

Fighting Kleptocracy in Democracy: An Assessment of the Efficacy of Anti-graft Policy Enforcement in Nigeria

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Abstract

Financial crimes in Nigerian socio-political milieu have been more recurrent in contemporary times. The paper attempted to assess the performance of the Economic and Financial Crimes Commission (EFCC) from inception as a platform to evaluate the efficacy of anti-graft policy enforcement in Nigeria. It sought to establish whether the persistence of graft offences by Nigerian government officials was fallout of flaws emanating from censored operational space to restrict of the agency's autonomy. Statutorily, it was mandated to prosecute all financial corruption in public offices, money laundering, advance-fee fraud and other offences related to these. However, in spite of these efforts, the war against corruption in every sphere is far from over. The paper anchored on the rational choice theory as analytical framework and employed the secondary source of data collection and analysis. Arguably, the EFCC operations have not been effective since the number of convictions for financial crimes in public offices is considered relatively low as against the level of the offense in the country. Again, the personnel of the agency were deemed to lack the required autonomy to address the intricacies of fighting the crime. Therefore, to reduce the spate of financial embezzlement, the Nigerian public laws should be amended to embrace a credible method of nominating candidates with good track records for political positions and public offices. In the same vein, more realistic autonomy should be given the operatives of the EFCC with a view to elicit more credible enforcement of the anti-graft law.

Keywords: anti-graft, enforcement, financial crime, prosecution, public office

1. Introduction

Democratic governance in Nigeria has struggled to survive under tortuous conditions fueled by financial corruption. In other words, the country's polity has been known to be engulfed in kleptocracy. A notorious obstacle against efforts geared towards fighting corruption practices in Nigeria is that the socio-political system of the country rewards corruption instead of punishing it. Most times, corruption is seen as precondition for succeeding in Nigeria's crooked political processes. Electoral mandates have, more often than not, been acquired illicitly than through winning since 1999. Many politicians got their positions fraudulently from political godfathers (sponsors) who prevail on them for financial repayments, which could mainly be amassed by corrupt indulgence. Invariably, the daily running of political system in Nigeria repeatedly and grossly militates against the anti-graft agencies duty (Human Rights Watch, 2011). To illuminate this, Maduagwu (1996) linked corruption to Nigeria's political culture. He argues that corruption thrives in Nigeria because the populace tends to give adequate support to it. In this instance, no Nigerian corrupt official would feel ashamed or be criticized by his associates and people simply for being indicted of corrupt practices. This also applies to cases of outright embezzlement of public funds and property. Conversely, the official will be praised and regarded for being smart. Therefore, a government official who finds himself in a position that can corruptly make him or her rich and could not do that will not be respected on leaving the office. He would be termed a fool. Corruption has turned what should be one of Nigeria's biggest blessing or asset (oil wealth) into a curse. In place of improvements of Nigerian citizens' lives, fraudulent elections, police abuses, political violence, and other human rights denials, have been fueled by oil revenues coupled with pitiful living standards, which derailed major public institutions that have gone moribund (Human Development Report, 2010).

During the military leadership era in Nigeria, there was widespread opposition and protests from civil society groups, human rights activists and well meaning individuals condemning the dictatorial style of the juntas. Back then, the leadership cabinet was relatively small in numbers and so was the amount of graft committed. On the other hand, from 1999 onwards, when democratically elected regimes started flourishing, the level of looting of public funds has skyrocketed beyond all imagination. To this extent, not much has been done to stem this obnoxious trend of corruption in government. Following this line of thought, Abati (2010) stressed that back at independence in 1960s and afterwards, many Nigerians lived with the impression that their country would become one of the greatest on the world stage. However, after more than 50 years, the country has turned out a 'crippled giant'. With the notion that Nigeria now runs a sustainable democracy, the paper attempts to investigate whether the sustained kleptocracy in Nigerian government was fallout of ineffectiveness of anti-graft agencies responsible for combating it. Also, attempt will be made to ascertain if the lack of autonomy for the agencies' personnel contributed to the flaws experienced in combating the crime.

At the termination of military regimes in 1999, and considering the high level of corrupt practices, the government of Nigerian created the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in September, 2000 that was mandated to prosecute public sector corruption such as financial embezzlement, translating to abuse of public office by officials. The agency was designed as an improvement on the Code of Conduct Bureau (CCB) and also the Code of Conduct Tribunal, instituted since 1990 to ensure a good code of conduct guiding public officials. None of these institutions was viable in stemming flagrant corruption endemic in the public sector. As a result of pressure mounted by the international organization such as the UN to take care what former President Olusegun Obasanjo captioned a "corruption quagmire", the government instituted the Economic and Financial Crimes Commission (EFCC) towards the end of 2002. This was in line with the passage by the National Assembly of the EFCC 'Establishment Act'. It was vested with the powers to investigate and prosecute all forms of economic and financial offences. The intension was to use it as a viable tool to combat crimes relating to advance fee fraud and money laundering. From then on, the agency has expanded to become the largest anti-graft outfit in Nigeria, floating a US\$60 million annual budget in 2010 coupled with working with more than 1,700 numbers of personnel (Babafemi, 2011). The institution initially proved very efficient in cases involving advance fee fraud. This crime has to do with the email scams that are deceitful; largely associated with the Nigerian fraudsters. (www.nigeria-law.org/CriminalCodeAct.htm)

It would be recalled that in December 2005, the successful prosecution of the notorious 'Brazil' case by the EFCC made headlines. This involved an advance-fee-fraud syndicate where Nigerian perpetrators tricked a corrupt bank official in a Brazil into stealing \$242 million and remitting a substantial part of it to them. The cracking of this case shot up the EFCC into a reputation for efficiency and dynamism that the instituted agencies before them did not attain. Though the EFCC's assignment was not crafted to combat corruption in the public service, the provisions were enough to broadly encompass it (Ogundipe, 2011). There is therefore no doubt that corrupt practices in governmental administrative hierarchies have grossly pervaded what should have been a progressive and viable Nigerian state. As a more effective anti-graft agency slated to fight the corruption menace, EFCC has not done much to prove its competence against the hydra-headed phenomenon over times. Since its inception, up to 2011, the EFCC has been able to prosecute *thirty* Nigerian political heavyweights for graft offences and according to the agency, has recovered \$11 billion via credible efforts. Though, most of the cases prosecuted against the politicians ended up with little or no success in terms of convictions. Within the reporting period, there were *four* convictions recorded. Moreover, those convicted did get little or no jail terms. Some other politicians that were also arrested for corruption never faced prosecution. Within this time, no single politician was jailed for any crimes related to corruption. Considering the mandate of the EFCC, it has not been able to fulfill its promise after eight years since inauguration with a bad reputation hanging over it (Human Rights Watch, 2011).

Onyeoziri (2005:3) stipulates that the reason why corruption is endemic in Nigeria is not far-fetched. One is that people believe that when they indulge in corrupt practices they will not be caught. Such persons also believe that even if they are caught, they may not be punished for their crime. They also go with the notion that if they are indicted and punished, the penalty is likely be lesser than the profit they will attain from corrupt practice. To crown these, Nigeria has remained a weak state. Corruption has been fueling the electoral fraud and political violence that have embattled the country since the end of dictatorship rule by the military. Both problems are known to have caused the death of thousands of citizens and brought about government institutions that were ineffective and largely unaccountable to the masses that look up to them for a better life. Studies have shown how corruption has aided the transformation of Nigerian police force to predators instead of protectors. Incessant extortion of the public by rank-and-file police officers has been so much sustained. A widespread pattern of "returns" through which bribes pass up the command have been known to fuel abuses ranging from unwarranted and illegal arrests leading to

unlawful detentions, torture and also extrajudicial killing of suspects in their custody. These abuses of office by Nigeria police force have grossly denied the people access to justice coupled with the fact and the force does not possess adequate equipment to engage in reliable investigations. (Human Rights Watch, 2007)

In a report by Sanni (2019), Mr. Magu - former Acting EFCC Chairman- held that corruption does not only undermine social and economic benefits meant for the citizens at large, it could also promote terrorism within the country as empirical evidence and studies as revealed by the EFCC denote. In this sense, the tenets of democracy have been 'polluted' for quite a long time by the ruling class in many parts of the world. He intimated that the agency indulged in monitoring cash movements during the general elections of 2019 elections. In that bid, some individuals were arrested after being caught for buying votes within that time. Voter inducement in Africa mostly entails electoral spending by politicians often linked to "votes buying". This practice is known to be very common in Nigeria. The truth is that when one is tricked into selling his/her votes; it automatically means the loss of any moral justification to question corrupt misappropriations by elected officials. However, vote-selling has been possible owing to several reasons, which includes inadequate political education. Most of the political parties sometimes convince the voters by offering them money when they do not have any viable and realistic achievements to make the citizens to vote for them. This breeds multi-dimensional negative effects and undermines good governance while creating opportunities for corruption to be the order of the day.

2. Conceptual Clarification

2.1 Kleptocracy

A kleptocracy is a government that is, to a large extent, made up of corrupt politicians. This group, by using their political power, receives kickbacks and bribes in almost all their dealings. They are engrossed with the clamour for special treatment at the detriment of the masses or even the outright appropriation of state resources to themselves, their relatives and friends. Kleptocrats are also known to use the privilege of political power to make laws geared towards enriching themselves or their associates and most times upturn the rule of law. Furthermore, kleptocracies have been known to be associated with oligarchies, that generally operate in dictatorships and military juntas, autocratic and despotic governments where external oversight more or less is not feasible. The situation of no oversight can worsen when the kleptocratic leaders have to be in charge of both the source of public monies and equally the channel of disbursing these funds. Such Kleptocratic officials handle the state's funds as a means of enriching themselves. In this case they loot and spend the funds mainly and extravagantly on luxury goods and in whatever way they like. Often, such rulers transfer public resources into personal bank accounts hidden secretly in other countries to reserve funds for their use if removed from power (Acemoglu et al, 2004).

2.2 Democracy

Democracy, as defined in dictionary.com, is a governmental system where power is vested in the ordinary citizens, in that they either rule directly or indirectly by freely electing representatives in their stead. One of the commonest definitions, according to Abraham Lincoln sees it as 'government of the people, by the people and for the people'; and this also culminates into the use of representatives. In this sense, a democracy connotes a political or social entity involving the rule by all its populace in the belief that there is equality, socially. Democracies are known to promote social conditions without class but built on equality. However these days, democracy has been more or less defined in negative terms. The negative democracy concept and freedom as propounded by notable scholars, Isaiah Berlin and Karl Popper, is believable due to the impression it portrays being, to free individuals and groups from the awful control of a ruling class supposed to be speaking for the ordinary citizens and also the nation. In line with this, it is now becoming more difficult to explain an anti-liberal idea of democracy. More so, the popular "people's democracies" is now seen as dictatorships imposed on the people by their political leaders with much dependence on external armies. Democracy should rather embrace the free choice of government and not necessarily be a clamour for "popular" policies. The major disparity between the countries at the centre and their peripheral counterparts rests on the notion that in the developed areas, a person is primarily regarded in terms of personal freedom and also seen as a consumer. On the other hand, in the less developed regions, the overarching system of collective identity seems to be more important. To this extent, the pressure from abroad imposes a kind of revolution that looks bloodless and comes in form of imperative modernization of the culture of other nations.

Also, democracy in this sense connotes a process of mediation between competing components of social life, which may involve something other than the idea of government instituted by the majority. Above all, it would imply recognition of one component by another and recognition of each component by the rest. Therefore, it creates an

awareness of both the similarities and the differences among the two. Obviously, this distinguishes the 'arbitrary' idea from the revolutionary view of democracy, which at times promotes the idea of eliminating minorities that may be opposed to what is regarded as progress (Touraine, 1992).

2.3 Graft

This is seen as a form of political corruption implying the selfish use of a politician's office of authority for personal aggrandizement. Generally, graft takes place when monies meant for public projects are misdirected intentionally in a bid to enrich private pockets of the perpetrators. For instance, when a public office holder chooses to buy goods or services that benefit a private interest at a higher cost far above existing market prices, it is interpreted as political graft. Along the line, the official then misappropriates part of the profits to other government officials in order to ensure that an upcoming government spending falls in line with the status quo and so perpetuates the relationship. In another instance, a stakeholder of a government could embezzle directly from government coffers and make decisions that would benefit their own private interests by employing privy knowledge of the upcoming government decisions in way that is likened to insider trading. Although the concept "graft" specifically means the intentional misdirection of public funds, disagreement between private and public interests is present in all types of corruption. Furthermore, the original usage of the term in the modern context is always, though mistakenly, seen as a blanket word for political embezzlement, peddling of influence and other kinds of corruption (www.wikipedia.org).

2.4 Impediments to Prosecution of Financial Crimes in Nigeria

The fight against official corruption by the EFCC has been truncated by many factors that derail due prosecution of culprits. These range from executive interventions, EFCC officials' compromises, judicial corruption, etc. According to Nuhu Ribadu, the success or failure of any prosecution depends on some salient factors like cooperation from person or institutions for cogent information; the authenticity of available evidence during investigation; the level of transparency applied on investigating the case; the judicial efficiency of the prosecuting counsel; the upright and fair decision taken by the presiding judge; gaps established in the law that guide prosecution; and interventions by Presidential fiat. In a keynote address, he went on to explain these obstacles sequentially by stating that the people that have original information in these issues have always been the same people under investigation. Under such situations, the evidence is either destroyed or amended to the extent it might end up useless to EFCC agents. In most cases, it is found that documents which contain materials that can be incriminating evidences are tampered with or the important sections are removed. Therefore the foremost hurdle to a successful prosecution is to obtain or achieve cooperation from persons meant to give viable information. The point here is that corruption involving economic crimes offenses turn out as complex cases. Even when the information sources are ready to cooperate, it might be that the investigator does not have the competence to handle the case properly. This may involve documents or materials that are highly technical and require a well-educated investigator to interpret; that is if he is honest and patriotic enough not to be bribed to cover up the case.

As regards running costs, the cost of investigating and prosecuting of financial crimes in Nigeria is, relatively, costly. For instance, it will cost up to 5M to 10M naira to pursue a case that is of high profile. This stems from the character and nature of these graft offenses, of which many of them are committed by intelligent culprits using different methods that keep changing. Moreover, there are usually delays at court regarding the trials, which equally trigger more prosecution costs. Undoubtedly, the judge is responsible for the chain that binds the defense, the prosecution and the accused together. Therefore, the greatest setback to any prosecution is when a judge makes up his mind as to whether the accused is guilty or not, even before taking and analyzing the evidence. This may occur when the judge has been bought over concerning the case at hand. Though sometimes, the judge may not be well informed regarding that aspect of the law. On the other hand, it could be a deliberate abuse of the law and the facts (Ribadu, 2004).

Some of the EFCC officials that worked with the agency in the past denied the claims that pressure from political powers played significant role in choosing which of the financial crime cases were prosecuted or dropped while some others declared that the infringements was factual. One Rabe Nasir, former EFCC's head of counterterrorism and bank fraud units between 2007 and 2011 who later became in charge of the House of Representatives committee overseeing the EFCC was interviewed. He had this to say to Human Rights Watch in 2011:

"It was very obvious...that selectivity was there. Everything was according to the whims and caprices of the President. I believe that. I have always believed that Obasanjo was so reckless he could have sacked Nuhu Ribadu immediately if he went against him, no matter how good his work was".

One other EFCC official, who also worked for the institution within the same time, confirmed that sometimes they go against the laid down rules to obtain results. He spoke to Human Rights Watch thus:

“Did we break the rules? Yes. You cannot fight corruption and go by the rule of law. Everywhere you look, it’s them. The elite, they have the courts, they have everything. If you go by the rule of law you won’t achieve anything. Because of the interest and passion we had, we saw a window and just broke in” (Human Rights Watch, 2011).

By and large, the rigorous processes experienced in filing and prosecuting graft cases in Nigeria is not encouraging. For instance, an investigator that is ordinarily competent could compromise his position so as to render the evidence to be weak in court. Next on the line is the competence of lawyer handling prosecution. Ultimately, a very good case may be lost due to the greed of a lawyer, who has sold out in a bid to upturn the case in court. Furthermore, some provisions made in the Nigerian Constitution create lacunas and help in some ways to protect the suspect against the nation. An example can be found in Section 35(2). This section gives the accused, on arrest or when detained, a right to ‘remain silent’ and refrain from attending to any question until when he or she has consulted a lawyer. Also, Section 36(11) stipulates that a suspect, who is on trial for a crime, should not be forced to provide evidence in court. As offenders claim these rights, it indeed offers them much protection. As it were, it makes it harder to prescribe jail terms against the person accused of financial crime. Giving this scenario, it becomes almost impossible for the investigations to be concluded. Again, the proceedings in court are delayed stemming from a few numbers of courts and judges coupled with the fact that manual recording methods are employed. These factors, among others, are the problems associated with the enforcement and prosecution of economic and financial crimes in Nigeria. Invariably, they undermine the successful prosecution of such offenses. Generally, because of the congestion of other cases in the courts, the cases of this nature are slowed down and take unnecessary longtime to reach conclusion (Ribadu, 2004).

3. Theoretical Framework

The paper will adopt the *Rational Choice* theory to explicate the tenets of the study. This theory was originally propounded by Cesare Beccaria during the late eighteenth century and has since been expanded to include other perspectives by various scholars. For a long time, Rational Choice approach has dominated the academia in studies associated with corruption, policy approaches and practical anti-corruption moves. It asserts that corruption is a matter that involves strategic, calculating, self-interest attitude. In this sense, corruption mostly occurs in situations of asymmetry of power, especially where there is hierarchy of office (Siri Neset, 2018). It views human behaviour as fallout of self-interest choice of the individual (Hall and Taylor, 1996). Often, prudent people who are strategic meticulously compare the losses and gains of any action before ever indulging in them. Against this background, such individuals carve out consistent, well-defined and ranked preferences. Therefore, they fashion their behaviour to actualize these choices. The major goal here is geared towards maximization of utility and attainment of whatever that makes them happier and more satisfied. These could come in form of power, money or both. Rational Choice approaches to the explication of corruption are divided into three. These subfields include, Principal-Agent approach, Collective Action approach also known as prisoner’s dilemma and Coordination Game approach. It could also connote a type of collective action issue, termed *prisoner’s dilemma*. In this instance, persons can have reasons to go after their own interests in particular instead of working towards the collective good in collaboration with others. This culminates into a social dilemma; according to Köbis et al (2016).

Corruption, on a wider scope, involves the abuse of official or vested power turned into personal aggrandizement based on rational choice or a principal-agent approach (Kolstad and Søreide, 2009). As earlier mentioned, instead of fronting the principal’s interests, agents act to realize their own selfish goals and this therefore becomes a *principal-agent* problem, which entails organizing collective behavior. It sometimes involves delegation of authority for duties that are within institutions and organizations. In other words, it is the citizens or principals that give power to their representatives or bureaucrats to perform in their stead. This plays a role in the production of public goods and services. These agents or representatives may choose to act in such a manner to pursue their own selfish interests instead of those of the principal. In this particularly case, where there is inequalities of information the principal will find it a huge task to monitor the behavior of the agent. This condition here depicts a problem because if we assume that the persons are sensible, opportunities that enhance self-benefiting behaviours may not be actualized (Persson, Rothstein, and Teorell 2013; Marquette and Pfeiffer, 2015).

Due to the fact that corruption happens to be a crime that anchors on calculation instead of passion, the benefits as regards information available to the government, as intelligible actors, gives them leverages to upturn invested authority for personal enrichment. It could be a systemic syndrome, not only because of the weakness of the institutions that check corrupt practices, but rather due to the persistent presence of social support of corruption that are

widespread. This follows the impression that the informal institutions known as social norms provide conditions for citizens to be corrupt (Persson et al, 2013). Within this context, corruption could be the norm that reflects a sense of being right instead of consequence. Rather than being seen as “breaking of rule”, it becomes a form of “following rules” which most times relies on the behavior of some other actors (Berninghaus et al, 2013). As a corollary, the practice of punishing corrupt people becomes very low or may be not exist because the normal conditions for bringing culprits to book, even in situation of the availability of institutions for accountability, are not on ground. Where corruption is considered a normative problem, slim benefits may exist for being upright in an environment dominated by corruption. As a matter of fact, not being corrupt may actually attract serious social discrimination (Dong *et al*, 2012).

These explanations of corruption have varied policy consequences. Where corruption involves cooperation or principal-agent issues, it might entail the incentive structure to be changed in such a way that the actors will have good incentives to conduct themselves ethically. This could also mean that they will get narrower opportunities to indulge in corruption and get punished for corrupt practice. However, this may involve financial benefits to be ethical towards agencies that act as conduit pipes of required information, instituting institutions for accountability and systems of punishment. For example, the four main oil-producing states in Nigeria have respective budgets that surpass the government budgets of many West African countries put together, yet the state and local governments have abysmally failed to provide for the healthcare and education requirements of their people. (http://www.fmf.gov.ng/FMF_Revenue_Alloc.aspx) In its place, public resources meant for the improvement the lots of ordinary citizens are spent arbitrarily and embezzled by governing officials. The observable height of corruption and the attendant traces of underdevelopment in these oil-producing states are condemnable. In 2008, the total federal government’s revenue amounted to \$45.4 billion, as released by the Federal Ministry of Finance in early 2009; still this could not translate to better life for 64 % of Nigerian citizens that lived below \$1.25 per day. For this and other related reasons, Nigeria has, paradoxically, been rated low in the world human development index in spite of being one of Africa’s largest oil-producing countries (<http://www.hdr.undp.org/en/reports/global/hdr2009>).

4. Methodology

The paper will adopt the qualitative method of data collection, thereby relying on secondary sources of information from relevant extant literature. In this vein, it tries to look into the activities, weaknesses and strengths of the active anti-graft agency in Nigeria instituted as the Economic and Financial Crimes Commission (EFCC). The assessment spans from its creation and commencement in 2003 up to 2020. First, looking at some of the landmark prosecutions and convictions by the agency will serve as a guide.

Some Landmark Prosecutions and Convictions by the EFCC

Tafa Balogun was an erstwhile Inspector General of Police (IGP) convicted under Ribadu. He was the EFCC’s foremost conviction of a big public figure after being arraigned in April, 2005 after a forced retirement. The charge leveled against him was for the offense of non-declaration of his assets; of which he pleaded guilty. Furthermore, the major companies he owned were also charged for money laundering to the tune of about ₦5.7 billion. Consequently, he bagged a six-month prison time in December 2005. Thereafter, his assets were confiscated, as ordered by the court and this amounted to well over US\$150 million (BBC Online, 2005). The conviction was seen as inadequate considering the magnitude of the offence as a sitting IGP (Iriekpen et al, 2007). Nonetheless, his conviction was a welcome and novel achievement as he appeared in court with handcuffs for corruption charges (Bello et al, 2005).

Lucky Igbinedion was a former Governor of Edo State prosecuted by EFCC in the first month of 2008 for diverting over \$25 million of state resources to himself (Agence France-Presse, 2008). By December 2008, he was declared guilty of declining to declare his assets and was convicted. Also a 27 count charge was leveled against his major company for money laundering. However, the Judge handling the trial, Abdullahi Kafarati, gave him a light sentence, without a jail term. Having paid a \$25,000 fine coupled with the agreement to forfeit some of his assets, he was released. Afterwards, the EFCC had to appeal regarding the judgment. Sometime in 2011, the agency raided two of his houses in Abuja and went on to file fresh criminal charges against him (EFCC, 2011). The court ended up dismissing the case, saying that the indictment would result into confusion (Ibileke, 2011).

Diepreye Alamieyeseigha, the governor of Bayelsa State between 1999 and 2005, was arrested in Britain by London authorities in September 2005. The Metropolitan Police discovered £1 million (cash) and charged him to court for money laundering (BBC Online, 2005). When granted bail, he escaped from the United Kingdom (disguised as a woman) and arrived in Bayelsa state (Polgreen, 2005). As a follow up, the EFCC then charged him for embezzling \$55

million of state funds (Ahemba, 2005). Come July 2007, he pleaded guilty for failure to declare his assets. He bagged a two year jail sentence but was released for time served during investigations (Mbachu, 2007). But without delay, he was absorbed into the ruling party family. Senior party officials, in May 2008, overtly campaigned with Alamieyeseigha during a political rally in his home State. That was barely after 10 months of his conviction (Oyebode, 2008).

Olabode George. Under President Obasanjo, George became one of the most influential politicians in the Peoples Democratic Party. Along the line, he was appointed chairman of the Nigerian Ports Authority (NPA) at that period. In August 2008, the EFCC arraigned him in connection with offenses related to contract allocations, which was backdated to the period he was with the NPA (Akintunde, 2008). Consequently, in October 2009 he was convicted and jailed for two years and six months (BBC Online, 2009). The sentence marked the first EFCC's conviction at trial of a prominent politician. This accomplishment was, however, rubbished when he was released by February 2011 as he was treated like a hero-welcome-home by the stalwarts of the ruling party.

Interestingly, under the Buhari civilian administration, the arrests and prosecutions secured by the Commission showed a little progress. Mentioned below are reports on some prominent politicians, who for one reason or another have been detained in Nigerian prison facilities, since the inception of the current administration. Though, most of these detentions were short-lived as reported by Daily Trust. It all looked like a serious harassment since they ultimately ended for lack of evidence to prosecute the accused.

Yero Mukhtar Ramala was a former governor of Kaduna state who got a prison sentence. He never contested an election but within a period of five years, was made a commissioner and later became a deputy governor of Kaduna state in 2010. He became the governor in 2012 as a result of the demise of the incumbent, Patrick Ibrahim Yakowa, who was involved in plane crash. He was formerly a director of finance in a firm owned by Namadi Sambo and became a state commissioner for finance in 2007. Yero was detained for seven days at the Kaduna Prisons.

Jonah Jang served as a governor of Plateau state in the past after retiring as an Air Commodore. He was detained at the Jos prison for a period of eight days as a 'special guest'. The presence of the former governor that also became a senator triggered the resuscitation of electricity at the prison facility in Jos. He was arraigned on a 12-count charge of embezzling N6.3bn together with a cashier that was working in the Secretary to the State Government's office. (Yusuf Pam) At the end, he denied the allegations.

Joshua Dariye was a Senator representing Plateau Central. On June 12 2018, he was convicted to a 14 year jail term owing to a breach of trust considered criminal and yet an additional 2 years for corrupt diversion of state funds. Though, both sentences were meant to run concurrently. The presiding Judge found him guilty of 15 out of a 23 count charge. These bordered on misappropriation of public funds and criminal breach of trust. It would be recalled that this case which involved an N1.16bn fraud was first brought up in July 2007. It had been on for over a decade (Lawal, 2018).

Bala James Ngilari case happens to be the first sentencing actualized under the current Buhari regime. He was a former Adamawa state governor. For not following due process pertaining in the procurements in the state, Ngilari was convicted and jailed in March 2017. In a long-ruling that lasted for 75-minutes, the presiding Justice found him guilty on four charges while he was declared not guilty on the one bordering on perceived conspiracy. At last, he was jailed for five years in prison.

Jolly Nyame was a former governor of Taraba State. In a trial that took over a decade, he was found guilty and sent to prison for 14 years. The accused was charged for embezzlement of funds while serving as state governor to the tune of N1.64bn. This sentence was pronounced by Justice Adebukola Banjoko of the Federal High Court in Gudu, Abuja. He was governor of the state from January 1992 to November 1993. He also was a civilian governor of Taraba state between 1999 and 2007. His sentencing was one of the landmark convictions secured by the EFCC.

Nwaoboshi Peter, a Senator from the opposition party representing Delta North, was detained at the Kirikiri maximum security prison accused of diverting N805m to his personal coffers. Based on this, the EFCC prosecuted Nwaoboshi. In the past political dispensation he was chairman to the Senate committee on Niger Delta Development Commission. He was arraigned together with two companies namely; Summing Electrical Ltd and Golden Touch Construction Project Ltd. This suit involved money laundering and fraud hinged on a two-count charge. In the long run, he was granted bail by the presiding Judge, Mohammed Idris on self-recognition after 48 hours.

Lamido and Sons: When the Buhari administration took over power in 2015, Sule Lamido, who had been governor of Jigawa state, was detained in Kurmawa prison along with his two sons namely; Aminu and Mustapha. The charges bordered on money laundering amounting to about N1.351bn. According to court reports, theirs was a family

affair. Allegedly, the said amount was moved under the auspices of four companies owned by Lamido and sons. These companies' names are Bamaina Company Nigeria Limited, Bamaina Holdings Limited, Speeds International Limited and Bamaina Aluminum Limited. Lamido shared the same prison cell with his children. This case has been going on since 2012, before the Buhari administration.

Oliseh Metuh was detained in the Kuje, Abuja prison on allegation of money laundering. He was former People's Democratic Party (PDP) spokesman whom the EFCC accused of a receipt of N400 million from Sambo Dasuki, who was the National Security Adviser under the Jonathan administration. This amount was assumed to be an integral part of the \$2.1 billion mapped out for the purchase of arms by the immediate past regime. The case was still going on at the time of this report as Metuh has been appearing in court, on a stretcher, from time to time.

Bala Mohammed and Son: Senator Bala Mohammed was former minister of Federal Capital Territory. He and his son, Shamsudeen were locked up at the Kuje prison at different times due to alleged financial misconduct. Just like the Lamidos case, it was basically like a family business. Bala Mohammed was arraigned by the EFCC on a six-count charge based on false assets declaration and a ₦864 million bribery allegation. His son had a 15-count charge of money laundering leveled against him.

Sambo Dasuki. Dasuki was a National Security Adviser during the Jonathan administration who was accused of the mismanagement of \$2.1bn that was mapped out for the purchase of arms. This came on board as soon as the Buhari administration commenced. He has already been detained for 2 years and seven months bordering on this case. Some other cases of corruption involving past top politicians had emanated from *Dasukigate* as captioned presently. Among the culprits is Attahiru Bafarawa, the erstwhile Sokoto state governor, Ibrahim Shekarau, past Kano governor, Musiliu Obanikoro and son, Raymond Dokpesi, Bello Haliru and son, etc.

Nenadi Usman and Fani-Kayode: Femi Fani-Kayode (FFK) was a minister of aviation under Obasanjo administrations while Nenadi Usman, was former minister of finance then. Both were taken to different prisons on the same day. After the detentions, they were arraigned in court at Lagos bordering on an allegation of N4.9 billion fraud on a 17-count charge as filed by the EFCC. The presiding Judge was Justice Sule Hassan. Fani Kayode was detained at the Ikoyi prison while Usman went to Kirikiri prison since there were no provisions for female detainees at Ikoyi prison (Lawal, 2018). Incidentally, within days they were released for lack of concrete evidence.

For a clearer picture, the following tables showcase prosecutions of high-ranking public officials and politicians by EFCC, including those not mentioned above, according to various periods under different chairmen of the agency.

Table 1. Ten Nigerian Prominent Political Figures Charged under Ribadu (April 2003-Dec. 2007)

Defendant	Office Held	Date Charged	Source
Tafa Balogun	Insp.Gen. of Police (2002 - 2005)	Apr., 2005	Eboh (2005)
D. Alamieyeseigha	Governor, Bayelsa State (1999 – 2005)	Dec., 2005	Ahemba (2005)
Abubakar Audu	Governor, Kogi State (1999 – 2003)	Dec., 2006	Soniya (2006)
Joshua Dariye	Governor, Plateau State (1999 – 2007)	July, 2007	Ige (2007)
Orji Uzor Kalu	Governor, Abia State (1999 – 2007)	July, 2007	Ibid
Saminu Turaki	Governor, Jigawa State (1999 – 2007)	July, 2007	Ibid
Jolly Nyame	Governor, Taraba State (1999 – 2007)	July, 2007	Ibid
Chimaroke Nnamani	Governor, Enugu State (1999 – 2007)	July, 2007	Shosannya (2007)
James Ibori	Governor, Delta State (1999 – 2007)	Dec., 2007	Eboh(2007)
Ayo Fayose	Governor, Ekiti State (2003 – 2006)	Dec, 2007	Anaba et al (2007)

Source: Human Rights Watch, 2011 (Edited by Author)

Table 2. Four Political Figures Charged under Interim Chairman I. Lamorde (January - June 2008)

Defendant	Office Held	Date Charged	Source
Lucky Igbinedion	Governor, Edo State (1999 – 2007)	January, 2008	Agence France Presse, (2008)
IyaboObasanjo-Bello	Senator, Ogun State (2007 – 2011)	April, 2008	Eboh(2008)
Adenike Grange	Minister of Health (2007 – 2008)	April, 2008	Ibid
Gabriel Aduku	Minister of State for Health (2007 – 2008)	April, 2008	Vanguard(2009)

Source: Human Rights Watch, 2011 (Edited by Author)

Table 3. Sixteen Nationally Political Figures Charged under Waziri (June 2008 – July 2011)

Accused	Office Held	Date Charged	Source
Babalola Borishade	Minister of Aviation (2005 – 2006)	July 2008	Eboh, 2008
Femi Fani-Kayode	Minister of Aviation (2006 – 2007)	July 2008	Eboh, 2008
Michael Botmang	Gov., Plateau State (2006 – 2007)	July 2008	Daily Trust 2008
Boni Haruna	Gov., Adamawa State (1999 – 2007)	Aug. 2008	Agba, 2008
Rashidi Ladoja	Governor, Oyo State (2003 – 2007)	Aug. 2008	Irickpen, 2008
Olabode George	Chairman, N P A (1999 – 2003)	Aug. 2008	Akintunde, 2008
Nicholas Ugbane	Chairman, Senate Comtee. on Power	May 2009	Aminu, 2009
Ndudi Elumelu	Chairman, H of R. Comtee. on Power	May 2009	Ibid
Igwe Paulinus	Chairman, H of R. Comtee. on Rural Dev.	May 2009	Ibid
Jibo Mohamud	Dep. Chair, of Reps. Comtee. on Power	May 2009	Ibid
Attahiru Bafarawa	Governor, Sokoto State (1999 – 2007)	Dec. 2009	Mohammed 2009
Abdullahi Adamu	Governor, Nasarawa State (1999 – 2007)	Mar 2010	AFP, 2010
Nasir El-Rufai	Minister of FCT (2003 – 2007)	May 2010	Ige, 2010
Hassan Lawal	Minister of W and Housing (2008 –2010)	May 2011	Nnochiri, 2011
Dimeji Bankole	Speaker of the House of Reps. (2007- 2011)	June 2011	Agoi, 2011
Usman Nafada	Deputy Speak of the H of R.(2007-2011)	June 2011	Associated Press, 2011

Source: Human Rights Watch, 2011 (Edited by Author)

As outlined above, there have been long lists of arrests and prosecutions by the EFCC since inception. However, most of them came to no avail. Often times, even where convictions are secured, the culprits are easily bailed out or given outright release for various reasons, notably with official fiats from the authorities. Following this trend, the EFCC's reputation started to dwindle within a shot while, caused by what appeared as a political selectivity inherent in the prosecutions. At least, it was presumed that most of the cases fronted by the EFCC on corruption were either postponed or set aside according to the dictates of the President (US Department of State, 2008). Allegations of such nature rose to a high level before the 2007 elections, which led to a list of 135 candidates suspected as corrupt being published by the EFCC. These candidates were consequently prohibited from running for political offices. Unfortunately, this list mainly contained the president's opponents excluding all his close allies. Ironically, it even omitted most of Obasanjo's loyalists the EFCC had indicted of corruption. When verifiable numbers are considered, the sum of the EFCC's achieved convictions of notable politicians within the federation is discouraging. This is because they are as few as four convictions in between 2003 and July 2011 (eight years). Within that period, only one out of the four was secured during trial, while the rest were obtained via plea bargains and consisted of expunged parts of the serious allegations leveled against the culprits. By and large, Ribadu cannot be adjudged more successful in obtaining convictions of these corrupt politicians than Waziri. After all, the two convictions actualized by Ribadu's leadership were attained via plea-bargain arrangements.

The findings so far show that the EFCC has worked hard by arresting financial crime suspects who mostly were of the executive class and equally charging them to court but were unable to secure commensurate convictions as deterrence to upcoming public office holders. This further strengthens the nexus between democracy and the economy and indicates that the masses are merely confined to voting in elections while political career remains opportunities open to the affluent class whose wealth catapult to power through politics in most parts of Nigeria (Onyeoziri, 2005). In any case, while the politicians bear more of the blame, it is worthy of note to observe that, the embarkation on western style democracy under a weak economic background, led the Nigerian system to be founded on a very shaky ground. Therefore, there is the likelihood it would be corrupt (Akintunde, 1967:6-8). Nigeria, for a long time, has had the reputation of being among the counties with the most corrupt public service in the world. Corrupt practices, like the embezzlement of funds, bribery and financial fraud are replete in all governmental levels. Little wonder between 1999 and 2003, Nigeria was ranked last on Transparency International's annual Corruption Perceptions Index (Transparency International, 2009). Sometime within 2006, the Chairman of the EFCC, Nuhu Ribadu, postulated that the country may have lost up to \$380 billion as result of persistent corruption from independence in 1960 to the exit of military rule in 1999 (BBC Online, 2006). Though, exact data of its costs are not easy to determine, some diplomats have stated that from 1999 to 2007 Nigeria has lost an average of between \$4 billion and \$8 billion per annum due to corruption (Human Rights Watch, 2007).

EFCC Convictions of Internet Fraudsters under Ibrahim Magu, 2015-2019

2015 - 103

2016 - 189

2017 - 190

2018 - 202

2019 - 206

Total - 890

Source: THISDAY News (2019, 7th November)

A glimpse at the data above depicts that the EFCC has in recent time recorded improved arrests and convictions of internet fraudsters under the Commission's immediate past Chairman, Ibrahim Magu, which is among the foremost mandates of the commission. However, the same fit cannot be attributed to the agency as regards the conviction of Nigeria's political class who are seen as the primary perpetrators of the menace of financial corruption that is the major focus of this paper.

5. Official Faws against the Economic and Financial Crimes Commission

According to Sahara Reporters, since the creation of the EFCC in 2003, the agency has been engulfed in lots of controversies, mainly for the "selective" method it employs in combating corruption. Some experts said that this depicts the character of people at the helm of its affairs. The feature of selectivity has been among the major underlying factors behind the removal or suspension of most of the past Chairmen of the anti-graft agency. In this instance, Ribadu became an enemy of the authorities in that by December 2007 he was removed from his position after he went on to prosecute James Ibori, former Delta State governor, who was an associate of President Umaru Yar'Adua. He was forcefully whisked away from a graduation ceremony he attended at the National Institute for Policy and Strategic Studies in Plateau State by some security agents. Later, he was demoted by the Nigeria Police Force and unceremoniously retired from active service. In May 2008, Farida Waziri replaced Nuhu Ribadu shortly after he was sacked. There were insinuations that she was fronted by some past governors like James Ibori and George Akume in a bid to cover up their corruption charges by the commission. Waziri was later sacked on November 23, 2011 by former President Goodluck Jonathan. Some sources said her removal was connected to allegations that she made attempts to sponge out some serious cases against corrupt officials.

After Waziri, came Ibrahim Lamorde appointment on November 23, 2011. He was placed as acting chairman of the EFCC. Unfortunately, he got caught up in the 2015 imbroglio when the Senate alleged that the sum of \$5bn was missing at the agency's office and was consequently removed by President Muhammadu Buhari on November 9, 2015. President Muhammadu Buhari replaced Lamorde with Ibrahim Magu in November 2015. The Nigerian Senate vehemently declined to confirm Magu as substantive chairman. This move was not unconnected with "security reports" concerning his connections with Umar Mohammed by some law enforcement agents. This led to his arrest on July 6, 2020 by the Department of State Services (DSS) and the Nigeria Police Force for various charges bordering on corruption. Finally, Magu was detained on July 7 and sacked as chairman of the EFCC (Sahara Reporters, 2020). The above trend has encouraged impunity among corrupt public office holders in Nigeria till date.

6. Conclusion and Recommendation

From the findings of this paper, it is imperative to agree with the fact that Nigeria's level of financial corruption in government is among the worst in the world. Worse still, the machinery of fighting the menace, namely the EFCC, has tried but failed due to many adverse factors hindering their mandate, externally and internally. Being mindful of the fact that corruption is generally tolerated and celebrated in the country by the powers that be, the setting up of an anti-graft agency appears to be a ruse. This assertion stems from the treatments meted out to the first and the immediate past chairmen of the EFCC, who were disgraced out of office for some reasons. Secondly, most prosecutions by the agency were treated with kid gloves by the political class. The officials had always ended up being rusticated on flimsy reasons instead of reward for performance with their tenures ending in a tale of woes. This phenomenon points to the fact that anti-graft policy enforcement has not yielded any dividends in Nigeria. On a general note, the problem of Kleptocracy in the Nigerian government has pervaded the very roots of democracy starting from elections to political appointments; where people of shady backgrounds are 'selected' over the upright ones. The situation has almost turned the EFCC into a glorified rubber-stamp agency as far as fighting political

official corruption is concerned.

The paper therefore, suggests that the electoral laws should be amended to embrace and adopt a complete overhaul of the electoral system that can strictly adhere to promote merit and deemphasize nepotism. There should be concerted efforts geared towards a social reorientation of the Nigerian public in the same direction. The action will go a long way to reduce corruption in public offices and make the work of the Economic and Financial Crimes Commission less cumbersome. The agency should also be granted pure autonomy to reduce interferences from the political authorities. Furthermore, the prison sentences for graft offences do not seem stringent enough to deter future offenders. This should be reasonably reviewed upwards in accordance with the amount of graft involved. As mentioned, fraudsters are very calculative since, most times, they compare the amount to be embezzled to prison time. Finally, the EFCC should endeavour to carefully choose and give adequate training to personnel of the agency to meet up the global best practices against financial and economic crimes. This would improve the quality of unbiased investigations and prosecution of offenders and officers that are riddled with corruption.

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