	Denmark	3
New Zealand	4	Iceland	4	New Zealand	4
Iceland	5	Singapore	5	Singapore	5
Canada	6	Sweden	6	Sweden	6
Singapore	7	Canada	7	Netherlands	7
The Netherlands	8	The Newetherlands	8	Australia	8
Norway	9	Luxembourg	9	Norway	9
Switzerland	10	Norway	10	Switzerland	10
Vietnam	75	Russia		Angola	124
Russia	76	Tanzania	82	Azerbaijan	
Ecuador	77	Ukraine	83	Cameroon	
Venezuela	78	Azerbaijan	84	Georgia	
Colombia	79	Bolivia		Tajikistan	
Indonesia	80	Cameroon		Myanmar	

Nigeria	81	Kenya		Paraguay	
Tanzania	82	Indonesia	88	Haiti	131
Honduras	83	Uganda		Nigeria	132
Paraguay	84	Nigeria	90	Bangladesh	133
Cameroon	85	Bangladesh	91		

Source(s)

(1) The Transparency International Corruption Index, 1998; and

(2) Lipset, Seymour and Salman Lenz, "Corruption, Culture, and Markets", (2000). In Culture Matters, Harrison and Huntington (eds), 2000, P.113; and

(3) The Transparency International Corruption Index, 2001; PP. 234-236.

Note also, that the 1996 study of corruption by Transparency international and Goettingen University Ranked Nigeria as the most corrupt nation, among 54 nations listed in the study, with Pakistan as the second highest (Moore 1997, P.4).