



The Performance of the Economic and Financial Crimes Commission (EFCC) in the Fight against Corruption in Nigeria: A Critical Appraisal

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Abstract

This very article is essentially geared towards evaluating the performance of the EFCC as an anti-graft agency in Nigeria. The benchmark for this evaluation is a few selected functions of the agency as enumerated in the Economic and Financial Crimes Commission (Establishment) Act 2004 (section 6). Based on the sensitivity of the topic, secondary analysis is strictly used. The data generated for the study are both quantitative and qualitative. The study revealed, with pictorial evidence as well as names of culprits and properties confiscated, that the EFCC is actually carrying out its functions as mandated by the parliamentary Act of its establishment. However contrariwise, the findings revealed that the commission is yet to be fully independent in the discharge of its assignment. It is also yet to effectively reduce crime rate in the country. The study recommended among other things that the independence of the Commission should not be compromised; that is, it should not be used by any government in power as a ridiculing, incapacitating machine against the opposition.

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Contribution of this Paper to Literature

The study contributes to the existing literature by appraising the efforts/performance of the Economic and Financial Crimes Commission (EFCC) in the fight against corruption in Nigeria. It also tried to correct, with evidence, the notion among Nigerians that the EFCC is a dormant, inefficient anti-graft agency.

1. Introduction

One of the characteristics of every human society is crime. There is no society or country devoid of crime or corruption. If such a society ever exists at all, its existence then does not go beyond the confines of the mind, or human imagination. In fact thinking of such a society is a sign of hallucination. In the United States for example, we have, regardless of the country's level of development, Foreign Corrupt Practices Act (OCCA), and the Federal Bureau of Investigation (FBI). In United Kingdom, its level of hyper-civilization notwithstanding, it has the Serious Fraud Office (SFO). Even in Italy whose capital city is Rome – the abode of the Roman Catholic Church – also has the Central Anticrime Directorate of Italian Police Service (DAC-SPS). With this therefore, crime or corruption is ubiquitous, hence, the reason for the establishment of the above Act of Parliament and agencies in those countries.

Just like in other states, the presence of corruption is the prime reason for the setting up of the Economic and Financial Crimes Commission (EFCC). Some of the criminal acts that the agency combats in Nigeria include but not limited to E-commerce/card fraud [which involves defrauding unsuspecting members of the public, after their account details, pin and password have been retrieved from them through sending of mails with fake letterheads and logos of banks], wonder bank/ponzi schemes [involves recruiting investors who are promised high rates of return but later disappointed when the operators – fraudsters – feel they have had large number of clients and shut down], romance and dating scam [targeted mostly against gullible foreigners who are in need of love or marriage], employment scam [targeted against desperate job seekers due to the high rate of unemployment in the country], and charity scam [used against benevolent men and women in the society by guising oneself in order to look pitiable, and presenting fabricated, pathetic stories] (EFCC, 2019).

Other crimes that the agency is established to fight are embezzlement, looting, bribery, vandalism, money laundering, contract scam, identity theft/phishing scam, inheritance scam, juju scam, lottery scam, scholarship scam, immigration/visa scam, etc (EFCC., 2019; National Bureau of Statistics and Economic and Financial Crimes Commission, 2006).

Looking at the above diversities of crime in the country, it becomes obvious that corruption has become synonymous with the word “Nigeria”. No wonder (Orokpo, 2017) claims that although corruption is universal, it is quite pervasive in Nigeria as the country ranked 143 most corrupt country in the world out of 182 countries in Transparency International's 2011 Corruption Perception Index. In like manner, Achebe (1983) notes in an unambiguous manner that “anybody who can say that corruption in Nigeria has not yet become alarming is either a fool, a crook or else does not live in this country”.

2. The Establishment and Functions of the EFCC

Prior to the establishment of the EFCC, there have been attempts by successive regimes to curb corruption in Nigeria. One vivid attempt was the launching of War Against Indiscipline (WAI) in March 1984 under Buhari-Idiagbon regime. The military government of the duo struck its beak severally against the rock in the fight against indiscipline, bribery and corrupt practices in Nigeria like an eagle seeking to get rid of its old beak on a mountain top. Though corruption significantly reduced, but when the government was sacked by General Babangida in August 1985 the rate of corruption in the country again skyrocketed.

In fact, fraudulent activities, economic mismanagement, and accountability and transparency became a great issue of concern in all quarters of the federation as it greatly hampered real development in the country. Bearing this in mind, Akanbi (2004) cited in Orokpo (2017) affirms that the legacy of corruption and lack of accountability that were prevalent under military rule (mainly after Buhari-Idiagbon regime) constituted a kibosh or a constraint to the socio-economic development of the nation. Orngu (2006) also cited in (Orokpo, 2017) likewise made it clear that prior to the Fourth Republic that commenced in 1999, corruption stitched and put on Nigeria garment of a failed state.

Nonetheless while trying to set ablaze the shameful garment and trying to rescue the country from the ocean of a failed state, President Olusegun Obasanjo's administration established the EFCC in 2002 by an Act of the National Assembly. Be that as it may, corruption kept soaring in the country to the point that the Transparency International ranked Nigeria in 2004 Corruption Perception Index as the second most corrupt country in the world (for precision purpose: 133 out of 133 countries surveyed) with an annual loss of US\$ 25.76 billion dollars (see (Nwoba & Monday, 2018; Nzejekwu, 2011)).

Ultimately, the government of Obasanjo, considering the above, amended the Establishment Act in 2004. Thus based on the Economic and Financial Crimes Commission (Establishment) Act 2004, the organization performs the following functions:

- i. The enforcement and the due administration of the provisions of the Act.
- ii. The investigation of all financial crimes including advanced fee fraud, money laundering, counterfeiting, illegal charge transfers, futures market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam, etc.
- iii. The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority.
- iv. The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crimes related offences or the properties the value of which corresponds to such proceeds.
- v. The adoption of measures to eradicate the commission of economic and financial crimes.

- vi. The adoption of measures which includes coordinated preventive and regulatory actions, introduction and maintenance of investigative and control techniques on the prevention of economic and financial crimes.
- vii. The facilitation of rapid exchange of scientific and technical information and the conduct of joint operations geared towards the eradication of economic and financial crimes.
- viii. The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals, corporate bodies or groups involved.
- ix. The determination of the extent of financial loss and such other losses by government, private individuals or organization.
- x. Collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous with those of the Commission.
- xi. Dealing with matters connected with the extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving Economic and Financial Crimes.
- xii. The collection of all reports relating suspicious financial transactions, analyse and disseminate to all relevant Government agencies.
- xiii. Taking charge of, supervising, controlling, coordinating all the responsibilities, functions and activities relating to the current investigation and prosecution of all offenses connected with or relating to economic and financial crimes.
- xiv. The coordination of all existing economic and financial crimes, investigating units in Nigeria.
- xv. Maintaining a liaison with office of the Attorney-General of the Federation, the Nigerian Customs Service, the Immigration and Prison Service Board, the Central Bank of Nigeria, the Nigeria Deposit Insurance Corporation, the National Drug Law Enforcement Agency, all government security and law enforcement agencies and such other financial supervisory institutions in the eradication of economic and financial crimes.
- xvi. Carrying out and sustaining rigorous public and enlightenment campaign against economic and financial crimes within and outside Nigeria.
- xvii. Carrying out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act.

3. Theoretical Framework

3.1. Institutional Framework

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 (Johan, 2017). Scott (1995) one of the major doyens or proponents of this theory, notes that institutions “are social structures that have attained a high degree of resilience” and are “composed of cultural-cognitive, normative, and regulative elements that, together with associated activities and resources, provide stability and meaning to social life”.

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 (see (Meyer, 2008; Norback, 2019; Orokpo, 2017)).

To narrow this down to the study, the government of the Federal Republic of Nigeria, considering the happenings in different Nigerian states, set up the EFCC to curb economic and financial crimes. No wonder it empowered the agency, like we have in the functions of the EFCC above, to, among others, engage in investigation of all financial crimes, confiscation of proceeds derived from economic and financial crimes related offences, and public enlightenment on the dangers of engaging in economic and financial crimes for the overall betterment and thriving of the country and its inhabitants.

3.2. A Critical Appraisal of the EFCC

Ever since the establishment of the antigraft agency in Nigeria, particularly in recent times, there has been commotion as well as verbalization from different angles concerning the efficacy and the trustiness/reliability of the agency in the fight against corruption in the country. While some Nigerians believe that the agency is carrying out its sacrosanct duty of investigating corrupt practices and even arresting and arraigning corrupt elements in the law court, others hold that the agency is yet to be serious with its law assigned duties (Sowunmi, Adesola, & Salako, 2010).

Be that as it may, our appraisal of the performance of the EFCC would be based strictly on a review of just five of its objectives or functions stated above so as to see whether or not the agency has truly recorded success in its activities in the country.

A. The Adoption of Measures to Eradicate the Commission of Economic and Financial Crimes

There has been adoption of methods and measures by the EFCC towards curbing corrupt practices in the country. The agency established the Nigerian Financial Intelligent Unit (NFIU) who, among others, help in the detection of suspicious transactions in financial institutions within Nigeria mainly. It also maintains its own database of terrorist groups, individuals, non-governmental organizations (NGOs), etc. and thus frequently monitor them (Orokpo, 2017).

Further, the agency has adopted the Whistle-Blowing Policy mainly for the eradication of crime. Before now whistle-blowers have been illy treated by the government example of which was Dele Giwa – a renowned journalist who, under General Ibrahim Babangida’s military junta, was bestially killed by a parcel bomb. His lawyer too, late Chief Gani Tawehinmi (SAN) was attacked by a gang of armed soldiers for providing vital information to the police concerning his client’s death. But the EFCC being an agency that loves to keep an ear to the ground, provides a whistleblower, whose information directly leads to the voluntary return of stolen or concealed public

funds or assets and whose information is one that the agency does not already have and which it could not have obtained from any other publicly available source, a reward of about 2.5% - 5% of the amount recovered (see [Falana \(2018\)](#)).

The whistle blowing policy has of course yielded positive results so far. The recovery of \$43.4m, ₦23.3m and 27,800 Euros at Flat 7 Osborne Towers, Ikoyi, Lagos State by the EFCC is a clear result of the policy.

Nevertheless, people are presently discouraged and complain that providing the agency with vital information is risky for security reasons and for the fear of the agency reneging 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 ₦325 million against ₦860 million he said is his five percent commission (see [Pulse.ng \(2017\)](#)).

B. Carrying Out and Sustaining Rigorous Public and Enlightenment Campaign Against Economic and Financial Crimes within and Outside Nigeria

The EFCC has been trying in this very aspect of sensitization or enlightenment of the general public on the negativity, absurdity and unpalatability of fraud, looting and other economic and financial related crimes. First, every arrest made by the agency [and the reasons behind it] is made public for people to be aware of and to desist from such an act. When a culprit is convicted by court, the agency also makes it public. [Though there are few cases they keep confidential information from the media, and questions they give no response to for some reasons].

The agency also 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*.

Lastly, the EFCC attends youth gatherings across the federation and enlightens them on the havoc 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. Personally, I have witnessed such or sat under the tutelage of a representative of the agency in NYSC orientation camp in Rivers State and that is why I'm attesting to it. There in the camp located at Nonwa-Gbam Tai local government area in November 2019, the EFCC also requested for volunteers, as it has been doing before, who would help to shun crime, economic and financial crimes particularly.

C. Dealing with Matters Connected with the Extradition, Deportation and Mutual Legal or Other Assistance Between Nigeria and any Other Country Involving Economic and Financial Crimes

The EFCC has been working with different international bodies to ensure the reduction of economic and financial crimes. Just very recently, in December 2019 precisely, 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 Licence (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 the custody of the Interpol in same UAE since he was apprehended on November 11, 2019. To some, Adoke's travel to Dubai for medical reasons was an attempt to escape arrest, but the antigraft agency still worked with the International police and the UAE authorities to ensure his arrest and deportation.

D. The Investigation of All Financial Crimes Including Advance Fee Fraud, Money Laundering

This is the function that many Nigerians give credits to the EFCC. The antigraft agency apprehends those suspected to be involved in fraud related crimes as well as investigates their case. In an interview with newsmen in Abuja, Mr. Ibrahim Magu – the EFCC boss revealed that they 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 ₦33bn gotten from alleged money laundering, and a total of five wristwatches valued at over ₦60m ([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 is when the EFCC Ibadan zone raided a hotel [Modzak Hotel, Lagos precisely] on December 04, 2019 for the purpose arresting only one Rasaan Balogun but ended up arresting no fewer than 27 other persons there ([Pulse.ng, 2019](#)).

E. The Adoption of Measures to Identify, Trace, Freeze, Confiscate or Seize Proceeds Derived from Terrorist Activities, Economic and Financial Crimes Related Offences

Apart from the EFCC going after “yahoo boys”, the agency also is after politicians; it arrests corrupt politicians and freezes/seizes whatever property that belong to them which are gotten by the proceeds of crime. The agency has seized properties (and has even frozen bank accounts) owned by Dienzani Alison-Madueke [former Minister of Petroleum], Haruna Momoh [former managing director of PPMC, a subsidiary of the Nigerian Petroleum Corporation – NNPC], Sambo Dasuki [former national security adviser], Ibrahim Shema [former Governor of Katsina State], Patience Jonathan [former Nigeria's First Lady], Ayodele Fayose [former governor of Ekiti State], etc. that were purportedly acquired with public fund. For Shema's case, the agency seized his three mansions over his alleged involvement in a ₦74.6bn fraud. According to the EFCC boss – Ibrahim Magu, about 407 properties were seized (with 126 permanently forfeited and 281 under interim forfeiture) by the agency between 2015 and 2018. Among the seized properties were filling stations, land, real estate, jewellery, automobiles, petroleum products and so forth (see ([Olafusi, 2018](#); [Pulse.ng, 2016](#); [The Nation, 2016](#))).

Contrariwise, some people believe and verbalize that the agency is being used by each government that comes to power, particularly the present Buhari's government, to weaken every opposition. The main opposition party, People's Democratic Party (PDP), has argued that the independence of the EFCC is obviously questionable as most

of its political arrestees or targets are usually its (PDP's) members or former members/supporters. Some of these allegedly arrested, investigated or persecuted politicians or PDP members/supporters include Bukola Saraki [former Senate President], Ayodele Fayose, Patience Jonathan, Sambo Dasuki, M. Walter Onnoghen [former Chief Justice of Nigeria], etc. while someone like Bola Tinubu, the National Leader of the ruling All Progressive Congress (APC), who used bullion vans to allegedly convey huge sum of money to his Ikoyi home during the 2019 General Elections has never been apprehended nor probed by the agency. In fact when the EFCC boss was asked a question by newsmen concerning Tinubu's matter he gave no response but rather called for another question (Pulse.ng, 2019).

Another important issue with the EFCC or the problem most Nigerians have with the agency is what the recovered fund and properties by the agency are being used for. An average Nigerian sees the agency as the "looter of the recovered loot", for they have hardly seen or heard where the recovered loots are being invested. However, the agency has tried to clear the air over the matter by saying that the recovered money is being taken to consolidated revenue account in the Central Bank of Nigeria. But, the masses still doubt this and even the credibility of the agency.

Finally and considering the above, the US-based group, Human Rights Watch, condemned the EFCC and deemed it an agency that fights corruption with corrupt hands. It even noted that the Nigeria's political system "rewards rather than punish corruption" mainly because of the "rapturous welcome" given to a PDP chieftain, Olabode Gorge [after serving a two-and-a-half year in prison in 2011 for corruption] by even former President Olusegun Obasanjo – the founder of the "so-called" EFCC, and former Minister of Defence, Ademola Adetokunbo (BBC News, 2011).

4. Conclusion

From the evaluation above we have seen the strength and weakness of the EFCC particularly in the discharge of its law assigned duties. While the agency has adopted several measures, organized several lectures, seminars and campaigns, made numerous arrested, and seized properties worth billions of naira all in a bid to *banish* corruption from the country, it has, however, been accused of infidelity, apprehension of non-targets, relooting recovered loot, and being used to persecute the opposition party. Whatever, no Nigerian, who is not a cook/*disher* of lies and/or who doesn't harbor mendacity and acrimony against the agency, would say the EFCC is an inefficient anti-graft body without first covering his/her face with a basket, for proofs of the agency's works are there to speak for it.

5. Recommendations

No good research work that tries to address or correct an anomaly in the society would end without a recommendation. Thus considering the findings of this research, the following few suggestions are proffered as recommendations which would help to facilitate meaningful improvement in the manner the EFCC fights against corruption in Nigeria.

- i. The government, at both federal and state levels, should stare clear off the activities of the EFCC in order for the agency to be fully independent and to be able to fight corruption with a mind devoid of prejudice.
- ii. The EFCC should try not to renege any of its promise especially as it regards rewarding whistleblowers. This will further motivate the people to expose corruption and unscrupulous elements in the country.
- iii. There should be proper and a more convincing explanation by the EFCC on who is in charge of or where the recovered loots are being channeled to so as to correct the notion of the agency "relooting the loot".
- iv. The EFCC ought to be ultra-careful during raids to avoid apprehending the "innocent" alongside the culprit(s).

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Crime

Caught In Their Own Web

Luck fall two tricksters as they are ensnared in a deadly game of guile

Every day is for the thief, but one day for the owner, goes a popular saying.

This aptly describes the fate that has now befallen the duo of Abiodun Akorede (aka Kwesi Mensah) and Sherif Ajaga (aka Rowland Komolafe).

The two, now cooling their heels at the Kuje Prison in Abuja, attempted to dupe a former Military Administrator, Senator Tunde Ogbeha to the tune of ₦11,000 (Eleven thousand pounds).

They had through one Morris Williams, on December 5, 2014 contacted Ogbeha on phone, claiming to award him the sum of £10million (Ten million pounds) for his consignment that was mishandled by an unnamed courier company. A meeting was arranged for Ogbeha's office in Abuja.

Ogbeha, who knew he had no such existing transaction, however, played along with the two conmen. His driver subsequently picked up the two men at an agreed location and drove them to Ogbeha's office in Abuja for further discussion on the purported business deal.

Unknown to the two men, they had with their own legs walked into a trap.

Operatives of the Economic and Financial Crimes Commission, EFCC, briskly walked into the office and swiftly rounded them up.

The men were on December 31, 2014 arraigned before Justice H. U. Babu of the Federal Capital Territory High Court, Abuja, on two counts of criminal conspiracy and attempting to obtain money under false pretences.

The case has been adjourned till January 20, 2015.



Abiodun Akorede and Sherif Adaga

The Fall of a Conman

Fake Customs Comptroller bites the dust

For Ibrahim Hassan, who has for the past seven years succeeded in using fake identity as "Comptroller Kangiwa", to dupe unsuspecting businessmen, the next 10 years would be spent in prison.

The Economic and Financial Crimes Commission, EFCC, had instituted against him, a case of conspiracy, impersonation, and obtaining money under false pretence to the tune of ₦11,074,500 from a Kano-based businessman, Alhaji Balarabe Sumaila.

A crafty Hassan, who went about parading himself as Comptroller Husaini Suleiman Kangiwa from Zone C, Owerri Office of the Nigeria Customs Service had in 2007, deceived Sumaila that he had 12 containers of textile materials slated for auction by the Customs Service at the Tin Can Port, Apapa, Lagos.

Hassan then took Sumaila to Lagos, where as discussed, he showed him containers containing the textile materials he claimed were to be auctioned.

Convinced about the deal, Sumaila gladly parted with ₦11,074,500 as payment for processing, clearance and transportation of the goods from Lagos to Kano.

Sadly, Hassan never delivered the goods. Sumaila sensing he had been swindled thereafter demanded for a refund, to no avail.

Justice Aboki found Hassan guilty of the charge and consequently convicted and sentenced him to seven years imprisonment for obtaining the money by false pretence, three years imprisonment for impersonation and another six months for conspiracy.

The judge also ordered the convict to pay the sum of ₦11m (Eleven Million Naira) to the complainant, Alhaji Balarabe Sumaila.



Ibrahim Hassan, Fake Customs Comptroller

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Appendix-1. Evidence that EFCC is Working.

Source: EFCC Alert, vol. 4, No.1, 31 January 2015.

Crime

Lucky American

Search for love costs an American, \$2,000 but EFCC comes to her rescue


Love is blind, they say, but it has also taught Margaret Sanders, an American living in Sherman, a city in the county seat of Grayson County, Texas, United States, a very hard lesson - be wary of love on the internet.

Indeed, but for the intervention of the Economic and Financial Crimes Commission, EFCC, Sanders, who in the quest for love, parted with \$2,000 would have remained a wounded love-seeker.

It all began on Facebook, sometimes in 2013, when Sanders met a "friend" in Benny Brown, from Warri, Delta State. The friendship blossomed, and Brown promised to marry her.

In the course of the internet love affair, Brown requested for the sum of \$2,000 to enable him join Sanders in the US.

Desperate to have her new found love beside her, she wasted no time in wiring the money to him through Western Union, into an account with the



Margaret Sanders, all smiles.

name, Gladdys Ikpoba, domiciled with a new generation bank.

Alas, Sanders had been swindled by Brown, who simply pocketed the "loot" and never bothered to book a visa interview, talk less of joining her in the US.

All her efforts to get her money back turned futile, until she petitioned the EFCC.

After an endless wait for the fiancé, Sanders came to the sad realisation that she had been duped. Her fruitless efforts to recover the money prompted her to petition the EFCC.

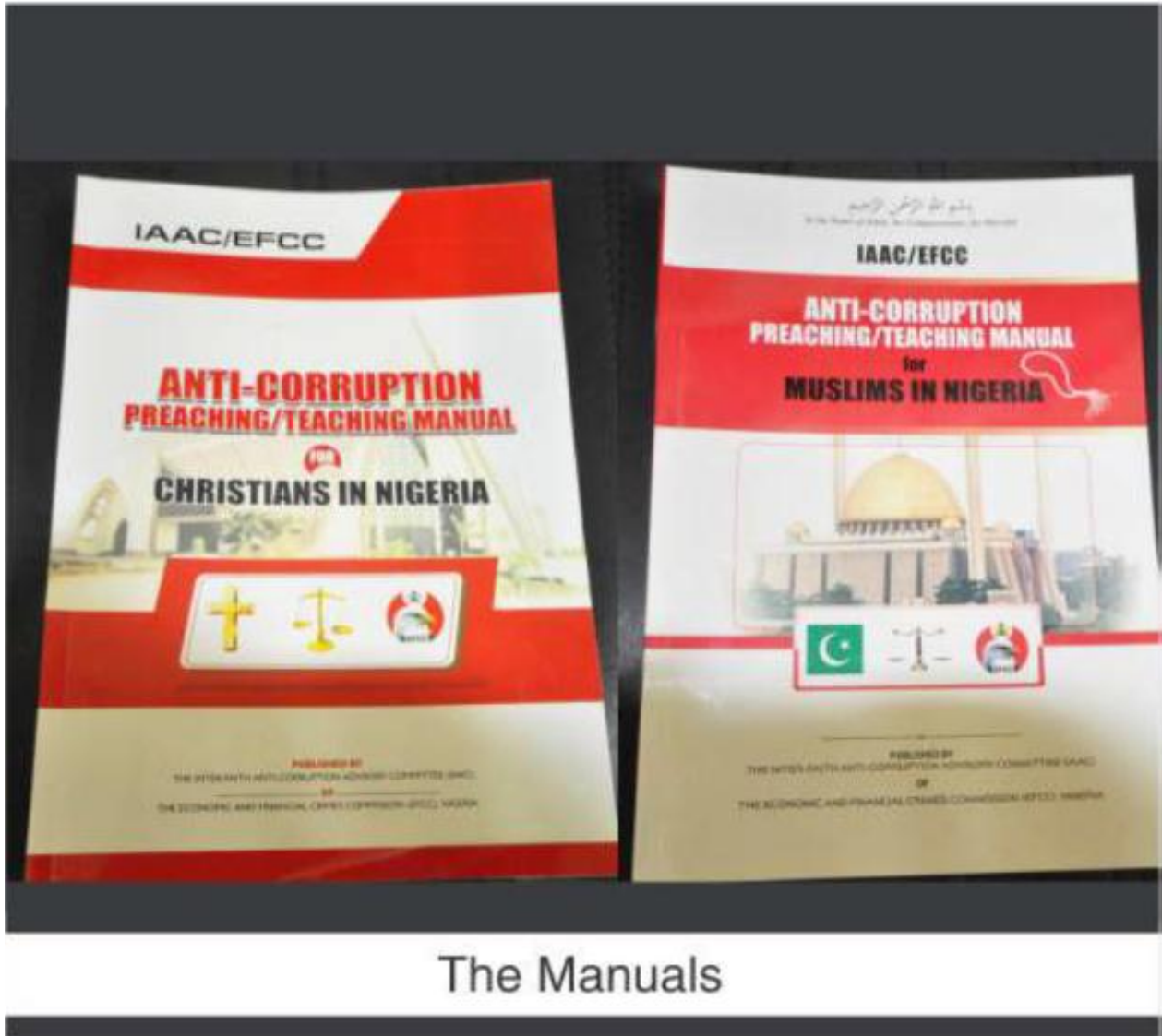
The Commission immediately swung into action, carrying out discrete investigation, which eventually led to the recovery of the money.

All smiles, Sanders is grateful to have her money back.

EFCCALERT | Page 11

Appendix-2. Evidence that EFCC is Working.

Source: EFCC Alert, vol. 4, No.1, 31 January 2015.



Appendix-3. Publications of the EFCC.

Source: EFCC Alert, vol. 4, No.1, 31 January 2015.

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