

AN ANALYSIS OF DIFFERENTIAL PERFORMANCES OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) ALONG LEADERSHIP REGIMES IN NIGERIA

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ABSTRACT: *One of the greatest enemies of human growth and societal development is corruption. More worrisome is when there is manifestly a deliberate failure to get rid of its spread and existence. This research is a survey type that assessed the perception of Nigerians on possible differential performance of EFCC along leadership regimes. This research is an extraction of a Ph.D thesis that explored both primary and secondary data. The theory of prismatic society provided a frame work for the analysis. The study reveals a differential perception on the performance of the EFCC along leadership regimes. It also shows that president Olusegun (1999-2007) is favorably higher in ranking in the fight against corruption than the YarAdua regime with Goodluck's administration at lowest ebb of the score. The research concludes that the premise for this leadership cocksureness is the vacuum created by weak institution of governance. This vacuum provides an avenue for tendentious attitudes and despotic inclination to governance. The study recommends inter alia; a need for virile institutions of governance, political culture of discipline and leadership consciousness and conscious national agenda.*

KEYWORDS: Corruption, Leadership, Performance, Regime, Anticorruption

INTRODUCTION

The political administration system in Nigeria is said to have been largely influenced by the leadership qualities and disposition of the political head, elected or otherwise. This scenario explains why most often than not administrative regimes are ascribed to the personality of the leaders in any discuss on the political administration of Nigeria. This could further be understood by the prevalence of weak institutions of governance and administration which inadvertently surrenders the collective will of Nigeria and its political economy to the whims and caprices of the political leadership. The emergence of the culture of policy inconsistency and truncation found expression here which to a large extent paves ways for impunity, highhandedness and perhaps a dictatorial regime and despotism. The Nigerian government has regrettably been defined with culture of socio political and administrative corruption since independence, the concern for the fight against the scourge no doubt occupies public space, political discuss, and in rare cases, the minds of the political gladiators. While some leaders are sincere in the fight against corruption, others are definitely weak in that direction and some even promoting it for personal and group aggrandizement.

Giving the differential disposition of Nigerian leaders on corruption management, the achievements of the Nigerian anticorruption agencies therefore depends largely on the political will and support they enjoy from the power that be. The zigzag operational successes and achievements of the Economic and Financial Crimes Commission since inception cannot be detached from these leadership factors.

The first President of the Nigerian fourth republic, Former President Olusegun Obasanjo established the EFCC in 2004. He was succeeded by late Umar Yar'Adua who incidentally died and was also succeeded by President Good luck Jonathan that led for over five years. It is obviously true that the EFCC feared differently under these democratic leaders/regimes. The question is, are there performance differences of the EFCC under these leaders? Do the leaders have different stance and understanding of the level of corruption in Nigeria? Do they have different leadership objective that may explain any differential leadership disposition to corruption management? Do their leadership backgrounds and experiences have any correlation with their concern for corruption control? This paper therefore seeks to examine the performance of the EFCC along these leadership regimes in Nigeria. It is also concerned with establishing if the aforementioned differences prevail amongst these leadership regimes. This study is an extraction of a Doctorial research conducted for the award of Doctor of Philosophy degree in public administration. The study is a survey type that explored and utilized both primary and secondary data. The population of study cut across the six geopolitical zones and the Federal Capital Territory in Nigeria. The elements that constituted the population of study are the literate group between 25 and 59 years of age. This is because, the issue under consideration is too sensitive that required an articulated mind to understand and interpret the circumstances of leadership and its effect on anti corruption status of Nigeria. The likert scale of measurement was used to assess the perception of Nigerians across the geopolitical zones on the topic of research. This is to ensure quality and reliable findings.

THEORETICAL ISSUES

Political corruption can be defined with reference to the main perpetrators, namely persons at the highest levels of the political system, and the purpose of the corrupt behaviour, which may include sustaining hold on power. Hence, political corruption can be for private / group enrichment and for power preservation. Some of the larger and more serious political corruption scandals include both processes of accumulation on the one hand and the misuse of extracted or public money for political purposes on the other (Fitzsimon, 2002).

Public money are used for power preservation and power extension purposes, this usually takes the form of favouritism and politics of patronage. It includes favouritism and politically motivated distribution of financial and material inducements, benefits, advantages, and spoils. Some of the techniques include money and material favours to build political loyalty (godfatherism) and political support (Said, 2014). Power-holders can pay off rivals and opposition and/or to secure a parliamentary majority. By giving preferences to private companies they can get party and campaign funds, and by paying off the governmental institutions of checks and control, they can therefore stop investigations and audit that allows judicial impunity. Furthermore, by buying loyal decisions from election commissions and by buying votes they can secure their re-election (Said, 2014)).

Corruption in Nigeria has been touted severally in public debates and discuss. Little wonder, on assumption of office, former president Obasanjo (1999) noted that the impact of corruption is so rampant and has earned Nigeria a very bad image. The new dispensation (1999) provided an opportunity that was required to rewrite the ugly image of corruption against Nigeria. His first effort saw the establishment of the Corrupt Practices and Other Related Offences Act in June 2000. In 2003, the EFCC was established. Its first

establishment Act of 2002 was repealed by a bill of the national assembly and re-enacted as EFCC Establishment Act, 2004. Its establishment was meant to satisfy one of the conditions of the international Financial Action Task Force (FATF) to remove Nigeria from the list of countries associated with corruption in international financial transactions.

In October 2005, EFCC scored its first break when Tafa Balogun, former Inspector-General of Police was sentenced to a six month jail term for corruption (Amaragbu, 2011). Former Senate President, Adolphus Wabara, former Minister of Education, Professor Fabian Osuji and Housing Minister, Mobolaji Osomo were all indicted for corruption (Thisday, 2005).

However, the Nigeria Labor Congress (NLC) and Abubakar Umar, a retired army major and a good governance crusader have both argued that the rhetoric about fighting corruption, as promised by government, has been politicized (Amaragbu, 2011). NLC remarked that Nigeria needed more thorough, result-oriented and comprehensive measures against corruption at all levels and spheres of life. Umar noted that the fundamental flaw in government's anti-graft project was rooted in poor articulation and political factors:

Mr. President, I must be bold to tell you that nobody believes in your anti- corruption war... Although corruption is fast trickling to the lowest level of government, over 50% of it occurs in the presidency ... In the few instances where your government has prosecuted people for corruption, they invariably turned out to have political disagreements with you (Umar, 2004).

President Yar'Adua, (2007) Obasanjo's successor, pledged to deepen anti-corruption campaign. Yar'Adua exuded some measures of infectious optimism and declared expectantly, that his government will intensify the war against corruption (Yar'Adua, 2007). To him, it was necessary to encourage responsible, corruption-free leadership and significantly alter the 'nest of corruption' perception of Nigeria in the world. The EFCC in 2007 began charging some of the indicted former governors for corruption. However, in August 2007, the same government challenged the constitutional validity of the independent prosecutorial powers granted the anticorruption bodies, like the EFCC and ICPC. The government minister of justice took exception to the inclusion of such prosecutorial power in their establishment acts as unconstitutional, and as a result, all prosecutions by the anti-corruption bodies would need to be authorized by the office of the attorney general of the federation. This development weakened the resilient campaign and set off the struggle for EFCC's survival and significance in the new government.

Theoretical Framework

Nigeria like any other society is a product of history. This historical experience has shaped its development process at various stages. The character of its people further makes the society so complex to the extent it has conditioned its socio political and economic development. The cultural differences amongst Nigerians shape the expectations of each region in this supposedly developmental partnership. To dilute the regional differences, geopolitical zones were further created to provide an identity for the minority ethnic nationalities within the regions. The prismatic theory by Riggs (1964) showcases prismatic society as one which has achieved a certain level of differentiation with specialization of roles necessary for dealing with modern technology but has failed to integrate these roles. It has moved away from the fused stage but has not yet reached the diffracted one. It is thus a transitional society which is at middle stage with its old customs and traditional ideas exist along with modern standards

and values (Sapru, 2008). Riggs further identifies three dominant features of the prismatic society namely; Heterogeneity, formalism and overlapping. Heterogeneity represents a parallel co-existence of diametrically opposite view points and practice, this makes social change in such society inconsistent, incomplete and unresponsive. Formalism on the other hand refers to the extent to which a discrepancy exist between norms and practices, between the prescriptive and descriptive, formal and effective power, actual practice and facts of government and society. Formalism is a situation where a law says one thing but the practice is something different. Overlapping being the last indicator shows the extent to which formally differentiated structures of a diffracted society coexist with undiffracted structure of a fused type. In such society, functions are performed by old traditional structures as well as by modern ones leading to confusion and irregularities. Overlapping, Riggs says manifest in several dimension such as 'Nepotism', polycommunalism, the existence of 'clect', polynepotism and lack of consensus (Naidu, 2007).

ANALYSIS AND FINDINGS

The descriptive analysis of the research question stated as “Does *the performances of the EFCC vary significantly along leadership regimes in Nigeria*”? To answer this question, the mean response to the questions i.e. performance of the EFCC, is subjected to a mean score analysis and is presented in tables (see appendix).

A critical examination of the table which seeks to provide answer to the question indicates that respondents are “*undecided*” over whether there is any difference along leadership regimes in Nigeria.

The overall mean shows 3.21, it means that respondents are “*undecided*” on whether EFCC performed credibly well under the Obasanjo, Yar'Adua, Goodluck and Farida Waziri's administration. However, the EFCC was more proactive, determined and effective under Ribadu, which earned it more credibility, the mean score was 3.57 “*agreed*”. The silent approval of higher performance under Obasanjo's administration is apparent here since Ribadu served under Obasanjo.

The inferential analysis section tries to find out if there exist any significant relationship in the perception of the respondents and their demographic information on differential performance of the EFCC along leadership regimes.

The dependent variable is perception on performance along leadership regime while the independent variables are respondents' demographic information i.e. age, gender, Geo-political Zones, Educational qualification, Occupation, sector and political parties.

Table 1.1.1e presents the correlation coefficient result of EFCC's performance along different leadership regimes and personal information to be 0.018, 0.16, -0.0269, 0.079, 0.14, 0.086 and 0.01 for ages, gender, Geo-political Zone, educational qualification, occupation, sectors and political party respectively

The answer to the question on the performance of EFCC along leadership regimes in Nigeria shows that Obasanjo's regime (1999-2007) gave the EFCC latitude to operate freely but

remained undecided on whether it is effective or not. The mean score is 2.83 which is not a strong position on the agreed or disagreed sides. The EFCC is believed to be selective and apparently political in its fight against corruption.

EFCC is seen to have been operating with more independence, without interference during the Yar'Adua's administration. This regime saw the removal of the first chairman of the commission, Ribadu Nuhu who was replaced by Farida Waziri. Looking at personality and disposition of the president Yar'Adua, the EFCC is seen to be more sincere on its activities. No traces of political witch-hunting throughout the Yar'Adua's administration. Farida Waziri who served under the Yar'Adua's administration is adjudged to be more innovative in public relations. It is under the Waziri led EFCC that Nigerians saw annual publications of the cases under investigation, including those inherited from Ribadu. Until her removal, Waziri's approach to fighting corruption was transparent and intelligent driven. More names were mentioned, lots of cases in the courts with few convictions. Even with the apparent paradigm shift in the fight against corruption by Waziri, respondents remain undecided as to whether her approach was more scientific with more results. This is because there was no much conviction and/or sentences recorded as against the number of individuals accused of corruption. Waziri, in 2011 acclaimed to have recovered the sum of \$11 billion (Abah, 2012). In 2012, Farida Waziri was unceremoniously removed and replaced with Ibrahim Lamorde by President Goodluck Jonathan. The reason for her removal still remains unknown to the public. The fight against corruption under President Goodluck Jonathan falls short of the expectations of Nigerians as the respondents disagreed that EFCC is doing well. The result of research shows 2.90 mean score which means total dissatisfaction with the performance of the EFCC under President Goodluck Jonathan. This leaves one with less surprise as the former President Obasanjo was quoted to have said Goodluck's government cannot fight corruption (Daily Trust, 2012). Series of events followed to confirm this statement in Nigeria. If one is to consider the fuel subsidy scam and the revelation of monumental scam between the Nigerian National Petroleum Cooperation (NNPC) and the oil marketers, confirms the former president allegation.. Since the revelation and the report of Farouk Lawal Panel, no one has been prosecuted if not the dramatic event that followed to rubbish the credibility of the Farouk Lawal Committee and its report.

Aside the Farouk's committee, another committee was headed by the former chairman of EFCC, Nuhu Ribadu which also made a startling revelation but was also rubbished by a member of the committee who within the period accepted an appointment with the NNPC. That report has also been put aside just like the Farouk Lawal's. The House of Representative (Seven Session) reacted through its chairman House Committee on Media and Public Affairs, Zakari Muhammed thus:

There was a deliberate attempt not to implement the Ribadu's report; the investigation was calculated to fail from the beginning considering the controversy and intrigues which surrounded the work of Ribadu's committee. So what we have seen is lack of political will to prosecute (The Punch 2012).

The chairman further maintained that

..... the House for instance conducted several probes in the past and made recommendations but how far have we fared? We did the Farouk Lawal's probe it was politicized; now there is Ribadu probe and the same drama is playing out. What

this tells us is that there is no political will to prosecute those who have been indicted (The Punch 2012).

These are just few of corruption scandals under Goodluck's administration that have not been prosecuted. These make many Nigerians concur to the indictment made by the former President, Olusegun Obasanjo. Except for the sake of argument, no one will applaud the performance of EFCC under the Goodluck administration even with the appointment of a new chairman to head the commission. Since the appointment of lamorde, the EFCC has not made any landmark achievement if not the acceptance of failure that bankers were sabotaging EFCC.

Another strong voice to this remark on the failure of the Good Luck administration in fighting corruption is that of the President of Civil Rights Congress of Nigeria, Comrade Shehu Sani. He maintains that;

The administration of President Good Luck Jonathan has no political will and moral authority to wage war against corrupt Governors. The fight against corruption under this government is a façade; it is a government allergic to fiscal responsibility. It is a caravan of corruption. ...The government of President Good luck Jonathan cannot and will never fight corrupt state Governors. It does not have the liver, the heart, the kidney and the honour to fight corruption. Jonathan's government is venality and a sleazy enterprise (National Mirror 2012).

Shehu Sani concluded his remarks with these reflective questions;

How can a government that lavished juicy contracts on former militants, recklessly shares money to former militants and scandalously auctions our national assets to a gang of few parasitic bourgeoisies and institutionally incapable of implementing its budget have the moral authority to fight corruption (National Mirror 2012).

CONCLUSION AND RECOMMENDATIONS

The incidence of corruption and issues surrounding its fight has been a regular concern across the globe. But the unfortunate circumstance and perhaps the peculiarity of the Nigerian case is that of political will and leadership to rid this most populous black nation of corruption. The argument running through this paper is focused on the influence of leadership on national concerns since the institutions of governance are perpetually been ridiculed and weakened. This is more when viewed against the nature of success and failure of the ant graft agencies to have been dependant on the disposition and mind set of the political leadership on corruption control. The Obasanjo's administration seems to have been favoured by public perception for a radical and more successive outing in the fight against financial crimes. Except for the politicization of his anticorruption, the Obasanjo's regime appeared readily disposed for a true fight. Although, a sustainable argument has been provided as, despite the political under tune of his fight, he still scores higher since individuals indicted are convincingly guilty of financial crimes.

The Yar'Adua's regime was more rhetorical than a true fight. The more debilitating regime that seems to have promoted this ugly trend of corruption is that of President Goodluck Jonathan. The court of public opinion has passed a disheartening judgment that earned his

administration a failure in the art of corruption control and management in Nigeria. However, it is instructive to note that these individual leadership influences on public institutions is premised on lack of strong and stable institution of governance. The solution to this dysfunctional administrative trend is to build virile institutions of governance through which policies and programs of government will be independently pursued. There is also need for a political culture of discipline and leadership consciousness and responsibility. Thirdly, there is need for continuous public awareness for leadership responsibility and expectations and fourthly, to introduce a regime of national interest and agenda that will place a leader on continuous checks and examination by the general public. Finally the democratic institutions, i.e the parliament should be made solidly disposed to their responsibilities of checks and oversight. All these recommendations are implementable through a conscious political agenda and manifesto.

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APPENDIX

Table 1.1.A: Performance of EFCC along leadership regimes in Nigeria

S/N	STATEMENT	Responses					FX	Total	Mean Score \bar{X}
		(5) SA	(4) A	(3) U	(2) D	(1) SD			
1.	The EFCC operated freely and more effectively under the <i>Obasanjo</i> administration	137 18.6 %	198 40.4 %	101 13.7 %	107 14.5 %	95 12.9 %	208 9	738 100%	2.83
2.	The Operation of EFCC was more independent and sincere during the <i>Yar'Adua</i> administration	120 16.3 %	260 35.2 %	170 23%	141 19.1 %	47 6.4 %	247 9	738 100%	3.36
3.	The EFCC operates with more determination and focus under president <i>Goodluck Jonathan</i>	87 11.8 %	196 26.6 %	144 19.5 %	180 24.4 %	131 17.8 %	214 2	738 100%	2.90
4.	The EFCC was more proactive, determined and effective under <i>Ribadu</i> which earned it more credibility	192 26%	257 34.8 %	126 17.1 %	108 14.6 %	55 7.5 %	263 7	738 100%	3.57
5.	The EFCC became more scientific in its approaches under <i>Farida Waziri</i> and more resultful in its fight against corruption	127 17.2 %	291 39.4 %	125 16.9 %	140 19%	55 7.5 %	250 9	738 100%	3.40
SECTIONAL MEAN = 3.21									

Table 1.1.1b: Regression Statistics

Regression Statistics	
Multiple R	0.233814
R Square	0.054669
Adjusted R Square	0.045604
Standard Error	0.673581
Observations	738

Table 1.1.1C: Parameter Estimates

Parameter	Estimate	Std. Error	Z	Sig.	95% Confidence Interval	
					Lower Bound	Upper Bound
PROBIT ^a AGE	-.514	.121	-4.239	.000	-.752	-.276
GENDER	.689	.122	5.651	.000	.450	.928
MRTST	-.837	.104	-8.074	.000	-1.040	-.633
EDCQ	.285	.111	2.580	.010	.069	.502
OCCU	-.718	.105	-6.869	.000	-.923	-.513
SEC	-1.495	.130	-11.462	.000	-1.751	-1.240
PP	-.014	.138	-.105	.916	-.284	.255
Intercept	1.274	.148	8.614	.000	1.126	1.422

PROBIT model: PROBIT(p) = Intercept + BX

Table 1.1.1D: Correlation coefficient result

	Deterrent Mechanism	Age	Gender	Geopol. zone	Edu. qualification	Occupation	Sector	Political party
EFCC performance	1							
Age	-0.12526	1						
Gender	0.190132	0.0198	1					
Geo. Pol. Zone	-0.13198	0.1908	0.0217	1				
Edu.qualification	0.284781	-0.318	0.137171	0.129617	1			
Occupation	0.124153	-0.183	0.070732	0.024595	0.37034	1		
Sector	0.072419	-0.183	0.012891	-0.08532	0.349581	0.49387	1	
Political party	0.269885	0.047	0.030348	-0.05013	-0.00015	0.03737	0.07269	1