

# Economic and Financial Crimes Commission and Anti-Corruption Crusade in Nigeria, (2015-2020)

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## ABSTRACT

Corruption has proven to be intractable in Nigeria, with resultant consequences on the political, economic and socio-cultural development of the nation. Though past military regimes, before the return to democratic government in 1999, initiated series of anti-corruption crusades at various times, corruption in high and low places continued to be on an alarming increase. With the return to democratic governance, President Olusegun Obasanjo saw to the establishment of the Economic and Financial Crimes Commission (EFCC) in 2002, which amongst others is vested with the responsibilities of prevention, investigation and prosecution of individuals, groups and institutions found culpable or corrupt, and unearth frauds and recover public loots in the country. After over a decade of the commission's existence in the country, corruption remain a pandemic, which informed President Muhammadu Buhari's second major promise during his campaign in 2015, to fight and completely eradicate corruption. Between 2015 and 2020, a lot a successes and failures have punctuated the activities of the commission and this is the thrust of this study. The Institutional Approach was used as the theoretical framework for the study and we relied on materials collected from secondary sources. Among other recommendations of the study, the Federal Government of Nigeria should speedily take steps to establish special courts to deal specifically with corruption cases while the Judicial Service Commission and the Nigeria Bar Association should be strengthened to deal firmly with alleged cases of corruption or misconduct involving Judges and lawyers respectively.

**Keywords:** Anti-corruption crusade, Corruption, Economic and Financial Crimes Commission, Financial crimes.

## INTRODUCTION

Over the years, corruption has been a bane to Nigeria's progress and development. Corruption and its debilitating indices including bribery, fraud, manipulations, indiscipline, nepotism, etc., have since Nigeria's independence stagnated the development of the country and perpetually ensured that a few powerful citizens increasingly misuse the nation's funds and resources to the grave detriment of the general populace, especially those who can be said to belong to the lower class. This corruption epidemic has eaten so deep into the fabric of all the sectors of the country and has greatly contributed to Nigeria's socio-economic backwardness. Accordingly, corruption bequeathed an abnormal legacy of prebendal politics on the nation (Seteolu, 2004), "gravitating and manifesting in different ways at one time or the other, from 'contractocracy' (1960s to 1980s), 'settlementocracy' (mid 1980s to mid-1990s) to 'kleptocracy' (1990s to date)" (Folarin, 2009, p. 5). Corruption has cost Nigeria a whopping 220 billion pounds since 1966 (Folarin, 2009). The embarrassing rate of corruption up to the late 1990s earned Nigeria a place in the top-ten of the world's most corrupt nations in the Transparency International Perception ranking index (2000). Six years after the first ranking, Nigeria moved to number six from the second position demonstrating the impact of

the drive of the anti-corruption crusade (Orokpo, 2017). In the 2004 Corruption Perception Index, Nigeria was ranked the second most corrupt country in the world while in 2020, it was ranked the fourth most corrupt country in West Africa and the 146 out of the 180 in the world (This is Africa, 2020). To further buttress the place of corruption in the heart of affairs of the country, in all military coup d'états witnessed in the country (from Yakubu Gowon's military junta to Sani Abacha's coup), corruption was singled as a major reason for toppling of governments.

In all the presidential campaigns since the return to democratic rule in 1999, promises of clamping down on corruption stood out in speeches and preaching of the contestants, yet with the coming of each new administration and eventual pursuance of shades of anti-corruption crusades, corruption has continued to be on the increase on a daily basis.

## STATEMENT OF THE PROBLEM

The fourth republican government that began in 1999, saw President Obasanjo inheriting a country that was completely engulfed in corrupt practices of all sorts and in all places. The ravaging astonishing effects of corruption on national development of Nigeria led the new democratic government to quickly institute the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and Economic and Financial Crimes Commission (EFCC), established by the Corrupt Practices and other Related Offences Act 2000 and Economic & Financial Crimes Commission (Establishment) Act 2002 respectively, to investigate, apprehend and prosecute individuals, groups and institutions found corrupt, and unearth frauds and recover public loots (Folarin, 2009). It has been reported that from the inception of the EFCC in 2003 till 2016, the Commission secured about 1,500 convictions (Ebhuomhan, 2017). Despite some achievements recorded by the EFCC and other anti-corruption agencies, it is widely believed globally that Nigeria remains one of the most corrupt countries in the world. This unenviable position of the country in the comity of states has often been confirmed by data consistently released by Transparency International (TI).

In the 2015 general election, President Muhammadu Buhari's major campaign promise was to fight and eradicate corruption in the country. Sequel to his victory at the polls and subsequent swearing-in on 29th May, 2015, President Buhari kick-started the anti-corruption war of his administration by re-jigging the headship of the EFCC (Olufusi, 2018). Despite the efforts of the present administration, public opinion and empirical data shows that the country is far from winning the war against corruption and financial crimes as public office holders continue to loot the treasury with impunity thereby denying the country of the much-needed fund to drive the developmental needs of the people. Therefore, this study undertakes an analysis of the activities of the Economic and Financial Crimes Commission (EFCC) and its impact of the anti-corruption crusade in Nigeria between 2015 and 2020.

**Table 1: Corruption Index of Nigeria, 2014-2020.**

YEAR	RANK	SCORE
2014	136/176	27/100
2015	136/168	26/100
2016	136/176	28/100
2017	148/180	27/100
2018	144/180	32/100
2019	144/180	27/100
2020	146/180	26/100

Source: TI, "Transparency International Corruption Perception Index" 2014-2020; Jonathan, 2018:48

## Conceptualization of Corruption and Anti-Corruption Crusade

Terms such as corruption and anti-corruption crusade have garnered increasing usage from the academia, security institutions, government institutions, non-governmental organizations and even the media. The reason for this is not farfetched. Corruption is a global phenomenon, though with unequal degree of occurrence and intensity on individual nation states. However, anti-corruption crusades of various kinds and strategies have over the years increasingly been instituted and utilized by countries to arrest, curb or reduce the crippling impacts of corruption. In line with our study, Transparency International (TI, 2017) defined corruption as the abuse of entrusted power for private gain. Similarly, the Black's Law Dictionary, (2009 p.233) defined it as "the impairment of a public official's duties by bribery". Indeed, corruption has the potential to and can destroy the fabrics of all arms and tiers of government, including private organizations. In a simple term as noted by Akpan and Eyo (2018 p.33), "corruption is more deadly than Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). Unlike HIV /AIDS, which is contracted by having personal contact with a carrier either through blood transfusion or use of infested instruments, corrupt practice by one person or a group of persons could affect a reasonable number of persons in a community or society. This comes with attendant negative socio-economic impacts like poverty, illiteracy, murder, abortion, suicide and technological under-development"

In the Nigerian Context, corruption has become prevalent and has taken the dimensions of bribery, embezzlement of public funds, and misappropriation of public funds. The Nature of Nigerian politics which has become the primary means for the accumulation of personal wealth has made corruption prevalent. According to Joseph (1987), the politics of competition over the allocation of resources, or what in Nigeria is called "the national cake", has its most dire consequences in the transformation of offices of the state into selfish gains and interests. However, successive governments in Nigeria have made concerted efforts to address the issue of corruption through the establishment of Anti-corruption Institutions like the Economic Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC). These institutions are charged with the responsibility of curbing corruption which is now termed the Anti-Corruption Crusade. Unfortunately, corruption in the Nigerian state has become persistent.

The impacts of corruption on nation-states are very disastrous and overwhelming. This is because, in scope, corruption is multifaceted and affects both developed and developing countries alike. However, the impacts are more destabilizing and destructive in countries that are either developing or undeveloped. For instance, Khan et al. (2017) perceive corruption as a structural feature of governance in developing countries where strikingly high levels of informality make it difficult for formal rules to be enforced. In a generic sense as noted by Okojie & Momoh (2015 p.1), "Corruption describes acts that are considered immoral such as fraud, graft, bribery, stealing, perjury, lying, dishonesty, indiscipline, filthy and debased acts like sexual immorality or perversion". These acts and practices are so pronounced in most third-world nations like Nigeria where nepotism, favoritism, immorality, perversion, Economic and financial crimes, etc., are the order of the day. In Nigeria, the menace of financial and economic crimes has battered both the economy and image of the country and has necessitated the establishment of different anti-corruption crusades by various past administrations.

By anti-corruption crusades, we mean policies, programs, agencies, institutions, enactments, and measures employed or initiated by the Nigerian State to fight corruption and corrupt practices, especially those that bother on misappropriation of public funds, embezzlement or looting of the treasury, and other economic and financial crimes of the sort.

## LITERATURE REVIEW

The history of Nigeria from 1960 has been variously inundated by corrupt practices of all sorts by individuals in high places, especially practices that involve blatant misappropriation of public funds and resources. From the early 1970s, the sudden wealth arising from oil, which dominated Nigeria's exports, encouraged greed, and corruption and birthed the new trend among the political and military class to seek power by all means because of the opulence occurring from it. About ₦2.8 billion of oil revenue was allegedly declared missing from the state coffers in 1978 as reckless spending characterized an unaccountable governance (Nwankwo, 1999). According to Folarin (2009 p.9), "this prompted the Obasanjo Declaration, at Jaji in 1977, signposting the commencement of the battle against the creeping culture of corruption, bribery and indiscipline"

With the emergence of President Shagari's administration, the Jaji Declaration was replaced by Ethical Revolution. The Ethical Revolution was initiated to transform the society in which corruption and financial indiscipline had become pandemic. According to Folarin, the term "revolution" denoted the gravity of the decadence, which could not be handled by Obasanjo's Jaji Declaration. The period of Ethical Revolution was marked by state officials amassing wealth from public parastatals, boards and ministries to stave off as much as possible in an emergent era of "oil doom" (that is, a time fortunes on oil revenue had declined considerably) with an interface of inflation and deflation. The Shagari administration responded by introducing Austerity Measures, a policy that caused severe social and economic hardships that encouraged treasury looting, bribery, fraud and social crimes like robbery. It was this era that witnessed the phenomenon of arson-after-looting by officials in a bid to destroy records that could assist investigators in tracing culprits of corruption. The Nigerian External Telecommunications (NET) building, among others, was the early victim/example of this new dimension of corruption (Folarin, 2009).

After Shagari's government was toppled by Major General Muhammadu Buhari's military junta in 1984, War Against Indiscipline (WAI) was introduced. WAI was a practical approach to fighting corruption as against the theoretical methods pursued by Shagari's administration. Generals Buhari and Idiagbon set up military task forces that waged war on market prices, raiding illegal and informal black-market, sales outlets that hiked prices and the task forces arrested and detained corrupt politicians, sentencing them to life imprisonment or death. The administration went further to enforce compulsory environmental sanitation, maintenance of decorum at public places, queuing to board buses, trains, planes, to buy stamps at post offices, in making telephone calls, fetching water from public pipes, etc. The measures were however considered too high-handed, stifling social life and used as a weapon to eliminate political and military opposition. The task forces were also accused of excesses, such as raiding to loot markets, assaulting "bloody civilians" and intimidating their petty foes or folk alike (Ake, 1988).

These attempts to curb corruption remained the situation till 1985 when the Babangida regime overthrew the Buhari administration on charges of "high handedness" among others. Babangida relaxed the WAI and rather commenced a social and economic reengineering policy, culminating in Structural Adjustment Programme (SAP). The programme, badly implemented, gave Nigeria away to foreign profiteers who collaborated with local capital cliques (including leadership and the economic class) to make fortunes through deregulation (privatization and commercialization). Soon the middle class paled into extinction, the gulf between the rich and the poor widened significantly, Naira lost its value remarkably, and the social situation became unbearable for the masses (Osoba, 1993). Indiscipline intensified in the polity: crime rate escalated; short-cuts to wealth through drug peddling, money rituals and reckless aggrandizement took dangerous dimensions; and money laundering and advance fee fraud (419) became phenomenal in the country, Three of these variants of corruption and indiscipline namely, drug peddling, money laundering and advance fee fraud or 419 were not only issues that made Nigeria lose its goodwill in the global community,



but were also the triumvirate that became associated with the country during the Babangida regime of SAP. It was the combination of the Babangida and Abacha mismanagement of the regime of corruption in Nigeria that galvanized the international standing of the nation in 2000 as one of the most corrupt nations. Speculations were made that the two military rulers corruptly enriched themselves and so could not have controlled the malaise because they were beneficiaries of it (Folarin, 2009). The disappearance of the 5 billion dollars Gulf War oil windfall from 1991 to date added some credibility to this speculation; while government has confirmed reports in the case of Abacha that most of his loots have been recovered (Okojie & Momoh, 2005). “This has been the story of Nigeria before the intervention of 2000 and 2002” (Folarin, 2009, p. 9).

With the return to democratic rule in 1999, President Obasanjo having inherited a country wallowing in massive corrupt practices of all sorts and in all places, with enormous detriments to the progress and development of the country, immediately sought for pragmatic measures to tackle corruption in the country. According to the Independent Corrupt Practices and Other Related Offence Commission (ICPC, 2006), empowered by the Corrupt Practices and Other Related Offences Act of 2000, the Independent Corrupt Practices and Other Related Offence Commission (ICPC) was formed on 29 September 2000, as an apex body not under the control of any person or authority to fight corruption and other related offences. “To boost the anti-corruption war and cover up the inadequacies of the ICPC, the Economic Financial Crimes Commission (EFCC) was set up in 2002 to tackle economic and financial crimes, including international and advance fee fraud (419) for which Nigerians were infamously known globally, and money laundering” Economic and Financial Crimes Commission (EFCC, 2002).

The menace of financial and economic crimes which had battered both the economy and image of the country informed the establishment of the EFCC. The legal instrument backing the commission was the EFCC (Establishment) Act of 2002 with high-level support from the presidency, legislature and key security and law enforcement agencies in the country. The Act mandates the EFCC to combat financial and economic crimes and the commission is empowered to prevent, investigate, prosecute and penalize economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including the 1995 Money laundering act, advance fee fraud and other related offences act of 1995 failed banks (recovery of debts) and financial malpractices act of 1994, among others (EFCC, 2006). Also, the EFCC is charged with and has been investigating cases of abuse of office, official corruption, bribery of government officials, diversion of public funds through fraudulent award of contracts, corruption in land allocation, tax fraud (Folarin, 2009, p 25) and, according to Aiyede (2006), “electoral fraud in conjunction with the Independent Electoral Commission (INEC)” (p. 49). Since its creation, the EFCC has been one of the more vocal – and at times controversial – anti-corruption agencies (ACAs) in Africa. It has been instrumental in charging and prosecuting senior political leaders and businessmen with political links, as well as in recovering and repatriating significant stolen resources that belong to the Nigerian state (Onyema, Roy, Oredola & Ayinla, 2018).

EFCC is also mandated to investigate illegal bunkering, terrorism, capital market fraud, cybercrime, banking fraud, etc. The advent of the EFCC has marked a turning point in Nigeria’s anti-corruption crusade since independence. Ostensibly, sacred big-wigs in the economic, political and military classes have been investigated, arrested, detained and prosecuted. Among the successes of the EFCC have been the investigation and prosecution of Former Inspector-General of Police, Tafa Balogun, on multiple charges, including using his office to embezzle 128 million dollars. Bayelsa state Governor, Diepreye Alamieyeseigha, was also accused of many charges, particularly that of multiple money laundering abroad. He jumped bail and escaped to Nigeria from London, only to be impeached and arrested by EFCC for prosecution (Essien, 2007). The commission between 2003 and 2006, recovered ₦640 billion and arrested over 500 people in money laundering battle, arrested and prosecuted a senior Advocate of Nigeria (SAN),

Ricky Tafa over financial seam and demand for the sum of over 200 million dollars as bribe from the chairman of Obat Oil limited between 2005 and April 2006. EFCC also screened national honor awardees, probed Governor Joshua Dariye of Plateau state, aides to Ayo Fayose of Ekiti state, Otunba Mike Adenuga of Globacom and Conoil and Mohammed Babangida, son of the former military president Ibrahim Babangida, among others, over alleged offences ranging from money laundering, embezzlement, fraud, misappropriation of funds, bribery, oil bunkering to shady contract deals (The News, 2006). “It took the intervention of EFCC to discover that part of the ₦1.6 billion ecological funds mismanaged by the former Plateau State Governor, Joshua Dariye was donated to the ruling People’s Democratic Party” (Aiyede, 2006, p. 50). The EFCC also uncovered the ₦50 million scandal involving a Minister of Education, Professor Fabian Osuji in budgetary allocation deals with the National Assembly and the NUC, which eventually led to his removal, and the illegal sales of government’s landed property. This illegal sale and allocation of public estates declared for sale which was investigated found a Minister, Osomo culpable which led to her removal from office. There has also been the unearthing of cases of huge nepotism involved in the awards of contracts and investigation of many abandoned projects in local councils, states and those handled by the Federal Government (Anwana, 2006).

The establishment of EFCC and other agencies with quasi anti-corruption function greatly improved Nigeria’s corruption perception ratings at that time in certain aspects of the public services at Federal, State and Local Governments in Nigeria. (Mike, 2017). Specifically, between 2005 and 2015, EFCC uncovered monumental corruption, economic and financial crimes in the political governance structure, academic institutions, civil service and private enterprises, which involved top officials of such public and private sectors. The anti-corruption agencies successfully prosecuted some of such persons and recovered large sums of the looted funds and assets within and outside Nigeria (Akpan & Eyo, 2018).

More recently, on May 28 2018, the EFCC announced 603 corruption convictions since President Buhari’s inauguration in 2015. The EFCC recovered some 500 billion naira (about 1.4 billion U.S. dollars) in stolen public funds (Campbell, 2018). In 2018 also, the commission prosecuted and successfully pursued the conviction of Jolly Tavoro Nyame, a former governor of Taraba State and Joseph Nwobike, a Senior Advocate of Nigeria (SAN), amongst others.

From the available literature reviewed by this study, it is apparent that the activities, successes and failures of the Economic and Financial Crimes Commission (EFCC) between 2015 and 2020, have not been adequately explored, most especially, between 2018 and 2020. As a contribution to knowledge, this study will attempt to bridge that gap by analyzing the activities and challenges of the anti-graft commission faced between 2015 and 2020.

## **THEORETICAL PERSPECTIVE AND APPLICATION**

The paper was anchored on institutional approach or framework. Enemu (2005 p.20) defines an institution as “any persistent system of activities, or any pattern of group behaviour, and as offices and agencies arranged in a hierarchy, each agency having certain functions and powers”. Accordingly, Johan (2017) noted that institutions are not nonexistent in any society. This is because family, religion, economic systems, legal systems, language, mass media, business, academia, art etc. [which are essential attributes of a human society] are themselves institutions.

Institutional Approach is one of the classical approaches attributed to the works of early political thinkers such as Plato, Aristotle, Hobbes, Locke, Rousseau, Montesquieu, etc., who studied political phenomena in ancient times. Institutional Approach examines functional aspects of political structures and focuses on the various governmental institutions, describing their structures, organization, duties and expected functions. As Dyke (1967 p.9) noted, the choice of institutional approach “follows quite understandably from widely

accepted view that the study of politics is the study of the state of governmental and related institutions” . Accordingly, “the institutional approach to political inquiry focuses on the formal structures and agencies of government” (Nweke, 2018, p. 197). Institutional analysis by Dyke (1969) and Ezeani (2010) reveals the influence of political institutions on individual behaviour or decisions. Thus, a high proportion of actions or decisions that people take are done on the basis of institutional conditioning.

The crux of this theory is that institutions help in the establishment or promotion of a desirable, lawful society through the creation and maintenance of order and stability, inculcation of morals and political values in young ones, and even apprehension of law defaulters and imposition of penalties on them (Meyer, 2008; Norback, 2019; Orokpo, 2017).

In the applicability of this theory to our study, considering the enormous corrupt practices happening in various states of Nigeria with detrimental impacts on the economic development of these states and the nation at large, the Federal government set up the EFCC to curb economic and financial crimes. The EFCC amongst others is an institution empowered to investigate all financial crimes, confiscate proceeds derived from economic and financial crimes related offences and enlighten the public on the dangers of engaging in economic and financial crimes. This will ensure the overall betterment of individuals in the country and enhance the socio-economic development of the state governments and the federal government. The institutional approach will aid us in investigating the achievements and failures of the EFCC with the time frame of the study.

### **Trajectory of Activities and Achievements of EFCC Between 2015 and 2020**

President Muhammadu Buhari defeated President Goodluck Jonathan in the 2015 elections on the back of two key messages: improving the security environment and reviving the fight against corruption. On the latter, Nigeria’s leading anti-corruption agency, the Economic and Financial Crimes Commission (EFCC), had within the first few years of President Buhari’s administration, launched series of investigations into former high-ranking public officials from previous administrations, in particular former cabinet officials, state governors and senior civil servants. In addition, some other individuals outside the political realm, like Yahoo boys and citizens that involve in internet fraud and other financial-related crimes, have been rounded up by the EFCC under Buhari’s administration.

This garnered great public support for the presidency within this time. For instance, in politically engineered financial crime, Ogundice (2017) noted that the probe into how the security money approved by the immediate past government for arms purchase, which was allegedly domiciled in the former National Security Adviser’s Office (NSA), Col. Sambo Dasuki (Rtd.) account, was widely commended. First, a probe panel was set up by the Federal Government and its report revealed that the sum of \$2.1 billion was released by the Central Bank of Nigeria (CBN) to former National Security Adviser (NSA) to former President Goodluck Jonathan, Col. Dasuki (Rtd.) for arms purchase but the money was allegedly diverted, used and/or shared among PDP bigwigs and their cohorts as campaign money during the 2015 Presidential elections. This revelation set the tone for the investigation, arrests and prosecutions of persons who allegedly benefitted directly or indirectly from such public funds’ loots. However, report also shows that some persons connected with the arms purchase funds saga have opted for plea bargain and the EFCC in particular has entered into agreements with them. These arrangements have resulted in recovery of part of the looted public funds and assets from them. Also, other suspects and/or accused have opted outside the plea-bargaining arrangement and they have been arraigned before different courts of law. According to Ogundice, this has been due to lack of their cooperation with the EFCC. So far, the Commission has secured against some of them interim or final forfeiture orders from the courts respectively. The table below shows some of high-profile corruption cases investigated and prosecuted by the EFCC between

2015 and 2020.

**Table 2: Alleged Corrupt Public Officials or office holders by EFCC, 2015-2019**

S/No.	Name	Office	Alleged Crime	Political Party/Ethnic Group/Religion	Remarks
1.	Col. Sambo Dauki (Rtd)	Former National Security Adviser (NSA)	Misappropriation of \$2bn, Illegal possession of Firearms	PDP/Hausa-Fulani/Islam	Being prosecuted by EFCC and SSS. Still held in custody since 2015
2.	Alex Badeh (late)	Former Chief of Air Staff to the Nigeria Air Force	Money laundering and diversion of ₦3.9bn belonging	PDP appointee/Christianity	Case was pending in court until his assassination on 18/12/2018.
3.	Olisa Metu	Former national Publicity Secretary of the PDP	Alleged to have collected ₦400m from the Dasuki fund.	PDP/Igbo/Christianity	Sentenced to seven years jail term in February 2020 after long delay.
4.	Patience Jonathan	Wife of a former president	US\$15.5m fraud	PDP/Ikwere/Christianity	Under prosecution. Case has been stalled.



5.	Joshua Dariye	Former governor, Plateau State	Misappropriation of ₦1.162bn ecological funds	APC/Christianity	Prosecuted and sentenced by the court. Appeal court reduced sentencing from 14 to 10 years.
6.	Jolly Tevornu Nyame	Former Governor of Taraba State	Looting of US\$12.2m	APC/Christianity	Prosecuted and convicted by the court on 30/05/ 2018
7.	Orji Uzor Kalu	Former Governor of Abia State (1999-2007); currently Chief Whip of Nigeria's Senate.	Accused to have embezzled ₦2.5billion belonging to the state government and diverted ₦3.2billion from state coffers. Total of ₦7.65 billion diverted	APC/Ibo/Christianity	To face fresh trial after his conviction was quashed a court of law

**Source: EFCC, – “High Profile Matters being prosecuted by EFCC”.**

Also, the agency, between 2015 and 2020 seized properties (and even froze bank accounts) owned by Diezani Alison-Madueke [former Minister of Petroleum], Haruna Momoh [former managing director of PPMC, a subsidiary of the Nigerian Petroleum Corporation- NNPC], Ibrahim Shema [former Governor of Kastina State], Patience Jonathan [former Nigeria's First Lady], Ayodele Fayose [former Governor of Ekiti State], etc. that were purportedly acquired with public fund (Olafusi, 2018; Pulse.ng, 2016; The Nation, 2016).

The anti-graft agency has from 2015 apprehended those suspected to be involved in fraud related crimes as

well as investigated their cases. In an interview with newsmen in Abuja- the past EFCC boss revealed that they have recently arrested no fewer than 200 internet fraud suspects [called in Nigerian parlance “Yahoo Boys”]. The agency, according to Magu, recovered from one of the arrestees- Ismaila Mustapha (a.k.a. Mompha) [and his Lebanese accomplice, Hamza Koudeih], whom they tagged “kingpin of an Organized Cyber Syndicate Network”, a whopping amount of N33bn gotten from alleged money laundering, and a total of five wristwatches valued at over N60m (Punch, 2019). Nonetheless, some people have continued to find fault in the manner in which the EFCC executes his very function. To them, once the agency carries out a raid, they arrest both the targets and the innocent non-targets. An example was when EFCC Ibadan zone raided a hotel [Modzak Hotel, Lagos precisely] on December 4, 2019 for the purpose of arresting only Rasaan Balogun but ended up arresting no fewer than 27 other persons there (Pulse.ng, 2019).

In addition, after the launching of the Whistle-Blowing Policy on December 21, 2016, the EFCC promised that a whistleblower will be rewarded about 2.5%-5% of the amount recovered when the whistleblower’s information directly leads to the voluntary return of stolen or concealed public funds or assets and when the information is one that the agency does not already have and which it could not have obtained from any other publicly available source (Falana, 2018). “The whistle blowing policy has of course yielded positive results so far. The recovery of \$43.3m, N32.3m and 27,800 Euros at Flat 7 Osborne Towers, Ikoyi, Lagos State by the EFCC is a clear result of the policy” (Obiwuru, 2020, p. 55). However, people are presently discouraged as noted by Pulse.ng, (2017) as a result of complain that providing the agency with vital information is risky for security reasons and for the fear of the agency renegeing or going back on its promise. For example, one whistleblower, Abdulmunmini Musa, whose information led to the recovery of the Ikoyi loot/money, sued the agency for giving him N325 million against N860 million he said is his five percent commission. The argument for whistle blowing in Nigeria is that if enshrined and adopted will “keep people on their toes, rid the country of corrupt individuals, check and regulate excesses in the system”, Other instances of individuals who blew-the-whistle in Nigeria in the years past include the case of former CBN Governor, Sanusi Lamido Sanusi on NNPC missing \$49.8billion fund; the case of 23 whistleblowers in Federal University of Agriculture, Abeokuta (FUNAAB); revelation about Panama papers; and Abdulmumin Jibrin on budget padding, among others. This amongst others were instances where whistle blowing policy was used to fight corruption. Unfortunately, the inconsistency and security threats to life of whistleblowers made this approach unsustainable

President Buhari also worked more closely with the US, the UK, and various Middle Eastern countries to seize and repatriate assets from public officials that are suspected to have been purchased with illicit funds. Accordingly, Obiwuru observed that the EFCC has been working with different international bodies to ensure the reduction of economic and financial crimes. In December 2019, the EFCC secured the deportation of Mr. Mohammed Bello Adoke (SAN), Nigeria’s former Attorney-General and Minister of Justice, from Dubai, United Arab Emirates (UAE) over alleged abuse of office and money laundering as it regards granting of the oil Prospecting License (OPL) 245 to Shell and ENI (the case popularly known as the Malabu oil scam deal). Prior to Adoke’s deportation, he had been in custody of the Interpol in same UAE since he was apprehended on November 11, 2019. (Obiwuru, 2020).

Another stride of the EFCC between 2015 and 2020 is in the sensitization of the public. For instance, after every arrest made by the agency was followed by a press briefing to announce the arrest and the reason behind it to the general public. This is not to dispute the fact that there were a few cases kept confidential from both the media and the public. Obiwuru (2020) noted that the agency has a journal named The Journal of EFCC where articles mainly on crime and corruption are published for the interest of the general public. It also publishes books and handouts for teaching e.g., the Anti-Corruption Preaching/Teaching Manual for Christians in Nigeria, and the Anti-Corruption Preaching/Teaching Manual for Muslims in Nigeria. EFCC attends youth gatherings across the federation and enlighten them on the havocs corruption and crime have wrought on the economic, political as well as socio-cultural life of the country and the way each Nigerian

can help out. For instance, in November 2019, the EFCC visited NYSC orientation camp located in Nonwa-Gbam Tai local government area of Rivers State and requested for volunteers who would help shun crime, economic and financial crimes particularly.

However, despite the notable strides of the EFCC under President Buhari's administration from 2015, within the second and third years of President Buhari's administration, precisely from late 2016 and early 2017, public perceptions of Buhari's anti-corruption drive became poor. Regardless of a number of high-profile prosecutions which characterized the early days of Buhari's administration, investigations were seldom found to have led to significant convictions. Another bothersome issue became the targeting of the critics of President Buhari's administration by EFCC in their investigations and convictions. In line with this, Babatunde & Filani (2016) observed that "the Commission is often seen by the Nigerian public as an arm or stooge of the incumbent government and without having an independent mandate." The slow pace of court cases, and financial settlements made by wealthy individuals and entities outside of the courtroom have also impeded successful prosecutions. Also, Adebayo (2020) noted that the EFCC under President Buhari's administration has not touched many of the corrupt stakeholders within his party and cabinet.

### **The EFCC: A Non-Corrupt Anti-Corruption Agency or a Political Spanner in the Hands of President Buhari's Administration?**

Few Nigerian politicians possess a higher degree of valence on the issue of corruption than Buhari (Adebayo, 2020). His ownership of anti-corruption as a cause stem from his actions as head of state for a brief period in the mid-1980s (these included freezing bank accounts and setting up military tribunals for public officials accused of corruption) and his austere lifestyle afterwards (Ogundepe, 2017). His promise to rid the country of corruption seemed to herald a change in Nigeria's anti-corruption approach. But since after his eventual assumption of office in 2015, the reverse has become the case and there has been no significant deviation of his administration from the tactics employed by previous administrations on the issue. Since his assumption of office, the EFCC has increasingly been used as a tool against the opposition figures or perceived political enemies of the government. What has continued to play out as seen in the activities of the EFCC has been a selective hunt of an elite that is opposed to the current administration. For example, in 2018, after the Governor Ayo Fayose of PDP lost out to the incumbent Kayode Fayemi of APC at the Ekiti State gubernatorial polls, the EFCC immediately froze his personal account and began the process of forfeiture of his assets (Udo & Sanni, 2018). Also, EFCC has since 2015 been accused of involvement in asset seizures targeted at PDP members in relation to corruption allegations. According to Jones (2018) there is a huge number of persons and groups with questionable wealth who have not come under the organizations' scrutiny, thus heightening speculations that the anti-corruption war is selective and a ruse.

Meanwhile, a number of APC political figures have defected to the PDP in recent months, only to see EFCC investigations launched against them. For example, the defection in July 2018 of Benue state Governor Samuel Ortom from the APC to the PDP was promptly followed by EFCC investigations into his alleged involvement in the diversion of state funds. Anecdotal evidence suggests that politicians who defected from the PDP to the APC have faced less pressure from anti-corruption agencies. In the words of Akpan & Ayo (2018):

Also, a dispassionate look at the list of anti-corruption war casualties so far, shows names of renowned party bigwigs of the People's Democratic Party (PDP) which used to be at the centre but which is now the major opposition party in Nigeria. A few other casualties are the faithful and/or dissent members of the All-Progressives Congress (APC) which party is now the governing party at the national level and in control of 24 States in Nigeria presently. Normally, anti-corruption agencies should act on petitions from aggrieved persons – Nigerians and non-Nigerians alike, about incidents of corruption, economic and financial crimes, which occurred and/or might have occurred in the public and private offices. Understandably, the PDP

members constitute the greater number of casualties. This is justifiably so because their party was in power at the centre and in 28 states from 1999 up and till May 29, 2015. Therefore, it would have been expected that the majority of the PDP members might have one way or the other soiled their hands in corrupt practices with impunity. (saharareporters.com). This of course, has necessitated the inundated petitions bordering on gross abuse of public trust against a greater number of their party stalwarts and chieftains currently.

Finally, Essien (2017) observed that some PDP senators in the Senate of the Federal Republic of Nigeria have threatened to withdraw their support to President Buhari. These senators have argued that the anti-graft war is targeted at mostly PDP members as a result of the endless arrest of their members on corruption related cases. They have opined that these unlawful arrests are meant to silence members of the main opposition party in Nigeria and to force their members to decamp to APC, to enjoy relative peace and freedom from the ongoing arrests and prosecution of persons on any alleged corrupt practices. While this argument may appear sentimental on the face value, a critical look at Table 2 below may lend some credence to it.

**Table 3: Allegedly Public office holders being protected by the Buhari**

**Administration**

S/No.	Name	Office Held	Alleged Offence	Political Party/Ethnic group/ Religion	Remark
1.	Abdullahi Adamu	Serving Senator and former governor of Nasarawa State	Embezzled ₦15 billion while he was Governor of Nasarawa State	APC/ Hausa-Fulani / Islam	Apart from being investigated by EFCC, for alleged stealing, his son Nurianu was also arraigned by EFCC in January 2018 for ₦90million
2.	Aliyu Wammako	Former Governor Sokoto State 2007-2015; Was in charge of Buhari's campaign in Sokoto State.	Alleged to have corruptly embezzled ₦15billion and money laundering	APC/Hausa-Fulani/Islam	The EFCC is still investigating all allegations against him
3.	Godswill Akpabio	Serving Cabinet Minister, Akwa Ibom State	Alleged to have embezzled about ₦100billion while in Office as the governor 2007-2015	APC/ Ibibio/ Christianity	He was initially grilled by the EFCC when he was in the PDP, but After decamping to APC; the

					outcome of the investigation has not been revealed to the public or prosecuted.
4.	Babachir Lawal	Former Secretary to The Government of the Federation (SGF) and President Buhari's second term campaign coordinator.	Accused by the Senate ad hoc Committee on Humanitarian Crisis in the North-East and awarding contract of invasive plant species in Komadugu, Yobe Water Channels to his company in contravention of Section 43 (iii) and (iv) of the Public Procurement Act 2007	APC	Prosecution Stalled
5.	Rotimi Amaechi	Present Minister of Transportation and Director-General of the Buhari Campaign Organization 2014 and 2018	Indicted for misappropriation of ₦97bn by the Justice G. Omeregiled Rivers State Judicial Commission of Inquiry	APC/kwere/Christianity	Though Amaechi has continued to challenge the indictment, even at the Supreme Court; the EFCC never probed the allegations
6.	Abdulaziz Yari	Former Governor of Zamfara State and former Chairman of Nigeria's Governor's Forum	Alleged to have diverted nearly ₦700million which formed part of the Paris Club refund due to Zamfara state and another N200 billion by the administration	APC Hausa/Islam	He got a Court injunction against the EFCC and Attorney general of the Federation From continuing his trial. No appeal by the authorities.
7.	Ali Modu Sheriff	Former PDP chieftain and now with APC. Appointed DG of Presidential Support Committee of Buhari in July 2018	Alleged to have received ₦450 million out of the N23bn (\$115m) disbursed by a former Minister of Petroleum Resources,	APC/Kanuri/Islam	He was grilled severally by the EFCC but has not been charged and the outcome of the investigation not made public



			Diezani Alison-Madueke during the build up to 2015 general Elections		
8.	Maina Abdulrasheed	A. Former Chairman of The Presidential task Force on Pension Reforms.	Alleged to have Misappropriated ₦2b, went on exile in 2013; and was reinstated by a cabal to his erstwhile position after being declared wanted by former administration in the presidency in September 2017	Hausa-Fulani/ Islam	He met some top officials of Nigerian government in the UAE and even had his posters across Borno state, where he planned to contest in the 2019 governorship election. Controversially reinstated by the Buhari administration before public outcry. Recently jumped bail but caught in Niger Republic.
9.	Abdullahi Ganduje	Present governor of Kano State. Promised Buhari 5million Kano votes in 2019 election	Alleged to have collected kickback in tune of about \$5millions of dollars from contractors	APC/Hausa-Fulani/Islam	He denied the video and also challenged the State House of Assembly from probing him. The presidency only vowed to analyze the video but nothing happened since then.
10.	Timipre Silva	Former Governor of Bayelsa State and Present Minister of State for Petroleum	Misappropriation of ₦19bn	APC/Ijaw/ Christianity	He was under the radar of the EFCC in 2013 and some of his properties seized, but now free of all charges, and all 48 houses returned to him.
11.	Prof Usman Yusuf	Former Executive Secretary, National Health Insurance Scheme	Allegations Of misappropriate ₦919 Million (\$2.5 million) in training funds and	APC appointee/ Hausa-Fulani/ Islam	He was reinstated, even after another committee, governing council found him guilty. Not

		(NHIS)	steered consulting work to his brother's firm, among other malpractices. He was sacked by the health Minister, Adewole Isaac.		quite long before, the president then ordered for his suspension, but no prosecution.
12.	Sanni Baba-Inna	Former Aide-De –Camp (ADC) to the Wife of the President, Aisha Buhari	Kept huge donations from donors, politicians, etc., in the tune of ₦2.5bn to himself without informing the wife of the president, Mrs. Aisha Buhari	APC/Hausa-Fulani/Islam	He was investigated by the Police and the Department of State Services but the outcome remains unknown to the public
13.	Lawal Daura	Former Director-General, Department of State Service (DSS).	Bribery and missing funds inherited from his predecessor, Ekpenyong Ita ; Daura ordered the siege on the National Assembly on 7 August 2018	APC/Hausa-Fulani/ Islam	He was sacked by the Vice President, Professor Yemi Osinbajo after the siege but the probe on his bribery allegations and foreign bank accounts have not been made public.
14.	Abba Kyari (now deceased)	Former Chief of Staff to the President	Telecoms bribery; N29.9m bribe for contract award alleged by one Bako Waziri Kyari who claimed? to be his nephew. He was alleged to be one of those behind the recall of Maina Abulrasheed	APC/Kanuri/Islam	He was never investigated.
15.	Junaid Abdullahi	Executive Secretary, Border Communities Development Agency (BCDA) and Son - In-law to President Buhari	Violation of procurement act and fictitious award of contract in tune of 1.3bn	APC/Hausa-Fulani/Islam	No investigation yet

16.	Adams Aliyu Oshiomhole	Former governor of Edo State and National Chairman of the APC	Petitioned by one Bishop Osadolor Ochei that he built a Mansion worth N10bn in his hometown and other financial crimes while he was governor and \$50m bribe in the just concluded APC primaries election.	APC/Etsako/Christianity	A court ordered that the APC chieftain be tried by the EFCC in October 2019 but the APC has also approached another court to dismiss corruption suit filed against him. He was also questioned by the State Security Service (SSS) over allegations of bribe taking during the APC primaries. However, neither the EFCC nor the SSS has released any official statement on the investigations
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Source: Adapted from O.O. Thompson et al (2021)

### Factors Militating Against Effective Anti-Corruption Crusade in Nigeria

Despite the enduring popular support for anti-corruption, the EFCC’s history, as with many of Nigeria’s other anti-corruption efforts, has been marked by inconsistency and has been unable to make any long-lasting effects on the country’s endemic corruption. This is as a result of several factors. First, one of the major factors hampering the effective and efficient performance of the EFCC is strong political interference in the entire affairs of the commission. A good explanation for this is the overwhelming influence the presidency has on the commission which over the years, as noted by Balarabe (2006), has shown to erode the commission’s independence, credibility and sense of objectivity. Consequent on this, EFCC is subject to frequent political interference, which reduces its effectiveness, and often be seen as an arm of the incumbent government without an independent mandate. This explains why as with past administrations; the current administration is using the EFCC as a tool against its real or perceived enemies. Since the inception of EFCC, senior level functionaries of the EFCC are perceived as being not immune to political pressures and contradictions, which according to Onyema, Roy, Oredola & Ayinla (2018) is one reason why the Commission has not been able to function credibly, with several operational inefficiencies. There is some evidence that appears to suggest that EFCC senior officers do not seem to be immune from political pressures, with some observers having linked the falling rates in prosecution to such interests and selective prosecution (Mordi, 2016).

A similar factor hindering the EFCC from functioning optimally is the issue of selective investigations and prosecutions by the commission, particularly in handling cases of corruption involving politicians and those in the private sector who condemn federal government policies. This particular trend has continued to dominate President Buhari's administration. Several instances abound where corrupt politicians from the APC are allowed and supported to embezzle money while other politicians, especially from PDP, who are not in good terms either politically or personally with the current powers that be, are haunted and disgraced by the EFCC.

Insufficient funding and lack of technical capacity and expertise among the EFCC staff also undermine the effectiveness of the commission. In addition, contrary to the commission's Act mandating it to investigate economic and financial crimes and recover loots or money laundered, the commission has not been able to sufficiently pursue prosecutions in courts of law. Reasons for this are majorly linked to lack of adequate funding and dearth of technical capacity and expertise within the commission. Corroborating this, Dania (2017) noted that in terms of prosecutions, the Commission since its creation, has prosecuted so many high-profile corruption related cases before different courts across the country. Regrettably, the Commission seems to have lost the majority of its cases in courts due largely to lack of painstaking investigations, lack of equipment, lack of adequate and requisite trained personnel, lack of strategic preparation and diligent prosecutions.

Also, (Jones, 2018; Balarabe, 2006) observed that prosecution of offenders sometimes takes a longer time than expected and often "die a natural death" unless the cases have political undertones.

Another factor hindering the war against corruption in Nigeria is undue delay in court trials. Many high-profile cases of corruption have lingered for over a decade without justification. A case in point is the resumed ₦7.65 billion corruption trial against Senator Orji Uzor Kalu that has lingered in court for over 13 years. Some critics of the judicial system in Nigeria has attributed this challenge to collusion of corrupt judicial officers and lawyers while others blame congestion of cases in courts for the problem. According to United States Agency for International Development (2009) "When the judiciary – which is expected to serve as the guardian of the rule of law – is itself corrupt, anticorruption strategies are deprived of essential measures that are needed to increase the risks and reduce the benefits of corruption and to punish corrupt acts".

### **Re-strategizing for Optimal Performance of the EFCC**

The challenges faced by EFCC notwithstanding, the commission, has the potential of winning the war against corruption of all kinds in the country. This can be achieved if the following recommendations are followed:

1. The commission should in practice be fully independent of the federal government, most especially the presidency. The commission should be allowed by any government of the day to be fully autonomous as provided by the act that established it. What this implies is that the commission should freely probe any corrupt politician, not minding his political party affiliation and closeness to either the presidency or other members of the government like the national assembly. By being independent, the issue of selective investigations and prosecutions will be handled.
2. The commission should be adequately funded and equipped with sufficient manpower that will ensure that it meets its functions as provided in the establishment Act.
3. Furthermore, the Federal Government of Nigeria should speedily take steps to establish special courts to deal specifically with corruption cases while the Judicial Service Commission and the Nigeria Bar Association should be strengthened to deal firmly with alleged cases of corruption or misconduct involving Judges and lawyers respectively.

4. Once appointed, the Chairman of the Judicial Service commission should enjoy security of tenure and must not be removed from office before the end of his/her tenure unless there is a proven case of gross misconduct or abuse of office against him which must be made public.

## CONCLUSION

This study aimed at assessing the effort of EFCC in fighting corruption in Nigeria 2015-2020 and the challenges bedeviling the Commission toward effective function. EFCC was chosen among the anti-graft agencies in Nigeria due to its ability and courage to investigate and prosecute corruption cases more than any anti-graft agencies. Since its establishment, EFCC has recorded tremendous achievements in successfully recovering billions of naira and prosecuting a number of corrupt people in the country. Despite these achievements EFCC has failed to win at least half of its cases in the courts of justice, the commission was also been accused of being corrupt and partiality in its activities. Most of the cases won by the commission were small and intermediate cases, while grand corruption cases involving politicians are hardly finished within three years. This made corruption to remain as the most serious Nigerian problem that bedeviled all tiers and sectors of the economy.

The EFCC, in the early years of President Buhari's administration, was proactive, pragmatic and resolute in its quest to bring corruption and corrupt practices to an end in the country. This is evidenced in the numerous cases that the commission successfully handled and the humongous amounts of looted funds recovered as well as the high-profile convictions gained in the first term of this administration. Despite the successes recorded, by between 2015 and 2020, the commission, as an institution, has encountered a lot of obstacles which impinged on its performance. Therefore, there is need to investigate all corruption allegations before the EFCC. Those who were found guilty should be punished without fear or favor. Severe punishment of corruption offences should be applied so as to serve as deterrence to others. EFCC should be given adequate autonomy to effectively perform its functions without government interference

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