

Understanding the Successes and Challenges of Anti-corruption Agency (ACA) in Nigeria: A Case of Economic and Financial Crimes Commission (EFCC)

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Abstract: *The purpose of this study is to understand the current state of the Economic and Financial Crimes Commission (EFCC) in terms of the successes and challenges in fighting corrupt related offences in Nigeria. The Study investigated the operational achievements of the Commission and the obstacles to achieving the mandate of the EFCC. This study adopted a qualitative research approach through a single case study design. Data were obtained using multiple sources (interviews, documentary evidence and observations) to answer the research questions. In all, 12 interviews were carried out during a period of three months. Senior, middle and first line management were purposively selected to participate in the research. The data gathered were analyzed using Nvivo 10. The result of the textual evidence reveals the apparent successes in the investigation, prosecution and conviction of corrupt offences in Nigeria. However, the context in which the agency exists remains its major obstacle, especially the legal system, government commitment and management issues. This study recommended that adequate budgetary allocation is needed to enable the EFCC achieve its mandate and the need for reform in the Nigerian legal system for an improved service delivery.*

Keywords: Corruption, anti-corruption, EFCC, Nigeria

Introduction

Across the continents, corruption has continued to be an ingrained societal phenomenon affecting political, economic and social indicators. As argued by Ionescu (2014) and Ndikumana (2006), corruption reduces private investment, human capital accumulation, tax revenue and public infrastructure. Additionally, Ndikumana (2006) argued that countries high in corrupt practices achieve lower literacy rate, have worse human capital development and higher mortality rates.

Furthermore, Economic Commission for Africa (2010), reported that corrupt practices, especially those perpetrated by political elite, have led to the diversion of state revenues into personal use, inequitable distribution of wealth, widespread unemployment and the erosion of moral values on the African continent. In fact, it is one of the main obstacles to development in Africa (Agbibo, 2014; Economic Commission for Africa, 2010). In response to these issues, the majority of African countries have introduced reasonably comprehensive strategies aimed at fighting corruption (Doig, Watt, & Williams, 2005).

Although some measure of successes have been recorded, overwhelming evidence apparently reveals that the strategies adopted by these countries have not succeeded in fighting the scourge of corruption (Doig et al., 2005; Doig, Watt, & Williams, 2007; Heeks & Mathisen, 2012). Therefore, this paper aims to investigate the

success recorded by an anti-corruption agency and challenges faced in the war against corrupt practices in Nigeria. To achieve this objective, the paper is divided into five sections for introduction, literature, methodology, findings and discussions.

Review of related literatures

Corruption has remained one of the global challenges. According to the recent Corruption Index (CPI), majority of the countries of the world score below 50% indicating the pervasiveness of corrupt practices (Transparency International, 2015). According to the report “not one single country, anywhere in the world, is corruption-free” (Transparency International, 2015). The global average on the CPI is 43 with EU leading with 67 and sub-Saharan Africa having the lowest average score of 33. Accordingly, public sector corruption leads to inadequately equipped schools, and elections riggings in most Sub-Saharan Africa (Transparency International, 2014).

Furthermore, empirical studies reveal that corruption affect economic development, creates inequality and poverty (Lambsdorff, 2006; Mauro, 1995) diverting government revenues and affecting infrastructure (Agbibo, 2014; Ndikumana, 2006; Tanzi, 1998). Likewise, corruption undeniably has most corrosive effects on social welfare of the poor. Consequently, Ampratwum (2008) posits that corruption denies poor access to basic needs such as health care and education largely due to diversion of public expenditure from basic needs to

other projects that provide ground for bribery, kickback and other forms of corrupt practices (Asongu, 2012).

In a report by a non-governmental organization, ONE (2014) argued that the money siphoned from poor countries it could prevent 3.6 million deaths, pay for about 500,000 school teachers and provide school for all out school children in 16 African countries. Similarly, Global Witness (2010) argued that the amount diverted from illicit deals by government agents in one transaction could provide training for over 400,000 midwives to supplement the inadequate midwives in the Nigerian health institutions. This they say can prevent the death of 4,260 women monthly in the process of childbirth. Accordingly, they observed that the amount could provide school for over 1.7 million out of the 5.5 million girls that are out of school in Nigeria. Academic research conducted in Nigeria reported the diversion of \$6.8 billion oil subsidy to private pockets and about N382 millions of pension fund siphoned by career civil servants (Agbiboa, 2012, 2013, 2014). These are nothing but the tip of the iceberg, calling proactive efforts towards minimizing incidences of corrupt practices in Nigeria.

National and international measures taken by governments include the ratification of both regional and international conventions, such as the African Union and the United Nations Conventions, designed to prevent and tackle corrupt practices (Maria, 2008) and the creation of an independent body known as anti-corruption agencies (ACAs) (Agbiboa, 2014; Ampratwum, 2008; Doig et al., 2005; Quah, 1995, 2009). Although a number of these ACAs have excelled in their countries, majority are mere shadows of themselves. Singapore's Corruption Investigation and Prevention Bureau (CIPB) and the Hong Kong's Independent Commission Against Corruption (ICAC) are among the successful ACAs in the world (Doig et al., 2007; Gregory, 2015). However, majority of these bodies have failed, especially in developing countries of Africa (Doig et al., 2007; Fjeldstad & Isaksen, 2008; Heeks & Mathisen, 2012).

In Nigeria, the creation of the Economic and Financial Crimes Commission (EFCC) was seen as a genuine government commitment to the fight against corrupt practices and the records have been impressive. Accordingly, Shehu (2005) reported that in its first two years, the EFCC was able to investigate and prosecute cases of corrupt offences and recovered about \$2.2 billion of looted fund from Nigeria. Likewise, in its 2013 annual report, the EFCC reported the recovery of over eleven billion Naira, two million US Dollars and forty-five thousand Pounds Sterling from corrupt related offences (EFCC, 2013). With more than two thousand investigation in 2013, the EFCC was able to prosecute 485 and convicted 117 cases of

economic and financial crimes. The analysis of the operations of the EFCC indicate that between 2010 and 2013, the EFCC received 25,522 petitions, investigated 9,410 and convicted 339 cases of corrupt practices in Nigeria.

Consequently, looking at the statistics above, the Commission was only able to investigate 36% of the reported cases of corrupt practices and only convicted about 1% of the cases or 3% of the investigated cases. Thus, there is an apparent gap between reported, investigated and convicted cases by the EFCC. What then are the challenges of the EFCC in fighting these persistent cases of corrupt offences in Nigeria?

A search in the literature provided a myriad of factors challenging the effectiveness of the EFCC in fighting corruption in Nigeria. Most studies attributed the ineffectiveness of the EFCC to the legal environment (Obuah, 2010; Shehu, 2005; Umoh & Ubom, 2012). According to these studies there is an apparent delay in the prosecution process largely due to the nature of the Nigerian judicial system. Other have identified absence of political will and political interference while some put it on the EFCC's shortcoming (Economic Commission for Africa, 2010; Human Right Watch, 2011; Malgwi, 2005; Shehu, 2015; Sowunmi, Adesola, & Salako, 2010).

Therefore, the current state of the EFCC remains a paradox needing an in-depth investigation into the successes and the challenges of the Commission through multiple sources of data and evidence. The aim is to tell story of the Commission's milestone in the fight against economic and financial crimes in Nigeria from the eyes of those within the EFCC. Because they are in most appropriate position to describe the success and challenges so far being encountered and the probable recommendations for improvements.

Methodology

The current study adopted a qualitative research approach through a single case study design (Creswell, 2013; Merriam, 1988). The choice of case study approach was motivated by the need to investigate the current state of EFCC's performance within the real life context (Merriam, 1988). Accordingly, Creswell, Hanson, Clark Plano and Morales, (2007) and Merriam (1988) argued that case study research allows for the collection of data from multiple sources using flexible approach for an in-depth study of a phenomenon. Similarly, Creswell, (2013) posits that the choice of case study allows for the selection of case, to understand a specific issue and it aims to provide an in-depth description of the case. Following the procedure outlined by Creswell (2013), the case was identified, participants purposively selected, multiple sources of data were used and the report represents views expressed by the research participants.

Of the three ACAs in Nigeria, the Economic and Financial Crimes Commission (EFCC) was selected because (1) it covers both private and public sector organization (2) it has recorded a higher number of investigations and convictions and (3) similar studies have appraised its performance with varying degree of conclusions.

Primary data for the current study were gathered from multiple sources including interviews and documentary evidence. Semi-structured interviews were conducted. In all, 12 interviews were carried out during a period of three months. Senior, middle and first line management were purposively selected to participate in the research. The aim is to get multiple perspectives on the current state of the EFCC (Soltani, Lai, & Phillips, 2008). In order to prompt the views and opinions of management at various levels on the successes and challenges of the EFCC, the interview guide consists of open-ended, semi-structured questions covering the achievement of the EFCC and the challenges faced thereof.

The average time taken for the interview was between 45 and 90 minutes. All the interview session were recorded using digital IC recorder with the consent of the research participants and thereafter were transcribed verbatim. Also, notes were taken during the interview sessions. These interview transcripts and field notes formed the basis for data analysis. In the analysis of the data, content analysis was adopted (Burnard, 1991; Soltani et al., 2008). The aim was to identify words, phrases and sentences from the text that will make sense (Bryman, 2012; Miles & Huberman, 1994; Ryan & Bernard, 2003). Qualitative data analysis software package (Nvivo 10) was used in managing the data and in the process of analysis of the transcripts. It made the data analysis simpler especially the transcription of interview audios, themes and category identification. Two main themes were identified based on predefined research questions and words frequency and query. The themes are for successes recorded by the EFCC in achieving its objectives in the fight against economic and financial crimes in Nigeria and perceived challenges posed by contextual and organizational factors. Subsequently, categories were identified and pooled together under their respective themes.

Findings

The analysis of the interview transcripts indicate that the EFCC has recorded tremendous success in fighting advance fee fraud, money laundering, corruption in public sector and has educated the general public on impact of corruption and other forms of economic and financial crimes in Nigeria. Accordingly, patterns were identified, under the achievement of the EFCC, to include investigations, prosecutions and convictions of economic and financial crimes as well as the

recovery of proceeds of corrupt practices. Thus, research participants (RP) unanimously agreed that the EFCC has done a lot.

[...I will say it has been greatly achieved. The EFCC was created as a result of the issues that the country was having then in terms of fighting corruption and what have you. From cases that have been charged to courts and recoveries made and the general (I don't want to use the word fear) but consciousness of Nigerians in terms of fighting corruption or not wanting to be brought to EFCC, I believe it is another form of deterrence because you find that a lot of people will try to avoid doing things simply because they don't want anything to do with EFCC (RP10)]

[...of course the commission since inception has really assisted in prosecuting and convicting individuals that have been involved in corrupt practices especially public sector and The Commission was able to drastically reduce this advance fee fraud cases (RP12)]

[...The achievement of the EFCC is very glaring, we have lot of prosecutions, and we have got a lot of money which are very positive... Currently there are lots of petitions; chief executives are arrested, questioned and so on, they are part of the achievements (RP03)]

[...In bringing the awareness even the mind of the public that there is an agency that is up and doing in fighting corruption is a great achievement (RP12)]

It is therefore, very glaring from the responses, as quoted above, that the EFCC was able to investigate and prosecute individual engaged in corrupt practices and has also created awareness in the minds of the Nigerian general public. This finding is similar to the reports presented by the Human Right Watch (2011) and the Economic Commission for Africa (2010) and research findings by Ogbu (2010), Sowunmi et al. (2010) that the EFCC has remained the viable government institution in the war against corruption in Nigeria. Similarly, the EFCC annual report 2013 reveals a significant success in investigations, prosecutions, conviction and assets recovery (EFCC, 2013).

However, despite the success recorded in prosecuting cases of advance fee fraud and other forms of economic and financial crimes, the EFCC has been battling with public sector corruption especially those involving politically exposed persons (PEPs). Accordingly, research participants attributed these to the legal environment, absence of political will, and public perception. Also, inadequacy of staffing, level of development and

corruption were identified as contributory factors to the ineffectiveness of the EFCC.

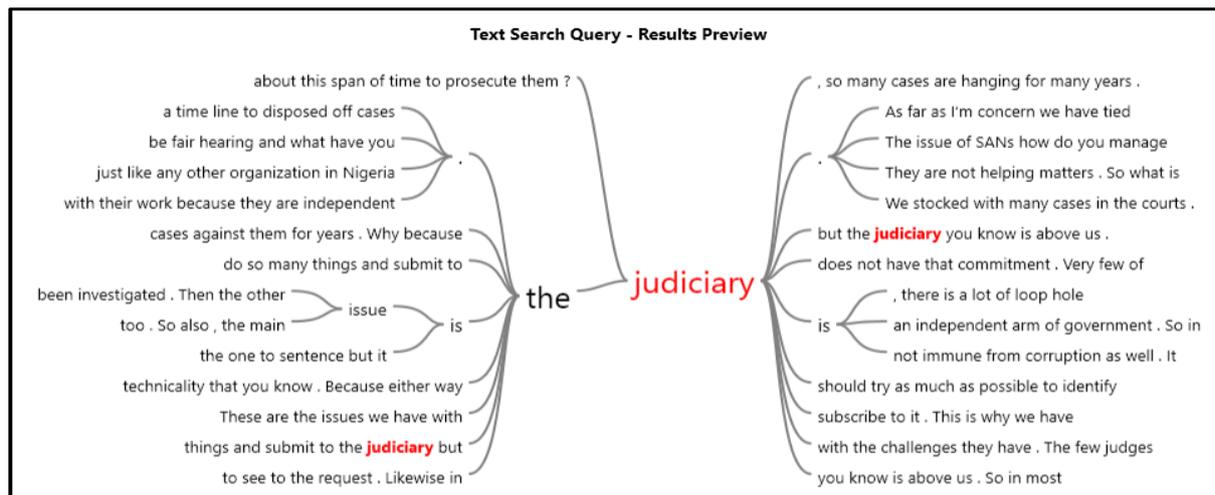


Figure 1: Text query on views of participants on the judicial system

[...The judicial process is the biggest obstacle we have in our fight against corruption (RP01)... so many cases are hanging for many years (RP02) ...because of the slow nature in the prosecution which are not within our mandate (RP03)... There is fewer court judges who handle all manners of cases (RP06)... if you look at the fight against corruption in Nigeria, in the first place we have deficiencies in most of the legal framework (RP11)...we are also having some problems with defense lawyers as well (RP04)...they bring all sort of objection regarding jurisdiction (RP06) ...those people are depth at exploiting the weakness in our judicial system in staying charge in court (RP09)]

It is apparent from the above quoted text from the interview transcripts that the Nigerian legal environment constitutes a challenge to the EFCC. Specifically, there is deficiency in the legal framework, fewer court judges, fraudulent practices by defense attorneys and absence of political will.

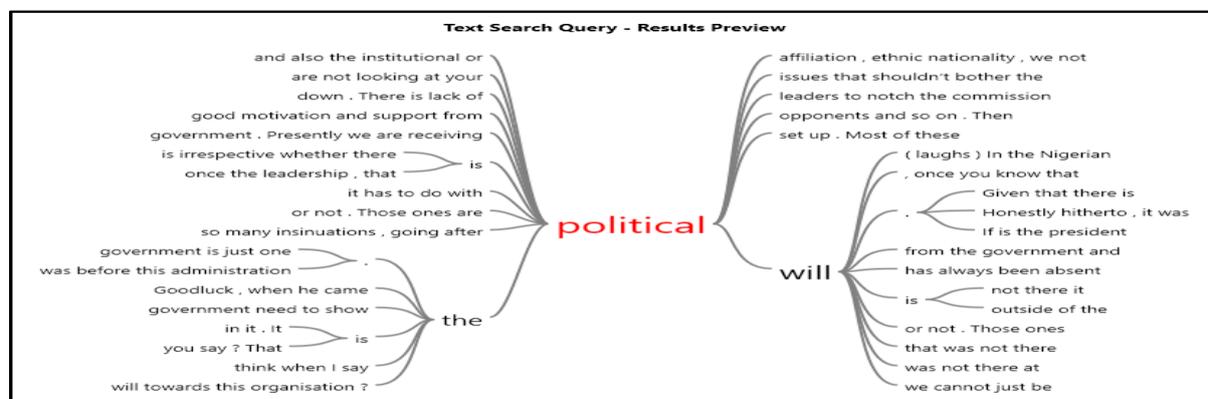


Figure 2: Text query on views of participants on the political will

[...the role of the government is just one. The political will. Honestly hitherto, it was missing (RP01) ... Government may have to look into the budgeting process with a view to strengthen the commission financially (RP06)... well funding is for government to put more attention to the commission (RP12)... You need funding to investigate; you also need adequate funding to be able to successfully prosecute (RP05)...even in the EFCC there was time when there was no sufficient money to hire Senior Advocates (RP02) ... we are not well funded and there is need for more funding (RP07)]

Similarly, further revelations by the research participants indicate that the EFCC is inadequately staffed both in quantity and quality which makes the anti-corruption a difficult job. Majorly, they capitalize on police investigative knowledge which cost them a lot of damages. Largely due to allegation of police corruption and the management style adopted by the top management who seem to be dominated by the police.

[...that's why to make up for the short fall, which is why we have a lot of seconded officers coming in from various organizations (RP01)]

[...the police are special posting here. Of the total staff strength of about 2,000 that we have about 800 of them are police men. So mostly they are already trained prosecutors (RP02).]

[...the capacity is not there with them the police.... We do not have any expert par-say it is just the police knowledge. Because bigger parts of the cases are normally given to the police and they do not know how to handle these cases (RP03)]

[...We have 10 or 11 departments but 7 of them are all police,...they take the major decision of the commission because they occupy the strategic positions in the commission, it has negatively influenced the achievement of the Commission (RP03)]

[...The Nigerian police only do criminal investigation, so it is becoming a new thing for them to do financial investigation... That is why if you look at most of the cases they go to court and get thrown out (RP11)]

It is therefore apparent from the foregoing that the domination by the police is one of the challenges in achieving the objectives of the EFCC especially as they occupy the strategic positions in the EFCC.

[...EFCC is still a small organization. In terms of staff strength we are less than 3000 and we are expected to cover a country with more than 170 million people. So effectively we cannot cover the entire length and breathe of Nigeria because of the size of the Commission (RP09).]

[...as I said earlier, there is inadequacy of manpower to handle everything (RP07)]

[...we need capacity building for both the operatives who investigate cases and the lawyers who handle cases in courts (RP06)]

Consequently, the inadequacy of personnel was identified as a challenging issue needing urgent attention as opined by the research participants. Additionally, training and recruitment was advanced forward as a solution the problem

Other emerging factors were the management leadership style that seems to portray autocratic style rather than transformational and dynamic style as aired by the participants. Furthermore, EFCC is still considered a work-in-progress needing restructuring and capacity building.

[...Nothing will ever change unless if the system is overhauled ...there is need for system overhaul. Most of the people should go back to the police. Get someone with versed knowledge and background (RP03)]

[...Before they used to take advice from anybody on how to crack a case. Today some people put themselves up there and think they know everything. Whatever they think you should do that is what you will do even if you are going to fail... All we need is a dynamic creative and motivate management (RP11)]

Additionally, allegation of corruption was hinted as a factor leading to the ineffectiveness of the EFCC largely as a result of presence of police officers in the Commission.

[...Because wherever you have too many policemen, you cannot separate them from corruption because they are innately corrupt (RP03)]

[...You see, an average policeman, by the way i m a policeman also, he sees the executive governor and say "morning sir" What are they after, some incentives form them (RP01)]

[...There is kind of interference in the work of the commission. In such a situation your hands are tied (RP12)]

[...That is the first compromise that the management will do (RP11)]

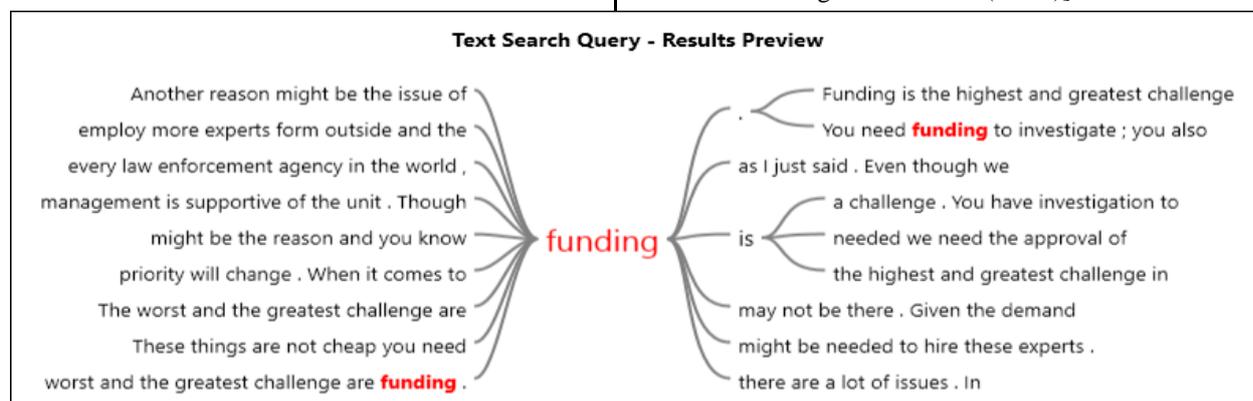


Figure 3: Text query on views of participants on funding

Consequently, it is apparent that the legal environment, inadequacy of funding, management style, and police corruption remain the challenges of the EFCC.

Discussions and conclusions

The aim of this paper was to capture the views and opinion of management staff of the Economic and Financial Crimes Commission (EFCC) in Nigeria about the success achieved by the EFCC over the years since its creation and to identify the major challenges encountered in the war against economic and financial crimes in Nigeria. Analysis of the case indicates an impressive achievement in investigation, prosecution and recoveries as well as education of the general public on the consequences of economic and financial crimes in Nigeria. From the findings of this study, it was apparent that the Nigerian legal system which is described as inefficient due to inadequacy of judges, outdated laws, fraudulent practices of defense attorney, remains the biggest challenge to the EFCC.

The findings of this study supports the reports of the Human Right Watch (2011) and Economic Commission for Africa (2010) and previous

research findings (Inokoba & Ibegu, 2011; Obuah, 2010; Raimi, Suara, & Fadipe, 2013) that the EFCC has remained a viable institution in Nigeria in the war against corruption despite the myriad of challenges faced by the Commission. In addition, similar to the findings of this study, Shehu (2005, 2015) reported that the EFCC was able to investigate a significant number of cases and prosecuted individuals found violating the laws. According to the studies, the Nigerian context, legal environment and absence of political has hindered the achievement of the EFCC.

In conclusion, there is an urgent need for government commitment to the war against corruption by enhancing the budgetary allocation of the EFCC, strengthen the judicial system and provide the needed supports. On the other hand, the EFCC need to be led by a dynamic leader, provide adequate motivation, training and recruit competent investigators and prosecutors as against using police as the basic investigators. Apparently, a lot will be achieved by providing these needed supports. Future research may consider more precise measure of achievement of the EFCC through other approaches and context.

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